



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

In City Council November 4, 1991.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 7; Nays 1; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Municipal Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- Joseph E. Connarton, City Clerk

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY" which reads as follows:

CHAPTER 2.118

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

SECTION 2.118.010. Definitions. As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "election commission" means the Election Commission of the City of Cambridge.

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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:

(l) "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; school superintendent; assistant superintendent and principals; police commissioner; chief of police; chief of fire department;

(ii) The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive regulatory, or permitting authority; or

(iii) Any Category I - IV employee as defined by Section 2.62.010 of the Cambridge Code;

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

(n) "political contribution" means a contribution or 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 of the following:

(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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to Section 2.118.030.

SECTION 2.118.020. Administration. The Election 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 certified as to correctness and completeness, and the City Manager shall furnish such a list within 60 days of receipt of such request;

(b) 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;

(c) make the list of municipal officials and statements of interests filed with the Election Commission pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the Election 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 of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) inspect all filed statements of interests 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 Election 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 interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

SECTION 2.118.030. Statement of Interests.

(a) Every candidate shall file a statement of interests for the preceding calendar year with the Election Commission on or before the date on which nomination papers for such candidate must be submitted to the Election Commission unless the candidate neither files nominating papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the Election Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the Election Commission no later than fifteen days prior to the date of the election at which he is to be a candidate.

(b) Every municipal official shall file a statement of interests for the preceding year with the Election 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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty of perjury by the reporting person.

(d) Every reporting person shall disclose, to the best of such reporting person's knowledge, the following information for such reporting person 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 (\$1,000.00) one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, election commission or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 which more than one thousand dollars was owed on December 31 of the reporting year, 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 an active ongoing 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 an interest that is distinguishable from the public generally 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, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting 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 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 voluntarily 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 to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the official.

Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in Section 2.118.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of Section 2.118.040 of this chapter.

SECTION 2.118.040. Enforcement.

(a) The Election Commission shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the Election Commission determines that reporting person has failed to file a statement of interests, or that any such statement filed with the Election Commission does not conform with the requirements of Section 2.118.030 (d), then the Election 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.

(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the Election Commission determines that the delinquent has violated the provisions of this chapter, the Election Commission may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The Election Commission shall also report the failure to file to the Attorney General and the District Attorney for Middlesex County.

(c) Every person who filed a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars (\$300) for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense.

(d) In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter and ordinances.

The effective date of this ordinance shall be January 1, 1992.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

October 17, 1991

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOSEPH E. CONNARTON, CITY CLERK *JEC*

SUBJECT: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE IN
CHAPTERS 2.66 AND 2.68

At the request of Councillor Cyr I am enclosing the most recent text of Chapter 2.66 and Chapter 2.68, the same being proposed amendments to the Municipal Code of the City of Cambridge relative to the **CODE OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES** and **STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY.**

Furthermore, I am enclosing, for your review, communications from Verne W. Vance, Jr., Esquire, Outside Legal Counsel dated October 15th and October 16, 1991.

Thank you for your cooperation in this matter.

DRAFT OCTOBER 21, 1991

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 two chapters:

Chapter 2.66

CODE OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES

Section 2.66.010. Introduction. This chapter establishes standards of conduct for officials and employees of the City of Cambridge, ~~as authorized~~ in addition to those established by chapter 268A, ~~section 23 (e)~~ of the Massachusetts General Laws.

~~The basic rules of conduct set forth in MGL Chapter 268A, the state conflict of interest law, also apply to all City officials and employees.~~

Section 2.66.020. Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

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

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

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

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

(e) "Economic interest" means a financial interest, whether vested or contingent, legal or beneficial, with a present fair market value greater than two hundred and fifty dollars (\$250.00) which is distinguishable from that of the public generally.

(f) "Employee" means an individual, other than a "Municipal Official," who is employed by the City or any City agency, whether part-time or full-time.

(g) "Municipal Official" means

(i) any individual holding any one of the following position 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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) the members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive, regulatory, or permitting authority; or

(iii) any Category I - IV employee as defined by section 2.62.010 of the Cambridge Code;

(h) "Person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

(i) "Relative" means a person who is related to an official or employee as spouse, as a descendent of any grandparent of such official or employee whether by the whole-or half-blood or by adoption, or as spouse of any of the foregoing.

Section 2.66.030. Fiduciary duty. Municipal officials shall at all times in the performance of, and within the scope of their public duties owe a fiduciary duty to the City.

Section 2.66.040. Improper influence. No municipal official or employee shall make, participate in making or in any way attempt to use such municipal official's or such employee's position, influence or power, to influence or effect any City governmental decision or action in which such municipal official or employee knows or has reason to know that such official or employee has any economic interest. ~~distinguishable from its effect on the public generally.~~ Nothing in this section shall be interpreted so as to preclude the Members of the City Council from voting on City Council Salary appropriations.

Section 2.66.050. City-owned Property. No municipal official, employee or city contractor shall permit the City-owned property under their control to be used in any manner that is inconsistent with any written policy governing the use of said policy.

Section 2.66.060. Use or Disclosure of Confidential Information.

No current or former **municipal** official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that is not generally available to the general public or could not be obtained from public records pursuant to the Massachusetts Public Records Act, as amended.

Section 2.66.070. Employment of Relatives.

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

(b) No municipal official or employee shall exercise contract management authority with respect to any City contract with any person employing, or having contracts with any relative of such municipal official or employee.

(c) No municipal official or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or municipal official exercises contract management authority.

Section 2.66.080. Prohibited Acts by City Councillors. City Councillors shall not make loans, gifts of value equal to or exceeding two hundred fifty dollars, offers of employment except when consistent with the discharge of their official duty as Councillors, offers of future employment, or of business or investment opportunities to the City Manager, to Assistant City managers, to heads of City departments or agencies, to the City Solicitor and Assistant Solicitors or to members of boards of commissions involved in the granting of variances, permits, licenses or other such discretionary, or adjudicatory functions.

Section 2.66.090. Prohibited Acts by School Committee Members. School Committee members shall not make loans, gifts, offers of employment or future employment, except within the discharge of their official capacity as a School Committee, or of business or investment opportunities to the Superintendent, Assistant Superintendents, the Executive Director of Management Services, the Executive Director of Human Resources or Personnel Director, the Affirmative Action officer, the Headmaster of Cambridge Rindge and Latin School, elementary school principals, consultant or legal advisers contracted to the School Department, or to those City employees listed in 2.66.10.

Section 2.66.100. Advisory Opinions.

(a) Any city employee or municipal official shall be entitled to the opinion of the City Solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the City Manager who shall in turn request in confidence such opinion of the City Solicitor on behalf of such person, and all members of boards or commissions and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The City Solicitor shall file such opinion in writing with the City Clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the City Solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this ordinance.

(b) Any person who acts in reliance on an opinion of the City Solicitor shall be exempt from the penalties provided herein if that person has made a good faith disclosure of all material facts related to the opinion.

Section 2.66.110. Penalties.

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

(b) A knowing violation of this chapter shall constitute a misdemeanor, and shall be punishable by a fine of not more than \$300 per offense.

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

(d) ~~A violation of this chapter in connection with the issuance of any permit, license, ruling determination, or other official action shall be grounds for revocation thereof subject to and in accordance~~ Any permit, license, ruling, determination or other official action taken in violation of this Chapter shall be void; provided however, that in the event that voiding would substantially damage the City or innocent third parties then the City entity responsible for such official action may preserve the permit, license, ruling, determination or other action. subject to the revocation in accordance and as consistent with applicable state and federal laws.

(e) Ten taxpayers shall have legal standing to enforce the provisions of this ordinance by (i) applying for a criminal complaint; and/or (ii) instituting a civil action to recover damages on behalf of the City or to implement any other remedy provided for in this chapter. (iii) Ten taxpayers of the City ("the Taxpayers") may institute a civil action to recover damages to the City from any violation of this chapter or to implement any other remedy provided for in this chapter; provided

that the Taxpayers shall have first submitted to the City Solicitor a written notice of the intention of the Taxpayers to bring such action with a statement of the grounds therefor and the City Solicitor shall not, within thirty (30) days of the receipt of such written notice, have advised the Taxpayers in writing that

(i) the City itself intends to institute the proposed action; or

(ii) in the opinion of the City solicitor there are not reasonable grounds for the institution of such action, with a statement of the reasons for such opinion. In the event that the City Solicitor advises the Taxpayers that the City intends to institute the proposed civil action by the City does not do so within 120 days of the issuance of the City Solicitor's notification to the Taxpayers, the Taxpayers may proceed to institute such action.

Section 2.66.130. Other Remedies. The City or any City agency may maintain an action for injunctive relief to enforce any provision of this chapter, and for an accounting for any economic benefit received by any person in violation of this chapter or other law, and may recover damages for violation of this chapter.

Section 2.66.140. Relationship with Other Laws. If this chapter and any state law apply to the same subject the provision of broadest or most strict coverage shall control.

OCTOBER 21, 1991 DRAFT VERSION
ETHICS AND FINANCIAL DISCLOSURE LEGISLATION
FOR CAMBRIDGE, MASS 1991

CHAPTER 2.68

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

SECTION 2.68.010. Definitions. As used in this chapter, unless the context
requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "city clerk" means the City Clerk of the City of Cambridge.

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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:

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive regulatory, or permitting authority; or

(iii) Any Category I - IV employee as defined by Section 2.62.010 of the Cambridge Code;

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

(n) "political contribution" means a contribution or 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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to Section 2.68.030.

SECTION 2.68.020. Administration. The ~~Commission~~ City Clerk 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 certified as to correctness and completeness, and the city manager shall furnish such a list within 60 days of receipt of such request;

(b) 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;

(c) make the list of municipal officials and statements of interests filed with the ~~Commission~~ City Clerk pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the ~~Commission~~ City Clerk shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the Attorney General of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) inspect all filed statements of interests 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~~ ~~City Clerk~~ shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

SECTION 2.68.030. Statement of Interests.

(a) Every candidate shall file a statement of interests for the preceding calendar year with the ~~Commission~~ ~~City Clerk~~ on or before the date on which nomination papers for such candidate must be submitted to the ~~Election~~ Commission unless the candidate neither files nominating papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the ~~Election~~ Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the ~~Commission~~ ~~City Clerk~~ no later than fifteen days prior to the date of the election at which he is to be a candidate.

(b) Every municipal official shall file a statement of interests for the preceding year with the ~~Commission~~ City Clerk:

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty or perjury by the reporting person.

(d) Every reporting person shall disclose, to the best of such reporting person's knowledge, the following information for such reporting person 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 (\$1,000.00) one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, ~~commission~~ city clerk or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 which more than one thousand dollars was owned on December 31 of the reporting year, 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 an active ongoing 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 case 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 an interest that is distinguishable from the public generally 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, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting 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 sources 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 to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the official.

(i) the date, amount, and basis for any loan payment, gift of value equal to or exceeding two hundred fifty dollars or honorarium paid to any municipal officials, candidate or committee supporting a candidate, whether paid directly by the business or by its officers, employees, shareholders or agents.

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

~~(f) Any 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, and every failure to disclose truthfully a gift, contribution, payment, purchase, forgiveness, favor, discount or other thing or transaction required to be disclosed, shall constitute a separate offense.~~

Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in Section 2.68.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of Section 2.68.040 of this chapter.

SECTION 2.68.040. Enforcement.

(a) The Commission City Clerk shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the Commission City Clerk determines that reporting person has failed to file a statement of interests, or that any such statement filed with the Commission City Clerk does not conform with the requirements of Section 2.68.030 (d), then the Commission City Clerk 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.

(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent an opportunity to be heard if the Commission City Clerk determines that the delinquent has violated the provisions of this chapter, the Commission City Clerk may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The Commission City Clerk may commence a civil action in the Superior Court to collect any such fine. The Commission City Clerk shall also report the failure to file to the Attorney General, the District Attorney for (the Northern District) Middlesex County.

(c) In addition to the financial penalty provided by section 2.68.030 (f) and the administrative fine provided by Section 2.68.040 (b), any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

Passed to a second reading as amended at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- John E. Flynn, Deputy City Clerk.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY" which reads as follows:

CHAPTER 2.118

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

SECTION 2.118.010. Definitions. As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "city clerk" means the City Clerk of the City of Cambridge.

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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:

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive regulatory, or permitting authority; or

(iii) Any Category I - IV employee as defined by Section 2.62.010 of the Cambridge Code;

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

(n) "political contribution" means a contribution or 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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to Section 2.118.030.

SECTION 2.118.020. Administration. The City Clerk 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 certified as to correctness and completeness, and the city manager shall furnish such a list within 60 days of receipt of such request;

(b) 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;

(c) make the list of municipal officials and statements of interests filed with the City Clerk pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the City Clerk shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the Attorney General of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) inspect all filed statements of interests 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 City Clerk shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

SECTION 2.118.030. Statement of Interests.

(a) Every candidate shall file a statement of interests for the preceding calendar year with the City Clerk on or before the date on which nomination papers for such candidate must be submitted to the Election Commission unless the candidate neither files nominating papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the Election Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the City Clerk no later than fifteen days prior to the date of the election at which he is to be a candidate.

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

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty or perjury by the reporting person.

(d) Every reporting person shall disclose, to the best of such reporting person's knowledge, the following information for such reporting person 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 (\$1,000.00) one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, city clerk or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 which more than one thousand dollars was owned on December 31 of the reporting year, 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 an active ongoing 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 case 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 an interest that is distinguishable from the public generally 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, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting 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 sources 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 to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the official.

Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in Section 2.118.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of Section 2.118.040 of this chapter.

SECTION 2.118.040. Enforcement.

(a) The City Clerk shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the City Clerk determines that reporting person has failed to file a statement of interests, or that any such statement filed with the City Clerk does not conform with the requirements of Section 2.118.030 (d), then the City Clerk 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.

(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the City Clerk determines that the delinquent has violated the provisions of this chapter, the City Clerk may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The City Clerk shall also report the failure to file to the Attorney General and the District Attorney for Middlesex County.

(c) Every person who filed a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars (\$300) for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense.

(d) In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter and ordinances.

FOLEY, HOAG & ELIOT

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DATE: 10/15/91

TO: Councillor Ed Cyr

DOMESTIC FAX #: 349-4307

INTERNATIONAL FAX #: 011
COUNTRY CODE CITY CODE FAX NUMBER

CONFIRMATION # _____ (OPTIONAL)

CLIENT SYMBOL-CASE #: EDDC-8

FROM: Verne W. Vaude, Jr. EXT: 4107

TOTAL PAGES SENT: 6 (INCLUDING COVER SHEET)

COMMENTS

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CDDC-8
VWV:dte
10/15/91

MEMORANDUM

TO: Donald Drisdell, Esq.
FROM: Verne Vance
RE: Cambridge ethics legislation

Herewith a series of changes which I suggest incorporating in the 10-10-91 drafts of the proposed Cambridge ethics legislation which were circulated last Thursday.

Chapter 2.66.
Section 2.66.010.

Change the first sentence to read:

"This chapter establishes standards of conduct for officials and employees of the City of Cambridge in addition to those established by Massachusetts General Laws."

In my view this is a more accurate statement of what chapter 2.66 does. I do not read c.268A, §23(e) to "authorize" chapter 2.66.

In addition, I would delete the second sentence of section 2.66.010. Chapter 268A says specifically what it does and I think it is tricky for Cambridge to try to characterize what a state law does.

Section 2.66.020.

Delete (c), the definition of "city contractor". The only place the term is used in the ordinance is in section 2.66.060, and I question whether a "city contractor" should be covered by that section. I would think he or she should not be so covered.

(1) Do you really wish to use the term "relative" in 2.66 and the different term "family member" in 2.68 with different definitions?

Somewhere along the way we lost the definition of "gift." I don't recall why or how. Since "gift" is used in the ordinance,

why not define it? The easiest way would be just to pick up the definition in G.L. c. 268B, §1(g).

Section 2.66.040.

Delete "distinguishable from its effect on the public generally" in lines 7-8. This language is no longer necessary since we have built this into the definition of "economic interest."

Section 2.66.060.

Again, I think "city contractor" should be deleted from this section. If it is not, should such a person have the right to seek an advisory opinion under section 2:66.110?

Section 2.66.070.

Insert "~~municipal~~" before "~~official~~" in the second line.

Section 2.66.090.

Change "employ" to "hire" in the second line and insert "~~municipal~~" before "~~official~~" wherever it appears in this section.

Section 2.66.105.

Delete "~~as defined in Section 2.68.010 of chapter 268 of the Municipal Code.~~" If we define "gift" this is unnecessary; if we don't define it, this reference is incorrect. Delete "~~consultant or legal advisers contracted to the School Department, or to those city employees listed in 2.66.10.~~" This is broader than section 2.66.100 with no clear rationale for the difference.

Section 2.66.110.

(a) Insert "municipal" before "official" in the first line.

Section 2.66.120.

(a) Insert "municipal" before "official" in the first line.

(d) Change "hereof" to "thereof" in the third line. Delete the words "Any permit . . . and as consistent."

(e) Revise this subsection to read:

Ten taxpayers of the City ("the Taxpayers") shall have legal standing to institute a civil action to recover damages on behalf of the City or to implement any other remedy provided for in this chapter only in accordance with the following:

(i) the Taxpayers shall first submit to the City Solicitor a written notice of the intention of the Taxpayers to bring such action with a statement of the grounds therefor; (ii) within sixty (60) days of the receipt thereof the City Solicitor shall submit to the Taxpayers a written response thereto; (iii) thereafter the Taxpayers may institute such civil action unless (i) in his response the City Solicitor has stated that in his opinion there are no grounds for the institution of such action, with a statement of the reasons for such opinion; or (ii) in his response the City Solicitor has stated that the City itself intends to institute the proposed action and the City does in fact institute such action within 90 days of the response to the Taxpayers.

Chapter 2.68

Section 2.68.010.

(f) If we change the administrative responsibility to the City Clerk, this definition should be deleted and replaced by:

(f) "City Clerk" means the City Clerk of the City of Cambridge.

(h) Compare definition of "family member" with definition of "relative" in chapter 2.66.

(i) Should not this definition of "gift" be included in chapter 2.66?

Section 2.68.020.

Substitute the words "City Clerk" for "Commission" wherever "Commission" appears.

Section 2.68.030.

Substitute the words "City Clerk" for "Commission" wherever "Commission" appears except in the final paragraph. In that paragraph the word "City" should be substituted for "Commission."

(d) (i) and (ii) that appear on page 13 following (xi) should be (xii) and (xiii). Delete (f). Add these words at the end of this section:

"Nothing in this section shall be construed to require the disclosure of information which is privileged by law."

"Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in §2.68.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the City may initiate appropriate proceedings pursuant to the provisions of §2.68.040 of this chapter."

Section 2.68.040(a).

"City Clerk" should be substituted for "Commission" throughout.

Section 2.68.040(b).

"City Clerk" should be substituted for "Commission" in "the Commission determines" and "City" should be substituted for "Commission" in all other places.

Change (b) to read as follows:

"(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the City Clerk determines that the delinquent has violated the provisions of this chapter, the City Clerk may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The City Clerk shall also report the failure to file to the Attorney General and the District Attorney for (the Northern District) Middlesex County."

Add a new (c) as follows:

"(c) Every person who files a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars (\$300) for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense."

Change (d) to read:

"(d) In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter and ordinances."

FOLEY, HOAG & ELIOT
ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109
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FACSIMILE: (617) 482-7347
TELEX 940693

1615 L STREET N.W.
WASHINGTON, D.C. 20036
TELEPHONE: (202) 775-0600

FACSIMILE COVER SHEET

DATE: 10/16/91

TO: Donald Drisdell, esq / Councillor Ed Cyr

DOMESTIC FAX #: 349-4307

INTERNATIONAL FAX #: 011 COUNTRY CODE CITY CODE FAX NUMBER

CONFIRMATION # _____ (OPTIONAL)

CLIENT SYMBOL-CASE #: CDDC-8

FROM: Verne W. Vauce Jr. EXT: 4107

TOTAL PAGES SENT: 3 (INCLUDING COVER SHEET)

COMMENTS

IMPORTANT — PLEASE READ!

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4109 ...18TH FLOOR

...

MEMORANDUM

TO: Donald D. [unclear], [unclear]
Councilor Ed Cyr

FROM: Verne Vance

RE: Proposed Chapter 2.68 to Cambridge Ordinances

In light of the question by Mayor Wolf at the Ordinance Committee meeting on Thursday, October 10, as to the reasons for the proposal to change the filing agency from the Election Commission to the City Clerk, I think I should amplify my expressed concern over the possible need for Home Rule legislation if Chapter 2.68 were to give to the Election Commission the powers in Sections 2.68.020, 2.68.030, and 2.68.040. My concern is that the Cambridge Election Commission and its powers were established by a special state law and that for Chapter 2.68 to give the Commission additional powers that go well beyond those conferred by the state statute might be regarded as so inconsistent with those powers as to be invalid under the Home Rule Amendment. I advised that giving such powers to the City Clerk might not pose the same problem and thus avoid consideration of the need for Home Rule legislation. I would like to clarify and amplify my position by these points:

1. The Cambridge City Clerk's powers are themselves established by the General Laws of the Commonwealth so that conferring the new Chapter 2.68 powers on the Clerk also raises a question as to whether chapter 2.68 is so inconsistent with state law as to require Home Rule legislation to give these powers to the Clerk. My own sense is that the statutory powers of the Clerk under state law are sufficiently broad that there is small likelihood that the Chapter 2.68 powers would be regarded as so inconsistent with them as to require Home Rule legislation.

2. Since the powers of the Cambridge Election Commission under state statute are narrower and more limited than those of the City Clerk, it is my sense that there is a somewhat greater chance that giving the Chapter 2.68 powers to the Election Commission would be found to be inconsistent with state law than would giving those powers to the City Clerk. Nevertheless, the issue is not clear-cut. If raised in litigation, a court might well hold that giving the Chapter 2.68 powers to the Election Commission does not so derogate from the ability of the Commission to properly exercise its state law-granted electoral powers that Chapter 2.68 is inconsistent with state law so as to require Home

Rule legislation. In Lovequist v. Conservation Commission of Dennis, 379 Mass. 7 (1979) the Supreme Judicial Court held that it was not an impermissible conflict with the state wetlands statute for a town wetlands bylaw to give the town's conservation commission the authority to prohibit construction that would disturb covered wetlands whereas the state statute simply allows conservation commissions to "impose such conditions as will contribute to the protection of the interests" described in the statute. That situation is somewhat different from the Cambridge situation. In Lovequist the added power given to the Conservation Commission by the local bylaw was well within the Commission's state statutory sphere of wetlands regulation whereas here Chapter 2.68 would give the Election Commission additional powers that do not relate to the regulation of elections. Nevertheless, a plausible argument could be made that those additional powers do not so derogate from the ability of the Commission to effectively carry out its electoral powers as to be in conflict with the state statute and its legislative purpose. The additional Chapter 2.68 powers would not effect any changes in those powers that are given to the Election Commission by the state statute so that presumably the Commission could continue to carry out its electoral responsibilities along with its new Chapter 2.68 responsibilities.

3. My ultimate conclusion is that, in view of the Supreme Judicial Court's reluctance to invalidate local ordinances except in cases of clear and significant conflict with state law, giving the Chapter 2.68 powers to either the Election Commission or the City Clerk would probably be upheld as valid without need for Home Rule legislation.



OFFICE OF THE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

TEL: (617) 349-4321

FAX: (617) 349-4287

Alice K. Wolf

Mayor

Section 2.66.105 Favors By School Committee Members.

School Committee members shall not make loans, gifts, offers of employment or future employment, except within the discharge of their official capacity as a School Committee, or of business or investment opportunities to the Superintendent, Assistant Superintendents, the Executive Director of Management Services, the Executive Director of Human Resources or Personnel Director, the Affirmative Action officer, the Headmaster of Cambridge Rindge and Latin School, elementary school principals, consultants or legal advisers contracted to the School Department, or to those City employees listed in 2.66.10.

ETHICS and FINANCIAL DISCLOSURE LEGISLATION
for CAMBRIDGE, MASS 1991

Chapter 2.68

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

Section 2.68.010. Definitions. As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "Commission" means the Board of Election Commissioners of Cambridge, established by chapter 239 of the acts of 1921, as amended;

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "municipal bcdy" 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;

(l) "municipal official" ~~means~~ Shall be defined as in Section 2.66.020:

(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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) the members of boards and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with primary executive, regulatory, or permitting authority for any of the following: general purpose administration; planning; development and land use; zoning; public safety; education; inspection; licensing; public works; assessment; purchasing personnel; retirement; water; electric; human services; or historic commission); or

(iii) any other employee or official whose salary (equals or) exceeds the compensation for a Category I - IV employee as defined by section 2.62.010 of the Cambridge Code;

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

(n) "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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to section 2.68.030.

(p) "businesses conducting business with the City" shall mean all businesses which obtain payments or receive monies in any fiscal year from the City of Cambridge or any department, division or agency thereof in excess of \$5,000 five thousand dollars per year, which monies are not received as a consequence of a contract awarded on the basis of competitive bidding, and businesses to which the City refers business, including automobile towing companies.

Section 2.68.020. 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 of receipt of such request;

(b) 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;

(c) 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 photocopying facilities available ~~free of charge or~~ at a charge not to exceed the 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 of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

(d) compile and maintain an alphabetical index, ~~both by donor and receiver,~~ of all filed statements of interests to facilitate public access to the statements;

(e) inspect all filed statements of interests 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 interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

Section 2.68.030. 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, unless the candidate neither files nomination papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the

commission no later than fifteen days prior to the date of the election at which he is to be a candidate.

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby 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 such reporting person's knowledge, the following information for such reporting person 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

(\$1,000.00) **one thousand dollars** is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, commission or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 of the reporting year, 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 an active ongoing 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** an interest that is distinguishable from the public generally 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** as best determinable, of any gifts aggregating more than one hundred dollars in the **calendar** reporting 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 to 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; family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the name of the official.

(e) Every business conducting business with the City shall file a statement of interest 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 of value equal to or exceeding two hundred fifty dollars or honorarium paid to any municipal officials, candidate or committee supporting a candidate, whether paid directly by the business or by its officers, employees, shareholders or agents.

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

(f) Any 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,

and every failure to disclose truthfully a gift, contribution, payment, purchase, forgiveness, favor, discount or other thing or transaction required to be disclosed, shall constitute a separate offense.

Section 2.68.040. Enforcement.

(a) The Commission shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the Commission determines that a reporting person has failed to file a statement of interests, or that ~~if~~ any such statement filed with the commission does not ~~fails to~~ conform with the requirements of section 2.68.030 (d), 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.

(b) If within ~~thirty~~ ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard if the Commission determines that the delinquent has violated the provisions of this chapter, the Commission may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued . The commission may commence a civil

action in the Superior Court to collect any such fine. The commission shall also report the failure to file to the Attorney General, the District Attorney for (the Northern District) Middlesex County, and the City Clerk of Cambridge. In addition, after further notice affording the delinquent an opportunity to be heard, the Commission may assess an administrative fine of not more than three hundred dollars for each day after said thirty days that such statement is not received.

The Commission may commence a civil action in the Superior Court to collect any such administrative fine.

(d) In addition to the criminal penalty provided by section 2.68.030 (f) and the administrative fine provided by section 2.68.040 (b), any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter.

-END-

City of Cambridge

MASSACHUSETTS

In City Council Nov. 4 1991

C. Walsh Moved Adoption of Amendment to Section

2.118.030 (b) re: Legislative agent.

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr		✓		
Mr. Francis H. Duehay				✓
Mr. Jonathan S. Myers				✓
Mr. Kenneth E. Reeves		✓		
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan			✓	
Mr. Timothy J. Toomey, Jr.			✓	
Mr. William H. Walsh	✓			
Mayor Alice K. Wolf				✓

2 2 2 3

Failed of Adoption



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

In City Council November 4, 1991.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 7; Nays 1; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Municipal Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- Joseph E. Connarton, City Clerk

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY" which reads as follows:

CHAPTER 2.118

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

SECTION 2.118.010. Definitions. As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "election commission" means the Election Commission of the City of Cambridge.

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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:

(l) "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; school superintendent; assistant superintendent and principals; police commissioner; chief of police; chief of fire department;

(ii) The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive regulatory, or permitting authority; or

(iii) Any Category I - IV employee as defined by Section 2.62.010 of the Cambridge Code;

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

(n) "political contribution" means a contribution or 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 of the following:

(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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to Section 2.118.030.

SECTION 2.118.020. Administration. The Election 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 certified as to correctness and completeness, and the City Manager shall furnish such a list within 60 days of receipt of such request;

(b) 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;

(c) make the list of municipal officials and statements of interests filed with the Election Commission pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the Election 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 of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) inspect all filed statements of interests 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 Election 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 interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

SECTION 2.118.030. Statement of Interests.

(a) Every candidate shall file a statement of interests for the preceding calendar year with the Election Commission on or before the date on which nomination papers for such candidate must be submitted to the Election Commission unless the candidate neither files nominating papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the Election Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the Election Commission no later than fifteen days prior to the date of the election at which he is to be a candidate.

(b) Every municipal official shall file a statement of interests for the preceding year with the Election 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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty of perjury by the reporting person.

(d) Every reporting person shall disclose, to the best of such reporting person's knowledge, the following information for such reporting person 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 (\$1,000.00) one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, election commission or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 which more than one thousand dollars was owed on December 31 of the reporting year, 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 an active ongoing 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 an interest that is distinguishable from the public generally 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, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting 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 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 voluntarily 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 to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the official.

Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in Section 2.118.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of Section 2.118.040 of this chapter.

SECTION 2.118.040. Enforcement.

(a) The Election Commission shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the Election Commission determines that reporting person has failed to file a statement of interests, or that any such statement filed with the Election Commission does not conform with the requirements of Section 2.118.030 (d), then the Election 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.

(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the Election Commission determines that the delinquent has violated the provisions of this chapter, the Election Commission may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The Election Commission shall also report the failure to file to the Attorney General and the District Attorney for Middlesex County.

(c) Every person who filed a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars (\$300) for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense.

(d) In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter and ordinances.

The effective date of this ordinance shall be January 1, 1992.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

In City Council November 4, 1991.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 7; Nays 1; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said ~~Zoning~~ Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

Municipal

ATTEST:- Joseph E. Connarton, City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

In City Council November 4, 1991.

Passed to be ordained as amended by a ye and nay vote:-
Yeas 7; Nays 1; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton, City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Municipal Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- Joseph E. Connarton, City Clerk

FOLEY, HOAG & ELIOT

ONE POST OFFICE SQUARE

BOSTON, MASSACHUSETTS 02109

TELEPHONE: (617) 482-1390

FACSIMILE: (617) 482-7947

TFI FX 040603

FACSIMILE COVER SHEET

DATE: Nov. 8, 1991

TO: Joseph Cannarone

DOMESTIC FAX #: 349-4307

INTERNATIONAL FAX #: 011
COUNTRY CODE CITY CODE FAX NUMBER

CONFIRMATION # _____

CLIENT SYMBOL-CASE #: CDPC-8

FROM: Verne W. Vauce EXT: 4107

TOTAL PAGES SENT: 4 (INCLUDING COVER SHEET)

COMMENTS

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 4109 ... 18TH FLOOR
 2214 ... 20TH FLOOR

CDDC-8
VWV:dtc
11/8/91

MEMORANDUM

TO: Joseph Connarton
cc: Donald Drisdell

FROM: Verne W. Vance

RE: Ethics Legislation

Per your request, I have reviewed the text of the ethics legislation adopted by the City Council on November 4. I have discovered a few technical errors and submit proposed language to deal with matters approved in concept but without specific language. Here are my recommended changes with, where appropriate, the reasons therefor.

Chapter 2.117

Section 2.117.020.

- (g) In the second line, there should be a comma after "advance"; and the last four lines should be changed to read: "received by inheritance or a gift received from a relative of the recipient municipal official or employee." That change should be made in the definition of "gift" in 2.117 because only the term "relative" [not "family member"] is used in 2.117 and the term "reporting person" is not used in 2.117.
- (j) In the first line "an official" should be changed to read "a municipal official" as "municipal official" is the defined term that is used.

Section 2.117.030.

In the second line a comma should be inserted after "scope of."

Section 2.117.050.

In the last line "policy" should be changed to read "property."

Section 2.117.080.

In the second line "Councillor" should read "Councillors"; in the seventh line "managers" should be capitalized; and in the ninth line "boards of" should read "boards or."

Section 2.117.090.

In the next to last line "officer" should be capitalized.

Section 2.117.100

- (a) In the first line the word "city" should be deleted as the defined terms are "employee" and "municipal official."

Chapter 2.118Section 2.118.010.

- (g) In the first line there should be a comma after "advance."

Section 2.118.020.

- (a) In the first line "manager" should be capitalized. In the third line "city manager" should be capitalized.

Section 2.118.030.

The title of this section should be changed to read "Statement of Interests and Registration of ~~Legislative Agents.~~" *out.*

- (b) To cover the registration of legislative agents, which the Council added by amendment, I recommend the addition of this new subsection (b):

(b) On or before June first of each year or within ten days of becoming a legislative agent, whichever is later, every legislative agent shall register as a legislative agent with the Election Commission. Such registration shall include the name and address of the legislative agent. *out.*

- (c) The present subsection (b) should be redesignated as subsection (c) and the following additions should be made: In the first line insert "and every legislative agent" after "municipal official"; in subsections (1) and (2) insert "or legislative agent" after "municipal official" wherever the phrase "municipal official" appears. *official wherever the phrase "municipal official" appears.*

- (d) The present subsection (c) should be redesignated subsection (d).

- (e) The present subsection (d) should be redesignated subsection (e). In subsection (ii), was the one percent minimum ownership requirement deleted? I recall that there was a proposal to do so but I do not remember *deleted yes.*

whether it prevailed. In subsection (vi) was the limitation to properties in Cambridge deleted? ^{yes} I recall ~~that it was deleted~~ remember whether it prevailed. In subsection (vii) the words "as to reporting persons other than legislative agents" should be inserted at the beginning of the subsection and in the second line the word "sources" should read "source." *out.*

Section 2.118.040.

In this section there should be added a new subsection (d) and the present subsection (d) should be redesignated subsection (e). The new subsection (d) should read:

(d) Every failure by a legislative agent to register with the Election Commission as required in Section 2.118.040(b) hereof shall be punished by a fine of not to exceed three hundred dollars. *out.*

At the end of what is to be redesignated subsection (e), there should be added the words "and any legislative agent who has been found guilty of violating any provision of this chapter shall in addition to any fine be disqualified from acting as a legislative agent until the termination of the next session of the City Council after the date of conviction of such offense." *out.*

City of Cambridge

MASSACHUSETTS

In City Council Nov. 4 1991

C. Walsh - Manual Adoption of Amendment to Section 2.118.030 Re: Real Estate - all Property

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay		✓		
Mr. Jonathan S. Myers		✓		
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan			✓	
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh	✓			
Mayor Alice K. Wolf				✓

5 2 1 1

City of Cambridge

MASSACHUSETTS

In City Council Nov 4 1991

C. Cyr

Moved adoption of Unfinished Business # 5

As Amended

	YEA	NAY	ABSENT	PRESENT
	✓			
Mr. Ed Cyr	✓			
Mr. Francis H. Duehay	✓			
Mr. Jonathan S. Myers	✓			
Mr. Kenneth E. Reeves	✓			
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan			✓	
Mr. Timothy J. Toomey, Jr.		✓		
Mr. William H. Walsh	✓			
Mayor Alice K. Wolf	✓			

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City of Cambridge

MASSACHUSETTS

In City Council Nov. 7, 1991

C. Walsh - Section 2.119.030 in (d) (ii) Strike the
wording More than one percent.

	YEA	NAY	ABSENT	PRESENT
Mr. Ed Cyr		✓		
Mr. Francis H. Duehay		✓		
Mr. Jonathan S. Myers		✓		
Mr. Kenneth E. Reeves		✓		
Mrs. Sheila T. Russell	✓			
Mr. Walter J. Sullivan			✓	
Mr. Timothy J. Toomey, Jr.	✓			
Mr. William H. Walsh	✓			
Mayor Alice K. Wolf				✓
	3	4	1	1

fails.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

Passed to a second reading as amended at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- John E. Flynn, Deputy City Clerk.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "**STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY**" which reads as follows:

CHAPTER 2.118

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

SECTION 2.118.010. Definitions. As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "city clerk" means the City Clerk of the City of Cambridge.

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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:

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive regulatory, or permitting authority; or

(iii) Any Category I - IV employee as defined by Section 2.62.010 of the Cambridge Code;

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

(n) "political contribution" means a contribution or 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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to Section 2.118.030.

SECTION 2.118.020. Administration. The City Clerk 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 certified as to correctness and completeness, and the city manager shall furnish such a list within 60 days of receipt of such request;

(b) 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;

(c) make the list of municipal officials and statements of interests filed with the City Clerk pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the City Clerk shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the Attorney General of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) inspect all filed statements of interests 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 City Clerk shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

SECTION 2.118.030. Statement of Interests.

(a) Every candidate shall file a statement of interests for the preceding calendar year with the City Clerk on or before the date on which nomination papers for such candidate must be submitted to the Election Commission unless the candidate neither files nominating papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the Election Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the City Clerk no later than fifteen days prior to the date of the election at which he is to be a candidate.

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

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty or perjury by the reporting person.

(d) Every reporting person shall disclose, to the best of such reporting person's knowledge, the following information for such reporting person 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 (\$1,000.00) one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, city clerk or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 which more than one thousand dollars was owned on December 31 of the reporting year, 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 an active ongoing 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 case 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 an interest that is distinguishable from the public generally 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, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting 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 sources 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 to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the official.

Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in Section 2.118.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of Section 2.118.040 of this chapter.

SECTION 2.118.040. Enforcement.

(a) The City Clerk shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the City Clerk determines that reporting person has failed to file a statement of interests, or that any such statement filed with the City Clerk does not conform with the requirements of Section 2.118.030 (d), then the City Clerk 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.

(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the City Clerk determines that the delinquent has violated the provisions of this chapter, the City Clerk may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The City Clerk shall also report the failure to file to the Attorney General and the District Attorney for Middlesex County.

(c) Every person who filed a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars (\$300) for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense.

(d) In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter and ordinances.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

October 23, 1991

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge which was passed to a second reading at the City Council meeting held on October 21, 1991 to rezone land in the Northern Massachusetts Avenue area.

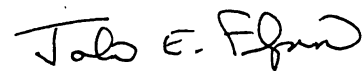
Enclosed also you will find three proposed amendments to the Municipal Code of the City of Cambridge which were also passed to a second reading at the City Council meeting held on October 21, 1991 as follows:

1. State Sanitary Code
2. Code of Conduct for City Officials and Employees
3. Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Thank you for your cooperation in this matter.

Very truly yours,



John E. Flynn
Deputy City Clerk

JEF/dl

Encs. First publication numbers 2556, 2557, 2558 and 2559

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to the ordinance entitled "Zoning Ordinances of the City of Cambridge."

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

That the Zoning Ordinance of the City of Cambridge be amended to rezone an area currently zoned Business C-1 to Business A-2 in the area as defined as follows:

- 1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the Cambridge/Somerville boundary line and the southerly sideline of the Massachusetts Bay Transit Authority (MBTA) right of way, Assessor's Plat #183;
- 1.02 Thence proceeding in a northwesterly direction along the southerly sideline of the MBTA right of way for approximately 110 feet to its intersection with the southeasterly sideline of lot #124 on Assessor's Plat #183;
- 1.03 Thence turning and proceeding in a southwesterly direction for approximately 115 feet along the southeasterly sideline of lot #124 to its intersection with the northeasterly sideline of lot #124 on Assessor's Plat #183;

- 1.04 Thence turning and proceeding in a southeasterly direction along the northeasterly lot line of lot #124, Assessor's Plat #183 and the southwesterly sidelines of lots #88 and #90 to its intersection with the southeasterly sideline of lot #90, Assessor's Plat #183, a distance of 100 feet;
- 1.05 Thence turning and proceeding in a southwesterly direction along the southwesterly extension of the southeasterly lot line of lot #90, Assessor's Plat #183 and continuing along the northwesterly lot lines of lots #123, #101, and #102 to its intersection with the northeasterly sideline of lot #103, Assessor's Plat #183 a distance of approximately 200 feet;
- 1.06 Thence turning and proceeding in a southeasterly direction along the northeasterly sideline of lot #103, Assessor's Plat #183 for approximately 140 feet to its intersection with the centerline of Shea Road;
- 1.07 Thence turning and proceeding in a southwesterly direction along the centerline of Shea Road for approximately 150 feet to its intersection with the centerline of Massachusetts Avenue;
- 1.08 Thence turning and proceeding in a southeasterly direction for approximately 70 feet along the centerline of Massachusetts Avenue to its intersection with the projection of the centerline of Norris Street;
- 1.09 Thence turning and proceeding in a southwesterly direction along the centerline and its projection of Norris Street for approximately 150 feet to its intersection with a line 100 feet distant from and parallel to the southwesterly sideline of Massachusetts Avenue, Assessor's Plat #192;
- 1.10 Thence turning and proceeding in a northwesterly direction along a line 100 feet distant from and parallel to the southwesterly sideline of Massachusetts Avenue to its intersection with the centerline of Alberta Terrace, Assessor's Plat #191;
- 1.11 Thence turning and proceeding in a southwesterly direction along the centerline of Alberta Terrace for approximately 200 feet to its intersection with the centerline of Cedar Street;
- 1.12 Thence turning and proceeding in a northerly direction along the centerline of Cedar Street for approximately 400 feet to its intersection with the easterly projection of the southerly sideline of lot #4, Assessor's Plat #191;
- 1.13 Thence turning and proceeding in a northwesterly direction along the southerly sideline of lot #4, Assessor's Plat #191, for approximately 150 feet to its intersection with the rear lot line of lot #4, Assessor's Plat #191;
- 1.14 Thence turning and proceeding in a northeasterly direction along the rear lot line of lot #4 and its projection for approximately 130 feet to its intersection with a line 100 feet distant from and parallel to the southwesterly sideline of Massachusetts Avenue;
- 1.15 Thence turning and proceeding in a northwesterly direction along a line 100 feet distant from and parallel to the southwesterly sideline of

Massachusetts Avenue to its intersection with a line 50 feet distant from and parallel to the northwesterly sideline of Tyler Court, Assessor's Plat #189;

- 1.16 Thence turning and proceeding along a line 50 feet distant from and parallel to the northwesterly sideline of Tyler Court, in a northeasterly direction for approximately 150 feet to its intersection with the centerline of Massachusetts Avenue, Assessor's Plat #189;
- 1.17 Thence proceeding in a northeasterly direction along a line perpendicular to the northeasterly sideline of Massachusetts Avenue, intersecting the northeasterly sideline of Massachusetts Avenue at a point 120 feet distant from the northwesterly sideline of Gold Star Road, and continuing to its intersection with a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue, a distance of approximately 150 feet, Assessor's Plat #184;
- 1.18 Thence turning and proceeding in a southeasterly direction along a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue for approximately 144 feet to its intersection with the centerline of Gold Star Road;
- 1.19 Thence turning and proceeding in a southwesterly direction along the centerline of Gold Star Road to a point of intersection with the northwesterly extension of the southwesterly sideline of lot #110 on Assessor's Plat #184 for a distance of approximately 20 feet;
- 1.20 Thence turning and proceeding in a southeasterly direction along the northwest extension of and the southwest side lot line of lot #110 on Assessor's Plat #184 for a distance of approximately 75 feet to its intersection with the northwesterly sideline of lot #172 on Assessor's Plat #184;
- 1.21 Thence turning and proceeding in a northeasterly direction along the northeasterly sideline of lots #171 and #172 to its intersection with the northwesterly sideline of said lot #171, a distance of approximately 50 feet;
- 1.22 Thence turning and proceeding in a southeasterly direction along the northeasterly sideline of lots #172 and #171 for approximately 110 feet to its intersection with the projection of the centerline of Camp Street;
- 1.23 Thence turning and proceeding in a northeasterly direction along the centerline projection and centerline of Camp Street to its intersection with the centerline of Fair Oaks Street, a distance of 20 feet;
- 1.24 Thence turning and proceeding in a southeasterly direction along the centerline of Fair Oaks Street for approximately 250 feet to its intersection with the centerline of Cameron Avenue, Assessor's Plat #183;
- 1.25 Thence turning and proceeding in a northeasterly direction along the centerline of Cameron Avenue for approximately 360 feet to its intersection with the Cambridge/Somerville boundary line;

1.26 Thence turning and proceeding in a southerly direction along the Cambridge/Somerville boundary line for a distance of approximately 540 feet to the intersection with the southerly sideline of the MBTA right of way, the point of origin.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #183:

Lots #1, #119, #14, #13, #12, #11, #10, #9, #8, #7, #115, #114, #120, #73, #75, #74, #19, #20, #94, #103; inclusive of 2353-2401 Massachusetts Avenue, 10-44 Cameron Avenue, 87-103 Elmwood Street, 88-102 Elmwood Street;

2.02 Premises shown on Assessor's Plat #192:

Lots #166, #137, #135, #38, #39; inclusive of 2344-2366 Massachusetts Avenue, 7-11 Norris Street, 4-8 Dudley Street;

2.03 Premises shown on Assessor's Plat #191:

Lots #65, #103, #102, #112, #86, #85, #4; inclusive of 2368-2480 Massachusetts Avenue, 1-7 Dudley Street, 6-12 Alberta Terrace, 6-12 Harvey Street, 1-7 Harvey Street, 2-14 Cedar Street;

2.04 Premises shown on Assessor's Plat #189

Lots #98, #92, #57, #75, #76, #77; inclusive of 2440-2474 Massachusetts Avenue, 18-26 Edmunds Street;

2.05 Premises shown on Assessor's Plat #184:

Lots #160, #189, #193, #109, #172, #171, #107, #106, #155, #188; inclusive of 2409-2467 Massachusetts Avenue, 1-3 Gold Star Road Place, 2-4 Fair Oaks Street, 5-7 Cameron Avenue.

B And further, rezone a portion of the area described above in Part A from its current or amended classification to the zone of Residence B, said portion defined as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of a line 100 feet distant from and parallel to the southwesterly sideline of Massachusetts Avenue, with the centerline of Alberta Terrace, Assessor's Plat #191;

1.02 Thence proceeding northwesterly along a line 100 feet distant from and parallel to the southwesterly sideline of Massachusetts Avenue for a distance of approximately 183 feet to its intersection with the centerline of Harvey Street, Assessor's Plat #191;

1.03 Thence turning and proceeding in a westerly direction along the centerline of Harvey Street for a distance of approximately 45 feet to its intersection with the centerline of Cedar Street, Assessor's Plat #191;

1.04 Thence turning and proceeding in a southerly direction along the centerline of Cedar Street for a distance of approximately 262 feet to its intersection with the centerline of Alberta Terrace;

1.05 Thence turning and proceeding in a northeasterly direction along the centerline of Alberta Terrace for a distance of approximately 202 feet to its intersection with a line 100 feet distant from and parallel to the southwesterly sideline of Massachusetts Avenue, said intersection being the point of origin.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #191:

Lots #86 and #112; inclusive of 2392-2406 Massachusetts Avenue, and 6-12 Harvey Street.

C And further, rezone a portion of the area described above in Part A from its current or amended classification to the zone of Residence B, said portion defined as follows:

1.01 An area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the Cambridge/Somerville boundary line and the centerline of Cameron Avenue, Assessor's Plat #183;

1.02 Thence proceeding in a southerly direction along the Cambridge/Somerville boundary line for a distance of approximately 138 feet to its intersection with the rear lot line of lot #119, Assessor's Plat #183;

1.03 Thence turning and proceeding in a southwesterly direction for a distance of approximately 295 feet along a straight line terminating at the intersection of the rear lot line of lot #115, Assessor's Plat #183, with the northerly sideline of the Massachusetts Bay Transit Authority right of way;

1.04 Thence turning and proceeding in a northwesterly direction along the northerly sideline of the Massachusetts Bay Transit Authority right of way for a distance of approximately 157 feet to its intersection with the centerline of Cameron Avenue, Assessor's Plat #183;

1.05 Thence turning and proceeding in a northeasterly direction along the centerline of Cameron Avenue for a distance of approximately 427 feet to its intersection with the Cambridge/Somerville boundary line, said intersection being the point of origin.

2.00 Said area includes all or parts of the following parcels of land:

2.01 Premises shown on Assessor's Plat #183:

Lots #1, #119, #14, #13, #12, #11, #10, #9, #8 and #7; inclusive of 10-44 Cameron Avenue.

Passed to a second reading at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST- John E. Flynn, Deputy City Clerk.

City of Cambridge



In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

Passed to a second reading at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred and Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

That Title 8 (Health and Safety) of the Cambridge Municipal Code is hereby amended by adding thereto the following new Chapter 8.60 (Enforcement of State Sanitary Code):

Chapter 8.60

ENFORCEMENT OF STATE SANITARY CODE

Sections

8.60.010	Declaration of Emergency
8.60.020	Definitions
8.60.030	Administrative Citations; Issuance
8.60.040	Repairs
8.60.050	Extensions
8.60.060	Fines for Failure to Repair
8.60.070	Appeals of Fines
8.60.080	Failure to Pay Fine
8.60.090	Effect of Fines in Subsequent Actions
8.60.100	Revenues Generated
8.60.110	Regulations
8.60.120	Construction
8.60.130	Severability
8.60.140	Effective Date

8.60.010

Declaration of Emergency

A serious public emergency exists in the City of Cambridge with respect to residential premises which are in violation of the State Sanitary Code, causing many citizens to live in unsafe conditions. The legal remedies available to the Inspectional Services Department in enforcing this code, as well as other applicable state laws and regulations, are insufficient to encourage timely repair of rental properties. Owners often avoid repairing sub-standard properties, thereby endangering the lives, safety, and property of tenants and severely limiting the ability of many people to remain in their homes safely.

In order to provide the Inspectional Services Department with the remedies necessary to effectively carry out its mandate under state law, to guarantee tenants of the City of Cambridge housing which complies with the State Sanitary Code and other applicable laws and regulations, and to encourage owners to maintain the buildings they own in compliance with this code, laws and regulations, the Cambridge City Council, in the exercise of its powers under Section 6 of the Home Rule Amendment, hereby enacts this ordinance under which administrative citations are issued to owners who violate the State Sanitary Code.

Definitions

(A) "Administrative Citation" means a notice issued to an owner by the Inspectional Services Department, pursuant to this Chapter, which provides a statement of the terms under which the owner may be fined for failure to remedy violations of the State Sanitary Code and a statement of the owner's right to appeal the issuance of the administrative citation and/or fine.

(B) "Dwelling" means every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to effect noncompliance with the provisions of 105 CMR 410.000.

(C) "Dwelling Unit" means the room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

(D) "Inspectional Services Department" means the legally designated health authority for the City of Cambridge, authorized by Chapter 84 of the Acts and Resolves of 1983, to enforce the State Sanitary Code through the inspection of rental units for violations of the code and the implementation of mechanisms to ensure compliance with repair orders.

(E) "Occupant" means every person over one year of age living or sleeping in a dwelling or dwelling unit.

(F) "Owner" means every person who alone or severally with others (a) has legal title to any rental unit, or parcel of land, vacant or otherwise, including a mobile home park; or (b) has care, charge or control of any dwelling, rental unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; (e) any officer or trustee of the association of unit owners of a condominium; (f) a bank or other lending institution in possession as a result of foreclosure; or (g) any person who operates a rooming house. The term "owner" includes landlords and lessors.

(G) "State Sanitary Code" means the State Sanitary Code, Code of Massachusetts Regulations codified at 105 CMR 400.00 - 419.00, adopted under the authority of Massachusetts General Laws, Chapter 111, §3 and §127A as it may be amended from time to time.

8.60.030 Administrative Citations; Issuance

(A) Whenever the Inspectional Services Department finds any violation of any provision of the State Sanitary Code it shall issue, in addition to its order to make repairs, an administrative citation against the owner according to the procedures set out in this Chapter.

(B) The administrative citation shall incorporate by reference the order to make repairs and shall contain the following information:

(1) the date of the inspection;

(2) the amount of fine which shall be assessed against the owner if the violation or violations are not remedied within the time set out in the order to make repairs as well as the rate at which the fine shall escalate pursuant to Section 8.60.080 (B) of this Chapter;

(3) the manner in which the owner may pay any fine assessed in accordance with the provisions of this Chapter; and

(4) a description of the owner's appeal rights with respect to the issuance of the administrative citation and of any fine.

(C) The administrative citation shall be served on the owner, along with any orders to make repairs, in accordance with the provisions of the State Sanitary Code;

(D) A copy of the administrative citation shall also be served on the occupants of the dwelling or dwelling unit in which violations have been found and shall be posted in the common areas of the dwelling. If violations of the State Sanitary Code are found in the common areas of any dwelling, a copy of the administrative citation shall be served on each and every tenant of the dwelling.

(E) A copy of the administrative citation shall be retained by the Inspectional Services Department and be available for public inspection and copying.

8.60.040 Repairs

(A) An owner shall make any and all repairs necessary to remedy any violations found by the Inspectional Services Department within the time stated on the order to make repairs, unless he or she requests a hearing pursuant to the hearing regulations of the State Sanitary Code.

(B) The Inspectional Services Department shall, within five days after the dates for compliance specified in an order to repair issued pursuant to 105 CMR 410.830, make an on-site inspection to determine whether there has been compliance with its order. This inspection shall be made within 24 hours of the dates for compliance specified in an order, however, if one or more of the violations or conditions cited in the order to repair are determined to be conditions which may endanger the health or safety, and well being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

(c) If, upon re-inspection, it is determined that the Owner has remedied the violations cited in the order to make repairs, the administrative citation shall note this finding and shall be filed with the Inspectional Services Department.

(D) Copies of the administrative citation indicating that the violation has been remedied and no fine has been assessed shall be served on the same individuals who received notice of the initial administrative citation. This notice shall be served within five days of the re-inspection.

(E) If, upon re-inspection, it is determined that the owner has failed to remedy the violations cited, this shall be noted on the administrative citation and a fine shall be assessed against the owner in accordance with the terms of Section 8.60.060. of this Chapter.

(F) Copies of the administrative citation noting the assessment of a fine for failure to remedy the violations cited shall be served on the same individuals who received notice of the initial administrative citation within five days of the fine being assessed against the owner.

8.60.050 Extensions

(A) An owner who has made a good faith effort to remedy any violations cited in an order to make repairs and an administrative citation may apply to the Inspectional Services Department for an extension of the time set for making repairs by requesting a hearing under the hearing provisions of the State Sanitary Code.

(B) A good faith effort shall be found to exist only if the owner provides evidence that the repairs cannot be completed within the required time. Such evidence shall be in the form of at least

two written estimates from outside professionals, one of which the owner has accepted in writing, stating when the repairs will be made.

(C) In any case where an extension has been granted for the remedying of any violation, a new date shall be set by the Inspectional Services Department by which the owner shall remedy the violation and a re-inspection shall take place in accordance with Section 8.60.040 (C) through (F) of this Chapter.

(D) No extensions shall be granted in any case where an owner has received a fine for the same or similar violations within the twelve month period immediately preceding issuance of the current administrative citation.

(E) In no event shall the time allowed for repairs including any extensions be greater than sixty days from the date of the issuance of the order to make repairs.

8.60.060 Fines for Failure to Repair

(A) If an owner fails to remedy a violation cited in an order to make repairs within the allotted time, or fails to remedy the violation within the time set out in any extension granted under Section 8.60.050 of this Chapter, or fails to file a timely appeal, a fine shall be assessed against the owner.

(B) Notice of the assessment of a fine shall be served on the owner in accordance with the notice provisions of the State Sanitary Code.

(C) Notice of the fine shall be served on the same individuals who received notice of the initial administrative citation.

(D) The amount of the fine shall be set according to the following schedule:

(1) \$100.00 per day for each violation referred to in 105 CMR 410.830 (A) and required to be corrected within twenty-four hours; or

(2) \$50.00 per day for each violation referred to in 105 CMR 401.830 (B) and required to be repaired in an amount of time determined by the Inspectional Service Department but, in any event, no more than thirty days.

8.60.070 Appeals of Fines

(A) An owner or occupant who is aggrieved by the issuance of a fine or by the failure of the Inspectional Services Department to fine an owner pursuant to this Chapter may appeal to the Inspectional Services Department according to the following procedures:

(1) An appeal shall be filed within ten days of the date of the action appealed from;

(2) The appeal shall be in writing and shall state, in detail, the grounds for the appeal;

(B) The filing of a timely appeal shall stay the effect of the fine but shall not stay the owner's obligation to repair any violations cited.

(C) A hearing shall be held on the appeal following the same procedures available in an appeal of the issuance of an order to make repairs which are set out in 105 CMR §§ 410.850 and 410.860, except that any appeal to court shall be governed by the provisions of Massachusetts General Laws, Chapter 30A.

(D) Nothing in this section shall be construed to affect or impair the right to appeal the issuance of an order to make repairs.

8.60.080 Failure to Pay Fines

(A) Notice of a fine which has been issued pursuant to Section 8.60.060 of this Chapter shall be served on the owner and on the occupants who receive notice of the initial administrative citation.

(B) In addition, the owner shall be given notice that the fine shall automatically double if any violation cited in the administrative citation is not remedied within two weeks of service of the notice of the fine and shall automatically triple if any violation is not remedied within one month of service of the notice of the fine.

(C) A property tax lien shall be taken by the City of Cambridge against the owner if the tripled fine is not paid within six months of service of the notice of the fine or the issuance of the next property tax bill, whichever is later, and the owner shall be notified of this action prior to its being taken.

(D) Any person aggrieved by the failure of the City of Cambridge to take such enforcement action, may seek injunctive relief in the district or superior court pursuant to Massachusetts General Laws, Chapter 214 and 218, §19C to require action by the City of Cambridge in accordance with its enforcement obligations under this section.

8.60.090 Effect of Fine In Subsequent Court Actions

(A) A copy of the administrative citation indicating that a fine has been issued as a result of the owner's failure to remedy a violation cited in the administrative citation shall be prima facie evidence of a violation of Massachusetts General Laws, Chapter 111, §127A et seq. and Chapter 239, §8A in any legal action by or against the owner.

8.60.100 Revenues Generated

(A) Each fiscal year the City Manager shall determine an accounting of the revenues generated by the implementation of this ordinance in excess of the cost of administration and shall make a recommendation in the budget presented to the City Council for an appropriation of said funds to the appropriate city department or agency so that said revenues will be directed toward the repair or rehabilitation of deteriorated dwellings or dwelling units in the city.

8.60.110 Regulations

The Commissioner of Inspectional Services shall promulgate regulations consistent with the terms of this Chapter and any applicable state laws and regulations.

8.60.120 Construction

Nothing in this Chapter shall be construed to conflict with the provisions of Massachusetts General Laws, Chapter 111, § 127A, et seq. governing the authority and conduct of the Inspectional Services Department or with any other law or regulation governing the rights and obligations of owners and tenants in the Commonwealth Of Massachusetts.

8.60.130 Severability

The provisions of this Chapter are severable. If any section or sections are declared invalid by a court of competent jurisdiction, the invalidity shall not affect the validity of any remaining section or sections.

8.60.140 Effective Date

The provisions of this Chapter shall take effect three months from the date of its enactment.

Ordinance #3\HealthPo.bd\Sanitar.cod

Draft - October 22, 1991



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.117 entitled "Code of Conduct for City Officials and Employees."

Passed to a second reading as amended at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- John E. Flynn, Deputy City Clerk.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amendment by adding at the end thereof a new Chapter 2.117 entitled "CODE OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES."

CHAPTER 2.117

CODE OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES

Section 2.117.010. Introduction. This chapter establishes standards of conduct for officials and employees of the City of Cambridge, in addition to those established by chapter 268A, of the Massachusetts General Laws.

Section 2.117.020. Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

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

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

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

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

(e) "Economic interest" means a financial interest, whether vested or contingent, legal or beneficial, with a present fair market value greater than two hundred and fifty dollars (\$250.00) which is distinguishable from that of the public generally.

(f) "Employee" means an individual, other than a "Municipal Official," who is employed by the City or any City agency, whether part-time or full-time.

(g) "Gift" means a delivery of goods, 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;

(h) "Municipal Official" means

(i) any individual holding any one of the following position 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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) the members of boards and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive, regulatory, or permitting authority; or

(iii) any Category I - IV employee as defined by section 2.62.010 of the Cambridge Code;

(i) "Person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

(j) "Relative" means a person who is related to an official or employee as spouse, as a descendent of any grandparent of such official or employee whether by the whole-or half-blood or by adoption, or as spouse of any of the foregoing.

Section 2.117.030. Fiduciary duty. Municipal officials shall at all times in the performance of, and within the scope of their public duties owe a fiduciary duty to the City.

Section 2.117.040. Improper influence. No municipal official or employee shall make, participate in making or in any way attempt to use such municipal official's or such employee's position, influence or power, to influence or effect any City governmental decision or action in which such municipal official or employee knows or has reason to know that such official or employee has any economic interest. Nothing in this section shall be interpreted so as to preclude the Members of the City Council from voting on City Council Salary appropriations.

Section 2.117.050. City-owned Property. No municipal official, employee or city contractor shall permit the City-owned property under their control to be used in any manner that is inconsistent with any written policy governing the use of said policy.

Section 2.117.060. Use or Disclosure of Confidential Information. No current or former municipal official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that is not generally available to the general public or could not be obtained from public records pursuant to the Massachusetts Public Records Act, as amended.

Section 2.117.070. Employment of Relatives.

(a) No municipal official or employee shall after the date of adoption of this chapter hire or advocate for employment, in any City agency in which said official or employee serves or over which he exercised authority, supervision, or control, any person

(i) who is a relative of said municipal official or employee, or

(ii) in exchange for or in consideration of the employment of any of said municipal official's or employee's relatives by any other official or employee.

(b) No municipal official or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or municipal official exercises contract management authority.

Section 2.117.080. Prohibited Acts by City Councillor. City Councillor shall not make loans, gifts of value equal to or exceeding two hundred fifty dollars, offers of employment except when consistent with the discharge of their official duty as Councillor, offers of future employment, or of business or investment opportunities to the City Manager, to Assistant City managers, to heads of City departments or agencies, to the City Solicitor and Assistant Solicitors or to members of boards of commissions involved in the granting of variances, permits, licenses or other such discretionary, or adjudicatory functions.

Section 2.117.090. Prohibited Acts by School Committee Members. School Committee members shall not make loans, gifts of value equal to or exceeding two hundred fifty dollars, offers of employment or future employment, except within the discharge of their official capacity as a School Committee, or of business or investment opportunities to the Superintendent, Assistant Superintendents, the Executive Director of Management Services, the Executive Director of Human Resources or Personnel Director, the Affirmative Action officer, the Headmaster of Cambridge Rindge and Latin School and elementary school principals.

Section 2.117.100. Advisory Opinions.

(a) Any city employee or municipal official shall be entitled to the opinion of the City Solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the City Manager who shall in turn request in confidence such opinion of the City Solicitor on behalf of such person, and all members of boards or commissions and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The City Solicitor shall file such opinion in writing with the City Clerk and such opinion shall be a matter or public record; however, no opinion will be rendered by the City Solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this ordinance.

(b) Any person who acts in reliance on an opinion of the City Solicitor shall be exempt from the penalties provided herein if that person has made a good faith disclosure of all material facts related to the opinion.

Section 2.117.110. Penalties.

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

(b) A knowing violation of this chapter shall constitute a misdemeanor, and shall be punishable by a fine of not more than \$300 per offense.

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

(d) A violation of this chapter in connection with the issuance of any permit, license, ruling determination, or other official action shall be grounds for revocation thereof subject to and in accordance with applicable state and federal laws.

(e) Ten taxpayers of the City ("the Taxpayers") shall have legal standing to institute a civil action to recover damages on behalf of the City or to implement any other remedy provided for in this chapter only in accordance with the following:

(i) the Taxpayers shall first submit to the City Solicitor a written notice of the intention of the Taxpayers to bring such action with a statement of the grounds therefor;

(ii) within sixty (60) days of the receipt thereof the City Solicitor shall submit to the Taxpayers a written response thereto;

(iii) thereafter the Taxpayers may institute such civil action unless

(i) in his response the City Solicitor has stated that in his opinion there are no grounds for the institution of such action, with a statement of the reasons for such opinion;

or

(ii) in his response the City Solicitor has stated that the City itself intends to institute the proposed action and the City does in fact institute such action with 120 days of the issuance of the City Solicitor's written response to the Taxpayers.

Section 2.117.130. Other Remedies. The City or any City agency may maintain an action for injunctive relief to enforce any provision of this chapter, and for an accounting for any economic benefit received by any person in violation of this chapter or other law, and may recover damages for violation of this chapter.

Section 2.117.140. Relationship with Other Laws. If this chapter and any state law apply to the same subject the provision of broadest or most strict coverage shall control.



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-one

AN ORDINANCE

In amendment to an ordinance entitled the "Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business with the City."

Passed to a second reading as amended at the City Council meeting held on October 21, 1991 and on or after November 4, 1991 the question comes on passing to be ordained.

ATTEST:- John E. Flynn, Deputy City Clerk.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

ATTEST:- John E. Flynn, Deputy City Clerk.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to an ordinance entitled "The Cambridge Municipal Code."

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

That Title 2 entitled "Administration and Personnel" of the Cambridge Municipal Code is hereby amended by adding at the end thereof a new Chapter 2.118 entitled "STATEMENTS OF FINANCIAL INTERESTS BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY" which reads as follows:

CHAPTER 2.118

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

SECTION 2.118.010. Definitions. As used in this chapter, unless the context requires otherwise,

(a) "amount" means a category of 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

(f) "city clerk" means the City Clerk of the City of Cambridge.

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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:

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) The members of board and commissions, and the executive or administrative head or heads of such boards or commissions, whether elected or appointed, compensated or uncompensated, of a municipal body or bodies with executive regulatory, or permitting authority; or

(iii) Any Category I - IV employee as defined by Section 2.62.010 of the Cambridge Code;

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

(n) "political contribution" means a contribution or 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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to Section 2.118.030.

SECTION 2.118.020. Administration. The City Clerk 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 certified as to correctness and completeness, and the city manager shall furnish such a list within 60 days of receipt of such request;

(b) 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;

(c) make the list of municipal officials and statements of interests filed with the City Clerk pursuant to this chapter available upon written request of any individual for public inspection and copying during regular office hours and make photocopying facilities available at a charge not to exceed the actual cost; the City Clerk shall forward a copy of said request to the individual whose statement has been examined; provided, however, that such requests from the Attorney General of the Commonwealth of Massachusetts, the District Attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) inspect all filed statements of interests 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 City Clerk shall list all reporting persons who have failed to file a statement of interests and all reporting persons who have filed a statement of interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

SECTION 2.118.030. Statement of Interests.

(a) Every candidate shall file a statement of interests for the preceding calendar year with the City Clerk on or before the date on which nomination papers for such candidate must be submitted to the Election Commission unless the candidate neither files nominating papers nor conducts a sticker or write in campaign. In the event that the candidate does not file valid nomination papers with the Election Commission on or before the date required by law but subsequently conducts a sticker or write-in campaign, said candidate shall file the required statement of interests with the City Clerk no later than fifteen days prior to the date of the election at which he is to be a candidate.

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

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby and shall be signed under penalty or perjury by the reporting person.

(d) Every reporting person shall disclose, to the best of such reporting person's knowledge, the following information for such reporting person 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 (\$1,000.00) one thousand dollars is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, city clerk or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 which more than one thousand dollars was owned on December 31 of the reporting year, 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 an active ongoing 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 case 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 an interest that is distinguishable from the public generally 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, as best determinable, of any gifts aggregating more than one hundred dollars in the reporting 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 sources 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 to which the reporting person is associated which has been transferred to a member of the reporting person's family; provided, however, that a family member who transfers equity to the reporting person need not report such an intrafamily transfer;

(xi) the date, nature, amount or value of any commercial or business transaction equal to or exceeding two hundred fifty dollars with any municipal official and the official.

Nothing in this section shall be construed to require the disclosure of information which is privileged by the law.

Failure of a reporting person to file a statement of interests within ten (10) days after receiving notice as provided in Section 2.118.040(a) of this chapter or the filing of an incomplete statement of interests after receipt of such a notice, is a violation of this chapter and the commission may initiate appropriate proceedings pursuant to the provisions of Section 2.118.040 of this chapter.

SECTION 2.118.040. Enforcement.

(a) The City Clerk shall determine whether any reporting person has failed to file a statement of interests or has filed a deficient statement. If the City Clerk determines that reporting person has failed to file a statement of interests, or that any such statement filed with the City Clerk does not conform with the requirements of Section 2.118.030 (d), then the City Clerk 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.

(b) If within ten days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, after further notice affording the delinquent to be heard, if the City Clerk determines that the delinquent has violated the provisions of this chapter, the City Clerk may assess a fine of not more than three hundred dollars for each day after said ten days that such violation has continued. The City may commence a civil action in the Superior Court to collect any such fine. The City Clerk shall also report the failure to file to the Attorney General and the District Attorney for Middlesex County.

(c) Every person who filed a false statement of interests under this chapter shall be punished by a fine of not more than three hundred dollars (\$300) for each offense. Every failure to disclose truthfully any matter required to be disclosed hereunder shall constitute a separate offense.

(d) In addition to the penalties provided hereunder, any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the City charter and ordinances.

City of Cambridge

October 17, 1991

The Committee on Ordinances conducted a public hearing on Thursday, October 10, 1991 beginning at 2:37 p. m. in the Sullivan Chamber, City Hall.

The purpose of this hearing was to discuss proposed amendments to the Municipal Code entitled "Code of Conduct of City Officials and Employees" and "Statements of Interest By Certain City Officials and Persons Conducting Business in the City."

Members present were: Councillors Francis H. Duehay, Jonathan S. Myers, Walter J. Sullivan, Ed Cyr, Sheila T. Russell, William H. Walsh, Mayor Alice K. Wolf, Vice Mayor Kenneth E. Reeves and City Clerk Joseph E. Connarton.

Councillor Duehay opened the hearing and indicated that the special subcommittee of the Ordinance Committee, appointed by him, consisting of Councillors Ed Cyr and William H. Walsh had been meeting to revise the language in the amendments currently in the committee relative to the Code of Conduct of City Officials.

At this time the Chair recognized Councillor Cyr who outlined for the committee the documents which have been worked on by himself and Councillor Walsh relative to the proposed changes in the text of both the Code of Conduct and Statement of Interest Ordinances.

Councillor Cyr stated that the subcommittee had held several meetings and that there was general agreement on the language that was before the committee. Furthermore, he indicated that Outside Legal Counsel Verne W. Vance, Jr., Esquire had proposed further amendments to the text which he submitted to the committee at this time.

The proposed amendments as offered by Attorney Vance are entitled changes in Section 2.68: Election Commission by striking the words "Election Commission" and inserting the words "City Clerk" as it relates to the repository of these reports and Section 2.66.010 relative to Economic interest and Section 2.66.120 (d) relative to violations to said chapter; said amendments were adopted by a voice vote. Mr. Vance further submitted amendments relative to Section 2.68.030 relative to the addition of text regarding disclosure of information. This amendment was adopted by a voice vote.

Councillor Walsh further submitted an amendment making the effective date of these ordinances January 1, 1992. This amendment was adopted by a voice vote.

Councillor Walsh further submitted a motion for these proposed amendments to remain in committee. The amendment failed on a roll call vote: Yeas 4; Nays 3; Absent 1; Present 1.

At this time Councillor Cyr moved to substitute the amended text dated October 10, 1991 as submitted by Outside Legal Counsel for the text currently in committee. The amendment carried on a voice vote.

Councillor Cyr moved that the Ordinances as amended be referred to the full City Council without recommendation.

The motion --

Carried.

The hearing adjourned at 3:36 p. m.

For the Committee,

s/ Francis H. Duehay

Councillor Francis H. Duehay
Chairman

City of Cambridge

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS

1. Communication received from Joseph E. Connarton, City Clerk, transmitting proposed amendments to the Municipal Code of the City of Cambridge relative to Chapter 2.66 entitled "Code of Conduct for City Officials and Employees and Chapter 2.68 entitled "Statements of Financial Interests by Certain City Officials and Persons Conducting Business With the City.

Chapter 2.68

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

Section 2.68.010. 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an employee, a general partner, limited partner, proprietor, officer, director, trustee or serves in any managerial capacity; and any business more than one percent of any class of outstanding equity of which is beneficially owned in the aggregate by the reporting person and/or family members;

(d) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

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

(g) "equity" means any stock, interests in capital or profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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, opposes or influence such matters, whether or not any compensation in addition to the salary for such employment is received for such services;

(k) "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;

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) the members of boards and commissions, 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; zoning; public safety; education; inspection; licensing; public works; assessment; purchasing personnel; retirement; water; electric; human services; or historic commission; or

(iii) any other employee or official whose salary equals or exceeds the compensation for a Category IV employee as defined by section of the Cambridge Code;

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

(n) "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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to section 2.68.030.

(p) "businesses conducting business with the City" shall mean all businesses which obtain payments or receive monies in any

fiscal year from the City of Cambridge or any department, division or agency thereof 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, and businesses to which the City refers business, including towing companies.

Section 2.68.020. 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 of receipt of such request;

(b) 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;

(c) 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 the 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 of the Commonwealth of Massachusetts, the district attorney of

Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) 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 interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

Section 2.68.030. 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, unless the candidate neither files nomination papers nor conducts a sticker or write in campaign.

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby 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 such reporting person's knowledge, the following information for such reporting person 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 \$1,000.00 is received if that business does any business with, has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, commission or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 an active ongoing 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 gifts 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 municipal official and the name of the official.

(e) Every business conducting business with the City shall file a statement of interest 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 officials, candidate or committee supporting a candidate, whether paid directly by the business or by its officers, employees, shareholders or agents.

(ii) the name and address of any municipal officials, 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 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, and every failure to disclose truthfully a gift, contribution, payment,

purchase, forgiveness, favor, discount or other thing or transaction required to be disclosed, shall constitute a separate offense.

Section 2.68.040. Enforcement.

(a) The commission shall 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 commission fails to conform with the requirements of section 2.68.030 (d), 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.

(b) If within thirty days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, the commission shall report the failure to file to the Attorney General, the District Attorney for the Northern District, and the City Clerk. In addition, after further notice affording the delinquent an opportunity to be heard, the commission may assess an administrative fine of not more than three hundred dollars for each day after said thirty days that such statement is not received. The commission may commence a civil action in the Superior Court to collect any such administrative fine.

(d) In addition to the criminal penalty provided by section 2.68.030 (f) and the administrative fine provided by section 2.68.040 (b), any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the city charter.

CHAPTER 2.68

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

Section 2.68.010. 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an

employee, a general partner, limited 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) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

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

(g) "equity" means any stock, interests in capital or

profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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;

(k) "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;

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) the members of boards and commissions, 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; zoning; public safety; education; inspection; licensing; public works; assessment; purchasing personnel; retirement; water; electric; human services; or historic commission; or

(iii) any other employee or official whose salary equals or exceeds the compensation for a Category IV employee as defined by section of the Cambridge Code;

(m) "person" means a business, individual, corporation, union, association, firm, partnership, committee, or other

organization or group of persons;

(n) "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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to section 2.68.030.

(p) "businesses conducting business with the City" shall mean all businesses which obtain payments or receive monies in any fiscal year from the City of Cambridge or any department, division or agency thereof 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, and businesses to which the City refers business, including towing companies.

Section 2.68.020. 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 of receipt of such request;

(b) 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;

(c) 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 of the Commonwealth of Massachusetts, the district attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) 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 interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

Section 2.68.030. 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, unless the candidate neither files nomination papers nor conducts a sticker or write in campaign.

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby 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 such reporting person's knowledge, the following information for such reporting person 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 \$1,000.00 is received if that business does any business with,

has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, commission or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 an active ongoing 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 gifts 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 municipal official and the name of the official.

(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, whether paid directly by the business or by its officers, employees, shareholders or agents.

(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 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, and every failure to disclose truthfully a gift, contribution, payment, purchase, forgiveness, favor, discount or other thing or transaction required to be disclosed, shall constitute a separate offense.

Section 2.68.040. Enforcement.

(a) The commission shall 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 commission fails to conform with the requirements of section 2.68.030 (d), 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.

(b) If within thirty days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, the commission shall report the failure to file to the Attorney General, the District Attorney for the Northern District, and the City Clerk. In addition, after further notice affording the delinquent an opportunity to be heard, the commission may

assess an administrative fine of not more than three hundred dollars for each day after said thirty days that such statement is not received. The commission may commence a civil action in the Superior Court to collect any such administrative fine.

(c) Immediately following the last day to file a statement under section 2.68.030, the commission and the City Clerk shall post prominently for public inspection a list of all delinquent persons, and the list of persons required to file.

(d) In addition to the criminal penalty provided by section 2.68.030(f) and the administrative fine provided by section 2.68.040(b), any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the city charter.

0149A

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 two chapters:

CHAPTER 2.66

CODE OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES

Section 2.66.010. Introduction. This chapter establishes additional standards of conduct for officials and employees of the City of Cambridge, as authorized by chapter 268A, section 23(e) of the Massachusetts General Laws. The basic rules of conduct set forth in chapter 268A, the state conflict-of-interest law, also apply to all City officials and employees.

Section 2.66.020. Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

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

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

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

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

(e) "Employee" means an individual, other than an "official," compensated by the City or any City agency, whether part-time or full-time, whether as common law employee or independent contractor.

(f) "Favor" means an act, omission, arrangement or other matter which would, in the opinion of a reasonable person, create a moral obligation on the part of the person benefited.

(g) "Gift" means a delivery of goods, 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.

(h) "Official" means any person holding any elected office

of the City or any appointed public officer of the City, including members of all City boards and commissions.

(i) "Person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

(j) "Relative" means a person who is related to an official or employee as spouse, as a descendent of any grandparent of such official or employee whether by the whole- or half-blood or by adoption, or as spouse of any of the foregoing and any person who resides with an employee or an official.

Section 2.66.030. Fiduciary duty. Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City.

Section 2.66.040. Improper influence. No official or employee shall make, participate in making or in any way attempt to use such official's or such employee's position, influence or power, to influence or effect any City governmental decision or action in which such official or employee knows or has reason to know that such official or employee has any economic interest distinguishable from its effect on the public generally or, with respect to the City Council, any economic interest distinguishable from its effect on all councillors generally.

Section 2.66.050. Illegal Gifts Surrendered to City Treasurer.

Any gift given in violation of the provisions of chapter 268A of the General Laws shall be surrendered to the Treasurer, who shall add the gift to the inventory of City property.

Section 2.66.060. City-owned Property. No official, employee or city contractor shall engage in or permit the unauthorized use of City-owned property by any person.

Section 2.66.070. Use or Disclosure of Confidential Information. No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that is not made available to the general public on request or could not be obtained pursuant to the Massachusetts Public Records Act, as amended.

Section 2.66.080. Interest in City Business. No elected official or his or her spouse shall have a financial interest, directly or indirectly, in the name of the official or employee or in the name of any other person in any contract, work or business of the City or in the sale to the City of any property or service whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging

to or administered by the City, or is authorized by ordinance. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the City or a City Agency, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City. No employee or appointed official nor their spouse shall engage in a transaction described in this section unless the matter is wholly unrelated to the employee or official's City duties and responsibilities.

Section 2.66.090. Employment of Relatives.

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

(b) No official or employee shall exercise contract management authority where any relative of the official or employee is employed by or has contracts with persons doing City work over which the City official or employee has or exercises contract management authority with respect to any

City contract with any person employing, or having contracts with any relative of such official or employee.

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

Section 2.66.100. Favors By City Councillors. City

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

Section 2.66.110. Advisory Opinions.

(a) Any city employee or official shall be entitled to the opinion of the city solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate municipal employee shall be made in confidence

directly to the city manager who shall in turn request in confidence such opinion of the city solicitor on behalf of such person, and all members of boards or commissions and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The city solicitor shall file such opinion in writing with the city clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the city solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this ordinance.

(b) Any person who acts in reliance on an opinion of the city solicitor shall be exempt from the penalties provided herein if that person has made a good faith disclosure of all material facts related to the opinion.

Section 2.66.120. Penalties.

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

(b) A knowing violation of this chapter shall constitute a misdemeanor, and shall be punishable by a fine of not more than \$300 per offense.

(c) All City contracts shall include therein a clause for

termination in the event of a violation of this chapter in connection with the awarding, administration or performance of the contract.

(d) Any permit, license, ruling, determination or other official action taken in violation of this Chapter shall be void; provided however that in the event that voiding would substantially damage the City or innocent third parties then the City Council, by vote of at least six of its members, may preserve the permit, license, ruling, determination or other action.

(e) Ten registered voters shall have standing to enforce the provisions of this ordinance by (i) applying for a criminal complaint; and/or (ii) instituting a civil action on behalf of the City to recover damages on its behalf or to implement any other remedy provided for in this chapter.

Section 2.66.130. Other Remedies. The City or any City agency may maintain an action for an accounting for any economic benefit received by any person in violation of this chapter or other law, and may recover damages for violation of this chapter.

Section 2.66.140. Conflict with Other Laws. In the event of any conflict or inconsistency of this chapter with any state law, the provision of broadest or most strict coverage shall control. No provision of this chapter shall be construed so as to be inconsistent with state law.

0151A



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

SEPTEMBER 9, 1991

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOHN E. FLYNN, DEPUTY CITY CLERK JEF

SUBJECT: TEXT OF PROPOSED AMENDMENT TO THE MUNICIPAL CODE IN CHAPTER 2.66 ENTITLED "CODE OF CONDUCT OF CITY OFFICIALS AND EMPLOYEES" AND IN CHAPTER 2.68 ENTITLED "STATEMENTS OF INTEREST BY CERTAIN CITY OFFICIALS AND PERSONS CONDUCTING BUSINESS WITH THE CITY".

Attached please find for your review and information the above referenced information that will be offered by Councillor Edward N. Cyr at the Ordinance Committee hearing to be held on Thursday, September 12, 1991 as requested by Councillor Francis H. Duehay, Chairman of the Ordinance Committee.

Thank you for your cooperation in this matter.

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 two chapters:

CHAPTER 2.66

CODE OF CONDUCT FOR CITY OFFICIALS AND EMPLOYEES

Section 2.66.010. Introduction. This chapter establishes additional standards of conduct for officials and employees of the City of Cambridge, as authorized by chapter 268A, section 23(e) of the Massachusetts General Laws. The basic rules of conduct set forth in chapter 268A, the state conflict-of-interest law, also apply to all City officials and employees.

Section 2.66.020. Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

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

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

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

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

(e) "Employee" means an individual, other than an "official," compensated by the City or any City agency, whether part-time or full-time, whether as common law employee or independent contractor.

(f) "Favor" means an act, omission, arrangement or other matter which would, in the opinion of a reasonable person, create a moral obligation on the part of the person benefited.

(g) "Gift" means a delivery of goods, 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.

(h) "Official" means any person holding any elected office

of the City or any appointed public officer of the City, including members of all City boards and commissions.

(i) "Person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

(j) "Relative" means a person who is related to an official or employee as spouse, as a descendent of any grandparent of such official or employee whether by the whole- or half-blood or by adoption, or as spouse of any of the foregoing and any person who resides with an employee or an official.

Section 2.66.030. Fiduciary duty. Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City.

Section 2.66.040. Improper influence. No official or employee shall make, participate in making or in any way attempt to use such official's or such employee's position, influence or power, to influence or effect any City governmental decision or action in which such official or employee knows or has reason to know that such official or employee has any economic interest distinguishable from its effect on the public generally or, with respect to the City Council, any economic interest distinguishable from its effect on all councillors generally.

Section 2.66.050. Illegal Gifts Surrendered to City Treasurer.

Any gift given in violation of the provisions of chapter 268A of the General Laws shall be surrendered to the Treasurer, who shall add the gift to the inventory of City property.

Section 2.66.060. City-owned Property. No official, employee or city contractor shall engage in or permit the unauthorized use of City-owned property by any person.

Section 2.66.070. Use or Disclosure of Confidential Information. No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, "confidential information" means any information that is not made available to the general public on request or could not be obtained pursuant to the Massachusetts Public Records Act, as amended.

Section 2.66.080. Interest in City Business. No elected official or his or her spouse shall have a financial interest, directly or indirectly, in the name of the official or employee or in the name of any other person in any contract, work or business of the City or in the sale to the City of any property or service whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging

to or administered by the City, or is authorized by ordinance. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the City or a City Agency, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City. No employee or appointed official nor their spouse shall engage in a transaction described in this section unless the matter is wholly unrelated to the employee or official's City duties and responsibilities.

Section 2.66.090. Employment of Relatives.

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

(b) No official or employee shall exercise contract management authority where any relative of the official or employee is employed by or has contracts with persons doing City work over which the City official or employee has or exercises contract management authority with respect to any

City contract with any person employing, or having contracts with any relative of such official or employee.

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

Section 2.66.100. Favors By City Councillors. City

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

Section 2.66.110. Advisory Opinions.

(a) Any city employee or official shall be entitled to the opinion of the city solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate municipal employee shall be made in confidence

directly to the city manager who shall in turn request in confidence such opinion of the city solicitor on behalf of such person, and all members of boards or commissions and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The city solicitor shall file such opinion in writing with the city clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the city solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this ordinance.

(b) Any person who acts in reliance on an opinion of the city solicitor shall be exempt from the penalties provided herein if that person has made a good faith disclosure of all material facts related to the opinion.

Section 2.66.120. Penalties.

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

(b) A knowing violation of this chapter shall constitute a misdemeanor, and shall be punishable by a fine of not more than \$300 per offense.

(c) All City contracts shall include therein a clause for

termination in the event of a violation of this chapter in connection with the awarding, administration or performance of the contract.

(d) Any permit, license, ruling, determination or other official action taken in violation of this Chapter shall be void; provided however, that in the event that voiding would substantially damage the City or innocent third parties then the City Council, by vote of at least six of its members, may preserve the permit, license, ruling, determination or other action.

(e) Ten registered voters shall have standing to enforce the provisions of this ordinance by (i) applying for a criminal complaint; and/or (ii) instituting a civil action on behalf of the City to recover damages on its behalf or to implement any other remedy provided for in this chapter.

Section 2.66.130. Other Remedies. The City or any City agency may maintain an action for an accounting for any economic benefit received by any person in violation of this chapter or other law, and may recover damages for violation of this chapter.

Section 2.66.140. Conflict with Other Laws. In the event of any conflict or inconsistency of this chapter with any state law, the provision of broadest or most strict coverage shall control. No provision of this chapter shall be construed so as to be inconsistent with state law.

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CHAPTER 2.68

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

Section 2.68.010. 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;

(c) "business with which a person is associated" means any business in which the reporting person or a family member is an

employee, a general partner, limited 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) "doing business" is the purchase, lease or sale of goods or services in any transaction with the City or any department, agency, commission or other part thereof.

(e) "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 such individual has (1) received a political contribution or made an expenditure, or has given such individual's consent for any person or committee to receive a political contribution or make an expenditure, for the purpose of influencing such individual's nomination or election to such office, whether or not the specific municipal office for which such individual 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 such individual for nomination or election to such office;

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

(g) "equity" means any stock, interests in capital or

profits and losses or similar ownership interest in a business;

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

(i) "gift" means a delivery of goods, 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;

(j) "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;

(k) "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;

(l) "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; school superintendent; police commissioner; chief of police; chief of fire department;

(ii) the members of boards and commissions, 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; zoning; public safety; education; inspection; licensing; public works; assessment; purchasing personnel; retirement; water; electric; human services; or historic commission; or

(iii) any other employee or official whose salary equals or exceeds the compensation for a Category IV employee as defined by section _____ of the Cambridge Code;

(m) "person" means a business, individual, corporation, union, association, firm, partnership, committee, or other

organization or group of persons;

(n) "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, of 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;

(o) "reporting person" means any person required to file a statement of interests pursuant to section 2.68.030.

(p) "businesses conducting business with the City" shall mean all businesses which obtain payments or receive monies in any fiscal year from the City of Cambridge or any department, division or agency thereof 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, and businesses to which the City refers business, including towing companies.

Section 2.68.020. 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 of receipt of such request;

(b) 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;

(c) 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 of the Commonwealth of Massachusetts, the district attorney of Middlesex County, or the State Ethics Commission shall be confidential;

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

(e) 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 interest which is deficient on its face;

(f) notify each delinquent reporting person that a statement of interests has not 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;

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

Section 2.68.030. 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, unless the candidate neither files nomination papers nor conducts a sticker or write in campaign.

(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 such former municipal official was a municipal official for less than (30) days.

(c) Every statement of interests shall be filed on the form prescribed hereby 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 such reporting person's knowledge, the following information for such reporting person 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 \$1,000.00 is received if that business does any business with,

has matters pending before or is subject to regulation, supervision or oversight by the agency, department, board, commission or other part of the city which employs the reporting person, or over which he or she has administrative or legislative control;

(ii) the name of all businesses transacting business in Cambridge 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 an active ongoing 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 gifts 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 municipal official and the name of the official.

(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, whether paid directly by the business or by its officers, employees, shareholders or agents.

(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 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, and every failure to disclose truthfully a gift, contribution, payment, purchase, forgiveness, favor, discount or other thing or transaction required to be disclosed, shall constitute a separate offense.

Section 2.68.040. Enforcement.

(a) The commission shall 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 commission fails to conform with the requirements of section 2.68.030 (d), 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.

(b) If within thirty days of the sending of a notice as prescribed by subsection (a), a statement complying with the requirements of this chapter is not received, the commission shall report the failure to file to the Attorney General, the District Attorney for the Northern District, and the City Clerk. In addition, after further notice affording the delinquent an opportunity to be heard, the commission may

assess an administrative fine of not more than three hundred dollars for each day after said thirty days that such statement is not received. The commission may commence a civil action in the Superior Court to collect any such administrative fine.

(c) Immediately following the last day to file a statement under section 2.68.030, the commission and the City Clerk shall post prominently for public inspection a list of all delinquent persons, and the list of persons required to file.

(d) In addition to the criminal penalty provided by section 2.68.030(f) and the administrative fine provided by section 2.68.040(b), any municipal official who violates this chapter shall be subject to appropriate discipline, including suspension, termination or censure, consistent with any requirements of the state civil service law and the city charter.

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Chapter 2.118 - Statements of Financial Interests
by Certain City Officials and Persons Conducting
Business with the City.

11/4/91 Passed to be ordained
as amended
7-1-1

11/7/91 - Published - Chronicle