



City of Cambridge

14.
CALENDAR ITEM #1

IN CITY COUNCIL

March 15, 1993

March 22, 1993

VICE MAYOR CYR

ORDERED: That this City Council go on record accepting the provisions of Massachusetts General Law Chapter 43C section 11 entitled "Consolidated department of municipal finance; petition summary; ordinance or by-law"; and be it further

ORDERED: That the City Manager be and hereby is requested to confer with the Assistant City Manager for Fiscal Affairs and the City Solicitor with the view in mind of drafting appropriate amendments to the Municipal Code as they apply to the Department of Finance.

In City Council March 22, 1993.

Adopted by a yeas and nays vote:-

Yeas 8; Nays 1; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

chapter is a party shall not be affected by the consolidation but any such successor agency shall stand in the place of the former agency.

History—

Added by 1987, 756, approved January 14, 1988, effective 90 days thereafter.

Amended by 1988, 199, § 11, approved, with emergency preamble, July 26, 1988.

Editorial Note—

The 1988 amendment, in the second paragraph, following "personal", inserted a comma.

Total Client-Service Library^s References—

2 Am Jur 2d, Administrative Law §§ 237, 252-255, 288, 310, 762.

56 Am Jur 2d, Municipal Corporations, Counties and Other Political Subdivisions §§ 98-138.

1 Am Jur Pl & Pr Forms (Rev), Administrative Law, Form 134.1.

1 Fed Proc Forms, Administrative Law, Form 2:21.

§ 11. Authorization for Ordinance or By-Law Concerning Consolidated Department of Municipal Finance; Notice on Petitions; Personnel; Permissible Functions.

(a) The following shall be the summary inserted in the petition described in section five:

"Section eleven of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by law, for a consolidated department of municipal finance which may include the offices of accountant, auditor or comptroller, treasurer, collector and assessors."

Notwithstanding any provision of law to the contrary, in any city or town which accepts the provisions of this section by vote of the people, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of municipal finance.

Any ordinance or by-law adopted pursuant to the provisions of this section shall provide for (i) a director of municipal finance who shall be appointed by and shall be responsible to the chief executive officer or to the chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the director of municipal finance to serve, ex officio, as the accountant, auditor or comptroller of the city or town and (iii), the term of the office of the director of municipal finance which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of such city or town.

Any ordinance or by-law adopted pursuant to the provisions of this section may include, but need not be limited to, the following: (i) coordination of all financial services and activities, (ii) maintenance of all accounting records and other financial statements, (iii) payment of all obligations, (iv) receipt of all funds due, (v) assistance to all other city or town departments and offices in any matter related to financial affairs, (vi) monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status of accounts, (vii) supervision of all purchases of goods, materials and supplies and maintenance of inventory controls, (viii) supervision of all data processing facilities and (ix), any other matter relating to municipal finance as may be determined necessary or desirable in such ordinance or by-law.

Any ordinance or by-law adopted pursuant to the provisions of this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees the director of municipal finance shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office.

History—

Added by 1987, 756, approved January 14, 1988, effective 90 days thereafter.

Total Client-Service Library® References—

2 Am Jur 2d, Administrative Law §§ 237, 252-255, 288, 310, 762.

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§ 12. Authorization for Ordinance or By-Law Concerning Consolidated Department of Community Development; Notice on Petitions; Personnel; Abolishment of Related Agencies.

(a) The following shall be the summary inserted in the petition described in section five:

"Section twelve of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of community development which may include the redevelopment authority, the planning board, the industrial development commission, industrial development financing authority or any other municipal office or agency exercising or authorized to exercise any community or economic development activities."

(b) Notwithstanding any other provision of law to the contrary in any city or town which accepts the provisions of this section, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of community development.

(c) Any ordinance or by-law adopted pursuant to this section shall provide for (i) a director of community development who shall be appointed by and shall be responsible to the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the term of office of the director of community development which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of said city or town, (iii) a community development board which shall consist of five members, one of whom shall be appointed by the secretary of the executive office of communities and development for a term of five years, and four members who shall be appointed by the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, for terms of five years each, all such terms to be so arranged so that only one term expires each year.

(d) Any ordinance or by-law adopted pursuant to this section may include, but need not be limited to, providing for the inclusion through the abolishment of any of the agencies hereinafter enumerated, in whole or in part, or



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Adopted by a ye and nay vote:-

Yeas 8; Nays 1; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk

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History—

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Amended by 1988, 199, § 11, approved, with emergency preamble, July 26, 1988.

Editorial Note—

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Total Client-Service Library® References—

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Notwithstanding any provision of law to the contrary, in any city or town which accepts the provisions of this section by vote of the people, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of municipal finance.

Any ordinance or by-law adopted pursuant to the provisions of this section shall provide for (i) a director of municipal finance who shall be appointed by and shall be responsible to the chief executive officer or to the chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the director of municipal finance to serve, ex officio, as the accountant, auditor or comptroller of the city or town and (iii), the term of the office of the director of municipal finance which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of such city or town.

Any ordinance or by-law adopted pursuant to the provisions of this section may include, but need not be limited to, the following: (i) coordination of all financial services and activities, (ii) maintenance of all accounting records and other financial statements, (iii) payment of all obligations, (iv) receipt of all funds due, (v) assistance to all other city or town departments and offices in any matter related to financial affairs, (vi) monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status of accounts, (vii) supervision of all purchases of goods, materials and supplies and maintenance of inventory controls, (viii) supervision of all data processing facilities and (ix), any other matter relating to municipal finance as may be determined necessary or desirable in such ordinance or by-law.

Any ordinance or by-law adopted pursuant to the provisions of this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees the director of municipal finance shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office.

History—

Added by 1987, 756, approved January 14, 1988, effective 30 days thereafter.

Total Client-Service Library® References—

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§ 12. Authorization for Ordinance or By-Law Concerning Consolidated Department of Community Development; Notice on Petitions; Personnel; Abolishment of Related Agencies.

(a) The following shall be the summary inserted in the petition described in section five:

"Section twelve of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of community development which may include the redevelopment authority, the planning board, the industrial development commission, industrial development financing authority or any other municipal office or agency exercising or authorized to exercise any community or economic development activities."

(b) Notwithstanding any other provision of law to the contrary in any city or town which accepts the provisions of this section, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of community development.

(c) Any ordinance or by-law adopted pursuant to this section shall provide for (i) a director of community development who shall be appointed by and shall be responsible to the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the term of office of the director of community development which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of said city or town, (iii) a community development board which shall consist of five members, one of whom shall be appointed by the secretary of the executive office of communities and development for a term of five years, and four members who shall be appointed by the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, for terms of five years each, all such terms to be so arranged so that only one term expires each year.

(d) Any ordinance or by-law adopted pursuant to this section may include, but need not be limited to, providing for the inclusion through the abolishment of any of the agencies hereinafter enumerated, in whole or in part, or



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A true copy;

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Editorial Note—

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Yeas 8; Nays 1; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk

City of Cambridge

VM Cyr moved
 Charter Right #1

MASSACHUSETTS

In City Council 3/22 1993

YEA	NAY	ABSENT	PRESENT	
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
② ✓		① ✓	MM	Mr. Walter J. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓	!			Mr. William H. Walsh
✓				Ms. Alice K. Wolf
				Mayor Kenneth E. Reeves

① 8
 ② 1
 0

EC ms UV/9-0
 RF 0-9 UV



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CHARTER RIGHT EXERCISED BY VICE MAYOR CYR



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14.

Consent

March 15, 1913

Vice Mayor Cy

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CONSENT ORDER #14

5-133

Vice Mayor Cyr re: Acceptance of
M.G.L. Chapter 43C section 11 and
draft amendments to the Municipal
Code.

In City Council,

March 15, 1993

Charter Right exercised
by Vice Mayor Cyr

3/22/93

Order adopted

8-1-0.