

**CHAPTER 2
ADMINISTRATION**

IN GENERAL

SECTION 2.1 ELECTION AND APPOINTMENT OF OFFICERS; TERM

Unless otherwise provided by Charter or ordinance, officers shall be chosen in the month of January and shall assume office on the first day of March.

SECTION 2.2 REMOVAL OF APPOINTED OFFICERS; FILLING OF VACANCIES

Unless otherwise provided by law, any appointed officer may be removed by the appointing authority. Any vacancy in appointed office may be filled for the unexpired term, if any.

SECTION 2.3 OFFICERS TO HOLD OFFICE UNTIL SUCCESSOR CHOSEN AND QUALIFIED

Unless otherwise provided by law, any elected or appointed officer shall hold office until a successor shall be chosen and qualified.

SECTION 2.4 ENUMERATION OF APPOINTED OFFICERS; TERMS

Officers shall be appointed by the Mayor or City Council as follows:

NOMINATED & ELECTED BY THE CITY COUNCIL	TERM OF OFFICE
Assessor (3)	3 years
Board of Health (3)	3 years
Cemetery Trustees (5)	5 years
Clerk	3 years
Clerk of Committees	1 year
Controller of Accounts	5 years
Hearing Officer- Fire/Building Code Violations	3 years
Disability Issues Commission (7)	until succeeded
Measurer of Bark, Wood & Leather	1 year
Scholarship Committee (9), including the Superintendent of Schools, the Council President or the President's designee	3 years
Solicitor	3 years

Treasurer/Collector 5 years

APPOINTED BY MAYOR & CONFIRMED BY THE CITY COUNCIL **TERM OF OFFICE**

Arts Council (11) 2 years
Board of Appeal (3) 3 years
Building Committee (5-Mayor, chairman; one Councillor appointed by the Mayor; one Councillor appointed by the Council President for the municipal year of election; Inspector of Buildings; head of departments for whose use the building or addition is to be used)
Code Enforcement Inspector Civil Service
Conservation Commission (5) 2 years
Director of Human Services 5 years
Director of Public Facilities 5 years
Engineer 5 years
Fence Viewers (2) 1 year
Field Driver annually as necessary
Fire Commissioner 3 years
Government Center Commission (5) 5 years
Housing Authority (4) 5 years
Human Rights Commission (9) 3 years
Human Rights Advisory Council (17) 2 years
Human Resources Director 5 years
Information Technology Director 5 years
Industrial Development Fin. Auth. (5) 5 years
Licensing Commission (3) 6 years
Messenger 1 year
Metropolitan Area Planning Council (1) 3 years
Parking Clerk until succeeded
Personnel Director
Planning Board (9) 5 years
Plumbing Inspector Civil Service
Police Commissioner 3 years
Pound keepers annually as necessary
Public Works Commissioners (3) 3 years
Redevelopment Authority (4) 5 years
Registrar of Voters (3) 4 years
Retirement Board (1) 3 years
Sealer of Weights & Measures Civil Service
Surveyors of Lumber annually as necessary
and such other officers
as may be deemed convenient

APPOINTED BY THE MAYOR **TERM OF OFFICE**
Building Inspector Civil Service
Civil Defense Director 1 year

Constables	1 year or 3 years
Director of Inspectional Services	5 years
Disability Issues Commission (6)	until succeeded
Historic Commission (5)	2 years
Inspector of Wires	Civil Service
Public Weigher	1 year
Stadium & Athletic Field Commission (3)	3 years
Veterans' Service Commissioner	1 year

**SECTION 2.5 ONLY ONE OFFICE TO BE HELD BY INDIVIDUALS;
EXCEPTIONS; PENALTY**

A. No person shall hold more than one municipal office, except in the following case, namely,:

1. the City Treasurer may hold the office of Collector of Taxes;
2. the City Engineer, the office of Executive Secretary of the Traffic Commission;
3. the Clerk to the Board of Registrar of Voters, the office of Clerk of the Licensing Board;
4. the head clerk of the Department of Public Works, the office of Secretary to the Public Works Department;
5. the Inspector of Wires, the office of Maintenance Electrician of the Traffic Commission;
6. the head clerk of the Board of Registrars of Voters, the office of Clerk of the Board of Registrars of Voters;
7. a fire fighter with the rank of private of the Fire Department, the position of Clerk of the Fire Department;
8. any municipal officer or employee, a Reserve Police Officer;
9. a Police Officer, the unpaid position of a member of the School Committee;
10. the Director of the Youth and Recreation Commission, the Director of the Department of Human Services;
11. the City Treasurer, the position of Parking Clerk;
12. an employee of the Fire Department, the unpaid position of a member of the School Committee;
13. an employee of the Fire Department, the position of Emergency Management (Civil Defense) Director.

B. Whoever violates the provisions of this section shall forfeit to the City the compensation from all offices during the time during which more than one office was held in violation of law. Said compensation shall be recovered by the City Solicitor, upon written complaint of ten citizens.

CLERK OF COMMITTEES

SECTION 2.6 DUTIES

The Clerk of Committees shall keep full and accurate records of the meetings of any committees of the City Council, and shall perform such other clerical duties as may be required.

CITY CLERK

SECTION 2.7 DUTIES

The City Clerk shall have the following duties:

- A. to administer policy concerning record storage, disposal and coordination for the City as established by the Mayor, Controller of Accounts and the City Clerk or their designees;
- B. to attend all meetings of the City Council and shall keep an accurate record of such meetings;
- C. to notify the Controller of Accounts and Treasurer, in writing, of all financial orders, as soon as practicable after such orders are approved. Notification of approved financial orders shall be given to the appropriate department;
- D. to keep the bonds of all City officials.

SECTION 2.8 ASSISTANT CITY CLERK

An Assistant City Clerk shall be appointed by the City Clerk, subject to removal for cause by the City Clerk and the City Council. The Assistant City Clerk shall be under the direction and supervision of the City Clerk and shall perform such duties as the City Clerk shall determine.

CITY SOLICITOR

SECTION 2.9 QUALIFICATIONS GENERALLY

The City Solicitor shall be an attorney at law.

SECTION 2.10 DUTIES

The City Solicitor shall have the following duties:

- A. to draft all deeds and other legal documents on behalf of the City;
- B. to examine all real estate titles to be conveyed to the City;

C. to prosecute and defend all actions and suits commenced by or against the City, its agents, servants, officers and employees; and an allowance for traveling expenses while out of the city shall be granted, as appropriated;

D. to do every act incident to the office required by the City Council, or any committee thereof;

E. to furnish at the request of any officer a legal opinion on any municipal matter.

SECTION 2.11 ASSISTANT CITY SOLICITOR - POSITION CREATED; QUALIFICATIONS

A. Assistant City Solicitors shall be attorneys at law licensed to practice within the Commonwealth of Massachusetts.

B. Assistant City Solicitors shall be appointed by the City Solicitor, subject to removal for cause by the City Solicitor and the City Council.

C. Assistant City Solicitors shall be under the direction and supervision of the City Solicitor and shall perform such duties as the City Solicitor shall determine.

D. Assistant City Solicitors shall work a minimum of twenty-five (25) hours per week.

CITY MESSENGER

SECTION 2.12 DUTIES

The City Messenger shall, as may be necessary or convenient, perform all services required by the Mayor, the City Council, and other officers of the City.

MAYOR

SECTION 2.13 AUTHORITY OF MAYOR TO INCUR EXPENSE AND EMPLOY ASSISTANTS

A. The Mayor may incur such expenses and employ such assistants as may be necessary in discharging the duties of office; provided, however, that total expenditures shall not exceed the amount appropriated therefor. The Mayor shall prescribe the wages, hours, and duties of said assistants.

B. The Mayor shall appoint a Director of Program Development to manage any HUD Comprehensive Planning Assistance Program and perform such other duties as the Mayor may assign.

SECTION 2.13A AUTHORITY OF MAYOR TO NEGOTIATE LABOR CONTRACTS

Prior to initiating negotiations with an employee organization, the Mayor shall meet with the City Council in executive session for the purpose of providing an estimate of anticipated incremental cost items, the proposed funding source for said cost items, and general statement of the city's negotiating position with respect to wages, hours, standards of productivity and performance, and any other terms and conditions of employment that may be a subject of said negotiations. Such statement shall be for informational purposes only and shall not be binding upon the Mayor, nor shall anything in this section be construed to alter public labor relations as set forth in Massachusetts General Laws. Prior to any vote on an executed contract, the Mayor shall provide each member of the Council with a copy of said contract.

SEALER OF WEIGHTS AND MEASURES

SECTION 2.14 APPOINTMENT; TERM

The Sealer of Weights and Measures shall be appointed from a Civil Service list by the Mayor and confirmed by the City Council.

SECTION 2.15 DUTIES GENERALLY

The Sealer of Weights and Measures shall test scales, weights and measures for the public, shall have the care and custody of all public scales of the City, and shall enforce all laws relative to the use of weights and measures. The Sealer of Weights and Measures shall, as necessary, measure or weigh any commodity purchased by the City, and provide a statement containing its weight or measure to the vendor, the appropriate department head, and the Controller of Accounts.

SECTION 2.16 FEES; TO FURNISH CERTIFICATES; RECORDS REQUIRED

A. The Sealer of Weights and Measures shall furnish a certificate to the owner, stating the name and address of the owner of the article, the date when sealed, and the amount of any fee paid.

B. Fees shall be as follows:

Balances & Scales	
10,000 lbs. or more	\$ 100.00
5,000 to 9,999 lbs.	\$ 50.00
1,000 to 4,999 lbs.	\$ 40.00
100 to 999 lbs.	\$ 30.00
11 to 99 lbs.	\$ 20.00
10 lbs. or less	\$ 15.00

Weights	
Avoirdupois (each)	\$ 1.00
Metric (each)	\$ 1.00
Apothecary (each)	\$ 1.00
Troy (each)	\$ 1.00

Capacity Measures	
Vehicles tanks	
(commodities)	\$ 20.00
Each indicator	\$ 5.00
Each 100 gal. or fraction thereof	\$ 8.00
Liquid	
1 gallon or less	\$ 2.00
more than 1 gallon	\$ 5.00

Liquid Measuring Meters	
Inlet less than 1/2 in. (oil/grease)	\$ 10.00
Inlet 1/2 in. to 1 in. (gasoline)	\$ 15.00
Inlet greater than 1 in.	
Vehicle tank-pump	\$ 35.00
Vehicle tank-gravity	\$ 35.00
Bulk Storage	\$ 40.00
Company supplies prover	\$ 40.00

Pumps	
Each stop on pump	\$ 2.00

Other Devices	
Taximeters	\$ 25.00
Odometer/Hubometer	\$ 20.00
Fabric measuring	\$ 20.00
Wire/Rope/Cordage	\$ 5.00
Bottle return	\$ 20.00
Scanner	
3 or fewer	\$ 75.00
4 to 11	\$ 150.00
12 or more	\$ 250.00

Linear Measure	
Yard stick	\$ 2.00
Tape	\$ 2.00
Other Measures	
Milk jars (per gross)	\$ 15.00
Dry Measures	\$ 2.00
Adjustments	25% of fee

SECTION 2.17 SEALER OF WEIGHTS AND MEASURES TO BE AN AGENT OF THE BOARD OF HEALTH

The Sealer of Weights and Measures shall be under the supervision of the Board of Health and shall, in addition to the duties outlined in Section 2.15, perform such duties at the Board shall from time to time proscribe.

CITY PLANNER

SECTION 2.18 CITY ENGINEER TO BE PLANNING DIRECTOR

The City Engineer shall be the Planning Director and, under the direction of the Planning Board, shall develop and maintain the city master plan, and make recommendations relating to land use management and disposition of land in the city. The City Engineer shall have such other duties with respect to city planning as may from time to time be imposed by the Mayor and City Council.

INFORMATION TECHNOLOGY

SECTION 2.19 DIRECTOR OF INFORMATION TECHNOLOGY; TERMS; DUTIES

A. The Director of Information Technology shall be appointed by the Mayor, subject to confirmation by the City Council, commencing March 1, 2004 and every five years thereafter.

B. The Director of Information Technology shall define Information Technology and oversee the management of all computerized information systems, including software and network systems for the collection, processing, storage, presentation and retrieval of information. The Director of Information Technology shall define and prepare written standards and policies for computer hardware and software used by all departments. The Director of Information Technology shall consult with

the heads of the departments to determine their requirements and shall endeavor to prescribe standards that best meet the needs of the majority of departments and define requirements for technical and professional services.

C. The Assistant Director of Information Technology shall be appointed by the Director of Information Technology, subject to removal by the Mayor and City Council. The Assistant Director of Information Technology shall be under the direction and supervision of the Director of Information Technology and shall perform such duties as the Director of Information Technology may proscribe.

CEMETERY TRUSTEES

SECTION 2.20 CEMETERY TRUSTEES; COMPOSITION; TERM; DUTIES

The Cemetery Department shall be under the charge of five trustees, one of whom shall be chosen each year for a term of five years. They shall annually, as soon after March first as practicable, meet and organize by the choice of one of their members as chairman. They shall have the care and management of the Cemeteries, and may appoint a Secretary and Superintendent, and fix their compensation subject to funding by the Mayor and City Council. They may adopt and promulgate such rules and regulations for their own government and for the transaction of business as they may deem necessary and appropriate.

SECTION 2.21 AUTHORITY OF CEMETERY DEPARTMENT

The Trustees shall have authority to grant and convey to any person or persons, by deed duly executed, the exclusive right of burial, and of erecting tombs, cenotaphs and monuments in any of the designated lots or subdivisions of Forest Dale Cemetery, Salem Street Cemetery, and Bell Rock Cemetery upon such terms and conditions as they may by their rules and regulations prescribe. The proceeds of such sales shall be paid into the City Treasury, and be kept separated from any other funds of the City, and shall be devoted to the liquidation of all debts, obligations and expenses of such Cemetery incurred for land or the improvement thereof.

SECTION 2.22 TRUSTEES OF CEMETERY DEPARTMENT TO HAVE CONTROL OF APPROPRIATIONS

The Trustees of the Cemetery Department shall have the control of any appropriation made for the Cemeteries by the City Council, and of all receipts other than the proceeds of the sales of rights of burial.

SECTION 2.23

CEMETERY DEPARTMENT AUTHORIZED TO HOLD GRANTS, DONATIONS, ETC.; USE OF GRANTS; INVESTMENT OF FUNDS

A. The Trustees of the Cemeteries are authorized to take and hold any grant, donation, bequest or deposit that may be made upon trust, to apply the same, or the income thereof, for the improvement or embellishment of the cemeteries, in any manner of form consistent with the purposes for which it was established. When such a grant, donation, bequest or deposit is made by the proprietor of a lot for its repair, preservation or embellishment, they may give to such proprietor an agreement or obligation in such form, and upon such terms and conditions as they may establish, binding the City to keep the lot in repair for such period as may be agreed upon.

B. All money received pursuant to this section shall be paid to the City Treasurer, and invested, under the direction of the Trustees, in public stocks, or in mortgages of real estate, or by deposit in any savings bank, national bank or trust company in the Commonwealth; and, the principal shall permanently remain in a separate account. The income of such fund or funds shall be received by the City Treasurer, and shall be appropriated by the Trustees in such manner as will, in their opinion, promote the purposes for which such grants, donations, bequests or deposits were made.

SECTION 2.24

DEEDS FOR LOTS

Every deed for rights of burial in a municipal cemetery shall be in such form as the Trustees shall prescribe and the City Solicitor approve. It shall be signed by the Chairman of the Trustees, and countersigned by the Secretary thereof, and by the City Treasurer. It shall have the City Seal affixed thereto, and shall be recorded by the City Clerk in a book provided for that purpose.

SECTION 2.25

COMPLIANCE COMMITTEE; COMPOSITION; DUTIES

The City Council President, the License Committee Chairperson and the Ordinance Committee Chairperson shall constitute the Compliance Committee. The Compliance Committee shall choose a Chairperson annually from among its members.

The Compliance Committee shall direct the activities of the Compliance Bureau and coordinate enforcement efforts among city officers, members of the Malden Police Department and Compliance Bureau Personnel.

The Compliance Committee shall meet at the call of the Chairperson, provided that meetings shall be held no less than twice monthly.

SECTION 2.26 COMPLIANCE BUREAU; APPOINTMENT OF COMPLIANCE OFFICERS

Compliance Bureau shall operate under the direction and supervision of the Compliance Committee and shall be comprised of such Compliance Officers as are from time to time appointed by the City Council; provided that at least one compliance officer shall be designated Canine Compliance Officer, whose primary function shall be the enforcement of laws and ordinances relative to dogs.

Compliance Officers shall serve at the pleasure of the City Council and may be removed by the Council for cause.

All Compliance Officers shall be indemnified as city officials under Massachusetts General Laws, Chapter 258 Sections 9 and 13 and shall be indemnified pursuant to these sections for claims arising out of performance of their duties.

SECTION 2.27 COMPLIANCE OFFICERS - DUTIES

The Compliance Bureau shall work under the direction and supervision of the Compliance Committee to promote the health, safety and welfare of the inhabitants of Malden by ensuring that residents and businesses conform to the requirements of state law, city ordinance, rules and regulations promulgated pursuant thereto, and restrictions, conditions or limitations on licenses and permits granted by the City.

The Compliance Bureau shall endeavor to promote community awareness of and adherence to city and state requirements for specific activities or uses of property, and may assist city officers in the coordination of inspectional activities among city departments.

Compliance Officers may investigate any property or activity in the City for the purpose of:

1. assuring that the use of said property or the activity engaged in is allowed by law or ordinance;
2. determining that the use of said property or the activity engaged in has been properly licensed or permitted; or
3. confirming that restrictions, conditions or limitations placed on licenses and permits are being met;
4. initiating enforcement proceedings against any resident, business or property owner who fails to comply with any law, ordinance, rule, regulation or condition or restriction on a license or permit.

SECTION 2.28 COMPLIANCE COMMITTEE - REPORT OF ACTIVITIES TO CITY COUNCIL

The Compliance Committee shall submit to the City Council on a monthly basis a detailed account, in writing, of the activities of the Compliance Bureau.