

2. Administrative Organization

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2.02 Regulatory Authority and Purpose (NEW)

2.02.010. Section 2 of the Ordinances of the City sets forth the Administrative Organization of the City as promulgated through the procedures established under Section 5 of the City Charter. Section 5-1 of the City Charter provides the Mayor sole authority to file administrative ordinances, subject to Council approval, to organize, reorganize, consolidate or abolish City agencies. Section 2.12 sets forth those City Agencies. Section 5-3 of the City Charter authorizes both the Mayor or the City Council to propose ordinances to establish, amend or abolish multi-member bodies. Section 2.16 sets for those multi-member boards. This Section will remain in effect unless modified or amended pursuant to the provisions of Section 5.

Section 2 provides for the internal organization and administration of the Malden government. The intention and purpose of this Section is to establish a legal, practical, and efficient plan of organization and administrative procedures which allow for and encourage the effective delivery of municipal services to the residents of Malden. The duties and functions of agencies and multi-member bodies described herein are to be read broadly and serve to illustrate, but not to circumscribe, the duties and responsibilities of the agencies of the City under the Charter, ordinances, and General Laws of the Commonwealth. Section 2 is to be applied harmoniously and in concert with the applicable requirements of the Charter, ordinances and the General Laws.

Section 2 has two primary parts, the purpose of which is to describe the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the multiple-member appointive organization and the administrative organization. Section 2.12: This describes all of the administrative agencies of the City under the jurisdiction of the Mayor. It further delineates the mission and functions of each said agency and its authorities and responsibilities. Section 2.16 Multiple-member bodies: This describes all multiple-member bodies whose members are appointed by the Mayor and further delineates manner and time of appointment, terms of appointment generally and authorities and responsibilities.

2.04 GENERAL OPERATIONAL PROVISIONS

2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

2.04.020 PUBLIC HEARINGS - TIME TO BE HELD; NOTICE

2.04.030 ANNUAL REPORTS FOR COMMITTEES, BOARDS, ETC

2.04.010 HOURS CERTAIN OFFICES TO BE OPEN

The Mayor shall establish and may, from time to time, amend a regular schedule of days and hours during which administrative offices of the city will be open to the public. The Mayor may temporarily alter the schedule so established in observance of legal holidays or when it is deemed that opening poses a threat to the health, safety or welfare of city employees or the public.

HISTORY

Amended by Ord. [Paper # 264-21](#) Amend Title 2, Chapter 4, Section 10 on 9/7/2021

2.04.020 PUBLIC HEARINGS - TIME TO BE HELD; NOTICE

1. All public hearings before municipal boards or commissions shall be held in the evening between the hours of 6:00 P.M. and 10:00 P.M., except hearings held under Mass. Gen. Laws ch 31 or other employment related hearings.
2. Whenever a public hearing is held, the Councillor's at large and the Councillor of the ward to which the matter of the public hearing pertains shall be notified by the body conducting the hearing.

2.04.030 ANNUAL REPORTS FOR COMMITTEES, BOARDS, ETC

All committees, boards, commissions, trustees and department heads shall, annually in October, furnish to the City Council a report of activities for the previous fiscal year, together with any other relevant information or recommendations. Said report shall contain a statement of receipts and expenditures and a schedule of materials, tools and property of all kinds on hand as of June 30th.

1. The report of the Assessors shall contain detailed descriptions and valuations for all real estate owned by the city or under the control of the Malden Redevelopment Authority.
2. The report of the Public Works Commission shall contain an evaluation of the condition of streets, sidewalks, parks, and playgrounds.
3. The report of the City Engineer shall contain an evaluation of the condition of all sewers, water pipes, drains, bridges and culverts in the City.
4. The report of the Treasurer shall include an accounting of receipt and expenditures for the prior fiscal year.
5. The report of the Insurance Committee shall detail the status of all fire and boiler insurance contracts.

2.08 APPOINTMENT/EMPLOYMENT

2.08.010 APPOINTMENT AND REMOVAL OF OFFICERS; TERMS; FILLING OF VACANCIES

2.08.020 EMPLOYEES AND APPOINTEES TO BE RESIDENTS; EXCEPTIONS

2.08.030 PROBATIONARY PERIODS

2.08.040 ENUMERATION OF BOARDS AND COMMISSION APPOINTED OFFICERS; TERMS AND DUTIES

2.08.010 APPOINTMENT AND REMOVAL OF OFFICERS; TERMS; FILLING OF VACANCIES

Except as otherwise provided by charter or ordinance, the following shall apply to all officers, members of boards and commissions, and employees appointed by the Mayor and/or the City Council:

1. Officers shall be chosen in January and assume office on the first day of March.
2. An officer may be removed from office by the appointing authority in the same manner in which he was appointed.
3. Vacancies in office shall be filled for the unexpired term, if any.
4. Officers shall hold office until a successor is chosen and qualified.

2.08.020 EMPLOYEES AND APPOINTEES TO BE RESIDENTS; EXCEPTIONS

1. Except as provided in Paragraph B below, every officer, employee or appointee to a board or commission of the city shall be a resident of the City, or shall become a resident of the City within six months of commencing employment.
2. Paragraph A shall not apply to the following:
 1. persons employed before January 1, 1999;
 2. school teachers;
 3. non-clerical employees of the Planning Department, provided preference shall be given to Malden residents where technical training of candidates for the position is equal;
 4. the physician appointed to the Board of Health; and
 5. persons appointed by the Mayor or City Council, including board or commission members who have been designated to serve by virtue of their employment with the city.

2.08.030 PROBATIONARY PERIODS

Any newly hired or promoted employee shall serve a probationary period consisting of six (6) full months of work. Prior to the conclusion of the probationary period, the department head or supervisor shall submit to the Director of Human Resources an assessment of the employee's suitability for continued employment and, if found unsuitable, the employee may be terminated or returned to his previous position, as the case may be; provided that at-will employees remain subject to termination at any time, without cause.

2.08.040 ENUMERATION OF BOARDS AND COMMISSION APPOINTED OFFICERS; TERMS AND DUTIES (UPDATED)

The following officers, department directors, and boards and commissions shall be appointed by the official or officials and for the terms and purposes hereinafter described:

Officer, Department Director, Board/ Commission	Number of Members	Term	Statutory Authorities
Appointed by Mayor			
ADA Compliance Officer	-	-	MCC 2
Animal Control Officer	-	1 yr.	Mass. Gen. Laws ch 140 § 151
Building Commissioner	-	-	Mass. Gen. Laws ch 143
Constables	-	Not more than 3 yrs.	Mass. Gen. Laws ch 41 § 92
Emergency Communications Coordinator	-	-	MCC 2
Emergency Management Board			MCC 2
Emergency Management Director	-	-	MCC 2
Human Resources Director		3 yrs	MCC 2
Inspector of Wires	-	-	Mass. Gen. Laws ch 143
Insurance Committee	Controller of Accounts,, the Director of Public Facilities, and the City Solicitor		MCC 2
Parking Director	-	-	MCC 2
Recreation Coordinator	-	-	MCC 2

Sealer of Weights & Measures	-	-	Mass. Gen. Laws ch 98
Superintendent of Cemeteries			MCC 2
Teen Program Coordinator	-	-	MCC 2
Tree Committee	Public Works Commission and the Tree Warden		
Veterans' Service Commissioner	-	1 yr.	Mass. Gen. Laws ch 115 § 3
Appointed by City Council			
Assessors	3	3 yrs.	Charter Section 19
Board of Health	3	3 yrs.	MCC 2
Cemetery Trustees	5	5 yrs.	MCC 2
City Clerk	-	3 yrs.	Charter Section xx
City Solicitor	-	3 yrs.	Charter Section 14
Clerk of Committees	-	1 yr.	MCC 2
Community Preservation Committee	9, including one designee of each of the following: Planning Board, Historical Commission, Conservation Commission	2 yrs.	Mass. Gen. Laws ch 44B § 3-7
Compliance Officers	2	-	MCC 2
Controller of Accounts	-	3 yrs.	Charter Section XX
Director of Assessing	-	3 yrs.	MCC 2
Municipal Hearing Officer	-	3 yrs.	MCC 2

Scholarship Committee	9, including the Superintendent of Schools and Council President or designee	3 yrs.	Mass. Gen. Laws ch 60 § 3C
Treasurer/Collector	-	3 yrs.	Charter Section 14
Appointed by the Mayor with City Council confirmation			
Board of Assessors	3	3 yrs.	MCC 2
Board of Appeals	5, including Chair of Board of Assessors and Fire Department representative	-	MCC 2
Board of Health	3	3 yrs.	MCC 2
Building Committee	-	-	MCC 2
Cannabis Licensing & Enforcement Commission	The Police Chief, the Building Commissioner and a staff member with financial expertise, designated by the Mayor, shall serve ex officio. Two members shall be appointed to serve for a term of three years.	3 yrs	MCC 2
Cemetery Trustees	5	5 yrs.	MCC 2
City Engineer	-	3 yrs.	MCC 2
City Planner	-	-	MCC 2
City Solicitor	-	3 yrs.	MCC 2
Community Preservation Committee	9, including one designee of each of the following: Planning Board, Historical Commission, Conservation Commission, Park and Recreation Commission	2 yrs	Mass. Gen. Laws ch 44B § 3-7

Compliance Officers	2	-	MCC 2
Conservation Commission	7	3 yrs.	Mass. Gen. Laws ch 40 § 8C
Council on Aging	7, including MHA Director, Public Health Director, Police Chief, representative of elder service agency and 3 senior residents	3 yrs.	MCC 2
Cultural Council	11	3 yrs.	Mass. Gen. Laws ch 10 § 58
Director of Assessing	-	3 yrs.	MCC 2
Director of Permits, Inspections & Planning Services	-	3 yrs.	MCC 2
Disability Commission	5	3 yrs.	Mass. Gen. Laws ch 40 § 8J
Director of Public Facilities	-	3 yrs.	MCC 2
Director of Public Works	-	3 yrs.	MCC 2
Director of Strategic Planning and Community Development	-	3 yrs.	MCC 2
Fire Commissioner	-	3 yrs.	MCC 2
Historical Commission	5	2 yrs.	Mass. Gen. Laws ch 40 § 8D
Housing Authority	5, including one appointed by the Governor	5 yrs.	Mass. Gen. Laws ch 121B
Human Resources Director	-	3 yrs.	MCC 2
Industrial Development Financing Authority	5	5 yrs.	Mass. Gen. Laws ch 40D
Information Technology Director	-	3 yrs.	MCC 2

Liquor Licensing Commission	3	6 yrs.	Mass. Gen. Laws ch 138
Metropolitan Area Planning Council	1	3 yrs.	Mass. Gen. Laws ch 40B §§ 25-29
Municipal Hearing Officer	-	3 yrs.	MCC 2
Parking Director	-	3 yrs.	MCC 2
Parks and Recreation Commission	5	3 yrs	MCC 2
Planning Board	9	5 yrs.	Mass. Gen. Laws ch 41 §§ 81B-81Y
Plumbing Inspector	-	-	MCC 2
Police Commissioner	-	3 yrs.	MCC 2
Public Works Commission	3	3 yrs.	MCC 2
Redevelopment Authority	5, including one appointed by the Governor	4 yrs.	Mass. Gen. Laws ch 121B
Registrars of Voters	4, including City Clerk	3 yrs.	Mass. Gen. Laws ch 51-54
Scholarship Committee	9, including the Superintendent of Schools and Council President or designee	3 yrs.	Mass. Gen. Laws ch 60 § 3C
Traffic and Transportation Commission	TBD	3 yrs	MCC 2
Treasurer/Collector	-	3 yrs.	MCC 2

Appointed by the Mayor and City Council			
Stadium & Athletic Field Commission	7, including Mayor, High School Principal, High School Athletic Director, Recreation Coordinator, 2 residents appointed by Council & 1 resident appointed by Mayor	3 yrs.	Charter Section 23C
Commission on Energy Efficiency and Sustainability	5, including Director of Public Facilities, one Councillor appointed by Council President, 1 member appointed by the City Council & 2 members appointed by the Mayor	2 yrs.	MCC 2
Human Rights & Fair Housing Commission	7, including 3 by Mayor and 4 by City Council	1 yr.	MCC 2
Sign Design Review Committee	5, the Director of Strategic Planning and Community Development or their designee; the City Engineer or their designee; the Director of Permits, Inspections and Planning Services or their designee; the President of the City Council or their designee; and one Councilor At Large designated by the Council President.		
Site Plan Review Committee – Malden River	<ul style="list-style-type: none"> • the Mayor or Mayor's designee; • the President of the City Council or designee; • the Ward Councillor representing the property or designee; • the Executive Director or designee of the Office of Strategic Planning & Economic Development; • the Chair of the City Council Waterfront Access Committee or designee; • Two residents 		

	appointed by the Mayor and confirmed by the City Council.		
Site Plan Review Committee – RIO and RIO- B	7 members as follows: the Mayor or Mayor's designee, the President of the City Council or designee, the Ward Councillor representing Malden Center or designee, the Executive Director or designee of the Malden Redevelopment Authority, the Chairman of the Planning Board or designee, the Planning Director or the City Planner and the Chairman of the Traffic Commission or his designee.		
Site Plan Review Committee – Rowe's Quarry	7 members as follows: the Mayor or his designee, the Ward City Councillor or his designee, the Planning Board Chairman or his designee, the City Engineer or his designee, the City Planner, the Director of the Malden Redevelopment Authority, a Councillor At Large designated by the Council President.		

HISTORY

Amended by Ord. 131-20 on 6/30/2020
 Amended by Ord. Paper 121-21 Section 2.08.040 Section 2.08.040 on 7/22/2021

Section 2.16. Offices and Standards (UPDATED BASED ON DRAFT ADMIN ORDER)

Section 2.12 Organization of City Agencies and Departments

Section 2.12.01 Offices and Standards

Unless otherwise provided by charter, all agencies are under the supervision and control of the Mayor and are described in this part of the Administrative Code. Under Section 3-5 of the charter, the Mayor makes recommendation to the City Council for suspension or removal of all officers, directors and department heads, including those appointed by the City Council. The description of agencies delineates the mission and functions of each agency and broadly highlights their authorities and responsibilities.

Section 2.12.02. Coordination of operations

The Mayor coordinates administration, finance, operations and public safety activities by meeting regularly to discuss and coordinate activities to mitigate duplication of services where possible. The Mayor develops action programs, evaluates program completion, and reviews management, financial, personnel, and legal issues. Significant attention is paid towards coordination of work programs, so as to ensure minimal work disruption and efficient service delivery. The delivery of services to the public requires coordination and cooperation among the various divisions, departments and programs within the City and departmental managers identify those areas of concern where the various agencies can assist each other in the accomplishment of their mission.

Section 2.12.03 Multiple-member body coordination

1. It is an administrative obligation for the departmental liaison to a multiple-member body to regularly and accurately represent to management multiple-member body activities, policies and decisions, so as to ensure efficient implementation of said body's activities.
2. It is further an administrative obligation to assist multiple-member bodies in the pursuit of their missions and responsibilities. Administrative personnel ensure that multiple-member bodies receive objective, timely, professional and accurate information upon request, in order to better assist multiple-member bodies in their activities.

Section 2.12.04. City Council coordination

1. City departments provide professional support to the elective organization of the City primarily through the Mayor and the School Superintendent.
2. All agencies under the jurisdiction of the Mayor ensure that the City Council receives objective, timely, professional and accurate information upon request, in order to assist the Council in its legislative and policy making process.
3. In order to ensure that the coordination of reports to the City Council is effective, the Mayor assumes responsibility for the information transmittal. The procedure for transmittal of reports from an agency to the City Council is for information to route through the Mayor.
4. Nothing in this section shall be construed to deny to members of the City Council direct access to information that is readily available and provided by agencies to members of the general public in the pursuit of their civic responsibilities or private business, nor shall staff members be discouraged from providing such information through formal or informal means.

Section 2.12.05 Annual reports

Ordinance reference: 2.04.030 states to the Council in October, not to the Mayor in September.

All agencies shall prepare an annual report of their activities and submit it to the Mayor on or before the fourth Friday in September. The annual report shall describe fiscal year activities for the year ending each June 30. Where required by state, regional and/or federal regulations, certain agencies may be required to submit copies of their annual reports to appropriate state, regional and/or federal agencies. The Mayor shall provide for a standard reporting format.

Section 2.12.20 Accounting Department

Ordinance reference: MCC 2.12.020

A. Established

There shall be an Accounting Department under the supervision of a Controller of Accounts, who shall be appointed by the city council in accordance with the provisions of Section 2-8 of the city charter.

B. Authorities and responsibilities

1. The Department maintains a complete set of books and the accounts are kept, so far as practicable, in conformity with the classifications and forms prescribed by law.
2. The Controller of Accounts examines all bills, drafts, orders and payrolls and, if found correct, draws a warrant upon the treasury for their payment. The Controller disallows or refuses to approve for payment any claim found to be fraudulent, unlawful, excessive, not chargeable to the account on which it is drawn, or in an amount that exceeds the unexpended balance of the account on which it is drawn.
3. The Department produces monthly financial reports of revenues and expenditures of each city agency entrusted with receipt, custody or expenditure of funds, detailing funds paid from the city treasury on each account.
4. The Controller of Accounts examines the accounts of the Treasurer/ Collector at the close of each quarter or as often as is deemed expedient and reports his findings to the mayor and city council.
5. The Controller annually examines the accounts of the trustees of any property where the principal or income, in whole or in part, is bequeathed or given in trust for the benefit of a city agency and examines and estimates the funds, securities, and property held by such trustees.
6. The Department has custody of all contracts of the City.
7. The Controller at the end of each fiscal year provides to the Mayor and City Council with a report indicating in detail the amount of the appropriation and expenditures, the receipts from each source of income, and a listing of funded and temporary loans, with the rate of interest and the payment due dates for each.
8. The Controller participates in the development of the annual operating budget, the capital improvements program, and long-term financial forecasts.

9. The Controller assists the city council with solicitation and evaluation of bids for the annual audit, and coordinates the activities of the person or firm selected to conduct said audit.

10. The Controller has all the powers and duties conferred by law upon chief procurement officers.

Section 2.12.21 Assessing Department

Ordinance reference: MCC 2.12.030

A. Established

There shall be an Assessing Department under the supervision of a Director of Assessing, who shall be a member of the Board of Assessors.

B. Authorities and responsibilities

1. The Assessing Department creates and maintains a record that includes property characteristics, value, use and ownership information for every parcel within the City.
2. The Assessing Department assists the Board of Assessors in determining the tax levy permitted by law and making recommendation to the city council for adoption of a residential factor, residential exemption and a resulting tax rate.
3. The Department annually submits to the Treasurer/Collector and Controller of Accounts an account of all taxes and surcharges due on property and estates in the city.
4. The Department administers motor vehicle excise tax and assesses all personal property subject to taxation.
5. The Department provides administrative support to the Board of Assessors.

Section 2.12.23 Cemetery Department

Ordinance reference: MCC 1.04.060 & 2.16.040

A. Established

There shall be a Cemetery Department under the supervision of a Superintendent of Cemeteries, who shall be appointed to serve for a term of three years.

B. Authority and responsibilities

1. The Cemetery Department cares for and maintains the Bell Rock, Salem Street, and Forest Dale Cemeteries.
2. The Superintendent of Cemeteries implements policies, schedules and prepares for internments and collects fees as established by the Board of Cemetery Trustees.

Section 2.12.24 City Clerk

Ordinance reference: MCC 2.12.040

A. Established

There shall be an office of the City Clerk under the supervision of a City Clerk appointed by the City Council, in accordance with the provisions of Section 2-8 of the city charter. The City Clerk is Clerk to the City Council and also serves as a member of the Board of Registrars of Voters.

B. Authorities and responsibilities

1. The City Clerk is the keeper of vital statistics of the City. The City Clerk records and preserves original birth, marriage, and death records and provides certified copies as provided by law.
2. The City Clerk is the custodian of the City Seal and the official records of the City, and is responsible for the maintenance, disposition, and preservation of municipal archival records.
3. The City Clerk administers the oath of office to elected and appointed officers, and furnishes copies of the Open Meeting and Conflict of Interest Laws to elected and appointed officers.
4. The City Clerk posts meeting notices for agencies of the City and other governmental bodies.
5. The City Clerk is the custodian of Planning Board and Board of Appeal records, and under the Zoning Act, receives copies of decisions and notices of appeal.
6. The City Clerk is custodian of the rules, regulations, and minutes of multiple-member bodies.
7. The City Clerk keeps the legislative record of the City Council, publishes City Council agendas, notifies the Controller of Accounts and Treasurer/Collector of City Council votes authorizing appropriations and assessments, presents Council measures to the Mayor for approval/disapproval, and issues licenses and permits granted by the City Council.
8. The City Clerk is the chief election officer of the city and is responsible for the conduct of all local, state and federal elections.
9. The City Clerk issues such licenses and permits as may be provided by law, including those for marriage, raffles and bazaars, and dogs.
10. The City Clerk receives notice of claims and transmits these claims to the Law Department.

Section 2.12.25 Clerk of Committees

Ordinance reference: MCC 2.12.050

A. Established

There shall be a Clerk of Committees appointed by the City Council in accordance with the provisions of Section 2-8 of the city charter.

B. Authority and responsibilities

1. The Clerk of Committees shall schedule meetings of City Council committees and keep full and accurate records of their meetings.

2. The Clerk of Committees shall perform such other clerical and administrative tasks as may be assigned by the City Council.

Section 2.12.25 Compliance Bureau

Ordinance reference: MCC 2.12.060 I do not see Compliance Bureau in ordinances but rather COMPLIANCE OFFICERS

A. Established

There shall be a Compliance Bureau, comprised of Compliance Officer(s) appointed to serve for a term of three years. The Compliance Bureau shall be under the supervision and control of the City Council.

B. Authorities and responsibilities

1. Compliance Officers inspect properties in the city to ascertain that the use of the property is permitted by law or ordinance and that uses have been licensed or permitted as required.
2. Compliance Officers confirm that restrictions, conditions or limitations placed on licenses and permits are adhered to and initiate 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 2.12.26 Engineering Department

Ordinance reference: MCC 2.12.110

A. Established

There shall be an Engineering Department under the supervision of a City Engineer, who shall be appointed to serve for a term of three years.

B. Authorities and responsibilities

1. The Department has custody of all plans relating to public works and improvements, including streets, water and sewer lines, bridges and drains.
2. The Department reviews plans and administers contracts for improvements to street, sidewalks and water and sewer mains.
3. The Department establishes rules and regulations for connection to municipal water, sewer and drainage systems and approves the location of connections.
4. The Department maintains hydrants, standpipes, street fountains and all other city-owned connections with the water system.
5. The Department provides for installation and maintenance of water meters, monitors the usage of metered water and provides monthly records of water usage to the Treasurer.
6. The Department provides technical and administrative support to the Conservation Commission and the Public Works Commission.

Section 2.12.27 Fire Department

A. Established

There shall be a Fire Department, commanded by a Fire Commissioner and a Fire Chief.

The Fire Commissioner shall hire and promote all departmental personnel in accordance with civil service guidelines, if applicable, and shall hear and decide appeals to suspension, demotion or removal of departmental personnel by the Fire Chief. The Fire Commissioner may appoint, train and equip unpaid Auxiliary Firefighters.

The Fire Chief shall be responsible for the organization, supervision and management of the Fire Department and have all other authorities and responsibilities provided by law to municipal Fire Chiefs.

B. Authorities and responsibilities

1. The Fire Department takes all necessary steps to extinguish fires and mitigate incendiary conditions within the city, including the demolition of any building or structure and the removal of any obstruction for the purpose of preventing or extinguishing fires or incendiary conditions.
2. The Department functions as first responders to calls for medical aid and assists in the reestablishment of order in the event of civil disturbance, disaster or riot or other emergency.
3. The Department maintains a record of all fires that occur within the City requiring the services of the Department.
4. The Department carries out the terms and provisions of all fire service agreements entered into with other governmental units.
5. The Department investigates the causes of all fires and provides written reports of all suspected arson.
6. The Department includes a Fire Prevention Bureau, which inspects all buildings and structures as provided for by the State Fire Code, and provides for the issuance and renewal of certificates of compliance with state Board of Fire Prevention regulations.

Section 2.12.28 Human Resources Department

Ordinance reference: MCC 2.12.120

A. Established

There shall be a Human Resources Department under the supervision of a Director of Human Resources, who shall be appointed to serve for a term of three years.

B. Authorities and responsibilities

1. The Human Resources Department administers group health and life insurance programs, manages the unemployment insurance, and coordinates affirmative action and equal employment opportunity programs.
2. The Department maintains comprehensive personnel records for all employees and administers the classification and compensation plans, collective bargaining agreements and personnel policies.

3. The Department develops and administers recruitment announcements, pre-employment examinations and employment processing programs.
4. The Department plans, develops, supervises, and conducts training, education, and employee assistance and career information programs.
5. The Department develops, establishes, and coordinates uniform personnel policies and procedures, including centralized personnel records, standardization of personnel forms and records, position descriptions and compensation standards.
6. The Department furnishes information relative to civil service and provides assistance to departments relative to civil service matters.
7. The Department provides advice and assistance to the Mayor and departmental managers on personnel matters, including position classification and compensation levels, employee relations, employee grievances and disciplinary action.
8. Where no other procedure is provided by charter or law, the Director of Human Resources, on the Mayor's behalf, hears and decides appeals to a department head's suspension or removal of subordinate employees.
9. The Director of Human Resources participates in labor negotiations.

Section 2.12.29 Information Technology, Department of

Ordinance reference: MCC 2.12.070

A. Established

There shall be an Information Technology Department under the supervision of a Director of Information Technology, appointed to serve for a term of three years.

B. Authorities and responsibilities

1. The Director of Information Technology defines Information Technology and oversees the management of all computerized information systems, including software and network systems for the collection, processing, storage, presentation and retrieval of information.
2. The Director of Information Technology defines and prepares written standards and policies for computer hardware and software used by all departments.
3. The Department provides computer hardware acquisition and maintenance support, software acquisition, development and enhancement to all city departments.
4. The Department is responsible for developing a program for computer training and for processing of all municipal software programs on the host computer system and the City's local area network.
5. The Department is the central depository for all electronic information and associated systems maintained and utilized by the City.

Section 2.12.30 Legal Department

Ordinance reference: MCC 2.12.140

A. Established

There shall be an Office of the City Solicitor under the supervision of a City Solicitor. The Office of the City Solicitor shall be comprised of the Legal Department, the Workers' Compensation Agent, and the Municipal Hearing Officer.

B. Legal Department - Authorities and responsibilities

1. The Legal Department examines all titles to property purchased by the City and drafts such bonds, deeds, contracts and other legal instruments of every nature as may be required by Charter, ordinance or this Administrative Code for the orderly administration of the affairs of the City.
2. A representative of the Legal Department attends meetings of the City Council as necessary and, at the request of the Council President, advises the Council on questions of law relating to the subject matters before it and on the legality of any votes, motions, or other actions proposed to be taken by it.
3. The Department provides legal advice and renders written opinions to the Mayor and all elected or appointed City officers, departments and multiple-member bodies on matters pertaining to the functions of their respective offices or on questions of law relating to matters within their authority.
4. The Department prosecutes all legal actions brought on behalf of the City or any officer or agency acting in its capacity as such, defends all actions brought against the City or any officer or agency acting in its capacity as such in any court or other tribunal, and appears as legal counsel for the City in any other actions which may involve the rights and interests of the City or any officer or agency thereof.
5. The City Solicitor advises the Mayor on the advisability of resolving or settling claims or suits brought against the City and, subject to the Mayor's approval, may settle such claims or suits in a manner advantageous to the City.
6. The Department provides administrative and technical support to the Liquor Licensing Commission.

C. Workers' Compensation - Authorities and responsibilities

1. The Legal Department administers the city's workers' compensation plan.

D. Municipal Hearing Officer - Authorities and responsibilities

1. The Municipal Hearing Officer hears and decides appeals to citations issued for violation of an ordinance, a departmental rule or regulation, or the terms, conditions or restrictions of a license or permit, and represents the city in any legal appeal taken to a decision.
2. The Municipal Hearing Officer issues demand notices for unpaid citations and requests that the Treasurer place a lien on property for the amount of unpaid citations.

Section 2.12.31 Parking Department

Ordinance reference: MCC 2.12.160

A. Established

There shall be a Parking Department under the supervision of a Parking Director.

B. Authorities and responsibilities

1. The Department issues citations, in accordance with Traffic Commission regulations, for violation of restrictions and limitations on the parking of vehicles on streets and in parking lots under city and school control.
2. The Department administers the Resident Sticker Parking program and collects revenues from parking meters for deposit with the Treasurer.
3. The Department installs and maintains parking meters, traffic signs, markings and devices. The department collects and reconciles revenue from the parking meters.

Section 2.12.32 Inspectional Services, Department of

Ordinance reference: MCC 2.12.080

A. Established

There shall be a Department of Inspectional Services, comprised of building, electrical, plumbing and gas fitting inspectors and the City Planner. The department is under the supervision of a Director of Inspectional Services.

B. Authority and responsibilities

1. Generally

The Department reviews plans, issues permits, conducts inspections, enforces zoning ordinances and investigates and abates complaints. All permits issued, inspections made and enforcement conducted by the Department shall be in accordance with all governing provisions of the Massachusetts General Laws and the Code of Massachusetts Regulations, which provide the Inspectional Services Department with its authority.

2. Director of Inspectional Services

The Director of Inspectional Services is the Building Commissioner and zoning enforcement officer. The Director reviews plans for compliance with the zoning ordinance and enforces compliance with zoning provisions. Additionally, the Director monitors the issuance of all building, plumbing and wire permits issued by the city, schedules all inspections required thereunder, and co-ordinates the activities of local building inspectors, the electrical inspectors and plumbing and gas fitting inspectors.

3. City Planner

The City Planner reviews and makes recommendations to the Planning Board regarding development proposals that require a special permit under the zoning ordinance, amendments to the zoning ordinance and any matters subject to the subdivision control law. The Planner provides professional, procedural and technical support assistance to the Planning Board during meetings and public hearings, and assists the Board with master planning activities.

4. Administrative Support

The Department provides administrative support to the Board of Appeals. The City Planner provides technical and administrative support to the Historical Commission.

Section 2.12.33 Police Department

There shall be a Police Department, commanded by a Police Commissioner and a Police Chief.

The Police Commissioner hires and promotes all departmental personnel in accordance with civil service guidelines, if applicable, and hears and decides appeals to suspension, demotion or removal of departmental personnel by the Police Chief. The Police Commissioner may hire, train and equip unpaid Auxiliary Police Officers, and may assign to them such powers and duties as are deemed appropriate.

The Police Chief shall be responsible for the organization, supervision and management of the Police Department and have all other authorities and responsibilities provided by law to municipal Police Chiefs.

B. Authorities and responsibilities

1. The Police Department is responsible for the protection of life and property, the preservation of peace, order and safety of residents.
2. The Department attempts to prevent crime and to detect and arrest offenders.
3. The Department investigates criminal incidents and is empowered to enforce laws and ordinances through arrest or prosecution of offenders.
4. The Chief of Police issues licenses and permits for firearms and makes recommendation to the Mayor on individuals to be appointed as constables and special police officers.
5. The Department provides technical and administrative support to the Traffic & Transportation Commission.

C. Animal Control - Authorities and responsibilities

1. The Animal Control Officer is appointed by the Mayor and works under the supervision of the Chief of Police.
2. The Animal Control Officer enforces laws and ordinances relative to the keeping, handling, management, and control and licensing of animals in the city.

Section 2.12.34 Public Facilities, Department of

Ordinance reference: MCC 2.12.090

A. Established

There shall be a Public Facilities Department under the supervision of a Director of Public Facilities.

B. Authorities and responsibilities

1. The Department of Public Facilities maintains and manages all buildings owned or occupied by the city and all real property associated with said buildings.
2. The Department provides accommodations for public meetings and conventions, allocates space in all public buildings to meet the needs of city agencies and departments, and may provide space for use by performing acts or civic, athletic, cultural and other organizations, in accordance with criteria established by the city council.

3. The Director records the condition of all buildings under the department's control, as well as repairs or alterations made to said buildings, and work performed on behalf of the department.
4. The Director enforces compliance with the conditions of contracts, specifications and rental agreements and annually submits to the Mayor an estimate of the cost of repairs required during the following fiscal year.
5. The Department provides technical and administrative support to the *Energy Efficiency Commission*.

Section 2.12.35 Public Health and Human Services, Department of

Ordinance reference: MCC 2.12.105

A. Established

There shall be a Department of Public Health and Human Services under the supervision of a Director of Public Health.

B. Authorities and responsibilities

1. The Department of Public Health and Human Services administers and enforces rules and regulations of the Board of Health, local ordinances, and state laws and regulations relating to public health.
2. The Department investigates and controls the causes of diseases affecting the public health and provides for the detection, reporting, prevention and control of any diseases or hazard which may affect the public health.
3. The Department establishes and maintains health programs for the promotion or protection of the public health and control of disease within the City.
4. The Department makes inspections and issues permits, licenses, and certificates and enforces rules and regulations under the State Sanitary Code, the State Environmental Code and the various state codes and City ordinances concerning food purity and quality, housing quality, trash disposal and dumpsters, and other areas of environmental quality.
5. The Department regulates the sale of commodities by weight or measure, inspects and tests weighing and measuring devices, the operation and use of electronic retail checkout systems, and the labeling of prepackaged commodities.
6. The Department provides technical and administrative support to the Board of Health.

Section 2.12.36 Public Works, Department of

Ordinance reference: MCC 2.12.100

A. Established

There shall be a Department of Public Works under the supervision of a Director of Public Works.

B. Authorities and responsibilities

1. The Department provides for the routine maintenance and repair of roads, sidewalks, and drainage facilities.

2. The Department sweeps roads and public parking lots and removes snow and ice from roads and sidewalks abutting city owned properties.
3. The Department manages solid waste programs including trash disposal, recycling and yard waste, and the placement and maintenance of city owned trash barrels.
4. The Department maintains open spaces and unimproved lands owned by the city, equips and maintains playgrounds and, in conjunction with the Parks and Recreation Commission, provides for the maintenance, preparation and improvement of all city parks.
5. The Department plants and maintains trees, and ornamental shrubs along roadways and active and passive recreation areas.

Section 2.12.37 Recreation Department

A. Established

There shall be a Recreation Department under the supervision of a Recreation Coordinator.

B. Authorities and responsibilities

1. The Recreation Coordinator develops and coordinates a comprehensive plan to make recreational activities, programs, events and facilities available to residents and may make grants and awards to private organizations for implementation of a recreational plan.
2. The Recreation Coordinator issues permits for the use of fields, parks, stadiums and other municipal recreational facilities, in accordance with rules and regulations established by the Parks and Recreation Commission.
3. The Recreation Coordinator provides technical and administrative support to the Parks and Recreation Commission.

Section 2.12.38 Teen Enrichment Center

A. Established

There shall be a Teen Enrichment Center under the supervision of a Teen Program Coordinator.

B. Authorities and responsibilities

1. The Teen Program Coordinator develops a comprehensive plan to provide teens with programs, activities, and events to assist them in making positive life choices and in preparing for future employment, higher education, citizenship and adult life.
2. The Teen Program Coordinator furnishes and equips a Teen Center and establishes rules and regulations for its use.

Section 2.12.39 Treasurer/Collector

Ordinance reference: MCC 2.12.190

A. Established

There shall be an Office of the Treasurer under the supervision of a Treasurer who also acts as the Collector of Taxes.

B. Authorities and responsibilities

1. The Office of the Treasurer collects and enforces the collection of all committed taxes and surcharges due to the city.
2. The Department receives all money belonging to the City and expends and accounts for it according to practices established by law or ordinance.
3. The Treasurer designates a Parking Clerk, who hears and decides all appeals to parking citations.
4. The Treasurer/Collector is the negotiating officer for all municipal borrowing and arranges the terms of the borrowing.
5. The Treasurer/Collector establishes and maintains an efficient cash management system reflecting the breakdown of all receipts, disbursements and cash balances.
6. The Treasurer/Collector invests funds to ensure maximum yield on investments while maintaining adequate availability of cash.
7. The Treasurer/Collector maintains all tax title accounts, prepares documents required to petition for foreclosure and conducts sale of foreclosed properties.
8. The Treasurer/Collector is responsible for the closing and reconciliation of all books and accounts in the Treasury/Collecting Department and for the preparation of related reports.
9. The Treasurer has all other authorities and responsibilities provided by law to municipal Treasurers and Collectors of Taxes.

2.16 Multiple-member bodies and advisory committees

2.16.01. Generally

This part of the Section 2 of the City Ordinances describes all multiple-member bodies whose members are appointed by the Mayor and further delineates manner and time of appointment, terms of appointment generally and authorities and responsibilities. The City's representatives to regional governmental boards and committees shall, unless the law establishing such a committee provides otherwise, be appointed by the Mayor.

2.16.02. List of Multiple-member bodies and advisory committees

1. This part of the Administrative Code lists and describes all current multiple-member bodies of the City. The Mayor or the City Council may propose ordinances to establish, amend or abolish multiple-member bodies of the City. Ordinances that establish multiple-member bodies shall specify the membership, term of office and authorities and responsibilities. Multiple-member bodies are considered to be City agencies as that term is defined in the Charter.

2. Advisory committees may be appointed by the Mayor from time to time for the purpose of assisting in carrying out Mayoral responsibilities. Advisory committees, however, shall have no official authority and shall not be considered a board, commission, committee or subcommittee of the City of Malden. Appointments to advisory committees are not subject to City Council approval or rejection.

2.16.03 Authority of multiple-member bodies

Multiple-member bodies may be:

1. Advisory, wherein the body has no legal authority to promulgate rules or regulations, decides individual cases or enacts policy;
2. Regulatory, wherein the body has legal authority to promulgate rules and regulations, set charges and fees, decide individual cases and enact policy;
3. Ministerial, wherein the body has legal authority to take actions which are essentially administrative in nature; or
4. Combinations of advisory, regulatory, and ministerial.

2.16.04. Method of appointment; removal; term of office

1. Section 5-3 of the City Charter establishes the method of appointment and removal of members of multi-member bodies.
2. All members of multiple-member bodies shall take the oath of office within four weeks of their appointment and must take the oath of office prior to entering upon the duties of their office. The City Clerk shall administer oaths of office.
3. Members of multiple-member bodies shall be deemed to have vacated office if said member fails to attend three consecutive regularly scheduled meetings without express leave from the chair of such multiple-member body or if such member is absent from such duties for the period of one year notwithstanding the permission from the chair to be absent.
4. Unless otherwise provided by law, the terms of office of multiple-member bodies are arranged so that 1/3 of the terms, or as nearly that number as may be possible, shall expire each year; vacancies are filled in the same manner of appointment for the remainder of the term; length of term is three years and appointments are effective the first day of March and expire the last day of February. Numbers of members for multiple-member bodies will vary.

5.

2.16.05 Public Process for Section of multiple-member boards; eligibility for service.

Whenever a vacancy occurs on a multiple-member body or a public application process is required for re-appointment, public notice shall be given indicating the title, the length of term, a brief description of duties and a general indication of the qualifications desired of candidates. Any resident of Malden, except an elected official, is eligible to be appointed to a multiple-member body. The residency requirement may be waived by the Mayor. Only where expressly authorized by the Charter, these Ordinances, or General Law may an officer or employee be appointed to serve on a multiple-member body. This limitation shall not apply to advisory committees, as further defined in *Section 2.16.02* of this section.

2.16.06. Annual reports

All multiple-member bodies shall prepare an annual report of their activities during the preceding fiscal year and submit it to the Mayor and the City Clerk on or before the fourth Friday in September. Where required by state, regional and federal regulations, certain boards may be required to submit copies of their annual reports to appropriate state, regional and federal agencies.

2.16.07. Multiple-member body internal organization; rules and regulations; setting charges and fees.

1. In order to acquaint new members of multiple-member bodies with the affairs which will come before them, the chair shall make available to each new member the minutes of the meetings of the two previous years and copies of any applicable laws, ordinances, rules, or regulations governing such multiple-member body.
2. Each multiple-member body shall, at a minimum, annually elect from its membership a chair, vice chair and clerk, and such other officer or officers as are deemed necessary or as are required by statute. The annual election shall occur in March of each year.
3. Each multiple-member body shall use Robert's Rules of Order and shall provide for the keeping of minutes. Such minutes shall be available for public inspection. The chair presides over all meetings of the multiple-member body and is the official representative of the multiple-member body in all proceedings before the City Council and other officials of the City. The vice chair performs the chair's functions in the absence of the chair.
4. The clerk of each multiple-member body is responsible for the certification of the multiple-member body's meeting minutes, observance of the Open Meeting Law, and maintenance of the journal of proceedings of the multiple-member body. If requested by any member, any vote shall be taken by a call of the roll and the vote shall be recorded in the journal provided. However, if the vote is unanimous, only that fact need be recorded.
5. A majority of a multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time.
6. The Chairman of a multiple-member body with associate members may designate one or more associate members to act in the case of absence, inability to act, or conflict of interest, on the part of any member or in the event of a vacancy on the board.

7. Regulatory multiple-member bodies shall make rules and regulations and adopt administrative processes for the proper function of activities under their care and control. Regulatory multiple-member bodies may set such charges and fees for services and the use of facilities as deemed appropriate.

9. All aspects of financial management for all multiple-member bodies shall be prescribed by the Controller of Accounts.

2.16.08 Time and place of meetings

Public hearings conducted by multiple-member bodies shall not be scheduled to begin prior to 6 p.m. The clerk of each multiple-member body is responsible for notifying the City Clerk of the date, time and location of scheduled multiple-member body meetings in compliance with the Open Meeting Law. The City Clerk shall ensure posting of all meeting schedules, consistent with the Open Meeting Law.

2.16.09. Authority to establish subcommittees

Each multiple-member body may, by a majority vote of its membership, establish subcommittees of the multiple-member body for the purpose of addressing a particular issue or issues. A report of their activities shall regularly be made to the full multiple-member body. Each subcommittee so established shall observe laws relevant to the keeping of public records, the Open Meeting Law, and any other applicable law, charter or administrative order.

2.16.10. Multiple-member body meetings with City Council

The chair of each multiple-member body may annually, or as necessary, upon election, meet with the chair of the respective City Council committee with which the multiple-member body has a relationship for the purpose of defining appropriate interaction and communication during the ensuing fiscal year. The meeting should establish the following: frequency and method of communications, official(s) or employee(s) responsible for communications, and multiple-member body and City Council committee roles in the development of ordinances.

2.16.11. Clerical and other assistants

A multiple-member body may, subject to appropriation, employ such clerical and other assistants as it may, from time to time, require. The positions of persons so employed shall be classified and their rates of compensation shall be fixed in accordance with the provisions of the salary administration plan. They shall be subject to the supervision of the multiple-member body and shall perform such duties as it may prescribe.

2.16.20 Aging, Council on

State law reference: MGL c. 40, § 8B.

Ordinance reference: MCC 2.16.070

A. Established

There shall be a Council on Aging consisting of seven members. The Director of the Malden Housing Authority, the Director of Public Health, and the Chief of Police shall serve ex officio. Two members shall be appointed to serve for a term of three years. One appointed member shall be a representative of an elder service agency which provides services to local seniors. Three appointed members shall be over the age of 60.

B. Duties and responsibilities

The Council on Aging assists the Director of Human Services and Community Outreach in assessing the needs, problems and concerns of residents age 60 and over, and advises the Director of Human Services and Community Outreach on implementation of programs designed to meet those needs. The Council, in consultation with the Director of Human Services and Community Outreach, develops criteria for program and supportive service development based upon an assessment of needs and participates in programs offered by the commonwealth's Executive Office of Elder Affairs. The Council has all of the other powers, duties and responsibilities that are given to councils on aging by the General Laws.

C. Authority

The Council on Aging is an advisory multiple-member body of the City.

2.16.21 Appeals, Board of

State law reference: MGL c. 40A, s. 8; c. 41, s. 81Z.

Ordinance reference: Chapter 12, Section 800. 4 MCC 12.32.040

A. Established

There shall be a Board of Appeals consisting of five members and up to two associate members. The Director of Assessors shall serve ex officio and shall be Chairman of the Board of Appeals. The Fire Commissioner shall designate the Fire Chief or a Deputy Fire Chief to serve ex officio. Three members shall be appointed to serve for a term of three years. One appointed member shall be a builder or architect and one appointed member shall be an attorney.

B. Duties and responsibilities

The Board of Appeals hears and decides individual cases brought by persons seeking relief from the requirements of the Zoning Ordinance, as provided for by General Laws and by the City Zoning Ordinance. Specifically, the Board hears and decides applications for variances from the Zoning Ordinance requirements. It also hears and decides appeals relating to actions or refusals to act by the zoning enforcement officer. The Board has all of the other powers, duties and responsibilities that are given to zoning boards of appeal by the General Laws.

C. Authority

The Board of Appeals is a regulatory multiple-member body of the City.

Section 2.16.22 Assessors, Board of

State law reference: MGL c. 41, § 24.

Ordinance reference: MCC 2.16.010

A. Established

There shall be a Board of Assessors consisting of three members, one of whom shall be the Director of Assessing who shall serve ex officio. Two members shall be appointed to serve for a term of three years.

B. Duties and responsibilities

The Board of Assessors annually makes fair cash valuation of all estates, both real and personal, subject to taxation within the City. The Board calculates and submits to the City Council for its approval the annual tax rate information necessary to meet all sums voted by the City. The Board hears and decides all questions relating to the abatement of taxes levied by it. The Board has all of the other powers, duties and responsibilities that are given to boards of assessors by the General Laws.

C. Authority

The Board of Assessors is an advisory and regulatory multiple-member body of the City.

Section 2.16.23 Cannabis Licensing & Enforcement Commission

State law reference: MGL c. 94G, s. 3.

Ordinance reference: MCC 2.16.030

A. Established There shall be a Cannabis Licensing & Enforcement Commission consisting of five members. The Police Chief, the Building Commissioner and a staff member with financial expertise, designated by the Mayor, shall serve ex officio. Two members shall be appointed to serve for a term of three years. Appointed members shall not be employed by, own or otherwise benefit directly or indirectly from the growing, distribution or sale of marijuana, shall have been residents of the City for at least two years immediately preceding their appointment, and shall not have been convicted or pled guilty, nolo contendere, admitted to sufficient facts or obtained a continued without a finding disposition as to any felony or misdemeanor charge. If any appointed member of said Commission becomes engaged directly or indirectly, with the sale of marijuana or ownership in a marijuana establishment, if an appointed member no longer resides in Malden or becomes engaged, directly or indirectly, with the growing, sale or distribution of marijuana an immediate vacancy shall occur

B. Duties and responsibilities

The Cannabis Licensing & Enforcement Commission acts as the licensing board for the City with all power to issue, renew, rescind, revoke, or suspend the license for marijuana establishments and enforce the provisions, conditions and restrictions on said licenses.

C. Authority

The Cannabis Licensing & Enforcement Commission is a regulatory multiple-member body of the City.

Section 2.16.24 Cemetery Trustees, Board of

State law reference: MGL c. 114, § 10.

Ordinance reference: MCC 2.16.040

A. Established

There shall be a Board of Cemetery Trustees consisting of five members appointed to serve for a term of five years.

B. Duties and responsibilities

The Cemetery Trustees establish rules, regulations and fees for internment in city owned cemeteries, and may convey the sole and exclusive right of burial in any lot and for erecting tombs and other monuments on lots so conveyed. The Cemetery Trustees shall have the control of appropriations and all receipts other than the proceeds of the sales of rights of burial and shall manage and invest funds received for the sale of lots and for the care thereof, and may expend the income from such fund for improvements to city cemeteries. The Trustees hear and decide appeals to disciplinary action taken by the Superintendent of Cemeteries against employees of the Cemetery Department. The Cemetery Trustees have all of the other powers, duties and responsibilities that are given to cemetery commissioners by the General Laws.

C. Authority

The Board of Cemetery Trustees is a regulatory multiple-member body of the City.

Section 2.16.25 Community Preservation Committee

State law reference: MGL c. 44B, s. 5

Ordinance reference: MCC 2.16.050

A. Established

There shall be a Community Preservation Committee consisting of 9 members. The Conservation Commission, the Historical Commission, the Planning Board, the Housing Authority and **the Parks and Recreation Commission** shall each designate one member to serve from among their respective members. Five members shall be appointed to serve for a term of two years. Appointed members shall be appointed in a manner that assures geographic dispersion among the city's neighborhoods.

B. Duties and responsibilities

The Community Preservation Committee studies community needs and establishes priorities for preservation of open space, historic resources and affordable housing, assesses project proposals and makes annual recommendations to the City Council for allocation of Community Preservation Funds. The Committee has all of the other powers, duties and responsibilities that are given to community preservation committees by the General Laws.

C. Authority

The Community Preservation Committee is an advisory and regulatory multiple-member body of the City.

Section 2.16.26 Conservation Commission

State law reference: MGL c. 40, s. 8C.



A. Established

There shall be a Conservation Commission consisting of five members, appointed to serve for a term of three years.

B. Duties and responsibilities

The Conservation Commission protects, promotes and enhances the quality of the natural resources within the City, especially wetlands and water resources. The Conservation Commission is responsible for the preservation and protection of floodplains, water bodies and other wetlands within the City. The Commission is responsible for the stewardship of the City's conservation lands. The Commission has all of the other powers, duties and responsibilities that are given to conservation commissions by the General Laws.

C. Authority

The Conservation Commission is an advisory and regulatory multiple-member body of the City.

Section 2.16.27 Cultural Council

State law reference: MGL c. 10, s. 5

Ordinance reference: MCC 2.16.080

A. Established

There shall be a Cultural Council consisting of eleven members, appointed to serve for three years from the date of appointment. No member shall serve more than two consecutive terms, and no member, having served two consecutive terms shall be eligible for appointment to the vacancy next arising on the Council, but may be appointed to serve an unlimited number of non-consecutive terms.

B. Duties and responsibilities

The Malden Cultural Council supports local artists and promotes art appreciation among the residents through grant programs designed to showcase the widest possible range of fine and performing art programs, exhibits and community cultural events.

C. Authority

The Cultural Council is a regulatory multiple-member body of the City.

Section 2.16.28 Disability Commission

State law reference: MGL c. 40, s. 8J



A. Established

There shall be a Disability Commission consisting of five members, appointed to serve for a term of three years. The majority of appointees shall be people with disabilities. One member shall be a member of the immediate family of a person with a disability, and one member shall be an elected or appointed city official.

B. Duties and responsibilities

The Commission researches local problems of people with disabilities, advises and assists municipal officials and employees in ensuring compliance with state and federal laws relative to disability rights; carries out programs in coordination the Massachusetts office on disability; reviews and makes recommendations about policies, procedures, services, activities and facilities of city departments, boards and agencies as they affect people with disabilities; provides information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; coordinate activities of other local groups organized for similar purposes.

C. Authority

The Commission is an advisory and ministerial multiple-member body of the City.

Section 2.16.29 Emergency Management Board

State law reference: Chapter 639 of the Acts of 1950, as amended by Chapter 579 of the Acts of 1968

Ordinance reference: MCC 2.16.090

A. Established

There shall be an Emergency Management Board, consisting of the Director of Public Works, the Director of Public Health, the Police Chief or his designee, the Fire Chief or his designee, and the Superintendent of Schools or his designee, one of whom shall be designated by the Mayor as the Director of Emergency Management. The Mayor shall also designate, but not from among the members of the board, an Emergency Communications Coordinator.

B. Duties and Responsibilities

1. The Emergency Management Board adopts plans and policies to minimize and repair injury or damage resulting from hostile actions or natural disasters, including provisions for training of personnel to provide emergency response services, including but not limited to fire, police, medical, health, rescue, engineering, evacuation, and emergency welfare services.

2. The Director of Emergency Management is directly responsible for the implementation all plans for emergency management or civil defense within the city and may act outside the city as required by law.

3. The Emergency Communications Coordinator is clerk to the Emergency Management Board, assists the board in developing a plan for communications among emergency personnel and between emergency personnel and residents, and provides for implementation of the emergency communication plan.

C. Authority

The Emergency Management Board is a regulatory multiple member body of the City.

Section 2.16.30 Energy Efficiency and Sustainability, Commission on

Ordinance reference: MCC 2.16.060

A. Established

There shall be a Commission on Energy Efficiency and Sustainability consisting of five members and two associate members. The Director of Public Facilities and a City Councilor designated by the Council President shall serve ex officio.

B. Duties and responsibilities

The Commission on Energy Efficiency works to reduce the environmental impact of municipal facilities and operations by recommending energy efficient modifications and improvements to proposed and existing facilities, encouraging the preservation of clean air and promoting public awareness of sustainability options. Subject to the approval of the Mayor and City Council, the Commission establishes sustainability policies for all city departments and monitors adherence to policies. The Commission develops and presents an annual sustainability plan for approval by the Mayor and City Council and works to implement the plan.

C. Authority

The Commission on Energy Efficiency is an advisory multiple member body of the City.

Section 2.16.31 Health, Board of

State law reference: MGL c. 111, § 26.

Ordinance reference: MCC 2.16.020

A. Established

There shall be a Board of Health consisting of three members, appointed to serve for a term of three years. One member shall be a physician.


B. Duties and responsibilities

The Board of Health preserves and maintains the City's public health standards and protects its environmental resources through community education and by promulgating reasonable rules and regulations pertaining to those matters placed under its jurisdiction by law or ordinance. The Board establishes policies and programs for implementation by the Public Health Department and hears and decides appeals to orders of its agents to correct violations of standards established by state codes or its own rules and regulations. The Board has all of the other powers, duties and responsibilities that are given to boards of health by the General Laws.

C. Authority

The Board of Health is an advisory and regulatory multiple-member body of the City.

Section 2.16.32 Historical Commission

State law reference: MGL c. 40, § 8D. 

A. Established

There shall be a Historical Commission consisting of five members, appointed to serve for a term of three years.

B. Duties and responsibilities

The Historical Commission preserves, protects, and develops the historical and archaeological assets of the City. The Commission may conduct research for places of historic and archaeological value. The Commission may, subject to appropriation and approval by the Mayor, advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. The Commission, for the purpose of protecting and preserving such places, may make such recommendations as it deems necessary to the Mayor and to the Massachusetts Historical Commission that any such place be certified as a historical or archaeological landmark. The Commission surveys and compiles a listing of all historical sites and buildings within the City, both public and private, and determines the requirements for repair, reconstruction, and protection of historical landmarks. The Commission assists and cooperates with public commissions in the conduct of public historical events. The Commission has all of the other powers, duties and responsibilities that are given to historical commissions by the General Laws.

C. Authority

The Historical Commission is an advisory and regulatory multiple-member body of the City.

Section 2.16.33 Human Rights Commission and Fair Housing Commission

[Ordinance reference: MCC 2.16.100](#)

A. Established

There shall be a Human Rights Commission and Fair Housing Commission consisting of 9 members. The ADA Compliance Officer and the Chairman of the Disability Commission shall serve ex officio. Seven

members shall be appointed to serve a term of one year. Appointed members shall include a representative of the Malden Housing Authority, a resident realtor whose office is Malden based, a representative of the Chamber of Commerce, a representative of a Malden disability advocacy organization, a representative of a Malden based organization providing services to elders and a resident. Commissioners shall, as far as it is practicable, be selected so as to ensure representation from those classes protected under state and federal law, including but not limited to race, color, religious creed, national origin, sex, age, disability, veteran status, ancestry, sexual orientation, or public benefit status.

B. Duties and responsibilities

The Human Rights Commission has the authority to initiate and conduct hearings and investigations into the existence of unlawful discrimination or denial of equal access to housing, employment, education, public accommodations, services and facilities affecting any group or individual on the basis of his or her race, color, religious creed, national origin, sex, age, disability, veteran status, ancestry, sexual orientation, or public benefit status. It may attempt to resolve disputes through the use of mediation and may report to the Mayor on any matters that cannot be resolved through mediation. The Commission does not hear complaints alleging discrimination on the part of any City agency or official.

C. Authority

The Human Rights Commission is a ministerial and advisory multiple-member body of the City.

Section 2.16.34 Insurance Committee

A. Established There shall be an Insurance Committee consisting of the Controller of Accounts,, the Director of Public Facilities, and the City Solicitor.

B. Duties and responsibilities

The Insurance Committee shall prepare specifications, award contracts, and manage and supervise the administration of insurance on all city property.

C. Authority

The Insurance Committee is a regulatory multiple-member body of the City.

Section 2.16.35 Liquor Licensing Commission

State law reference: MGL c. 138, § 4.

A. Established There shall be a Liquor Licensing Commission consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the City for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said Commission engages directly or indirectly in such manufacture or sale, his or her office shall immediately become vacant. Members shall serve for six-year terms.

B. Duties and responsibilities

The Liquor Licensing Commission acts as the licensing board for the City with all power to grant, suspend, or revoke licenses and permits for intoxicating liquors. The Commission has all of the other powers, duties and responsibilities that are given to liquor licensing commissions by the General Laws.

C. Authority

The Liquor Licensing Commission is a regulatory multiple-member body of the City.

Section 2.16.36 Municipal Building Committee

Ordinance reference: MCC 2.16.110

A. Established

There shall be a Municipal Building Committee established whenever the city constructs a new building or addition involving the expenditure of more than \$10,000.00. Every Municipal Building Committee shall consist of the Mayor or his designee, the Director of Public Facilities, the department director or his designee of the department to occupy the building, the City Council President or his designee, a Mayoral appointee, and two City Councillors designated by the Council President, one of whom represents the ward in which the building is located.

B. Duties and responsibilities

A municipal building committee shall supervise all aspects of design, construction and initially furnishing and equipping the building or project for which it was created.

C. Authority

A Municipal Building Committee is regulatory and ministerial multiple-member body of the City.

Section 2.16.37 Parks & Recreation Commission

A. Established

There shall be a Parks & Recreation Commission consisting of 5 members, appointed to serve for a term of three years.

B. Duties and responsibilities

1. The Parks & Recreation Commission manages all city parks, stadiums, playing fields and playgrounds, and determines the design and location of playing fields, athletic courts and playground equipment provided for use by residents.
2. The Parks & Recreation Commission establishes fees for permits for use of its fields and promulgates regulations for the use of fields, parks, stadiums and other recreational facilities under its control.
3. The Commission coordinates with the Department of Public Works to provide for the maintenance of parks and playgrounds, the preparation of fields for scheduled activities and equipping of playgrounds.
4. The Commission advises the Recreation Coordinator on development of a comprehensive plan to make recreational activities, programs, events and facilities available to residents.

C. Authority

The Parks & Recreation Commission is a regulatory and advisory multiple-member body of the City.

Section 2.16.38 Planning Board

State law reference: MGL c. 41, § 81A.

A. Established

There shall be a Planning Board consisting of nine members appointed to serve for a term of five years.

B. Duties and responsibilities

The Planning Board coordinates the development of the City's policies, goals and objectives for the physical, environmental, economic and social growth and development of the community. The Board provides advice for the incorporation of policies, goals and objectives into a Comprehensive Plan and reviews planning and development proposals for conformance with that plan. The Planning Board continuously develops and revises the Comprehensive Plan for the physical, environmental and social needs of the City, and its constituent functional plans for housing, transportation, parks and open space, historic preservation, and geographic plans for the City's neighborhoods and retail business wards. It reviews and approves subdivision plans for the City and decides applications for special permits under the Zoning Ordinance. The Board has all of the other powers, duties and responsibilities that are given to planning boards by the General Laws.

C. Authority

The Planning Board is an advisory and regulatory multiple-member body of the City.

Section 2.16.39 Public Works Commission

Ordinance reference: MCC 2.16.120

A. Established

There shall be a Public Works Commission consisting of three members, appointed to serve for a term of three years.

B. Duties and responsibilities

The Public Works Commission establishes water and sewer rates and hears and decides all applications for abatement of water and sewer charges. The Commission promulgates rules and regulations for the planting and care of public shade trees by the city and adjacent property owners, develops a Community Forestry Program to provide for the care, preservation, pruning, planting, replanting, removal or disposition of public shade trees, and maintains public ways and sidewalks. The Commission may accept or discontinue use of public ways and may assess betterments on abutters to improvements to any public or private way.

C. Authority

The Public Works Commission is a regulatory multiple-member body of the City.

Section 2.16.40 Registrars of Voters, Board of

State law reference: MGL c. 51, s. 15 and 25

A. Established

There shall be a Board of Registrars of Voters consisting of four members, one of whom shall be the City Clerk, with the City Clerk also having the title of Clerk of the Board of Registrars. As nearly as possible the members of the Board shall represent the two leading political parties, provided that the City Clerk need not be enrolled in a political party and provided, further, that in no case shall an appointment be made so as to cause the Board to have more than two members, including the City Clerk, of the same political party.

B. Duties and responsibilities

The Board of Registrars of Voters shall hold voter registration sessions, certify the signatures on nomination papers and petitions hold hearings and decide disputes over signatures on nomination papers, and prepare an annual list of persons 17 and older. The Board has all of the other powers, duties and responsibilities that are given to boards of registrars of voters by the General Laws.

C. Authority

The Board of Registrars of Voters is a regulatory multiple-member body of the City.

Section 2.16.41 Scholarship Committee

State law reference: MGL c. 60 s. 3c

A. Established

There shall be a Scholarship Committee consisting of nine members. The Superintendent of Schools and the Council President or his designee shall serve ex officio. Seven members shall be appointed to serve for a term of three years.

B. Duties and responsibilities

The Scholarship Committee shall, through tax and water bills or otherwise, solicit donations to the city scholarship fund. The Committee shall establish application criteria, review applications and grant scholarships to Malden residents who are pursuing higher education.

C. Authority

The Scholarship Committee is a regulatory multiple-member body of the City.

Section 2.16.42 Sign Design Review Committee

1. The Sign Design Review Committee shall be composed of five members as follows:
 1. the Director of Strategic Planning and Community Development or their designee;
 2. the City Engineer or their designee;
 3. the Director of Permits, Inspections and Planning Services or their designee;
 4. the President of the City Council or their designee, and one Councilor At Large designated by the Council President.
2. The Sign Design Review Committee shall be responsible for the implementation and administration of the Sign Control Ordinance and shall adopt rules and regulations to effectuate its intent, including but not limited to application requirements, detailed design guidelines, and administrative fees.

Section 2.16.43 Site Plan Review Committee – RIO and RIO-B

Ordinance reference: MCC 12.12.140

A. Established

There shall be a Site Plan Review Committee for RIO and RIO-B developments consisting of 7 members as follows: the Mayor or Mayor's designee, the President of the City Council or designee, the Ward Councillor representing Malden Center or designee, the Executive Director or designee of the Malden Redevelopment Authority, the Chairman of the Planning Board or designee, the Planning Director or the City Planner and the Chairman of the Traffic Commission or his designee.

B. Duties and responsibilities

The Site Plan Review Committee regulates uses in the RIO and RIO-B Overlay districts by imposing reasonable conditions on the location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety and similar site plan related issues.

C. Authority

The Site Plan Review Committee is a regulatory multiple-member body of the City.

Section 2.16.44 Site Plan Review Committee – Rowe's Quarry

Ordinance Reference: MCC 12.28.140

A. Established

There shall be a Site Plan Review Committee for the Rowe's Quarry Reclamation and Redevelopment District consisting of 7 members as follows: the Mayor or his designee, the Ward City Councillor or his designee, the Planning Board Chairman or his designee, the City Engineer or his designee, the City Planner, the Director of the Malden Redevelopment Authority, a Councillor At Large designated by the Council President.

B. Duties and responsibilities

The Site Plan Review Committee regulates uses in the Rowe's Quarry Reclamation and Redevelopment District Overlay by imposing reasonable conditions on the location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety and similar site plan related issues.

C. Authority

The Site Plan Review Committee is an administrative and regulatory multiple-member body of the City.

Section 2.16.45 Traffic and Transportation Commission

A. Established

There shall be a Traffic Commission consisting of five members as follows: the City Engineer or his representative, the Parking Director, a Councillor At Large designated annually by the City Council

President, the Chief of Police or his representative, and a resident appointed by the Mayor to serve for a term of three years.

B. Duties and responsibilities

The Commission establishes rules and regulations for the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, municipal public parking places, ways, highways, roads and parkways, under the control of the city. The Commission erects and maintains traffic signs, signals, markings and other devices for the control of traffic in the city and for informing drivers of rules, regulations and prohibitions. The Commission prescribes penalties for the violations.

C. Authority

The Traffic Commission is a regulatory multiple-member body of the City.

Section 2.16.60 Multiple-member bodies incorporated for reference

The following multiple-member bodies are incorporated herein for reference. They are created by a special act of the Legislature or cannot be modified by ordinance or administrative orders:

- A.** Pine Banks Park Corporation, established pursuant to the provisions of Chapter 393 of the Acts of 1905, Chapter 162 of the Acts of 1906 and Chapter 450 of the Acts of 1922;
- B.** Malden Housing Authority, established pursuant to Massachusetts General Laws Chapter 121B, Sections 3 & 5;
- C.** Malden Public Library established pursuant to the provisions of Chapter 146 of the Acts of 1885 and Chapter 89 of the Acts of 1989;
- D.** Malden Redevelopment Authority, established pursuant to Massachusetts General Laws Chapter 121B, Sections 4 & 5;
- E.** Mystic Valley Development Commission established pursuant to Chapter 294 of the Acts of 1996;
- F.** Retirement Board established pursuant to Massachusetts General Laws, Chapter 32, and Section 20.