HOUSE DOCKET, NO. 4487 FILED ON: 7/18/2012

HOUSE . . . . . No. 4311

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher G. Fallon

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Relative to Administrative Reorganization of the City of Malden.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Christopher G. Fallon	*33rd Middlesex*
Katherine M. Clark	*Middlesex and Essex*
Paul Brodeur	*32nd Middlesex*
Paul J. Donato	*35th Middlesex*

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By Mr. Fallon of Malden, a petition (accompanied by bill, House, No. 4311) of Christopher G. Fallon and others (with the approval of the mayor and city council) relative to reorganizing certain administrative functions in the city of Malden. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act Relative to Administrative Reorganization of the City of Malden.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 456 of the acts of 1946, as most recently amended by chapter 254 of the Acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- There is hereby established in the city of Malden a commission to be known as the Malden stadium and athletic field commission, which shall consist of the mayor, the superintendent of schools, the principal of the high school, the faculty manager of athletics, the chairman of the public works commission, the director of public works, and 5 persons to be appointed by the mayor.

SECTION 2. Chapter 384 of the acts of 1954 is hereby further amended by striking out sections 2 to 4, inclusive, as most recently amended by section 4 of chapter 425 of the acts of 2000, and inserting in place thereof the following 3 sections:-

Section 2. All the powers, duties, facilities, properties and appropriations now or from time to time vested by law or ordinances of the city in the park commission, board of survey and

13 the city forester shall vest in and be exercised and performed by the public works commission.
14 So much of the powers, duties, facilities, properties and appropriations as relate to streets and
15 sidewalks now or from time to time vested by law or ordinances of the city in street and water
16 commission shall vest in and be exercised and performed by the public works commission;
17 provided, however, that the compensation of all employees of the public works department shall
18 be fixed by ordinance. The commission shall have the powers of the city council under and
19 subject to the provisions of section 14 of chapter 40 of the General Laws to purchase or take by
20 eminent domain under chapter 79 of the General Laws any land, easement or right therein for the
21 purpose of caring out any of its powers or duties. The commission shall set water and sewer rates
22 and make determinations on applications for abatement of water and sewer bills. Upon the
23 appointment and qualification of the public works commission as aforesaid, the street and water
24 commission, the park commission, the board of survey and the office of the city forester shall
25 thereupon be abolished.

26 Section 3. The mayor, with the approval of the city council, shall, during the month of
27 June 2012, and every 3 years thereafter, appoint a director of public works whose term of office
28 shall be 3 years from the first day of July next succeeding, or until a successor is appointed and
29 qualified. The director shall provide for internal organization of the public works department
30 and, subject to funding, shall appoint supervisors, who shall assume such duties and
31 responsibilities as assigned by the director. The salaries of the director and supervisors shall be
32 fixed by ordinance. The director and supervisors may be removed for cause in the same manner
33 in which they were appointed. Nothing in this section shall affect any right or privilege accrued
34 by the director or supervisors in a position held as of the effective date of this act.

35 Section 4. The mayor, with the approval of the city council, shall, during the month of
36 February 2014 and every 3 years thereafter, appoint a city engineer, whose term of office shall be
37 3 years from the first day of March next succeeding, or until the city engineer's successor is
38 appointed and qualified. The city engineer shall be the head of the engineering department and
39 shall assume such powers and duties as are vested in the city engineer by law or ordinance.

40 SECTION 3. Chapter 776 of the acts of 1970 is hereby repealed.

41 SECTION 4. Section 10 of chapter 425 of the acts of 2000 is hereby repealed.

42 SECTION 5. Section 1 of chapter 32 of the acts of 2006 is hereby amended by striking
43 out, in lines 6 to 8, inclusive, the following words ", nor to property held by the Malden
44 government center commission under chapter 776 of the acts of 1970,".

45 SECTION 6. Said section 1 of said chapter 32 is hereby further amended by striking out
46 the second sentence and inserting in place thereof the following sentence:- The mayor, with the
47 approval of the city council, shall in December of 2015 and every 3 years thereafter, appoint a
48 director of public facilities whose term of office shall be 3 years from the first day of January in
49 the calendar year after the appointment or until a successor is appointed and qualified.

50 SECTION 7. Chapter 420 of the acts of 2008 is hereby repealed.

51 SECTION 8. All duties, obligations, facilities, properties and appropriations now or from
52 time to time vested by law or ordinance in the government center commission shall vest in and
53 be exercised or performed by the director of public facilities, established by chapter 32 of the
54 acts of 2006.

55 SECTION 9. The current director of public facilities of the city of Malden shall hold
56 office until December 31, 2015, unless sooner removed for cause.

57 SECTION 10. All persons now employed by the government center commission of the
58 city of Malden shall, upon the effective date of this act, be transferred to the department of public
59 facilities. All such transfers shall be made without loss of pay and without change of rating,
60 seniority, retirement or pension rights, or any other privileges accrued as of the date of transfer
61 under any provision of law or ordinance.

62 SECTION 11. The city of Malden shall, by ordinance, adopt provisions for the repair,
63 maintenance or extension of the city's water, sewer and drainage facilities. All powers, duties,
64 facilities and appropriations now or from time to time made for repair, maintenance or extension
65 of the city's water, sewer and drainage systems shall vest in and be exercised by the officer or
66 officers charged by said ordinance with the repair, maintenance and extension of water, sewer
67 and drainage facilities.

68 SECTION 12. All persons now employed by the city engineer's water division of the city
69 of Malden shall, upon the effective date of this act, be transferred to the department or officer
70 charged with repair, maintenance or extension of the city's water, sewer and drainage facilities.
71 All such transfers shall be made without loss of pay and without change of rating, seniority,
72 retirement or pension rights, or any other privileges accrued as of the date of transfer under any
73 provision of law or ordinance.

74 SECTION 13. This act shall take effect upon its passage.