

Chapter 15

LAW DEPARTMENT

Sec. 15-1. City Solicitor—Qualifications; legal advisor of city; additional counsel.

There is hereby established a law department which shall be under the charge of the city solicitor who shall be an attorney and counselor at law of the courts of the commonwealth. He shall act as the legal advisor and solicitor of the city except in special cases in which the mayor may authorize or require him to secure the advice or services of additional counsel. (Rev. Ords. 1973, § 2-68)

Sec. 15-2. Same—Duties generally.

(a) It shall be the duty of the city solicitor to examine or cause to be examined all titles to property and to draft all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments of whatever nature, which may be required by any ordinance or order of the board of aldermen or by any board or officer to which the city or its agents may be a party, and which by law, usage or agreement the city is to be at the expense of drawing.

(b) All orders for the laying out, discontinuance, change or improvement of streets or ways, for the taking of lands for any municipal purpose whatsoever, for the assessment of betterments and all other forms of assessment shall be drawn by him or under his direction or approval.

(c) It shall be the duty of the city solicitor to commence and prosecute all actions and other legal proceedings and suits begun by the city, and to defend all actions and suits brought against the city in any court or other tribunal of the commonwealth, or of the United States; to appear as counsel in any other action, suit or prosecution which may involve the rights and interests of the city; and to defend any of the officers of the city in suits and prosecutions against them for any official action or for the performance of any official duty when any right, privilege, ordinance, act or direction of the board of aldermen may be brought in question.

(d) He shall also appear as counsel before the legislature of the commonwealth, or any committee thereof, whenever the interest and welfare of the city may be directly or incidentally affected.

(e) He shall, when requested, furnish the mayor, the board of aldermen or any member thereof, any committee of the city government or any board or officer of the city who may need the same in the discharge of official duty, his legal opinion upon any subject touching the duties of their respective offices; but whenever the opinion is required to be in writing, the question submitted for his consideration shall also be stated in writing.

(f) It shall be his duty to attend all meetings of committees of the board of aldermen when requested by any chairman of a committee, and may attend in person or send an assistant. (Rev. Ords. 1973, § 2-69)

Sec. 15-3. Same—Duties in connection with accidents.

The city solicitor shall investigate the facts in relation to accidents reported to him; shall keep a record of the same, together with the names and addresses of the witnesses; and may incur any reasonable expense therefor, and in providing for the conduct and defense of all legal proceedings by and against the city. (Rev. Ords. 1973, § 2-70)

Sec. 15-4. Same—Compensation.

The city solicitor shall receive in full for all his services such compensation as the board of aldermen may determine. (Rev. Ords. 1973, § 2-71)

Sec. 15-5. Settlement of claims.*(a) G.L. Chapter 258 claims.*

In accordance with Section 5 of Chapter 258 of the General Laws: (1) the mayor may settle any and all claims for damages under Chapter 258; and (2) for any claim in excess of \$2,500.00, the settlement may be made only with the approval of the city solicitor. For any claim of \$5,000.00 or less, the mayor may delegate to the city solicitor the right and duty to make a settlement therefor.

(b) Other claims.

Any claim for damages not covered by subsection (a) above:

- (1) may be settled by the city solicitor without the approval of the mayor if it does not exceed \$1,000.00 and without the approval of the board of aldermen if it does not exceed \$5,000.00, or
- (2) may be settled by the city solicitor subject to the approval of the mayor if it exceeds \$1,000.00 and subject to the approval of the board of aldermen if it exceeds \$5,000.00.

(c) Payment of claims.

With the exception of claims for employee benefits and claims for real and personal property tax appeals, payment of claims settled pursuant to subsections (a) and (b) above shall be made from the law department's "judgments and settlements" account. Unless determined otherwise by the mayor and the board of aldermen, payment of claims shall be funded as follows:

- (1) claims of \$5,000 or less shall be paid from the law department's "judgments and settlements" account as budgeted in the annual budget including any supplemental appropriations made thereto;
- (2) for payment of claims in excess of \$5,000 but less than \$50,000, funds shall be transferred from an account designated by the mayor and approved by the board of aldermen into the "judgments and settlements" account and
- (3) for payment of claims of \$50,000 or more, funds shall be transferred from the "liability insurance fund" into the "judgments and settlements" account.

No payment shall be made from the "liability insurance fund" without the authorization of the mayor and the board of aldermen.

(d) Semi-annual report.

The city solicitor shall present to the board of aldermen a semi-annual report of all settled claims for damages that do not require board of aldermen approval pursuant to this section. (Rev. Ords. 1973, § 2-72; Ord. No. S-94, 6-18-85; Ord. No. T-113, 11-15-90; Ord. No. X-74, 02-17-04)

Sec. 15-6. Warrants for payment of recording fees.

The comptroller of accounts, upon request of the city solicitor, may issue his warrant for the payment by the collector-treasurer to the Middlesex South District Registry of Deeds of an amount not exceeding three hundred dollars (\$300.00) at any one time as an advance deposit for the payment of recording fees and return postage for documents recorded on behalf of the city with such registry or with the land court. The city solicitor shall keep

accurate accounts of all payments made from such deposit, and upon the first day of each month or upon request shall render to the comptroller of accounts a transcript thereof with proper vouchers attached. No additional advance shall be made unless all money previously advanced shall have been properly accounted for. (Rev. Ords. 1973, § 2-73)