



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

June 6, 1978

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

I am in receipt of your request for an opinion concerning the scope and effect of a "Charter Right," as that term is used in Rule 19 of the Rules of the City Council.

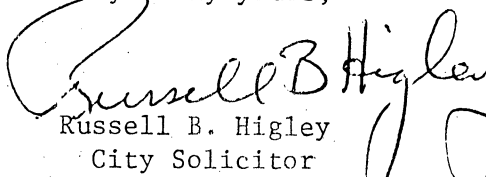
A "Charter Right" is actually an Objection to the Consideration of a Question. The purpose of the "Charter Right" is to enable the Council to avoid a particular main motion altogether when it believes it would be strongly undesirable for the motion to even come before Council.

According to Robert's Rules of Order, Section 26, a "Charter Right" or "Objection to the Consideration of a Question" is not debatable or amendable; this rule applies not only to the motion itself but to the underlying question as well.

It is my opinion, therefore, that a "Charter Right" acts to automatically terminate all debate on the underlying issue before the Council.

If you have further questions in this regard, please contact me.

Very truly yours,


Russell B. Higley
City Solicitor

RBH:cag



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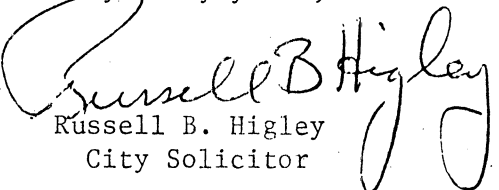
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OFFICE OF
THE CITY CLERK

May 24, 1978

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley:

At the City Council Meeting held on Monday, May 22, 1978 Councillor Kevin Crane submitted the attached order regarding the issue of a "Charter Right". The key questions are:

1. What is the full scope of a Charter Right or Rule 19 of the Rules of the City Council; and
2. Does the exercise of a Charter Right automatically terminate all debate on the issue before the Council or may the Council discuss the issue without taking final action on it since a Charter Right has been invoked.

The Chair has ruled for many years that the Charter Right stops all debate on the item under consideration, the reason being when the Charter Right is exercised there is nothing before the Council to discuss or otherwise dispose of until the next meeting of the City Council.

The City Council would appreciate your response to these questions prior to their next meeting which is scheduled for June 5, 1978.

Thank you for your cooperation in this matter.

Very truly yours,

Paul E. Healy
City Clerk

PEH/cs
Enc.



City of Cambridge

16.
IN CITY COUNCIL
May 22, 1978

COUNCILLOR CRANE

ORDERED: That the City Solicitor be and hereby is requested to provide this City Council with an opinion regarding the full scope of a City Councillor's exercise of their Charter Right as outlined in Rule 19 of the City Council Rules including whether or not such action would automatically shut off all debate on the issue before the Council when the Charter Right is exercised.

In City Council May 22, 1978
Adopted by the affirmative vote of 7 members.
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST

A handwritten signature in cursive script, reading "Paul E. Healy", written in dark ink.

Order #16

S-216

C. Crane re: City Councillor's exercise of
their Charter Right.

In City Council,

May 22, 1978

5/22/78

Order

Adopted

Y. M. M. M.

6/5/78

Order

Re cited

and enclosed