



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

LAW DEPARTMENT

PHILIP M. CRONIN
CITY SOLICITOR

EDWARD D. MCCARTHY
ROWENA E. TAYLOR
ASSISTANT CITY SOLICITORS

JOHN A. SERINO
LEGISLATIVE AGENT

June 11, 1973

TO THE HONORABLE CITY COUNCIL:

You have asked my opinion of the effect of a resolve of the City Council dated June 26, 1967, relative to Community Development Plans in the East Cambridge Neighborhood.

The provisions of the Plan E Charter provide, in part, as follows:

Chapter 43, Section 95 - "The government of the City in the general management and control of all its affairs shall, except as otherwise provided in this Chapter, be vested in a City Council, . . ."

Section 97 - "The City Council shall have and exercise all the legislative powers of the City, except as such powers are reserved by this Chapter to the School Committee and to the qualified voters of the City."

The legislative discretion of the City Council cannot be limited nor can you abrogate it or impair the power conferred upon you by law.

If the citizens of Cambridge are dissatisfied with your inaction on a matter, their recourse is through an initiative petition. If they are aggrieved by any measure or vote enacted by your body, their recourse is the referendum procedure.

It is, therefore, my opinion that the City Council is not obliged to follow the above-mentioned resolve, since it would constitute an abrogating of your legislative powers. You may consider, of course, any petitions from any group or groups of citizens in an advisory capacity.

Very truly yours,

Edward D. McCarthy
Edward D. McCarthy,
Acting City Solicitor

EDM:jma

13. 241

Comm. from Edward D. McCarthy, Re: to
the legislative discretion of the City
Council & effect of Resolution adopted
by the City Council on June 26, 1967
Re: (Community Dev. plans in the E. Camb.
Neighborhood)

In City Council

June 25, 1973

6/11/73

No Action Taken

to Comm list of

6/25/73

6/25/73

Referred to the NASH
Kendall Sq. Hearing -