



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

PHILIP M. CRONIN
CITY SOLICITOR

EDWARD D. MCCARTHY
ROWENA E. TAYLOR
ASSISTANT CITY SOLICITORS

JOHN A. SERINO
LEGISLATIVE AGENT

March 3, 1970

Paul E. Healy
Temporary City Clerk
City Hall
Cambridge, Massachusetts

Dear Mr. Healy:

The City Council by order dated March 2, 1970 asked my opinion whether in the absence of the election of a mayor, the School Committee is properly organized. Under General Laws, Chapter 43, Section 31, the school committee is composed of the mayor and six members elected at large. Chapter 43, Section 100 provides that the mayor shall be the chairman of the school committee. However, there are numerous reasons why there may not be a mayor available to serve on the school committee quite apart from the failure of the city council to elect one of its members mayor. These could be the death, removal or resignation of the individual serving as mayor. There is nothing in the law to indicate that the elected members of the school committee have no power to act until the election of a mayor. Such a concept would be inconsistent with the fundamental public policy of continuity of government and avoidance of the paralysis of public functions. Further, to make the powers of the elected members of the school committee dependent on the election of a mayor would also be inconsistent with the provisions of General Laws Chapter 71 which makes mandatory the support of the public schools. That critical aspect of municipal government cannot be hindered by the inability of the City Council to agree on the election of a person to what is essentially a ceremonial function.

Very truly yours,

Philip M. Cronin

Philip M. Cronin
City Solicitor

PMC:ja

CC. James L. Sullivan, City Manager
Edward J. O'Connell, Secretary of School Committee

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Communication from Philip M. Cronin,
City Solicitor, transmitting an opinion,
requested by the City Council on March
2, 1970 whether in the absence of the
election of a mayor, the School Committee
is properly organized.

March 9, 1970

3/9/1970

Placed on File -
E. Clinton and
C. Manney wished to
be recorded as
objecting to the
opinion as rendered