



CITY OF CAMBRIDGE

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December 28, 1995

Robert W. Healy
City Manager
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Election of Mayor/School Committee

Dear Mr. Healy:

Mayor Reeves has asked my opinion as to whether or not a person elected by the Cambridge City Council to the position of Vice-Chairman could be the Chairman of the School Committee while there is an elected Mayor in office who is available to serve and not under a disability.

I direct your attention to our Charter; M.G.L.A. c. 43, §100 which spells out the powers and duties of the Mayor and the Vice Chairman. In part, section 100 states:

"He [the Mayor] shall be the chairman of the City Council and CHAIRMAN OF THE SCHOOL COMMITTEE. During the absence or disability of the Mayor or during such time as the office is vacant, his duties shall be performed by the Vice-Chairman."

The above language refers to a Mayor duly elected and whose term has not expired.

If a new city council is elected and this honorable body has not elected one of its members as mayor, c. 43, §11 states:

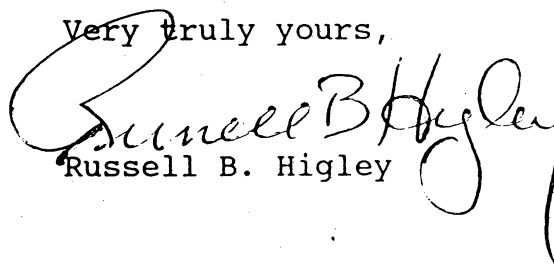
"In case, at any time, there shall be neither a mayor or vice-chairman, the member of the council senior in length of service or, if more than one have so served, then the member senior in both age and length of service shall

perform the duties of mayor until a new mayor has qualified.

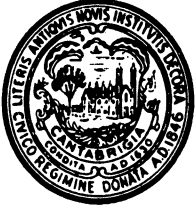
Therefore, once the Cambridge City Council has elected one of its members as Mayor, that person duly elected Mayor shall be the Chairman of the School Committee. Under our present Charter there is no provision which would allow the duly elected Vice-Chairman to be Chairman of the School Committee instead of the duly elected Mayor.

In the event that there is not a duly elected Mayor and Vice-Chairman and the senior member of the Cambridge City Council assumes the duties of Mayor pursuant to Section 100, that person shall be the Chairman of the School Committee.

Very truly yours,


Russell B. Higley

RBH/jb



CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

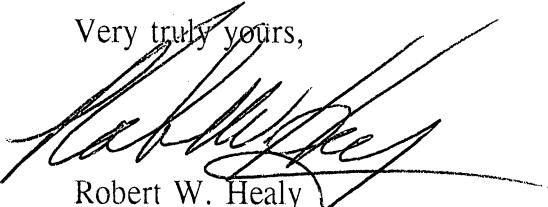
RICHARD C. ROSSI
Deputy City Manager

January 8, 1996

To The Honorable, The City Council:

Please find attached an opinion received from City Solicitor Russell B. Higley, regarding the election of the Mayor/Chair of the School Committee.

Very truly yours,



Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #13

Cal. #8

CM-90

Opinion received from City Solicitor
Russell B. Higley, regarding the
Election of Mayor/School Committee.

In City Council, January 8, 1996

*Referred to Unfinished
Business.*

Placed on file 1/29/96