



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

June 20, 1977

To the Honorable, the City Council:

In response to Councillor Danehy's request, enclosed please find a copy of the opinion of Russell B. Higley, City Solicitor, in regard to submitting the ordinance for creation of a Police Commissioner to the voters of the City of Cambridge for their consideration.

Very truly yours,

Robert W. Healy
Assistant City Manager

RWH/mbf
Enc.



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

RUSSELL B. HIGLEY
ACTING CITY SOLICITOR

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
CHARLOTTE C. BURRAGE
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

June 16, 1977

Councillor Thomas Danehy
Cambridge City Council
Cambridge, Massachusetts

Dear Councillor Danehy:

You have asked my opinion as to whether or not the City Council has the power to submit the ordinance for creation of a Police Commissioner to the voters of the City of Cambridge for their consideration.

I direct your attention to M. G. L. A., Chapter 43, Section 95 which states:

The government of the city and the general management and control of all its affairs, shall, except as otherwise provided in this chapter, be vested in a city council, which shall exercise its powers in the manner hereinafter set forth, but subject to sections one to forty-five, inclusive, insofar as not inconsistent; except that the city manager shall have the authority hereinafter specified, that the general management and conduct of the public schools of the city and of the property pertaining thereto shall be vested in the school committee, and that the city clerk, the city auditor, any official of the city appointed by the governor and any trustees or other officers whose election by the voters of the city is required by reason of the fact that the city has accepted any gift, devise or bequest shall have the powers and duties which may be conferred and imposed upon them by law.

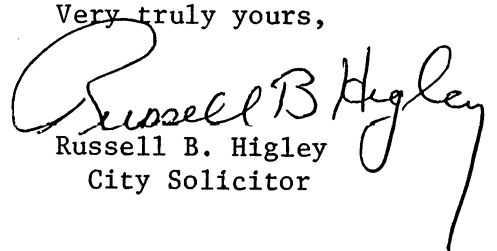
June 16, 1977

M. G. L. A., Chapter 43, Section 43 states:

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

It is therefore my opinion that the City Council may upon its own motion submit the above question to the registered voters of the City of Cambridge for their consideration.

Very truly yours,


Russell B. Higley
City Solicitor

RBH:cas



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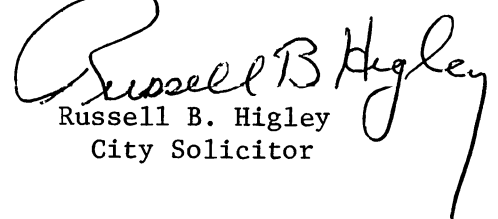
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S-371

Opinion from the City Solicitor re: submitting the ordinance for creation of a Police Commissioner to the voters of the City of Cambridge.

In City Council,
June 20, 1977

G/S.M.
- Placed on File -