



CITY OF CAMBRIDGE

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LAW DEPARTMENT

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JOHN A. SERINO
LEGISLATIVE AGENT

January 12, 1970

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

Dear Mr. Healy:

You have asked my opinion whether a charter right exercised by a city councillor under General Laws, Chapter 43, Section 22 would expire at the next meeting of the city council to which an earlier meeting was recessed.

General Laws, Chapter 43, Section 22 provides as follows:
"Any ordinance, order or resolution may be passed through all the stages of legislation at one session, provided that no member of the Council objects thereto; but if any member of the Council objects, the measure shall be postponed for that meeting."

The issue is whether the fact that the initial meeting was recessed means that the subsequent meeting is a continuation of the original meeting. Normally a recess is a temporary intermission. There could be circumstances wherein a recess would amount to an adjournment. For example, the recess of a meeting without setting a date for resumption of business has been considered by the courts to amount to an adjournment. In this situation, the duration of the recess would appear to be a rather lengthy intermission, but not so long as necessary to amount to an adjournment. In addition, the earlier meeting was recessed to a definite date and time.

Accordingly, it would be my opinion that the meeting of the City Council of January 12, 1970, to which the meeting of January 5, 1970 was recessed, is a continuation of the January 5, 1970 meeting and the privilege exercised under Chapter 43, Section 22 would still be applicable.

Very truly yours,

Philip M. Cronin

Philip M. Cronin
City Solicitor

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Communication from Philip M. Cronin, City
Solicitor, rendering an opinion as to
whether a charter right exercised by a City
Councillor under Gen. Laws, Chap. 43, Sec. 22,
would expire at the next meeting of the
City Council to which an earlier meeting
had been recessed.

January 12, 1970

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