



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Tel. (617) 349-4121

Fax. (617) 349-~~2807~~4134

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

March 31, 1994

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Council role in appointments made by the City Manager;
Council Order #31 dated 3/21/94

Dear Mr. Healy:

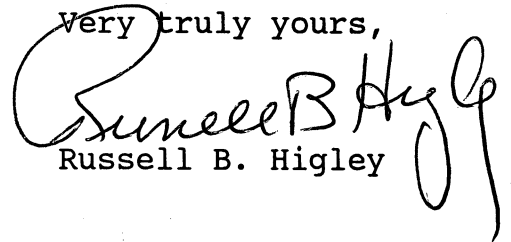
The City Council sought a legal opinion as to what role, if any, it may play in the appointment of City employees by the City Manager. See attached Council Order.

The City Charter, G.L.c.43, s.107, delineates the role that City Councillors may play in such appointments. That section provides:

Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the city manager is responsible. Except for the purpose of inquiry, the city council and its members shall deal with that portion of the service of the city as aforesaid solely through the city manager, and neither the city council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately. Any member of the city council who violates, or participates in the violation of, any provision of this section shall be punished by a fine of not

more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office in the city council shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.

Very truly yours,


Russell B. Higley



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300

FAX. 349-4307

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

May 9, 1994

To The Honorable, The City Council:

With reference to Awaiting Report Item No. 10, regarding the Council's role in appointments made by the City Manager, please find attached a response from City Solicitor Russell B. Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda #1

S- 215

Transmitting communication from R.W. Healy
relative to Awaiting Report Item No. 10
which requested a legal opinion on the Council's
role in appointments made by the City Manager.

for original see 1994
Sundries #112

In City Council May 9, 1994

Placed on file