

City of Cambridge

July 17, 1972.

Mr. Philip M. Cronin,
City Solicitor,
Cambridge, Mass.

Dear Mr. Cronin:-

At a special meeting of the City Council on July 14, 1972 the City Council adopted a motion sponsored by Councillor Owens requesting that the City Solicitor be present at all meetings concerned with the removal or appointment of the City Manager in order to insure that the rights of all parties are protected.

At the same meeting Councillor Banahy stated that he would like to ask the City Solicitor at the next meeting if he had conferred with any of the members of the City Council relative to the position of City Manager prior to writing the opinion received by the City Council, and if he had conferred to kindly name the Councillor or Councillors he conferred with.

In his discourse to the City Council Councillor Banahy called attention to Section 107 of the City Charter which states that "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."

Councillor Banahy raised a question relative to the qualifications of Mr. Peterson for the office of City Manager and requested a ruling from the City Solicitor on this subject with reference to Section 103 of the City Charter which reads as follows:- "Section 103. The city council shall appoint a city manager who shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and offices of the city, whether established before its adoption of this plan or thereafter, except that of the city clerk, city auditor, any official appointed by governor of an, body elected by the voters of the



CITY OF CAMBRIDGE

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OFFICE OF CITY CLERK
LAW DEPARTMENT

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CAMBRIDGE, MASS.

PHILIP M. CRONIN
CITY SOLICITOR

EDWARD D. MCCARTHY
ROWENA E. TAYLOR
ASSISTANT CITY SOLICITORS

JOHN A. SERINO
LEGISLATIVE AGENT

July 20, 1972

Mr. Paul Healy
City Clerk
City Hall
Cambridge, Massachusetts

Dear Mr. Healy:

This is to acknowledge your letter of July 17, 1972 which contains an account of statements made by individual City Councillors concerning the position of City Manager.

The appropriate procedure is for the City Council by majority vote to request from me an opinion relating to specific legal questions.

Accordingly, if at the next City Council meeting, you will advise the City Council that if there are specific legal questions which they desire me to answer, the City Council should adopt a resolution which contains the questions and submit the resolution as adopted to me and I will submit my written opinion.

Very truly yours,

Philip M. Cronin

Philip M. Cronin
City Solicitor

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Mr. Phillip H. Cronin

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city. He shall be appointed on the basis of his administrative and executive qualifications only, and need not be a resident of the city or commonwealth when appointed. He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance, but not exceeding twenty thousand dollars annually. No member of the city council shall during his term of office be chosen as city manager, and no person who has within two years been elected to or served in any elective office in the city or in the county in which the city is located shall be chosen as city manager."

Councillor Finchy questioned whether Mr. Peterson had the necessary qualifications for office under Section 103 and requested an opinion from the City Solicitor as to what his views are on Section 103.

At the same meeting Councillor Owens requested an opinion from the City Solicitor to make available to all Councillors after a study of cities possessing a charter similar to that of the City of Cambridge as to what are the qualifications for a City Manager and if in the opinion of the City Solicitor the City Council has complied with the provisions of the Charter.

At the same meeting Mayor Ackermann stated she would like to have the City Solicitor present at the next meeting which may be called for Thursday, July 20th at 6:00 P. M.

As you can appreciate time is of the essence in this matter and your cooperation will be greatly appreciated by the members of the City Council.

Very truly yours,

Paul E. Kealy,
City Clerk.

Letter from Philip M. Cronin stating the
the appropriate procedure for the City
Council to request his opinion.

(July 20, 1972)