

# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY  
CITY SOLICITOR

ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITOR

CHARLES WATSON  
LEGISLATIVE AGENT

RUSSELL B. HIGLEY  
SPECIAL COUNSEL

September 26, 1975

To The Honorable City Council  
City Hall  
Cambridge, Massachusetts

Dear Council Members:

You have requested my opinion in your Order dated September 22, 1975 regarding a possible conflict of interest if the City were to rent a portion of the premises located at 2400 Massachusetts Avenue for use as a neighborhood health clinic. Your Order indicates that the property is owned by the Junction Realty Trust.

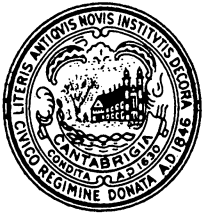
The conflict of interest statute provides in part in Section 22 that any municipal employee including an elected official is entitled to the opinion of the City Solicitor relative to any possible conflict of interest. Section 22 provides "All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the chief officer of the municipal agency in which he is employed, who shall in turn request in confidence such opinion of the corporation counsel, city solicitor or town counsel on behalf of such subordinate municipal employee, and all constitutional officers and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The town counsel or city solicitor shall file such opinion in writing with the city or town clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the town counsel or city solicitor except upon the submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this chapter".

In light of the fact that your Order is not directed in confidence and no detailed existing facts are set forth, it would be highly inappropriate for this office to render an opinion under these circumstances.

Very truly yours,

Edward D. McCarthy  
City Solicitor

EDMcC: jm



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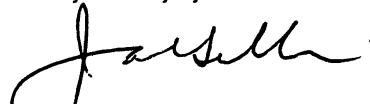
EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

September 29, 1975

To the Honorable, the City Council:

I transmit herewith a communication from Edward D. McCarthy, City Solicitor, relative to Council Order of September 22, 1975, regarding possible conflict of interest if the City were to rent a portion of the premises located at 2400 Massachusetts Avenue for use as a neighborhood health clinic.

Very truly yours,

  
James L. Sullivan  
City Manager

JLS/mbf  
Enc.

Answer to order of Sept. 22, 1975 re:  
renting a portion of 2400 Mass. Avenue as  
a neighborhood health clinic.

9/29/75

Referred back to  
Engle with request  
for response within  
one week, on motion  
of Councillor Beckmann.

Copy sent 10-1-75  
CS

In City Council,  
Sept. 29, 1975