



# City of Cambridge

Agenda # 31

IN CITY COUNCIL

June 19, 1974

**ORDERED:**

That the City Council hereby designates Assistant City Manager, Robert W. Healy, Head of the Department of Administration to perform the duties of City Manager during the absence or disability of the City Manager as authorized by Chapter 43, Section 103 and Ordinance #744, adopted on June 27, 1966 and now referred to as Section 2-28 of the Ordinances of the City of Cambridge formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

In City Council June 19, 1974.  
Adopted by a yea and nay vote:-  
Yeas 8; Nays 0; Absent 0; Present 1.  
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

*Paul E. Healy*

#31

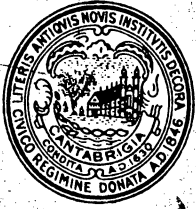
# City of Cambridge

MASSACHUSETTS

In City Council June 19, 1974

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clinton	✓			
Mr. Danehy				✓
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Sullivan	✓			
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RP  
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# CITY OF CAMBRIDGE

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

LAW DEPARTMENT

EDWARD D. MCCARTHY  
ACTING CITY SOLICITOR

ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITOR

CHARLES WATSON  
LEGISLATIVE AGENT

June 14, 1974

Mr. James L. Sullivan  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Sir:

You have asked my opinion whether you may validly delegate authority to sign warrants to the Assistant City Manager. There is no requirement in Chapter 41, Section 56 or in the Charter specifying that the City Manager shall sign warrants.

Section 2-20 of the General Ordinances does contain language to this effect. However, this is superseded by the later ordinances creating the position of an Assistant City Manager.

Under Section 2-28 of the General Ordinances, the Assistant City Manager subject to approval of the City Council may exercise any or all of the duties and powers of the City Manager in the event of your absence or disability. This Section of the ordinances also provides that you may assign and delegate broad powers and duties to your assistant.

The signing of the warrants, in my opinion, is a ministerial duty in which no discretion is involved. Legislative or discretionary powers entrusted to a public officer generally may not be delegated. However, it is equally well established that ministerial or administrative functions may be delegated to subordinates.

Mr. James L. Sullivan  
City Manager

-2-

June 14, 1974

McQuillin Municipal Corporations, the outstanding authority in municipal law states "the general rule is that ministerial acts which are required by statute to be performed by a particular officer are valid if performed by the deputy of such officer."

Thus it is clear that even in a situation where a statute or ordinance requires you to perform an act that if that act is ministerial in nature such as signing warrants, you may legally delegate that duty to the Assistant City Manager.

Very truly yours,

Edward D. McCarthy  
City Solicitor

EDMcC:cas

CC: Mr. Robert Healy  
Mr. Paul Healy  
Mr. Frederick Reardon  
Mr. Arthur Libitz



CITY OF CAMBRIDGE  
RECEIVED BY  
OFFICE OF CITY CLERK  
INTEROFFICE CORRESPONDENCE

JUN 20 2 56 PM '74

CAMBRIDGE, MASS.

To Paul Healy  
City Clerk

Date June 20, 1974

From James L. Sullivan  
City Manager

Reference

Subject

Please be advised that as stated in the City Solicitor's letter of June 14, 1974, I am designating the authority to sign warrants, payrolls and perform other similar ministerial functions to Robert Healy, Assistant City Manager for Administration.

Very truly yours,

A handwritten signature in black ink, appearing to read "James L. Sullivan".

James L. Sullivan  
City Manager

JLS/f



# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

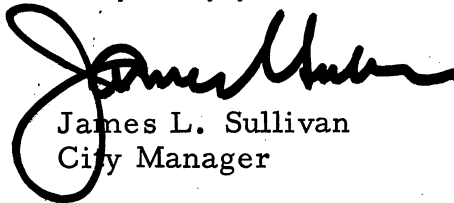
EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

June 19, 1974

To the Honorable, the City Council:

I hereby recommend to the City Council that, in accordance with Section 2-28 of the General Ordinances of the City of Cambridge, the City Council designate Assistant City Manager Robert W. Healy to assume the duties of the City Manager in my absence or disability.

Very truly yours,



James L. Sullivan  
City Manager

JLS/f

Agenda # 31

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Duties of the Assistant City Manager.

In City Council,

June 19, 1974

*Order adopted*  
*8-0-0-1*