



LAW DEPARTMENT OF THE CITY OF CAMBRIDGE

THEODORE A. LYNCH
CITY SOLICITOR

PAUL A. D'AGOSTINO
MOSIER B. GOLDBERG
ASSISTANT CITY SOLICITORS

CITY HALL
TELEPHONE: TROWBRIDGE 6800

June 5, 1936.

The Honorable, The Members of the City Council,
City of Cambridge, City Hall, Cambridge, Mass.

Dear Sirs:-

In reply to your communication of May 26, 1936, in which you request an opinion as to the legality of the ordinance establishing the Office of Deputy Chief of Police, particularly with regard to that part that defines the powers and duties of that officer, please be advised that the ordinance in the form presented is illegal.

It is within the power of the City Council to create the Office of Deputy Chief of Police. This is provided for by G. L., (Ter. Ed.), C. 43, S. 5.

It is not, however, within the power of the City Council to define the duties and powers of that office as provided for in this ordinance, such action not being of a legislative nature.

It has been held that the sphere of action of the City Council of a city with a Plan B charter is rigidly confined to legislation and cannot encroach upon the executive or administrative duties which are to be performed by the Mayor or under his direction, the intention of the law being the centralization of power and responsibility of executive and administrative matters in the Mayor, who on this account may be held to a high degree of personal responsibility in the administration of the affairs of the city.

Respectfully yours,

Theodore A. Lynch.
City Solicitor.

TAL:C

Communication
from the City Solicitor in response to
an order of City Council requesting an
opinion as to the legality of Ordinance
creating Office of Deputy Chief of Police

File with No. 29. Police 1936

JUN 9 1936

In City Council

PLACED ON FILE

Frederick H. Bunker City Clerk

City of Cambridge

In City Council,

May 26, 1936.

ORDERED:-

That the City Solicitor be and hereby is requested to render an opinion to the City Council as to the legality of the ordinance passed to be ordained by the City Council on May 19, 1936 establishing the office of Deputy Chief of Police particularly as regards that part that defines his powers and duties.

MAY 26 1936

City Council

Adopted by the affirmative vote

of 14 members.

Frederick H. Burt City Clerk

Order
relative to legality of Ordinance
establishing the office of Deputy Chief
of Police

29
(6-5)
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City of Cambridge.

MAY 28 1936 3861 92 YAM

Presented to the Mayor

for approval

Frederick H. Benson

City Clerk

City of Cambridge

in City Council

MAY 26 1936

MAY 26 1936

MAY 26 1936

Frederick H. Benson