



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RUSSELL B. HIGLEY
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CHARLES A. WATSON
LEGISLATIVE AGENT

November 15, 1976

Mr. Paul E. Healy
City Clerk
City Hall
Cambridge, Massachusetts

Dear Mr. Healy:

I am in receipt of your letter dated November 15, in which you indicated to me that the City Council plans to amend section 11-4 (b) of the proposed Health Commissioner Ordinance.

It is my understanding that the proposed amendment would be inserted in the first sentence of section 11-4 (b) so that the entire sentence would appear as follows: "The members shall be appointed by the City Manager subject to confirmation by the City Council." (emphasis added to proposed amendment).

I wish to take this opportunity to inform you that this amendment, in my opinion, constitutes an invalid delegation of appointive power to the City Council. As you are aware, General Laws, Chapter 43, sections 104 and 105 delegate the appointive power in such situations to the City Manager. He alone has the authority to appoint and remove officers and employees within those departments, commissions and boards for whose administration he is responsible. The Cambridge Health Policy Board does, in my opinion, fall within this category.

Viewed in this light, the proposed amendment cited above acts to circumvent the appointive power of the City Manager, in direct violation of the statute.

I therefore conclude that the inclusion of such an amendment would be invalid.

Very truly yours,

Russell B. Higley
Acting City Solicitor

RBH:gc



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