

September 20, 1982

To the Honorable, the City Council:

Enclosed please find copy of the opinion of the City Solicitor relative to the establishment of a Cambridge Commission on Nuclear Disarmament and Peace Education.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.



CITY OF CAMBRIDGE

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September 17, 1982

To The Honorable City Council
City Hall
Cambridge, Massachusetts

Re: Cambridge Commission on Nuclear Disarmament
and Peace Education

Dear Councillors:

I have reviewed the proposed amendment to the General Ordinances and have examined the relevant law. The Cambridge City Council clearly has the authority to establish such a Commission. I have, however, some comments on certain sections of the ordinance.

Powers and Duties, sections (b) and (c). It is quite clear, as a matter of law, that the Cambridge City Council has no authority to supercede the powers granted to the Cambridge School Committee by c. 71 of the General Laws. Any actions by the Commission involving the Cambridge public schools would require the approval of the School Committee.

Powers and Duties, section (i). The Commission may "advance the enactment of legislation" before the Great and General Court and Congress. They have no authority, however, to expend any funds for the purpose of taking action to influence the result of a referendum proposed to be submitted to the people at a State election. Anderson v. City of Boston, 376 Mass. 178, 380 NE2d 628, appeal dismissed, 439 U.S. 1060.

Very truly yours,

Russell B. Higley
City Solicitor

RBH/jl

Re: opinion of the City Solicitor regarding
the establishment of a Cambridge Commission
on Nuclear Disarmament.

*copy sent to John P. Carthy, School
Committee 9/20/82*

In City Council,

September 20, 1982

9/20/82

*Referred to the proposed
Ordinance - see Unfinished
Business Item No. 4*