

CITY OF CAMBRIDGE

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

LAW DEPARTMENT

PHILIP M. CRONIN
CITY SOLICITOR

EDWARD D. MCCARTHY
ROWENA E. TAYLOR
ASSISTANT CITY SOLICITORS

JOHN A. SERINO
LEGISLATIVE AGENT

January 16, 1969

To the Honorable City Council
City Hall
Cambridge, Massachusetts

Dear Sirs and Madams:

You have requested my opinion of the procedure to follow to qualify a new City Clerk and the term of office of the successor Clerk.

Under General Laws, Chapter 41, Section 12, the term of office of the City Clerk shall be three years from the date of his election or appointment. General Ordinances, Chapter 2, Section 22 provides that the City Council shall elect a City Clerk in May who shall hold office for three years from the first day of June.

The late Thomas M. McNamara was elected City Clerk by the City Council for a three year term commencing June 1, 1968. Chapter 41, Section 12 provides that a person appointed to fill a vacancy in the office of City Clerk shall hold the office until the end of the unexpired term of his predecessor.

While it is true that the ordinance, Chapter 2, Section 22, provides that a City Clerk shall be elected in May, the statute authorizes the City Council to elect a successor at any time a vacancy in the office occurs. The statute would control over the ordinance.

To the Honorable City Council

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January 16, 1969

The purpose of the ordinance is to provide for the commencement date of the three year term when a City Clerk is elected for the full three year term. Since Mr. McNamara's term had not expired, General Laws, Chapter 41, Section 12 provides that his successor would hold office until the end of Mr. McNamara's unexpired term.

Accordingly it is my opinion that the City Council can proceed to elect a City Clerk at any time and that the terms of office of the successor City Clerk would be from the date of his qualifying as City Clerk until June 1, 1971.

Very truly yours,



Philip M. Cronin
City Solicitor

PMC:cas



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EXECUTIVE DEPARTMENT

James L. Sullivan
City Manager

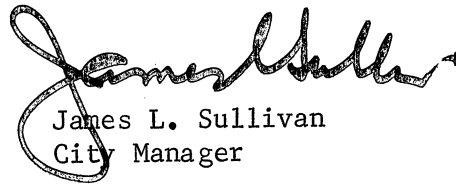
John H. Corcoran
Assistant City Manager

January 20, 1969

To the Honorable, the City Council:

I transmit herewith communication from Philip M. Cronin, City Solicitor, dated January 16, 1969, with opinion relative to the procedure to follow to qualify a new City Clerk and the term of office of the successor City Clerk.

Very truly yours,



James L. Sullivan
City Manager

JLS/eb

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COMMUNICATION
from the City Manager trans-
mitted here from _____

Philip M. Cronin, City Solicitor, dated
January 16, 1969 with opinion relative to
the procedure to follow to qualify a new
City Clerk and the term of office of the
successor City Clerk.

January 20, 1969

In City Council

Jan. 20, 1969

ON FILE
Paul E. Healy
City Clerk

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