



CITY OF CAMBRIDGE

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JOHN A. SERINO
LEGISLATIVE AGENT

July 12, 1972

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

Dear Mr. Healy:

You have asked my opinion on behalf of the City Council concerning the two orders of the City Council relating to the position of City Manager.

The first order is to the effect that it is the intent of the City Council to offer the position of City Manager to Howard C. Peterson, III. The order does not remove the incumbent City Manager from office, but declares the intention of the City Council to effectuate a legal transfer of office from the incumbent to Mr. Peterson. Its purpose is to facilitate an orderly shift of administration. The order gives the incumbent City Manager appropriate notice that the City Council desires an orderly transfer to his successor.

The second order provides that conditional upon prior receipt of the resignation of the present City Manager, Howard C. Peterson, III is appointed City Manager of Cambridge effective July 17, 1972. The condition precedent of the order obviously is the resignation of the incumbent City Manager. Once that condition occurs, the appointment of Mr. Peterson becomes effective. It is not necessary that there be an existing vacancy in the office of City Manager to pass the proposed order. The order by its terms is conditional on a vacancy coming into existence. The order avoids a hiatus in the termination of the services of one City Manager and the appointment of a new City Manager.

Very truly yours,

Philip M. Cronin
City Solicitor

PMC:cas

Communication from Philip M. Cronin
City Solicitor, relative to orders of
the City Council relative to the position
of City Manager

(July 12, 1972)