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May 5, 2008

John Florek, Esquire
Chairman
Charter Revision Commission
2725 Main Street
Stratford, CT 06615

Re: Mayoral Employment

Dear Attorney Florek:

At the May 1, 2008 Charter Revision Commission meeting, you requested that we analyze the following questions:

- a. Assuming the Mayor owns any type of a business interest and is not actively involved in running the business, is such ownership prohibited by the Charter?
- b. Assuming the aforesaid ownership of a business interest is not prohibited, does the Charter expressly prohibit the Mayor from being actively involved in running such business?

After reviewing the Charter, we have concluded that the Charter does not prohibit the ownership of an interest in a business, corporation or other legal entity. However, the combination of ownership and the performance of duties is prohibited given the requirement that the Mayor be solely employed by the Town during his term of office.

Section 1.2 of the Charter provides as follows: "The Mayor shall be a full time paid position and he or she shall not engage in any other employment during his or her term of office." This section further sets forth an enumeration of specific Mayoral duties.

The Charter contains no prohibition against the Mayor owning an interest in any type of business or entity. However, ownership combined with the active involvement by a Mayor in the operation of a business is contrary to the Charter's requirement that the Mayor "not engage in any other employment during his or her term of office", regardless of whether he is nonetheless able to perform the duties of office. Furthermore, such activity by the Mayor may be in violation of the Stratford Ethics Code (hereinafter the "Code"). Section 5-34 of the Code prohibits public officials from having any financial interest or engaging in any business or employment "...which is in substantial conflict with the proper discharge of his/her duties or employment..." In addition, public officials are restricted from employment "...which will impair his/her independence of judgment as to his/her official duties or employment..." Id. The Mayor, by Charter, is required to devote his full time and attention to his duties as Mayor.

Thus, while the Mayor may possess an interest in a corporation or other legal entity, he may not be actively involved in the running of such business or entity, given the clear and unambiguous language of Section 1.2 of the Charter. For example, if the Mayor held a professional designation, such as being admitted to the Bar or an approval designation such as MAI, and owned a portion of the business and, furthermore, was utilized by the firm in any capacity, besides mere ownership, it is our opinion that such activity, however minimal, would violate the Charter. Should you have any further questions in this regard, please do not hesitate to contact me. Thank you.

Sincerely yours,



RICHARD J. BUTURLA
STRATFORD TOWN ATTORNEY

Cc: Honorable James Miron, Mayor
Honorable Members of the Charter Revision Commission