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December 30, 2009

Ms. Annie M. Summerville, Clerk
Board of Representatives
City of Stamford

Re: ***Dual Membership — Police Commission and
Building Board of Appeals***

Dear Ms. Summerville:

This is in response to your recent request for an opinion concerning the propriety of an individual simultaneously serving on the City's Building Board of Appeals and its Police Commission. In the absence of a statutory or other explicit limitation, dual memberships are prohibited only when the positions in question are "incompatible," with that term applying to the ability of one individual to serve in both positions. The doctrine of incompatibility arises out of the public policy that a public official's performance not be influenced by divided loyalties. *Board of Education v. Town of Naugatuck*, 22 Conn. L. Rptr. 567 (1998); *State v. Barrett*, 121 Conn. 237 (1936).

Pursuant to §29-266 of the Connecticut General Statutes, the Building Board of Appeals exists to hear appeals from decisions of the building official relating to questions concerning the interpretation and applicability of the State Building Code. Under the City's Blight Ordinance, the Building Board of Appeals also hears appeals of determinations that a property is blighted.

Meanwhile, pursuant to Stamford Charter §C6-80-1, the Police Commission performs various functions relating to the general management and supervision of the Police Department, including, but not limited to: approving the rules and regulations concerning the operation of the Police Department; appointing and promoting the sworn members of the Police


Department (with the exception of the Chief of Police); and, acting as an appellate tribunal with respect to disciplinary decisions made by the Chief of Police.

The nature of the respective roles of the Police Commission and the Building Board of Appeals as outlined above is such that no antagonism or conflicted loyalty would result when one person attempts to faithfully discharge the duties of both agencies. Consequently, there does not appear to be any incompatibility between serving on the Police Commission and the Building Board of Appeals, simultaneously.

We trust that this adequately addresses your question.

Yours truly,

Michael D. Larobina
Director of Legal Affairs

By: 
Michael S. Toma
Assistant Corporation Counsel