

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD
OFFICE OF LEGAL AFFAIRS
888 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904 - 2152
Tel: (203) 977-4081
Fax: (203) 977-5560

DIRECTOR OF LEGAL AFFAIRS
AND CORPORATION COUNSEL
KATHRYN EMMETT

DEPUTY CORPORATION COUNSEL
VIKKI COOPER

ASSISTANT CORPORATION COUNSEL
BARBARA L. COUGHLAN
CHRIS DELLASELVA
DANA B. LEE
AMY LIVOLSI
BURT ROSENBERG
MICHAEL S. TOMA

TO: Randall Skigen, President, Board of Representatives

FROM: Michael S. Toma, Assistant Corporation Counsel *MST*

DATE: August 27, 2015

RE: Residency Requirement in Charter §C5-20-20(b)

You have asked for an opinion as to which positions are covered by the residency requirement in Charter §C5-20-20(b). This provision reads:

(b) Every person appointed to office, except such appointments as are made under the Civil Service provisions of this Charter, shall be and remain a resident elector of the City, and if such officer shall cease to be a resident elector the office shall be deemed vacant, except that in specific cases, the Board of Representatives may suspend this requirement by a majority vote of its entire membership.

This Charter section exempts from the residency requirement those appointments made under the Civil Service provisions of the Charter. Unfortunately, this exception "swallows the rule." The Civil Service provisions are found in §C5-20-15 of the Charter, which provides that the Civil Service includes both the Classified Service as well as the Unclassified Service. Together, the Classified and Unclassified Service, as they are defined in §C5-20-15, comprise every office, position and employee within the City.

Therefore, it is our opinion that under the Charter as currently worded, the residency requirement in §C5-20-20(b) applies to no one. We are unable to reconcile this section with §C5-20-15. The interplay of these Charter sections will need to be addressed through Charter revision.

We note that there is a separate residency requirement for members of appointive boards and commissions in C6-00-2(d). Therefore, these officers must be residents.

Cc: Kathryn Emmett, Corporation Counsel
Clemon Williams, Director of Human Resources