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To: Rep. Bradley Bewkes and Rep. Jeff Curtis  
Board of Representatives Charter Revision Committee

From: Cynthia C. Anger *Cynthia C. Anger*  
Assistant Corporation Counsel

Date: August 16, 2023

Re: Proposed Charter Revision - Transitional Provisions (Sec. C9-40-1)

Within the framework of the ongoing City Charter revision process, you have asked whether the City's Charter can include a transitional provision that is triggered "in the event of the repeal, amendment or final judicial determination of the invalidity of" a general statute. For the reasons set forth below, the answer is no.

Connecticut General Statute § 7-188(a) provides in relevant part that "Any municipality ...shall have the power to...adopt and amend a charter, ... but [such Charter] shall not otherwise be inconsistent with the Constitution or general statutes." Emphasis supplied. It is self-evident that a Charter provision that is unlawful under current law would violate the terms of section 7-188(a).

General Statute § 7-192(a) provides in relevant part that "every charter, special act and home rule ordinance in effect on October 1, 1982, shall continue in effect until repealed or superseded by the adoption of a charter, charter amendments or home rule ordinance amendments in accordance with this chapter." "If the language of a statute is plain and unambiguous, we need look no further than the words actually used because we assume that the language expresses the legislature's intent." (Citations omitted; internal quotation marks omitted.) *State v. DeFrancesco*, 235 Conn. 426, 435 (1995). By its terms, section 7-192(a) provides that municipal charters remain in effect until repealed or superseded. It does not provide that charter provisions remain in effect until state law changes. "[W]here a form of conduct, the manner of its performance and operation, and

the persons and things to which it refers are designated, there is an inference that all omissions should be understood as exclusions." 2A J. Sutherland, *Statutory Construction* (6th Ed. Singer 2000) § 47.23, pp. 304–307.

The legislature is always presumed to have created a harmonious and consistent body of law. This tenet of statutory construction requires that statutes be read together when they relate to the same subject matter. *Wilton Meadows Ltd. Partnership v. Coratolo*, 299 Conn. 819, 828 (2011). Reading General Statutes §§ 7-188 and 7-192(a) together and in light of the entire statutory scheme for amending municipal charters set forth in Chapter 99, it appears that the State has created a comprehensive process for Charter revision. "*Expressio unius est exclusio alterius*. A statute which provides that a thing shall be done in a certain way carries with it an implied prohibition against doing that thing in any other way." (Internal quotation marks omitted.) *Chairman v. Freedom of Information Commission*, 217 Conn. 193, 200 (1991).

A trigger provision is inconsistent with current law because it effectuates a *de facto* change to the Charter in a manner not contemplated by the statutory process and requires us to read into Section 7-192(a) terms that are not present and which do not find expression in the statute as written. See *Ghent v. Planning Commission*, 219 Conn. 511, 515 (1991). ("We are constrained to read a statute as written ... and we may not read into clearly expressed legislation provisions which do not find expression in its words...").

Lastly, even if trigger provisions were lawful, there may be unintended consequences. Making Charter provisions automatically effective assumes that if and when the state law is repealed, the provision will be legal and that the repeal is not accompanied by new legislation that creates inconsistencies with the triggered Charter provision.

Based on the foregoing, we do not believe that the City's Charter can include a transitional provision that is triggered upon the repeal, amendment or final judicial determination of the invalidity of a general statute. Please let us know if you have further questions.

cc: Thomas Cassone, Corporation Counsel  
Valerie Rosenson, Legislative Aide  
Steven Mednick, Esq.