



CITY OF STAMFORD, CONNECTICUT
INTER-OFFICE CORRESPONDENCE

TO: Parks and Recreation Committee
FROM: Kathryn Emmett, Director of Legal Affairs & Corporation Counsel
DATE: February 15, 2019
SUBJECT: January 22, 2019 letter from Co-Chair Marion McGarry

A handwritten signature in blue ink, appearing to read "Kathryn Emmett", is written over the "FROM:" line of the header.

I will attend the Committee Meeting to provide further explanation, as I am able to do so, in response to the concerns you raise. I am not providing a written response – with the exception noted below -- because, for the most part, the concerns you express and the questions you raise are not answerable in the form of a legal opinion.

I am able to provide a legal opinion in response to the question you pose on Page 5 (No. 5) which states the following:

“What power does the Board of Representatives have, under the City Charter, and what steps may it lawfully take, to ensure (a) that Park Police continue to receive funding from Operations under Parks & Recreation, (b) that Parks & Recreation receives from the Park Police the specific kinds of law enforcement services that it needs to fulfill its mission, and (c) that the Park Police budget and administrative connection are not forcibly transferred by the Administration from Operations to Public Safety/SPD?”

The answer to these questions is that the Board of Representatives, under the Charter, does not have authority to provide funding for the Park Police or to control where in the budget the funding which is provided for the Park Police will be. The Board of Representatives also does not have the authority, under the Charter, to provide for the nature and scope of staffing to be provided by the Park Police.

Pursuant to the Charter, the authority over staffing, personnel and preparation of the City’s budget rests with the executive branch. Section C3-10-1 vests the executive and administrative powers of the City in the Mayor. Staffing and personnel are administrative functions. Additionally, Section C8-30-2 authorizes the Mayor to prepare and submit a budget to the Board

of Finance. Although the Board of Representatives has the power to adopt the City's budget after it has been acted upon by the Board of Finance, as provided in Section C2-10-2 (2), the Charter does not provide authority to the Board of Representatives over personnel, the management thereof, or the structuring of the budget.

Therefore, it is my opinion that the Board of Representatives does not have authority to ensure that the Park Police are funded in a line item under Facilities and Parks in the Department of Operations, or to ensure that the Park Police are assigned and supervised by Facilities and Parks in the Department of Operations rather than by the Police Department.

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