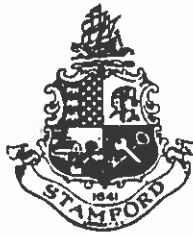


MAYOR  
DANNEL P. MALLOY



SC File  
ANDREW J. McDONALD  
DIRECTOR OF LEGAL AFFAIRS  
ASSISTANT CORPORATION COUNSEL  
BARRY J. BOODMAN  
JAMES V. MINOR  
KENNETH B. POVODATOR  
RICHARD A. ROBINSON  
BURT ROSENBERG

**CITY OF STAMFORD  
OFFICE OF LEGAL AFFAIRS**

888 WASHINGTON BOULEVARD  
P.O. BOX 10152  
STAMFORD, CT 06904-2152  
(203) 977-4081  
FAX (203) 977-5560

TO: John Boccuzzi  
Majority Leader

Robert "Gabe" DeLuca  
14th District Representative

FROM: Andrew J. McDonald *AJM*  
Director of Legal Affairs

RE: Powers and Duties of the Parks and Recreation Commission and Golf Commission

DATE: May 13, 1999

You have asked this office for an opinion regarding the powers and duties of the Parks and Recreation Commission and the Stamford Golf Commission as they may have been changed or modified by the 1995 Charter Revision.

The Charter mandate for both the Parks and Recreation Commission and the Stamford Golf Commission remain largely unchanged as a result of the 1995 Charter Revision as approved by voters on November 7, 1995. For simplicity's sake, each of the referenced commissions will be addressed in turn.

**A. Parks and Recreation Commission**

Under both the 1987 version of the Charter (effective between 1987 and 1995) and the 1995 version of the Charter, the Parks and Recreation Commission was charged with primary responsibility for establishing "policies and procedures for providing public park facilities and public recreation programs" in Stamford. Section C6-120-2(1). The authority of the Parks and Recreation Commission to promulgate such policies and procedures is strictly limited, however, by the requirement that any such policies and procedures must be approved by the Mayor. Similarly, the Board of Representatives retains the authority to override the Parks and Recreation Commission's policies and procedures by ordinance.

John Boccuzzi  
Robert "Gabe" DeLuca  
May 13, 1999  
Page 2

Notwithstanding the fact that its actions are subject to the approval of the Mayor and may be set aside by the Board of Representatives by ordinance, the Parks and Recreation Commission nevertheless has responsibility, in the first instance, for establishing the policies and procedures that impact the operation of parks' facilities, programs and equipment. In that sense, there is no substantive change between the 1987 Charter and 1995 Charter.

Additionally, the Parks and Recreation Commission has the authority under the 1995 Charter, just as it did under the 1987 Charter, to "develop such plans as it deems necessary and useful for the preservation and expansion of natural resources and passive recreation areas in the City." Section C6-120-2(2). Finally, the Commission may establish the rules and regulations necessary for the use and conduct of all municipal parks and recreation areas. This Commission power was carried over from the prior language in the Charter. *Compare* Section C6-120-2(4) of the 1987 Charter *with* Section C6-120-2(3) of the 1995 Charter.

The only substantive change between the 1987 and 1995 versions of the Charter related to the deletion of the requirement that the Parks and Recreation Commission approve the budget of the Parks and Recreation Department and review its expenditures. Since the removal of that provision of the 1987 Charter, (Section C6-120-2(3)), that responsibility falls exclusively within the authority of the Mayor pursuant to Section C8-30-2(b) and the Director of Operations under Section C5-30-1 *et seq.* All other provisions of the Charter regarding the Commission remain unchanged between 1987 and 1995.

It is important to note that the 1995 Charter gave the Board of Representatives one additional power which did not exist in the 1987 Charter: pursuant to Section C6-120-4, the Board of Representatives may supersede any Charter provision regarding the existence, organization or duties of the Parks and Recreation Commission, by ordinance. That section provides, in pertinent part, "Unless and until such an ordinance shall become effective, the Parks and Recreation Commission shall operate under the authority of this Charter."

The ordinances which pertain to the Parks and Recreation Commission are found in Chapter 175 of the Code of Ordinances. To date, the Board of Representatives apparently has not exercised its authority to supersede any provision of the Charter as permitted in the 1995 Charter revision. Indeed, Sections 175-1 and 175-2 of the Code of Ordinances provides that the regulations regarding the use and conduct of all public parks and public recreation areas that are adopted by the Parks and Recreation Commission are fully binding on the City and its residents once they are filed with the Board of Representatives and approved by the Board of Representatives in the form of a resolution.

John Boccuzzi  
Robert "Gabe" DeLuca  
May 13, 1999  
Page 3

**B. Stamford Golf Commission**

In a similar fashion, the Stamford Golf Commission has substantially the same duties and responsibilities under the 1995 Charter as it did under the 1987 Charter. The Golf Commission has authority to establish all policies for the management of the E. Gaynor Brennan Golf Course, and may make all rules and regulations for its use as it deems appropriate. However, this general grant of authority to the Stamford Golf Commission is limited by an important reservation of rights in the Board of Representatives. Pursuant to Section C6-130-2(2) of the 1995 Charter, the Board of Representatives may modify any rule or regulation that is created by the Stamford Golf Commission if it deems necessary. Additionally, pursuant to Section C6-130-3 of the "new" Charter, the Board of Representatives may supersede any provision of the Charter concerning the "existence, organization or duties of the Golf Commission." Until such time as the Board of Representatives exercises that authority by enacting such a restrictive ordinance, the Stamford Golf Commission has all of the powers granted to it under the Charter.

Like the Parks and Recreation Commission, the Golf Commission lost its authority to approve the budget of the E. Gaynor Brennan Golf Course during the 1995 revisions to the Charter. The authority to adopt and implement a budget for the golf course rests exclusively with the Mayor's office in conjunction with the Office of Operations and subject to the approval of the Board of Representatives and the Board of Finance.

I trust this opinion will satisfy your inquiry, but if I may be of further assistance to you, please do not hesitate to call upon me.

AJM:pf