



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 80-8

Member of the General Assembly as
Executive Assistant to a Mayor

A member of the General Assembly has asked whether, while a State legislator, he may also serve as executive assistant to the mayor of one of Connecticut's major cities.

As executive assistant, he is immersed in the day-to-day functioning of the mayor's office. In many respects he is the mayor's alter ego. He is to relieve the mayor of administrative and other responsibilities which, absent his assistance, would require the mayor's personal involvement. He screens the incoming mail, determining what matters should be brought to the personal attention of the mayor and who is most capable of dealing with the rest. He serves as intermediary between the mayor and department heads and others, keeping the mayor informed of matters when a personal conference between others and the mayor is not required. He represents the mayor at meetings of boards and committees when the mayor's schedule does not permit him to attend himself. The executive assistant directs and assists in the analysis and summary of reports. He participates with the mayor in ceremonial functions. He prepares lists of expiring appointments and potential appointees to positions within the municipality. For the periods he is at the Capitol on official legislative business he will not receive pay from the city employing him.

A member of the General Assembly is, of course, a public official (subsection 1-79(j), General Statutes) for purposes of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, and is subject to the Code provisions in sections 1-84 through 1-86, General Statutes. The Ethics Commission has already stated that a State legislator may serve in some municipal positions so long as the provisions of sections 1-84 through 1-86, above, and of sections 1-102 and 2-16, General Statutes are observed and the municipal position is not incompatible with the office of legislator under the common law. A State legislator may be an attorney for a municipal housing authority (Advisory Opinion No. 78-29, 40 Conn. L.J. No. 26, p. 11) and a town attorney (Advisory Opinion No. 79-29, 41 Conn. L.J. No. 11, p. 7).

The executive assistant position described does not appear to be incompatible per se with the office of State legislator. See State ex rel. Schenck v. Barrett, 121 Conn. 237, 242-243 (1936).

Advisory Opinion No. 79-29, above, discusses at some length the precautions which a member of the General Assembly must take when he serves as a town attorney. In that Opinion the Ethics Commission concluded that the town attorney's duties could be performed without the legislator/town

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attorney violating such provisions of the Code of Ethics for Public Officials as the prohibition against outside employment which impairs independence of judgment or which invites improper use of confidential information acquired as a legislator, subsections 1-84(b) and 1-84(c), General Statutes. It is evident, however, that the possibilities for conflicts of interest are far greater when the position under consideration is that of executive assistant to a mayor, involving day-to-day advocacy and execution of the mayor's programs. The executive assistant receives a considerable salary for a position of trust which he holds solely at the pleasure of another elected official whose primary concern is focused on a different level of government. As the legislator carries out the duties of executive assistant, it is his constant responsibility to be aware of the myriad possibilities for conflict and to operate in such a way that he avoids any conflict of interest, or even the appearance of one. In particular, because of his intimate political relationship to the mayor's programs and his financial dependence upon the mayor's, good offices, the legislator must be acutely sensitive to, and guard against, the risk his independence of judgment as a legislator may be impaired. Such impairment would require him to vacate one position or the other to avoid violation of section 1-84(b), General Statutes.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated March 8, 1980