

LEGAL OPINION 1997-13

MEMORANDUM
OFFICE OF THE TOWN ATTORNEY

HIGGINS ANNEX - ROOM 201

TEL 253-6405 FAX 253-6362

TO: Suzanne F. Olechnicki
Town Clerk

FROM: Christopher W. Bromson
Town Attorney

DATE: June 6, 1997

RE: Oath of Office
Ethics Ordinance

A. You have asked two questions regarding municipal appointees, first, to whom must an oath of office be administered and second, who must receive a copy of the Ethics Ordinance.

1. Oath of Office. It is well established that as a creation of the state, a municipality has no inherent powers of its own and as such, possesses only those rights and powers that have been granted expressly to it by the state. Blue Sky Bar, Inc. v. Town of Stratford, 203 Conn. 14, 19 (1987). There are a number of statutes that require an oath of office for specific town officials.¹ The general enabling statute for municipal powers, Conn. Gen. Stat. §7-148, does not authorize municipalities to administer oaths generally. A municipality cannot create a requirement if there is no statutory authority to do so. Accordingly, an oath of office may be administered only to those officials of whom an oath is required by law.

2. Ethics Ordinance. Conn. Gen. Stat. §7-148(10)(B) gives the Town the authority to enact an ethics ordinance. Enfield's Code of Ethics, Town Code §2-10, establishes standards and guidelines for public officials and municipal employees. A copy of the Code of Ethics should be given to town employees and to all officials holding public office, as defined in my March 27, 1996 memorandum to the Town Council (see attached).

¹ See, e.g. Conn. Gen. Stat. §7-12, selectmen must administer oaths to town officers of whom oaths are required by law. See also, Conn. Gen. Stat. §7-17, Town Clerks; §7-105, Assessor, Tax Collector and Board of Assessment Appeals.