

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
MAY 29, 2008**

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The Charter Revision Commission conducted a regular meeting on Thursday, May 29, 2008, in the Council Chambers, Town Hall, 2725 Main Street, Stratford, CT.

Members Present: John A. Florek, Beth McMellon, Benjamin S. Proto, John E. Fahan, Richard Fredette, Jon A. August, Eric W. Booth, James Orlowe and Karen Rodia.

Others Present: Bryan L. LeClerc (Town Attorney's Office) and Town Attorney Richard J. Buturla [present for first half of meeting].

CALL TO ORDER

- Chairman Florek called the regular meeting to order at 6:07 p.m.

Distributed to Commission Members:

1. *Revised Charter with both substantive and technical changes.*
2. *Revised Draft Report.*
3. *Revision to Section 2.2.9 (prepared by Mr. Proto).*
4. *Revisions to Section 5.2.2 and 5.26 (prepared by Mr. Proto).*

1. **APPROVAL OF MINUTES**

a. Special Meeting of May 14, 2008

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MR. PROTO, THE MINUTES OF THE SPECIAL MEETING OF MAY 14, 2008 WERE APPROVED, 9-0.

b. Regular Meeting of May 15, 2008

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MR. PROTO, THE MINUTES OF THE REGULAR MEETING OF MAY 15, 2008 WERE APPROVED, 9-0.

c. Special Meeting of May 21, 2008

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MS. McMELLON, THE MINUTES OF THE SPECIAL MEETING OF MAY 21, 2008 WERE APPROVED, 9-0.

d. Final Public Hearing of May 22, 2008

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE MINUTES OF THE FINAL PUBLIC HEARING OF MAY 22, 2008 WERE APPROVED, 9-0.

e. Special Meeting of May 22, 2008

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE MINUTES OF THE SPECIAL MEETING OF MAY 22, 2008 WERE APPROVED, 9-0.

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2. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- In response to Chairman Florek's previous inquiry as to the legal significance of the Mayor being the bargaining agent and personnel director for the Town, Attorney LeClerc advised that pursuant to C.G.S. Section 7-474, the chief executive officer is the exclusive bargaining agent for the municipal employer. In addition, the State Labor Board has emphasized that this power belongs exclusively to the executive authority and should not be shared with the legislative authority. As to the term 'personnel director,' Attorney Buturla added that this may be a term of art used in collective bargaining agreements and grievances. Eliminating this language in the Charter may lead to problems with union agreements.

- The CRC reviewed the revisions to the Charter they adopted last week.

- In Section 3.1.1, Mr. Proto suggested that for consistency the CRC adopt the same language used in Section 3.1.2. [Since this section involves the Town Attorney's Office, Chairman Florek recused himself and Acting Chairman Fredette led the discussion.]

- MR. PROTO MOVED TO REVISE THE LAST SENTENCE OF SECTION 3.1.1(b) AS FOLLOWS: "*THE TOWN ATTORNEY SHALL BE COMPENSATED IN A MANNER AND IN AN AMOUNT APPROVED BY THE TOWN COUNCIL.*" MS. RODIA SECONDED AND THE MOTION CARRIED 8-0 (with Chairman Florek abstaining.)

- Mr. Fredette turned the meeting back over to Chairman Florek.

- UPON MOTION MADE BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE REVISIONS MADE TO SECTION 6.4.1. WERE APPROVED 9-0.

- UPON MOTION MADE BY MR. FREDETTE AND SECONDED BY MR. BOOTH, THE REVISIONS MADE TO SECTION 5.4.2. WERE APPROVED 9-0.

- Mr. Proto noted that in Sections 5.2.2. and 5.4.2, "*Chief*" of Emergency Medical Services should be changed to "*Administrator*" of Emergency Medical Services as that is Ms. Best's official title.

- UPON MOTION MADE BY MR. PROTO AND SECONDED BY MR. FREDETTE, CHIEF OF EMERGENCY MEDICAL SERVICES WAS CHANGED TO ADMINISTRATOR OF EMERGENCY MEDICAL SERVICES IN SECTIONS 5.2.2. AND 5.4.2. MOTION CARRIED 9-0.

- UPON MOTION MADE BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE REVISIONS MADE TO SECTION 6.3.3. WERE APPROVED 9-0.

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- UPON MOTION MADE BY MR. FREDETTE AND SECONDED BY MR. BOOTH, THE DELETIONS OF SECTIONS 6.3.4, 6.3.5, AND 6.3.6 FROM THE CHARTER WERE APPROVED 9-0.

3. FINISH REVIEWING CHARTER FOR INCONSISTENCIES

- The CRC reviewed Mr. Proto's proposed new language for Section 2.2.9 which clarifies that the Budget Ordinance goes into effect as of the July 1st next following its adoption and approval, irrespective of whether thirty days has passed. He would also add Section 6.2.6 (Tax Ordinance) to this revision. In addition, he suggested several minor revisions to this section such as deleting the words "orders or votes" from the first sentence and changing the word "passage" to "approved" in the third line. Discussion followed and grammatical corrections were made to Mr. Proto's proposal. Mr. Proto also suggested the addition of the following provision: "...unless such ordinances are adopted after July 1st then such ordinances shall be effective on **the date the Mayor approves the ordinances**, or the day following the expiration....

- MR. PROTO MOVED TO AMEND SECTION 2.2.9 AS FOLLOWS:
"RESOLUTIONS PASSED BY THE COUNCIL SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE UNLESS AN EFFECTIVE DATE IS SPECIFICALLY STATED HEREIN BUT NO ORDINANCE SHALL GO INTO EFFECT UNTIL THIRTY (30) DAYS AFTER ITS APPROVAL UNLESS IT BE DECLARED AN EMERGENCY MEASURE ON THE GROUND OF AN URGENT PUBLIC NEED FOR THE PRESERVATION OF PEACE, HEALTH, SAFETY OR PROPERTY THE FACTS SHOWING SUCH URGENCY AND NEED BEING SPECIFICALLY STATED IN THE ORDINANCE ITSELF AND THE ORDINANCE BEING PASSED BY AN AFFIRMATIVE VOTE OF NOT LESS THAN SEVEN (7) MEMBERS OF THE COUNCIL, EXCEPT THAT AN ORDINANCE APPROVED PURSUANT TO §§ 6.2.2 AND 6.2.6 OF THIS CHARTER SHALL BE EFFECTIVE ON JULY 1ST NEXT FOLLOWING THE ADOPTION AND APPROVAL OF THE ORDINANCES UNLESS SUCH ORDINANCES ARE ADOPTED AFTER JULY 1ST THEN SUCH ORDINANCES SHALL BE EFFECTIVE ON THE DATE THE MAYOR APPROVES THE ORDINANCES, OR THE DAY FOLLOWING THE EXPIRATION OF THE MAYOR'S RIGHT TO VETO SAID ORDINANCES, OR UPON THE OVERRIDE OF THE MAYOR'S VETO BY THE TOWN COUNCIL, WHICHEVER IS EARLIER. FAILURE OF THE MAYOR TO SIGN OR VETO ANY ORDINANCE WITHIN SUCH THIRTY (30) DAYS TIME AS IS REQUIRED BY THIS CHARTER SHALL CONSTITUTE AN APPROVAL OF SUCH ORDINANCE. NO ORDINANCE SHALL GO INTO EFFECT UNLESS SIGNED BY THE MAYOR, DEEMED APPROVED PURSUANT TO THE PROVISIONS OF THIS SECTION, OR PASSED OVER HIS OR HER VETO BY AN AFFIRMATIVE VOTE OF NOT LESS

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THAN SEVEN (7) MEMBERS OF THE COUNCIL.” MR. FAHAN SECONDED AND THE MOTION CARRIED 9-0.

- The CRC next discussed whether Section 1.2, subsection 6(b), should also be amended to include Section 6.2.6 and the fourteen day veto provision. Attorney Buturla advised keeping everything consistent.

- MR. PROTO MOVED TO AMEND SECTION 1.2, SUBSECTION 6(b), TO ADD SECTION 6.2.6 AND THE FOURTEEN DAY VETO PROVISION. MR. FREDETTE SECONDED THE MOTION. The CRC discussed the exact language to be adopted in Subsection 6(b). For consistency, Chairman Florek suggested mirroring the language used in Subsection 6(a). Ms. Rodia thought that the comma after the word “*thereof*” should be eliminated. Mr. Proto wanted to make sure it was clear in this section that the Mayor would only have line item veto of the Budget Ordinance, not the Tax Ordinance.

- MR. PROTO MOVED TO AMEND HIS PREVIOUS MOTION AND REVISE THE LANGUAGE IN SECTION 1.2, SUBSECTION 6(b), AS FOLLOWS: “NOT-WITHSTANDING THE PROVISION OF SECTION 1.2 SUBSECTION 6(a), THE APPROVAL OR VETO OF ANY ORDINANCE MAKING AN APPROPRIATION PURSUANT TO SECTION 6.2.2, OR ANY PORTION THEREOF, OR OF ANY ORDINANCE LEVYING A TAX PURSUANT TO SECTION 6.2.6 OF THIS CHARTER, WITH ANY SUCH VETO TO OCCUR NOT LATER THAN FOURTEEN DAYS AFTER THE ADOPTION OF SAID ORDINANCE. MR. FREDETTE SECONDED THIS AMENDMENT AND THE MOTION CARRIED 9-0.

- In Section 1.4, Mr. Fahan asked whether the words “nominate” in the first line and “nomination” in the third line should be changed to “appoint” and “appointment” to make it clear that the Mayor has the power to make some appointments to boards and commissions without Council approval. The CRC did not feel that any changes were needed in Section 1.4.

4. NEW BUSINESS

- Chairman Florek advised that he had put items 4.a and 4.b on the agenda because they were issues raised by the Town Council.

- a. Should the Mayor be required to report all revenue received by the Town to the Town Council?

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- Chairman Florek stated that the Council had complained that it was not informed by the Mayor when the LOCIP funds were received, even though this had been approved by a previous Council. Mr. Proto suggested amending Section 5.6.5 to provide that Financial Reports be sent to the Town Council as well as the Mayor. The CRC felt that this was really a Council issue. The Council has the power now to adopt an ordinance or resolution regarding receipt of financial reports in whatever form it wants. The Council also has powers of investigation, Section 2.2.1 (Council Powers) already gives the Council the power to adopt ordinances and regulations regulating departments, and the Council can file an FOI request. Mr. Fredette added that he had never been denied financial information when he served on the Council.

- MR. BOOTH MOVED, SECONDED BY MR. FREDETTE, TO ADD THE WORDS “AND/OR COUNCIL” TO THE END OF SECTION 5.6.5.

- Mr. Proto pointed out that this Section does not require that the Financial Reports be given to the Council (or the Mayor). MR. PROTO SUGGESTED ADDING ANOTHER SENTENCE TO SECTION 5.6.5. AS FOLLOWS: “SAID REPORTS SHALL BE PROVIDED TO THE MAYOR AND THE COUNCIL.” MR. BOOTH AND MR. FREDETTE ACCEPTED THIS AS A FRIENDLY AMENDMENT. THE AMENDED MOTION CARRIED 9-0.

b. Should the Mayor be required to seek Town Council approval for inter-departmental transfers?

- The CRC had previously amended Council Powers under Section 2.2.1 to make it clear that the Council has the power to approve transfer of funds between departments. However, Chairman Florek advised that the Council was concerned because sometimes the Mayor presents these transfers “after the fact,” thereby denying the Council the power to reject the transfer.

- Mr. Fahan stated that Stamford has a Charter provision allowing the Mayor to transfer funds up to a certain amount without prior approval in the event of an emergency. Ms. Rodia suggested adding a Charter provision which would require the administration to alert the Council when there is only thirty days spending left in a department’s budget. Mr. Proto pointed out that Section 5.6.6 of the Charter already prohibits the Finance Director from making payment if an account has been exhausted.

- After further discussion, the CRC felt that the Council already has a lot of power under the Charter which it has chosen not to use. Also, the CRC already voted to revise the Charter to provide the Council with Financial Reports. The CRC did not see the need to take further action on this issue.

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c. Other New Business.

- Mr. Proto again brought up the issue of a Charter provision requiring public forums, but the CRC thought that it was best to leave this up to the discretion of the Council.

5. RECONSIDERATION OF PREVIOUS REVISIONS TO CHARTER

- MR. PROTO MOVED FOR DISCUSSION PURPOSES TO RECONSIDER THE APPOINTMENT OF DIRECTORS. MR. FREDETTE SECONDED FOR DISCUSSION PURPOSES AND THE MOTION CARRIED 9-0.

- Mr. Proto proposed the following revised language for Section 5.2.2, which also incorporates Section 5.2.6. *“Directors. The Fire Chief, Chief of Police, Emergency Medical Services Administrator, Human Resources Director and the heads of each administrative department shall be a director, or the CAO may, unless precluded by law, serve as a director of any or all departments. The Mayor shall appoint each Director who, unless such position is covered by a collective bargaining agreement, shall receive written notification of appointment, stating the terms and conditions of employment. Any such notification shall include a provision that the employee shall be an ‘at will’ employee unless otherwise provided by law. Not less than seven days prior to providing written notification of appointment to the employee, the Mayor shall provide a copy of the unexecuted notification of appointment and applicant’s resume or similar material showing applicant’s qualifications to the Town Council for review by the Town Council. Thereafter, the Mayor and the employee shall execute the notice of appointment.”* Mr. Proto explained that his proposal is a compromise. The Mayor still puts together his own team, but the Council gets seven days notice of a new director. The Council would also be informed of the terms of employment and the person’s qualifications. However, the Council could neither approve nor disapprove the Mayor’s choice.

- The CRC discussed Mr. Proto’s proposal. Many felt that it was “feel good” legislation, but it didn’t really accomplish anything. Mr. Booth was still in favor of a supermajority disapproval process. Ms. Rodia was also looking for a provision with more teeth. Mr. August stated that the CRC members have already had extensive debate on this issue and have compromised on the appointment of the Town Attorney and appointments to boards and commissions.

- MS. RODIA MOVED TO RECONSIDER A SUPERMAJORITY DISAPPROVAL PROCESS FOR THE HIRING OF DIRECTORS. MR. BOOTH SECONDED AND THE MOTION FAILED 4-5 (with Mr. Fredette, Mr. August, Mr. Proto, Ms. McMellon and Mr. Orlowe opposed.)

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- MS. RODIA MOVED TO ADOPT MR. PROTO'S REVISED LANGUAGE FOR SECTION 5.2.2. MR. FREDETTE SECONDED. MOTION FAILED 3-6 (with only Ms. Rodia, Mr. Fredette and Mr. Proto voting yes).

[CRC recessed at 8:21 and reconvened at 8:41.]

- During the recess, Attorney LeClerc made hard copies of the Charter changes adopted by the CRC at tonight's meeting. The CRC reviewed these changes.

- UPON MOTION MADE BY MR. FREDETTE AND SECONDED BY MR. BOOTH, THE REVISIONS MADE TO SECTION 1.2, SUBSECTION 6(b), WERE APPROVED 9-0.

- In Section 2.2.9, Mr. Proto pointed out that the words "*or votes*" in the first line were to be deleted. In reviewing the revisions, Mr. Proto suggested that the phrase "*within such thirty days*" be amended to "**within such time.**"

- UPON MOTION MADE BY MR. PROTO AND SECONDED BY MS. McMELLON, THE REVISIONS MADE TO SECTION 2.2.9, AS AMENDED ABOVE, WERE APPROVED 9-0.

- UPON MOTION MADE BY MR. FAHAN AND SECONDED BY MS. McMELLON, THE REVISIONS MADE TO SECTION 3.1.1. WERE APPROVED 8-0 (with Chairman Florek abstaining).

- UPON MOTION MADE BY MR. PROTO AND SECONDED BY MR. FREDETTE, THE REVISIONS MADE TO SECTION 5.2.2. WERE APPROVED 9-0.

- UPON MOTION MADE BY MR. PROTO AND SECONDED BY MR. BOOTH, THE REVISIONS MADE TO SECTION 5.4.2. WERE APPROVED 9-0.

- UPON MOTION MADE BY MR. BOOTH AND SECONDED BY MR. FREDETTE, THE REVISIONS MADE TO SECTION 5.6.5. WERE APPROVED 9-0.

6. FORWARD DRAFT REPORT TO TOWN CLERK

- MR. FREDETTE MOVED, SECONDED BY MR. BOOTH, TO FORWARD THE DRAFT REPORT TO THE TOWN CLERK FOR SUBMISSION TO THE COUNCIL. MOTION CARRIED 9-0.

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7. ADJOURNMENT

- MR. FREDETTE MOVED TO ADJOURN. MS. McMELLON SECONDED AND THE REGULAR MEETING ADJOURNED AT 9:08 P.M.

Respectfully submitted,

Gail J. Nobili
Secretary