

**CHARTER REVISION COMMISSION
MINUTES FOR SPECIAL MEETING
MARCH 13, 2008**

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The Charter Revision Commission conducted a special meeting on Thursday, March 13, 2008, at 7:00 p.m. in Council Chambers.

Members Present: John A. Florek, Eric W. Booth (left 8:15 P.M.), Benjamin S. Proto, John E. Fahan, Richard Fredette, Beth McMellon, Jon A. August, James Orlowe and Karen Rodia.

Others Present: Richard J. Buturla (Town Attorney).

CALL TO ORDER

- Chairman Florek called the special meeting to order at 7:00 p.m.

Distributed to Commission Members:

1. *Town Attorney Legal Opinion, re: Power of Investigation (§ 2.2.15).*
2. *Town Attorney Legal Opinion, re: Run-Off Election Process.*
3. *Proposed changes to Sections 1.2 and 1.5 (drafted by Mr. Fahan).*

1. CHANGE OF PROCEDURAL RULES TO PERMIT RECONSIDERATION

- Under Robert's Rules of Order, a motion can only be reconsidered at the next regular meeting following the vote. Since the CRC has not heard from any of the speakers yet, Chairman Florek proposed that the CRC amend its rules to allow for a motion for reconsideration at any time (by a person who voted on the prevailing side).

- MR. FREDETTE MADE A MOTION TO AMEND THE RULES TO ALLOW FOR A MOTION FOR RECONSIDERATION AT ANY TIME UP UNTIL THE FINAL VOTE OF THE CRC. MR. ORLOWE SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

2. DISCUSSION, RE: FORMATION OF SUB-COMMITTEES - no business

3. SOURCES OF INFORMATION FOR THE COMMISSION

- Mr. Feehan is scheduled for Thursday, March 20. Mayor Miron has agreed to Thursday, March 27.

4. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- Attorney Buturla distributed two legal opinions requested by the CRC:

1. "Run-Off Election Process" - The Connecticut General Statutes prohibit a municipality, by Charter or otherwise, from establishing a 'run-off' election process. Therefore, there cannot be a charter change requiring a mayoral candidate to receive fifty percent or more of the votes cast. Attorney Buturla confirmed this opinion with the Secretary of the State's Office.

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2. "Power of Investigation (§ 2.2.15)" - Attorney Buturla's opinion concludes that a municipality has no authority, either through the Council or the Mayor, to issue subpoenas. As of the last charter revision, Stratford is now under the Home Rule Act. In West Haven v Hall, 180 Conn., 243 (1980), the Court ruled that the Home Rule Act does not allow a municipality to grant its governing or legislative body the power to issue subpoenas.

- The CRC discussed what other vehicles may be available to compel evidence during an investigation. Employees could be directed to appear by the Mayor, but the Mayor is not an employee and is not subject to the Council. Under Section 1.2, 'Duties of Mayor', Mr. Proto suggested adding a provision requiring the Mayor to appear and answer questions if requested to do so by Council. If Mayor refused to appear, issue would ultimately be decided in courts.

- Mr. Booth asked for information regarding the Town's legal expenses for the past five years, to include the Town Attorney's Office and outside counsel, Human Resources, and the Board of Education.

- Attorney Proto requested an opinion regarding Section 7.1.2. and whether Constables and Board of Education members are totally elected, or elected and appointed?

5. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT

5.1. PRIORITY AREAS [TABLED]

- a. Power of Investigation (§ 2.2.15, etc.) **[Tabled pending legal opinion]**
- b. Veto power of the Mayor (§ 1.2(6), § 2.2.2, § 2.2.9, etc.)
- c. Powers of Mayor/Council (§ 1.2, § 2.2.1, etc.)
- d. Appointments to Boards/Commissions.
- f. Line of Succession in the event of vacancy/disability/absence of Mayor (§ 1.2, § 1.3, § 5.1.1, etc.).
- g. Hiring/firing/administration of Town Employees (Section 5, etc.).
- h. Office of the Town Attorney (Section 3, etc.).
- r. Length of Mayor's term (§ 1.1, etc.).

5.2. OTHER AREAS FOR CONSIDERATION [TABLED]

- i. Run-off election (§ 1.1). **[Tabled pending legal opinion]**
- j. Employment of CRC members (§ 9.8.1). **[Tabled pending legal opinion]**
- k. Planning and Zoning Boards (§ 4.2.1, § 4.2.2, § 4.2.5, § 4.2.6).
- l. Emergency fiscal measures/Rainy Day Fund/Council oversight of spending (§§ 6.2.1 - 6.2.3).
- m. Recall/Referendum/Initiative (Section 8). **[Tabled pending legal opinion]**
- n. Budget referendum.

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- o. Salary/stipend/expenses of Council members (§ 2.1.6).
- p. Other employment/business pursuits of Mayor (§1.2).
- q. Relation of delinquent taxes to appointed/elected officials. **[Tabled pending**

legal opinion]

- s. Chief Administrative Officer (§§ 5.1.1 - 5.1.4).
- t. Residency requirement for Department Heads. **[Tabled pending legal**

opinion]

- u. Composition of Town Council (§ 2.1.1, § 2.1.5, § 1.2, § 1.3).
- w. Police Commission.
- x. Technical Changes

- UPON MOTION BY MR. FAHAN AND SECONDED BY MR. FREDETTE, ITEM '5.2.i' WAS TAKEN OFF THE TABLE.

- BASED UPON ATTORNEY BUTURLA'S EARLIER OPINION, MR FAHAN MADE A MOTION TO STRIKE ITEM '5.2.i' (*RUN-OFF ELECTION*) FROM THE AGENDA. MR. FREDETTE SECONDED AND THE MOTION TO STRIKE CARRIED UNANIMOUSLY.

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. FREDETTE, ITEM '5.1.b' WAS TAKEN OFF THE TABLE.

- MR. PROTO MOVED TO AMEND SECTIONS 1.2.6, 2.2.2. AND 2.2.9 OF THE CHARTER PER HIS PROPOSED CHANGES TO THE VETO POWER OF THE MAYOR, WITH THE ADDITIONAL AMENDMENT IN SECTION 1.2.6(c) THAT 48 HOURS NOTICE OF A VETO BE CHANGED TO TWO BUSINESS DAYS. [Mr. Proto's amendments were distributed and discussed at the March 6, 2008 special meeting. A copy of his proposed changes is attached to these Minutes.] MR. FREDETTE SECONDED AND MR. PROTO'S MOTION TO AMEND SECTIONS 1.2.6, 2.2.2. AND 2.2.9 OF THE CHARTER CARRIED UNANIMOUSLY. [Town Attorney Buturla will draft the new language and bring it back to the CRC for final approval.]

[Meeting recessed at 8:15 p.m. and reconvened at 8:32 p.m.]

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. FREDETTE, ITEM '5.1.r' WAS TAKEN OFF THE TABLE FOR DISCUSSION.

- Mr. Proto stated that there are only two choices for length of Mayor's term: two years or four years. He was in favor of a four year term because it promotes stability, continuity and cohesiveness in government. He also stated that more and more municipalities are revising their charters in favor of a four year term. Mr. Proto added that the State Legislature is currently looking to enact a recall provision for municipal

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CEO's. Mr. Fredette agreed with a four year term. He felt that it gave the Mayor time to look at the bigger issues facing Stratford rather than always campaigning for re-election. There is also a learning curve with any new elected office. Chairman Florek and Mr. Orlowe also agreed with a four year term, although Chairman Florek would like to see more checks and balances between the Mayor and the Council in the Charter.

- Ms. Rodia pointed out that she had gotten information from CCM and currently only 19 out of 169 Connecticut municipalities have four year terms.

- Mr. Fredette suggested exploring four year terms for both the Mayor and the Town Council.

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. FREDETTE, ITEM '5.1.r' WAS RE-TABLED.

- MR. PROTO MOVED TO TAKE ITEM '5.1.c' OFF THE TABLE FOR DISCUSSION. As the Powers of the Mayor and the Council is a very broad issue, Chairman Florek suggested that Item '5.1.c' be discussed at the March 15 special meeting.

- UPON MOTION BY MR. FAHAN AND SECONDED BY MR. FREDETTE, ITEM '5.1.d' WAS TAKEN OFF THE TABLE.

- Mr. Fahan distributed his proposed amendments to the Appointment Powers of the Mayor, Section 1.2(7) and Section 1.5 of the Charter, which he based on the Stamford Charter. He proposed that the Mayor's nominations to boards and commissions be approved by the Town Council. If the Council fails to act within 90 days, the nomination is automatically approved. If an appointment expires and the Mayor fails to submit a nomination for successor within 120 days, then the Council could nominate and approve a successor. Mr. Fahan suggested that Section 1.5 be amended to enable the Council to reject the Mayor's nominations for Department Heads (which Mr. Fahan refers to as "Directors").

- Chairman Florek and Attorney Buturla pointed out that under Section 9.7.1. of the current Charter, all members of boards and commissions continue to serve until their successor has been chosen.

- It was also pointed out that although Section 2.1.2. sets qualifications for Council members, there are no qualifications in the Charter for appointees to boards and commissions. There is not even a requirement that appointees be Stratford residents or electors.

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- Ms. Rodia was concerned that there is no notification process to let residents, especially Unaffiliated and Independent voters, know about vacancies on boards and commissions. She suggested making this a Charter requirement.

- As to Mr. Fahan's suggestion that the Council vote on the Mayor's nominees for department heads, the Town Attorney needs to research whether this would be allowed under state law.

- UPON MOTION BY MR. FAHAN AND SECONDED BY MR. FREDETTE, ITEM '5.1.d' WAS RE-TABLED.

6. NEW BUSINESS/FURTHER SUGGESTIONS AS TO POSSIBLE TOPICS

- Mr. Fredette suggested four year, staggered Council terms. This would add to continuity in government because there would always be experienced Council members in office.

- ON MOTION BY MR. FREDETTE AND SECONDED BY MS. RODIA, "COUNCIL TERM" WAS ADDED TO THE AGENDA AS ITEM '5.2.y'.

- Mr. Proto pointed out that the language all through Section 6 of the Charter ("Fiscal Policies and Procedures") is archaic.

7. ADJOURNMENT

- ON MOTION BY MR. PROTO AND SECONDED BY MR. ORLOWE, THE CRC SPECIAL MEETING ADJOURNED AT 9:40 P.M.

Respectfully submitted,

Gail J. Nobili
Secretary