

**CHARTER REVISION COMMISSION
MINUTES FOR SPECIAL MEETING
MARCH 20, 2008**

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The Charter Revision Commission conducted a special meeting on Thursday, March 20, 2008, at 7:00 p.m., in the Council Chambers, Town Hall, 2725 Main Street, Stratford, CT.

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

Members Absent: Beth McMellon.

Others Present: Attorney Bryan L. LeClerc (Town Attorney's Office), James Feehan (Former Town Council Chairman and Ninth District Councilman).

CALL TO ORDER

- Chairman Florek called the special meeting to order at 7:10 p.m. For the record, he stated that Ms. McMellon was ill.

Distributed to Commission Members:

1. *Town of Stratford Organizational Chart 2008.*
2. *Legal opinion, re: "Miscellaneous Definitions" (as requested by Ms. Rodia).*
3. *Mayoral Succession Proposal: Council Chairman Fills Vacancy in Office of Mayor (drafted by Mr. Proto.)*
4. *Mayoral Succession Proposal: Creation of Councilman At Large Position (drafted by Mr. Proto).*
5. *Options for Instant Runoff Voting Elections (information from Mr. Booth).*

Agenda items taken in the following order:

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

3. SOURCES OF INFORMATION FOR THE COMMISSION - no business.

4. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- Attorney LeClerc distributed the legal opinion regarding legal definitions, which had been requested by Ms. Rodia. Chairman Florek asked that the Town Attorney's Office have the draft language re: "*Veto Power of Mayor*" ready for the next meeting.

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.)~~ **[NEW LANGUAGE TO BE DRAFTED BY TA FOR CRC REVIEW]**

c. Powers of Mayor/Council (§ 1.2, § 2.2.1, etc.)

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- 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]

- 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.
- 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
- y. Council Term
- z. Term Limits for Mayor, Council, Commission Members.

- UPON MOTION BY MR. PROTO AND SECONDED BY MS. RODIA, ITEMS 5.1 AND 5.2. IN THEIR ENTIRETY WERE TAKEN OFF THE TABLE.

- The threshold question ending the last CRC meeting was whether or not the Council should have a tie-breaker. Since then, Mr. Proto has e-mailed two different proposals for mayoral succession to the CRC members. One is for the elected Council Chair to become the Acting Mayor; the other proposal is for the creation of a Councilman-At-Large who would also serve as tie-breaker and succeed the Mayor. Mr. Proto is not convinced the Council needs a tie-breaker. He also doesn't believe that the current Charter gives the Mayor the power to break a tie because Section 2.2.8 requires "*the affirmative vote of six Council Members*" to pass an Ordinance.

- UPON MOTION BY MR. PROTO AND SECONDED BY MS. RODIA, ITEMS 5.1 AND 5.2. IN THEIR ENTIRETY WERE PUT BACK ON THE TABLE.

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1. GUEST SPEAKER - JIM FEEHAN

- Having served as the Ninth District Councilman under the Council/Manager form of government and also as Council Chair for two years during the Mayor/Council form of government, Mr. Feehan discussed what he felt were defects in the current Charter. He emphasized that he was talking in generics and not criticizing anybody currently in office. First of all, he felt that the Council Chair, as an elected official, should be the successor to the Mayor. The Council Chair is usually a senior council person and because of his position is well-versed in what is going on in the Town. Also, the public already perceives of the Chair as being second in command. He did not think the Mayor should be barred for holding other employment. In other communities, the Mayor has outside business interests. Also, this discourages qualified people from seeking the office. Section 1.2(6) requires the Mayor to approve all ordinances. Mr. Feehan wasn't clear on what this meant. Under Section 1.3 (Vacancy in the Office of Mayor), Mr. Feehan thought an exception should be made for a Mayor serving in the Military or Reserves. As to Mayoral Appointments (Section 1.5), Mr. Feehan would like the Council to have the ability to confirm appointments to key positions such as the Police and Fire Chiefs, the Town Clerk and the CAO. He also felt that it would best serve the interests of the Town if the Council had confirmation authority over appointments to the Planning Commission, Board of Zoning Appeals, Inland/Wetlands, and the Conservation Commission. He did not think the Mayor should have the power to veto Resolutions. However, he is a proponent of the Mayor having veto power over Ordinances, but not the line item veto. A mayoral veto gives the Mayor oversight over the Council. He strongly advised that the Charter should require the Mayor to notify the Council within 24 hours of a mayoral veto of an Ordinance. This was especially important when it came to veto of the Budget Ordinance because a mayoral veto can only be overridden at the next regular meeting of the Council. In Section 2.1.4 the Charter states that the Council may punish one of its members for misconduct, but doesn't state how. In Section 2.2.3 he felt that "special funds" could be better protected by requiring both a supermajority vote of the Council and the Mayor to raid those funds for the general budget. Mr. Feehan was very concerned that the Charter currently does not require the Mayor to notify the Council of any special funds received by the Town. There is no Council oversight regarding the spending of these funds. The new Charter also doesn't require the Mayor to advise the Council of inter-departmental transfers. This could allow a Mayor to hide problems in a department from the Council. Mr. Feehan thinks the Mayor should receive a cost of living adjustment in his salary over the four years. He is not in favor of the Council setting the Mayor's salary. He would suggest an outside committee composed of mayors from other towns. Section 2.2.14 allows a Council person to be removed from office for interfering with the Mayor's administration, but there is no mechanism for that removal. In Section 4 he would favor the Council having the authority to override with a supermajority vote the action of any Board or Commission. (Boards and Commissions are only appointed, the Council is elected.) He would remove the requirement of a Master for the CAO and keep the Bachelor requirement. The Charter should give more weight to life experience. He

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questions the authority of the Department of Safety over the Police and Fire Chiefs. He would like to see the Town Clerk elected with the Mayor. Recall should be removed from the Charter. A Councilman only serves two years and during that time he should be free to act without fear of retribution. Section 9.8.1 barring the employment of CRC members should be removed. One area that is not clear in the Charter is the Mayor's relationship to the WPCA and WPCA funds. He thinks the Mayor should attend WPCA meetings and be recognized as a voting member. Mr. Feehan is in favor of a tie-breaker on the Council. He likes the idea of a Deputy Mayor, but he is not in favor of creating a Councilman-At-Large. He is also in favor of retaining the Mayor in the hot seat as the tie-breaker because not all issues fall along party lines. He feels that the Mayor is an ex-officio member of the Council and the Mayor and Council need to work together. It is the Council's job to pass legislation and appropriate funding. He is not in favor of rainy day funds or bonding. Mr. Feehan does not want to hamstring the Mayor; he just wants some Council oversight. The Mayor should be able to appoint his own staff and definitely needs a four year term. However, two years is long enough for the Council. Term limits is a bad idea because it limits the gene pool and forces knowledgeable people out of office. He is not in favor of the Council having its own Town Attorney. There should be one Town Attorney for everybody, including the Board of Education. If the Council does not agree with a Town Attorney's opinion or the Mayor, there should be a mechanism for the parties to go to mediation. The Council should not be suing the Mayor or the Town Attorney.

[CRC recessed at 8:58 p.m. and reconvened at 9:15 p.m.]

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. FREDETTE, ITEMS 5.1 AND 5.2. IN THEIR ENTIRETY WERE TAKEN OFF THE TABLE.

- The CRC again took up the issue of a tie vote on the Council. Although Mr. Proto was not concerned about a tie on the Council, many CRC members had reservations about creating Council gridlock without a mechanism to break ties. The creation of a Deputy Mayor was seen as too radical a change and creating another layer of government. The alternatives would be to retain the Mayor as the tie-breaker or elect a Councilman-At-Large so there would be an odd number of people on the Council. Mr. Proto's position is that the current Charter allows the Mayor to veto Resolutions, but not Ordinances. He believes the Mayor should retain the power to break ties on Resolutions because the CRC has voted to take away his veto power. However, only Council members should have the power to enact Ordinances. Mr. August pointed out that Sections 1.2(5) and 2.2.8 of the Charter appear to be inconsistent. Chairman Florek stated that the last CRC probably meant for the Mayor to be a tie-breaker on Ordinances.

- Mr. Proto handed out a revised copies of his earlier e-mails regarding the mayoral succession.

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- MR. PROTO MOVED FOR PURPOSES OF DISCUSSION THAT THE COUNCIL CHAIR SHOULD BE SUCCESSOR TO THE MAYOR. MR. FAHAN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

- Mr. Proto explained that his proposal follows the Bridgeport Charter. In the event of a temporary vacancy, the Council Chair (elected by the Council) would assume all the powers of the Mayor except the authority to hire or terminate Department Heads. In the event of a permanent vacancy, the Council Chair would assume all the powers of the Mayor until the next regular municipal election. If the next regular municipal election is not the normal mayoral election, then there would be a special election to fill the office of Mayor. In this way, the Council Chair would never serve more than two years without an election. One issue brought up is that it may be difficult for most members of the Council to take a leave of absence in order to fill in for the Mayor. This could also impact the number of potential candidates for the At Large position.

- Not all members felt they were ready to vote on mayoral succession tonight. Mr. Fredette suggested that Mr. Proto rewrite his drafts. Mr. Proto asked for direction from the CRC: did they prefer the Council Chair or an At Large as successor to the Mayor? The CRC is in agreement that an elected official should succeed the Mayor, but the tie-breaker issue still needs to be resolved. MR. PROTO AND MR. FAHAN WITHDREW THEIR MOTION.

- MS. RODIA MOVED, SECONDED BY MR. ORLOWE, TO HAVE A TIE-BREAKER ON THE COUNCIL. MOTION CARRIED 7-1 (with Mr. Proto opposed and Ms. McMellon absent).

- MR. PROTO MOVED FOR PURPOSES OF DISCUSSION THAT A COUNCIL-MAN-AT-LARGE POSITION SHOULD BE CREATED AND BE SUCCESSOR TO THE MAYOR. MR. FREDETTE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

- Mr. Proto's proposal is very similar to the Council Chair proposal, except that there would be an eleven member Town Council. The At-Large would be elected town-wide and be the automatic Council Chair, have full voting rights, and serve as Acting Mayor. He would not be the tie-breaker per se, but now there would be an odd number on the Council.

- Mr. August pointed out that creating an At-Large position is more radical than having the Council Chair succeed the Mayor and, again, it is creating another layer of government. Another alternative is to keep the Mayor as the tie-breaker on the Council.

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- MR. PROTO MOVED TO AMEND HIS MOTION TO ADD THAT THE ACTING MAYOR SHOULD BE COMPENSATED FOR THE TIME HE SERVES. MR. FREDETTE SECONDED THIS AMENDMENT.

- Chairman Florek suggested that he was looking for a limited motion at this point as to whether a Councilman-At-Large or the Mayor should be the tie-breaker on the Council.

- MR. PROTO AND MR. FREDETTE WITHDREW THEIR PENDING MOTION AND AMENDMENT.

- MR. PROTO MOVED THAT AN ELEVENTH COUNCIL MEMBER BE ELECTED TOWNWIDE IN PLACE OF THE MAYOR AS THE TIE-BREAKER ON THE COUNCIL. MR. FREDETTE SECONDED AND THE MOTION FAILED 2-6 (with only Mr. Fredette and Mr. Orlowe voting in favor, and Ms. McMellon absent).

- MS. RODIA MOVED FOR DISCUSSION PURPOSES THAT THE MAYOR REMAIN THE TIE-BREAKER FOR RESOLUTIONS ONLY. MR. PROTO SECONDED. Discussion followed. Chairman Florek and Mr. August were in favor of the Mayor being the tie-breaker on Ordinances. Mr. August stated that the purpose of enacting a new Charter in the first place had been to get away from gridlock in government. Ms. Rodia stated that she had separated Resolutions and Ordinances in her motion because there appeared to be some consensus on the Mayor being the tie-breaker for Resolutions, but more discussion was needed on Ordinances. Mr. Fredette pointed out that it was very late and this vote should wait until the next meeting.

- MR. FREDETTE MOVED, SECONDED BY MR. ORLOWE, TO RETABLE ITEMS 5.1 AND 5.2. IN THEIR ENTIRETY. MOTION TO RETABLE CARRIED 5-3 (with Mr. Proto, Mr. Booth and Mr. Florek opposed, and Ms. McMellon absent).

6. NEW BUSINESS/FURTHER SUGGESTIONS AS TO POSSIBLE TOPICS

- Mr. Booth requested an opinion from the Town Attorney as to whether Instant Runoff Voting Elections (IRV) are allowed in Connecticut.

- Per Chairman Florek, *Run-Off Elections* will be put back as an agenda item until the CRC receives another Town Attorney opinion.

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7. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. FAHAN, THE
CRC SPECIAL MEETING ADJOURNED AT 10:50 P.M.

Respectfully submitted,

Gail J. Nobili
Secretary