

**CHARTER REVISION COMMISSION
MINUTES FOR SPECIAL MEETING
MAY 14, 2008**

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The Charter Revision Commission conducted a special meeting on Wednesday, May 14, 2008, in 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).

CALL TO ORDER

- Chairman Florek called the special meeting to order at 8:02 p.m.

Distributed to Commission Members:

1. Drafted changes (red-line) to Charter (prepared by Town Attorney's Office).

1. THE FORMATION OF SUB-COMMITTEES - no business.

2. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- Attorney LeClerc advised that Directors/Department Heads do not have contracts with the Town for a specific number of years. Instead they have letters of appointment stating their salary, duties, etc. He is working on a formal opinion.

- Attorney LeClerc reviewed the procedure and timetables for charter revision after the CRC has its final public hearing and submits its Draft Report to the Town Council.

- Mr. Booth asked for a clarification as to whether Section 9.7.1 protects non-union employees? The answer is no. Section 9.7.1 was included in the Charter in order to protect the jobs of individuals employed by the Town when the Charter was changed in 2003, but it does not protect successor Town employees.

3. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT.

3.1. PRIORITY AREAS [TABLED]

a. ~~Power of Investigation (§ 2.2.15, etc.)~~

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.).

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3.2. OTHER AREAS FOR CONSIDERATION [TABLED]

- 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).
- n. Budget referendum.
- p. Other employment/business pursuits of Mayor (§1.2).
- s. Chief Administrative Officer (§§ 5.1.1 - 5.1.4).

- t. Residency requirement for Department Heads.
- w. Police Commission.
- x. Technical Changes
- z. Term Limits for Mayor, Council, Commission Members.

- MR. PROTO MOVED, SECONDED BY MR. FREDETTE, TO TAKE ITEMS 3.1 AND 3.2 OFF THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 9-0.

- Chairman Florek asked if the CRC wanted to expand the number of administrative departments in Section 5.2.1? This would clarify that certain positions are mayoral appointments. The CRC discussed the Human Resources Director, Police Chief, Fire Chief and EMS Chief. Right now, the Charter doesn't state who appoints the Police and Fire Chiefs. Also, the CRC questioned why EMS currently reports to the CAO and is not a part of the Department of Safety?

- Mr. Orlowe questioned whether elevating the Police and Fire Chiefs to Directors would conflict with the duties of the Director of Safety if one was appointed in the future? However, all three have different statutory powers and duties. Mr. Fahan pointed out that Stamford currently has a Director of Public Safety, Health and Welfare, which includes the Police and Fire Departments.

- MR. PROTO MOVED, SECONDED BY MR. FREDETTE, TO AMEND SECTION 5.2.1 TO INCLUDE THE POLICE CHIEF, FIRE CHIEF, EMS CHIEF AND HUMAN RESOURCES DIRECTOR AS DEPARTMENT HEADS.

- Ms. Rodia questioned making the Human Resources Director a non-union position. (However, it is already a non-union position under the current Charter.) She also wasn't sure whether the Director of Safety would be able to coordinate town-wide emergencies if the Police, Fire and EMS Chiefs were all separate Directors. Chairman Florek stated that the CRC is only trying to clarify the appointment process for those positions. Mr. Proto's motion has no impact on the Department of Safety or its powers and duties.

- Rather than amending Section 5.2.1, Mr. August suggested amending Section 5.2.2. Section 5.2.1 talks about administrative departments, not individual Directors. Attorney LeClerc suggested language to amend Section 5.2.2 to add Police, Fire, EMS

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and Human Resources as Directors. Ms. Rodia suggested also adding to Section 5.2.2 that the CAO may serve as a director of all departments *except if precluded by law.*

- Based upon the above comments, Mr. Proto and Mr. Fredette withdrew their original motion. MR. PROTO MADE A NEW MOTION TO ADD EMS TO SECTIONS 5.4.1 AND 5.4.2, AND TO AMEND SECTION 5.2.2. TO READ AS FOLLOWS: “DIRECTORS. THE FIRE CHIEF, CHIEF OF POLICE, CHIEF OF EMERGENCY MEDICAL SERVICES, HUMAN RESOURCES DIRECTOR AND THE HEADS OF EACH ADMINISTRATIVE DEPARTMENT SHALL BE A DIRECTOR, OR THE CAO MAY SERVE AS A DIRECTOR OF ANY OR ALL DEPARTMENTS UNTIL SUCH TIME AS A DIRECTOR IS DEEMED NECESSARY, UNLESS OTHERWISE PRECLUDED BY LAW.” MR. FREDETTE SECONDED THE MOTION.

- Ms. Rodia suggested adding *and volunteers* to the end of Section 5.4.2 to include EMS volunteers.

- THE ABOVE MOTION CARRIED 9-0.

- Chairman Florek asked if the CRC wanted to discuss a “just cause” provision for non-union employees now that it has been clarified that Section 9.7.1 doesn’t protect them? The CRC members were not interested in pursuing this topic.

- The CRC next discussed Section 1.2 and whether the Mayor should be allowed outside business pursuits. Mr. Booth suggested amending the Charter to allow the Mayor to have another business as long as he isn’t involved in the day-to-day operations of that business. The Ethics Commission or some other body could determine if the Mayor violates this provision.

- Mr. Proto referenced the language he had proposed back in March, i.e., *“The Mayor may be the owner of a business (other than sole proprietorship), the majority stockholder of a corporation, a member, but not the managing member, of a limited liability company, a partner, but not the managing partner, of a limited liability partnership.”* Certain rights and duties go with each of these ownership interests.

- The issue is how to amend the Charter language to make it clear that there is a distinction between ownership of a business interest and managing the day-to-day operations of that business interest.

[CRC recessed at 9:40 p.m. and reconvened at 9:54 p.m.]

- In section 1.2 after the sentence that starts *“The Mayor shall be a full time paid position.....,”* Attorney LeClerc suggested adding a new sentence as follows: *“Nothing in this provision shall prohibit the Mayor from possessing an ownership interest in any*

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entity and from exercising the rights and duties inherent therewith, except for day-to-day operations of such business.”

- Based on Attorney LeClerc's suggestion, MR. PROTO MOVED TO ADD A NEW SENTENCE TO SECTION 1.2 AS FOLLOWS: *“NOTHING IN THIS PROVISION SHALL PROHIBIT THE MAYOR FROM POSSESSING AN OWNERSHIP INTEREST IN ANY ENTITY AND FROM EXERCISING THE RIGHTS AND DUTIES INHERENT THEREWITH, EXCEPT THAT THE MAYOR SHALL NOT ENGAGE IN THE DAY-TO-DAY OPERATIONS OF SUCH BUSINESS.”* MR. BOOTH SECONDED AND THE MOTION CARRIED 9-0.

- It was pointed out that appointments to the Ethics Commission are already covered under the revised language in Section 1.4. The Ethics Commission is one of the commissions which have the authority to render a final decision.

- MR. FREDETTE MOVED TO STRIKE SECTION 1.4, SUBSECTION (a), AND TO RENUMBER THE REMAINING SUBSECTIONS. MR. ORLOWE SECONDED AND THE MOTION CARRIED 9-0.

- Ms. Rodia reviewed her suggested revisions to Section 2.2.14, which includes the addition of the following paragraph. *“The Council, may, by resolution, establish a procedure, whereby the Mayor shall report to the Council on all employment vacancies in town government, excluding vacancies in the Board of Education, whether the vacancy is for a new employment position or an existing employment position; if an existing employment position, the reason for the vacancy, the qualifications for employment by a person for those vacancies, the applications and/or resumes received from persons interested in the vacant positions, the manner in which the vacancies will be filled and the name or names of each person offered employment for any employment vacancy.”* Ms. Rodia explained that if the Council is given this information, then it can choose to not fund the position. She did not believe this procedure to be as aggressive as a Council investigation.

- Chairman Florek stated that he can go along with the “reporting aspect” of her proposal, but the CRC has already voted against giving the Council the authority to interfere with hiring. Also, people applying for a position with the Town may not want their current employer to know unless they are actually offered the position.

- The CRC discussed Ms. Rodia's proposal. The Council Chairman already has the power to ask the Mayor for this information. Some of this information is also already available through FOI. Ms. McMellon was concerned about leaving some of these positions unfilled while the Council discussed the applicants. Also, she didn't like the idea of requiring the Council to adopt a resolution. Mr. Proto suggested simply adding language to the Charter requiring the Mayor to report to the Council on a monthly basis all vacancies and new hires. Attorney LeClerc suggested revised language. Instead of

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amending Section 2.2.14, Mr. Fahan recommended amending Section 1.2, Subsection (14).

- Based on the above suggestions, MS. RODIA MOVED TO AMEND SECTION 1.2, SUBSECTION (14), TO ADD THE FOLLOWING SENTENCE: *"IN ADDITION, THE MAYOR SHALL, ON A MONTHLY BASIS, REPORT TO THE COUNCIL REGARDING EMPLOYMENT VACANCIES, PROMOTIONS, AND RECENTLY HIRED EMPLOYEES."* MR. FREDETTE SECONDED THE MOTION AND IT CARRIED 9-0.

- MR. PROTO MOVED, SECONDED BY MR. FREDETTE, TO DELETE THE WORDS *"PUBLIC OFFICE OR"* FROM THE FIRST PARAGRAPH OF SECTION 2.2.14. MOTION TO DELETE CARRIED 9-0.

- In Section 2.2.13, Mr. Proto questioned whether the Mayor should have the right to call a special meeting of the Town Council?

- MS. RODIA MOVED TO AMEND SECTION 2.2.13 TO STATE THAT THE MAYOR CAN EXERCISE THE RIGHT TO CALL A SPECIAL MEETING ONLY THROUGH THE COUNCIL CHAIR. MR. FREDETTE SECONDED HER MOTION FOR DISCUSSION ONLY.

- Attorney LeClerc stated that other charters include a provision for the mayor or first selectman to call a special meeting. Mr. Proto pointed out that both the Governor and President have the authority to call special meetings. The CRC didn't think there was a problem with the Mayor having this authority. After further discussion, MS. RODIA AND MR. FREDETTE WITHDREW THEIR MOTION.

- MR. PROTO MOVED TO AMEND SECTION 2.2.1, SUBSECTION (e), TO ADD THE FOLLOWING LANGUAGE: *"INCLUDING THE TRANSFER OF FUNDS BETWEEN DEPARTMENTS."* The Town Council already has this power, but Mr. Proto wants to make this authority clearer in the Charter. MR. FREDETTE SECONDED AND THE MOTION TO AMEND CARRIED 9-0.

- MR. PROTO MOVED TO STRIKE AGENDA ITEM 5.1.r. (The Mayor's term will remain four years.) MR. FREDETTE SECONDED AND THE MOTION TO STRIKE CARRIED 9-0.

- MR. PROTO MOVED, SECONDED BY MR. FREDETTE, TO PUT ITEMS 3.1 AND 3.2 BACK ON THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 9-0.

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4. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. BOOTH, THE SPECIAL MEETING ADJOURNED AT 11:01 P.M. MOTION CARRIED 9-0.

Respectfully submitted,

Gail J. Nobili, Secretary