

# CITY OF STAMFORD 18<sup>TH</sup> CHARTER REVISION COMMISSION

Members

*VALERIE COOPER*

*ROSANNE MCMANUS*

*SUSAN NABEL*

Members

*ROBERT ROBINS*

*GEORGE SESSA*

*DONALD B. SHERER*

*DUDLEY WILLIAMS.*

Susan Nabel, Co-Chair  
Donald B. Sherer, Co-Chair  
Rosanne McManus, Clerk

## **MINUTES OF MEETING**

Thursday, March 28, 2013

6:00 p.m. – Democratic Caucus Room

4<sup>th</sup> Floor, Government Center

888 Washington Boulevard, Stamford, CT 06904-2152

The Charter Commission met on Thursday, March 28, 2013. Present were Co-Chairs Nabel and Sherer and Commission Members Cooper, Robins and Sessa. Excused were Commission Members McManus and Williams. Also present were BOR President Randal M. Skigen, Director of Administration Michael Handler; Director of Operations (and WPCA Board Member, Ernie Orgera), Chair and Vice-Chair of the Legislative & Rules Committee, Eileen Heaphy and Art Layton and Committee Member Mary Uva and members of the WPCA Board, Daniel Schwartz, Mitch Kaufman and Don Huppert.

Co-Chair Sherer called the meeting to order at 6:05 p.m. Mr. Sherer stated that two items would be reviewed tonight: the membership of the Board of Ethics and the membership of the WPCA.

### **WPCA**

Co-Chair Sherer called on members of the public to speak. Ms. Cynthia Reeder asked the Commission to take into consideration the impact of having city employees serve as members of the WPCA, including the Directors of Administration and Operations. She urged members to look at the entire organization. Mr. Sherer responded that the Commission's intent is to clarify the number of members without addressing the membership, as the Board of Representatives handles that through ordinance.

Co-Chair Nabel distributed relevant documents from the last Charter Commission regarding the WPCA. She added that the original charge on the last commission did not include addressing the number of members. They have a general discussion on the qualifications of members, but did discuss the issue of the WPCA's autonomy vs. the city's involvement. These discussions are thoroughly recorded in the minutes of the meetings.

Mr. Sessa questioned when the WPCA ordinance was passed before the charter change. BOR President Skigen stated that the charter change was made in 1995, and the BOR set the Board at 5 members. At the same time, they set the power of the BOR to supersede the charges as to powers, duties, etc. of the WPCA. The ordinance was

passed in 1997 and amended in 2005. The original ordinance had 5 members and required the President of the BOR, the President of the Board of Finance (without allowing for designees). The 2005 change removed the Director of Legal Affairs and included the Director of Administration on the Board.

The Commission held a dialog with members of the WPCA Board regarding a recent issue as to the status of the appointees. Some members were under the impression that the last charter change reduced the Board to 5 members. Two legal opinions (one from the Board's counsel and one from the City's attorney) confirmed that the correct make up of the Board is 9 members, as put forth in the City's ordinance.

BOR Member Mary Uva stated that she feels that there are inherent conflicts of interest in the named members of the WPCA Board and believes the Commission should address this issue. She questioned whether it was the BOR's responsibility or the Charter Commission's responsibility to address this issue. Co-Chair Sherer stated that a full review of the WPCA was conducted under the last Charter Commission, and the Commission felt it should establish a framework and the BOR should provide the details by ordinance. Co-Chair Nabel added that the matter of qualifications was fully discussed by the Government Committee of the Commission, and the conclusion was similar – it was not the role of the Charter to dictate the members, qualifications – the Commission felt if it was going to dictate the membership of this Commission it would have to look at all of the commissions.

Mr. Skigen stated that there are several city employees serving on the WPCA Board because coordination is needed between the two entities: 1) the city is ultimately responsible for the health and safety of the population; 2) the budgetary process is a little bit different, but the elected boards do have the right to suggest reductions; 3) in 1995 or so, the City created it as somewhat of a hybrid.

### ***Board of Ethics***

BOR Legislative & Rules Committee Chair Eileen Heaphy stated that while the last Charter Revision Commission was underway, she was simultaneously revising the Ethics Ordinance. It was the understanding at the time that the membership and other details would be left to the BOR to determine. The Charter Commission ultimately decided to call for a 5-member Ethics Board; the ordinance, as enacted, requires more members. In addition to needing 3 members to act as the investigatory committee and 3 to act as the hearing committee, there are times when members are unable to attend or have to recuse themselves for one reason or another.

Cheryl Bader, Chair of the Ethics Board, stated that traditionally the Board of Ethics was made up of 9 members, 5 regular members and 4 alternates. When a complaint is received, the Chair appoints two regular members and one alternate member as the Investigatory Committee. If they find probable cause, 3 other members are assigned to the Hearing Panel. Currently, there are 2 vacancies on the Board. The Board of Ethics also needs to have some flexibility to account for vacancies. Further, there can be no

more than 2 members from any one political party assigned to an investigation. Ms. Bader added that there is no downside to having more members, it costs no more per member.

Ms. Bader stated that the current arrangement is defensible, but there is some significance to the fact that there is language in the charter that provides for alternates on other boards but not for the Board of Ethics.

The point of including the Board of Ethics in the Charter was to mandate that an Ethics board and an ethics ordinance be in force in Stamford.

Mr. Skigen suggested that language could be added allowing for as many alternates as may be determined from time to time by the BOR.

Ms. Nabel stated that this was a good opportunity for everyone to spend a week reviewing this information, and that the Commission should hold off taking any actions until next week.

### ***Approval of Minutes***

A motion to approve the minutes of the March 20, 2013 meeting were made, seconded and approved unanimously.

Upon motion duly made and seconded and approved by unanimous voice vote, the meeting was adjourned at 8:10 p.m.

Submitted by,

Susan Nabel, Co-Chair

Donald B. Sherer, Co-Chair

*This meeting is on [video](#).*