

Yellow item - Conflicts with PA 23-205 §158

Green item – May have legal implications preventing inclusion (either due to PA 23-205 or other laws)

SUGGESTIONS FOR CONSIDERATION BY THE CHARTER REVISION COMMITTEE

Submitted by Rep. Boeger

The one issue I would like to discuss, not necessarily change, is the concern over the multi-board public hearings. Unfortunately my other concerns are now moot outside of that one.

Submitted by Rep. Ley

Preamble

1) Delete "revolutionary" from #4.

Sec. C1-50-3. Acquisition and Disposition of Real Estate

1) "Disposition" should be a defined term and should exclude easements, leases, and licenses.

2) "Leases" should be a defined term, and there should be a distinction between short-term and long-term leases. It should be clear that short-term use of City property/buildings for a public benefit (e.g., Little League, concession stands at parks) can be approved administratively subject to existing rules and regulations.

3) Delete the requirement for joint public hearings.

Sec. C1-50-1

1) Delete the requirement for joint public hearings.

Sec. C6-30-004

This section should be deleted in its entirety. However, should it proceed, it should be modified as follows to account for the ~95% of applicants at the EPB and ~65% of applicants at the ZBA that are single family homeowners looking to make minor adjustments to their homes with no opposition from their neighbors:

1) This should only apply to the first public hearing (e.g., if the public hearing is adjourned or continued to another date, this rule should not apply).

2) This should not apply to single-family homes

3) This should not apply to as-of-right uses

4) This should not apply when there is zero public comment (written or oral)

Sec. C6-30-4

This section is inconsistent with Section 8-23 of the Connecticut General Statutes (CGS) which requires each municipality to prepare or amend and adopt a plan of conservation and development (POCD) at least once every ten years (Stamford's Charter refers to the POCD as a "Master Plan"). The City of Stamford's practice in recent cycles (as is the case with many municipalities) has been to adopt a new Master Plan every 10 years. This is a practice that makes sense for a City like Stamford which is growing and changing. Also, more innovative municipalities have been moving to more interactive POCDs with performance metrics/action steps such that a simple amendment or redline of an old document would be impractical (example: <https://planbridgeport.com/intro>). Section C6-30-4 should be revised to be

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consistent with State Law and should treat the decennial Master Plan as a new document, as opposed to an amendment.

Please see the State's guidance on POCDs/Master

Plans: <https://portal.ct.gov/OPM/IGPP/ORG/Conservation-and-Development-Policies-Plan/Municipal-Plans-of-Conservation-and-Development#:~:text=Section%208%2D23%20of%20the,least%20once%20every%20ten%20years.>

Section C6-40-2, C6-40-3, C6-40-4

The US Supreme Court long established in *Fasano v. Board of County Commissioners of Washington County*, 507 P.2d 23 (Or. 1973) that zoning must be based in accordance with a well-reasoned comprehensive plan (which in Stamford is the "Master Plan"). As such, municipalities will oftentimes review their Master Plan and zoning changes in conjunction with each other. Such that the land use recommendations in the Master Plan (a policy document that guides land use) can be implemented with the adoption of new zoning regulations (the laws that regulate land use) shortly after the adoption of the Master Plan (since Stamford has a separate Planning and Zoning Board, the Zoning would need to follow the Master Plan, but it could be very shortly thereafter). Many municipalities find this to be beneficial for a variety of reasons, such as:

- 1) The adoption of a new Master Plan typically involves a lot of public outreach and engagement. By doing the Master Plan and Zoning at the same time, the public is more likely to stay informed and engaged in the process (which would be shorter than doing one after the other).
- 2) The Master Plan goals can be achieved more quickly.
- 3) If the City uses consultants for either document there would be cost savings in a combined process.

The proposed changes to C6-40-2 through C6-40-4 seem to muddy the process, and seem to be based on the incorrect premise that a Master Plan is a stagnant document as opposed to one that should be replaced or substantially updated every 10 years in accordance with State Law.

Section C6-40-4

- 1) Revert to 12 months

Section C6-120-3

- 1) "Disposition" should be a defined term and should exclude easements, leases, and licenses.
- 2) There should be consistency between the definition of a long-term lease in this section and Sec C1-50-3.
- 3) It should be clear that short-term use of City property/buildings for a public benefit (e.g., Little League, concession stands at parks) can be approved administratively subject to existing rules and regulations.
- 4) C6-120-3(f) - should specifically include school buildings as an "other purpose"

General

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The BoR tasked the Commission with looking into a stipend for BoR members and it was dismissed. However, in the interest of diversity, equity, and inclusion, the Charter should at a minimum consider establishing a method for reimbursable expenses for volunteer board and commission members. Eligible expenses could include: childcare while attending a meeting (with a reasonable per hour rate), eldercare while attending a meeting (with a reasonable per hour rate), and bus fare or mileage reimbursement for traveling to meetings.

Submitted by Rep. Jacobson

Preclude multiple office holding by any member of Stamford's elected boards, including membership on political committees, including but not limited to the democratic city committee and/or the republican town committee.

Submitted by Rep. Weinberg

Definition of Landowner

To the extent permissible by law, define “landowner” to include owners of condominium units, cooperative units, and renters (possibly limited to renters who also pay either property tax or vehicle tax to the City of Stamford).

The current definition of “landowner” reflects 1950s real estate ownership realities. To the extent legally permissible, let’s update the definition to the 21st century.

Two Tiers of Board Committees

Divide Board committees into two tiers, excluding Steering and Special Committees. Tier 1 includes Appointments, Fiscal, Legislative & Rules, and Operations. Tier 2 includes Personnel, Parks & Recreation, Education, Transportation, and State & Commerce. Each representative may serve as a voting member of only one Tier 1 Committee at a time. Each representative may serve as a voting member of only one Special Committee at a time.

This suggestion distributes responsibility and accountability more equally to all representatives, instead of concentrating responsibility and accountability in only a few representatives. It also ensures that all representatives have voting participation in the creation of significant legislation.

Public Outreach

Replace the Commission’s recommendations on required public outreach by requiring the Planning and Zoning Boards to consider an applicant’s public outreach efforts and achievements as a factor in evaluating the applicant’s proposal. The PB or ZB may deny the applicant’s proposal or defer its decision if it concludes that the applicant’s public outreach efforts or achievements were inadequate.

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The Commission's public outreach proposals will lead to endless argument and possibly to litigation over whether or not the applicant has done enough public outreach, since there is no standard and no arbiter. This suggestion establishes the relevant board as the arbiter, and it requires the relevant board to determine if the applicant has done sufficient public outreach. It also requires public outreach achievement, not just effort. "All we can do is ask the public to participate" will no longer be sufficient to satisfy the public outreach requirement.

Expense Reimbursement for Members of Elected Boards to Attend Board and Committee Meetings in Person

Reimburse members of elected boards for expenses arising from attending a Board or Committee meeting in person. Reimbursable expenses would include childcare and eldercare expenses while attending a meeting in person.

This would be a relatively small expense for the taxpayers, and it could significantly expand citizen participation in elected government – especially residents with young children.

Expense Reimbursement for Members of Appointed Boards and Commissions to Attend Board and Commission Meetings in Person

Reimburse members of appointed boards and commissions for expenses arising from attending a board or commission meeting in person. Reimbursable expenses would include childcare and eldercare expenses while attending a meeting in person.

This would be a relatively small expense for the taxpayers, and it could significantly expand citizen participation in government – especially residents with young children.

Members of Elected Boards Earning Compensation for Serving on a Campaign Staff

Prohibit members of an elected Board from earning compensation (other than expense reimbursement) from another office seeker's election campaign, provided that the campaign receives public funding.

Good governance means eliminating the appearance of divided loyalties, especially when public funds are involved. Members of elected boards need to assure the public that their focus is on the matters before their board, and not elsewhere in the political world. We must eliminate any hint of "you scratch my back, I'll scratch yours" taking place.

Define "Quorum" in the Charter

Define "quorum" in the Charter as "more than 50% of the elected and appointed members of a Board or Commission, with duly elected or appointed alternates included when they substitute for a member."

Notwithstanding Robert's Rules, this will clarify that under no circumstances can "50% or less" qualify as a quorum.

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Consequences for Failing to Meet Deadlines for Filing Campaign Finance Disclosure Reports

Suspend voting privileges at Board and Committee meetings for elected officials who have failed to file campaign finance disclosure reports on time, until such time as those tardy reports have been filed.

Elected officials all have clear obligations to meet transparency standards by filing their campaign finance disclosure reports on time. When they don't, they are failing to fulfill our transparency obligations to the public. They shouldn't be permitted to vote on behalf of the public until they fulfill those minimum requirements.

“Of the Entire Membership” Voting Requirements for Elected Boards

To the extent permissible by law, eliminate all “of the entire membership” voting requirements for elected boards and replace them with “all members present and voting.”

Representatives (and members of other elected boards) can abuse the “entire membership” rule by “leaving the meeting” or abstaining, both of which are effectively “no” votes. Each representative has an obligation to take a public stand on every vote – yea, nay, “I don't know” or “I demur due to a possible conflict or appearance of conflict.” No representative should be permitted to affect the outcome of a vote by abstaining or being absent.

Revise Sec. C6-00-3 (Boards and Commissions, Appointment and Renewal) as follows: If the Mayor complies with the timing requirements for submission of nominees and the BOR rejects all nominees submitted in a timely way by the Mayor, at the end of the 120-day period following the City Clerk's Notice the BOR will select a nominee by ranked-choice voting from all of the Mayor's nominees. If the law does not permit ranked-choice voting, then by plurality.

Submitted by Rep. Bewkes

1. Revise Sec. C1-50-1 entitled “Condemnation for Municipal Purposes” in order to assess and comply with the provisions of §158(3) of P.A. 23-205.
2. Revise Sec. C1-50-3 entitled “Acquisition and Disposition of Real Estate in order to assess and comply with the provisions of §158(4) of P.A. 23-205.
3. Review §158(2) of P.A. 23-205 and determine which provisions of the Proposed Revised Charter, if any, require modification.
4. Review §158(1) of P.A. 23-205 and determine which provisions of Division 3 of Part 6 of the Proposed Revised Charter, if any, require modification.
5. Add a definition of “Ordinance” to the Charter.

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6. Modify proposed Sec. C8-30-10(b)(4) to the following effect: “In the case of any proposed amendments of the capital budget in excess of (a threshold amount), the Board of Finance and the committee of jurisdiction of the Board of Representatives shall conduct joint Public Hearing upon such proposed amendment and a final Public Hearing not later than two (2) Days prior to any final votes on the amendment. Each of the Boards shall conduct additional Public comment sessions at each meeting prior to action on any proposed amendments or other business before the said Boards.”

7. Add Sec. C3-10-14 the following: “The Mayor, on behalf of and in the name of the City, shall act as the principal representative of the City in intergovernmental relations and affairs with the federal and state governments, other municipalities and regional agencies. During the state legislative session and any special sessions, the Mayor shall immediately report to the Board of Finance and Board of Representatives, all legislative matters and proposals which may impact the governance of the City, whether introduced by the City or otherwise. On matters introduced by the City the notice shall be, at least, simultaneously with submission or in accordance with the provisions of Ordinance.”

Submitted by Rep. Stella

1. Change the Charter in order to give the BOR appointment authority for a majority of the members of the Planning Board, EPB, Zoning Board, and the Zoning Appeals Board by the Board, as vacancies on the Board may arise.
2. Change the Charter from a 2/3rds to 3/5ths vote to override a Mayoral veto.

Submitted by Rep. Sherwood

Review and revise Sec. C2-10-3 in order to clarify that the intent of hiring in-house counsel is to provide staff expertise to address land use appeals in addition to general assistance to the Board of Representatives. Eliminate the reference to the outside counsel budget of the Corporation Counsel; however, the provision would be effective upon passage.

Consider adding a transition provision that would establish an effective date for items that are covered by P.A. 23-205, in the event the law is repealed by the General Assembly.

Modify Sec. C6-00-3 pertaining to the appointment of Board and Commission members in order to clarify and to simplify the process.

Submitted by Rep. Campbell

Reconsider transfer of fair rent functions back to social services commission.