

MINUTES OF SPECIAL CHARTER REVISION MEETING

(15TH CHARTER REVISION COMMISSION)

MONDAY, JULY 17, 1995

23RD BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

A Special Meeting of the 23rd Board of Representatives of the City of Stamford, Connecticut, was held on Monday, July 17, 1995, pursuant to a "Call" issued by President Mary Lou Rinaldi, in the Legislative Chambers of the Board, 888 Washington Boulevard, Stamford, CT.

The meeting was called to order at 8:50 p.m. by President Mary Lou Rinaldi, after both political parties had met in caucus.

PRESIDENT RINALDI read the Call of the Meeting: "I, President Mary Lou Rinaldi, pursuant to Section 2-10-4 of the Stamford Charter, hereby call a Special Meeting of said Board of Representatives at the following time and place: Monday, July 17, 1995, at 8:00 p.m., Legislative Chamber, 4th Floor, Government Center, 888 Washington Boulevard, Stamford, Connecticut, to consider and act upon the action of the 15th Charter Revision Commission Report."

INVOCATION was given by Representative Marggie Laurie, D-8.

"Dear God, thank you for giving us this opportunity to come together to serve our community. Please grant us wisdom and understanding as we make decisions tonight, and we ask this in your name. Amen."

PLEDGE OF ALLEGIANCE TO THE FLAG was led by President Mary Lou Rinaldi.

ROLL CALL was taken by Clerk Annie M. Summerville.

There were 31 members present and nine (9) absent. Absent were Reps. Gerald Rybnick (excused), William Doyle, Elizabeth Conti (excused), Carmen Domonkos (excused), Angela Housey, Mildred Perillo, John R. Zelinsky, Jr. (excused-ill), Kit Martinsen (excused), and David Scalzi (excused).

The Chair declared a quorum.

MACHINE TEST VOTE was taken by President Rinaldi. The machine was in good working order.

CHARTER REVISION COMMITTEE - Donald Sherer & David Martin, Co-Chairmen

1. ACTION ON THE 15TH CHARTER REVISION COMMISSION REPORT. Requested by David Martin and Donald Sherer, Co-Chairmen, Charter Revision Committee 6/9/95. Report made and Held in Committee 7/10/95.

REP. SHERER said that the Committee met July 6, 1995 to review the final report of the Charter Revision Commission; the report was presented with revisions and action taken pursuant to the previous Board meeting in which the Board made recommendations to the Commission based on their draft report.

CHARTER REVISION COMMITTEE: (continued)

REP. SHERER said that the work done at the last meeting was to review the action taken by the Charter Revision Commission based on the Board's request and to insure that all items requested were taken care of and to vote on recommendations to the Board for final adoption of the proposed Charter revisions. He said that the Committee discussed the items proposed and met many times with the Commission members present at the Committee meetings.

Rep. Sherer stated that the Committee voted to recommend rejection of four items as proposed by the Commission:

Rep. Sherer said that recommended for rejection is item C5-10-1, which requires that all of the directors be full time; this was proposed by the Commission, the Committee recommended rejection of the item and to leave it as it is which is unstated. He said that two of the three cabinet positions are full-time and one is part-time.

Rep. Sherer said that the Committee recommends rejection of the "Rainy Day" fund; the section C8-30-4 is new and the Committee recommends that the entire section be deleted.

Rep. Sherer said that the Committee recommends rejection of language in Section C6-00-2(a), 2(c), 3(a), 4(a); these sections propose for appointments by the Mayor to the Police Commission and Fire Commission be approved by the Board of Representatives; presently, these are appointed by the Mayor without approval of the Board.

Rep. Sherer said that the Committee recommends rejection of increasing the term of the constable to four years; currently, the term is two years and the Commission recommended that the term of the city constable be four years. He said that the Committee recommends to restore the old language, two years. (Section C1-70-3)

Rep. Sherer said that the Committee voted for approval of the final report of the Charter Revision Commission.

Rep. Sherer Moved for approval. Seconded.

REP. DeLUCA Moved to accept the resolution calling for the rejection of the four-year term for Mayor and the Board of Representatives. Seconded.

Rep. DeLuca said that many are saying that the people should decide. He said that by having a four-year term for the Mayor and the Representatives, the accountability fact is lost. He said that if a person is doing his/her job, there is no problem of getting re-elected. Rep. DeLuca said that in 169 communities, only Westport has a four-year selectman and he did not think a four-year term for the Mayor or the Board members would benefit the city. Rep. DeLuca said, "If it isn't broken, don't fix it."

REP. PAVIA said that he wants the people to decide and there are good arguments on both sides. He said that he, personally, favors a two-year term for the Mayor and the Board of Representatives. Rep. Pavia said that he was not afraid of the peoples' decision on this change.

CHARTER REVISION COMMITTEE: (continued)

REP. BOCCUZZI said that he was in favor of the amendment. He said that the problem is that when the items are on the voting machine, there may be four items on one slot that may include the four-year term which may be lost by voting for the particular item. He said that if the items are on the machine separately, it would be different but the items will be grouped, therefore you do not get a true reading of what the public really wants.

REP. MAIHOCK said that her opinion is that it does not serve the best interest of representative government to have a four-year term for Mayor and Board of Representatives. She said that a four-year term can result in less frequent exposure of the Mayor and the Board to the constituents of the districts. Rep. Maihock said that a two-year term mandates for the Mayor or Representatives to go out among the people.

REP. WHITE said that he agrees with the Representatives going on record favoring a two-year term for the Mayor and the Board of Representatives. He said that he trusts the voter every two years in making a decision for a Board of Representatives person or Mayor rather than a one-time shot for every four years. He said that participatory democracy is important and the best way to have participatory democracy is to have elections every two years for Board of Representatives and Mayor.

REP. LEYDON said that he believed this item was one of the most important to be addressed this evening and one that has been discussed most by the public. He said that he believes that it is an inherent right of the people that they be able to decide how they would like to be governed. He said that he shared Rep. Boccuzzi's comments but on an item as important as this one, members of the public will assess priorities and they would base their vote on what is of the most important to them. Rep. Leydon stated that he would be disappointed if the public is not given the opportunity to decide whether they want a four-year term or not.

REP. CORELLI said that she agreed with Reps. Leydon and Pavia; the four-year term should be decided by the voters and not by the Board. She said that the voters are intelligent and know about politics to make the decision.

REP. NAKIAN said that many of the changes proposed are procedural on how government should work and those in government have a good idea of how it should work. She said the question being discussed is, "Who will be government?" She said that the people of the city have a right to say who should represent them and how often.

Rep. Nakian said that the questions on the ballot will be written by the Board and the question can be a separate one and people can have a chance to say, "yes" or "no."

REP. SHERER said that he echoed Rep. Nakian's comments. He said that the public has great expectations regarding Charter Revision; people want to see changes and a new government. He said the dissatisfaction is not with the "who" but with the "how."

Rep. Sherer said some changes concern the budget process, long-range planning, provisions for three-year budget and a two-year mayor cannot do a three-year budget; you want to have someone do a three-year budget and be accountable to see that it gets done. Rep. Sherer stated the public should have a say.

CHARTER REVISION COMMITTEE: (continued)

REP. McDONALD said that the proposed Charter seeks to reinvent government and is a full-scale reorganization of the way the elected officials are held responsible and accountable to the people. He said that potentially, director positions will be created to, hopefully, streamline government, create more accountability and the integral part of that is a four-year mayor. Rep. McDonald said that it's been heard for years that a job cannot be expected to get done in two years. Rep. McDonald said that the mayor should be provided with a term that allows to fully implement all the changes in the charter to create a government that is more accountable to the people.

REP. MELLIS said she wanted to endorse the accountability and efficiency in a four-year term.

REP. JURAM said that people want government to be more responsive and for the Board to say that the major reform is to lengthen the Board's term, in his opinion, will not sit well with the citizens. He urged the Board to stay with the two-year terms and let the people throw out the representatives if they are not doing their jobs.

Rep. Joram said that he was also concerned with the off years when the Mayor and Board of Reps are not running; you can easily have elections where 20% of people come out; the Board of Finance and Board of Education seats could be decided by fringe groups or special interest groups that have financial stakes in the outcome of the elections.

REP. LOGLISCI said that he did not know how four years would make you more accountable. He said the public is given the opportunity every two years to let the officials know what kind of job they are doing. Rep. Loglisci said that the Board members are volunteers and wondered if some of the quality of candidates would be lost if someone is asked to run for a four-year term rather than a two-year term. He said that two-years is manageable but four years is a longtime to look in the future as a volunteer.

REP. SHERER referred to the resolution rejecting the four-year term for the Mayor and Board of Representatives. 21 votes are required to reject.

PRESIDENT RINALDI proceeded to a vote. She said the motion is to reject the four-year term for both the Mayor and the Board of Representatives. If in favor of rejection, vote "yes;" if opposed and want to keep the two-year term, vote "no."

REP. SHERER said that the vote to reject has to be 21; if there are not 21 votes to reject, the proposal of the Charter Revision Commission is intact.

PRESIDENT RINALDI called the vote, 18 yes and 13 no votes, no abstentions. The motion to reject was NOT APPROVED; the recommendation of the Commission stands.

REP. BOCCUZZI asked for clarification as to what is part-time and full-time on the four positions.

REP. SHERER said that the present Charter talks of the members of the Cabinet being three in number; does not say whether they are full-time or part-time. He said that the reorganization of government as proposed by the Commission creates four directorships in lieu of the three Cabinet positions.

CHARTER REVISION COMMITTEE: (continued)

REP. SHERER said that when the Commission created that level, they also included language, "each of whom shall serve full-time in his or her respective position." Rep. Sherer said that the Committee is recommending to reject that language which will, in fact, revert to the status quo which does not specify full-time or part-time, but the reality is that of all the cabinet positions or, in this case, the director positions would be full-time but that is not what the Charter says; it's what the job description will be when the Mayor hires someone except for corporation counsel which then will be able to continue to be part-time.

REP. BOCCUZZI asked if he is correct that in the Charter, no recommendation is being made and it is assumed that something will happen later when the Mayor appoints the people?

REP. SHERER stated that Rep. Boccuzzi was correct.

REP. BOCCUZZI asked if it correct that none of the positions will be full-time positions in the Charter?

REP. SHERER said that Rep. Boccuzzi is correct and in the current Charter, none of the positions are full-time.

REP. MARTIN Moved to reject the full-time requirement for directors. Seconded. Rep. Martin said that the Committee voted to reject the full-time provision and would revert to having no statement as to whether full-time or part-time.

REP. LOGLISCI said that the question "part-time" versus "full-time" meant that anyone in the corporation counsel's position could not continue with his/her own practice; by leaving it part-time, corporation counsel can still maintain a practice. Rep. Loglisci said that 50 hours may be put in in a week and still be considered part-time.

REP. WHITE said that corporation counsel should serve full-time and be paid the going rate of what they would make in private practice. He said that working part-time and maintaining a private practice would probably have the appearance of a conflict-of-interest as many times because a lot of their private practice will be directly or indirectly connected with a lot of business dealings in Stamford. He said that if corporation counsel has to take on a case representing the city in a zoning matter, there's a scenario of a conflict-of-interest; the case can be jobbed out but the person was put in the job to defend the city.

REP. McDONALD said that legally, full-time work would preclude the corporation counsel from pursuing any other legal activity whatsoever because he/she would have to devote their full time to pursue the city's legal business. Rep. McDonald stated that we are trying to provide a framework within which qualified attorneys can come and serve the city for a period of time and then return to private life with no tremendous adverse consequences as a result of being a public servant.

CHARTER REVISION COMMITTEE: (continued)

REP. NAKIAN said that in past history, there have been cases where it was hard to find a Commissioner of Public Works or Finance because it was a hardship for them to give up their practices. She said that the four positions will have more responsibility and would we want to place ourselves in a position of taking away the language and running a risk that all four of the positions might turn out to be part-time. She said that she thought it wise to make the positions full-time and realized that it is a hardship to give up a private practice.

REP. MELLIS said that with the scope of accountability and efficiency given to the four directors, she thought the jobs needed to be full-time.

REP. BOCCUZZI said that he has also known corporation counsels that had to leave the city because they were losing their practices. He said that good legal advisors would be hard to find if they were full-time and they would have to be paid what they could make outside. Rep. Boccuzzi said that he could not see the Board approving a salary of \$160,000 or \$180,000 a year.

REP. PIA wanted clarification on whether the directors will be full-time or part-time.

PRESIDENT RINALDI said that the designation is not being made as either full-time or part-time as part of the formal charter document.

REP. PIA said that at a later date, someone may say that full-time or part-time was not specified. He said that this was a loophole.

REP. SHERER said that there was no language now and since the Mayor would interview these people and offer them a job under the circumstances of the job description, they cannot say anything later on; if the Mayor says the job is full-time, then it is full-time. He said that is the way it is now and that is how the amendment would leave it.

PRESIDENT RINALDI proceeded to a vote. To reject the full-time positions for the directors, vote "yes." Opposed, vote, "no." (21 votes needed to reject) The motion to reject was APPROVED by 23 yes and eight no votes.

REP. MARTIN Moved to reject the Rainy Day fund. Seconded.

PRESIDENT RINALDI proceeded to a vote to reject the Rainy Day fund (21 votes needed). APPROVED by 31 yes votes.

REP. MARTIN Moved to reject the Board of Representatives approval of the Police Commission and Fire Commission Appointments. Seconded.

Rep. Martin said that the Commission recommended that these appointments, like most other appointments, be approved by the Board of Representatives. He said that the Committee voted 6-3-0 to reject the provision.

REP. HOGAN asked what the rationale was to reject the provision?

REP. SHERER said the perception is that it is only one of the true patron's jobs that the Mayor has and the Committee felt it should stay that way.

(Correct page)

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REP. MARTIN said that one perception was, "If it's not broken, it doesn't need fixing." The other side was with a four-year term for the Mayor, the exclusive appointment power to the police commission and fire commission could end up politicizing both of the departments since they review promotions and take disciplinary actions and to give the Mayor the exclusive control, could end up having negative impacts over time.

PRESIDENT RINALDI proceeded to a vote to reject the Board of Representatives approval of the Police Commission and Fire Commission appointments. To reject, vote "yes." Opposed, vote "no." (21 votes needed to reject) The motion was NOT APPROVED by 20 yes and 11 no votes.

REP. MARTIN said that the Committee rejected the four-year term for a constable. He said that the Commission proposed a four-year term for the Mayor and Board of Representatives and for constables. The Committee voted 8-1-0 to reject. Moved. Seconded.

PRESIDENT RINALDI asked if the motion is defeated, do constables run in off years and low participation elections?

REP. MARTIN said that the Charter provided by the Commission has the Town Clerk running every two years, the Board of Finance over lapping terms, running on off year elections, the Board of Education is on the off year elections and any positions that were filled on the Board of Representatives by appointment due to resignation or moving out of the district, would also be in elections in the off year. He said that elections are provided in the Charter for every two years.

PRESIDENT RINALDI proceeded to a vote to reject a four year term for constable. To reject, vote "yes." Opposed, vote "no." Motion to reject NOT APPROVED by 18 yes and 13 no votes.

REP. SHERER Moved for approval the resolution Accepting the proposed Charter of the 15th Charter Revision Commission, subject to any rejected provisions. Seconded.

REP. MAIHOCK said that the Charter Revision Commission has made a proposed change by its concept of directors which would function as directors over present competent, efficient directors employed in the city. She said that it is a ballooning of bureaucracy and also distances the Mayor from department heads. She said that there are other proposed changes which she feels are not in the best interest of the city, but would like voting that she did to be accepted on the other items. Rep. Maihock stated that she did not want to accept everything done by the Commission.

REP. MARTIN said that many, many, many man-hours have been spent on this Charter Revision and the points made to let the voters decide is appropriate. He said that he has provided champagne in the back room if the resolution is approved.

REP. SHERER on behalf of the Board, thanked the Committee, the City of Stamford, the Charter Revision Commission, their staff, members and leadership for all the hard work they did; they did a phenomenal job; they were dedicated, spent hours and hours putting everything together and were professional. He said that many members were novices but with guidance of some of the veterans, a remarkable job was done and should be commended by this Board.

CHAPTER 10 - THE HISTORY OF THE UNITED STATES

The first part of the book discusses the early history of the United States, from the time of the first European settlers to the American Revolution. It covers the exploration of the continent, the establishment of colonies, and the struggle for independence.

The second part of the book discusses the period from the American Revolution to the Civil War. It covers the growth of the nation, the expansion of territory, and the conflict over slavery.

The third part of the book discusses the period from the Civil War to the present. It covers the Reconstruction era, the Gilded Age, the Progressive Era, and the modern era.

The fourth part of the book discusses the period from the present to the future. It covers the challenges facing the United States and the world, and the role of the United States in the world.

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CHARTER REVISION COMMITTEE: (continued)

PRESIDENT RINALDI thanked the Commission and the Committee who also worked many hours to see this through.

CLERK SUMMERVILLE said Maria Nakian, David Martin, along with Donald Sherer, did a yeoman's job and many, many hours were put in by members of the Board, Ralph Loglisci and the rest of the Committee. She commended all for their hard work.

REP. SHERER read the resolution. (Attached to these Minutes)

PRESIDENT RINALDI proceeded to a vote to approve the Charter Revisions Commission's final report, less any provisions that have been specifically rejected by the 23rd Board of Representatives. APPROVED by 25 yes and six no votes.

ADJOURNMENT - Upon a motion duly made and seconded and approved by voice vote, the meeting was adjourned at 9:45 p.m.



Anne A. Kachaluba, Administrative Assistant
and Recording Secretary
23rd Board of Representatives

APPROVED:



Mary Lou T. Rinaldi, President
23rd Board of Representatives

MTR:ak

Enclosures