

# CITY OF STAMFORD 19<sup>TH</sup> CHARTER REVISION COMMISSION CITY DEPARTMENTS COMMITTEE

Clemon Williams, Chair  
Members  
Frances Lane  
Thomas Lombardo  
JR McMullen  
Anthony Pramberger

## MINUTES

**Tuesday, October 18, 2022  
7:00pm**

The meeting was held remotely.

1. Call to Order – The meeting was called to order at 7:02 p.m.
2. Roll Call – All members in attendance.
3. Discussion on Charter Review for Corporation Counsel: Corporation Counsel, Douglas Delana will address the following:

### Charge 28

§ C5-20-2	City Departments/Legal	Review whether years of experience for Corporation Counsel and counsel assigned to Board of Representatives (C1-90-1) should be uniform.	Charge §6.e
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According to Attorney Delana we need to think about how often this will come into play. When the Board of Representatives hires outside counsel it will generally hire someone who has a specialized set of skills. When the Mayor is recruiting for Corporation Counsel, they will be looking for someone with a broad range of experiences. In both you will need someone with experience. You have to consider whether we will be tying the Mayor's hand if we put the years requirement in for the Corporation Counsel. We may want to consider lowering the number of years for the Board of Representatives. We may have a situation where we have someone who is a super star, but with less than 10 years of legal experience. However, the person could have other experiences that are relevant, such as management experience. Ultimately, the Board of Representatives has to approve the person. If the Board of Representatives feels that the person does not have the requisite experience they do not have to approve the Mayor's selection. We need to understand that the Mayor needs to have some flexibility when they select a Corporation Counsel. So ten could be too high and five could be too few.

We need to weigh leadership and other factors and not simply their tenure practicing law.

During the discussion we talked about lowering the years of service for the Board of Representatives.

Corporation Counsel will provide additional information on what the larger Cities require.

Charge 29

§ C5-20-	City Departments/Legal	Review whether the Board of Representatives, Board of Education and Board of Finance should have their own legal counsel.	Charge §6.f; J.
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In the 90's it seems that this was the case. According to other Corporation Counsels this separation caused problem. In general, in most Cities in Connecticut have one person who is the chief legal officer for the legislative body and the board of education.

If you end up having a separate staff for each of these entities this will result in more cost for the municipality. Right now, the Corporation Counsel can provide these services. The issue that we will have if we go down this road is one of economies of scale. Right now, we can have consistency by running everything through the Corporation Counsel. The current system allows for consistency and predictability. Over time we have consistency by running everything through the Corporation Counsel. Here we have consistency.

Consistency is the key and by having it all go through the Corporation Counsel that is the case.

J. R. McMullen brought up the fact that the 10 years only applies to the removal of elected officers.

When we deal with this issue we should consider Section C5 20 – 3 we need to review when we have our discussion and decide on what we recommend to the Full Commission.

*The Corporation Counsel shall act as legal advisor of the City, the Mayor, the Boards of Representatives, Finance and Education and all other Officers, Departments, Boards, Commissions, Authorities, Agencies and Bureaus in matters relating to their official duties. The Corporation Counsel or his/her designee shall appear for and protect the rights and interests of the City in all actions and proceedings brought by or against it or any of the municipal Officials, Departments, Boards, Commissions, Authorities, Agencies and Employees. The Officers, Departments, Boards, Commissions, Authorities, Agencies and Employees shall not employ other counsel. The Corporation Counsel shall have charge of all appeals in which the City or any Officer, Department, Board, Commission, Authority, Agency or Employee thereof is involved. Subject to the approval of the Mayor and within the appropriation therefor, the Corporation Counsel shall have the power to compromise any claim by or against the City. The Corporation Counsel shall prepare all forms of contracts and other instruments in which the City is concerned, and shall in all respects act as attorney for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies. Notwithstanding the foregoing, the Board of Representatives may, by resolution jointly presented by the Majority Leader, Minority Leader, the President and Clerk and approved by the affirmative vote of not less than thirty-one (31) members, retain independent counsel to represent the Board of Representatives with respect to a specific case or controversy in rendering opinions and appearing in any proceeding and may appropriate monies to pay the fees and costs of such counsel.*

*(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004; Referendum 11-6-2012)*

Charge 30

§ C5-20-3	City Departments/Legal	Review whether the City should have a dedicated tax attorney, to represent the city's interests for appeals of tax bills.	Charge §6.g
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Attorney Delana believes that his office has the necessary staff to deal with this issue. He stated that they have the staff to deal with the issues that come up and the fact that they are cyclical allows his office to focus on these matters as they arise. He believes that there is no need to deal with the issue at the expense of the budget.

Charge 114

§ C5-20-3	Office of Legal Affairs/Board Representatives	Remove requirement that Leadership submit resolution for hiring of independent counsel for Board of Representatives in C5-20-3
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Again, is this something that we need to deal with in the Charter? The threshold requirement of a super majority is very rare. The Board as an entity should only use this in a rare situation. As such if we lower the threshold, we will have this issue come up more frequently. Generally, there is never an issue and only comes up in very unusual situations.

Hartford has a similar provision and it only came up when the mayor was under investigation.

The duty of the Corporation Counsel and his/her staff is to provide counsel to the entire City.

4. Discussion of Issues 86 – 90

Charter Issue 86 - Consider including compliance with the ADA and accessibility throughout Charter including venues for meetings;

Charter Issue 87 - Consider including compliance with the ADA and accessibility throughout Charter including Government postings;

Charter Issue 88 – Consider including compliance with the ADA and accessibility throughout Charter including .

Charter Issue 89 - Consider including compliance with the ADA and accessibility throughout Charter including Interpreters; and

Charter issue 90 - Consider including compliance with the ADA and accessibility throughout Charter including Closed captioning

On these issues we will have Vikki Cooper from the Law Department to give the Subcommittee input.

On these issues it was Attorney Cooper's opinion that we may not need to make any changes to the Charter. However, we need to keep this issue at the front of mind. The City currently is required to make allowances for people who need accommodations.

Issues on accessibility have come up, and there are people within the City that are trying to address these issues. In attorney Cooper's opinion we do not need to make any changes in the Charter.

We need to strive to comply with Title Two under the ADA statute for the State. A template has

been issued to standardized how cities throughout Connecticut address these issues.

The City of Hartford has entered into an agreement with DOJ that they will put this information about the grievance procedure in the newspaper. The City of Stamford is working to move in this direction.

Attorney Cooper will provide a list of the ADA issues that are being addressed by the City.

Attorney Cooper will provide a brief statement on what the city is doing. We will use this to make our recommendation to the Full Committee.

Some members suggested that we deal with these issues through an ordinance as opposed to in the Charter.

5. Discussion on Charter Review issue 32 - Clarify residency requirement – On this issue will ask Michael Toma for his views on instituting residency requirements for certain position in the City. On this we need a better understanding how cities including New York, Hartford, Middlebury and Waterbury have provisions for residency requirements. Member were provided two memorandums on this issue provided by Michael Toma.

The current language makes it impracticable to have a residency requirement for any position. We will ask Attorney Toma how a Charter change can accomplish this goal. We discussed the fact that State Statue does not allow people who are in a union to be governed by a residency requirement.

The last Charter Commission considered the position, but the language was just bad.

Our discussion centered on the fact that positions not covered by Civil Service rules may be subject to a residency requirement.

Attorney Toma suggested that we work with outside attorney on this issue. He also suggested where this provision has worked and where it has not. We may not want to be too hasty to make this list of positions, subject to a residency requirement, too broad.

According Attorney Toma, if a residency requirement was waived at time it would not automatically jeopardize having a residency requirement for some position, or the same position at another point in time.

Some members suggested that we only have a residency requirement for position which are affecting large numbers of people in the City of Stamford.

6. Review and approve Draft Minutes from September meeting. Approved unanimously.
7. New Business – We are moving forward to get the contract I place for the outside attorney. I will send out a status on the issues we have discussed and where we are on those issues. At the next meeting I would like to have the Town Clerk and Operations Director attend.
8. Meeting Adjourned at 8:54