

# 31<sup>ST</sup> BOARD OF REPRESENTATIVES CITY OF STAMFORD

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## RESOLUTION NO. 4224 CONCERNING RECOMMENDATIONS FOR CHANGES TO THE DRAFT REPORT OF THE 19<sup>TH</sup> CHARTER REVISION COMMISSION

**WHEREAS**, the 19<sup>th</sup> Charter Revision Commission submitted its [draft report](#) to the Board of Representatives on June 7, 2023; and

**WHEREAS**, Section 7-191 of the Connecticut General Statutes, as amended, provides that the Board of Representatives shall hold at least one public hearing on the draft report and, not later than 15 days after its last hearing, shall make recommendations to the Commission for such changes in the draft report as it deems desirable; and

**WHEREAS**, the Board held a public hearing on June 28, 2023 and a second public hearing on July 18, 2023, and,

**WHEREAS**, after reviewing the draft report and hearing the public comments, members of the Board of Representatives recommended the changes listed below to the draft report of the 19<sup>th</sup> Charter Revision Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE 31<sup>ST</sup> BOARD OF REPRESENTATIVES THAT:**

The following recommendations, attached to and made a part of this resolution, concerning changes to the draft report of the 19<sup>th</sup> Charter Revision Commission are hereby approved and transmitted to the 19<sup>th</sup> Charter Revision Commission:

<u>Proposed Charter Section</u>	<u>Recommendation</u>
	Review the concern over the multi-board public hearings.
<b>Preamble -</b>	Delete "revolutionary" from #4
<b>Sec. C1-50-3. Acquisition and Disposition of Real Estate</b>	"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.

<b><u>Proposed Charter Section</u></b>	<b><u>Recommendation</u></b>
<b>Sec. C1-50-3. Acquisition and Disposition of Real Estate</b>	Delete the requirement for joint public hearings.
<b>Sec. C6-30-004</b>	<p>Delete in its entirety.</p> <p>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:</p> <p>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).</p> <p>This should not apply to single-family homes</p> <p>This should not apply to as-of-right uses</p> <p>This should not apply when there is zero public comment (written or oral)</p>

<u>Proposed Charter Section</u>	<u>Recommendation</u>
<b>Sec. C6-30-4</b>	<p>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: <a href="https://planbridgeport.com/intro">https://planbridgeport.com/intro</a> ). Section C6-30-4 should be revised to be consistent with State Law and should treat the decennial Master Plan as a new document, as opposed to an amendment.</p> <p>Please see the State's guidance on POCDs/Master Plans: <a href="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">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</a>.</p>

<u>Proposed Charter Section</u>	<u>Recommendation</u>
<p><b>Sections C6-40-2, C6-40-3, C6-40-4</b></p>	<p>The US Supreme Court long established in <i>Fasano v. Board of County Commissioners of Washington County</i>, 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:</p> <ol style="list-style-type: none"> <li>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).</li> <li>2) The Master Plan goals can be achieved more quickly.</li> <li>3) If the City uses consultants for either document there would be cost savings in a combined process.</li> </ol> <p>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.</p>
<p><b>Section C6-40-4</b></p>	<p>Revert to 12 months</p>
<p><b>Section C6-120-3</b></p>	<p>There should be consistency between the definition of a long-term lease in this section and Sec C1-50-3.</p>
<p><b>Section C6-120-3</b></p>	<p>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.</p>

<u>Proposed Charter Section</u>	<u>Recommendation</u>
<b>Section C6-120-3</b>	C6-120-3(f) - should specifically include school buildings as an "other purpose"
	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.
	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.
	<b><u>Two Tiers of Board Committees</u></b> 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.
	<b><u>Public Outreach</u></b> 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.
	<b><u>Expense Reimbursement for Members of Elected Boards to Attend Board and Committee Meetings in Person</u></b> -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.
	<b><u>Expense Reimbursement for Members of Appointed Boards and Commissions to Attend Board and Commission Meetings in Person</u></b> -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.

<b><u>Proposed Charter Section</u></b>	<b><u>Recommendation</u></b>
	<b><u>Members of Elected Boards Earning Compensation for Serving on a Campaign Staff</u></b> -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.
	<b><u>Define “Quorum” in the Charter</u></b> - 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.”
	<b><u>Consequences for Failing to Meet Deadlines for Filing Campaign Finance Disclosure Reports</u></b> - 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.
	<b><u>“Of the Entire Membership” Voting Requirements for Elected Boards</u></b> - 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.”
<b>Sec C6-00-3 -</b>	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.
<b>Sec. C1-50-1</b>	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.
<b>Sec. C1-50-3</b>	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.
	Review §158(2) of P.A. 23-205 and determine which provisions of the Proposed Revised Charter, if any, require modification.
	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.
<b>Sec. C1-10-2</b>	Add a definition of “Ordinance” to the Charter.

<u>Proposed Charter Section</u>	<u>Recommendation</u>
<b>Sec. C8-30-10(b)(4)</b>	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 ( <u>a threshold amount</u> ), 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."
<b>Sec. C3-10-14</b>	Add to 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."
	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.
	Change the Charter from a 2/3rds to 3/5ths vote to override a Mayoral veto.
<b>Sec. C2-10-3</b>	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.
<b>Sec. C6-00-3</b>	Modify Sec. C6-00-3 pertaining to the appointment of Board and Commission members in order to clarify and to simplify the process.
<b>Sec. C6-210-3</b>	Reconsider transfer of fair rent functions back to social services commission.

<u>Proposed Charter Section</u>	<u>Recommendation</u>
<b>Secs. C1-70-3; C1-80-1; C6-210-1, et seq.</b>	Changing the Board of ethics from being appointed by the mayor and the board of representatives to become elected officials by the people. Their terms should run like the mayor and board of representatives.
<b>Sec. C6-40-1</b>	Include consideration of protecting the state's historic, tribal, cultural and environmental resources among the duties of the Zoning Board
	Recommend postponing vote on charter revision until 2024.
	The BoR President may only nominate candidates for all committee memberships, subject to majority vote by the full BoR.
	Reduce the size of the BoR from 40 to 20 representatives with only one representative from each district.
	What is the magnitude of change that the charter revision is willing to make at the request of the City of Stamford Legal counsel?
<b>Sec. C8-30-10(b)(4)</b>	<p>Delete the requirement for a joint public hearing in its entirety. Because:</p> <ol style="list-style-type: none"> <li>1. Both boards have ample opportunity for the public to participate and the public has made its views known quite well on various mid-year capital items. The turf fields at Stamford High is an example - the parents used our existing means of public participation to make their views well known.</li> <li>2. There's only one joint public hearing between the two boards now, during budget season. They're extraordinarily difficult to schedule and the revised charter already requires two more.</li> </ol>
<b>Sec. C8-20-9(b)</b>	Charter revisions propose to remove the 5% cap on the Rainy Day Fund. This cap should stay in place. The City has many reserve funds besides the Rainy Day Fund. The school construction fund is a prominent example. Through long practice and custom, monies put into the Rainy Day Fund are effectively untouchable. Conversely, monies put into other reserve funds eventually gets spent, and hence why we should cap the Rainy Day Fund. The ratings agencies look at our total reserves, not just the Rainy Day Fund.
	<p>Change the budget process from annual to biennial</p> <p>Add a Division of Diversity, Equity and Inclusion ("DEI") and create a Cabinet-level Director of DEI</p> <p>Change the swearing-in date for incoming Mayors from early December to early January</p>
	Add a Division of Diversity, Equity and Inclusion ("DEI") and create a Cabinet-level Director of DEI

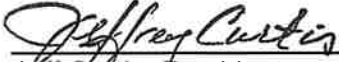



<u>Proposed Charter Section</u>	<u>Recommendation</u>
	Change the swearing-in date for incoming Mayors from early December to early January
	Separate the Office of Operations' regulatory functions from its operational functions
	Do not make any changes in the mayoral appointments process
	Create a seven-person Pension Fund Management Board (1 each from BOR, BOF, Director of Administration, and 4 mayoral appointees), with each Pension Board having 1 ex officio member
	Reduce the size of the Board of Representatives from 40 members representing 20 districts to 26 members representing 13 districts
	Simplify the Land Use permitting process by eliminating administrative silos
	Require leaders of professional departments (e.g., Engineering) to have administrative experience as well as technical experience
	Create a Cabinet-level Director of Operations Management position to review and update each department's practices and procedures
<b>Sec. C3-10-4</b>	<p>In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and/or Clerk of the Board of Representatives and/or the Town Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, <del>or in the President's absence or disability, the Majority Leader, or Minority Leader, in that order, or if none of the foregoing shall have agreed to assume the duties of the Mayor,</del> such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The <u>financial</u> compensation for the Acting Mayor shall be <del>determined by the Board of Representatives- but shall in no case exceed in proportion the salary of the Mayor- half of the per diem rate of the Mayor's salary.</del> <u>If the time period is greater than a thirty (30) day period said compensation will be equal a per diem rate base on the Mayor's salary. Said compensation will begin on the first day the Acting Mayor's assumes the duties of the role, and end on the day when the Mayor returns to duty.</u></p>

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This resolution was approved by a roll call vote of 21-9-2 as a Special Meeting of the 31<sup>st</sup> Board of Representatives held on July 20, 2023.

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Jeff Curtis, President  
31<sup>st</sup> Board of Representatives

  
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Megan Cottrell, Clerk  
31<sup>st</sup> Board of Representatives

cc: Mayor Caroline Simmons  
Thomas Cassone, Esq., Corporation Counsel  
Lyda Ruijter, Town & City Clerk  
Elda Sinani, Director of OPM  
Matthew Quiñones, Director of Operations  
Lou DeRubeis, Director of Public Safety, Health & Welfare  
Leah Kagan, Director of Economic Development  
Bridget Fox, Chief of Staff  
Tom Lombardo, Chair, 19<sup>th</sup> Charter Revision Commission