

# Memorandum

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**To:** Thomas Lombardo, Chair, 19<sup>th</sup> Charter Revision Commission

**From:** Jeff Curtis  
President, Board of Representatives

**Date:** 7/24/2023

**Re:** Resolution No. 4244, Concerning Recommendations for Changes to the Draft Report of the 19<sup>th</sup> Charter Revision Commission

Pursuant to CGS Sec. 7-191 (b), please find attached Board of Representations Resolution No. 4244, concerning recommendations for changes to the Draft Report of the 19<sup>th</sup> Charter Revision Commission.

The process followed by the Board of Representatives in crafting these recommendations was as follows:

- The Charter Revision Committee of the Board of Representatives held a public hearing on June 28, 2023, to obtain public input on proposed changes to the draft report.
- All members of the Board were requested to provide the Charter Revision Committee of the Board with their recommendations for changes to the draft report. Members of the Board did so prior to the two meetings held by the Committee on July 10, 2023, and on July 18, 2023.
- The Charter Revision Committee met on July 10, 2023, to review the proposals from the public and the first group of proposed changes submitted by members of the Board. All these changes were reviewed with Attorneys Mednick and Roberts. Attorneys Mednick and Roberts determined that some of the recommended changes were precluded by Public Act 23-205, §158 or other legal restrictions. The Committee voted to pass on to the 19<sup>th</sup> Charter Revision Commission all of the recommendations from Board members other than those that were precluded according to Attorneys Medick and Roberts, in order for the Commission to reassess or consider these recommendations prior to submitting a final draft . The minutes of this meeting are attached for your reference.

- The Charter Revision Committee then held a second public hearing on July 18, 2023, to obtain any further public input on proposed changes to the draft report. At the conclusion of that meeting the Committee reviewed the additional proposals from the public and the second group of proposed changes submitted by members of the Board. All of these changes were reviewed with Attorney Mednick. Attorney Mednick determined that some of the recommended changes were precluded by Public Act 23-205, §158 or other legal restrictions. Attorney Mednick also noted that Attorney Roberts had determined that one of the recommended changes approved to be passed on to the Commission at the July 10, 2023, meeting was precluded by Public Act 23-205, §158 and should not be included in the recommendations passed on to the Commission. The Committee voted to pass on to the 19<sup>th</sup> Charter Revision Commission all the additional recommendations from Board members that were not precluded according to Attorney Mednick, in order for the Commission to reassess or consider these recommendations prior to submitting a final draft. The Committee voted to include all the recommendations from the July 10<sup>th</sup> and July 18<sup>th</sup> meetings in a resolution to be submitted to the full Board for approval. The minutes of this meeting are attached for your reference.
- On July 20, 2023, the full Board voted by a vote of 21-9-2 to approve Resolution No. 4244, which includes all of the of the recommendations submitted by members of the Board of Representatives for the July 10<sup>th</sup> and July 18<sup>th</sup> meetings other than those that were precluded according to Attorneys Medick and Roberts, in order for the Commission to reassess or consider these recommendations prior to submitting a final draft. The Action Report of this meeting is attached for your reference.

Please feel free to contact me with any questions.

Thank you.

/vtr

Attachments

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

President  
JEFF CURTIS

Clerk of the Board  
MEGAN COTTRELL

Majority Leader  
NINA SHERWOOD

Minority Leader  
MARY L. FEDELI

## 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.
Preamble -	Delete "revolutionary" from #4
Sec. C1-50-3. Acquisition and Disposition of Real Estate	"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>

<b><u>Proposed Charter Section</u></b>	<b><u>Recommendation</u></b>
<b>Sections C6-40-2, C6-40-3, C6-40-4</b>	<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>
<b>Section C6-40-4</b>	Revert to 12 months
<b>Section C6-120-3</b>	There should be consistency between the definition of a long-term lease in this section and Sec C1-50-3.
<b>Section C6-120-3</b>	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.

<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.

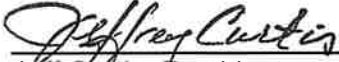
<u>Proposed Charter Section</u>	<u>Recommendation</u>
<b>Secs. C1-70-3; C1-80-1; C6- 210-1, et seq.</b>	Changing the Board of ethics from being appointed by the mayor and the board of representatives to become elected officials by the people. Their terms should run like the mayor and board of representatives.
<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>	Delete the requirement for a joint public hearing in its entirety. Because: <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.
	Change the budget process from annual to biennial Add a Division of Diversity, Equity and Inclusion ("DEI") and create a Cabinet-level Director of DEI Change the swearing-in date for incoming Mayors from early December to early January
	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



**2021-22 Charter Revision Committee –  
Board of Representatives**

Bradley Bewkes, Co-Chair

Jeff Curtis, Co-Chair

**Committee Report**

**Date:** Monday, July 10, 2023  
**Time:** 8:00 p.m.  
**Place:** *This meeting was held remotely*

The 2021-22 Charter Committee of the Board of Representatives met as indicated above. In attendance were Co-Chairs Bewkes and Curtis, and Committee Member Reps. Boeger, Ley, Matheny, Pollack, Shaw, Sherwood, and Stella. Also present were Reps. Adams, Campbell, Cottrell, de la Cruz, Fedeli, Figueroa, Garst, Goldberg, Jacobson, Mays, Miller, Morson, Patterson, Pavia, Walston, and Weinberg; Attorneys Mednick and Roberts; and Tom Lombardo, Chair, 19<sup>th</sup> Charter Commission.

Co-Chair Curtis called the meeting to order at 7:03 p.m.

Item No.	Description	Committee Action
1. <a href="#">C31.009</a>	RESOLUTION; Concerning Recommendations for Changes to the Draft Report of the 19 <sup>th</sup> Charter Revision Commission 06/07/23 – Submitted by Reps. Curtis and Bewkes	<b>Items to be included in resolution approved 9-0-0</b>

Co-Chair Bewkes noted that members of the Board had previously provided their recommended changes to the proposed draft report, which were combined into a [list of recommendations](#). The list was then, which is attached was reviewed by Attorneys Mednick and Roberts as follows. [Items highlighted in yellow are precluded by Public Act 23-205, §158. Items highlighted in green may be precluded by Public Act 23-205, §158 or present other legal obstacles and need to be reviewed by the attorneys.

The attorneys will look to see whether or not a definition of landowner would be appropriate anywhere else in the charter, if the term is used outside of the petition process.

A motion was made and seconded to accept all of the recommendations other than those highlighted in yellow in the list of recommendations, as listed below:

<u>Proposed Charter Section</u>	<u>Recommendation</u>
	Review the concern over the multi-board public hearings.
<b>Preamble -</b>	Delete "revolutionary" from #4 i
<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.

<p><b>Sec. C1-50-3. Acquisition and Disposition of Real Estate</b></p>	<p>Delete the requirement for joint public hearings.</p>
<p><b>Sec. C6-30-004</b></p>	<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 style="padding-left: 40px;">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 style="padding-left: 40px;">This should not apply to single-family homes</p> <p style="padding-left: 40px;">This should not apply to as-of-right uses</p> <p style="padding-left: 40px;">This should not apply when there is zero public comment (written or oral)</p>
<p><b>Sec. C6-30-4</b></p>	<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>

<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>
<p><b>Section C6-120-3</b></p>	<p>C6-120-3(f) - should specifically include school buildings as an "other purpose"</p>
	<p>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.</p>
	<p>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.</p>
	<p>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).</p>

	<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>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.
<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.

The motion was approved by a vote of 9-0-0 (Reps. Bewkes, Curtis, Boeger, Ley Matheny, Pollack, Shaw, Sherwood, and Stella in favor).

Committee members then had an extensive discussion regarding the process going forward. The recommendations voted upon will be converted into a draft resolution and both the resolution and the list of recommendations will be available to the public and the 19<sup>th</sup> Charter Commission. There will be a public hearing on July 18<sup>th</sup>, after which the Committee may amend the draft resolution. The full Board will then have an opportunity to vote on the draft resolution at a special meeting. After the special meeting, the resolution and list of recommendations will be forwarded to the Charter Revision Commission for its review. The Charter Commission may only consider the items contained in the recommendations from the Board, and may not consider other items. The Charter Commission will then submit its final report to the Board of Representatives, which can then vote to accept, reject, or reject in part any part of the report.

Board members will be asked to submit any additional recommendations to the Board office by the end of the day on July 14<sup>th</sup>.

Co-Chair Bewkes adjourned the meeting at 10:19 p.m.

Respectfully submitted,  
Bradley Bewkes, Co-Chair

This meeting is on [video](#).

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

Yellow item - Conflicts with PA 23-205 §158

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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**

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)

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 21<sup>st</sup> 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.

Yellow item - Conflicts with PA 23-205 §158

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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.*

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)

### **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.

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)

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.





## **2021-22 Charter Revision Committee – Board of Representatives**

Bradley Bewkes, Co-Chair

Jeff Curtis, Co-Chair

# **Committee Report**

**Date:** Tuesday, July 18, 2023  
**Time:** 6:30 p.m.  
**Place:** This meeting was held remotely.

The 2021-22 Charter Committee of the Board of Representatives met as indicated above. In attendance were Co-Chairs Bewkes and Curtis, and Committee Member Reps. Ley, Matheny, Pollack, Shaw, Sherwood, and Stella. Excused was Committee Member Rep. Boeger. Also present were Reps. Campbell, de la Cruz, Fedeli, Figueroa, Goldberg, Mays, Miller, Moore, Morson, Patterson, Summerville, and Weinberg; Attorney Mednick; and Tom Lombardo, Chair, 19<sup>th</sup> Charter Commission.

Co-Chair Bewkes called the meeting to order at 6:31 p.m.

1. [CR31.012](#)            2<sup>nd</sup> PUBLIC HEARING; Draft Report of the 19<sup>th</sup> Charter Revision Commission.            **Public Hearing Held**  
07/03/23 – Submitted by Rep. Bewkes

Co-Chair Bewkes opened the public hearing. The following members of the public spoke: Mike Papa, Chris Dawson, Jerry Silber, David Adams, Zachary Oberholzer, Paul Arvoy, Paula Waldman, Barry Michelson, Dave Avery, Sean, Kathy Kligler, and Kieran Edmondson. The [attached statements](#) were submitted in advance of the meeting by members of the public in lieu of speaking. There being no further members of the public wishing to speak. The public hearing was closed.

2. [CR31.009](#)            RESOLUTION; Concerning Recommendations for Changes to the Draft Report of the 19<sup>th</sup> Charter Revision Commission            **Approved, as amended, 8-0-0**  
06/07/23 – Submitted by Reps. Curtis and Bewkes

Co-Chair Bewkes noted that members of the Board had previously provided their recommended changes to the proposed draft report, which were combined into a [list of recommendations](#). The list, which is attached, was reviewed by Attorney Mednick as follows. [Items highlighted in yellow are precluded by Public Act 23-205, §158 or other law. Items highlighted in green may be precluded by Public Act 23-205, §158 or present other legal obstacles and need to be reviewed by the attorneys.

Attorney Mednick noted that Attorney Roberts had reviewed whether or not a definition of landowner would be appropriate anywhere else in the charter, and determined that it is not used outside of the petition process and so should not be included in the Charter given Public Act 23-205, §158.

A motion to accept into the resolution all of the new recommendations other than those highlighted in yellow in the list of recommendations, as listed below, and to remove the recommendation from last week regarding the definition of landowner was made, seconded, and approved by a vote of 8-0-0 (Reps. Bewkes, Curtis, Ley, Matheny, Pollack, Shaw,

Sherwood, and Stella in favor).

<b><u>Proposed Charter Section</u></b>	<b><u>Recommendation</u></b>
<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>	Delete the requirement for a joint public hearing in its entirety. Because: <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.
	Change the budget process from annual to biennial Add a Division of Diversity, Equity and Inclusion ("DEI") and create a Cabinet-level Director of DEI Change the swearing-in date for incoming Mayors from early December to early January
	Add a Division of Diversity, Equity and Inclusion ("DEI") and create a Cabinet-level Director of DEI
	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>	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.</del> <u>half of the per diem rate of the Mayor's salary. 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>

A motion to approve the resolution as amended to include all of the above items was made, seconded, and approved by unanimous voice vote (Reps. Bewkes, Curtis, Ley, Matheny, Pollack, Shaw, Sherwood, and Stella in favor).

Co-Chair Bewkes adjourned the meeting at 7:40 p.m.

Respectfully submitted,  
Bradley Bewkes, Co-Chair

This meeting is on [video](#).

**Brett Hillsberg**

I do not support the land use revisions to Stanford's charter. By allowing 300 people across the city to stop development Stamford would be stunting its own growth

**Gabrielle Silver**

On behalf of the Greater Stamford Young Democrats, we are not in favor of the changes to the Charter. As a citizen, I am not in favor of the Charter revisions as they stand, as there was a complete neglect of environmental provision revisions.

**Liz**

I would like to testify against the proposed modifications to the charter revision process. The modifications will make it difficult (if not impossible) for the city government to act effectively in matters of land use and transportation: by making government more costly, less efficient, and inserting more veto points into land use processes. Their goal is to allow a small group of vocal people to block any new development or project in the city even if they live nowhere near it. I think this is a bad idea that will have extremely negative consequences for the city and its future. It is also not fair to the high number of citizens who rent, and should still have a say. The board of representatives do not truly represent Stamford, and honestly have too much power as it is.

**Ryan Cassella**

The proposed modifications to the Stamford city charter represent everything the public seeks to avoid in a well-functioning government: inefficiencies, unnecessary costs, and additional hurdles to a democratic process. The suggested charter revisions are a clear step backwards for a city that should be laser focused on increasing housing stock of all kinds to complement the diverse community that calls Stamford home. By adding multiple barriers to land use development, we risk stifling the growth of a community that should lean into its strengths as an inclusive and welcoming place to live. Please consider the varied citizens of Stamford during this charter review – everyone deserves a seat at the table when it comes to deciding the future growth and development of this city.

**Elliot Glassman**

Stamford is a great place to live, and we can grow our city in a way that it becomes an even better place to live as our community's needs for the 21st century become better understood. We must support the ability of the city to provide much needed housing, create sustainable and walkable/transit-oriented development, and provide schools or other facilities as required.

**Jackie Kaiko**

In the BOD's Suggestions for Consideration by the Charter Revision Committee, specifically, these items:

1) Submission by Representative Weinberg: the "Definition of a Landowner":

QUESTION:

Are there legal limitations that would prevent updating the Charter's definition of "Landowner" so as to include not only owners of single family homes but, also, others who pay property taxes and have a stake in the future of the City of Stamford:

- i) owners of condos and coops who pay property taxes directly and
- ii) renters who pay property taxes indirectly through the rent they pay to the owners of their rental units?

2) Submission by Representative Stella:

- i) Giving the BOR appointment authority for a majority of the members of the PB, the EPB, the ZB and the Zoning Appeals Board as vacancies arise on the Board may arise.
- ii) Changing the Charter from a 2/3rds to 3/5th vote to override a Mayoral veto.

QUESTION:

What are the rationales for these two recommendations?

3) Submission by Representative Sherwood:

Regarding Sec. C2-10-3: "hiring an in-house counsel for the BOR" as updated in Representative Sherwood's Submission:

The in-house City Legal Dept. currently serves the needs of the BOR. A separate resource for the BOR would be an additional direct expense that has been estimated at \$2.5million+ for the 10 year life of the Charter ( \$250k p.a. X 10 years).

QUESTIONS:

What is the rationale for this change?

Are there instances that can be cited for when the BOR been disserved in the past by not having a BOR-dedicated in-house lawyer?

Thank you

Yellow item - Conflicts with PA 23-205 §158 or other law

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**

### **From Rep. Figueroa**

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.

### **From Rep. de la Cruz**

Attached is City Charter Sec. C6-40-1 Powers and Duties of Zoning Board. It does not include consideration of the environment among the duties of the Board.

#### **CITY CHARTER**

##### **Sec. C6-40-1. - Powers and Duties of Zoning Board.**

The Zoning Board is authorized to regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land or trade, industry, residence or other purposes; and the height, size, location and character of advertising signs and billboards. Said Board may divide the City into districts of such number, shape and area as may be best suited to carry out the purposes of this Chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings or structures throughout each district, but the regulations in one district may differ from those in another district, shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Attached is the section from Public Act 21-29 listing the duties of the Zoning Board. The act now includes protection of the environment and other resources among the duties.

Yellow item - Conflicts with PA 23-205 §158 or other law

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

**Public Act No. 21-29**

(2) Be designed to (A) lessen congestion in the streets; [to] (B) secure safety from fire, panic, flood and other dangers; [to] (C) promote health and the general welfare; [to] (D) provide adequate light and air; [to prevent the overcrowding of land; to avoid undue concentration of population and to] (E) **protect the state's historic, tribal, cultural and environmental resources**; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; [. Such regulations shall be made] (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et

(Emphasis Added)

Sec. C6-40-1 should be revised to reflect these added requirements of Public Act 21-29.

**From Rep. Mays**

**Recommend postponing vote on charter revision until 2024.**

Rationale: Section C1-40-5 of the current City Charter provides: "To the extent permissible under applicable state law, the Board of Representatives shall endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with a general election at which either the Mayor, state officials or federal officials are to be elected." That is obviously relevant to the issue of whether the vote should be in 2023 or 2024. The public turnout for the 2023 election is expected to be less than 20% of registered voters. It will be greater than 65% in 2024, thus allowing much greater public input on proposed charter revisions.

**The BoR President may only nominate candidates for all committee memberships, subject to majority vote by the full BoR.**

Rationale: This prevents committee assignments to be determined by only one person and would avoid the potential of the President "stacking the deck" to support his/her personal agenda. This would allow for BoR discussion on the qualifications for candidates to serve on specific committees and could help avoid potential conflict of interest issues.

Yellow item - Conflicts with PA 23-205 §158 or other law

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**Reduce the size of the BoR from 40 to 20 representatives with only one representative from each district.**

Rationale: Our BoR is too large and out-of-scale for the size of our city. No city of the size of Stamford has such a large board or city council. The size of our board makes for protracted meetings as well as potential confusion as to who is representing each district

**From Rep. Adams**

1). Please update the charter with a definite description for proposing condominiums as land owners. For example if I have 200 hundred condominium owners that sit on a plot of land which is 200 ft by 200 ft that includes parking, office, recreation and gym what percentage of the property do the 200 hundred condominiums own out of the plot of land which is 200 ft by 200 ft?

2). If the condominium developer build 22 condominiums and the developer put the land in a land trust what percentage do the condominiums own when the land is in a trust?

3). If the developer build the condominium and then lease the land back to the condominium association for 99 years what percentage of the land do the condominium owners own?

4) What is the magnitude of change that the charter revision is willing to make at the request of the City of Stamford Legal counsel?

**From Rep. Ley**

**Section C8-30-10(b)(4)**

Delete the requirement for a joint public hearing in its entirety. Because:

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.
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.

**Section C8-20-9(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



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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.

### **From Rep. Weinberg**

#### **Originally Submitted by Mayor Simmons \***

- Change the budget process from annual to biennial
- Add a Division of Diversity, Equity and Inclusion (“DEI”) and create a Cabinet-level Director of DEI
- Change the swearing-in date for incoming Mayors from early December to early January

#### **Originally Submitted by Mayor Martin \***

- 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

#### **Originally Submitted by Mayor Pavia \***

- 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

\* Source: Elected Officials Committee of the Charter Revision Commission, Minutes of the 11/03/2022 Meeting

### **From Rep. Stella**

**Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.**

Yellow item - Conflicts with PA 23-205 §158 or other law

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

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, ~~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.~~ 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 financial compensation for the Acting Mayor shall be ~~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. 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.~~

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

President  
JEFF CURTIS

Clerk of the Board  
MEGAN COTTRELL

Majority Leader  
NINA SHERWOOD

Minority Leader  
MARY L. FEDELI

## ACTION REPORT OF SPECIAL MEETING

President Curtis called the meeting to order at 8:10 p.m.

President Curtis read the call of the meeting: We, the undersigned members of the 31st Board of Representatives of the City of Stamford, Connecticut, and pursuant to Section C2-10-4 of the Stamford Charter, hereby call a Special Meeting of said Board of Representatives at the following time and place

Thursday, July 20, 2023

8:00 p.m.

by computer, tablet, or smartphone at:

<https://us02web.zoom.us/j/84874558071> or [www.zoom.com](http://www.zoom.com) – Webinar ID - 848 7455 8071 or  
by phone 1-646-558-8656 – Webinar ID - 848 7455 8071.

to consider and act upon the following:

1. [CR31.009](#) RESOLUTION; Concerning Recommendations for Changes to the Draft Report of the 19<sup>th</sup> Charter Revision Commission 06/07/23 – Submitted by Reps. Curtis and Bewkes 07/10/23 – Recommendations made by Committee **07/18/23 – Approved by Committee 8-0-0**

## AGENDA

INVOCATION: Led by President Curtis.

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President Jeff Curtis.

ROLL CALL: Conducted by Clerk of the Board Megan Cottrell. There were 32 members present and 8 members absent or excused (Reps. Adams, Berns, Bewkes, Boeger, Campbell, Cottrell, Curtis, de la Cruz, Fedeli, Figueroa, Garst, Gilbride, Grunberger, Ley, Matheny, Mays, Miller, Moore, Morson, Patterson, Pavia, Pollack, Saftic, Shaw, Sherwood, Stella, Summerville, Tomas, Walston, Dakary Watkins, David Watkins, and Weinberg were present; Reps. Coleman, Goldberg, Jacobson, Jean-Louis, Pierre-Louis, Roqueta, Sandford and Shinn were absent or

excused. (Rep. Roqueta joined the meeting at 8:32 p.m.) (Rep. Gilbride left the meeting at 8:50 p.m.)

**COMMUNICATIONS:** Conducted by Clerk of the Board Megan Cottrell.

1. If you need assistance with Zoom during the meeting, please call: [REDACTED] to speak with IT. Please do not call other members of the Board or the Board office. If you are having problems speaking or hearing with your computer, you can always access the meeting through a telephone by dialing the phone number on the Agenda - 1-646-558-8656, and using the Webinar ID on the agenda: 848 7455 8071. Please call or text IT at [REDACTED] or text the Clerk at 475-489-5435 to let us know you are coming on, with the phone number you are using, and we will make sure you are able to speak during the meeting.
2. If you do not respond during a roll call vote, your name will be called 2 more times after the conclusion of the vote. If you do not respond, you will be assumed to have left the meeting and your name will not be called on the next roll call vote.
3. If you decide to leave the meeting, you must text the Clerk when you leave. If you need to leave the meeting for a short period, text the Clerk when you leave and return. Members who do not text the Clerk when they leave the meeting will be presumed to be present for all consent items.

**PRESENTATION:** Jeff Curtis and Bradley Bewkes Co-Chairs, 2021-22 Charter Revision Committee

- |                             |  |  |
|-----------------------------|--|--|
| 1. <a href="#">CR31.009</a> | RESOLUTION; Concerning Recommendations for Changes to the Draft Report of the 19 <sup>th</sup> Charter Revision Commission<br>06/07/23 – Submitted by Reps. Curtis and Bewkes<br>07/10/23 – Recommendations made by Committee<br>07/18/23 – Draft Resolution to be Considered by Committee | <b>APPROVED<br/>BY A ROLL<br/>CALL VOTE<br/>21-9-2</b> |
|-----------------------------|--|--|

A motion to move the question was made, seconded, and failed by a roll call vote of 19-14-0 (Reps. Bewkes, Campbell, de la Cruz, Fedeli, Figueroa, Garst, Matheny, Moore, Patterson, Pavia, Pollack, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, Dakary Watkins, and Curtis in favor; Reps. Adams, Berns, Boeger, Cottrell, Gilbride, Grunberger, Ley, Mays, Miller, Morson, Roqueta, Shaw, David Watkins, and Weinberg opposed).

A motion to amend the Resolution as follows was made, and seconded.

**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~~ recommend for consideration to the Commission ~~for~~ such changes in the draft report as it deems ~~desirable-appropriate for consideration~~;

**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, one or more members of the Board of Representatives recommended ~~the~~ one or more 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 for consideration, 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 for review and consideration:

The motion to amend failed by a roll call vote of 15-15-2 (Reps. Adams, Bewkes, de la Cruz, Fedeli, Grunberger, Ley, Mays, Miller, Morson, Patterson, Pollack, Shaw, David Watkins, Weinberg, and Curtis in favor; Reps. Boeger, Campbell, Figueroa, Garst, Matheny, Moore, Pavia, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins opposed; and Reps. Berns and Cottrell abstaining).

A motion to move the question was made, seconded and approved by a roll call vote of 24-5-3 (Reps. Adams, Bewkes, Cottrell, de la Cruz, Fedeli, Figueroa, Garst, Matheny, Mays, Moore, Patterson, Pavia, Pollack, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, Dakary Watkins, David Watkins, Weinberg, and Curtis in favor; Reps. Boeger, Ley, Miller, Morson, and Shaw opposed; Reps. Berns, Campbell and Grunberger abstaining).

A motion to approve CR31.009 was made, seconded and approved by a roll call vote of 21-9-2 (Reps. Berns, Bewkes, Boeger, Campbell, Cottrell, de la Cruz, Figueroa, Garst, Matheny, Moore, Patterson, Pavia, Pollack, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, Dakary Watkins, and Curtis in favor; Reps. Adams, Grunberger, Ley, Mays, Miller, Morson, Roqueta, Shaw, and Weinberg opposed; Reps. Fedeli and David Watkins abstaining).

ADJOURNMENT: President Curtis adjourned the meeting at 9:35 P.M.

This meeting is on [video](#)