

**Proposed Revision of
The Charter of the City of Stamford**

**To be voted on in the City of Stamford
in the Election to be held on
Tuesday, November 7, 2023**



Caroline Simmons
Mayor

Jeff Curtis
President, Board of Representatives

Lyda Ruijter, Ph.D
City and Town Clerk

**PROPOSED REVISION OF THE
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ON TUESDAY, NOVEMBER 7, 2023**

Pursuant to §9-369b(a) of the Connecticut General Statutes (C.G.S.), as amended, the following is a summary of the proposed amendments to the Charter of the City of Stamford, in accordance with C.G.S. §7-188. Said proposals were prepared by the Stamford Charter Revision Commission and approved for submission to the electorate by the Board of Representatives. The proposed revision of the Charter was published, in its entirety, in the **Stamford Advocate** on September 28, 2023. The proposed Charter is available at the following: <https://www.stamfordct.gov/home/showpublisheddocument/30525/638315150706670000>

There is one local Question on the Ballot. If a majority of the electors voting on this proposed revision of the Charter approve same, it shall become the City's Charter.

Attest: _____

Lyda Ruijter, Ph.D
City and Town Clerk

BALLOT QUESTION

Shall the Charter be revised to clarify and make it easier for the public to understand, have access to and hold more accountable Stamford's government by the following: (a) create more opportunities for the public to participate in government; (b) clarify, define and make more understandable certain common terms in the charter; (c) require clear reporting and accountability for legislative, legal and fiscal matters; (d) include recognition of diversity, equity and inclusion ("DEI") as an important goal for the City; (e) end the practice of allowing members of decision-making boards and commissions to remain in office beyond the expiration of their term; (f) clarify the requirement that certain appointed executive officials live in Stamford, subject to a waiver provision; (g) allow the Board of Representatives to obtain legal services, as necessary, as do other local legislative bodies in Connecticut (h) create new charter boards and commissions to promote the goals of the Americans with Disabilities Act/DEI, mental health, housing and harbor management; and, (i) reorganize the budget process to permit residents to voice their opinions and concerns in a pre-budget public hearing, require publication of a budget calendar and ensure compliance with state law?

Explanation. Voters are urged to read these remarks as they more fully and accurately explain the proposed revision than any ballot question can possibly do. Moreover, there is no substitute for taking the time to read the proposed revision in its entirety in order to draw your own conclusions on the content of the revisions. The proposal has been published in the Stamford Advocate and is also available on the link provided above.

The question and the revisions address some of the issues raised by the Board of Representatives in its initial charge as reviewed by the Charter Revision Commission. The proposed revisions to the Charter include open public meeting protocols; public accessibility and participation standards due to technological advancements; expanded definition provisions to endeavor to establish a common language for those reading the document; and reorganized budget provisions. They also permit the hiring of separate in-house counsel for the Board of Representatives and lower the standard and threshold for that Board to hire outside counsel. The proposed changes also modify the process for making appointments to City Boards and Commissions based upon a strict time-frame: (1) Sole Mayoral authority to nominate holdover members by February 15th of each year and other members within 120 days of a vacancy or end of term; (2) if Mayor fails to submit nomination(s) or they are rejected by the Board of Representatives, then concurrent Mayoral authority to nominate with the President of the Board (120 days); and, (3) if neither the Mayor nor President of the Board submit nomination(s) or they are rejected by the Board of Representatives, then concurrent Mayoral authority to nominate with the Board of Representatives until a nominee is ultimately approved. The authority to approve or reject remains with the legislative body throughout the process. Finally, Mayoral nominees not acted upon by the Board of Representatives within 60 days (reduced from the current 90-days) are “deemed approved.” The provisions are explained in more detail below.

Preamble. The Preamble has been revised to include recognition of diversity of residents in Stamford, equal opportunity for all residents, condemnation of prejudice, commitment to a healthy environment for all residents; and sustainability of our coastal community.

Part 1 – Organization and Election Procedures. Changes in this provision largely focus on clarifying public notification and access to information about public meetings, public hearings and public documents associated with the City especially in light of new technology. Many new definitions are being proposed which are intended to provide a common usage throughout the document to endeavor to make the language consistent. Newly defined terms include the following:

- Board of Representatives
- Board or Commission
- Charter
- Days
- Law
- Mayor
- Meeting
- Meeting Notice/
Hearing Notice
- Newspaper Notice
- Ordinance/City
Ordinances
- Public Hearing
- Resolution
- Special Act/Special
Laws
- State/State of
Connecticut
- State Constitution

The meeting and notice provisions were intended to align the Charter with changes in meeting protocols, law and technology. This Part also addresses other issues that have general applicability in the Charter and to the conduct of business in our City government. Finally, it proposes revisions to the qualification of counsel engaged by the Board of Representatives in conjunction with the removal of elected officers, like reducing the number of years from ten (10) to five (5) that such counsel practiced law in Connecticut, and no longer requiring such counsel to be a member in good standing of the Connecticut Bar.

Part 2 – Legislative Body. The principal revisions proposed in this Part allow the Board of Representatives to create a new position of in-house counsel to the Board, and to retain outside counsel in order to advise and represent its interests, whenever it deems it necessary or convenient to perform its legislative functions and duties. Previously, the hiring of outside counsel was limited to specific cases or controversies. The standard for engaging the services of outside counsel and to appropriate monies to pay costs and expenses incurred, has been reduced from requiring a resolution jointly presented by the Majority Leader, Minority Leader, the President and Clerk and approved by the affirmative vote of not less than thirty-one (31) members to a resolution submitted by any member and approved by a majority vote of the entire membership.

Part 3 - Executive. The proposed revisions alter the protocols that apply when the Mayor is temporarily absent or disabled and unable to perform the duties of the office. It also provides for the order of succession for the temporary services of those assuming the Mayor's role (i.e., the "Acting Mayor"), and the level of compensation for the Acting Mayor during that period. Previously, the person assuming the role of Acting Mayor due to their absence or disability would do so without compensation for the first 30 days.

The proposed revisions recognize the Mayor as the principal representative for the City in intergovernmental affairs between the City and the state and federal governments and require the Mayor to report to the Board of Finance and Board of Representatives in the event any legislative proposals are being introduced to Congress or the General Assembly that may impact the governance of financial well-being of the City.

Part 5 – City Departments. The baseline experience for the Corporation Counsel is proposed to be increased from good standing in the Connecticut Bar and five years of practice in our state to a minimum of ten years' experience of law practice with, at least, five in the State of Connecticut. The Corporation Counsel is also required to issue and publish an annual report regarding the state of legal matters for the City, including, pending cases, resolved litigation, completed transactions, expenditures of the City and public schools administered by the Board of Education, current staffing levels in the Legal Division among other items requested by the Mayor, Board of Finance or Board of Representatives. This provision also reduces the necessary threshold for the Board of Representatives to hire Outside Counsel from the affirmative vote of 31 members as in the current Charter, down to a simple majority.

The proposed revisions also clarify the current "resident-elect of the City" requirement in the Charter by specifying the applicability of that employment standard to the following positions, subject to the oversight of the Personnel Director:

- Director of Public Safety or equivalent position
- Director of Operations or equivalent position
- Corporation Counsel;
- Personnel Director or equivalent position;
- Police Chief or equivalent position
- Assistant Police Chief, or equivalent positions;
- Fire Chief or equivalent position
- Assistant Fire Chief or equivalent positions.

This provision also renders vacant any of these positions where a non-resident is appointed but is unable to move to the City of Stamford within 6 months of assuming their role, regardless of the circumstances of their inability to relocate. Under the current Charter, the Board of Representatives may suspend this requirement by a majority vote of its entire membership.

The proposed revisions also require the Director of Administration to file reports twice a year pertaining to (a) the status of the general fund cash surplus, or; in the alternative, the deficit at the end of the current fiscal year, to be accounted for during the budget process; (b) comparison of Itemized estimates of expenditures, presenting the actual expenditures for each Budgeted Entity (as defined in the revised Charter) for the last completed fiscal year to the current fiscal year prior measured both in dollar terms and by percentage; (c) comparison of revenues to date against the projections for the current fiscal year and against that of the last completed fiscal year; (d) actual expenditures for total debt service, including principal and interest figures, measured against the requirements for the ensuing fiscal year; including, a schedule of maturities of bond issues; (e) amounts expended to meet contractual provisions of collective bargaining agreements (and other side agreements relating thereto) pertaining to minimum mandatory workforce and overtime requirements; and (f) such other information as may be required by the Board of Finance or the Board of Representatives.

Part 6 – Boards and Commissions. The proposed revisions add the Harbor Management Commission to the boards and commissions governed by the Charter and also creates an ADA/DEI Commission, a Housing Commission and a Mental Health Commission.

The proposed Charter also modifies the process for making nominations to Boards and Commissions. The Mayor has an initial period of 120 days within which the Mayor has sole authority to nominate appointees to Boards and Commissions. If the Mayor fails to submit nominations or the Mayor’s nominations are rejected by the Board during that period, there is a second 120 day period during which the Mayor shares appointment authority with the President of the Board of Representatives.. If during the second 120 day period the Mayor and/or the President of the Board of Representatives fails to submit nominations or their nominations are rejected by the Board of Representatives, then members of the Board of Representatives and Mayor may each submit nominations, with the Board retaining the power to approve. At all times, in every phase of the process, if the Board of Representatives fails to act within 60 days of the nomination and the Mayor has nominated a candidate, the Mayor’s candidate shall be automatically approved (“deemed approved”). This process would also attempt to avoid holdover appointments of Board and Commission members. The Town and City Clerk provides the Mayor and Board of Representatives with notice of the end of the term or of a vacancy on the Board of Commission. The proposed process is as set forth in the following chart:

<u>Current</u>	<u>Proposed</u>
<ul style="list-style-type: none"> • Submission Requirement: The Mayor submits annually after the first organizational meeting of the Board of Representatives nominees as members and alternates for Boards or Commissions where “a term of office has expired.” This provision does not refer to other “vacancies.” 	<ul style="list-style-type: none"> • Submission Requirement: The Mayor submits nominees in response to a notice from the Town and City Clerk pertaining to the “end of the term” or “other vacancies.”
<ul style="list-style-type: none"> • Approval: Silent; although may be addressed in Sec. C2-10-6. 	<ul style="list-style-type: none"> • Approval: Majority of the Board of Representatives (with reference to the standard set forth in Sec. C2-10-6).
<ul style="list-style-type: none"> • Deemed Approved: If not approved by the Board of Representative within 90 days of submission 	<ul style="list-style-type: none"> • Deemed Approved: Reduced the waiting period to 60 days throughout the entire process.
<ul style="list-style-type: none"> • The Initial 120 Day Timeline: In the event the “Mayor shall fail to submit a nomination to the Board of Representatives within 120 days after the expiration of a Board or Commission or alternate member’s term of office” the Mayor’s appointment authority temporarily lapses. 	<ul style="list-style-type: none"> • The Initial 120 Day Timeline and February 15th Timeline: In the event the Mayor fails to submit an initial or subsequent nomination to the Board of Representatives within (a) the 120 Day timeline, or the Board of Representatives rejects the Mayor’s nominations to the end of the first 120 days; or, *(b) the February 15th timeline; the appointment authority shall, thereafter, shift to a concurrent authority.
<ul style="list-style-type: none"> • Treatment of Holdover Members: None. 	<ul style="list-style-type: none"> • Treatment of Holdover Members. Requires the Mayor to appoint on or before the 15th of February following approval the Charter or thereafter following the election of a Mayor.

Current

- **Subsequent 120 Day Timeline – President of the Board as Sole Appointing Authority:** The appointment authority shifts to the President of the Board of Representatives.
- **90 Day Appointment Authority:** The appointment authority reverts to the Mayor.
- **Effective Date of Nominee:** Upon Approval by the Board of Representatives.
- **Limitations on Nominations:** The Mayor's nominations shall be submitted to the Board of Representatives at its next regular meeting. In the event the Board of Representatives rejects a nomination, the Mayor shall submit a new nomination or resubmit the rejected nomination to the Board of Representatives at its next regular meeting, provided that the Mayor may not submit the same name more than two times.

Proposed

- **Subsequent 120 Day Timeline – Concurrent Appointment Authority of Mayor and President of the Board;** concurrently vests in both the Mayor and President of the Board of Representatives for a period of one hundred and twenty (120) Days thereafter, as shall be certified by the Town and City Clerk (“Concurrent Authority Timeline”) during which period the Board of Representatives may reject the Mayor and Board President's nominees.
- **Final Step:** The Mayor retains concurrent authority with each member of the Board of Representative by majority vote, which the Board of Representatives may override by its vote.
- **Effective Date of Nominee:** No change.
- **Limitation on Nominations:** No change except the Board of Representatives can reject the Mayor's nominees until the end of the Mayor's 120 day timeline and the 120 day joint authority timeline and in so doing obtain concurrent authority with power to approve its own nominations.

The proposed revisions also require cooperation of all officials and department employees with members of Boards and Commissions and vice versa, require the Superintendent of Schools to keep fiscal control records and provide other information as may be required by the Charter. The standard is currently discretionary. The proposed revision also incorporates a new requirement for the Board of Education to file twice a year all contracts (including, agreements, memoranda of understanding, memoranda of agreement, letters of understanding, side letters and other agreements) entered into on behalf of the Board on its own or on behalf of the City including but not limited to, those executed within the budget limits or other authority established by the Board of Education and/or the annual budget process (including operating and capital). This requirement specifically excludes all such contracts as may be exempted from disclosure by federal or state Law or otherwise not capable of redaction in order to protect statutory privacy rights of individuals.

Other proposed changes include requiring the Mayor to appoint members to the Health Commission who “possess experience and qualifications in public health, environmental health and community outreach” and to create a dedicated funding source for the city owned golf course from revenues to the City generated by lease payments and other income from the Golf Authority. The provisions are limited to a 10-year timeframe to allow the golf course to reverse its current funding levels.

Part 7 - Pensions. A technical revision requires the City to act as the Plan Sponsor for any Deferred Compensation Plan created in accordance with the requirements of sections 457 or 401(a) of the Internal Revenue Code of 1986, as amended, for classified and unclassified employees. There is also a proposed revision that distributions from certain retirement funds are returned to the City Fund if they remain unclaimed for a period in excess of one year.

Part 8 – Budgetary Provisions. The Article opens with a series of requirements designed to foster “public engagement” through cooperation by all officials, utilizing best practices in the field of public finance, compliance with law and principles of accountability, transparency and outreach to the public. As is the case currently, the budget is declared a “public record” available at the Office of the Town Clerk and other public facilities, and the Mayor is required provide access “on-line’ through social media, the Town web-site, dashboards and e-mails chains to community organizations. The Charter refers to all departments and entities of the City as “Budgeted Entities.”

The revised Charter also establishes the following linear “Budget Calendar” to inform the public of the process by which the City Charter is assembled and reviewed during the course of the fiscal year.

- **Multilateral Public Hearing on Budget Priorities** designed to elicit comments and ideas from members of the public prior to the commencement of the budget development process in September of each year [Sec. C8-20-1(b)][NEW].
- **Establishment of Information Assembly Protocols for the Budget Process** sets forth the protocols pertaining to the assembly of information for the budget shall be distributed to all Budgeted Entities on or before December 10th [Sec. C8-20-2(a)].
- **Capital Project Estimate** submissions by Budgeted Entities to the Planning Board, designated members of the Board of Representatives, Chair of the Board of Finance and Director of Administration of or before December 10th [Sec. C8-20-2(e)(1)].
- **Joint Public Hearing on Capital Projects Estimates** conducted by the Planning Board, Board of Finance and designated members of the Board of Representatives or before December 15th [Sec. C8-20-2(e)(3)].
- **Report of Director of Administration on Capital Project Estimates** to the Board of Finance and Mayor pertaining to the Capital Project of or before December 15th [Sec. C8-20-3].
- **Operating Budget Request Submitted to the Director of Administration** by all Budgeted Entities from January 10th – March 8th [Sec. C8-20-2(b)].
- **Planning Board Hearing on Capital Projects Program** on or before February 15th [Sec. C8-20-5(c)].
- **Board of Finance Issues Safe Debt Certificate and Transmits Report to Planning Board** pertaining to the appropriate level of capital spending and transmits the Director Administration’s Capital Project Request Report to the Planning Board, on or before February 15th [Sec. C8-20-4].
- **Planning Board Transmits Capital Projects Budget to Mayor** on or before March 1st [Sec. C8-20-6(a)].
- **Board of Education Submits Itemized Estimate of Costs of Operation of the Public Schools (“Board of Education Budget Information”) to the Mayor** in other words, “total dollars requested” in the Board of Education operating budget on or before March 1st [Sec. C8-20-2(d)].;
- **The Mayor’s Proposed Budget (“Proposed Budget”) is Submitted (including Board of Education Budget Information.** (1) The Mayor’s Proposed Budget (Operating and Capital) and (2) the Board of Education’s Budget Information are submitted to the Board of Finance and Board of Representatives on or before March 8th [Secs. C8-30-1(a) and (b)].
- **Joint Hearings on the Proposed Budget** by the Boards of Finance and Representatives, including a review of the Board of Education’s Budget Information, on or before April 8th [Sec. C8-30-2(c)].
- **Board of Finance Acts on Proposed Budget**, including the Board of Education Appropriation on or before April 20th [Sec. C8-30-3(a) and (b)].
- **Board of Representatives Acts on Proposed Budget**, including the Board of Education Appropriation, on or before May 15th [Sec. C8-30-4(b)]; and,
- **Fixing of the Tax Rates by the Board of Finance**, on or before May 25th [Sec. C8-30-4].

Many of the other proposed changes are designed to clarify and codify existing procedures and to ensure that the Charter abide by the statutory requirements with respect to the Board of Education budget. It also proposes to establish a time-frame for tax assessment adjustments stemming from the extension of sanitary sewer service to a taxpayer.

Part 9 – Miscellaneous Procedures. The effective date of the Charter is January 1, 2024; unless otherwise stated in the Charter.