

# CITY OF STAMFORD 17<sup>TH</sup> CHARTER REVISION COMMISSION

Members

*JOSH FEDELI*

*VINCENT J. FRECCIA, III*

*CLARENCE R. GREBEY III*

*JOANNA M. GWOZDZIOWSKI*

*MICHAEL C. JACHIMCZYK*

*DAVID LUCAS*

*ROSANNE MCMANUS*

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Vincent J. Freccia, III, Co-Chair

Jay H. Sandak, Co-Chair

Susan A. Nabel, Clerk

Members

*SUSAN A. NABEL*

*GAIL S. OKUN*

*ROBERT S. ROBINS*

*RICH ROSEMAN*

*JAY H. SANDAK*

*GEORGE SESSA*

*DONALD B. SHERER*

*DUDLEY N. WILLIAMS, JR.*

## MINUTES OF MEETING

Wednesday, March 7, 2012

7:00 p.m. – Republican Caucus Room

4<sup>th</sup> Floor, Government Center

888 Washington Boulevard, Stamford, CT 06904-2152

Present were Co-Chairs Sandak and Freccia and Commissioners Fedeli, Grebey, Gwozdzowski, Grebey, Jachimczyk, Lucas, McManus, Nabel, Okun, Robins, Roseman, Sessa and Sherer. Also present was Tom O'Day of the law firm Halloran & Sage.

Co-Chair Sandak called the meeting to order at 7:00 p.m.

Public Comment - There were no members of the public present who wished to make comments.

### Legal Counsel

Chair Sandak reported the Commission has retained Halloran & Sage as legal counsel. Partner Tom O'Day, from their Westport office, introduced himself and described the law firm.

Chair Sandak stated that each committee has issues that will require legal assistance. Commission members should direct any legal issues that they would like counsel to opine on to the co-chairs, who will then work with counsel. (It would be unwieldy for 15 people to interact with the legal counsel.)

Chair Sandak stated:

- Fred Flynn had a two-part op-ed piece in the Advocate recently. Mr. Sandak believes that all of the items mentioned in the article are already in the charge to the Commission.

### Committee Reports

1. Communications Committee. Mr. Grebey stated:

- An op-ed piece appeared in the Stamford Advocate regarding charter revision.
- After the Commission has issued its report, the Committee is considering holding a series of community meetings, working with the League of Women Voters and other community groups to provide education and advocacy for charter revision activities.

Mr. Sandak stated that after the Commission's Report is presented to the Board, it will be incumbent on all members to inform the public and advocate for the changes.

2. Financial Committee. Commissioner Scherer reported:

- Rachel Goldberg attended the last session and explained her concerns regarding the takings clauses in the Charter. The Commission learned that this section is very much driven by state statute. The bottom line is that the Charter should reference the state statute. The Committee's recommendations on this matter are not ready to be presented tonight.
- Bond counsel has submitted language that it is recommending. Bond counsel feels there should be much more power in the BOR and less power in the BOF. At the same time, the Committee felt that the BOF, being the fiscal body, should be the primary fiscal entity for the City. The Committee did agree with bond counsel that the redundancy in the Charter between the BOF and the BOR is unique to Stamford.
- The pension section is really a creature of state statute and collective bargaining.
- A set of notes on the Committee's actions will be provided to the BOR Office for distribution to the Commission.

Chair Sandak stated that no preliminary votes will be taken on committee recommendations at the same meeting they are presented to allow members time to review recommendations.

The Commission will begin weekly meetings starting next week.

Legal counsel will help with determining whether proposed changes are legal and with the drafting of language

3. Government Committee

Chair Freccia stated that the following consensus decisions have been made:

- Consideration to having a Citizens Bill of Rights (CBOR) should be given. A considerable amount of time was spent on this item, which was submitted by a member of the public. A working draft ([attached](#)) was prepared, and it is for discussion only..

Commissioner Fedeli was asked to present and review the CBOR:

- The CBOR was introduced by Mr. Vartuli
- Three cities, including North Miami Beach and Louisville, have something similar in their charter. It will be on San Antonio's ballot this year.
- This would be an introduction to the Charter and would emphasize rights that are already in the Charter in an effort to make citizens aware of those rights, like ethical conduct, open government.
- The CBOR has to be enforceable, so the Committee is considering creating a Citizens Advocacy Board (CAB), and its sole purpose would be to uphold the CBOR. (It would be similar to other boards in the City.)
- Citizens can come before the CAB, and the CAB would judge the claim on its merit. If the CAB finds it has merit, the CAB will function as a liaison between government and the citizen to obtain a result.
- The CAB is not intended to be an advocate for the resident; the CAB does not take a position. Its job is to help the citizen get redress from the government. (An example would be a citizen who feels he has been bounced around from department to department without a final resolution to his question. If the CAB finds the citizen has a legitimate complaint, the CAB would help that citizen get the answer.)
- The CBOR would provide that a citizen could receive a written answer to their inquiry, whether a tax assessment issue or a zoning appeal, for example.
- The CBOR is not designed so that citizens can use it to complain generally about city government.

A lengthy discussion regarding the CBOR was held among Commission members.

- Mr. Jachimczyk felt that the CBOR language would be considered "horary," and would be more a principal than a right.
- Mr. Fedeli stated that the Committee felt the North Miami Beach CBOR went too far (e.g., provides that the City fund a complainant's legal expenses) and that conversely, the Louisville CBOR is more of a public relations effort). The Committee is looking for something in the middle. He added that there is nothing in the draft document that provides a new level of city government.
- Mr. Fedeli stated that city's responsibility to the citizen is to respond, upon request in writing, to a citizen's legitimate inquiry.
- Mr. Fedeli stated that the CBOR is to clearly articulate to the citizens of Stamford their inherent rights, per the City Charter.
- Committee Chair Sherer stated that this was not designed to be an "appeal of an appeal." Mr. Sherer stated that he understands the language needs to be tightened up, and because he is familiar with city government, just one person can become a "serial complainer." He is open to the concept, but not in favor of

running the risk of micromanagement and creating an avenue for harassment of City personnel.

- Co-Chair Sandak cautioned that this could put all city employees in the position of having to respond in writing, and all of this correspondence is going to have to be approved by the Corporation Counsel's office. An unintended consequence could be many employees sending out correspondence that could later be used against the city in litigation.
- Mr. Sandak added that if the Committee clearly identified what it is trying to accomplish, there may be other ways to get there. (E.g., there are all sorts of statutory provisions that deal with things like tax liens, condemnations, decisions by the health director.)
- Mr. Sandak is cautious that we are interjecting another layer into processes that may have results that are not anticipated.
- Commissioner Nabel stated that this is to provide for identifiable and accountable decisions made by city personnel and elected officials. She added that they are trying to create a right for citizens to expect that processes and procedures already mandated in the charter and code are followed. She added that this could be a framework/motto for the City. It could be enhanced upon with a statement in the lobby outlining citizens' rights, a posting on each bulletin board – constant reminders to both city staff and the public.
- Mr. Sessa stated that he likes the idea of it being a preamble to the Charter, but is opposed to a citizen volunteer board, as it will not have any “teeth.” He added that the City has a Citizens Service Bureau that handles these types of complaints and that perhaps this Bureau could function as some sort of an ombudsman.
- The Commission members discussed the role of the representatives on the BOR, questioning whether getting full responses to questions of the City was not within their roles. The BOR can hold legislative committee meetings and call employees before the committee.
- Mr. Grebey discussed the role of this CBOR and the Ethics Board.
- Some commissioners were uncertain about establishing another commission.
- Some commissioners were very much in favor of the CBOR, adding that they did not want to focus on concerns regarding city employees but rather to focus on the rights of residents.
- Rep. Okun noted that the City is currently working on improving its customer responsiveness.
- There were several concerns about any legal ramifications.
- Mr. Sandak confirmed that a preamble usually doesn't create a right.
- Mr. Fedeli stated that this also provides a whistleblower benefit.
- Mr. Freccia stated that this is not a “second bite of the apple.” It doesn't give citizens an added layer of appeal. If you don't get a satisfactory, reasonable response to your inquiry, this is a mechanism to solve that problem.
- Mr. Sandak feels that the goal is to give citizens greater access to the decision makers in City government, without creating new appeal rights. The Commission

- Mr. Jachimczyk was in favor of the concept as a preamble, giving people an idea of what they can expect from their government. He is against another board or commission, but incorporating the Citizens Service Center in the Charter could be given consideration.
- Mr. Jachimczyk also expressed concern about incentivizing people to forego taking advantage of the rights they do have, such as going to court, while thinking the CBOR will provide satisfaction.

Mr. Vartuli briefly spoke stating that the City's priority should be its citizens.

Mr. Sandak recommended sending this back to Committee for further work.

Mr. Robins discussed the issue of historic preservation, noting that he is not advocating one way or the other for establishing a commission but simply bringing this item to the Commission for discussion at the request of some other individuals. Ms. Okun mentioned the Old Long Ridge Historic Commission, and Mr. Robins responded that there are more "members than houses in the district;" and it has no impact outside of its immediate area. It would, however, be possible to expand the role of this Commission. Mr. Sandak stated that this is definitely something that will be explored by the Commission, and he asked Mr. Robins to frame the issue for the Commission's next meeting at which time the Commission will either assign it to a committee or reject it.

#### 4. Public Safety & Health/Education/Ethics Committee

Chair Sandak distributed the PSEE Committee's preliminary report ([attached](#)).

Mr. Grebey reviewed the report, noting that the Committee has decided:

- To review the matter of allowing the BOR to supersede Charter provisions with respect to the Health, Parks & Recreation, Personnel and Golf Commissions and the WPCA. (There are questions on separation of powers and whether by allowing this, it is being true to the Charter.)
- To review areas of the Charter where two political parties are specifically mentioned, and how the Charter can facilitate greater participation in a non-partisan way (particularly around the Board of Education).
- They are recommending that the Commission NOT consider Charge Item Nos. 77, 78, 79, and 80-81, which all pertain to ethics.
- The charter language does not in any way, shape or form reflect the reality of the relationship between the Health Commission and the Health Dept. Language is being proposed to address this matter.
- The establishment of a Board of Ethics (BOE) belongs in the charter (currently, the BOE is created by ordinance and can be removed by ordinance). They determined that a communication from Mr. Joseph Tarzia

- (regarding qualifications for those who serve on a Board of Ethics and conflict of interest issues) has merit, and they will invited him to come and speak.
- They are continuing their work on the Fire Plan. A survey is being conducted, they have held several meetings, and recommendations will be issued in the future
  - There are 3 Board of Education issues: 1) the partisanship nature of the elections and whether there is a way (consistent with state statute) to have an election that is non-partisan; 2) the ex-officio role of the mayor on the BOE; and 3) issues around capital projects.

Mr. Sandak added that the Ethics issue is complicated by determining the extent the Charter should be involved in ethics issues vs. the BOR. So far, the Committee generally feels that the Code of Ethics is clearly the responsibility of the Board of Reps, however the makeup of the Board of Ethics (BOE) should be in the Charter. The difficulty is in ensuring funding when and if the BOE requires it so it can perform its function.

Mr. Sandak continued by saying that in general, while they have identified many problems in city government, the problem is in determining if it is a charter issue, a management issue or a legislative issue.

#### Minutes from February 7, 2012 Commission Meeting.

Upon motion duly made and seconded, the minutes were approved unanimously.

#### Next Meeting

The next meeting will be held on Wednesday, March 14, 2012 at 7:00 p.m.

The meeting was adjourned at 8:30 p.m.

#### Adjournment

Upon motion duly made and seconded, the meeting was adjourned at 9:00 p.m.

Submitted by,

Jay Sandak, Co-Chair

*This meeting is on [video](#).*