

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

Members

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*VINCENT J. FRECCIA, III*

*CLARENCE R. GREBEY III*

*JOANNA M. GWOZDZIOWSKI*

*MICHAEL C. JACHIMCZYK*

*DAVID LUCAS*

*ROSANNE MCMANUS*

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Jay H. Sandak, Co-Chair

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Members

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*RICH ROSEMAN*

*JAY H. SANDAK*

*GEORGE SESSA*

*DONALD B. SHERER*

*DUDLEY N. WILLIAMS, JR.*

## MINUTES

Wednesday, March 28, 2012

7:00 p.m. – Democratic 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, Gwozdziowski, Grebey, Jachimczyk, Lucas, McManus, Nabel, Okun, Robinis, Roseman, Sessa, Sherer and Williams.

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

### Public Comment

There was no one present from the public to speak.

**Approval of Minutes** of meetings of March 14 and March 21, 2012. The minutes were not ready for approval.

### Communications Committee

Mr. Grebey asked members to let him know if he/she has contacts with the League of Women Voters, Democratic City Committee or other similar groups that could help with voter education.

### Update on Draft Report to BOR

Chair Sandak stated he has a meeting scheduled with the Charter Committee of the BOR. One issue that will be discussed is whether the Commission will continue to exist after its Final Report is issued. Part of this discussion will be whether the Commission will report out on all or only some of the charges.

A lengthy discussion took place both on 1) dealing with the number of issues taken up by the Commission; and 2) the feasibility of introducing a complicated referendum during a presidential election.

- Ms. McManus felt that the Commission should decide on how many issues are reported out.

- Mr. Roseman felt the timeline was always preposterous. Mr. Grebey noted that any ballot item needs the support of a minimum of 20% of the voters.

The Commission members then discussed a special election. Historically, Stamford has failed at achieving the 20% voter turnout for special elections, and Messrs. Jachimczyk and Freccia were not in favor of entertaining this option.

Finally, it was clarified that the BOR will decide what items to put in front of the voters, and the BOR will approve the wording of the ballot questions.

### **Financial Committee Report**

Mr. Sherer stated that there are basically 3 sections to the Financial Committee Report, and he distributed three separate reports (attached) addressing each of these areas: 1) [Budgets & Auditing](#); 2) [Pensions](#); and 3) [Bonding](#).

#### **Budgets & Auditing – Mr. Sherer reported:**

Charge # 20 – The Committee feels strongly there should be a mandated internal audit function within the Office of Administration, reporting to the Director of Administration (who could assign this reporting function to the Controller). The Committee was also in favor of including a budget for internal audit in the Charter, so it could not be defunded (as has occurred in the past). Chair Sandak questioned whether the Commission can mandate funding in the Charter and will ask the attorneys for an opinion. Mr. Grebey felt money was a legislative issue, not a charter issue

Charge #36 – Although the City currently has a 2-year capital budget for planning purposes, it is really a one-year budget. The Committee does not recommend any changes.

Charge #37 – Because the budget cycle is tied to the establishment of the Grand List, and because there are several boards reviewing and acting on the budget, the Committee felt that adding another public hearing (held by the Mayor prior to submitting a draft budget) was not feasible. Therefore, the Committee does not recommend any changes.

Charges #38 and #39 – Similar to Charge #37 above, the Committee feels there is little that can be done to change the budget schedule. In addition, it felt that the BOE has enough of an idea of the teachers it will need and the amount of funds that it will get to recruit candidates prior to the final budget passage. The Committee, therefore, does not recommend any changes.

Regarding capital projects, the Committee felt that a charter change is not needed to allow the BOE to manage capital projects of less than \$1 million. The Committee felt this was an administrative issue that can be worked out. Therefore, no changes are recommended.

Charge #41 – The Committee felt that the threshold amount to require approval by the BOR should be raised to \$2,500.

Charge #45 – The Committee felt that its attorneys should look at the case law and determine if the charter conflicts with it (regarding the mayor's ability to manage appropriated funds after BOR approval) .

Charge #46a – No change was recommended by the Committee.

Charge #49 – The Committee felt that a change was warranted in this section that would limit any legislative and legislative policy action power that the BOF currently possesses. The language in the Charter should be made clear that the BOF only has a financial and a fiduciary function. The Committee did not come up with wording.

Co-Chair Sandak asked that the Committee go back and enumerate the actual things that the BOF does (in similar fashion to the Parks & Recreation Commission functions). The BOF duties, powers and responsibilities are mentioned throughout the Charter; they are not located in a single place.

Charge #59 – The Committee tabled this item.

Charge #50 – No changes were recommended by the Committee.

Charge #52 – No changes were recommended by the Committee.

Charge #54 – The Committee recommends extending the date of the audit by 30 days; the City will have 120 days after the close of the fiscal year to complete it.

Charge #56 – The Commission held a lengthy discussion regarding the request by Kathleen Murphy to change auditors every 5 years. The Committee recommends that a new RFP be issued every 5 years. With regard to the issue of frequently replacing the partner that is in charge of the City audit, Co-Chair Sandak felt that this is not a charter issue but an RFP issue. Or, the terms and conditions of the engagement of a city auditor should be a management or a BOF decision – not a charter issue.

Charge #58 – Mr. Sherer stated that a lot of discussion was held about the redundancy in the budget process. While city employees felt strongly that it should be streamlined, members of the BOR and BOF felt strongly that the process should remain as is because the BOF and the BOR have different perspectives. The Committee felt that both boards are free to hold joint meetings if they wish, so the Committee recommended no changes.

Charge #59 – This item, which is similar to #58, was tabled by the Committee. Co—Chair Sandak asked what the role of the Fiscal Committee is vs. BOF. Mr. Sherer

responded that they basically do the same thing. The Commission members agreed that since the BOR has an approval role in the budget process, it must have its own vetting process. Commission members agreed that it wanted no further review of this item and are in favor of not making any changes.

**Pensions** - Mr. Lucas distributed a draft document regarding the Pension section of the Charter ([attached](#)).

Charge #15 – Mr. Lucas stated:

- Most of the pension decisions result from collective bargaining.
- As a result, most of the Pension section in the Charter; specifically Sections 10-5 through 10-13 can be eliminated.
- The only thing to really look at by the Committee is the makeup of the oversight boards, which is also in the plan documents.

Mr. Sandak stated he would refer to counsel the recommendation to delete the large section.

Charge #16 – The Committee did recommend adding, “or his/her designee” to the requirement that the Mayor sit on the oversight boards.

A lengthy discussion was held by Commission members regarding the level of knowledge pension board members should possess, including whether the Mayor’s designee should have a certain level of knowledge. Mr. Sherer noted that the BOR does not approve appointees to the pension boards. He added that several people from the pension boards attended the committee meeting, and they felt strongly that they were constantly educated on investment issues – taking classes, attending conferences, etc.

Co-Chair Sandak initiated another lengthy conversation regarding the level of protection the city has regarding the pension funds. He asked whether the City receives regular audit reports. Mr. Sandak referred the matter back to the Committee to explore providing for a mechanism by which the City can be formally notified of the status of the pension funds.

Charges #62 and #63 – The Committee made no recommendation as this issue is dictated by labor contracts.

Charge #66 – The Committee made no recommendation as this issue is covered by State statute.

Charge #67 – The Committee made no recommendation as this issue is dictated by labor contracts.

Charge #69 – The Committee made no recommendation as this issue is a legislative function.

Charge #70 – The Committee made no recommendation as audits are already performed every year.

**Bonding** - George Sessa distributed draft changes to the Charter that were submitted by bond counsel ([attached](#))

Charges #46 and 47 – Bond counsel recommended, and the Committee agreed to two changes in Section C1-10-4: 1) the purchasing of equipment with an aggregate of \$25,000 or greater will constitute a capital expenditure (thereby eliminating treating a fleet of single cars, for example, that cost \$24,900 each as an operating expense); and 2) the definition of short-term capital will comply with federal tax guidelines; i.e., 7 years or less.

The committee agreed with minor language changes in the section that deals with the Proposed Capital Budget Program.

Bond Counsel is recommending a shift in responsibility away from the BOF toward the BOR regarding bond issuances. Bond counsel suggests that the BOF make recommendations and then the approvals are given by the BOR. A lengthy discussion was held on this matter by the Commission.

Co-Chair Sandak questioned why this shift is being recommended. Mr. Sherer replied that bond counsel works for many municipalities, and advised that Stamford is unique in many ways in its approval process and issuance of bonds. Chair Sandak asked that the Committee bring in the BOF for its opinion on this change.

Mr. Sessa added that the City is currently asking the BOF to revert to its earlier bond issuance policies and eliminate project-specific funding of projects. Currently, if a project is hung up, the money is also hung up.

Mr. Sessa stated that other recommended changes were minor in nature, and are explained in the distributed document. A brief discussion regarding the process for Bond Anticipation Notes was held (which are not used that often in Stamford).

Mr. Sandak reiterated that these recommendations are a major shift in the administration and approval of city bonds. He thinks it would be helpful for bond counsel to come and speak to the full Commission directly, to allow the full commission to become comfortable with these changes (and most commissioners agreed with this).

Ms. Carmen Domonkos, former president of the BOR, stated that a major change is the one proposed regarding short-term capital projects. She is concerned about differentiating operating costs from capital costs.

**Other Business.** Co-Chair Sandak stated that:

1. He will take all of the issues reported out, try and separate out those that are ready for a vote, and put them on a single document for everyone. Then, votes can be taken on each issue. The Commission will be moving from a charge chart to a ballot chart.
2. Next week he will want to discuss an amendment to the rules of order regarding absentee voting by commissioners. If a member cannot be present for voting, he wants to try and have a way to allow members to submit a vote. He asked all members to think about this for next week's meeting.

**Scheduling of next meeting of full Commission**

The next meeting will be held on April 4, 2012 at 7:00 p.m.

**Adjournment**

The meeting was adjourned at 9:30 p.m.

Submitted by,

Jay Sandak & Vincent Freccia, Co-Chairs

*This meeting is on video – [Part 1](#) and [Part 2](#).*