

28TH BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
RANDALL M. SKIGEN
Clerk of the Board
ANNIE M. SUMMERVILLE

Majority Leader
ELAINE MITCHELL
Minority Leader
ROBERT "GABE" DELUCA

RESOLUTION NO. 3489 ACCEPTING THE PROPOSED CHARTER OF THE 17TH CHARTER REVISION COMMISSION, SUBJECT TO ANY REJECTED PROVISIONS

WHEREAS, the 17th Charter Revision Commission submitted a Final Report for proposed charter changes; and

WHEREAS, the 28th Board of Representatives has considered and reviewed the new charter provisions recommended by the Commission; and

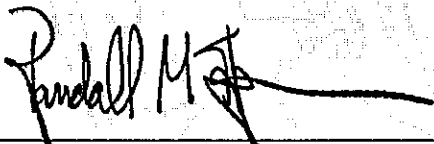
WHEREAS, the 28th Board of Representatives has voted to reject certain provisions recommended by the Commission.

NOW THEREFORE BE IT RESOLVED BY THE 28th Board of Representatives;

The Charter Revision Commission's Final Report, less any provisions that have been specifically rejected by the 28th Board of Representatives, is hereby accepted.

This resolution shall become effective upon its enactment.

This resolution was approved by unanimous voice vote at the Regular Meeting of the 28th Board of Representatives held on Monday, July 9, 2012.



Randall M. Skigen, President



Annie M. Summerville, Clerk

c: Mayor Michael Pavia
T. Jankowski, Director of Public Safety, Health & Welfare
Donna Loglisci, Town & City Clerk
Ernie Orgera, Director of Operations
Michael Handler, Director of Administration
Joseph Capalbo, Esq., Director of Legal Affairs

| | | Recommended Items for the November 2012 Ballot, as approved by the Board of Representatives - July 9, 2012 Meeting | |
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| Vote # | Subject | Description | Charter Section |
| 96 | Annual Report | Extend by one month the deadline for city agencies, departments, Commissions, etc. to file its Annual Report for the preceding fiscal year. | C3-10-13 |
| 13 | Audit Process | Extend the Annual Audit Report delivery deadline by the BOF to the Mayor's Office and the BOR by one month, until October 31).(Currently it is due by September 30th.) | C6-20-8 |
| 1 | Audit Process/Risk Management | Mandate an Internal Audit and Risk Management function within the Office of Administration. (Under the current Charter, the Internal Audit function is discretionary.) | C5-50-2 |
| 19 | Pension | Eliminate the provision that the Police and Fire trust funds are the beneficiaries of any abandoned, unclaimed, or stolen money in the charge of the police and fire departments and of any fines for forfeitures imposed on members of the police or fire department. | C7-10-8 |
| 9 | Board of Finance | Limit the powers of the Board of Finance to only matters relating to fiscal policy and financial matters. | C6-20-7 and 9 |
| 10 | Board of Finance | Narrow the investigatory powers of the BOF to fiscal matters only, consistent with its fiscal responsibilities listed in C6-20-7 (Page 44). (The current Charter gives the BOF broad investigatory powers and | C6-20-9, C6-20-7 |
| 14 | Board of Finance | Require that a Request for Proposal (RFP) for the City's outside auditors be issued at least every five years. | C6-20-8 |
| 44 | Board of Representatives | Change the requirement that the BOR's first meeting following each quadrennial election be held on the "first Monday in December" rather than "December 1st" to avoid weekend conflicts. | C3-10-11 |
| 45 | Board of Representatives | Allow the BOR to hold its monthly meeting on another day within the same month by resolution. (This will avoid potential conflicts with federal and religious holidays as the Charter currently requires the BOR meet on the "first Monday of every month.") | C2-10-4 |
| 79 | Board of Reps/Charter Review | Amend the language relating to the timing of Charter Review as follows: "To the extent permissible under applicable state law, the BOR 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. | C1-40-5 |
| 99a | Board of Reps/Removal of Elective Officers | Amend the provision relating to Removal or Impeachment of Elected Offices to remove the term "Impeachment" from the section and to add procedural requirements to comply with State and Federal due process rights. | C1-90-1 (Page 16) |
| 138 | Board of Reps/Ordinance Publication | Recommend amending public notification language to read: "Official Notice will be posted on the city website and notification given to at least one local news media, including, but not limited to, print, electronic and broadcast media." | C1-10-4; C2-10-16 (Pages 11 & 20) |
| 49 | Ordinance/Mayor/Bd of Reps | Require that the Mayor return an ordinance within 10 business days after receipt from the BOR. (Current Charter language is ambiguous.) | C2-10-13 and C2-10-14 |

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| 52 | Boards and Commissions | Provide that the terms of office for members of the Police and Fire Commission shall coincide with the term of office of the Mayor. | C6-00-2;C6-00-4 |
| 54 | Boards and Commissions | Amend language so that the terms of members of boards and commissions terminate six months after the expiration of the appointment term (currently, unless the member is reappointed or replaced, the member | C6-00-4 |
| 67 | Boards and Commissions | Eliminate the Water Pollution Control Commission as it has been superseded by the Water Pollution Control Authority. (In accordance with the recommendation of the Mayor's Task Force on Governance.) | C6-160-1 |
| 68 | Boards and Commissions | Eliminate the Personnel Appeals Board and transfer its duties to the Personnel Commission. | C6-150-1-, C6-150-2 |
| 121 | Health Commission | Change the Health Commission's duties by amending of C6-100-2 by eliminating subparagraph (1), "[The Health Commission shall] [d]etermine the health policies for the City" and amend subparagraph (2) by deleting "[The Health Commission shall] "make recommendations" with "[The Health Commission shall] serve as an advisory body to the Director of Health regarding health policy issues for the City." | C6-100-2 |
| 108 | City Directors/Dir of Health | Add a new subparagraph: "The Health Director will seek the counsel of the Health Commission to establish and review all matters of health policy for the City, and the Health Director shall keep the Health Commission advised on matters pertaining to health policy of the City." (Current Charter language is ambiguous as to relationship between Health Commission and Health Director.) | C5-40-4 (a) |
| 88 | Chief Building Official | Add "Notwithstanding any provision hereinafter to the contrary, the Building Officer reports directly to the Director of Operations." (The current Charter does not state to whom the Building Officer reports.) | C5-30-6 |

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| 85 | City Departments | Place the maintenance and operation of the Terry Connors Rink under the jurisdiction of the Parks & Recreation Commission." (The current Charter language does not address Terry Connors Ice Skating Rink.) | C5-30-5 |
| 61 | City Directors/Dir of Legal Affairs | Clarify that Corporation Counsel does not have to personally appear in all actions by adding "or his/her designee" after the word "appear." (Current Charter language requires that the Director of Legal Affairs personally appear at all actions.) | C5-20-3 |
| 92 | City Directors/Dir of Public Safety/Environmental Protection | Amend the language concerning the duties of the Director of Public Health and Safety of Welfare to include the following language: ...and, unless otherwise provided by state or federal law, shall be responsible for the oversight of all municipal functions related to the abatement and management of environmental contamination... | C5-40-1 et seq.; and C5-30-8 |
| 70 | Election | Limit service to one elected municipal position. (Currently there is no restriction on serving on multiple elected boards.) | C1-80 |
| 71 | Election | Change the term of constables from two to four years. | C1-70-3 |
| 77 | Election | Replace the word 'meeting' with 'election' . | C1-70-1 |
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| 133 | Special Assessments | Amend the Charter provisions relating to Special Assessments so that it complies with State Statutes. | C8-60-10 |
| 134 | Special Assessments | Amend the Charter provisions relating to Special Assessments so that it complies with State Statutes. | C8-60-9 |
| 136 | Condemnation and disposition of | Amend the Charter provisions relating to Condemnation Proceedings so that it complies with State Statutes. | C1-50-2 |
| 139 | Official Undertaking | Add the word "a" in between the words "in and "form" for clarity (grammatical correction). | C5-20-18 |

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| 33 | Classified & Unclassified Service | Expand anti-discrimination protection to all employees of the City of Stamford. Presently, the Charter makes reference only to Classified Employees. | C5-20-16 |
| 34 | Classified & Unclassified Service | Ensuring that all "protected classes" of employees recognized by State and Federal law are protected by the Charter. Except, "political opinion or affiliation" shall not be a protected class for employees who serve at the pleasure of the Mayor. | C5-20-16 |
| 140 | Citizen's Bill of Rights | Add language as a Preamble to the Charter which would give citizens certain rights including access to city government and the right to participate in city government. (The current Charter is devoid of any language to provide citizens certain rights.) | Preamble |
| 115 | Fire Service | Create a single fire department with a single chief with jurisdiction over all fire services training, standard operating procedures, assignments of personnel and allocation of other resources citywide. A combined fire fighting service would be created to be known as the "Stamford Fire Department" with a single Chief, two paid Assistant Chiefs (one for Career Services and the other for Volunteer Services). The Chief would be appointed by the Mayor; the Assistant Chief for Career Services would be appointed by the Chief from the ranks of the career services and the Assistant Chief for Volunteer Services would be appointed by the Chief from a pool of three nominated by a majority vote of the Chiefs of the volunteer fire companies. (The Charter currently establishes a separate fire department for career firefighters (The Stamford Fire and Rescue Department) and the five (5) volunteer fire companies. (Long Ridge, Turn of River, Glenbrook, Springdale and Belltown). This recommendation would grant (subject to the supervision and direction of the Chief) the chiefs of the volunteer companies primary firefighting responsibilities in their fire districts and primary responsibility over the personnel and equipment assigned to their fire districts. | C5-40-3 (d) |
| 116 | Fire Service | Include a statement that the volunteers remain an important component of the Stamford Fire Department and that recruitment of volunteers and strengthening of the volunteer force be a priority, under the supervision of the Chief and Assistant Chief for Volunteer Services. | C5-40-3(d) |
| 116a | Fire Service | Delete the word "status" in the re-write of this section: Jurisdiction. ... Nothing in this Charter shall be construed to affect the organization, status or property of the Volunteer Departments of Stamford. | C5-40-3(d) |
| 128 | Fire Service | Create a single office of Fire Marshal for the City of Stamford with a single Fire Marshal and his deputies for the entire City. | C5-40-3 {c} |

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| 129 | Fire Service | Revise the role and the structure of the Fire Commission. Consistent with the other recommendations establishing a combined fire firefighting service to be known as The Stamford Fire Department, the Commission's role and duties shall apply to the entire Stamford Fire Department; also amend C6-90-1(1) to read: (1) Except for the appointment or removal of the Fire and Rescue-Chief ... the Commission shall have the sole power of appointment and promotion of sworn career members ...". | C6-90-1 and C6-90-3 |
| 109 | Board of Ethics, Creation of | Establish a Board of Ethics in the Charter. (The current Charter does not have a Board of Ethics requirement.) | C6-00-1 et seq. |
| 110b | Board of Ethics - Legal Advisor | Provide that the Office of Legal Affairs serve as legal counsel to the Board of Ethics unless a conflict of interest arises wherein the Director for Legal Affairs shall retain outside counsel for the Board of Ethics. | |
| 110c | Board of Ethics - Powers | Limit the powers of the Board of Ethics to investigate and adjudicate violations of the Code of Ethics brought to its attention. | |
| 109a | Code of Ethics | Mandate that the BOR adopt a Code of Ethics (which could be the one already established). | |
| | | Items specifically rejected by the Board of Representatives (after submission by the Charter Commission) | |
| 35 | Bonding | Revise the description of "Short-Term Capital Project" as a capital project with a useful life of seven (7) years or less under Federal tax guidelines; it also allows bonding for these Short Term Capital Projects up to 5 years. | C1-10-4 |
| 36 | Bonding | Correct this technical/grammatical change; strike the word "recommendations" and replace with "such projects." | C8-20-6 |
| 37 | Bonding | Add language to clarify the process and make the language consistent with current charter provisions that state: upon the request of the Mayor, the BOF may amend the capital projects budget subject to the approval of the BOR. The action of the BOF is a "recommendation" to the BOR. | C8-20-7 |
| 39 | Bonding | Eliminate the requirement that the BOF approve an amendment to the capital projects budget, consistent with the the above recommendation. (C8-20-9 relies upon the current Charter language in C8-20-7 and provides that the approval process to increase the capital projects budget requires the approval of an amendment to the capital budget by both the Board of Finance and the Board of Representatives.) | C8-20-9 |
| 40a | Bonding | Codify and clearly provide that the authorization for issuance of bonds lies with the Mayor and his administration. (Currently, the BOF is authorized to issue bonds and under State law may delegate this authority to the Mayor and his administration to facilitate the process.) | C8-50-1 |
| 40b | Bonding | Allow the Mayor and the Director of Administration to set the maximum interest rates for bond issuances. (The Charter currently provides for BOF approval.) | C8-50-1 |

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| 40c | Bonding | Allow the Mayor and the Director of Administration to determine whether the City uses "Project Specific v. Cash flow Bonding." (Current Charter language provides that the BOF determine the manner and amount in which bonds so authorized are issued.) | C8-50-1 |
| 40d | Bonding | Provide that short-term capital projects (as defined in the proposed revisions to section C1-10-4) shall be financed by bonds maturing not later than five years after issuance. | C8-50-1 |
| 40e | Bonding | Transfer the authority to refund bonds from the BOF to the BOR in the manner proscribed in the Connecticut General Statutes. (Current Charter language provides this authority to the BOF.) | C8-50-1 |
| 41 | Bonding | Transfer the power to issue, set the terms, rate of interest, form, manner of sale and other particulars of temporary Bond Anticipation Notes (BANs) to the Mayor and the Director of Administration and extend the period from one year up to three years. (Current Charter language allows the BOF to issue temporary BANs for a period of up to one year.) | C8-50-2 |
| 42 | Bonding | Eliminate the requirement of a vote by the BOF regarding the issuance of bonds in case of public emergency. (Current Charter language requires the approval of five members of the BOF and three fourths of the entire membership of the BOR (the BOR vote will still be required). | C8-50-3 |
| 46 | Board of Representatives | Provide that at the end of a BOR term, items on the agenda terminate and must be reintroduced by members of the incoming BOR. | C2-10-2 |
| 130 | Board of Reps/Superseding Ordinance Language | Eliminate the authority of the BOR to vote a Commission out of existence. (This authority is found in several charter sections.) | C6-100-3; C6-120-4; C6-130-3; C6-140-10; C6-160-6 |
| 56 | City Directors/Dir of Economic Development | This recommendation would add a 5th member to the Mayor's Cabinet by elevating the Director of Economic Development to a cabinet position and leading a newly-created Office of Planning & Economic Development. | C5-10-1 |
| 83 | City Departments | Place the Land Use offices under a new Office of Planning & Economic Development under the supervision of a newly-created cabinet position, Director of Planning and Economic Development. | C5-30-1, et seq |
| 86 | City Departments | Create an Office of Planning and Economic Development, headed by a new cabinet level position, the Director of Planning & Economic Development, who shall be responsible for the administration, supervision and performance of all administrative municipal functions related to Land Use and Economic Development including but not limited to planning, zoning, zoning appeal and enforcement, environmental protection, economic developments, community development and traffic planning. The Building Department remains under the Office of Operations. | C5-10-1; C5-30-1 |
| 74 | Election | Reduce the size of the BOR to the election of one representative per current district commencing with the election of 2013. | C1-80-1 |
| 141a | Citizen's Service Center - in Charter | Include the Citizens Service Bureau in the Charter. | |

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| 110 | Board of Ethics - Limitations of Membership | Require the Charter follow CGS 1-80 (but only for 2 years). 1) "All members shall be electors of the City of Stamford and not an employee of the City of Stamford; 2) no member of the Board [of Ethics] shall (a) hold or campaign for any public office; (b) have held a public office or have been a candidate for public office for a 2-year period prior to appointment; and (c) hold office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies." | |
| 116b | Fire Service | Change the requirement for a 2/3 vote of the BOR to change a fire district to a simple majority | C5-40-3(d) |

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| 116a | Fire Service | Modify the word "status" in the re-write of this section | C5-40-3(d) |
| 128 | Fire Service | Create a single office of Fire Marshal for the City of Stamford with a single Fire Marshal and his deputies for the entire City. | C5-40-3 {c} |
| 129 | Fire Service | Revise the role and the structure of the Fire Commission. Consistent with the other recommendations establishing a combined fire firefighting service to be known as The Stamford Fire Department, the Commission's role and duties shall apply to the entire Stamford Fire Department; also amend C6-90-1(1) to read: (1) Except for the appointment or removal of the Fire and Rescue Chief ... the Commission shall have the sole power of appointment and promotion of sworn career members ...". | C6-90-1 and C6-90-3 |

| Vote # | Subject | Description | Charter Section |
|--------|---------------------------------|---|-----------------|
| 109 | Board of Ethics, Creation of | Establish a Board of Ethics in the Charter. (The current Charter does not have a Board of Ethics requirement.) | C6-00-1 et seq. |
| 110b | Board of Ethics - Legal Advisor | Provide that the Office of Legal Affairs serve as legal counsel to the Board of Ethics unless a conflict of interest arises wherein the Director for Legal Affairs shall retain outside counsel for the Board of Ethics. | |
| 110c | Board of Ethics - Powers | Limit the powers of the Board of Ethics to investigate and adjudicate violations of the Code of Ethics brought to its attention. | |
| 109a | Code of Ethics | Mandate that the BOR adopt a Code of Ethics (which could be the one already established). | |
| | | Items specifically rejected by the Board of Representatives (after submission by the Charter Commission) | |
| 35 | Bonding | Revise the description of "Short-Term Capital Project" as a capital project with a useful life of seven (7) years or less under Federal tax guidelines; it also allows bonding for these Short Term Capital Projects up to 5 years. | C1-10-4 |
| 36 | Bonding | Correct this technical/grammatical change; strike the word "recommendations" and replace with "such projects." | C8-20-6 |
| 37 | Bonding | Add language to clarify the process and make the language consistent with current charter provisions that state: upon the request of the Mayor, the BOF may amend the capital projects budget subject to the approval of the BOR. The action of the BOF is a "recommendation" to the BOR. | C8-20-7 |
| 39 | Bonding | Eliminate the requirement that the BOF approve an amendment to the capital projects budget, consistent with the the above recommendation. (C8-20-9 relies upon the current Charter language in C8-20-7 and provides that the approval process to increase the capital projects budget requires the approval of an amendment to the capital budget by both the Board of Finance and the Board of Representatives.) | C8-20-9 |
| 40a | Bonding | Codify and clearly provide that the authorization for issuance of bonds lies with the Mayor and his administration. (Currently, the BOF is authorized to issue bonds and under State law may delegate this authority to the Mayor and his administration to facilitate the process.) | C8-50-1 |
| 40b | Bonding | Allow the Mayor and the Director of Administration to set the maximum interest rates for bond issuances. (The Charter currently provides for BOF approval.) | C8-50-1 |
| 40c | Bonding | Allow the Mayor and the Director of Administration to determine whether the City uses "Project Specific v. Cash flow Bonding." (Current Charter language provides that the BOF determine the manner and amount in which bonds so authorized are issued.) | C8-50-1 |
| 40d | Bonding | Provide that short-term capital projects (as defined in the proposed revisions to section C1-10-4) shall be financed by bonds maturing not later than five years after issuance. | C8-50-1 |
| 40e | Bonding | Transfer the authority to refund bonds from the BOF to the BOR in the manner proscribed in the Connecticut General Statutes. (Current Charter language provides this authority to the BOF.) | C8-50-1 |

| Vote # | Subject | Description | Charter Section |
|--------|---|--|---|
| 41 | Bonding | Transfer the power to issue, set the terms, rate of interest, form, manner of sale and other particulars of temporary Bond Anticipation Notes (BANs) to the Mayor and the Director of Administration and extend the period from one year up to three years. (Current Charter language allows the BOF to issue temporary BANs for a period of up to one year.) | C8-50-2 |
| 42 | Bonding | Eliminate the requirement of a vote by the BOF regarding the issuance of bonds in case of public emergency. (Current Charter language requires the approval of five members of the BOF and three fourths of the entire membership of the BOR (the BOR vote will still be required). | C8-50-3 |
| 46 | Board of Representatives | Provide that at the end of a BOR term, items on the agenda terminate and must be reintroduced by members of the incoming BOR. | C2-10-2 |
| 130 | Board of Reps/Superseding Ordinance Language | Eliminate the authority of the BOR to vote a Commission out of existence. (This authority is found in several charter sections.) | C6-100-3; C6-120-4; C6-130-3; C6-140-10; C6-160-6 |
| 56 | City Directors/Director of Economic Development | This recommendation would add a 5th member to the Mayor's Cabinet by elevating the Director of Economic Development to a cabinet position and leading a newly-created Office of Planning & Economic Development. | C5-10-1 |
| 83 | City Departments | Place the Land Use offices under a new Office of Planning & Economic Development under the supervision of a newly-created cabinet position, Director of Planning and Economic Development. | C5-30-1, et seq |
| 86 | City Departments | Create an Office of Planning and Economic Development, headed by a new cabinet level position, the Director of Planning & Economic Development, who shall be responsible for the administration, supervision and performance of all administrative municipal functions related to Land Use and Economic Development including but not limited to planning, zoning, zoning appeal and enforcement, environmental protection, economic developments, community development and traffic planning. The Building Department remains under the Office of Operations. | C5-10-1; C5-30-1 |
| 74 | Election | Reduce the size of the BOR to the election of one representative per current district commencing with the election of 2013. | C1-80-1 |
| 141a | Citizen's Service Center - in Charter | Include the Citizens Service Bureau in the Charter. | |
| 110 | Board of Ethics - Limitations of Membership | Require the Charter follow CGS 1-80 (but only for 2 years). 1) "All members shall be electors of the City of Stamford and not an employee of the City of Stamford; 2) no member of the Board [of Ethics] shall (a) hold or campaign for any public office; (b) have held a public office or have been a candidate for public office for a 2-year period prior to appointment; and (c) hold office in any political party or political committee or be a member of any organization or association organized primarily for the purpose of influencing legislation or decisions of public agencies." | |

| Vote # | Subject | Description | Charter Section |
|---------------|----------------|---|------------------------|
| 116b | Fire Service | Change the requirement for a 2/3 vote of the BOR to change a fire district to a simple majority | C5-40-3(d) |