



**2011 Charter Committee
Board of Representatives**

John Mallozzi, Co-Chair

Mary Fedeli, Co-Chair

Committee Report

The 2011 Charter Committee of the Board of Representatives met on

Date: Tuesday, June 19, 2012

Time: 7:30 p.m.

Place: Democratic Caucus Room, 4th Floor, Government Center,
888 Washington Boulevard, Stamford, CT

Present were Co-Chairs Fedeli and Mallozzi and Committee Member Reps. Day, Savage, Sklover, Summerville and Taylor. Excused were Committee Member Reps. Layton and DePina. Also present were Reps. Adams, Rauh, White and Zelinsky.

Co-Chair Fedeli called the meeting to order at 8:02 p.m.

Item No.	Description	Invitee(s)
1. C28.011	REVIEW; Draft Report of the 17 th Charter Revision Commission.	REPORT MADE

See attached [Record of Votes](#) for Committee votes and comments regarding items reviewed. (The Committee also referenced and worked from [proposed charter language](#), as submitted by the Commission.)

Additional comments made during the course of the meeting:

Vote No. 35 – A lengthy discussion regarding bonding procedures was held.

Mr. Sherer stated:

- There are very few firms that serve as bond counsel in the State, and Stamford's firm is a large, well-respected and expert firm in this area. Bond Counsel explained that a lot of Stamford's charter doesn't match the way things are done in other cities. There are some things that are not in compliance with the tax code and some things that prevent Stamford from taking advantage of certain benefits. Basically, if the federal guidelines

allow it and bond counsel reported that most cities do it, the Commission supported it.

Vote No. 37 – Mr. Sherer reported that this provision would retain both the BOR and BOF approval of capital projects during the budget process. When it came time to actually issue the bonds, it would only require BOR approval. He added that the BOF would provide an advisory opinion to the BOR and would eliminate the requirement for BOF approval.

Rep. Day agreed that it made sense not to have to both authorize the project and then authorize the issuance of the bonds. Rep. Taylor felt that since the Committee is looking to limit the BOF's responsibilities to purely fiscal matters, it would seem this is a fiscal matter and the BOF should have the authority in these situations, not the BOR. Co-Chair Fedeli felt this was also with the BOF's purview.

Rep. Day stated that he was in favor of this provision, but was also in favor of eliminating Planning Board approval from the process.

Vote No. 40A & 40B - Mr. Sherer continued by saying this item is connected to the other bonding items and should really be discussed first. He added that State law allows the Mayor to determine the timing of the bond issuances (this is usually delegated to the Director of Administration).

Rep. Day stated that this is the way most municipalities handle it.

Mr. Sandak spoke, regarding Vote #40B, the City is currently handling bond issuances in this manner, and it is within state law. Bond issuances often have to be done quickly because of market timing considerations, and this is recognized by State statutes. He concluded by saying this only addresses the issuance of bonds; the process for authorizing and approving projects remains the same. This just gives the Mayor the authority to delegate the actual issuance.

Co-chair Fedeli commented that she would be more comfortable with this provision if the prior authorizations were referenced in the language.

Vote No. 40C – This relates to cash flow vs. project specific bonding.

Former BOR President David Martin stated that the administration has wildly exaggerated its problems with project financing. Ideally, the City should use project financing but allow some flexibility (by setting aside a small amount) for cash flow bonding; this is how it is done in Norwalk.

Rep. Day stated that forcing project specific bonding would be a disaster. In the construction business, so many things can go wrong and so many surprises can

occur. Project shutdowns are very expensive. There has to be enough flexibility to avoid shutting down a project.

Rep. Taylor stated that she prefers project specific financing, but it does require a much higher level of fiscal discipline. The City has spent the last couple of years switching over to project specific financing, and she is very leery of going back to cash flow because the City cannot manage its funds and get the projects done under that system.

Rep. Days said that the solution to any existing problems is not to strangle the process but to better manage the process.

Mr. Sandak stated that the Commission wanted the Mayor to make the decision; the rest of the recommendations flow from this point. If the Committee does not want the Mayor/administration to authorize the bonds and determine what type of bonds, the other recommendations fall apart. He added that the Commission spent a lot of time on this matter. They had bond counsel come in, city staff gave presentations, and the Commission in no way was responding to the “crying” of the administration.

Rep. Taylor stated that the Board of Finance is the elected fiscal body, and it should have the powers related to bonding. Clerk Summerville and Rep. Sklover agreed with Ms. Taylor’s position.

Vote No. 40E – Rep. Day stated that the Fiscal Committee recently wrestled with this subject. This addresses bond refunding and how the decision to issue general obligation (go) bonds or revenue bonds is handled.

Rep. Taylor noted that bond refunding is not a “no-brainer,” and she again supports leaving this decision up to the BOF, as this is the board with fiscal expertise. Rep. Day stated that this is generally a money-saving decision and is time sensitive to market considerations; he is against over-complicating this process. Co-Chair Fedeli stated that she doesn’t see where having both boards address this is a problem; it provides more checks and balances.

Vote No. 41 – Mr. Martin stated that during the recent market downturn, if the City followed this path, the BANs could not have been converted to bonds. Mr. Sherer responded that bond counsel advised that this would take into account market fluctuations by giving the city a longer period of time to convert BANs to bonds. The Commission was comfortable that during a three year period, there would be an opportune period of time to do the conversion.

Votes No. 49, 50, 51 and 142 – Co-Chair Fedeli stated that the Commission had been asked to clarify its intent. Mr. Sandak reported that all this does is identify ten days as “business days.”

Co-Chair Fedeli asked if any members wanted to re-address any prior votes.

Vote No. 100 – Historic Preservation Advisory Commission. Ms. Taylor suggested defeating this to allow the BOR to enact an ordinance. She fully supports having this Commission, but there is no requirement that it be in the charter, just that it exist. This would also help to reduce the number of items for the ballot in November.

Co-Chair Fedeli stated that the Committee could re-visit this after the Special Board Meeting.

Pensions – Ms. Taylor stated that at the beginning of the process the Committee discussed whether the pension language was even appropriately in the Charter in the first place.

Mr. Sandak stated that the pension issue is a very complicated, huge and important matter. The Commission simply did not have the time to address it and was opposed to addressing it in a patchwork manner. It is a matter that could stand alone as a charter revision charge, and it is something that the City will have to go hire a law firm with expertise in pensions.

Co-Chair Fedeli stated that prior Charter Revision Commissions have tried to look at pensions; most of it is dictated by collective bargaining agreements. She is unsure as to how much can even be in the charter related to pensions.

In response to Mr. Sklover's concern that this matter will not be addressed for another 10 years (and in light of the costs associated with pensions). Mr. Sandak responded that there is nothing preventing the Board of Reps from creating another Charter Commission to address this.

Annual Report – Ms. Taylor asked about extending the deadline. Mr. Freccia stated that everyone that spoke to them said they are currently rushed to complete this in a timely manner, and the Commission was convinced that an extension of one month was warranted. Mr. Martin stated that due to staffing issues and failure to complete tasks, he is not convinced that additional time is needed. Also, for many years, the City has been able to complete this in three months.

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| 2. C28.012 | RESOLUTION; concerning Recommendations for Changes to the Draft Report of the 17th Charter Revision Commission. | APPROVED
7-0-0 |
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Upon motion duly made and seconded, the Resolution was approved by a vote of 7-0-0

3. C28.013 RESOLUTION; approving the final report of the 17th Charter Review Commission. **NO ACTION TAKEN**

Co-Chair Fedeli stated that the rest of the process is as follows:

Monday, June 25th – The full Board will meet and vote on the Committee’s recommendations and on the resolution.

The Commission will receive the Resolution/Report on Tuesday, June 26th.

The Commission will meet on the 26th or 27th (or both dates) and issue a Final Report.

The Committee will meet on July 5, 2012 to review the Commission’s Final Report, make its recommendations, and take up Item No. C28.013, a resolution approving the Final Report of the 17th Charter Review Commission.

Submitted by,

Mary Fedeli, Co-Chair

This meeting is on [video](#).