

*CITY OF STAMFORD  
19<sup>TH</sup> CHARTER REVISION  
COMMISSION*

*City Departments Committee*

CLEMON WILLIAMS, CHAIR  
MEMBERS  
FRANCES LANE  
THOMAS LOMBARDO  
JR MCMULLEN  
ANTHONY PRAMBERGER

Minutes of the City Departments Committee of the 19<sup>th</sup> Charter Revision Commission

Tuesday, April 11, 2023

1. The meeting was called to order at 7:00 p.m.
2. The members in attendance were:  
Clemon Williams, Chair  
Frances Lane,  
JR McMullen, and  
Anthony Pramberger.  
Commissioner Thomas Lombardo was excused.
3. The member discussed the following Preamble language:

Preamble:

Current:

**PREAMBLE**

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The Citizens of the City of Stamford shall have all the rights, privileges and protections provided by the City Charter and all Federal and State law, to include:

1.

The right to an open and accessible government including reasonable access to City records and information and reasonable access to City officials and employees to conduct business with the City.

2.

Subject to State law, the right to observe meetings and hearings of all City Boards, Commissions and Committees and to make reasonable public comment at public hearings.

3.

The right to have elected and governmental employees conduct business in accordance with the City Code of Ethics.

(Referendum 11-6-2012)

Here is some language that can be added to the Preamble:

The multiracial and multiethnic nature of our city is our strength. We honor and respect the cultures, languages,, and histories of all who call and have called Stamford home, and we celebrate the revolutionary imagination, courage, and resiliency of our citizenry.

Consequently, all residents and visitors to the City of Stamford shall have an equal opportunity to participate fully in the economic, cultural, and intellectual life of the City and to have an equal opportunity to participate in all activities. To this end, discrimination is prohibited based on race, color, religion, creed, national origin, gender, age, sexual orientation, gender expression or identity, marital status, military status, blindness, or physical or mental disability.

The provisions of this Charter shall help ensure that all people living in our city are fully and responsibly represented. That the city is committed to diversity and inclusion in all municipal functions and will protect the human, civil, and voting rights of every citizen. The City of Stamford condemns all form of prejudice that assumes that the members of racial categories have distinctive characteristics and that these difference result in some racial groups being inferior to others. The city is committed to providing a safe, clean, and healthy environment for its citizens, employees, and visitors and to taking measures to protect them against external and internal threats or bigotry, be they physical or cyber. As a waterfront community whose wellbeing is inextricably tied to that of sustainability of the Long Island Sound, the city shall commit to a healthy, sustainable, and resilient environment and to safeguard against the effects of adverse weather and sea level rise.

After discussion Commissioner Pramberger made a motion that if the full Commission voted to approve the new Preamble, then the Departments Committee would urge the Commission not to take no action on the following:

General Charter Changes	Consider including compliance with the ADA and accessibility throughout Charter including venues for meetings;	Charge §10.c
General Charter Changes	Consider including compliance with the ADA and accessibility throughout Charter including Government postings;	Charge §10.d
General Charter Changes	Consider including compliance with the ADA and accessibility throughout Charter including Documents;	Charge §10.e
General Charter Changes	Consider including compliance with the ADA and accessibility throughout Charter including Interpreters; and	Charge §10.f
General Charter Changes	Consider including compliance with the ADA and accessibility throughout Charter including Closed captioning	Charge §10.g

Commission Francis Lane 2<sup>nd</sup> the motion. The motion passed unanimously.

4. The Department’s Committee next discussed § C5-20-3 – Review whether the Board of Representatives, Board of Education and Board of Finance should have their own legal counsel

Attorney Mesnick provided the Committee with language. After much discussion the Committee decided to pass on the issue of the Board of Education and the Board of Education having their own counsel. The focus was on counsel for the Board of representative. To this end we focused on the language provided by attorney Mesnick.

There was a motion made by Commissioner Pramberger and seconded by Commission Lane that we put forward the language offered by Attorney Mesnick, with the change on the approval only needed a majority vote by the Board of representatives, and not the 2/3 majority as set forth in Attorney Mesnick language.

The new language would be as follows: (I have also attached a redline that tracks Attorney Mesnick’s language as Attachment 1)

Sec. C2-10-3. Legal Assistance and Investigatory Functions.

**(1) Counsel to the Board of Representatives<sup>1</sup>.** The Board of Representatives may appoint and may remove by majority vote of those present and voting, a Counsel who shall be an attorney admitted to practice law in this State and shall

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<sup>1</sup> NEW (2024).

have been a member in good standing of the bar of the State of Connecticut for at least five (5) years; and, has been actively practicing law in Connecticut for at least five (5) years. Such Counsel shall have such duties as the Board shall determine. Such Counsel shall receive compensation as fixed by the Board of Representatives which shall be in an amount equal to or greater than a Deputy Corporation Counsel of equal experience and any adjustments based upon any applicable agreements.

**(2) Funds for Investigation<sup>2</sup>.**

(a) **Authority to Commence Investigation and Incur Expenses.** The Board of Representatives shall have authority, by a majority ~~two-thirds (2/3<sup>rd</sup>)~~ vote of its entire membership, to incur any expenses which it deems necessary or advisable, in connection with any investigation authorized under Section C2-10-2 of this Charter.

(b) **Expenses Binding on the City.** Expenses so incurred shall be paid by the Office of Administration on warrant issued by the Mayor and counter-signed by the Clerk of the Board of Representatives.

(c) **Authority to appropriate Funds.** The Board of Representatives may, by a two-thirds (2/3<sup>ds</sup>) vote of its entire membership, appropriate funds to cover expenses incurred pursuant to this Section without request for such appropriation by any officer of any department of the City, other than the Board of Representatives.

**(3) Legal and Other Professional Assistance<sup>3</sup>.**

(a) **Retention of Outside Counsel, Experts, Professional Advisors and Consultants. Execution of Agreement.** The Board of Representatives may incur expenses and the President of the Board may execute all agreements approved by a majority vote of the entire Board for the retention of outside counsel ("Outside Counsel"), and professional experts, advisors and consultants ("Outside Counsel and Other Professional Advisors"), where such services are necessary or convenient to the performance by the Board of its legislative functions and duties as prescribed by this Charter or under Law.

(b) **Role of Outside Counsel.** Such Outside Counsel may be retained to: (i) render opinions pertaining to legislative function, legal and procedural matters; (ii) advise the Board during hearings and other proceedings before the Board; and, (iii) appear in any proceeding, case controversy or appeal on behalf of or before the Board.

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<sup>2</sup> Edit of current provision, derived from Referendum 11-3-1959; Referendum 11-7-1995. **Editor's note—** Former Sec. C2-10-3, Vacancy, was repealed by referendum vote 11-7-1995. Note(s)—Formerly Sec. C2-10-19.

<sup>3</sup> NEW (2024)

(c) **Expenses Binding on the City.** Expenses for Outside Counsel and Other Professional Advisors so incurred shall be binding upon the City and be paid by the Office of Administration on warrant issued by the Mayor and counter-signed by the Clerk of the Board of Representatives.

(d) **Consultation with the Corporation Counsel.** Prior to any vote on the retention of Outside Counsel the President shall consult with the Corporation Counsel for the sole purpose of ensuring there are no legal, ethical or positional conflicts between the outside counsel and the City,

(e) **Budget for Outside Counsel and Other Professional Advisors (“Professional Services Budget”).** The Board of Representatives shall adopt and forward to the Mayor its proposed annual Professional Services Budget, in accordance with the procedures and timetable established for other City Departments. The Mayor’s budget shall include, and the Boards of Finance and Representatives shall appropriate for support of the Professional Services Budget at least the amount greater than or equal to one-quarter of the outside counsel budget expenditures incurred by the City in the prior fiscal year; although, in no case, not less than the previous annual Professional Services Budget, unless the Board of Representatives requests a lesser amount. In furtherance of the authority to retain Outside Counsel and Other Professional Advisors in the event there are insufficient funds available for the retention of Outside Counsel and Other Professional Advisors, the Board of Representatives may, by Resolution approved by a majority of the Board of Representatives, present and voting, appropriate or transfer monies to pay the fees and costs of such purposes<sup>4</sup>.

### **Sec. C5-20-3. Legal Functions<sup>5</sup>.**

The Corporation Counsel shall act as legal advisor of the City, the Mayor, the Boards of Representatives, Finance and Education and all other Officers, Departments, Boards, Commissions, Authorities, Agencies and Bureaus in matters relating to their official duties. The Corporation Counsel or his/her designee shall appear for and protect the rights and interests of the City in all actions and proceedings brought by or against it or any of the municipal Officials, Departments, Boards, Commissions, Authorities, Agencies and Employees. The Officers, Departments, Boards, Commissions, Authorities, Agencies and Employees shall not employ other counsel except as otherwise provided in this Charter. The Corporation Counsel shall have charge of all appeals in which the City or any Officer, Department, Board, Commission, Authority, Agency or Employee thereof is involved. Subject to the approval of the Mayor and within the appropriation therefor, the Corporation Counsel shall have the power to compromise any claim by or against the City. The Corporation Counsel shall prepare all forms of contracts and other instruments in which the City is concerned, and shall in all respects act as attorney for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies. Notwithstanding

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<sup>4</sup> This language, not including the word “transfer”, is in current Section C5-20-3.

<sup>5</sup> Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004; Referendum 11-6-2012

the foregoing, the Board of Representatives may, by Resolution, retain Outside Counsel for the reasons and in the manner set forth in Section C2-10-3(2) of this Charter.

**Sec. C1-90-1. Removal of Elective Officers<sup>6</sup>.**

Any elective officer may be removed from office for cause by a vote of three-quarters (3/4<sup>ths</sup>) of the entire membership of the Board of Representatives. No elective officer may be removed except upon charges, which shall have been affirmed by the vote of a majority of the entire membership of the Board of Representatives, and after hearing thereon. Written notice by the Board of Representatives of the charges and time and place of hearing shall be given to the officer at least two (2) weeks before such hearing. Such charges shall be for neglect or dereliction of official duty, or incompetency, or dishonesty or incapacity to perform official duties or some delinquency materially affecting that person's general character or fitness for office. Such officer shall have the right to be represented by counsel at the hearing, to present testimony personally and through witnesses, to cross-examine witnesses presented in favor of removal, and to compel the attendance of witnesses by subpoena issued in the name of the Board of Representatives. The Board of Representatives shall designate a practicing attorney in good standing for at least ten (10) years, and a member in good standing of the bar of the State of Connecticut for at least five (5) years (and, has been actively practicing law in Connecticut for at least five (5) years) to present such charges on behalf of the Board of Representatives. The standard of proof required for removal shall be clear and convincing evidence.

**Commented [S1]:** Approved by Elected Officials Committee 1/28/23

**Sec. C5-20-2. Qualifications<sup>7</sup>.**

No person shall be eligible for the position of Corporation Counsel unless such person is a practicing attorney in good standing for at least ten (10) years, and a member in good standing of the bar of the State of Connecticut for at least five (5) years; and, has been actively practicing law in Connecticut for at least five (5) years.

**Commented [S2]:** Approved by Elected Officials Committee 1/28/23

5. We discussed the language for residency requirement for certain Pay Plan position. After discussion the language provided by Attorney Mednick, we voted unanimously to put his language forward.

See Attachment 2.

6. With respect to our discussion on modernizing and digitizing City records to expand public access to these records, including (but not limited to) the voting records of elected officials. (§.C2-10-7a) we unanimously decided to hold on this issue so that the entire Commission could hear what Attorney Mesnick has to say on this issue and how it could be resolved by changes he is proposing in the definition section of the Charter.

<sup>6</sup> Modification of current Sec. C1-90-1 derived from Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-6-2012.

<sup>7</sup> Modification of current Sec. C5-20-2, derived from Referendum 11-3-1987; Referendum 11-7-1995

7. Similarly after discussion we have unanimously decided to hold on the need to clarify the ordinance process to require that draft ordinances must be published, and a public hearing be held by Committee prior to approval by committee and clarify when a second public hearing must be held if a draft ordinance is revised. (§.C2-10-12).

8. The meeting was adjourned at 8:41pm.

DRAFT