

CITY OF STAMFORD

19TH CHARTER REVISION

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Michael Larobina, Vice Chair
Jackie Pioli, Clerk

MEETING REPORT

Wednesday, April 12, 2023
7:00 p.m.
Meeting Held Remotely

This meeting was held as indicated above. In attendance were Chair Lombardo, Vice Chair Larobina and Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Loeb, Martinez, Michelson, Pramberger and Williams; Commissioners McMullen and Pioli were excused. Also present were Attorneys Mednick and Roberts. Commissioner Kolenberg left the meeting at 9:00 p.m.

1. Chair Lombardo called the meeting to order at 7:03 p.m.
2. Chair Lombardo confirmed that a quorum was present.
3. Commissioner Pramberger led the Pledge of Allegiance.
4. There were no members of the public present wishing to speak.
5. Communication and Correspondence: Commissioner Pramberger reviewed the communication received by the Commission on February 2, 2023 from A. William Mottolese asking for the creation of a Claims Committee in the Charter. Attorney Mednick noted that New Haven has a litigation settlement committee comprised of City Officials which is set out in the Charter. There could also be a provision permitting the creation of an ordinance to enable review of the hiring of outside counsel.

A motion not to take up the suggestions from Mr. Mottolese regarding a claims committee and the hiring of counsel was made, seconded, and approved by a vote of 13-0-0 (Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Loeb, Martinez, Michelson, Pramberger, Williams, Larobina, and Lombardo in favor).

6. Appointed Boards and Commission Committee Report. Commissioner Larobina stated that the committee would be finalizing its report tomorrow which will be provided to the full Commission.
7. City Departments Committee Report. Commissioner Williams reported that the Committee met last night and approved 3 items regarding changes to the Preamble, which language has been forwarded to Mr. Mednick. This language will also be sent to Director Hughes. This language, as well as committee approved language regarding counsel to the Board of Representatives and residency requirements. The Committee also discussed including an aspirational standard regarding the digitizing of records. The Committee also discussed when an ordinance requires a public hearing and a second public hearing.

8. Land Use Committee Report. Commission Loeb reported that the committee has three items left to deal with – condemnation, disposition of real estate and elevation of the Harbor Management Commission to a Charter level commission. These will be reviewed next week.
9. Elected Officials Committee. Chair Pramberger reported that he sent out the following proposed language regarding the temporary absence of the Mayor, which issue was raised by President Curtis:

Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.

In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and ~~or the~~ Clerk of the Board of Representatives, and ~~or~~ the Town Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, or in the President's absence or disability, the Board of Representative's Majority Leader, followed by the Minority Leader in the absence or disability of the Majority Leader, or such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The financial compensation for the Acting Mayor shall be determined by the Board of Representatives, but shall in no case exceed in proportion the salary of the Mayor. Said compensation will begin on the first day the Acting Mayor assumes the duties of the role, and end when the Mayor returns to duty.

Committee members discussed possible changes to this language

- whether the thirty-day period should apply
- the language should clarify that compensation should cease on the day on which the Mayor returns
- whether the compensation should be set by the Board of Representatives
- what process would the Board of Representatives follow to designate someone
- there should be a cap on the compensation, since the person is unlikely to be acting as a full time Mayor
- the compensation should be commensurate with their duties
- this was raised as a result of the situation in which the Mayor and the Board President were both out
- this is generally a situation that only lasts a few days
- It should be changed to "Town and City Clerk".
- The list should be clearer by listing everyone and then saying "in that order should any of the persons previous be absent or disabled."
- The compensation should be a per diem rate, that should be defined, and the term should be salary, not compensation
- Would the person have to perform this role on a full time basis, and so have to give up their full time job while serving as acting mayor? Maybe the compensation should only be if they are acting as a full time mayor
- The Board of Representative should determine compensation for a short term period, and it should be a per diem rate for more than 30 days

A motion to amend the language to include the following sentence, was made and seconded:

“If the time period is greater than the 30 day period, said compensation will equal a per diem rate based on the Mayor’s salary.”

This motion was approved by a vote of 12-1-0 (Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Martinez, Michelson, Pramberger, Williams, Larobina, and Lombardo in favor; Commissioner Loeb opposed).

A motion to accept the language as amended based on the discussions held and the motion above, as shown below in blue, was made and seconded.

Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.

In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and ~~for the~~ Clerk of the Board of Representatives, and ~~for~~ the Town and City Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, ~~or in the President's absence or disability, the Board of Representative's Majority Leader, followed by or the the Minority Leader in the absence or disability of the Majority Leader, or in that order, thereafter~~ such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The financial compensation for the Acting Mayor shall be determined by the Board of Representatives, but shall in no case exceed in proportion the salary of the Mayor. Said compensation will begin on the first day the Acting Mayor assumes the duties of the role, and end on the day when the Mayor returns to duty. If the time period is greater than the 30 day period, said compensation will equal a per diem rate based on the Mayor's salary.

This motion to amend C3-10-4 approved by a vote of 11-2-0 (Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Martinez, Michelson, Pramberger, Williams, and Lombardo in favor; Commissioners Larobina and Loeb opposed).

10. Finance Committee Report. Commissioner Michelson reported that the committee had a few items which were ready for action by the full Commission, as follows.

C6-130-4 – Annual Budget of the Golf Commission.

Chair Michelson stated that the first item is a proposed new section C6-130-4 to allow the annual revenue from the Sterling Course (the Golf Authority) to be used at the E. Gaynor Brennan Course (the Golf Commission). She explained that this proposal came out of the Committee’s meeting with the Board of Finance. E. Gaynor Brennan doesn’t generate the same revenue as Sterling because it doesn’t have a driving range. This provision would terminate after 10 years unless extended in the Charter

A motion to approve the following addition to the Charter was made and seconded:

C6-130-4 – Annual Budget of the Golf Commission.

The Golf Commission shall adopt and forward to the Mayor its proposed annual operating and capital budget in accordance with the procedures and timetable established for other City departments. The Mayor’s proposed budget shall include and the Board of Finance

shall appropriate, in addition to the regular capital and operating budgets of the Golf Commission for that fiscal year, not less than an amount equal to the annual revenues received by the City generated by the lease between the City and the Golf Authority (and any other revenue-generating agreements from the Authority for so long as such lease and revenue-sharing agreements are in effect) for the support of the Commission and its operational and capital requirements. The allocations between operating and capital accounts of the Golf Commission shall otherwise be determined in the regular order during the budget deliberations. This provision shall expire on the tenth (10th) anniversary of its enactment, unless extended in this Charter.

Committee members discussed this item as follows:

- The 10-year limit is because this is a funding device that bypasses the regular budget process
- The Charter is being used as a funding mechanism. The school capital lockbox was created by ordinance; there are other parks that are other funded. The Charter should not be a mechanism for addressing funding needs
- C6-130-2 gives the Golf Commission the ability to establish policies for the management of the golf course
- 35-40% of the users are senior citizens
- The Charter is about the organization and structure of City government; this is a policy issue
- This type of provision is not the norm, but Mr. Mednick is aware of earmarks to preserve a critical function; this is a practice that should be used rarely
- The Golf Authority pays about \$190,000 per year
- It is not the role of the Commission to determine whether the golf courses are appropriately funded or not
- The Commission is a creation of the Charter

The motion to add C6-130-4 FAILED by a vote of 4-6-2 (Commissioners Halpern, Lane, Martinez, and Michelson in favor; Commissioners Lombardo, Larobina, Bilicznianski, Loeb, Pramberger, and Williams opposed; and Commissioners Bowser and Camporeale abstaining).

Charge 81 - Review of Section C8-40-5. Commissioner Michelson stated that the Committee had also come up with language for this change to clarify when a property which is connected to sanitation services and therefore gets garbage pickup would pay more in the mill rate to cover WPCA payments and trash pickup. The proposed language is as follows:

Sec. C8-40-5. Tax for Sanitation .

(a) All property served or to which sanitation services are available shall be liable to taxation so as to include the payment of the balance of the bonded indebtedness of the sanitation facilities, sewers, incinerators and sewer treatment plant in the proportion that the total assessment of such district served or to which the services are available bears to the total assessment of the City served or to which the services are available. In addition thereto, all property served or to which the services are available by the Sanitation Bureau shall be liable to taxation in an amount necessary to raise the net appropriation for the sanitation operating expenses in the same proportion.

(b) When, after extension of sanitary sewers by the Water Pollution Control Authority, sanitary sewer service becomes available to property, said property shall thereupon be liable for additional taxation to be levied for sanitary services and the

Water Pollution Control Authority and the City Engineer shall certify and submit to the Assessor such list of properties, which list shall forthwith be incorporated in the assessment by the Assessor. The modified mill rate and applicable tax rate shall be of full force and effect at the commencement of the Fiscal Year subsequent to the fiscal year in which the sanitation service for a property was modified.

A motion to approve the amendments to C8-40-5 was made, seconded, and approved by a vote of 12-0-0 (Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, Michelson, Pramberger, Williams, Larobina, and Lombardo in favor).

C8-30-3 – Contingency Appropriations and Operating Reserve or “Rainy Day” Fund.

Commissioner Michelson stated that this is a proposal to eliminate the limitation on the transfer to the Rainy Day Fund and not requiring any limit. (Attorney Mednick noted that the subsection number displayed on the screen is the number in his proposed reorganization of the Charter)

Sec. C8-30-3. - Contingency Appropriation and Operating Reserve or "Rainy Day" Fund.

(a) The Mayor's proposed operating budget may include an appropriation the purpose of which is to fund unanticipated or unforeseeable expenses of the City during the fiscal year. No portion of this appropriation may be used to fund additional operating expenses of a recurring nature, although it may be used to fund unanticipated incremental increases of ordinary operating expenses.

(b) The Mayor may direct on or before the 15th day of October, subject to the approval of the Board of Finance and Board of Representatives, that any portion of any budget surplus from the prior fiscal year, as evidenced by the audited financial statements for such prior year approved by the Board of Finance, be transferred to an Operating Reserve or "Rainy Day" Fund. ~~In no event shall the Mayor transfer monies to the Fund that would cause the balance of the Fund to exceed five percent (5%) of the total amount of general fund expenditures in the prior fiscal year.~~ Any portion of the Fund may be withdrawn at any time and used for any lawful purpose upon the special request of the Mayor. Approval of such request shall require (i) the affirmative vote of four members of the Board of Finance and (ii) the affirmative vote of two-thirds of those present at a meeting of the Board of Representatives which two-thirds shall not be less than a majority of the entire membership.

Committee members discussed this item as follows:

- What is the goal of this proposal?
- This takes out the limit of 5%
- Why was this included initially? The Commission does not know.
- This is not in keeping with best practices; this allows the City to put more money into the rainy day fund
- Why is it a good idea to put more money into the rainy day fund? Wouldn't this just increase taxes?
- It requires a 2/3 vote of the boards to use these funds
- The Commission should research why this was included in the 2004 Charter
- This is the lower than the median fund balance in other nearby municipalities
- What happens to surplus funds that aren't put into the rainy day fund?
- Should all surplus go into the rainy day fund?
- There is currently \$27.5 in the rainy day fund
- Should there be a cap at all?

- This would affect the bond rating for the City
- A larger rainy day fund helps to prepare for disasters
- What is the impact of having all surplus funds go into the rainy day fund rather than the operating reserve

A motion to table the amendments to C8-30-3 for the committee to do further review was made, seconded, and approved by a vote of 11-1-0 (Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, Michelson, Williams, Larobina, and Lombardo in favor; Commissioner Pramberger opposed).

11. A motion to adjourn the meeting at 9:53 pm was made, seconded, and approved by unanimous voice vote.

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

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