

CITY OF STAMFORD 19TH CHARTER REVISION COMMISSION

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CLEMON WILLIAMS

June 7, 2023

Hon. Lyda Ruijter
City & Town Clerk
888 Washington Boulevard
Ground Floor
Stamford, CT 06901

Hon. Jeff Curtis
President
Board of Representatives
888 Washington Boulevard, 4th Floor
Stamford, CT 06901

Re: Draft Report and Submission of the Charter Revision Commission

Dear Clerk Ruijter, President Curtis and Members of the Board of Representatives:

Pursuant to §7-191(b) of the Connecticut General Statutes we are pleased to submit to you the Draft Report of the 19th Charter Revision Commission in the form of a Proposed Charter Revision for the City of Stamford, approved on May 30, 2023 ("Proposed Revised Charter"). This report is the culmination of a Charter Revision Commission process that began with an organizational meeting on March 15, 2022 and continued with twenty-four additional meetings, including the first statutory public hearings held on May 11 and 12, 2022 and a second statutory hearing on May 24, 2023. The final meeting adjourned on May 30, 2023.

The meeting schedule of the Commission only begins to tell the story of the outreach, commitment and breadth of the charter revision enterprise. The scope of the enterprise was informed by the comprehensive, wide-ranging, sweeping and extensive charge that you and your colleagues on the Board of Representatives adopted in Resolution No. 4125 on March 7, 2022. There were eleven charges comprised of ninety-five separate and distinct components, which covered just about every section of the Charter. In addition to your charge there were another twenty-nine or so recommendations that came from the public during the statutory public hearing in May of 2022.

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In order to do justice to the matters you sent before us, the Commission divided itself into following five committees:

Committee	Members
Appointed Boards	Michael Larobina, Chair, Jeanette Bilicznianski, Cynthis Bowser, Frances Lane and Steven Kolenberg
City Departments	Clemon Williams, Chair; Frances Lane, Thomas Lombardo, J.R. McMullen and Anthony Pramberger
Elected Officials	Anthony Pramberger, Chair, Michael Larobina, Thomas Lombardo, J.R. McMullen and Jackie Pioli
Finance	Shelley Michelson, Chair, Susan Halpern, Steven Kolenberg, Alex Martinez and Clemon Williams
Land Use	Steven Loeb, Chair, Cynthis Bowser, Karen Camporeale, Susan Halpern and Shelley Michelson

In addition to the twenty-six full Commission meetings, there were just under sixty-four additional meetings attended by many if not most of the members of the Commission over the course of almost fifteen months. This was a Commission that devoted endless hours to prepare the package that is before you¹. During many of these meetings and during the due diligence phase of the process the Committees met with a number of the following individuals:

Mayor Simmons	Former Mayor Martin	Former Mayor Pavia
Former Mayor Malloy	Chief of Staff Fox	Rep. Curtis President BOR
Rep. Bewkes	Rep. Boeger	Rep. Cottrell
Rep. Fedeli Minority Leader	Rep. Sherwood Majority Leader	BOE Member Chery
BoE Member Duplaise	BoE Member Esses	BOE Member George
BOE Member Hamman	BOE Member Heftman ²	Chair Stein Zoning Board
Chair Dell Planning Board	Chair Piggott Zoning Board of Appeals	Mr. Lunney Zoning Enforcement Officer
Chair Ortelli Harbor Management Comm.	Attorney Dalena Former Corporation Counsel	Clerk Ruijter ³ ; Town and City Clerk
Director Quinones Director of Operations	Director Dennies Director of Administration (x3) ⁴	Controller Yanik ⁵

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Director Crain Senior Centers	Director Cowan Social Services	Director Bishop-Pullen ⁶ Health
Director Cava Human Resources/Custodian + CERF Pension Funds (x2)	Director Carpenter Grants	Chair Freedman Board of Finance (x3)
Member Mahoney Board of Finance (x2)	Rep. DiConstanzo Chair, BOR Fiscal Committee	Rep. Miller Chair, BOR Fiscal Committee
Dr. Slnani OPM Director	Assistant Director Berta OPM	Mr. Romano OPM Budget Manager
Dr. Luceri Supt. Of Schools	Director Dealey Director of Finance (SPS)	Vice Chair Briscoe Stamford Golf Comm.
Supt. Nagashima Ground Supt.	Vice Chair Rinaldi Board of Finance (x2)	Member McMullen Board of Finance
Member Burwick Board of Finance	Member Alswanger Board of Finance	Ms. Sielman Actuary, Pension Fund
Mr. Noto Police Pension Fund	Mr. Gold Fire Pension Fund	Mr. Anderson Fire Pension Fund
Ms. Heffman Custodian Pension Fund	Attorney Cassone Corporation Counsel	Attorney Dawson Bond Counsel ⁷
Mr. Blessing Land Use Bureau Chief	Attorney Toma Assistant Corporation Counsel	Ms. Hughes Director, DEI Pension Fund

While there over one-hundred separate items before the Commission this review was not intended to be an overhaul of our Charter. It was a piecemeal, step-by-step analysis of the specific items in the charge.

The Charter of the City is essentially our constitution. It lays out the form of government, the procedures to be followed in creating laws and the rules that govern the conduct of our public officials. When a citizen picks up the Charter, they should be able to find what they are looking for. In many respects, the current Charter of the City of Stamford is a well-organized document that addresses the myriad of issues and challenges facing our City. While this Commission did not have carte blanche to address these structural issues; you can see from our revisions of the Budgetary Procedures that this Charter can be re-organized and revised so that it is more readable, linear and less cumbersome. That is a matter for a different day.

Themes and Findings of the Commission

If you actually read the Charge of the Board of Representatives and the Draft Report of the Charter Revision Commission you will see a steadfast adherence to the notion that a municipal Charter should encourage and facilitate

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public engagement. The Charter should be accessible to the reader and allow a citizen to understand the rules of the road when they seek government redress.

The Draft Report is replete with new provisions that bolster public participation. The Commission has taken these concerns seriously by adding almost thirty public items to the agenda after the first public hearing and making a few changes to our Draft Report following the last Public Hearing. Even where we didn't make a change, the challenging comments on the Charter were forwarded to the Board of Representative for a full airing in the next five or six weeks.

The proposed revisions address the issue of public engagement in many places. It starts with the definitions, discussed below, where we provide fulsome definitions designed to fully utilize new technologies that were used of necessity during the pandemic. A convenor of a meeting or a member of the public has one place to go to find out what constitutes a "**Public Meeting**" and how "**Public Notice**," "**Meeting Notice**" or "**Hearing Notice**" a number of provisions designed to facilitate public involvement. For example, the "Meeting" and "Hearing Notice." provision includes a requirement for the "City Clerk and other City officials will be responsible for using best efforts to ensure maximum public distribution of notice in order to maximize participation; particularly where a legislative, regulatory or other item may impact particular neighborhoods or portions of the City."

The definition of "Public Notice" requires:

- Publication or posting on the official City website and such electronic or other media as may be required by Law, this Charter or Ordinance.
- Notice to at least one local news media, including, but not limited to, print, electronic and broadcast media.
- Content of Public Notice shall be specifically as set forth in this Charter; or, as otherwise required by Ordinance, and must be reviewed and revised by the Board of Representatives on a biennial basis.
- Strict compliance with the requirements of the General Statutes, if any and shall include a summary description of all matters so noticed and encourages more stringent requirements protective of the public interest

These themes are found throughout our Draft Report. There are additional public hearings in the budget process. The first is a joint public hearing in September of each year, prior to the beginning of the process. The other significant change requires public hearings for all Capital Budget amendments.

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The movement toward greater public awareness and involvement can also be found in the land use provisions of the Charter. In the context of the criticism that has been advanced since the Public Hearing we wanted to address what we believe is a developing false and misleading narrative.

At the outset we would like to address the allegation that the petition and public hearing requirements in our Draft Report are “anti-development”. The companion criticism is that the Charter Revision Commission has proposed new regulatory hurdles that might imperil the orderly development of our community, including low- and moderate-income residential projects.

It should be stated at the outset that the Charter Revision Commission did not create the current planning, zoning and development provisions of the Charter and has not supplanted the current system with a regulatory protocol that didn't already exist. The current system for planning was created by the General Assembly and the leaders of this City seventy years or more ago, prior to the adoption of the Home Rule Act. The leaders of Stamford and our representatives in Hartford created the system that granted petition powers to the public and review authority to the Board of Representatives.

The Charter Commission has not altered that system for a simple reason: we cannot change the structure of the Special Act. We are obligated to preserve the Special Act and have taken deliberative and well-thought-out steps to do so. To repeat so that it is as clear as day: we have not changed the structure of the Special Act.

For whatever reasons, since the public hearing we have heard from the “sky is falling” chorus that oppose modest and reasonable changes on the edges that are included in our Draft Report. The Commission's proposed revisions are an attempt to fill some gaps and provide definition where the Supreme Court asserted there was no such guidance within the Special Act. Again, we are also acutely aware of the role and rights the General Assembly granted to the people of Stamford and their elected representatives when they created the Special Act. It is a system that has worked well for the City of Stamford since its inception.

We prefer to think of our changes as for the public good...*pro bono publico*. After all it is the public good, that is the essence of the charter...the governing document for our City. We urge those who review our work to read the actual words and not listen to what we believe are distortions and mischaracterizations.

While we are presenting a balanced proposal, we can assure you that during this next phase of the process, the Commission will work with the Board of Representatives and the public to further refine this document in order to present the strongest possible package to the public in the ballot questions that will be

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presented in the near future. We made some changes following the second public hearing and stand ready to work with you to building on our proposal.

Approved Actions of the Charter Revision Commission.

The Preamble has been revised to include recognition of diversity of residents in Stamford, equal opportunity for all residents, condemnation of prejudice, commitment to a healthy environment for all residents; and, sustainability of our coastal community (BRC #1.a – City Departments Committee).

Part 1 – Organization and Election Procedures

Sec. C1-10-3 is reorganized with headers that identify the components of the provision for the reader of the Charter. **Sec. C1-10-3(3)** sets forth the objective to attain “optimal public accessibility” in order to encourage public engagement through efforts to migrate toward all technologies necessary to reach as many people as possible (BRC #2.b and #3.c – City Departments).

Sec. C1-10-4(1) expands the definitions currently expanding from the current six (Public Notice, Data Department or Agency, Municipality, Capital Project and General Statutes) to twenty. Most significantly, the current definition of “Public Notice” is expanded to include “electronic” and other media. It also requires content to be identified and requires the Board of Representatives to review notice requirements on a biennial basis.

There are also a number of definitions that are designed to provide the user of the Charter an understanding of terms commonly used in the document:

- Board of Representatives
- Board or Commission
- Capital Project
- Charter
- Days
- Law
- Mayor
- Meeting
- Meeting or Hearing Notice
- Newspaper Notice
- Meeting or Public Meeting
- Public Hearing
- Resolution
- Special Acts or Special Laws
- State or Connecticut
- State Constitution

(BRC #3.e City Departments)

Sec. C1-50-1 addresses the concerns raised by the Board of Representatives in their charge. There are three components: (1) updating the standard by increasing the voting requirements for approving condemnation approval to 2/3rds of the members of the Boards of Finance and Representatives; (2) following a joint public hearing; and (3) mandating expanded public outreach in order to encourage public engagement. The purpose is to ensure that the use of

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eminent domain is limited to significant municipal uses by establishing a higher threshold for approval and requiring a public hearing (BRC #2.a and 2.e – City Departments and Land Use).

Sec. C1-50-3 is a similar revision of the charter pertaining to the acquisition and disposition of real estate. With respect to the disposition of land, including sale or lease, the Planning Board and Board of Finance and Representatives require an affirmative vote of 2/3rds of the members of each board. The standard for acquisition is a majority of the entire membership of each of the boards. These actions follow expanded public outreach and joint public hearings by the boards involved in the transaction (BRC #2.e – Land Use).

Sec. C1-90-1 requires an attorney hired by the Board of representatives in a “removal” proceeding to be an attorney licensed to practice law in the state for ten years, five of which (instead of ten) were spent practicing in Connecticut.

Part 2 – Legislative Body

Sec. C2-10-2(9) clarifies that the authority of the Board of Representatives with respect to contracts includes all amendments and multi-year agreements (BRC #3.b – City Departments) .

Sec. C2-10-3 amends current language that permits the allocation of funds for investigations by the Board of Representatives. The provision is expanded to permit the **hiring of counsel to represent Stamford’s legislative branch**. This provision allows the Board to appoint or engage in-house counsel and to retain outside counsel in order to represent the interests of the Board. The standard for commencing an investigation has been reduced from a 2/3rd standard to a majority of the entire membership. The Board of Representatives, by a vote of a majority of its entire membership, is given the authority to appropriate or transfer monies to pay the fees and costs of an investigation or for the retention of counsel. This last provision is necessary because while most legislative bodies in Connecticut have budgetary authority, including transfers, the budgetary needs of the Board of Representatives is dependent upon the good faith and good will of the Mayor and Board of Finance)BRC #6.f – City Departments).

Part 3 – The Mayor’s Powers

Sec. C3-10-4 are minor amendments to clarify the protocols when the Mayor is temporarily absent or disabled and unable to fulfill the duties of office. The revisions clarify the order of succession for temporary services and the level of compensation for the Acting Mayor after a thirty-day period of time (BRC #4.a and Mayor Simmons request – Elected Officials).

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Sec. C3-10-13 is a scrivener's correction that aligns the filing of the Annual Report of the Mayor with the Public Notice definition (BRC #4.c – City Departments)

Part 4 – Other Elective Officers

No recommendations.

Part 5 – City Departments

Sec. C5-20-2 increases the baseline experience for the Corporation Counsel from good standing in the Connecticut Bar and five years of practice in our state to a minimum of ten years' experience of law practice with, at least, five in the State of Connecticut (BRC #6.e – City Departments).

Sec. C5-20-3 reflects the fact that the retention of counsel for the Board of Representatives is a legislative function with the exception of the Corporation Counsel consultation on conflicts of interest. This issue was addressed in Sec. C2-10-3, above (BRC #6.f – City Departments).

Sec. C5-20-5 requires the Corporation Counsel to issue and publish an annual report regarding the state of legal matters for the City, including, pending cases, resolved litigation, completed transactions, expenditures of the City and public schools administered by the Board of Education, current staffing levels in the Legal Division among other items requested by the Mayor, Board of Finance or Board of Representatives (Finance).

Sec. C5-20-15 includes staff counsel to the Board of Representatives as a member of the unclassified service.

Sec. C5-20-20 specifies the following employees required to remain resident-electors of the City, subject to the oversight of the Personnel Director: Director of Public Safety or equivalent position; Director of Operations or equivalent position; Corporation Counsel; Personnel Director or equivalent position; Police Chief or equivalent positions; Assistant Police Chief, or equivalent positions; Fire Chief or equivalent position; and, Assistant Fire Chief or equivalent positions (BRC #6.i – City Departments).

Sec. C5-40-3(d) is a minor edit changing the word "their" to "there" (BRC #6.l – City Departments)

Sec. C5-40-3(h), Sec. C5-5-3(b)(8) and Sec. C8-40-5(b) change the term "City Engineer" to "Municipal Engineer."

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Sec. C5-50-2(i) requires the Director of Administration to file reports twice a year pertaining to (a) the status of the general fund cash surplus, or; in the alternative, the deficit at the end of the current fiscal year, to be accounted for during the budget process; (b) comparison of Itemized estimates of expenditures, presenting the actual expenditures for each Budgeted Entity for the last completed fiscal year to the current fiscal year prior measured both in dollar terms and by percentage; (c) comparison of revenues to date against the projections for the current fiscal year and against that of the last completed fiscal year; (d) actual expenditures for total debt service, including principal and interest figures, measured against the requirements for the ensuing fiscal year; including, a schedule of maturities of bond issues; (e) amounts expended to meet contractual provisions of collective bargaining agreements (and other side agreements relating thereto) pertaining to minimum mandatory workforce and overtime requirements; and (f) such other information as may be required by the Board of Finance or the Board of Representatives.

Part 6 – Boards and Commissions

Sec. C6-00-1(l), (r) and (s) create the ADA/Diversity, Equity Inclusion Commission (**Sec. C6-270-1 et seq.**); Housing Commission (**Sec. C6-00-2 and C6-210-1 et seq.**) Harbor Management Commission (**Sec. C6-75-1 et seq.**) and Mental Health Commission (**Sec. C6-150-1**) (BRC #7a.-d – Appointed Boards).

Sec. C6-00-3 reforms the appointment protocols in order to avoid holdover appointment of Board and Commission members. The Town and City Clerk provides the Mayor, Board of Representatives with notice of the end of the term or of a vacancy on the Board or Commission. The Mayor's submission of a nominee must take place with 120 days of the notice. Upon rejection of a nominee the Mayor is permitted to nominate the failed candidate one more time and other candidates within 30 days of the failure through the 120-day time-frame. If the Board fails to act on the nominee within 45 days the Mayor's nominee is deemed approved. In the event the Mayor fails to act or the 120-day time-frame elapses, the appointment authority falls to the President of the Board of Representatives for an additional 120-day period. If the President fails to appoint (even though his authority is mandated), the authority is shared by the Mayor, President, Majority Leader and Minority Leader who all are afforded the authority to nominate candidates for approval by a plurality of the members of the Board of Representatives (BRC #7.f – Appointed Boards).

Sec. C6-00-4 is a companion to Sec. C6-00-3, above. In this case it allows "alternate" members of Boards and Commissions to take the place of a hold-over members, if the "alternate" is not a holdover (BRC #7.f – Appointed Boards).

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Sec. C6-00-10 is a provision that requires cooperation of all officials and department employees with members of Boards and Commissions and vice versa (Finance).

Sec. C6-10-2 requires the Superintendent of Schools to keep fiscal control records and provide other information as may be required by the Charter. The standard is currently discretionary (Finance).

Sec. C6-10-3 adds references to "subject of budgetary processes" and changes the word "purchasing" to "Procurement" (Finance).

Sec. C6-10-4 is a new requirement for the Board of Education to file twice a year all contracts (including, agreements, memoranda of understanding, memoranda of agreement, letters of understanding, side letters and other agreements) entered into on behalf of the Board on its own or on behalf of the City including but not limited to, those executed within the budget limits or other authority established by the Board of Education and/or the annual budget process (including operating and capital). This requirement specifically excludes all such contracts as may be exempted from disclosure by federal or state Law or otherwise not capable of redaction in order to protect statutory privacy rights of individuals (Finance).

Sec. C6-30-001 adds certain definitions pertaining to the Land Use commissions to the Charter. Specifically, it carries forward the definition of "Subdivision" that is in the current Charter, and adds definitions of "Owner", "Landowner" and "Zone". The additions of the definitions of Owner and Landowner are in response to the State Supreme Court's ruling in the High Ridge Real Estate Owner, LLC case where it was noted that no such definitions are found in the Charter. It would also make it clear that owners of condominiums would qualify to sign petitions. The definitions also eliminate the requirement that all of the joint or several owners of a parcel must sign a petition in order to have it counted. It should be noted that renters and owners of cooperative units are not included among the eligible signers. They are currently not eligible to sign petitions and the Commission was concerned that making a change to allow them to sign petitions would significantly endanger the viability of the Special Act provisions entirely. Finally, the definition of "Zone" has been added as a corollary to the proposed revisions to Sec. C6-40-9 (BRC # 7.p - Land Use).

Sec. C6-30-002 sets forth the various requirements that are applicable to petitions that may be filed seeking review of various land use commission decisions by the Board of Representatives. Clarity as to process and eligibility are included in the new provisions. Among the proposals are the method of filing the petitions, the requirement that the City provide the names and addresses of the property owners within the relevant areas, and the validation of the use of verifiable electronic signature programs. The new provision also requires a prompt

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explanation in the event it is determined that there are insufficient petition signatures (BRC # 7.p - Land Use).

Sec. C6-30-003 provides for additional detail and content in notices of applications, public hearings and decisions that are made by land use agencies. The Commission had concerns that the current notice provisions were insufficient to allow residents to understand what properties or zones were being affected by a particular proposal or what the proposal entailed (BRC # 2.b and 7.i - Land Use).

Sec. C6-30-004 provides that a decision on an application before land use agencies that requires a public hearing may not be made on the same date as the close of the public hearing but must be made at a subsequent regular or special meeting. The intention of this change is to ensure that the relevant agency has had time to receive and consider public input prior to acting on an application (BRC #2.a - Land Use).

Sec. C6-30-005 sets forth certain additional neighborhood outreach efforts that must be undertaken in conjunction with proposed developments containing twenty or more residential units. The original proposal was for developments of five or more units, but the Commission substantially increased that threshold in response to comments at the recent public hearing. This provision, loosely based on a policy enacted in the Town of West Hartford, is designed to allow for conversations between a developer and the neighborhood in which the project is proposed (BRC #10.f - Land Use).

Sec. C6-30-4 has been revised to reflect the fact that the Master Plan has already been adopted (BRC #7.i - Land Use).

Sec. C6-30-6 includes new requirements for neighborhood outreach when a City agency is proposing an amendment to the Master Plan. These outreach provisions are similar to those that would be required of a private developer (BRC #10.f - Land Use).

Sec. C6-30-7 makes some stylistic changes to the provisions for petitions by opponents appealing changes to the Master Plan to the Board of Representatives and adds a new alternative signature threshold of 300 landowners city-wide. The rationale for this change is that some changes to the Master Plan will have impacts that are felt far beyond the 500' radius and that a meaningfully large requirement of not less than 300 signatures (to be collected within ten days) would serve as a barrier to frivolous objections (Land Use).

Sec. C6-30-8 makes changes analogous to those in Sec. C6-30-7 for petitions by proponents of changes to the Master Plan. There was some public testimony objecting to the proposed revisions and questioning the rationale for requiring 750 signatures on a petition in support of a proposed amendment that

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was rejected by the Planning Board but only 300 signatures in the case of objections to a proposed amendment that was approved by the Planning Board. The basis for this distinction is tied to the existing and long-standing requirement that a petition under this section be signed by 50% of the affected landowners, rather than 20% in the case of opposition. The same formula of 2.5 to 1 was applied to the number of signatures that must be obtained on a citywide basis (Land Use).

Sec. C6-30-9 adds a requirement that public notices of hearings for amendments to the Master Plan shall include the zones and or street addresses of the property affected and a clear and concise description of the proposal. The Commission had concerns that the current notice provisions were insufficient to allow residents to understand what properties or zones were being affected by a particular proposal or what the proposal entailed (BRC #2.b - Land Use).

Sec. C6-30-19 is proposed to be deleted because the definition contained in that section was moved to Sec. C6-30-001 (Land Use).

Sec. C6-30-22 is proposed to be deleted because the treatment of the alternate members of these agencies is already covered elsewhere in the Charter (Land Use).

Sec. C6-40-2 is proposed to be deleted to reflect the fact that the Master Plan has already been adopted (Land Use).

Sec. C6-40-3 is proposed to be amended to reflect the fact that the Master Plan has already been adopted (Land Use).

Sec. C6-40-4 has been revised to increase the period of time that the same application need not be heard again from 12 to 18 months, to delete a redundant provision, and to required additional neighborhood outreach in the event a City department is proposing an amendment to the Zoning Map. The extension of the time period had originally been proposed to be raised from 12 to 24 months, but the Commission reduced it to 18 months based on testimony at the recent public hearing (Land Use).

Sec. C6-40-5 makes some stylistic changes to the provisions for petitions by opponents appealing changes to the Zoning Map to the Board of Representatives and adds a new alternative signature threshold of 300 landowners city-wide. The rationale for this change is that some changes to the Zoning Map will have impacts that are felt far beyond the 500' radius and that a meaningfully large requirement of not less than 300 signatures (to be collected within ten days) would serve as a barrier to frivolous objections (Land Use).

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Sec. C6-40-6 makes changes analogous to those in Sec. C6-40-5 for petitions by proponents of changes to the Zoning Map. There was some public testimony objecting to the proposed revisions and questioning the rationale for requiring 750 signatures on a petition in support of a proposed amendment that was rejected by the Zoning Board but only 300 signatures in the case of objections to a proposed amendment that was approved by the Zoning Board. The basis for this distinction is tied to the existing and long-standing requirement that a petition under this section be signed by 50% of the affected landowners, rather than 20% in the case of opposition. The same formula of 2.5 to 1 was applied to the number of signatures that must be obtained on a citywide basis (Land Use).

Sec. C6-40-7 broadens the existing notice provisions to include any City agency proposing an amendment to the zoning regulations. Previously it had only applied to changes proposed by the Zoning Board (BRC #10.f - Land Use).

Sec. C6-40-8 includes new requirements for neighborhood outreach when a City agency is proposing an amendment to the zoning regulations. These outreach provisions are similar to those that would be required of a private developer (Land Use).

Sec. C6-40-9 makes some stylistic changes to the provisions for petitions by opponents or proponents appealing amendments to the zoning regulations to the Board of Representatives and adds a new alternative signature threshold of 300 landowners city-wide if the amendment only affects one zone, as proposed to be defined in this document (Land Use).

Sec. C6-40-10 changes the voting standard to $2/3^{\text{rds}}$ of *the entire membership* (Land Use).

Sec. C6-40-11 adds a requirement that public notices of hearings for amendments to the zoning regulations shall include the zones and or street addresses of the property affected and a clear and concise description of the proposal. The Commission had concerns that the current notice provisions were insufficient to allow residents to understand what properties or zones were being affected by a particular proposal or what the proposal entailed (BRC #2.b - Land Use).

Sec. C6-40-12 changes the word "petition" to "application" and "petitioner" to "applicant" (Land Use).

Sec. C6-40-14 has been revised to increase the period of time that the same application need not be heard again from 12 to 18 months. The extension of the time period had originally been proposed to be raised from 12 to 24 months, but the Commission reduced it to 18 months based on testimony at the recent public hearing (Land Use).

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Sec. C6-75-1 and Sec. C6-75-2 add the Harbor Management Commission to the appointed boards and commissions section of the Charter (Land Use).

Sec. C6-100-1 requires the Mayor to appoint members to the Health Commission who “possess experience and qualifications in public health, environmental health and community outreach” (Appointed Boards).

Sec. C6-120-3 adds some new voting, public hearing and neighborhood outreach requirements for the proposed disposition of parkland. It also reduces the size threshold triggering a referendum from 20,000 square feet to 10,000 square feet and adds leases with a term of 10 years or more to the definition of “transfer”. The Commission’s rationale for this change is to ensure that there is meaningful opportunity for public input prior to the disposition of parkland (BRC #7.r - Land Use).

Sec. C6-130-4 creates a dedicated funding source for the city owned golf course from revenues to the City generated by lease payments and other income from the Golf Authority. The provisions are limited to a 10-year time-frame to allow the golf course to reverse its current funding levels (Finance).

Sec. C6-150-1 creates a Mental Health Commission (Appointed Boards).

Sec. C6-190-3 transfers the fair rent functions of the Social Services Commission to the Housing Commission (Appointed Boards).

Sec. C6-210-1 creates a Housing Commission (Appointed Boards).

Part 7 – Pensions

Sec. C7-10-9 requires the City to act as the Plan Sponsor for any Deferred Compensation Plan created in accordance with the requirements of sections 457 or 401(a) of the Internal Revenue Code of 1986, as amended, for classified and unclassified employees. This includes the executive and administrative powers granted to the Mayor under Sec. C3-10-1 and other administrative responsibilities (Finance).

Sec. C7-30-2(c) is a minor revision that unclaimed funds are returned to the City (Finance).

Part 8 – Budgetary Procedures

Sec. C8-10-2 represents starting point for the restructuring of the budgetary procedures in Part 8 of the Charter. In this section the Charter requires good faith cooperation between all the officials involved in the budget process; two-year budgeting estimates; and, expected standards of conduct including best practices,

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accountability, transparency and outreach, all intended to expand public participation (Finance).

Sec. C8-10-3 establishes a standard of accountability by asserting the standard that the budget is a public record and that the process is a public process, both notions that should be self-evident; yet, not always treated that way. This provision establishes a Charter expectation and standard (BRC #9.c - Finance).

Sec. C8-10-4 creates a linear budget calendar allowing public officials and members of the public to view the process from the commencement of the process through the end (BRC #9.c - Finance).

Sec. C8-20-1 continues the theme of public engagement by creating a “multilateral” budget meeting in the month of September for the purpose of eliciting public comment on the budget prior to the commencement of the data gathering for the next budget process (BRC #9.c - Finance).

Sec. C8-20-2 establishes the authority of the Mayor to require operating and capital budget information from each of the Budgeted Entities, including the Board of Education. Again, the authority should be evident; however, this provision makes it clear (Finance).

Sec. C8-20-3 through – 6 reorganize the current early steps of the capital projects budget process (BRC #9.d – Finance).

Sec. C8-20-7 and -8 set forth the requirements to be included in the operating and capital budgets. This provision clarifies that the Mayor’s proposed budget includes the “education appropriation” and not the line-item budget of the Board of Education. The line-item budget would be attached as an addendum, as set forth in Sec C8-20-11 (Finance).

Sec. C8-20-9 is a reorganized presentation of the section that deals with “contingency appropriations and “rainy day funds.” The provisions do not contain detailed information regarding “contingency funds.” The Commission eliminated the 5% cap on rainy day funds contributions on an annual basis (Finance).

Sec. C8-20-10 makes it clear that the preliminary tax rate estimate is due when the Mayor proposes a budget to the Boards of Finance and Representatives. While this appears to be the practice, the Charter is currently silent on the timing. (Finance).

Sec. C8-20-11 represents a minor modification. This provision is currently referred to as the “preliminary budget of the Board of Education.” The new terminology is “Board of Education Budget Information” since the only matter before the Boards of Finance and Representatives is the “education appropriation.”

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The change in language is consistent with the role of the general government over the Board of Education operating budget. That is not the case on the capital side of the budget (Finance).

Sec. C8-30-1 through -5 are essentially a recodification of the current budget process, with a few modifications. First, under **Sec. C8-30-1(c)(1)** there is an initial joint hearing on the capital budget by the Boards of Finance and Representatives, including a time lapse following the last public hearing to ensure the bodies will take the public testimony into account. Second, there is new language in **Sec. C8-30-3(b)(2)** that states very clearly that the role of Boards of Finance and Representatives with respect to the education appropriation is controlled entirely by the General Statutes. This language replaces some ambiguous language in the current charter. Finally, **Sec. C8-30-4** reiterates the current standard for setting the mill rate with language that used to appear in the preliminary mill rate provision. It should be noted that unlike the ministerial function that setting the mill rate is in most communities, in Stamford the Board of Finance has the sole authority to increase the mill rate taking into account items that the Board "deems proper," including, but not limited to "...estimated unbudgeted additional appropriations for the next fiscal year, funding of pension costs, and the prior year's deficit or surplus" (Finance).

Sec. C8-30-10(b)(4) requires joint hearings by the Boards of Finance and Representatives pertaining to proposed amendments to the capital projects budget (Finance).

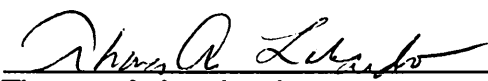
Sec. C8-40-5 establishes a time-frame for tax assessment adjustments stemming from the extension of sanitary sewer service to a taxpayer.

As we conclude this letter, proceed with the review of the proposed revisions, we want to bring to your attention a couple of items which surfaced at our May 24th public hearing that we were not able to address at our final meeting: (1) creation of a Climate Commission; and, (2) further observations from Theresa Dell^B, David Stein and Joseph Pigott, Chairs of the Planning Board, Zoning Board and Zoning Board of Appeals, respectively. While we refer these without recommendation, we do believe they merit your review and attention.

We look forward to the conferral meeting and working with you now that the ball is in your court.

Respectfully submitted,

STAMFORD CHARTER REVISION COMMISSION

By: 
Thomas A. Lombardo
Chair

CHARTER REVISION COMMISSION CITY OF STAMFORD

¹ We will report under separate cover the items that were not acted upon.

² Elected Officials Committee

³ Land Use Committee

⁴ Director Dennies also met with the Finance Committee (x2)

⁵ City Departments. Controller Yanik also met with the Finance Committee.

⁶ Appointed Boards

⁷ Finance Committee

⁸ We do want to note that contrary to the assertion made by Chair Dell at the Public Hearing, she was interviewed by the Land Use Committee. Moreover, with respect to her concerns about the lack of time for review it should be noted that the Land Use provisions were approved by the Charter Revision Commission at the end of March. We would point out that when the Board of Finance discovered that the Commission was taking a position that impacted the balance of authority with the Board of Representatives, they petitioned the Commission, set up a meeting, talked through the issue and resolved the matter to their satisfaction. As the situation with the Board of Finance illustrates, the Commission was always willing to meet with City Officials to address their concerns.

Theresa Bell

Comments on the Draft Charter Revision Recommended by the Charter Revision Commission

As related to the Land Use Boards

Section C1-50-1 Condemnation for municipal purposes.

Section C1-50-3 Acquisition and Disposition of Real Estate.

(PB) Subsection (b) requires community engagement including written notification to BOR rep, posting on City website, and signage at property w/ contact info. Subsection (c) requires joint public hearing.

Comments from PB: Separate public hearings are required as-is, with legal notices being published, neighbors sent notices, agendas and meeting materials available on the City website in advance of the regularly scheduled meetings. Additional notifications would simply cost the city time and money without the assured benefit of increasing participation. Each Board is responsive to different missions (i.e., land use/master plan, finance, etc) and should have their own public hearing. Joint public hearings would make it harder to distinguish the roles and responsibilities of different boards and should not be required by the Charter that establishes separate boards.

Section C6-00-4 Expiration of terms of office. (PB ZB) Alternates shall replace members following the expiration of a term for the purposes of conducting business.

Comments from PB and ZB: Expired terms of appointed board members has been a long-standing issue for the City. Requiring alternates to replace members with expired terms would increase turnover for positions that are already difficult to fill. Thus making a quorum and the passage of any applications difficult to achieve. This could delay time sensitive applications pending re-appointments or new appointments. It is the duty of the Boards as charged by the Charter to consider and approve/deny applications. Such a proposed amendment would hamper a Boards' ability to fulfill the duties outlined in the Charter.

To fix the problem of expired terms, the Planning Board has recommended terms be longer, 4 years, not shorter. Longer terms allow for the Board members to develop and utilize expertise in the subject matter and better participate in the decision process. If a term expires, the party committee has not nominated a replacement and the member has not asked to retire, the Mayor shall be allowed to immediately send that name to BOR for approval for another term. The Planning Board also recommends establishing a mechanism to track when terms expire and have Parties prepare to nominate new members in advance. Further, the new term should start when approved, not starting when the last term ended. Finally, none of the recommendations address diversity on the Boards.

Section C6-30-004. Decision not to be made on same day as close of public hearing. (PB ZB ZBA) Any action shall not be acted upon on the same date as such public hearing.

Comment from PB: Each Board should use their discretion as to whether an application merits acting on the same night as the public hearing or waiting for the next meeting given the Board and members of the public are provided all application materials ahead of the meeting. This is already common practice

and should not be overly codified. It would also cause unnecessary delay for smaller projects (e.g., a homeowner in the coastal area making changes to their home).

Section C6-30-005. Additional requirements for developments of 5 or more residential units. (ZB)

Comment from the ZB: Projects of 5 or more residential units that are permitted as-of-right should not be required to meet additional requirements. If a use is permitted as-of-right, the area has been identified and regulated as a place where such a land use is desirable and appropriate. A single-family home or duplex built as-of-right would not require community engagement. The landowner has the right to develop the property as they see fit in accordance with the City's codes and regulations. While the intent to increase engagement on projects is noble, requiring such on as-of-right developments is an overreach of government regulation. It disproportionately hit non-for profit developers of affordable housing because it adds time and cost to already tight budgets

Section C6-30-6. Applications by City for Amendment to the Master Plan. (PB)

Section C6-40-4(b). Applications by City for Amendments to the Zoning Map. (ZB)

Section C6-40-8(b). Applications for Amendments to the Zoning Regulations. (ZB)

Subsection (b) for those proposed by city agencies, requires neighborhood engagement and outreach.

Comment from PB: OK

Comment from ZB: The Zoning Board is required to notice the public hearing twice, post agendas and materials online, hold a public hearing, and for location specific projects to post signs. Additional notifications would simply cost the city time and money without the assured benefit of increasing participation. Amendments to the Zoning Map are already referred to the relevant member of the Board of Representatives at the time of the filing of the application. Amendments to the Zoning Regulations can be as rudimentary as correcting mistakes, re-organizing, or clarifying policies. It should be the discretion of the ZB as to whether the zoning text change merits additional community engagement in addition to the already-required notifications. It is also not clear why Boards that have defined jurisdictions should have more stringent notification requirements than the BoR that affects many more aspects of Stamford residents.

Section C6-30-7 (PB), Section C6-40-5 (ZB), and Section C6-40-9 (ZB). Referral to BOR by Opponents.
Subsections allow any 300 landowners to sign the petition.

Section C6-30-8 (PB) and Section C6-40-6 (ZB). Referral to BOR by Proponents. Subsection (a) allows any 750 landowners to sign the petition.

Comment from PB: Petitions to overturn decisions should be a rarity or extreme measure. The Land Use Boards are established by the Charter to make determinations. The determinations should not be regularly called into question by those with the most time and money to do so. Prior to the BOR accepting to overturn a decision by a Board, the BOR should engage with the Board to understand the

reasoning for the Board's determination. The Planning Board would like an explanation as to why there is a threshold difference between opponents of proposed amendments (lower threshold) and proponents of proposed amendments (higher threshold). It seems like the current set up makes it easier to oppose than support.

Remove part (iii) allowing residents to petition on any application no matter the location. Residents citywide should not be able to sign a petition on an application that is not proximate to their home. Amend (i) to change "owners" to "adult residents." Amend (ii) to state "the adult residents of thirty percent (30%) or more of the land located within one-half of a mile of the borders of such area." Renters and condo owners should be allowed to sign petitions, not just landowners. The Planning Board also recommends clarifying how condo owners are counted in petitions.

In addition, the threshold for petitions is too low. 300 signatures represent 0.2 of Stamford residents. With a low threshold the process is more easily susceptible to manipulation and misinformation.

It should be noted that in most other municipalities have no petition process primarily to have land use decisions be based on land use and not political considerations.

The exclusion of renters, 60 percent of the city's residents, runs counter to the Charter's revised preamble which states that "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."

Section C6-30-9. Notice of Public Hearing. (PB ZB). Notice shall include the street address of the parcel(s) or zone(s) affected by such proposed amendment and shall provide a clear and concise narrative description of the substance of the proposed amendment.

Comments from PB: OK

Section C6-40-4 (ZB), Section C6-40-8 (ZB), Section C6-40-14. (ZB) Applications for the same amendment may not be considered more than once in a 24-month period.

Comments from PB: Twelve (12) months is sufficient. Greater than 12 months seems overtly punitive. On occasions where an amendment to the regulations contains multiple components, its rejection due to one portion should not unduly hold the reconsideration of the remainder of the amendment in a timely manner. Therefore, the current twelve (12) month time-period is sufficient.

Section. C6-210-3. Powers and Duties

Comments from ZB: The new Housing Commission will be redundant given that the City already has defined housing policy roles assigned to existing Commissions and Boards. A Fair Rent Commission already exists which handle the fair rent issues pursuant to the existing Ordinance. The Planning Board, Zoning Board and the Affordable Housing Trust Fund already effectively implement the City's housing goals and policies through the Master Plan, Zoning Regulations, Housing Affordability Plan and the

Affordable Housing Trust Fund Ordinance. Duplicating the powers and duties of the existing boards will create confusion and impede the execution of the housing policies by the Zoning and Planning Board.

Sec. C8-20-1. Public engagement and Initial Multi-Board Public Hearing on Budget Priorities

Comments from PB: As stated before, joint public hearing with the Planning, Finance and Board of Representatives is expected to lead to ambiguity, given each of these boards provide a separate purview to the budget process. Further, having a public hearing on the budget priorities in September is premature given that the boards are yet to receive the proposals from the various departments at this point.

In general, Planning Board would recommend that the Capital Budget process be conducted every two years rather than every year unless otherwise mandated by State Statute. Considerable time is spent in review and approval of the department proposals by various boards and in public hearings leaving limited time between the approval of the budget and the start of the next budget cycle.

Remainder of Part 8. Budgetary Procedures (PB)

There are simply too many changes to this process to be understood with such a limited amount of time. What is the intention with these changes? Why are dates and timelines being changed? What is the purpose for combining the operating budget and capital budget processes? The one Planning Board staff member able to advise the Board on these changes has been pouring over the recommended revisions since they were published and still did not have the time or resources to finish the review.

Miscellaneous –

-Add language stating that any member of a Board should recuse themselves in instances where they are also members of an outside organization with positions on related matters.

-Should clarify the majority needed for a BOR to approve or reject the Planning Board's decision on a MP amendment or Zoning Board's decision on a ZB application. Currently undefined.

-Did the Charter Revision Commission hold any public outreach? Recommended revisions to Charter would require public outreach by boards on City-initiated projects however no public outreach was done on the charter revision. The Commission did not provide any explanations or reasons for the proposed changes or what the specific goal(s) of these proposed changes is(are).

-Further, the affected boards were not engaged as to what changes they thought were needed or how their boards would be affected by the proposed amendments.

-Many recommendations seem to extend the time between the noticing of a public hearing on an application and a boards determination on an application. The Charter Revision Commission noticed this public hearing once, 1 week in advance. The Land Use Boards are held to greater public notice requirements. The Zoning Board and Zoning Board of Appeals did not have a meeting during this notice

period such that they could discuss the proposed changes. This seems counter to the intent of the proposed Charter revisions.

-The Citywide Boards and Commissions meeting calendar should be regularly updated.

Respectfully,

Theresa Dell, Chair, Planning Board

David Stein, Chair, Zoning Board

Joseph Pigott, Chair, Zoning Board of Appeals