

31ST BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
JEFF CURTIS
Clerk of the Board
MEGAN COTTRELL

Majority Leader
NINA SHERWOOD
Minority Leader
MARY L. FEDELI

MINUTES

President Curtis called the meeting to order at 6:30 p.m. and read the call of the meeting:

I, Jeff Curtis, President of the 31st Board of Representatives of the City of Stamford, Connecticut, and pursuant to Section C2-10-4 of the Stamford Charter, hereby call a Special Meeting of said Board of Representatives at the following time and place:

Wednesday, September 6, 2023

6:30 p.m.

by computer, tablet, or smartphone at:

<https://us02web.zoom.us/j/83107764614> or www.zoom.com – Webinar ID - 831 0776 4614 or
by phone 1-646-558-8656 – Webinar ID - 831 0776 4614.

to consider and act upon the following:

1. [CR31.014](#) RESOLUTION; Approving the Submission to the Electors of the Proposed Amendments to the Charter at the November 7, 2023 Election.
08/23/23 – Submitted by Reps. Curtis and Bewkes
2. [CR31.013](#) RESOLUTION; Establishing the Charter Revision Questions for the November 7, 2023 Ballot.
08/30/23 – Submitted by Reps. Curtis and Bewkes

INVOCATION: Led by Rep. Bonnie Kim Campbell

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President Jeff Curtis.

ROLL CALL: Conducted by Clerk of the Board Megan Cottrell. There were 37 members present and 3 members absent or excused (Reps. Adams, Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Fedeli, Figueroa, Garst, Gilbride, Goldberg, Grunberger, Jacobson, Jean-Louis, Ley, Matheny, Mays, Miller, Moore, Morson, Patterson, Pavia, Pollack, Roqueta, Saffic, Sandford, Shaw, Sherwood, Stella, Summerville, Tomas, Dakary Watkins, David Watkins, and Weinberg were present; Reps. Pierre-Louis, Shinn, and Walston were absent. Reps. Pierre-Louis and Walston joined immediately after roll call. Rep. Shinn joined the

meeting at 6:58 p.m., for a total of 40 members present. Also present was Attorney Mednick. Rep. Gilbride left the meeting at 10:52 p.m.

COMMUNICATIONS: Conducted by Clerk of the Board Megan Cottrell.

1. If you need assistance with Zoom during the meeting, please call: [REDACTED] to speak with IT. Please do not call other members of the Board or the Board office. If you are having problems speaking or hearing with your computer, you can always access the meeting through a telephone by dialing the phone number on the Agenda - 1-646-558-8656, and using the Webinar ID on the agenda: **848 7455 8071**. Please call or text IT at [REDACTED] or text the Clerk at 475-489-5435 to let us know you are coming on, with the phone number you are using, and we will make sure you are able to speak during the meeting.
2. If you do not respond during a roll call vote, your name will be called 2 more times after the conclusion of the vote. If you do not respond, you will be assumed to have left the meeting and your name will not be called on the next roll call vote.
3. If you decide to leave the meeting, you must text the Clerk when you leave. If you need to leave the meeting for a short period, text the Clerk when you leave and return. Members who do not text the Clerk when they leave the meeting will be presumed to be present for all consent items.

PRESENTATION: Jeff Curtis and Bradley Bewkes Co-Chairs, 2021-22 Charter Revision Committee

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| 1. CR31.014 | <u>RESOLUTION</u> ; Approving the Submission to the Electors of the Proposed Amendments to the Charter at the November 7, 2023 Election.
08/23/23 – Submitted by Reps. Curtis and Bewkes | APPROVED
BY ROLL
CALL VOTE
24-16-0 |
|-----------------------------|---|---|

¹A motion to approve Item No. 1 was made by Rep. Bewkes and seconded by Rep. Sherwood.

It was noted that the Board had received a [legal opinion](#) that afternoon regarding the proposed date from Corporation Counsel Cassone.

Mr. Mednick stated that the date of the referendum has been an open issue since November 2022. Typically, the date of the referendum would be established by the appointing authority when the Charter Commission is formed, but that was not done here. He was initially told that the intent of the Board was to hold the referendum at the 2024 election. The statutory deadline is that the referendum must be held within 15 months of approval of the final report by the appointing authority. There is a provision in the current Charter which states that: "To the extent permissible under applicable state law, the Board of Representatives shall endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with a general election at which either the Mayor, State officials, or Federal officials are to be elected." This is 3 out of 4 elections. Under the state statute the choice of date is up to the discretion of the appointing authority. The language in the Charter is not mandatory, and the Board can choose to conduct the referendum in 2023 or 2024.

Board members proceeded to discuss the motion and the legal opinion. Items discussed included the following:

¹ Video Time Stamp 00:17:38

- The change from 2024 to 2023 was the result of informal discussions
- The Charter Commission members were inclined to put this on the 2023 ballot; there was no formal vote
- What is the meaning of the language “shall endeavor” – is it mandatory or superfluous?

²A motion to amend Item No. 1 to amend all references to November 7, 2023 to November 5, 2024 was made by Rep. Jacobson and seconded by Rep. Goldberg.

Board members proceeded to discuss the proposed motion. Discussion points by members included the following:

- Under the Charter “[T]o the extent permissible under applicable state law, the Board of Representatives shall endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with a general election at which either the Mayor, State officials, or Federal officials are to be elected.” The November 2023 election does not contain elections for these offices. The next election which would include those races would be November of 2024.
- The legal opinion should have been sought earlier, but was not requested.
- The legal opinion sets forth how the Supreme Court would construe a municipal charter. The rules of statutory construction apply: “We presume that there is a purpose behind every sentence, clause, or phrase used in an act and that no part of the statute is superfluous.” The opinion states that the only way to indicate compliance with this section “is for the Board to endeavor to schedule the referendum for 2024.”
- Putting this Charter on the 2023 ballot might enable it to be collaterally attacked and the Board subject to litigation.
- There would be greater voter turnout in 2024
- An “endeavor” is only an attempt, it is not mandatory
- The work of the Commission will be fresh in the voters’ minds in 2023
- When there are massive structural reforms, it makes sense to delay a referendum on charter revision
- If the Charter had been approved earlier, the 2024 election would not be an option
- No other Charter in the State has a provision similar to the provision in the Stamford Charter to “endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with a general election at which either the Mayor, State officials, or Federal officials are to be elected.”
- Putting it on the 2024 ballot is a delay tactic to undermine the Commission’s work and defeat the charge
- The legal opinion comes from the people who are benefitting from the loopholes and mistakes in the Charter
- The Charter Revision Committee discussed the date of the referendum at its meeting on April 19, 2023
- Putting it on the 2024 ballot gives people an opportunity to politicize the Charter revisions
- Those opposing the 2023 date opposed putting this on the ballot at all

² Video Time Stamp 00:41:25

³A motion to move the question on the motion to amend was made by Rep. Campbell, seconded by Rep. Cottrell, and failed by a roll call vote of 13-26-0 (Reps. Coleman, Cottrell, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Pavia, Roqueta, Sherwood, Stella, Summerville, and Dakary Watkins in favor; and Reps. Adams, Berns, Bewkes, Boeger, Campbell, Curtis, Fedeli, Gilbride, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Moore, Morson, Patterson, Pierre-Louis, Pollack, Sandford, Shaw, Shinn, Tomas, Walston, David Watkins, and Weinberg opposed).

Discussion on the proposed motion continued. Discussion points by members included the following:

- The Charter requirement to “endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with a general election at which either the Mayor, State officials, or Federal officials are to be elected” establishes a preference for holding the referendum at an election at which either the Mayor, State officials, or Federal officials are to be elected, but it is not mandatory
- There are members who supported putting this on the ballot who support putting it on the 2024 ballot
- There will be greater turnout during the 2024 election, which is consistent with the Board’s desire for greater participation and hearing the voices of the people; people can be reengaged for 2024
- The Charter Committee did not vote on the 2023 date
- Delaying this to 2024 may turn this into a red vs. blue issue and there will be political money influencing it
- Representatives should get people in their district to vote on the Charter
- There are several local elections in the 2023 election; and the people who vote will be those interested in municipal issues
- The goal of the term “endeavor” was probably to keep the Board from being locked into an impossible situation; the spirit is to maximize participation
- Holding the referendum in 2023 is an effort to limit the public’s response in an election where fewer than 19% of the electorate turn out, when during a presidential election 80% of the electorate turn out
- The public needs time to digest these changes
- The intent of this provision is to maximize voter turnout
- The people who show up during Presidential elections take voting seriously and would make an educated and informed decision
- The best democracy is when you get the most people out to vote
- This would give the Board more time to consider the language to be placed on the ballot, rather than reviewing language provided less than 48 hours before the meeting
- The Charter Committee did debate the date of the referendum, but did not reach a conclusion
- People should have time to study the issues
- The public is aware of the issues that the Charter Commission has discussed
- There are 60 days to engage the voters for the 2023 election
- The charter is broken and needs to be fixed sooner rather than later

³ Video Time Stamp 01:24:25

⁴The motion to amend Item No. 1 to amend all references to November 7, 2023 to November 5, 2024 failed by a roll call vote of 16-24-0 (Reps. Adams, Fedeli, Gilbride, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Sandford, Shaw, Shinn, David Watkins, and Weinberg in favor; Reps. Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins opposed).

⁵The motion to approve Item No. 1 was approved by a roll call vote of 24-16-0 (Reps. Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins in favor; Reps. Adams, Fedeli, Gilbride, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Sandford, Shaw, Shinn, David Watkins, and Weinberg opposed).

2. [CR31.013](#) [RESOLUTION](#); Establishing the Charter Revision Questions **APPROVED
BY ROLL
CALL VOTE
24-15-0**
for the November 7, 2023 Ballot.
08/30/23 – Submitted by Reps. Curtis and Bewkes

⁶A motion to approve Item No. 2 was made by Rep. Bewkes and seconded by Rep. Pierre-Louis.

A motion to amend Item No. 2 to change the question language as follows (and read into the record) was made by Rep. Bewkes and seconded by Rep. Pierre-Louis (referred to herein as the “Bewkes Amendment”).

~~Shall the electors of the City of Stamford approve and adopt the Charter changes as recommended by the Charter Revision Commission and as approved by the Board of Representatives? Shall the Charter be revised to clarify and make it easier for the public to understand, have access to and hold more accountable Stamford's government by the following: (a) create more opportunities for the public to participate in government; (b) clarify, define and make more understandable certain common terms in the charter; (c) require clear reporting and accountability for legislative, legal and fiscal matters; (d) include recognition of diversity, equity and inclusion (“DEI”) as an important goal for the City; (e) end the practice of allowing members of decision-making boards and commissions to remain in office beyond the expiration of their term; (f) clarify the requirement that certain appointed executive officials live in Stamford, subject to a waiver provision; (g) allow the Board of Representatives to obtain legal services, as necessary, as do other local legislative bodies in Connecticut (h) create new charter boards and commissions to promote the goals of the Americans with Disabilities Act/DEI, mental health, housing and harbor management; and, (i) reorganize the budget process to permit residents to voice their opinions and concerns in a pre-budget public hearing, require publication of a budget calendar and ensure compliance with state law?~~

⁷A motion to amend the text as read into the record as follows was made by Rep. Ley and seconded by Rep. Morson (referred to herein as the “Ley Amendment”):

⁴ Video Time Stamp 02:45:35

⁵ Video Time Stamp 02:50:00

⁶ Video Time Stamp 03:01:00

⁷ Video Time Stamp 03:08:00

~~Shall the Charter be revised to clarify and make it easier for the public to understand, have access to and hold more accountable Stamford's government by the following:~~

~~Shall the electors of the City of Stamford approve and adopt the Charter changes as recommended by the Charter Revision Commission and as approved by the Board of Representatives which include the following:~~

~~(a) increases public notification requirements; create more opportunities for the public to participate in government;~~

(b) clarifyies, defines and make more understandable certain common terms in the charter;

~~(c) requires the Mayor to immediately report to the Board of Finance and the Board of Representatives all legislative items and proposals, including but not limited to those which may impact the governance or financial well-being of the City, whether introduced by the City or otherwise; require clear reporting and accountability for legislative, legal and fiscal matters;~~

(d) revises the preamble to include ~~recognition of~~ diversity, equity and inclusion ("DEI") as an important goal for the City;

~~(e) amends the appointments process for City boards and commissions to include timeframes, and transfers power of nomination to the Board of Representatives if the Mayor does not secure an appointment with the Board of Representatives during the specified timeframe; end the practice of allowing members of decision-making boards and commissions to remain in office beyond the expiration of their term;~~

(f) clarifyies the requirement that certain appointed executive officials live in Stamford, subject to a waiver provision;

~~(g) supplements the Board of Representatives' current ability to hire outside counsel by adding the ability to hire full-time inside legal counsel, reporting to the Board of Representatives and independent of the City's Corporation Counsel; allow the Board of Representatives to obtain legal services, as necessary, as do other local legislative bodies in Connecticut~~

~~(h) establishes create new four new Charter charter boards and commissions (1) Mental Health, (2) American with Disabilities Act / Diversity Equity and Inclusion, (3) Housing, and (4) Harbor Management to promote the goals of the Americans with Disabilities Act/DEI, mental health, housing and harbor management; and,~~

(i) reorganizess the budget process to ~~permit residents to voice their opinions and concerns in~~ include a pre-budget public hearing; and require publication of a budget calendar ~~and ensure compliance with state law?~~

Board members discussed the proposed changes. Discussion points made by members included the following:

- The Ley Amendment is clearer as to the actual text changes and clarifies the intent of the proposed Charter changes
- Some of the language in the Bewkes amendment is superfluous
- Separating this into paragraphs makes the question clearer to voters, rather than having everything bundled

- Did the Charter Revision Committee meet and discuss having one question rather than separate questions; did Attorney Mednick arrive at one question on his own, or did Attorney Mednick receive advice from individuals to create one question?
- Attorney Mednick stated that he usually works on developing questions with a committee; in this case he discussed the matter with President Curtis and the Chair and Co-Chair of the Charter Revision Committee and other members of leadership who have been involved in the process
- It is too late to create separate questions, since the questions must be completed by tomorrow; there was very little time to review this question
- Having one question was the result of internal discussions among a few people
- The Ley Amendment doesn't represent the spirit of the Charter revision, as stated in the Bewkes Amendment
- Subsection c) of the Ley Amendment does include the exact wording of the Charter but doesn't include the fiscal reporting requirements
- Subsection e) of the Ley Amendment is not correct and the purpose of that section is to close a loophole
- Other municipalities have access to legal counsel because they have budget making authority
- The Ley amendment focuses on the language of the proposed amendment, and the Bewkes amendment focuses on what the revisions hope to accomplish; the public should be voting on what the revisions actually say
- All of the major changes in the Charter should be included on the ballot, whether it is one question or several
- There will be an explanatory text available at the polls
- The ballot should be as easy as possible for the public to understand; very few people will read the explanatory text
- The Bewkes Amendment presents the big picture

⁸The motion to approve the Ley Amendment failed by a roll call vote of 17-22-0 (Reps. Adams, Cottrell, Fedeli, Gilbride, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Sandford, Shaw, Shinn, David Watkins, and Weinberg in favor; Reps. Berns, Bewkes, Boeger, Campbell, Coleman, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins opposed).

⁹Board members continued to discuss the Bewkes Amendment as follows:

- Subsection g) "allow the Board of Representatives to obtain legal services, as necessary, as do other local legislative bodies in Connecticut" is unclear because the Board already has the ability to obtain legal services; the proposal is to permit the Board of Representatives to hire a full-time staff attorney and provides transfer authority for the Board to fund these items; the other local legislative bodies, other than Norwalk have budgetary authority and are able to make decisions during the budget process regarding their own staff.

⁸ Video Time Stamp 03:41:20

⁹ Video Time Stamp 03:45:37

- Would it be more accurate to say “make it easier for the Board of Representatives to obtain counsel and to further allow them to allocate funding for the same, consistent with many other municipalities in Connecticut?” That will be included in the explanatory text and will show in the redline that will be published in the Advocate.
- There are no metrics as to how many people read the explanatory text or the insert in the paper
- This is a more expansive question than other cities in the State use
- The question should have been provided earlier
- It is misleading to state “allow the Board to obtain legal services” without any detail as to what the Board can do currently

¹⁰A motion to break the question into 9 separate questions was made by Rep. Watkins and received multiple seconds (referred to herein as the “Watkins Amendment”).

Board members discussed the proposed Watkins amendment. Discussion points made by members

- Breaking it up might allow clarifying language
- It is misleading to state “allow the Board to obtain legal services” without any detail as to what the Board can do currently or the estimated cost
- The single question has all of the parts under one umbrella which makes it easier for the public to understand
- There have been more expansive charter revisions in the state which use one question
- None of these changes are controversial; the only controversy comes from political opposition with the Board and the political class of the city, so there is no reason to split it up
- One question is easier for the public to understand
- If you break it up into several questions, then people can lobby to vote no on a particular issue, such as whether the Board should have its own lawyer; the Board is composed of volunteers who have no access to a lawyer
- These changes are all part of the same question of making Stamford government more accountable and more accessible
- Other cities in the state which use one question are much smaller than Stamford
- This would only be 9 true or false questions
- This is equivalent to requiring people to vote straight party lines
- Stamford has used multiple questions on previous Charter revisions
- There are things missing from the question and the voters are not being given the right to decide
- There should have been a discussion in committee as to how many questions there would be
- People should not be put in a category because they are not supporting something a certain way
- The public has a right to choose by question
- The question lacks detail; there are people in the City who believe that some of these issues are controversial

¹⁰ Video Time Stamp 03:53:13

- This was submitted at the last minute forcing all of the decisions to be made in one evening

¹¹The Watkins Amendment failed by a roll call vote of 15-24-0 (Reps. Adams, Fedeli, Gilbride, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Sandford, Shaw, David Watkins, and Weinberg in favor; Reps. Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins opposed).

¹²A motion to move the question on the Bewkes Amendment was made by Rep. Sherwood, seconded by Rep. Cottrell, and approved by a roll call vote of 27-12-0 (Reps. Adams, Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Saftic, Sandford, Sherwood, Stella, Summerville, Tomas, Walston, Dakary Watkins and Weinberg in favor; Reps. Fedeli, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Shaw, Shinn, and David Watkins opposed).

¹³The motion to approve the Bewkes Amendment was approved by a roll call vote of 24-15-0 (Reps. Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins in favor; Reps. Adams, Fedeli, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Sandford, Shaw, Shinn, David Watkins, and Weinberg opposed).

¹⁴The original motion to approve Item No. 2, as amended, was made, seconded, and approved by a roll call vote of 24-15-0 (Reps. Berns, Bewkes, Boeger, Campbell, Coleman, Cottrell, Curtis, de la Cruz, Figueroa, Garst, Jean-Louis, Matheny, Moore, Patterson, Pavia, Pierre-Louis, Roqueta, Saftic, Sherwood, Stella, Summerville, Tomas, Walston, and Dakary Watkins in favor; Reps. Adams, Fedeli, Goldberg, Grunberger, Jacobson, Ley, Mays, Miller, Morson, Pollack, Sandford, Shaw, Shinn, David Watkins, and Weinberg opposed).

President Curtis adjourned the meeting at 11:17 p.m.

This meeting is on [video](#).

¹¹ Video Time Stamp 04:18:55

¹² Video Time Stamp 04:23:15

¹³ Video Time Stamp 04:31:08

¹⁴ Video Time Stamp 04:42:53