

Charter Revision Commission Minutes

Regular Meeting on February 28, 2019

6:30PM - Call to order by Chairman Granfield

Pledge of Allegiance

Roll Call: John Brunetti present, Victoria Clifford present, Monique Bolt absent, Rohan Smith absent, Silvana Apicella present, John Carrano present, Iris Diaz present, David Riccio absent, Edward Granfield present

Motion to accept meeting minutes from February 21st, 2019 meeting by Silvana Apicella. Seconded by John Brunetti. Passed.

No Q&A session.

Floor opens for discussion.

Apicella: With regards to the language added to the Charter allowing an economic referendum, stated that she had given it more thought after the previous regular meeting and believed it may be beneficial to revert the language to the original after all, before amendments were made to the Charter.

Brunetti: States that the language is good but if the City Council accepts the section language regarding the City Manager position, there is no need to keep the amended economic referendum language.

Apicella: Sided with Commissioner Brunetti's reasoning; if the city manager language is accepted by City Council, take out the referendum language. If the city manager language is rejected, it may be better to keep the amended language in the final draft of the Charter.

Granfield: States that Corporation Counsel will vet changes made by the Commission and it is possible to review this section again afterwards.

Brunetti: Inquires if it is possible for City Council to changes edits or make edits themselves.

Granfield: States that this is not possible. City Council votes to approve and reject provisions in the Charter and make recommendations to the Commission.

Carrano: Inquires if it is possible to put into place a kickback when City Council rejects integrated and critical provisions to allow the Commission to make edits and changes as soon as the vote is made.

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Granfield: Explains that it would be necessary to outline which provisions are integrated and which are not.

Carrano: Explains that it would be necessary for the Commission to review its provisions and note which are integrated and which ones have been or will be removed.

Granfield: Proposes choice to Commission: Pull out referendum language now, pull it out after vetting is complete, or leave it in.

Carrano: Mentions that the Commission should let City Council know that this referendum language was considered but ultimately feels that it should be taken out of the Charter.

Apicella: Suggests that instead of adding language for a referendum, a trigger for the budget could be implemented.

Granfield: The Commission in a previous meeting entertained the idea of implementing a trigger but it was ultimately dropped.

Carrano: It may be possible to use the trigger or perhaps the referendum language as a kind of insurance policy for other sections. For example, if the City Manager section is rejected, the referendum language can be added. It will not be added if the Council ends up accepting the City Manager section after rejecting it initially.

Discussion suspended by Chairman Granfield.

Opens floor to Corporation Counsel Craig Sullivan.

Sullivan: Informs Commission that term limits cannot be imposed. Having done research, West Haven does not have that power, despite other municipalities having said power. Municipalities only have powers outlined by the state, unless special acts were in place. The question here is not "is imposing term limits prohibited?" The real question is "is there grant of authority?" In this case, there is no grant of authority.

Carrano: States that term limits will be removed then. City Council will be informed in final report that this was attempted. Will also inform what the Commission is not capable of doing as a body.

Granfield: Asks that when the provisions are vetted by Corp Counsel, if the Commission is required to motion to accept each particular provision or if a blanket motion can be done.

Sullivan: States that it is theoretically possible to do a blanket motion. Explains to Commission that it is important for commissioners to be able to make informed votes. It is also important to vote on the most updated version of the Charter and to record the votes.

Granfield: Inquires that if there is no unanimous vote on through a blanket motion, would it be possible to motion on disputed provisions and blanket motion the rest of the provisions.

Sullivan: States that this is okay, so long as everything is recorded.

Carrano: Suggests to Chairman Granfield that eleven motions should be made considering there are eleven chapters in the new and revised Charter.

Granfield: Reserves discretion on this matter but states that this sounds good. Seeking clarification, asks that once Corp Counsel returns final draft of the Charter, it would then be up to the Commission to accept or reject suggestions and changes, and then begin motioning to accept?

Sullivan: Explains that this is correct and that suggestions should be considered carefully. Mentions that a second public hearing is required before sending final report to City Council for their review.

Granfield: Inquires that if the public has suggestions, would it be possible to consider and add them.

Sullivan: States that yes, this is possible. To clarify, City Council will have 45 days after receiving final report from the Commission to host their own public hearing session. Within 15 days after this hearing is done, City Council must provide any suggestions and recommendations they have to the Commission.

Granfield: Asks what follows these steps once recommendations are made to the Commission.

Sullivan: The Commission will have 30 days to work on recommendations and to make another report to City Council.

Granfield: Asks what follows this step once the new report is sent in.

Sullivan: City Council has 15 days after the new report is sent in to accept and reject Commission's amendments to the Charter.

Carrano: States that having no economic referendum language with City Manager section accepted is okay. Likewise, states that no economic referendum language with City Manager section rejected would be bad. Inquires if it is possible to add referendum section to the Charter for consideration by the Council if City Manager section is rejected.

Sullivan: States that if the City Council recommends adding referendum language on their own accord, it can be done. However, it may be a problem if the Commission adds anything without recommendation by City Council.

Brunetti: Inquires if it is possible to leave in both of these provisions in the final report to the Council and be able to remove a provision once it comes back to the Commission.

Sullivan: States that this sounds logical but cannot be completely sure that the report can be modified in this way after review by City Council.

Granfield: Inquires if the Commission can only work on recommendations or if the Commission can work on any section once it is handed back from the Council.

Carrano: Adds to this question by stating that much of the changes made to the Charter are integrated and affect one another. If it is not possible to go back and modify such sections after the fact, this may become difficult to handle.

Sullivan: Changes can only be made with regard to recommendations. With this in mind, if a change is necessary and it is directly related to a recommendation made, it can be done. However, a referendum is not directly related to the City Manager section, it seems to be an insurance policy to keep the city manager position in the Charter.

Carrano: States that it would then be possible to simply keep in City Manager or any section in the final report regardless of recommendations.

Sullivan: States that this is true, however the Commission runs the risk of the City Council rejecting the entire proposed Charter as this is a possible outcome.

Granfield: Inquires if the Council can accept or reject particular parts of the proposed Charter.

Sullivan: States that this is correct, City Council can accept or reject the entire proposed Charter or individual provisions. However, the Council must be careful in their review. The Commission can explain to the Council that many of the sections are integrated together.

Granfield: Inquires when the Charter Revision Commission disbands in this process.

Sullivan: States that it exists until the final report is voted upon by City Council.

Brunetti: Asks what happens if only one provision is accepted and passed by City Council and if anything can be done.

Sullivan: States that no, nothing can be done. The Commission's job is complete. This provision alone will go to the ballot in November 2019. However, a petition can be made by a West Haven citizen to push other provisions to the ballot. It is up to them, what is important to them, and what they want to push.

Granfield: Explains that with everything considered, the process will reach its final stage in August. Inquires if there is enough time to formulate questions for the ballot in November if the question development begins in August.

Sullivan: States that this may be problematic considering the questions for the ballot need to be submitted to the Secretary of the State by September 20th for their records and for them to be on the ballot on November 5th. Starting question formulation in August will be really close and the questions will also have to be approved by City Council.

Granfield: Inquires on who would formulate the questions.

Sullivan: States that City Council in tandem with support from Corporation Counsel will formulate the questions.

Granfield: Asks if there is any sense of timeline on Corp Counsel's end with regards to vetting the final draft of the Charter.

Sullivan: Explains that he is not sure about the timeline but feels 30 days to vet the final draft may be sufficient. The section on city district changes will take time to research. This takes into account analyzing Census data and having a consultant draw new boundaries for the districts. With this in mind, 30 days may be enough to vet most, if not all, provisions.

Granfield: Recommends that Corp Counsel considers the intent behind the provisions. If some are not legal, it is the hope of the Commission that Corp Counsel provides suggestions to make sure the correct path to legality is taken. The Commission wants to be right and ensure its provisions are legal and possible.

Sullivan: States that this will be heeded. Explains that it is entirely possible that the questions may not be completely formulated in time for the ballot. Reminds Commission that this will have to be done in a different election within 15 months from August, when the questions begin formulation.

Apicella: Inquires if it is possible for a potential new mayor to stop this process.

Sullivan: Answers no.

Carrano: Asks if the questions can be put on the ballot in the 2020 presidential election.

Sullivan: Answers yes, lands within the 15 month window.

Granfield: States that this means there is only now a one year window to implement the passed provisions as they are slated to come into effect in 2021.

Sullivan: States that regardless of having one year, it would be wise to be anticipating what changes could pass and begin preparation relative to this.

Granfield: Asks with concern that voters may become disinterested if they are presented with multiple questions. For examples, first question may have 4000 votes and by the ninth question, perhaps only 700 people will have voted.

Sullivan: States that this is to be expected with a large-scale revision of the Charter. The ballot could have one question or multiple questions.

Carrano: Inquires if the language in the Charter which includes "the town of Orange" should remain or be taken out, despite past relations with Orange.

Sullivan: States that historical research will have to be conducted.

Carrano: States the Commission will leave it and it can be taken out by Corp Counsel if necessary. Will send final draft to Corp Counsel on March 1st for vetting.

Corporation Counsel Craig Sullivan exits.

Granfield: Regarding this discussion, describes that it may be better to leave provisions in the Charter rather than removing them. The Commission will have to do a good job showing how the sections are integrated. Recommends to commissioners to review changes made to the Charter and to make a personalized list of changes that should be prioritized or deeply noted.

Discussion concludes.

New Business.

Carrano: Inquires when the next meetings are for the Charter Revision Commission.

Granfield: March 14th and March 28th.

Carrano: Requests that the March 14th regular meeting be converted into an executive meeting to go over PowerPoint presentation.

Brunetti: Holds no objection and inquires if it is possible to have more meetings.

Granfield: States that this is something to consider and will give the Commission more time to have everything ready.

Carrano: Requests that the City Council is made aware that the report to them will be in the form of a PowerPoint presentation.

Granfield: Permits this request. Reminds Commission that there are currently only four more meetings between February 28th and May 1st. Additionally, a second public hearing meeting will need to be hosted in this timeframe.

Carrano: Clarifies that a PowerPoint presentation will be done before the hearing and a written report will be sent to City Council after the hearing.

New Business concludes.

Motion to adjourn by John Brunetti.

Seconded by Iris Diaz.

Meeting adjourned at 8:09PM.