



CHARTER REVISION COMMISSION

REGULAR MEETING MINUTES

February 13, 2008

Room 204

7:00 P.M.

Commissioners Present: Jack Bashar
Steve Bellis
Susan Coyle
Paul DiMauro
Chris Gallo
Bob Lally

Commissioners Absent: Michael Davis
Ken Nappi
Irene Smith

CALL TO ORDER

Chairman Paul DiMauro called the Regular Meeting of the Charter Revision Commission to order at 7:02 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Commissioner Lally motioned to approve the minutes of the Public Hearing of the Charter Revision Commission of February 6, 2008. Commissioner Bashar seconded the motion.

A voice vote was taken; motion passed unanimously.

COMMUNICATION

Chairman DiMauro received correspondence from Thomas Harbinson, 15 Souncrest Drive. (see attached)

DISCUSSION REGARDING PUBLIC HEARING INPUT

There was nothing discussed regarding any public input at this meeting. The Commission has the right to decide to discuss this at a later date.

DISCUSSION OF PROPOSED CHANGES TO 1994 CHARTER

At this time, the Commission discussed the proposed changes to the existing Charter regarding typographical and grammatical errors as well as any changes regarding new State Statutes. (Draft #1 – 2/13/08 to be available on web)

Commissioners Bashar and Bellis will look into Appendix B of the Charter for incorporation and clarifications.

ADJOURNMENT

Commissioner Bashar motioned to adjourn the Charter Revision Meeting of February 13, 2008. Commissioner Lally seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman DiMauro adjourned the meeting at 7:42 P.M.

The next meeting of the Charter Revision Commission is scheduled for Tuesday, February 26, 2007 at 7:00 P.M. in Room 204 at City Hall.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade
Charter Revision Clerk

TAPE IS AVAILABLE IN THE TOWN CLERK'S OFFICE

ALL ATTACHMENTS MAY NOT BE AVAILABE ON THE WEB, FULL COPIES AVAILABE IN CITY/TOWN CLERK OFFICE

Mr. Paul Dimauro, Chairman
Charter Revision Committee
City of Shelton
54 Hill Street
Shelton, CT 06484

Thomas Harbinson
15 Soundcrest Dr.
Shelton, CT 06484

Re: Board of Aldermen Majority Voting

February 13, 2008

Dear Mr. Chairman,

On May 20, 2002 I read a letter (copy enclosed) to an earlier Charter Revision Commission during a public hearing. My comments were acknowledged by the Chairman at that time who said that it would be reviewed. I heard no response for or against my suggestion of revision. My suggestion was not incorporated into the charter revision proposed to the voters.

I spoke during a Board of Alderman meeting in 2004 (copy enclosed) specifically referencing both the Charter's sections I had concern with and the Robert Rules of Order Article/Sections that were appropriate. I received no feedback positive or negative.

On August 12, 2004 I sent a letter to that Charter Revision Commission outlining the same request and making myself available to attend any meeting or public hearing. I received no response and my suggestion was not incorporated into the charter revision proposed to the voters.

It is now nearly six years since I first raised this issue. Many members on the current Commission served previously and may recall my concerns. To reiterate my change request for Section 4.3.2. Quorum and Actions:

Current form:

Five (5) members of the Board of Aldermen, exclusive of the Mayor, shall constitute a quorum for any meeting, and the Board shall take no action, except on a vote to adjourn or to fix the time and place of the next meeting, unless the action is adopted by at least five (5) affirmative votes.

Proposed form:

~~Five (5) members of the Board of Aldermen~~ **A simple majority of members from the Board of Aldermen.** exclusive of the Mayor, shall constitute a quorum for any meeting, and the Board shall take no action, except on a vote to adjourn or to fix the time and place of the next meeting, unless the action is adopted by ~~at least five (5) affirmative votes~~ **a simple majority of the votes cast.**

Please consider my suggested change to the City of Shelton Charter. If the Commission does not see the changes appropriate, I look forward to hearing of the member's reasoning as to why it should remain unchanged. Thank you in advance for your consideration,

Tom Harbinson

- Enc: May 20, 2002 letter to Charter Revision Committee,
Text of speech at public portion of Board of Alderman meeting in 2004
August 12, 2004 letter to the Charter Revision Committee
- Cc: Charter Revision Committee clerk Sophia Belade via email as an attachment

Charter Revision Committee
City of Shelton
54 Hill Street
Shelton, CT 06484

Thomas Harbinson
15 Soundcrest Dr.
Shelton, CT 06484

Re: Majority Voting

August 12, 2004

Dear Committee Members,

Enclosed is a letter I read to your Commission during a public hearing (letter is dated May 20, 2002). My comments were acknowledged and I understood that you would be reviewing it. I heard no response for or against my suggestion of revision. My suggestion was not incorporated into the last charter revision proposed to the voters.

I have additionally spoken during a Board of Alderman meeting (copy enclosed) which specifically referenced both the Charter's sections of concern and the Robert Rules of Order Article/Sections that were appropriate.

It has been several years now since the incident I referenced brought to my attention the issue on abstentions and majority voting, and I vowed to myself then that I would try to change these rules when I had the opportunity.

Since no change was made to the charter on this issue, and no reason was given for lack of change, I have not voted in favor of the charter revisions, and will continue to vote in such manner until either the changes are incorporated, or reasoning can be presented as to why it should remain unchanged.

Thank-you for notifying me of your up-coming meeting, however I'm confused as to whether I should speak during the public hearing portion, or request to be on your agenda outside the public portion as your letter mentions scheduling a meeting. In either regard, I will be at your August 24th meeting.

Thank you for your consideration,

Tom Harbinson
Enc: 2

Charter Revision Committee
City of Shelton
54 Hill Street
Shelton, CT 06484

Thomas Harbinson
15 Soundcrest Dr.
Shelton, CT 06484

Re: Majority Voting

May 20, 2002

Dear Committee Members,

I would like to bring to your attention Board of Alderman rules regarding majority voting that can cause confusion, possibly misrepresent an Alderman's voting intention, and are at conflict with Robert's Rules of Order.

This came to my attention a few years ago when I witnessed deliberation and voting procedures for purchasing a piece of property for the City. One Alderman consistently voted to abstain when it came time to consider the issue, and one Alderman was absent at the time of the vote. Of the remaining six Aldermen, four voted for the motion, two voted against, and of course the one abstaining from voting.

According to the City of Shelton Charter, it requires five affirmative votes of Aldermen to pass a motion. This is an alteration of Robert's Rules of Order, which are supposed to outline how all City meetings operate. Under Robert's Rules, if all eight Aldermen voted, five would be a majority. If six or seven voted, four would be a majority, and so on. A vote to abstain is not a vote for or against but a notice to withhold from voting. So in my example, six votes were cast, four affirmative which should have resulted in it passing.

This particular example continued on with the same result over several months, jeopardizing the timeliness necessary to complete such a transaction. It continued with the Alderman voting to abstain, knowing that it had the effect of a no vote, but by not placing a no vote, which likely would have put him in a bad light with his constituents.

Let me give an example to illustrate how this extra notation corrupts the intention of a vote to abstain: A piece of prime real estate is planned for development and the City would like to purchase it for a municipal use. Alderman XYZ's family relations own the property and there is more financial benefit to see the land developed privately than sold to the City. A vote is taken on the motion to purchase the land and all eight Aldermen are present to vote. Four votes are cast in the affirmative and three votes are cast against, with Alderman XYZ voting to abstain due to the conflict of interest.

According to Robert's Rules of Order, there is a majority (four of seven) and the motion should pass. The current charter requires five votes to pass, making the Alderman XYZ's vote the equivalent of a vote against purchase. In effect: "You're either for us or against us". The accusation could be made that the Alderman's abstaining was not an avoidance of the conflict of interest and benefited him in the end.

In conclusion, the Charter strips Alderman of the right to correctly utilize the intention and meaning of a vote to abstain. I would encourage the Charter Revision Committee to review this language of majority vote and consider removing it to bring it in line with Robert's Rules of Order. Additionally, if alterations are made to the number of Alderman that represents the residents of Shelton, such language is unnecessary to exist.

Thank you for your consideration,

My concern is over the conflict of Roberts Rules of Order, and Board of Alderman voting rules, specifically when related to abstentions.

Section 4.3.2. Quorum and Actions:

Five (5) members of the Board of Aldermen, exclusive of the Mayor, shall constitute a quorum for any meeting, and the Board shall take no action, except on a vote to adjourn or to fix the time and place of the next meeting, unless the action is adopted by at least five (5) affirmative votes.

Section 5.4. General Provisions.

Unless otherwise provided by this Charter or the laws of the City or State, the following general provisions shall govern all boards, commissions and other bodies referred to in this Chapter 5:

(d) A simple majority shall constitute a quorum for the transaction of business.

From RROO: Art VIII/Sec.46 "When a quorum is present, a majority vote, that is a majority of the votes cast, ignoring blanks, is sufficient for the adoption of any motion that is in order."

This confliction came to my attention over 3 years ago when the BOA were deciding on the purchase of an open space parcel. There were several meetings attended by 5 aldermen (a charter defined quorum) where a motion to purchase open space land was made, and one of the alderman would always abstain. Due to the charter requiring 5 affirmative votes to adopt a motion, it didn't pass and this continued for several meetings until it finally was accomplished.

From RR: "While it is the duty of every member who has an opinion on the question to express it by his vote, yet he cannot be compelled to do so. He may prefer to abstain from voting". Further, the member doesn't have to state the reason for abstaining.

At the time I was upset that rather than stand and be counted with a position, this alderman would abstain in order to effectively be voting no, while still claiming to be for the issue. However, in these days of questionable ethics by elected officials I have begun thinking about this issue differently.

This was not the case, but imagine if that alderman had a personal interest in seeing the land not sold to the city because he was in construction or real-estate and wanted to profit from its development. By abstaining, he could say that he was removed from the ethics of voting on the issue – yet have the knowledge that without 5 votes from the 5 in attendance he effectively killed the motion.

In essence, the charter should be in conformance with the RROO so that a person abstaining from vote retains the ability to be removed from the process. Actions should be adopted by a majority of those casting a vote. A person abstaining from a vote is not voting. If there is a quorum with 5 members, and 1 abstains, then 4 are voting, and 3 affirmatives would pass a motion.

Please modify Section 4.3.2 of requirements for Alderman "actions" to bring it in appropriate conformance with RROO, a conduct outline used since 1876 for proper operation of an organization.