

*~AD HOC REPORT~*

**Appointment of Assistant Counsel & Outside Counsel: Attorney Candace Fay  
Monday, May 22, 2023**

Chairman Levy called the meeting to order at 6:03 p.m. on Monday, May 22, 2023. Present were Committee Members John Esposito III, and Ben Chianese. From the City were Bob Yamin, Corporation Counsel; Les Pinter, Deputy Corporation Counsel; Dean Esposito, Mayor; and Roger Palanzo, Mayor's Office. Ex Officio Members present: Councilmen Vinny DiGilio, and Jack Knapp. Present from the public were Candace Fay, Celeste Ruggiero, and Michael Safranek.

Mr. Levy stated the purpose of this meeting is to review a request from Corporation Counsel to appoint Candace Fay, as Outside Counsel for general matters. He discussed the City Charter (Section 6-4) and discussed the difference between Outside Counsel vs. Assistant Corporation Counsel. He noted that Ms. Fay operates a private practice, which he believes is a violation of the Charter, and he explained that the Mayor and City Council can appoint counsel as long as it is within the guidelines & qualifications of the Charter. Mr. Yamin stated that outside counsel appointed over the last decade have all operated in private practice.

Mr. Levy questioned positions and services in the current department budget. Mr. Pinter stated Section 6-4, is considered a broad reading to address the various needs of the City. He provided a brief overview of the 3 types of counsel categories. Furthermore, the Mayor has authorization to appoint Assistant Corporation Counsel as necessary. Corporation Counsel is requesting to appoint Ms. Fay, to support the needs of the office on an as needed basis. Mr. Yamin noted similar size cities have a larger number of full-time counsel members compared to Danbury. He explained existing outside counsel are used as generalists for multiple topics. Mr. Chianese commented he interpreted the Charter the same as the Chair.

He requested clarification regarding Assistant Corporation Counsel vs. Outside Counsel. Mr. Pinter clarified full-time counsel vs. appointments from the Mayor and the Council. Furthermore, Corporation Counsel acts as the agent for the Mayor, which is not prohibited in the Charter. Mr. Levy simplified his interpretation of the 3 categories (temporary, specialized, and permitted). Mr. Yamin stated previous Mayors and administrations have interpreted the Charter the same as Corporation Counsel.

Mr. DiGilio emphasized the need to read the entirety of Section 6-4 of the Charter which clearly allows the Mayor to appoint an Assistant Corporation Counsel. He also noted the need for a Charter Revision to clarify the issue. Mr. Knapp commented the City relies on Corporation Counsel to interpret the Charter; and specific language should be addressed during a future Charter revision. He recommended the Committee issue a positive recommendation to move forward with the request. Mr. Levy questioned the selection process by the Mayor and Corporation Counsel.

Mr. Esposito III spoke in support of Corporation Counsels' interpretation of the Charter. Furthermore, Mr. Pinter explained that the budget for legal services is estimated, due to unforeseen litigation. Mr. Yamin confirmed there are 3 Assistant Corporation Counsels in the office, and about 6 Assistant Corporation Counsels outside of the office. Mr. Esposito III spoke in support of Corporation Counsels' interpretation of the Charter. Furthermore, he favors issuing a positive recommendation to move forward with the request.

**A motion made by Councilman Esposito III, to make a positive recommendation to the City Council to approve the appointment of Attorney Candace Fay for the position of Outside Assistant Corporation Counsel, as presented. No 2nd. The motion failed.**

Mr. DiGilio noted the term Outside Counsel does not exist in the Charter and cannot be used in a motion. Mr. Yamin and Mr. Pinter confirmed the motion should state *Assistant Corporation Counsel*, which is the term used in the Charter.

*A motion was made by Councilman Esposito III, to make a positive recommendation to the City Council to approve the appointment of Attorney Candace Fay, to the position of Assistant Corporation Counsel.*  
No 2nd. The motion failed.

*A motion was made by Councilman Esposito III, and seconded by Councilman Chianese, to make a positive recommendation to approve the appointment of Attorney Candace Fay for the position of Counsel.*  
The motion carried unanimously.

Mr. Chianese asked for clarification of the use of the term *Counsel*.

*A motion was made by Councilman Chianese, and seconded by Councilman Esposito III, to adjourn.* The motion carries unanimously. The meeting adjourned at 7:08 p.m.

Respectfully submitted,  
Warren Levy, Chair  
John Esposito III  
Ben Chianese