

Newtown Charter Revision Commission

A Presentation to the Legislative Council
on the Draft Charter Revision Report
Presented By Jeff Capeci 10/7/2015

Jeffrey Capeci, Chairman
Robert Hall, Vice Chair
Kevin Burns
George Guidera
Tom Long



Eric Paradis
Jim Ritchie
Dan Wiedeman
Deborrah Zukowski

Agenda

- Charter Revision Commission
- Charter Revision Charge
- Background
- Document Structure
- Boards and Commissions
- Board of Finance
- Budget Process
- Town Meeting
- Land Acquisition and Disposition
- Next Steps
- Q&A



2015 Charter Revision Commission

- Jeffrey Capeci(R), Chairman
- Robert Hall(R), Vice Chair
- Kevin Burns(D)
- George Guidera(R)
- Tom Long(R)
- ▶ Eric Paradis(D)
- ▶ Jim Ritchie(U)
- ▶ Dan Wiedeman(R)
- ▶ Deborrah Zukowski(U)

Created and charged by Unanimously Endorsed Resolutions of the Legislative Council at a Special Meeting on June 18, 2014.



Charter Revision Charge

Charge

The Legislative Council's ("Appointing Authority") overarching goal for the Charter Review Commission is that the Commission undertake a comprehensive review of the Charter from the perspective that it be "readable", "user-friendly" and "accurate".

Furthermore, the Appointing Authority, pursuant to Section 7-187 et seq. of the Connecticut General Statutes, charges the Charter Review Commission with considering the items listed in the attached schedule for inclusion in any amendments to the Charter; and to comment on said items in its reports to the Appointing Authority.



Charter Revision Charge

► Detail Charter Charge Document with 70+ Line Items

Secti	Suggestion	Suggested By	Status	Section Ref / Notes
All	Review for appropriateness and consistency how appointed Boards and Commissions are included in the Charter	BOS and LC Charter Charge	ACCEPTED	Included all that met specified criteria
1-40, 2-13	(1) Consider merit of Town Meeting as a legislative body and functionality of the Town Meeting. (2) Also clarify the legislative body and the role of the BOF as BOF has some legislative authority in appropriation process.	BOF and Bob Tait and Roznicki	ACCEPTED (1) REJECTED (2)	1-20(c). Removed Town Meeting.
2-30C	The need for more clear direction from the Charter was confirmed by the most recent elections for the Board of Education which was fraught with questions about minority representation. This section also does not address how minority representation is affected by the filling of a vacancy during a general election. This section of the charter should specifically define minority representation on the Board of Education and should be reviewed for consistency with 2-70a of the Town Charter, and sections 9-204 and 9-167a of	BOE and Jim Gaston	DISCUSSED and MODIFIED	2-10(a). Did not clarify precedence of vacancy vs current term. Note that this did not change overall Minority Representation on Board.
2-40	BOF should mirror other boards and have the ability to fill a vacancy by a vote of its board and not an appointment. Town Hall Board of Managers has this ability, as does BOE. Should be consistent	BOF	ACCEPTED	2-31(c)
2-40C	The description for filling of vacancies is not consistent from board to board. Review this section for consistency.	BOE	ACCEPTED	2-31(c)
2-50, 2-11	Consider 4 year term for BOF and stagger the terms to elect three positions every two year for the purpose of continuity and stability.	BOF	ACCEPTED	2-125(b)(2), 3-15(e)
2-70A	The references to "the change to a seven member Board of Education" and "within thirty days of approval of a seven member Board of Education" are no longer applicable. This section should be reworked to reflect the current practice of electing three or four BOE members every two years.	BOE	ACCEPTED	3-15(b)
2-80	In subparagraph (b), the second line should say "who shall preside over its meetings (and a vice chairman who shall act as chairman in the absence of the chairman)" ... and so chose a clerk who shall not be a member of the Board.	ETHBOM	ACCEPTED	2-20(b), 2-20(e), 2-50
2-110G	we believe that it would be prudent for the Charter Revision Commission to examine the history and more importantly the need for the appointments of special constables as addressed in sec 2-110(g) of our Charter. No Commission member or the Chief of Police really understands the need for such constables who according to the Charter are "under the control of the Chief of Police."	Police Commission	ACCEPTED	Language has been removed.
2-120A	"And the town clerk shall file with the financial director a full statement of such receipts monthly" is not necessary	Bob Tait	ACCEPTED	Language has been removed.
3-10C	Suggestion was made to clarify language	BOF and Bob Tait	ACCEPTED	2-45(c)
3-30A5	eliminate reference to section 6-60 because we recommend eliminating section 6-60 later on	Bob Tait	ACCEPTED	
4-10D	Is this section even necessary anymore?	Bob Tait	ACCEPTED	Language has been
4-30A2	Include language "user fees"	BOF and Bob Tait	NOT	



Charter Revision Charge

- Develop a strategy and logic for why certain Boards and Commissions should be included or excluded in the charter.
- Composition of Elected Boards and Commissions, how they fill open seats.
- Revamping the ways the town can acquire and dispose of real property
- Enshrine Best Financial Practices in the Charter



History

- Held 40+ Public Meetings , 3 Public Hearings
 - Divided into Working Groups
 - researched different charge items
 - Heard from Subject Matter Experts
 - Brought Recommendations to Full Commission to Consider
 - Charter Revision Commission
 - Final Deliberations on All Decisions Made by Working Groups
 - Resolved Conflicts Between Recommendations from Different Groups
 - Made Final Decisions on Charter Changes Considered



History (Continued)

- Distributed Draft Changes to All Department Heads, Boards and Commissions Requesting Feedback
 - Met with Appropriate Parties to Resolve Issues
 - Other Feedback was either adopted, modified then adopted or rejected for cause.
- Major Changes Include:
 - Organized the document, making it more readable for layman and attorney alike.
 - Elimination of the Town Meeting
 - Allow for large capital expenditures to appear on Annual Budget Referendum Ballot.
 - Clarified Language Ambiguities
 - Streamlined the wording of Budget Advisory Questions
 - Major Rewrite of Real Property Acquisition and Disposition
 - Made the charter reflect current best practices in Financial Management
- Completed Draft Report in 15 ½ Months



Restructured Entire Document

FROM:

- CHAPTER 1
- ▲ INTRODUCTION
- CHAPTER 4
- ▲ APPOINTIVE BOARDS
- CHAPTER 5
- ADMINISTRATIVE OFFICES
- CHAPTER 6
- ▲ FINANCE AND TAXATION
- CHAPTER 7
- LEGISLATIVE BODIES
- ▲ CHAPTER 8
- TRANSITION AND MISCELLAN...

TO:

- ▲ CHAPTER 1 INTRODUCTION
 - 1-01 Incorporation
 - 1-05 Rights, Obligations and...
 - 1-10 Powers of Town
 - 1-15 Effect of Charter
 - 1-20 Summary of Governance
 - 1-25 General Provisions
- ▲ CHAPTER 2 MEMBERSHIP, RULES, A...
 - 2-01 General Provisions
 - 2-05 Eligibility
 - 2-10 Minority Representation
 - 2-15 Terms and Term Limits
 - 2-20 Officers of the Legislativ...
 - 2-25 Voting
 - 2-30 Vacancies on the Legis...
 - 2-31 Procedures for Filling V...
 - 2-32 Procedures for Filling V...
 - 2-35 Use of Alternates
 - 2-40 Removal for Cause
 - 2-45 Compensation
 - 2-50 Administrative Clerks
 - ▲ 2-100 Elected Boards, Commissi...
 - 2-105 Legislative Council
 - 2-110 First Selectman
 - 2-115 Board of Selectmen
 - 2-120 Board of Education
 - 2-125 Board of Finance
 - 2-125 Board of Finance
 - 2-130 Planning and Zoning ...
 - 2-135 Town Clerk
 - 2-140 Registrars
 - 2-145 Board of Assessment A...
 - 2-150 Board of Managers of ...
 - 2-155 Zoning Board of Appe...
 - 2-160 Board of Police Commi...
 - ▷ 2-200 Appointive Authorities, B...
 - ▲ 2-300 Regional Authorities and ...
 - 2-305 Lake Lillinonah Author...
 - 2-310 Lake Zoar Authority
 - 2-315 Newtown Health Distri...
- ▲ CHAPTER 3 ELECTIONS AND REFERE...
 - 3-05 Town Elections
 - 3-10 Legislative Council Distr...
 - 3-15 Election of Boards and ...
 - 3-20 Elections for Vacated Se...
 - 3-25 Referendum
- ▷ CHAPTER 4 ADMINISTRATIVE OFFIC...
- ▲ CHAPTER 5 LEGISLATIVE PROCESSES
 - 5-05 Ordinances
 - 5-10 Regulations
 - 5-15 Emergency Ordinances
- ▷ CHAPTER 6 BUDGET PROCESSES
- ▷ CHAPTER 7 FINANCIAL PROCESSES
- ▷ CHAPTER 8 ACQUISITION OR DISPO...
- ▷ CHAPTER 9 ETHICS COMPLAINTS AN...
- ▷ CHAPTER 10 TRANSITION AND MISC...



Boards and Commissions

- Criteria for Inclusion in Charter
 - Charge Deals With Public Health, Safety or Well Being
 - Charge is Ongoing/Indefinite
 - Receives/Expend Public Funding or Collects Money from Newtowners in the form of Fees or Assessments
 - Is not created by or comprised exclusively of town employees
 - Oversees Something that is Culturally Significant or Integral to the Fabric of the Community



Boards and Commissions (cont.)

- Found a total of 33 Appointed Bodies
 - 10 Commissions
 - 7 Committees
 - 7 Boards
 - 4 Authorities
 - 2 Districts
 - 1 ea. Council, Partnership and Task Force



Boards and Commissions (cont.)

- Appointive Bodies Added to the Charter
 - Commission On Aging
 - Cultural Arts Commission
 - Economic Development Commission
 - Inland Wetlands Commission
 - Pension Commission (Renamed from Committee)
 - Public Safety Committee
 - Self-Funded Health Insurance Fund Commission
 - Sustainable Energy Commission



Boards and Commissions (cont.)

- Bodies Added to the Charter (cont.)
 - Water and Sewer Authority
 - Lake Lillinonah Authority
 - Lake Zoar Authority
 - Newtown Health District Health Board



Boards and Commissions (cont)

- Each Given a Consistent Definition
 - Summary of General Responsibilities
 - Membership Information
 - # Members, Alternates if any
 - Term lengths
 - General Information Regarding Appointment, Eligibility, Minority Representation, etc. Relocated to General Provisions Sections.
 - Procedures Made Consistent for Filling Vacancies in Elected Offices, appointment of Officers and Clerks



Board of Finance

- Specifically spelled out advisory roles it plays
 - Selection of a Finance Director 4-05(a)
 - Regulations regarding Financial matters incl CIP. 5-10(b)
- Change From 2 to 4 year/Staggered Terms for Institutional Stability. 2-125(b)(2)
- Annual Budget Referendum
 - Added language to encourages Intra-board Cooperation 6-02(a)
 - Specific Responsibilities for the Finance Director 6-10.
 - Referenda for Capital items that exceed LC Authority 6-20(e)
 - Clarified Budget Amendment Process 6-20(f)



Advisory Questions Rewritten

6-25(a)

The Annual Town Budget Referendum ballots shall include two advisory questions as follows:

If the proposed sum of \$ ____ for the Board of Selectmen is not approved, should the revised budget be higher?"

Yes _____

No _____

If the proposed sum of \$ ____ for the Board of Education is not approved, should the revised budget be higher?"

Yes _____

No _____



Elimination of the Town Meeting

- Change Legislative Council Appropriation Authority From \$500k to \$1.5M 6-35(e)
 - Minimize the Number of Capitol Projects on the Ballot
 - Maximum 1 mil (~\$3M) Allowed Annually 6-35(e)
- Capital Expenditures in Excess of LC authority are Allowed and Encouraged to Be Placed on Annual Budget Referendum Ballot. 6-20(e)



Land Acquisition

- Not Significantly Changed
 - Itemizes the Methods The Town can Acquire Real Property 8-05(b)
 - Recommendation by the Board of Selectman 8-05(c)(2)
 - All deeds provided to the town from developers must be free and clear of financial encumbrances 8-05(d)



Land Disposition

- Sale, Lease or Other Disposition of Real Property Requires a set of Clear Procedures to Protect the Town
- Major Changes to This Section
 - The Procedure has been Revised to Flow from Start to Finish
 - Minor Transactions Where the Property Value is \$20,000 or less are exempted from much of the Procedure 8-15(i)
 - All relevant Boards and Commissions Have an Opportunity to Comment 8-15(b), 8-20(c)
- Including This in the Charter Ensures a Stable Process that is not easily changed as One Defined by Ordinance



Next Steps

- The Charter Revision Commission Requests:
 - The LC Takes Time To:
 - Understand the New Charter Document
 - Read it As a New Document as Opposed to a Series Of Amendments
 - Use Annotated Documents (Charge Spreadsheet, 2012 Charter) To Understand What Changes Were Made.
 - Pay Close Attention to Items That Were Dropped From the Language
 - With Respect to Added Boards and Commissions
 - Review Criteria. Is it Correct?
 - Did the Commission Adhere to Its Criteria When Deciding Which Bodies to Add
 - Board of Ed Minority Representation
 - Political Decision Should Be Made By the Top Elected Political Board in Town
 - On Behalf of The CRC, I Welcome Your Comments on the Document.



Questions



BACK UP INFORMATION



Bodies Not Added To Charter

No	Name	Reason for Exclusion
1	Animal Control Advisory Board	
2	Borough Historic District	Creation of the Borough
3	Charter Communications Advisory Council	
4	Charter Revision Commission	Dissolved when finite work is complete or timeframe as prescribed in general statutes ends.
5	Design Advisory Board	Makes Recommendations to P&Z
6	Donation Coordination Team	Finite mission complete, dissolved.
7	Fairfield Hills Authority	Requested not to by First Selectman because Authority may be dissolved as their duties are absorbed by other boards/commissions.



Bodies Not Added To Charter

No	Name	Reason for Exclusion
8	Fairfield Hills Master Plan Review Committee	Finite mission complete, dissolved.
9	Hattertown Historic District	Too parochial
10	Housing Partnership	
11	Long Range Strategic Planning Committee	Finite mission continues; formed by the Board of Selectmen.
12	Municipal Building Strategic Plan Committee	Finite mission continues; formed by the Board of Selectmen.
13	Municipal Employee Safety Committee	Formed of Town employees meet Workers' Comp Insurance Requirements
14	Sandy Hook Permanent Memorial Commission	Finite mission continues; formed by the Board of Selectmen.



Bodies Not Added To Charter

No	Name	Reason for Exclusion
15	Sandy Hook School Building Task Force	Finite mission complete, dissolved.
16	Tick Borne Disease Committee	Finite mission complete, dissolved.



Annotated Charge Document

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	we believe that it would be prudent for the Charter Revision Commission to examine the history and more importantly the need for the appointments of special constables as addressed in sec 2-110(g) of our Charter. No Commission member or the Chief of			



Annotated 2012 Charter Document

(b) [The terms of office on all appointive boards and commissions shall commence on January 7th, unless otherwise required by law.] The length of terms shall be as hereinafter specified.

(c) [Any vacancy on any appointive board or commission, from whatever cause arising, shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term vacated, within 45 days of such vacancy.] If such vacancy has not been filled by the Board of Selectmen within 45 days, the remaining members of such board or commission shall fill such vacancy subject to the provisions of Section 4-20 of this Charter.]

(d) The term of each member of an appointive board or commission who is an incumbent as of November 5, 1991 shall be extended to the January 7th following the date said term would otherwise expire, unless otherwise provided in this Charter. <<REMOVED>>

4-20 MINORITY REPRESENTATION

[The number of members of any one political party who may be appointed to any appointive board shall not exceed the maximum number prescribed by Section 9-167a of the General Statutes.] If a person vacating an appointive board was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party or by an unaffiliated elector and, if the newly appointed member is an unaffiliated elector and must vacate his appointment, the person appointed to fill such a vacancy must be either an unaffiliated elector or a member of the same political party as the person initially appointed.]

4-30 GENERAL POWERS AND PROCEDURES AND COMPENSATION

(a) [Appointive boards shall have the powers and duties prescribed by this Charter or prescribed by ordinance in the case of appointive boards authorized under subsection (c) of Section 4-01 of this Charter.]

(b) [Appointive boards shall choose a chairman and a secretary] and [may make regulations for the conduct of their meetings and the execution of their duties. Such regulations shall be filed with the Town Clerk.]

(c) [The members of appointive boards shall serve without compensation, except that necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for the purpose.]

4-40 REMOVAL FOR CAUSE

(a) A member of an appointive board or the Town Assessor or Tax Collector may be removed for cause by the First Selectman with the approval of the Board of Selectmen.

(b) The First Selectman, with the approval of the Board of Selectmen, shall adopt a personnel policy establishing procedures, consistent with due process, for removal for cause.

Comment [DZ135]: 2-15(c) – edited.

Comment [DZ136]: 2-32(a)(1) – Amended.

Comment [DZ137]: 2-32(a)(2) – Edited

Comment [DZ138]: Consistent with 2-10(a)

Comment [DZ139]: 2-30(d) – As written:
Note, made 2 sentences by removing “and.”

Comment [DZ140]: 2-01(a) – Amended:
Town bodies declared in current and revised Charter include those bound by ordinance so any body that has corresponding ordinance is bound by it, regardless of whether it is in Charter or not.

Comment [DZ141]: 2-20(b) and 2-20(e) – Amended: note that vote for secretary is permissive in revision.

Comment [DZ142]: 2-01(c) – merged with others

Comment [DZ143]: 2-45(d) – Edited and expanded to elective boards and officers (other than First Selectman)



Annotated Draft Charter

(a) 270 **2-10 Minority Representation**

- (a) 271 (a) Except as specifically provided in this section, the maximum number of members of any
(a) 272 Town Body, whether elected or appointed, who are members of the same political party
(a) 273 shall be determined in accordance with the provisions of Section 9-167a of the General
(a) 274 Statutes, as amended. In addition, the maximum number of alternate members for any given
(a) 275 board or commission shall also conform to the provisions of 9-167a. To Wit:

Total Membership	Maximum for One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
more than 9	2/3rds of total membership

(a) 276 (b) Exceptions are as follows:

- (a) 277 (1) **Legislative Council:** The number of members of any one political party who may serve
(a) 278 on the Legislative Council shall not exceed 3 of the 4 members elected from each
(a) 279 Legislative Council District.
- (a) 280 (2) **Police Commission:** The number of members of any one political party who may serve
(a) 281 on the Police Commission shall not exceed 3.
- (a) 282 (3) **Board of Managers of the Edmond Town Hall:** At each regular Town Election, 2
(a) 283 members of the Board of Managers of the Edmond Town Hall shall be elected, neither of
(a) 284 whom may be members of the same political party.



Color Codes Used In Documents

The color coding in both the draft charter and the annotated 2012 charter is as follows:

- Yellow highlight
 - On the annotated current Newtown Charter 2012: indicates the removal of content (e.g., town meeting references).
 - On the proposed Newtown Charter 2015 revision (Final Draft for Legal Review): indicates new or significantly modified content.
- Blue font indicates original text, potentially with inconsequential changes, e.g., Financial Director -> Finance Director.
- Black font indicates edited text.

