

**TOWN OF TRUMBULL**  
**CHARTER REVISION COMMISSION**  
**DRAFT COMMENTS TO PROPOSED CHARTER**  
**AMENDMENTS**

The Trumbull Charter Revision Commission (the “Commission”) submits the following explanatory comments. These comments are brief explanations of the proposed amendments to the existing Charter, which was adopted in 2003.

**TERMS OF OFFICE**

The Commission proposes that the terms of office of the First Selectman, Town Treasurer and Town Clerk be changed from two years to four years. The Commission has included this amendment to give the electors of Trumbull the opportunity to decide whether to change the terms of these offices. A change in the current two-year term of the Town Council is not being proposed.

The affected Charter sections are Chapter III, Section 1 (First Selectman), Chapter VIII, Section 3(A)(1) (First Selectman), Chapter III, Section 6(D) (Town Treasurer), and Chapter III, Section 7 (Town Clerk).

**REORGANIZATION OF TOWN COUNCIL**

The Commission proposes that the membership of the Town Council be changed. Currently, the Town Council consists of 21 members. Currently, the number of Council members elected from each District is based on the resident

population in each District. In June of each year, the Town Clerk calculates the number of members to be elected from each District. There is no limitation on the number of Council members who could be elected from the same political party, and it is possible that all Council members could be from the same political party.

The proposal would set the number of members to be elected from each District at two, and the remainder of the 21 members would be elected at-large. In addition, the election of at-large members would be subject to the minority representation limitation, which would limit the number of at-large members elected from the same political party. The minority representation provision is based on Section 9-167a of the Connecticut General Statutes. For example, two members would be elected from each of the seven existing Council Districts, and seven members would be elected at-large. The minority representation limitation would not apply to the members elected from the Districts, and the maximum number of at-large members who could be elected at-large would be five.

The affected Charter sections are Chapter III, Section 2 (composition of Town Council), Chapter VIII, Section 3(A)(2) (composition of Town Council), and Chapter VIII, Section 4 (minority representation).

## **BOARD OF EDUCATION**

The Commission proposes that the composition and terms of office of the Board of Education be changed. Currently, the Board of Education consists of seven members. Six members are elected for four-year terms, and one member is elected for a one-year term. The four-year terms are staggered, with the terms of three members expiring during each municipal election year. Not more than a bare majority of members may be nominated or elected from the same political party. Under the current Charter, the two major political parties may nominate the number of candidates that could be elected to four-year terms, and one candidate for the two-year term. In practice, however, the parties nominate the number of candidates who can be elected under the minority representation rule, which is one or two, depending on the party registration of the number of non-expiring members from each party. The result is that the nominees for the four-year terms are elected without opponents, and the only competitive election is that of the two candidates for the two-year term.

Previously, the Secretary of the State's Office has informed the Town of Trumbull that the current Charter provision is not consistent with the election law, because it does not provide for candidates to be nominated specifically for the two-year seat. The current Charter should be amended to comply with the election law.

The proposal would increase the number of members to nine, change the terms of office to two years for all members, and limit the number of members from the same political party to six. Under this system, each of the two major political parties could nominate up to six candidates, for a total of twelve candidates, running for nine positions. Three of the nine party candidates would not be elected. The Commission believes that the proposal would result in competitive election for all seats on the Board of Education.

The Commission considered three-year terms of office for all Board members. The Secretary of the State's Office has advised that three-year terms are not possible under the mandatory biennial municipal election system.

The affected Charter Sections are Chapter VII, Section 3, and the proposal includes provisions for the transition to the proposed composition.

### **SPECIAL BUDGET REFERENDUM**

The Commission proposes to create a one-time special referendum to apply to the Town's annual budget. Currently, the Charter provides for a budget referendum directed to specific line items identified in the referendum petition, with limitations on requests to increase or decrease line items. Proposed increases may not exceed the greater of (1) the amount proposed by the First Selectman, (2) the amount recommended by the Board of Finance, or (3) ten percent (10%) over the amount adopted by the Town Council. Proposed decreases

may not be less than (1) the amount proposed by the First Selectman, (2) the amount recommended by the Board of Finance, or (3) the amount appropriated for the item or items in question for the prior fiscal year. Referenda on the entire budget is specifically prohibited.

Currently, a budget referendum requires a petition signed by electors of the Town in a number not less than ten percent (10%) of the number of electors on the last completed voter registration list.<sup>1</sup> Referenda shall be decided by a majority of the electors who vote on the referendum, provided that the number of votes cast in the affirmative shall exceed fifteen percent (15%) of the number of electors on the last completed voter registration list. If a referendum increases or decreases a single item, the budget is deemed amended in accordance with the vote. If a referendum increases or decreases an item with more than one account number, the Board of Finance shall recommend modification of the individual items, and the Council shall modify the individual items without modifying the total appropriation set forth by the referendum vote.

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<sup>1</sup> According to the data available on the Secretary of the State's website, the latest number of active registered voters in Trumbull is 24,190 and the total of active and inactive voters is 24,894. Ten percent of the total number of active and inactive registered voters would be 2,490. (The current Charter does not specify whether the ten percent (10%) minimum number of petition signatures is based on the number of active voters or the total number of active and inactive voters.)

The proposal would create an additional, special referendum on the entire budget, which would apply only when the proposed budget exceeds the prior year's budget by a "Budget Referendum Threshold." The Budget Referendum Threshold would be calculated on or before November 1 of the previous fiscal year, by multiplying the annual operating budget for the current fiscal year, as revised through December 31 of that year, by the sum of the following:

1. The percentage change in the Consumer Price Index for all Urban Consumers ("CPI-U") for the one-year period that ended the previous July (i.e., the CPI-U change for the second year preceding the proposed budget year), plus
2. One percent (1%).

The following illustrates the calculation of a Budget Referendum Threshold for the FY 2011-12 operating budget:<sup>2</sup>

FY 2010-11 Amended Operating Budget		\$143,494,200.	
CPI-U Change for year ended July 2010 + 1.0%	x		+ 2.2%
Budget Referendum Threshold		\$146,651,072.	

Under the proposal, if the final budget approved by the Town Council were to exceed the Budget Referendum Threshold, a budget referendum could be triggered by petition signed by not less than three percent (3%) of the number of

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<sup>2</sup> For the purpose of illustration only, the FY 2010-11 amended operating budget number was taken from the FY 2010-2011 Operating Budget as stated in the final FY 2011-12 Operating Budget; the actual FY 2010-11 operating budget as amended through December 2010 may be different. The CPI-U change was taken from the "CPI Detailed Report Data for July 2010," which is available on the U.S. Bureau of Labor Statistics website.

electors who voted during the previous municipal election. For example, if the number of electors who voted during the November 2009 election was 12,589,<sup>3</sup> the minimum number of petition signatures would be 378. The referendum would be successful if the majority of the votes cast is in the affirmative, regardless of the voter participation in the referendum.

After a successful Special Budget Referendum, the Budget would be revised so that the total operating budget would not exceed the Budget Referendum Threshold. Unlike the current budget referendum, which will remain available, the proposed special referendum budget would not allow a petition or referendum that would request an increase in the final operating budget.

The affected Charter Section is Chapter VIII, Section 9 (NEW).<sup>4</sup>

### **BONDING REFERENDUM**

The Commission proposes a mandatory referendum for debt taken out for all projects that exceed \$15,000,000, and provides that any proposed bonded

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<sup>3</sup> The voter turnout number is taken from the 2009 municipal election data available on the Connecticut Secretary of the State website.

<sup>4</sup> The Minority Report recommends that the minimum number of petition signatures required to trigger a special budget referendum be increased to five percent (5%) of the voter turnout during the last municipal election, and that the minimum voter participation for a successful vote be set at thirty percent (30%) of the voter turnout during the last municipal election. Based on a voter turnout in the example above (12,589), the minimum number of petition signatures would be 630, and the minimum participation in the referendum would be 3,777.

debt in such amount that is not approved by the referendum shall not be brought up again for referendum until the later of the next municipal election or one year.

The affected Charter Section is Chapter VIII, Section 10 (NEW).

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The Charter Revision Commission looks forward to receiving comments from and conferring with the Town Council regarding any provisions contained in the Commission's draft report.

Respectfully submitted,

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John Chiota, Chairman