

MINUTES
Charter Revision Commission
May 13, 2014

CALL TO ORDER

Chairman Suzanne Burr Monaco called the Charter Revision meeting to order at 7:00 p.m. at the Town Hall, Nichols Room, Trumbull, Connecticut.. All present joined in the Pledge of Allegiance.

PRESENT

Suzanne Burr Monaco, Chairman
Dan Portanova, Vice Chairman
Adam Maiocco, Secretary
Ken Martin
Daniel Shamas
Barbara Schellenberg, Town Attorney

Review minutes of 5/6/14 meeting. Moved by Dan Portanova, seconded by Dan Shamas, voted to approve the minutes.

The Chairman opened with a handout provided by Maria Pires relative to local towns and their position on funding to the ARC. Darien and Greenwich funding is mandated by Charter. Bethel, New Canaan, Newtown and Westport do not mandate but they fund to the ARC via Internal Policy. Atty Schellenberg indicated that some towns have resolutions in place. K. Martin commented that based on personal research and comments of various residents, he wants to take a further look at mandated funding without an opt-out provision in the event of catastrophic economic conditions. He requested, and the Commission agreed, to review the language for the other sections first, returning to the ARC as a final point of discussion.

The Commission then began its review of the Draft Report of the Commission to be presented at the Public Hearing on 5/20:

Chapter I, Section 4B. Incorporation and General Powers. Defined Terms (p3)

Final paragraph to be amended that "Day(s)" means calendar day(s). After further discussion, said language will be amended to state: "Unless otherwise specified herein, in determining the last day of a time period, the last day shall and the first day shall not be counted.

Commission agreed on said change.

Chapter II, Section 5B. Legislative Branch. Meetings (pp.7-8)

First bullet point of said paragraph to be amended to state "For all meetings, agendas and all non-privileged supplemental materials...." to clarify that documents to be provided would be limited to non-privileged materials".

All in agreement.

Chapter 11. Section 6. Legislative Branch. Adoption of Legislation (pp.8-9)

To be amended by adding: "Additionally, the fifteen (15) day period shall not apply to appointments made for members of Boards and Commissions. Such appointments shall become effective immediately upon publication. Section 7 would stay "as is". Initially we discussed adding the language to Section 7, however it appears that Section 6 is more appropriate as it would not be considered emergency legislation. Further r

All members in agreement.

Chapter III, Section 1. Executive Branch. Office of First Selectman; Election and Qualifications (p. 12)

To be amended "Except as provided herein, a First Selectman shall be elected at the Town election to hold office for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November, 2017, a First Selectman shall be elected at the Town election to hold office for a term of four (4) years and until his/her successor shall be elected and qualified".

All members in Agreement.

Chapter III, Section 6D. Executive Branch. Department of Finance. Treasurer (p18)

Amended to include: "Commencing with the election occurring in November, 2017, a Treasurer shall be elected at the Town election to hold office for a term of four (4) years and until his/her successor shall be elected and qualified"....

All members in agreement.

Chapter III, Section 7. Executive Branch. Town Clerk (pp.24-25)

Amended to include: "Commencing with the election occurring in November, 2017, a Town Clerk shall be elected at the Town election to hold office for a term of four (4) years and until his/her successor shall be elected and qualified"....

D Portanova, K Martin, D Shamas, A Maiocco in agreement. The Chairman abstained.

Chapter III, Section 3A. Executive Branch. Absence, Disability, Vacancy, etc (p.13)

Proposed amendment to appoint first the Chairman of the Town Council, then Town Treasurer in the event of a vacancy.

All members in agreement.

Chapter III, Section 3C. Executive Branch. Absence, Disability, Vacancy, etc (p.14)

Proposed amendment to modify 6 months to 1 year.

All members in agreement.

Chapter III, Section 6D. Executive Branch. Department of Finance. Purchasing Contracts and expenditures. (p.21)

Proposed amendment to expenditures of \$5,000.00 in place of \$1,000.00

All members in agreement.

Chapter IV, Section 3B. Adopting the Annual Budget. Duties of the Town Council. (p.39)

Proposed amendment to read: "...adopt a budget by a majority vote of the Town Council members present and voting...."

All members in agreement

Chapter VII, Section 3A. Boards and Commissions. Board of Education. Composition and election (pp. 47-48)

Proposed amendment to read: " Except as provided herein, the Board of Education shall continue as established, subject to and pursuant to the General Statutes, consisting of seven (7) resident electors. At the Town election occurring in November, 2015, three (3) members shall be elected for a term of two (2) years and four (4) members shall be elected for a term of four (4) years. Commencing with the Town Election occurring in November, 2017, all vacant seats on the Board of Education shall be filled by members elected for a term of four (4) years, unless otherwise prescribed by the General Statutes".

Discussion ensued relative to how the initial 3 2-year term members would be chosen, and determined that the various town committees would make said determination.

All members in agreement.

Chapter VII, Section 3C. Boards and Commissions. Board of Education. Transition election (p. 48)

Delete this section, no longer needed.

Chapter VII, Section 3D. Boards and Commissions. Board of Education. Powers and duties

Re-number to Section 3C

All members in agreement.

Chapter VIII, Section 5D(i) Electoral Process. Vacancies (p73)

Modify to add at end..."for the purpose of computing the (10) day period specified in subparagraph (c) (i), supra, when a resignation has occurred, the first day of the ten (10) day period shall be the day the written resignation is received and time stamped by the Town Clerk".

All members in agreement

Chapter IX, Section 7. Adoption and Amendment Procedures. Referendum on Approval of Charter (p.94)

Modify date from November 8, 2011 to November 4, 2014.

All members in agreement.

Chapter IV, Section 6. Adopting the Annual Budget. Funding Pension Plans (NEW SECTION)

"Notwithstanding any of the foregoing provisions of this chapter or any other provision of this Charter, the budget adopted for each fiscal year shall fully fund the Town's Retirement Plan and Police Retirement Income Plan based on the Annual Required Contribution for each plan."

K. Martin began the discussion, agreeing with the need to fund to the ARC, but with reservations as a result of conversations with constituents. D. Portanova feels strongly about the mandate as it will take 10 years to reach 52% funding as a result of previous administrations' not funding. He feels it is simply a good business practice. A. Maiocco discussed an opt-out provision. D. Shamas indicated that we would need to be careful how an opt-out would be worded as it would weaken the mandate. D. Portanova indicated that with an opt-out, the funding would not happen. Discussion followed regarding the need to get the funding under control after the many years of not funding. At the end of this discussion, 3 members strongly in favor of the funding, 2 members in favor but considering an opt-out.

The Commission concluded that the draft, as amended, will be submitted to the public hearing for discussion. The Commission will have opportunity to further review and revise following the public hearing.

The meeting was adjourned by motion of D Portanova, seconded by K Martin and unanimous consent at 8:10PM

Respectfully submitted,

Nancy Milewski

Funding the ARC for the Defined Benefit Plan

TOWN	MANDATED BY CHARTER	INTERNAL POLICY	FUNDING %
Bethel	No	Yes	
Darien	Yes		
Greenwich	Yes, for decades		
New Canaan	No	Yes	99%
Newtown	No	Yes	99% Town and 89% police
Trumbull	Proposing	No	32.5% Town, 74.1% Police
Weston	No	Yes	46% OPEB on MERF for pension
Westport	No	Yes	90%
Wilton	No	*	89.5%
		*	Less than 85%-town contributes an addtl' 15%
		*	Less than .9%-town contributes an addtl' 10%
		*	Less than 95%-town contributes an addtl' 5%

TRUMBULL CHARTER REVISION COMMISSION'S

DRAFT REPORT DATED MAY 13, 2014

The Trumbull Charter Revision Commission consists of five members appointed by the First Selectman: Suzanne Burr-Monaco, Daniel Portanova, Adam Maiocco, Ken Martin and Daniel Shamas. The Commission held its organizational meeting on April 8, 2014. At this meeting, the Commission elected Ms. Burr-Monaco as Chairman, Mr. Portanova as Vice-Chairman and Mr. Maiocco as Secretary.

Subsequent meetings were held weekly on April 15, April 22, April 28 and May 6, 2014. A public hearing was held on April 21, 2014 prior to the Commission beginning substantive work on the Charter. The Commission heard and reviewed all suggestions for revisions made by the public, in addition to suggestions made by the First Selectman, the Chairman of the Town Council, and the Clerk of the Town Council. The Commission also heard and reviewed information regarding funding of the Town's pensions plans which was provided by the Treasurer and Director of Finance.

After considering all suggestions and information provided, the Commission hereby proposes the following revisions to the Town Charter:

Chapter I, Section 4B. Incorporation and General Powers. Defined Terms. (p. 3)

"Day(s)" means calendar day(s).

Chapter II, Section 5B. Legislative Branch. Meetings (pp. 7-8)

All elected and appointed boards, commissions, and committees, including the Town Council, will post information about meetings as follows:

- For all meetings, agendas and all non-privileged supplemental materials will be posted on the Town's official web site no less than forty-eight (48) hours prior to the posted start time of the related meeting.
- Minutes of all meetings will be posted on the Town's official web site by the end of the seventh (7th) day following the date the meeting ends.
- The information posted on the Town's official web site must be publicly accessible and downloadable.
- The posted information must be kept available on the web site for the greater of five (5) years or the minimum required by law.
- Such additional requirements under the Connecticut Freedom of Information Act as amended.

Chapter II, Section 6. Legislative Branch. Adoption of Legislation (pp. 8-9)

The adoption of the annual budget shall be governed by the provisions of chapter IV, *infra*. Every other legislative action, except an emergency action, election of Council officers, appointment of the Clerk of the Council, appointment of an acting First Selectman and adoption of rules and procedure, shall, within three (3) days of its passage, be submitted to the First Selectman for his/her approval. The First Selectman shall sign the proposed legislation, if he/she approves it. If he/she disapproves of the proposed legislation, he/she may within five (5) days following receipt of the same veto and return it to the Clerk of the Council with a statement of the reasons for his/her veto which statement shall be transmitted by the Clerk to the Council at its next meeting. The Council may thereafter pass the proposed legislation by an affirmative vote of at least two-thirds (2/3) of its entire membership. Final passage shall mean adoption by the Council and approval by the First Selectman as provided herein or, in the event of veto by the First Selectman, a subsequent adoption of such legislation by two-thirds (2/3) vote of the entire membership of the Council. If the First Selectman neither approves nor vetoes said legislation within the time required, no further action shall be required by the Council for final passage. Unless such legislative action shall be designated emergency legislation as provided herein, or shall specify a later effective date, it shall become effective on the fifteenth (15th) day following publication, except with reference to the annual budget which shall become effective as hereinafter provided. Additionally, the fifteen (15) day period shall not apply to appointments made for members of Boards and Commissions. Such appointments shall become effective immediately upon publication.

Chapter III, Section 1. Executive Branch. Office of First Selectman; Election and Qualifications. (p. 12)

Except as provided herein, a First Selectman shall be elected at the Town election to hold office for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November 2017, a First Selectman shall be elected at the Town election to hold office for a term of four (4) years and until his/her successor shall be elected and qualified.

Chapter III, Section 3A. Executive Branch. Absence, Disability, Vacancy, etc. (p. 13)

In the event of his/her disability, personal emergency or temporary

absence, the First Selectman may, by letter filed with the Town Clerk, appoint the Chairman of the Town Council or the Town Treasurer in the event that the Chairman of the Town Council cannot or will not serve, to perform the duties of and serve as acting First Selectman. In the event that the First Selectman fails to do so, the Town Council may make said appointment by resolution. The Town Council shall in any event make said appointment if the First Selectman shall be absent from his/her duties for more than thirty (30) consecutive days.

Chapter III, Section 3C. Executive Branch. Absence, Disability, Vacancy, etc. (p. 14)

Such special election shall be held on a day to be prescribed by the Town Council which day shall not be earlier than the ninetieth (90th) day and not later than the one hundredth (100th) day following the day of such warning. Until the result of said special election shall have been determined, the Chairman of the Town Council shall serve as acting First Selectman. If the vacancy occurs within one (1) year from the end of the First Selectman's term, no proceeding shall be had to fill the vacancy and the Chairman of the Town Council shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term. In the event the Chairman of the Town Council declines to serve, the Town Treasurer shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term.

Chapter III, Section 6D. Executive Branch. Department of Finance. Treasurer. (p. 18)

Except as provided herein, the Treasurer shall be elected at the Town election for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November 2017, the Treasurer shall be elected at the Town election for a term of four (4) years and until his/her successor shall be elected and qualified. The Treasurer shall have and exercise the powers and duties conferred and imposed by law on town treasurers except those duties which are conferred specifically upon the Director of Finance by this chapter.

Chapter III, Section G(ii). Executive Branch. Department of Finance. Purchasing contracts and expenditures. (p.21)

Before any purchase is made or any contract for insurance, public work or services, other than professional services, involving an expenditure of more than five thousand dollars (\$5,000.00), is let, said purchasing authority shall procure quotes

from at least three (3) sources, whenever practicable, and such quotes shall be open to any bidder who shall conform to the regulations which may be imposed by said purchasing authority when the quotes are requested.

Chapter III, Section 7. Executive Branch. Town Clerk. (pp. 24-25)

Except as provided herein, the Town Clerk shall be elected at the Town election for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November 2017, the Town Clerk shall be elected at the Town Election for a term of four (4) years and until his/her successor shall be elected and qualified. The Town Clerk shall have all powers and duties conferred or imposed by law on town clerks and shall serve as registrar of vital statistics. The Town Clerk shall appoint and remove, subject to the provisions of Chapter VII, Section 15 of this Charter, all full-time deputies, assistants and employees in his/her office.

Chapter IV, Section 3B. Adopting the Annual Budget. Duties of the Town Council. (p. 39)

The Town Council shall consider the budget recommended by the Board of Finance and shall adopt a budget by a majority vote of the Town Council members present and voting no later than the 30th day of April, and submit same to the First Selectman within two (2) days of adoption.

Chapter IV, Section 6. Adopting the Annual Budget. Funding Pension Plans (NEW SECTION) (Should also be added to the Table of Contents) (p. 41)

Notwithstanding any of the foregoing provisions of this chapter or any other provision of this Charter, the budget adopted for each fiscal year shall fully fund the Town's Retirement Plan and Police Retirement Income Plan based on the Annual Required Contribution for each plan.

Chapter VII, Section 3A. Boards and Commissions. Board of Education. Composition and election. (pp. 47-48)

Except as provided herein, the Board of Education shall continue as established, subject to and pursuant to the General Statutes, consisting of seven (7) resident electors. At the Town election occurring in November 2015, three (3) members shall be elected for a term of two (2) years and four (4) members shall be elected for a term of four (4) years. Commencing with the Town election occurring in

November 2017, all vacant seats on the Board of Education shall be filled by members elected for a term of (4) years, unless otherwise prescribed by the General Statutes.

**Chapter VII, Section 3C. Boards and Commissions. Board of Education.
Transition Election (p. 48)**

Delete this Section.

**Chapter VII, Section 3D. Boards and Commissions. Board of Education.
*Powers and duties.***

Change "D." to "C."

**Chapter VII, Section 17D. Boards and Commissions. Ethics Commission.
Procedure. (pp. 64-65)**

Delete this Section.

Chapter VIII, Section 5D(i). Electoral Process. Vacancies. (p. 73)

The receipt by the Town Clerk of the incumbent's written resignation; for the purpose of computing the (10) day period specified in subparagraph (C)(i), *supra*, when a resignation has occurred, the first day of the ten (10) day period shall be the day the written resignation is received and time stamped by the Town Clerk.

Chapter IX, Section 7. Adoption and Amendment Procedures. Referendum on Approval of Charter. (p. 94)

This Charter as revised shall be submitted to the electors of the Town for approval at the election to be held on November 4, 2014. If a majority of those voting shall vote in favor thereof, this Charter as revised shall become effective thirty (30) days after the election.