

**TOWN OF TRUMBULL
TOWN CHARTER REVISION PROPOSALS
2011**

The Trumbull Town Council adopted a series of proposals to revise the Charter of the Town of Trumbull and voted to present these proposed revisions on the ballot in the form of the following three questions:

1. **Shall there be a general revision of the Charter of the Town of Trumbull?**
Yes ____ No ____
2. **Shall there be a revision of the Charter of the Town of Trumbull to provide for a referendum on projects exceeding fifteen million (\$15,000,000) dollars?**
Yes ____ No ____
3. **Shall there be a revision of the Charter of the Town of Trumbull to provide for a special referendum on the annual budget?**
Yes ____ No ____

The majority vote on each question determines whether the proposed revisions pertaining to that question are approved or not. The majority vote on a given question does not affect or condition the outcome of the vote on either of the other questions. For example, a "Yes" vote on Question No. 1 is not a "Yes" vote on Question No. 2 or Question No. 3.

Question No. 1 contains multiple proposed revisions, some of which are technical in nature and do not propose substantive revisions to the current Town Charter. Technical revisions include language changes, grammar and spelling, punctuation, formatting and re-numbering of text, pagination and cross-referencing and will be identified as such in the explanatory text below.

Questions No. 2 and No. 3 present separate proposals for two new types of voter referenda.

Copies of the current (2003) Town Charter, the proposed new Town Charter and a document comparing the current (2003) Charter to the proposed new Charter are available in the Office of the Trumbull Town Clerk and on the Town of Trumbull website, www.Trumbull-CT.gov.

Copies of the proposed revisions and this Explanatory Text will be available at each polling place on Election Day.

EXPLANATORY TEXT OF THE PROPOSED REVISIONS

This Explanatory Text describes the intent and purpose of the proposed revisions that are addressed by each of these three questions.

Question No. 1. Shall there be a general revision of the Charter of the Town of Trumbull?

The following proposed revisions are the general revisions of the Charter that are referred to in Question No. 1. Chapter and Section references are to the proposed Sections, except where noted.

A “Yes” vote is a vote for the adoption of all of the following revisions. A “No” vote is a vote against the adoption of all of the following revisions, and to leave the following Chapters and Sections of the current Charter unchanged.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter I. Incorporation and General Powers	
Chapter I	The proposed revisions to Chapter I add a new Section 4, entitled, “Definitions,” to clarify the use and meaning of the defined terms as used throughout the Charter. Other revisions consist of technical changes and corrections to existing language.
Chapter II. Legislative Branch	
Chapter II, Section 2	The proposed revision allows voters to vote for the number of candidates that will be elected in each district. The current Charter allows voters to vote for one less candidate than the number to be elected in each district. The other revision is technical in nature.
Chapter II, Section 4	The proposed revision adds a requirement that the record of votes of the Town Council be made available for public inspection. The other revisions are technical in nature.
Chapter II, Section 5	Proposed revision establishes new requirements for posting agendas and minutes of the Town Council and all Town commissions, boards and committees on the Town website.
Chapter II, Section 6	The proposed revisions are technical in nature.
Chapter II, Section 8	The proposed revision is technical in nature.
Chapter II, Section 10	Proposed revision provides that the Board of Education shall be subject to the Town Council’s auditing authority.
Chapter II, Section 11	The proposed revisions are technical in nature.
Chapter II, Section 12	The proposed revisions are technical in nature.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter III. Executive Branch	
Chapter III, Section 2(A to H)	The proposed revisions are technical in nature.
Chapter III, Section 2(I)	The proposed revision provides that the Town Council may change by ordinance the method of electing town officials if the Charter provision concerning such election is found to be invalid because of a change in the law.
Chapter III, Section 3(A)	The proposed revision allows the First Selectman to appoint the Town Treasurer to act as First Selectman in the event of the First Selectman's disability, personal emergency or temporary absence. If the Town Treasurer cannot or will not serve as First Selectman, then the First Selectman may appoint the Chairman of the Town Council. Under the current Charter, the Director of Finance acts as First Selectman in the event of the First Selectman's disability of temporary absence.
Chapter III, Section 3(B)	The proposed revision reduces the minimum number of signatures required on a petition for a special election in the event of a vacancy in the office of First Selectman. Under the current Charter, the minimum number of persons who must sign a petition for a special election is ten percent of the number of electors who voted for the office of First Selectman during the preceding municipal election. The proposed revision reduces the minimum number of signatures to five percent of the number of persons who voted for the office of First Selectman during the preceding municipal election. The other revisions are technical in nature.
Chapter III, Section 3(C)	The proposed revision provides that if the vacancy in the office of First Selectman occurs during the last six months of the term of the First Selectman, and the Town Treasurer declines to serve as First Selectman, the Town Council shall fill the vacancy. The other revisions are technical in nature.
Chapter III, Section 5	The revisions are technical in nature.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter III, Section 6(B)	The proposed revisions make clear that special agency and enterprise funds are fully part of the budget process, provide for public access to all audit reports within 48 hours of release and for a period of ten years, and require posting of audit reports on the Town website. The other revisions are technical in nature.
Chapter III, Section 6(C&D)	The revisions are technical in nature.
Chapter III, Section 6(E)	The proposed revisions require the Town Treasurer to sign off on reimbursements to the First Selectman and the Superintendent of Public Schools. The other revisions are technical in nature.
Chapter III, Section 6(F)	The proposed revision changes the authority to appoint an auditor in the event of the death, resignation or removal of the Director of Finance from the Town Council to the Board of Finance. The proposed revision also adds the Board of Finance to the list of agencies that audit reports required by this section are to be submitted.
Chapter III, Section 6(G)(i to v)	The proposed revision provides that Town purchasing shall be in accordance with a formal Purchasing Policy, and requires the Town Council to adopt a Purchasing Policy to establish uniform procedures for purchases. The other revisions are technical in nature.
Chapter III, Section 6(G)(vi to viii)	The proposed revisions require Town departments to expend funds consistently with the intent of their respective appropriations, limits the number of bid waivers to one per vendor in any three year period, requires a two-thirds vote of the Town Council to approve bid waivers involving expenditures in excess of \$500,000, and requires a two-thirds vote of the Town Council for approval of contracts between the election and installation of new Town officers.
Chapter III, Section 7	The proposed revision is technical in nature.
Chapter III, Section 8	The proposed revision clarifies that the Town Attorney's authority to delegate legal representation of the Town to other attorneys is subject to approval of the First Selectman. The other revision is technical in nature.
Chapter III, Section 10	The proposed revisions are technical in nature.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter III, Section 11	The proposed revision changes the title from “Dog Warden” to “Animal Control Officer,” and makes other technical changes.
Chapter III, Section 12(A to F)	The proposed changes are technical in nature.
Chapter III, Section 12(G)	The proposed revision prohibits the Tree Warden from having a financial interest in tree work to be performed on behalf of the Town.
Chapter III, Section 13	The proposed revisions change the title of Civil Defense to the Office of Emergency Management, and provides for the composition and authority of the Office of Emergency Management.
Chapter III, Sections 14&15	The proposed revisions are technical in nature.
Chapter IV. Adopting the Annual Budget	
Chapter IV, Section 1	The proposed revisions clarify that the First Selectman’s budget includes all enterprise funds and special agency accounts, and that “special accounts” means “special agency accounts.” The other revisions are technical in nature.
Chapter IV, Section 2(B)	The proposed revision requires posting of the First Selectman’s proposed budget on the Town’s website.
Chapter IV, Section 3	The proposed revision in subsection (B) requires the Town Council to submit the approved budget to the First Selectman within two business days after adoption. The other revisions to section 3 are technical in nature.
Chapter IV, Sections 4 & 5	The proposed revisions clarify that the First Selectman shall set the tax rate if the Board of Finance fails to do so. The other revisions are technical in nature.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter V. Appropriations from the General Fund and the Capital and Nonrecurring Fund During the Course of the Fiscal Year	
Chapter V, Sections 1 & 2	The proposed revisions divide Section 1 into two sections. Subsection 2(C) allows the Board of Finance to approve a supplemental appropriation in an amount that is greater than or less than the amount requested by the First Selectman (instead of an amount equal to or less than the amount requested by the First Selectman). Subsection 2(E) allows the Town Council to act only on supplemental appropriations that are approved by the Board of Finance. The other revisions are technical in nature.
Chapter VI. Bond Issues	
Chapter VI	The proposed revisions are technical in nature.
Chapter VII. Boards and Commissions	
Chapter VII, Section 1	The proposed revisions adds a new provision to reflect the existing practice of engaging an internal auditor by the Board of Finance. The other revisions are technical in nature.
Chapter VII, Section 2	The proposed revisions add a provision for the appointment of alternate members to the Board of Assessment Appeals. The other revisions are technical in nature.
Chapter VII, Section 3	The proposed revisions change the composition and terms of the Board of Education. Currently, the Board of Education consists of seven members, six having four year terms and one having a two year term. Under the proposed revision, all members of the Board of Education will serve concurrent two year terms, with a transition provision allowing members elected prior to the 2013 election to serve out their terms. In addition, the proposed revision will allow each political party to nominate up to five candidates, and each voter to vote for up to seven candidates. The other revisions are technical in nature.
Chapter VII, Section 4	The proposed revision deletes the reference to "Directors," as the Library Board members refer to themselves as "Trustees." The other revisions are technical in nature.
Chapter VII, Section 5 & 6	The proposed revisions are technical in nature.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter VII, Section 7	The proposed revisions add one additional alternate member to be consistent with other boards and commissions whose composition is five to seven members, and which have at least three alternate members. The other revisions are technical in nature.
Chapter VII, Section 8	The proposed revision eliminates the Personnel Appeals Board (Section 8 of the current Charter), which is no longer needed. The new Section 8 is titled "Police Commission," and subsequent sections renumbered. Other revisions to the new Section 8 are technical in nature.
Chapter VII, Section 9(D)	The proposed new section D renders Section 9 (Section 10 of the existing Charter – Health Department) inapplicable as long as the Town maintains its membership in a regional Health Department.
Chapter VII, Section 10	The proposed revisions change the title of the Economic Development Commission (Section 12 of the current Charter) to "Economic and Community Development Commission." Other revisions are technical in nature.
Chapter VII, Section 11	The proposed revisions delete the Flood and Erosion Control Board, and combine the Park Commission and the Recreation Commission into a new Park and Recreation Commission consisting of nine members with three-year terms, and adds transitional provisions for existing members of the two Boards. Subsequent sections are renumbered, and other revisions are technical in nature.
Chapter VII, Section 12	The proposed revisions provide that the powers and duties of the Golf Course Commission shall be subject to ordinance by the Town Council, and change the term of office of the Golf Course Commission to three years, with three terms expiring each year. Other revisions are technical in nature.
Chapter VII, Section 13	The proposed revision eliminates the Jury Commission (Section 13 of the existing Charter) as obsolete, and renumbers subsequent sections.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter VII, Section 13	The proposed revision to the renumbered Section 13, which is entitled "Water Pollution Control Authority," eliminates obsolete language concerning transition of alternate members, and eliminates reference to the Town Council resolution as no longer necessary. Other revisions are technical in nature.
Chapter VII, Section 14	The proposed revision provides that at least one member of the Housing Authority be a resident of Stern Village. Other revisions are technical in nature.
Chapter VII, Section 15	The proposed Subsection D authorizes the Human Resources Director to fill civil service positions that the Civil Service Board does not fill within six months of a requires b y the First Selectman. The proposed Subsection D provides that all elected officials and appointed employees subject to compensation and benefits shall follow Civil Service Rules for the purposes of benefits only. The other revisions are technical in nature.
Chapter VII, Section 16	The proposed revision added the word "documented" to expenses to require that reimbursable expenses be documented. Renumbered as Section 16.
Chapter VII, Section 17	The proposed revisions add confidentiality requirements, as required by state statute, and extend the deadline for holding hearings on complaints from 30 to 45 days to allow the Ethics Commission and respondents additional time for pre-hearing meetings and preparation. Other revisions are technical in nature.
Chapter VII, Section 18	The proposed revision adds the Conservation Commission as a Charter commission, rather than an ordinance commission.
Chapter VII, Section 19	The proposed revisions eliminate language requiring one term to expire each year, as the Arts Commission consists of seven members with five-year terms. Other revisions are technical in nature.
Chapter VII, Section 20	The proposed revision clarifies that the Emergency Medical Services Commission shall have the discretion (rather than a duty) to provide for training. The other revision is technical in nature.

Chapter/Section	Intent and Purpose of Proposed Revisions
Chapter VII, Section 21	The proposed revision eliminates the Youth Commission (Section 25 of the current Charter), as youth programs are now provided by the Library Board. The current Section 25 is renumbered as Section 21.
Chapter VII, Section 22	The proposed revisions are technical in nature.
Chapter VII, Section 23	The proposed revisions are technical in nature.
Chapter VII, Section 24	The proposed revisions are technical in nature.
Chapter VIII. Electoral Process	
Chapter VIII, Section 1 to 5	The proposed revisions are technical in nature.
Chapter VIII, Section 6	The proposed revision moves the Initiative provision to Section 6.
Chapter VIII, Section 7	The proposed revisions decrease the minimum number of petition signatures to require a referendum from ten to five percent of the number of electors on the last completed voter registration list, and increase the time to file a referendum petition from 20 to 25 days following the action subject to the referendum. The other revisions are technical in nature.
Chapter VIII, Section 8	The proposed revision eliminates the provision for recall elections from the Charter (Section 9 of the current Charter), in accordance with a decision of the Connecticut Supreme Court.
Chapter IX. Adoption and Amendment Procedures	
Chapter IX, Section 7	The proposed revision refers to the date the revisions are being submitted to the voters and the effective date if the revisions are approved.

Question No. 2. Shall there be a revision of the Charter of the Town of Trumbull to provide for a referendum on projects of fifteen million (\$15,000,000) dollars or more?

The intent and purpose of this proposed revision is to create a mandatory requirement for a referendum vote for approval of bonded debt for all projects exceeding \$15,000,000. Under this proposed revision, the Town of Trumbull may not issue bonded debt for any projects that exceed \$15,000,000, unless first approved by the voters at a referendum.

A "Yes" vote is a vote for the adoption of this proposal. A "No" vote is a vote against the proposal.

The proposed revision appears in a new Section 9 of Chapter VIII, which reads as follows:

Section 9. Bonded Debt.

A. Refinancing of existing bonded debt, at comparable or lower rates, shall not be subject to referendum. All other issuance of bonded debt (whether or not combined with a refinancing package) shall be subject to referendum as follows:

B. For debt taken out for all purposes (including but not limited to education, construction, golf course or other enterprise fund debt): A referendum must be held for all projects exceeding \$15 million. A single project cannot be bonded in multiple smaller amounts in order to avoid this referendum provision. A simple majority of those voting will determine whether the issuance is approved or not.

C. Any bonded debt proposed that is not approved by referendum cannot be brought up again for referendum until the later of (1) The next Municipal election, or (2) One (1) year.

Question No. 3. Shall there be a revision of the Charter of the Town of Trumbull to provide for a special referendum on the annual budget?

The intent and purpose of this proposal is to add a new special budget referendum on the annual budget.

A "Yes" vote is a vote for the adoption of this proposal. A "No" vote is a vote against the proposal.

The proposed revision appears in a new Section 8 of Chapter VIII.

For a referendum to occur, a petition signed by electors totaling at least 5 percent of the number of electors who voted in the most recent municipal election must be filed with the Town Clerk within 25 business days (5 weeks) following publication of a legal notice

of the budget approval. If the Town Clerk certifies that the petition is sufficient, the referendum must be held within 30 business days (6 weeks) following the filing of the petition with the Town Clerk. The referendum shall succeed if a simple majority of the votes cast is in favor of rejecting the budget, provided that the number of votes cast is at least 5 percent of the total number of electors.

If the referendum is successful, the approved budget is deemed rejected, and is referred back to the First Selectman, who shall revise the budget. The revised budget may not exceed the prior fiscal year's budget plus 3.5 percent. The Town Council may amend the revised budget, provided that the final revised budget shall not exceed the prior fiscal year's budget plus 3.5 percent.

The revised budget is not subject to a second referendum.

The following discussion illustrates the operation of the special budget referendum:

Number of petition signatures required to hold a referendum. The number of electors who voted in the 2009 municipal election was 6,906. Based on this number, the minimum number of signatures required to hold a referendum would be 346.

Number of "Yes" votes required to reject the approved budget. As of the October 2010 report to the Secretary of the State, the total number of active and inactive registered voters in Trumbull was 24,894. Based on this number, a minimum of 1,245 votes must be cast during the referendum, and a simple majority of the total number of votes cast must be "Yes" votes.

Referendum when approved budget is less than the prior year's budget plus 3.5 percent. If the approved budget is less than 3.5 percent more than the prior year's budget, a successful referendum would require that the revised budget be increased or decreased, such that the final revised budget shall not exceed the prior year's budget plus 3.5 percent. In this example, the approved budget may be increased or decreased.

Referendum when approved budget is greater than the prior year's budget plus 3.5 percent. If the approved budget is greater than 3.5 percent more than the prior year's budget, a successful referendum would require that the revised budget be decreased, such that the revised budget shall not exceed the prior year's budget plus 3.5 percent. In this example, the approved budget may only be decreased.

Referendum when approved budget equals the prior year's budget plus 3.5 percent. If the approved budget equals the prior year's budget plus 3.5 percent, a successful referendum would allow the approved budget to be decreased only. In this example, a referendum may not result in an increase in the approved budget.