

CHARTER REVISION COMMISSION 2020
MINUTES
MAY 27, 2020

A meeting of the Charter Revision Commission 2020 was held on Wednesday, May 27, 2020 remotely via Zoom teleconference. The meeting was called to order by Chair Kate Donahue at 7:04 p.m.

Members Present: In attendance were Commissioners Kate Donahue, Tom Tesoro, Susan Gilson, Nancy Gardiner, J.C. Cinelli, and Martin McCann. In addition to the Commission members were Town Attorney Dan Schopick and Chief Administrative Officer and Commission Clerk Cindy Katske.

All present recited the Pledge of Allegiance.

Public Comment: There was no public comment.

Prior Minutes: Moved by Nancy Gardiner, seconded by Tom Tesoro to approve the minutes of the May 20, 2020. The motion carried unanimously.

Request for Extension: The Chair reported that the Town Council L&A Committee approved the Commission's request for an extension to submit a draft report to June 29, 2020, and the full Council will meet on Monday to vote on it.

Charter Review: The Commission reviewed the following topics.

1. Chapter III, Section 6G, regarding purchasing. The Commission discussed the draft provided by Martin McCann for review. Moved by Tom Tesoro, seconded by Susan Gilson, to approve the following language for Chapter III, Section 6G(ii): "The Town's Purchasing Policy shall include, among other provisions, requirements for competitive bidding for the award of contracts or purchases of property by any department, office, agency, board or commission of the town, including the Board of Education. The Town Council shall establish (a) a range of value for contracts and purchases for which not fewer than two (2) written quotes or proposals shall be required, and (b) a threshold of value for contracts and purchases over which sealed bidding shall be required. Any threshold of value established by the Town Council pursuant to clause (b) of the preceding sentence shall be consistent with applicable provisions of the General Statutes." The motion carried unanimously. Moved by Kate Donahue, seconded by Nancy Gardiner to strike Chapter III, Section 6G subparagraphs (ii) through (vii), to renumber subparagraph (viii) as subparagraph (iii), and to insert the word "purchasing" in new subparagraph (iii) before the word "contract." The motion carried unanimously.

2. Chapter III, Section 15, regarding fidelity bonds. The Commission reviewed language proposed by Town Attorney Dan Schopick. Moved by Martin McCann, seconded by Nancy Gardiner to change the title of Chapter III, Section 15 to “Bonds and Employee Dishonesty Coverage” and to revise Chapter III, Section 15 to read as follows: “Any Town officials as may be required by the General Statutes shall, before entering upon their duties, execute a bond for the faithful performance of their duties, in form and amount as prescribed by law, and if not otherwise provided for, then in an amount prescribed by the First Selectman and form approved by the Town Attorney, and file the same with the Town Clerk. Nothing herein shall be deemed to preclude blanket fidelity bonds. Premiums on such bonds shall be paid by the town. The Town shall purchase Crime and Fidelity insurance Coverage which covers Town Official and Town Employee Dishonesty in amounts deemed appropriate by the Director of Finance. The Board of Education shall be covered as an additional insured on said coverage.” The motion carried unanimously.

3. Minimum amount of time after changing party affiliation before becoming eligible to be appointed: The Commission discussed the statutory three-month requirement and whether it should be extended by charter for Board of Finance alternate members, alternate members of all boards and commissions, and/or all appointees to boards and commissions. No action was taken.

4. Commission on Aging: The Commission discussed proposed language drafted by Tom Tesoro. Revisions were suggested, and the Clerk will send the proposed language as revised to the Senior Center Director for review and input.

5. Commission on Youth: The Commission discussed proposed language drafted by Tom Tesoro. Revisions were suggested, and the Clerk will send the proposed language to the Director of Parks and Recreation for review and input.

6. Chapter VII, Section 8, Police Commission: The Commission discussed proposed language regarding composition and appointment. Moved by Susan Gilson, seconded by Tom Tesoro to revise Chapter VII, Section 8A to read as follows: “Composition and appointment. The Town shall have a Police Commission, which shall consist of five (5) members who shall be recommended by the First Selectman and appointed by the Town Council. The terms of members serving on the Police Commission as of November, 2020 shall not be changed. If the seat of a member serving as of November, 2020 becomes vacant, the vacancy shall be filled by the Town Council for the balance of that term. One member shall be appointed as of the first Monday of December, 2020, whose term shall be for five (5) years. Two members shall be appointed as of the first Monday in December, 2021, one of whose terms shall be for two (2) years and the other for five (5) years. Two members shall be appointed as of the first Monday in December, 2022, one of whose terms shall be for two (2) years and the other for five (5) years. Thereafter, all appointments shall be for a term of five (5) years.” The motion carried unanimously.

7. Chapter VIII, Section 9B, Bonded Debt: The Commission discussed the requirement for a referendum for debt taken out for projects exceeding \$15 million, and whether the dollar

amount should be indexed for inflation. The \$15 million amount, which was added in 2011, would be equivalent to \$17.59 million in 2020. Topics of discussion included determination of the indexed amount, what items get included in the scope of the project for purposes of triggering the referendum, and the process to be used for holding the referendum. Town Attorney Dan Schopick will draft proposed language for consideration at the next meeting.

8. Chapter VII, Section 17, Ethics Commission: The Commission discussed its previous decision to recommend including a requirement of materiality in the complaint process and a letter from Ethics Commission Chair Tom Lee arguing against such a requirement. The Commission decided to leave the language as previously approved, and no action was taken.

9. Chapter VII, Section 3, Board of Education: The Commission discussed what happens if there is a tie vote if the Board of Education has an even number of members. Town Attorney Dan Schopick got some information from CAFE, the Connecticut Association of Boards of Education. Eight municipalities have even membership and all are functioning well. There are no provisions for breaking ties. No action was taken.

Meeting dates: The following meeting dates were approved by unanimous consent:

June 3 - Meeting

June 10, June 17 – Meetings to work on draft report

June 24 – Public hearing and last meeting

Moved by Nancy Gardiner, seconded by J.C. Cinelli to adjourn at 8:58 p.m. The motion was approved by unanimous consent.

Respectfully submitted,

Cindy Katske, Clerk

Proposed Language for Commission on Aging and Commission on Youth

SECTION (). COMMISSION on AGING

- A. *Composition and appointment.* The Town shall have a Commission on Aging that shall consist of eight (8) members appointed by the First Selectman for three year terms. Two (2) members shall represent the age group concerned. No party shall have more than 5 members on the commission. There shall be two alternate members appointed by the First Selectman for two year terms. No Party may have more than one alternate.
- B. *Officers.* The Commission have a Chairman, a Vice-Chairman and a Secretary.
- C. *Duties in general.* The Commission shall study the conditions and needs of elderly persons in the community in relation to housing, economic, employment, health, recreation and other matters. It shall analyze the services for the aged provided by the community, both by public and private agencies, and shall make recommendations to the Town Council regarding the development and integration of public and private agencies, in cooperation with state and other services to the extent possible. The Commission shall also act as an advisory body to the Director of the Senior Center. The Commission shall have all the powers and duties conferred or imposed by the General Statues and the ordinances of the Town.

SECTION (). COMMISSION on YOUTH

- A. *Composition and appointment.* The Town shall have a Commission on Youth consisting of six (6) members appointed by the First Selectman for three (3) year terms. No party shall have more than 4 members on the commission. The Commission shall have two non-voting youth members at large recommended by the Principal of Trumbull High School and appointed by the First Selectman for a one year term.

- B. *Officers.* The Commission shall have a Chairman, a Vice-Chairman and a Secretary.
- C. *Duties in General.* The Commission shall have the power to make rules and bylaws for the transaction of its business. The purpose of the Trumbull Youth Commission is to advise and assist the First Selectman with developing, planning, coordinating and/or conducting programs and/or activities that address the health, social, employment and general welfare needs of the youth of the Town of Trumbull. Such programs and activities shall avoid unnecessary duplication of those provided by public and private agencies. The Commission shall act as an advisory body to the Director of Parks and Recreation and any other Town department, except the Board of Education, charged with providing services and programs to the youth of our Community. The Commission shall act as an advocate for Youth Programs and expenditures, before the Board of Finance and the Town Council during budget preparation. The Commission shall have all the powers and duties conferred or imposed by the General Statutes and the ordinances of the Town.

Proposed Language, Chapter III, Section 15

Section 15. Bonds and Employee Dishonesty Coverage.

Any Town officials as may be required by state statute~~The First Selectman, Town Clerk, Assistant Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, and Building Official, and such other officers and employees as may be required to do so by statute or by action of the Town Council,~~ shall, before entering upon their duties, execute a bond for the faithful performance of their duties, in form and amount as prescribed by law, and if not otherwise provided for, then in an amount prescribed by the First Selectman and form approved by the Town Attorney, and file the same with the Town Clerk. Nothing herein shall be deemed to preclude blanket fidelity bonds. Premiums on such bonds shall be paid by the town. The Town shall purchase Crime and Fidelity insurance Coverage which covers Town Official and Town Employee Dishonesty in amounts deemed appropriate by the Director of Finance. The Board of Education shall be covered as an additional insured on said coverage.

Section 8. Police Commission.

A. *Composition and appointment.* The Town shall have a Police Commission which shall consist of ~~six (6)~~five (5) members who shall be appointed by the ~~First Selectman~~Town Council. ~~for a term of three (3) years, two (2) of which terms shall expire each year.~~The terms of members currently service in the Police Commission shall not be changed. If the seat of a member currently serving becomes vacant, the vacancy shall be filled by the Town Council for the balance of that term. One member shall be appointed as of the first Monday of December, 2020, whose term shall be for five (5) years. Two members shall be appointed as of the first Monday in December, 2021, one of whose terms shall be for two (2) years and the other for five (5) years. Two members shall be appointed as of the first Monday in December, 2022, one of whose terms shall be for two (2) years and the other for five (5) years. Thereafter, all appointments shall be for a term of five (5) years. The First Selectman shall be a member of said Commission, ex officio, but shall have no vote in the proceedings of said Commission except in case of a tie vote of the entire membership of the Commission.

Proposed Language for Chapter III, Section 6G

Chapter III EXECUTIVE BRANCH

Section 6. - Department of Finance.

G. *Purchasing contracts and expenditures.*

(i) —The Director of Finance shall be the purchasing authority of the town. The Town's Purchasing Policy shall be adopted by the Town Council. All supplies, materials, equipment and other commodities required by any department, office, agency, board or commission of the town, including the Board of Education, shall be purchased by the purchasing authority in accordance with the ~~p~~Purchasing ~~p~~Policy as most recently adopted by the Town Council on requisitions in such form as the Director of Finance, with the approval of the First Selectman, may prescribe, signed by the head of the department, office or agency, or chairman of the board or commission.

(ii) The Town's Purchasing Policy shall include, among other provisions, requirements for competitive bidding for the award of contracts or purchases of property by any department, office, agency, board or commission of the town, including the Board of Education. The Town Council shall establish (x) a range of value for contracts and purchases for which three (3) or more written quotes or proposals shall be required, and (y) a threshold of value for contracts and purchases over which sealed bidding shall be required. Any threshold of value established by the Town Council pursuant to clause (y) of the preceding sentence shall be consistent with applicable provisions of the General Statutes.

~~(ii) — Before any purchase is made or any contract for insurance, public work or services, other than professional services, involving an expenditure of more than one thousand dollars (\$1,000.00), 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.~~

~~(iii) — If any purchase or any such contract involves the expenditure of ten thousand dollars (\$10,000.00), or more, the purchasing authority shall invite sealed bids or proposals, by causing to be published and advertised therefor in a newspaper having a substantial circulation in the town, at least ten (10) days prior to the opening of said bids. Purchases shall be made from and contracts let to the lowest, responsible, qualified bidder thereon, or if there be two (2) or more responsible bidders who submit bids which are equal and lowest, to one (1) of the lowest responsible bidders, provided however that the right to reject and to waive any informalities in all bids or proposals shall be reserved, which reservations shall be set forth in such advertisement. This subsection shall apply to the construction of any public buildings and to other public improvements.~~

~~The foregoing requirements under (ii) and (iii) as to bids may be waived after the purchasing authority has obtained the written approval of the First Selectman in any case in which compliance with this subsection shall be deemed to be impractical or not in the best interest of the town. The record of any purchase made pursuant to such a waiver shall include a copy of the waiver, which shall contain a statement of the reasons therefor, and shall be kept on file in the office of the purchasing authority where it shall be open to public inspection.~~

~~(iv) — No purchase shall be made from nor shall services (other than services as an officer, agent, or employee of the town) be secured from any officer or employee of the town, or from any partnership or corporation in which such officer or employee is a partner or officer, or holds a substantial interest, unless such relationship and the fact that such purchase is contemplated shall be made known in writing to the agency making such purchase, and notice thereof posted, for at least five (5) days before such purchase be made, in the office of the agency making such purchase and in a public place in the town hall.~~

- ~~(v) — Purchase requisitions and contracts for public work or other services covered by this section shall not be valid without the endorsement of the purchasing authority. The purchasing authority shall endorse a requisition or contract only after he/she has examined the same and found that it conforms to the requirements of this section and that there is a sufficient unencumbered balance of an applicable appropriation to pay the same. The purchasing authority shall record the amount of the requisition or contract as an encumbrance against the appropriation from which it is to be paid. If, by making any contract or purchase, the budget allowance of the department, commission or board requesting same shall be exceeded, the purchase shall not be made. The purchasing authority shall promptly notify the Board of Finance and such contract or purchase may thereafter be authorized in accordance with and subject to the limitations of this Charter.~~
- ~~(vi) — Except for emergencies that threaten the immediate health, safety and well-being of town residents, spending by all town entities will be at a rate consistent with the nature of the appropriation.~~
- ~~(vii) — No one vendor shall be allowed to receive more than one (1) bid waiver in any three (3) year period. Bid waivers in excess of \$500,000 must receive Town Council approval by a 2/3 majority vote of the entire Town Council.~~
- (viii) Upon change of administration, no purchasing contract may be signed from the date of the election to the installation of new officers unless authorized by 2/3 of the Town Council present and voting.