

CHARTER REVISION COMMISSION 2020

DRAFT REPORT TO THE TOWN COUNCIL

As of June 29, 2020

At its meeting on March 2, 2020, the Trumbull Town Council passed Resolution TC28-59, which reads as follows:

RESOLUTION TC28-59: BE IT RESOLVED, That the Trumbull Town Council initiates a revision of the Charter of the Town of Trumbull as approved November 3, 1981, as revised November 4, 2003, as revised November 8, 2011, and as amended January 7, 2019, and further authorizes a six (6) member commission, to be known as the Charter Revision Commission 2020, not more than three (3) members of which shall be members of one political party. The Commission shall submit a draft report not later than June 1, 2020.

The members of the Commission appointed by the Town Council are J.C. Cinelli, Kate Donahue, Nancy Gardiner, Susan Gilson, Martin McCann, and Tom Tesoro.

Subsequently, on June 1, 2020, the Town Council passed Resolution TC28-78, which amended the Charter Revision Commission's draft report due date to June 29, 2020.

The Charter Revision Commission 2020 ("the Commission") held its first meeting at Town Hall on March 11, 2020, shortly before the COVID-19 pandemic closed Town Hall and suspended in-person meetings. After a brief hiatus, the Commission held its first public hearing, required by statute to be held prior to commencing substantive work, on April 15, 2020, via Zoom teleconference. At that public hearing, First Selectman Vicki Tesoro provided several recommendations to the Commission. The Commission also solicited input from members of the public, town employees, current and former board and commission chairs, a former Registrar of Voters, the League of Women Voters of the Bridgeport Area, the Trumbull Democratic Town Committee, and the Trumbull Republican Town Committee. Input was received from many of those stakeholders and was taken into account.

The Commission met via Zoom teleconference on April 22, April 29, May 6, May 13, May 20, May 27, June 3, June 10, and June 17, 2020. A second public hearing was held on June 24, 2020, to receive input from the public on the draft report. Nine individuals spoke at the public hearing, and emailed comments were received from eight other individuals. The Commission held a meeting immediately after the public hearing, to make revisions to the Draft Report.

All minutes of the Commission's meetings are available on the Town website. Residents may also view the meetings recorded by Trumbull Community Television by going to their website <https://www.trumbullps.tv> and clicking "Watch now" for video-on-demand viewing.

It is important to note that the Commission discussed and seriously considered the issue of changing to four-year terms for the First Selectman, Treasurer, and Town Clerk. That recommendation was included in the Draft Report posted prior to the public hearing on June 24, 2020. However, based on feedback

provided during the public hearing, the Commission decided to remove that change from its recommendations.

After considering all suggestions and information provided, the Commission hereby adopts its Draft Report, proposing the following changes to the Town Charter. Please note that the page numbers refer to the redlined version of the Charter reflecting the changes proposed by the Commission. The Commission's recommendations for ballot questions appear at the end of this Report.

Chapter I, Section 4B, Incorporation and General Powers. Defined Terms. (page 2)

Current language:

"Days" Unless otherwise specified, all references in this Charter to days are business days.

Proposed language:

Unless otherwise specified, all references in this Charter to "day(s)" are business days. Business days are any days that the Town Clerk's Office is open Monday through Friday. All references to "day(s)" in Chapter II of this Charter are calendar days.

(REASON: To specify that business days are weekdays that the Town Clerk's Office is open, and to allow boards and commissions to function administratively more effectively.) 4/22/20

Throughout the Charter: All instances listed below will specify that "days" are calendar days, and where "days" appears more than once in the section, all instances are calendar days:

- Chapter III, Section 2C, Executive Branch, Powers and Duties. (page 7)
Current language:
C. Prepare and cause to be printed an annual town report within thirty (30) days after completion of the annual town audit;
- Chapter III, Section 6B, third paragraph, Executive Branch, Department of Finance, Powers and Duties. (page 10)
Current language:
Such statements shall be prepared and delivered to all members and alternate members of the Board of Finance, the First Selectman, and all members of the Town Council within thirty (30) days after the close of each quarter of each fiscal year.
- Chapter III, Section 12(B)(v), Executive Branch, Department of Public Works, Powers and Duties. (page 16)
Current language:
The Department of Public Works shall, not later than sixty (60) days after the receipt of proposals from any such building committee, file with the Building Committee a public facilities impact statement together with such recommendations as the Department may choose to make for improvement to or modification of existing public facilities.
- Chapter V, Sections 2C and 2E, Appropriations from the General Fund and the Capital and Nonrecurring Fund During the Course of the Fiscal Year, Supplemental Appropriations. (pages 24-25)
Current language:

C. Within forty-five (45) days after the date on which the First Selectman shall be required to act, the Board of Finance shall consider and act upon the petition by denying the same, granting the same as petitioned or granting the same for a sum other than that petitioned.

....

E. The Town Council shall act upon any such appropriation item not later than forty-five (45) days after action thereon by the Board of Finance provided that its authority shall be limited to authorization of funds no greater than that requested by the First Selectman or approved by the Board of Finance, or as provided in subsection (iv) above.

- Chapter VI, Bond Issues. (page 26)

Current language:

The Board of Finance shall be deemed to have refused to recommend a bond issue as provided in this chapter if it shall not have recommended the same within thirty (30) days after a request for action on a proposed bond issue shall have been made to said Board by the Town Council.

- Chapter VII, Section 4B, Boards and Commissions, Library Board, Appointment. (pages 29)

Current language:

The First Selectman shall, not less than thirty (30) days prior to the expiration of the term of any member so recommended or upon any earlier termination of the term of any members so recommended, give notice to the governing body of the Fairchild-Nichols Memorial Library that such a vacancy has occurred or that the term of such a member is about to expire. Should the governing body of the Fairchild-Nichols Memorial Library fail to make a recommendation for appointment within thirty (30) days after the receipt of such notice, the First Selectman shall have the right to make the appointment or fill the vacancy without the recommendation.

- Chapter VIII, Section 6C, Electoral Process, Initiative, Action by Council. (page 45)

Current language:

The Council shall (1) adopt such resolution or resolutions at such meeting without substantial alteration, in which event the petition shall become void, or (2) fail to adopt such resolution, resolutions or any of them, in which event the Town Clerk shall call a special election to be held within thirty (30) days after the meeting, unless a regular election is to be held within ninety (90) days thereafter, and, at such special or regular election, the resolution or resolutions shall be submitted to a vote of the electors and, subject to the limitation in subsection D, as hereinafter provided, if a majority of those voting on any such resolution vote in favor thereof, such resolution shall be deemed adopted, or (3) adopt a competing resolution or resolutions, in which event an election shall be held as specified in (2) above, at which the electors may adopt the petitioners' resolution, the Council's resolution or no resolution, the result to be determined, subject to the limitation in subsection D, as hereinafter provided, by a plurality of the votes cast.

- Chapter VIII, Section 7B(i), (vii), Electoral Process, Referendum, Petition requirements. (page 47)

Current language:

(i) Petitions for referendum shall be filed within twenty-five (25) days following publication of notice of adoption of an emergency measure or prior to the effective date of any other specific measure, including budget adoption.

....

(vii) If the Town Clerk shall certify the petition for referendum to be sufficient, the Town Clerk shall call a special election on the request or requests contained therein not more than thirty (30) days after said petition is filed with the Town Clerk.

- Chapter VIII, Section 7I, Electoral Process, Effect on Council. (page 50)

Current language:

Said election shall be held at the discretion of the Town Clerk at the direction of the Chairman of the Council within ninety (90) days following the vote of the Council.

- Chapter VIII, Section 8B(i), (vi), Electoral Process, Special Referendum Requirements, Petition Requirements. (pages 50-51)

Current language:

(i) Petitions for referendum may be filed with the Town Clerk within twenty-five (25) days following publication of notice of the adoption of the annual budget.

....

(vi) If the Town Clerk shall certify the petition for referendum to be sufficient, the Town Clerk shall call a special election on the request or requests contained therein not more than thirty (30) days after said petitions are filed with the Town Clerk.

(REASON: These dates are more appropriately calendar days as they are 30, 45, 60, or 90 days, which are more appropriately classified as calendar days than business days. In the case of 25 days for filing a petition for referendum, the number of days was extended in the last Charter revision from 20 to 25 days, making the additional days that would be attributable to business days unnecessary.) 6/10/20

Chapter II, Section 1, Legislative Branch. Town Council. (page 3)

Current language:

Notwithstanding any other provision of this Charter, no member of the Council shall hold any other office or position of the Town, appointive or elective, permanent or temporary except as a member of a special or standing committee of the Council.

Proposed language:

Notwithstanding any other provision of this Charter, no member of the Council shall hold any other office or position of the Town, appointive or elective, permanent or temporary except as a member of a special or standing committee created by the Council.

(REASON: To apply this provision to committees that are created by the Town Council but are not committees of the Town Council.) 5/20/20

Chapter II, Section 2, Legislative Branch. Composition and Election, first paragraph. (page 3)

Current language:

At the Town election, the members of the Council shall be elected from and by voting districts of the Town for terms of two (2) years. There shall be one (1) Council member for such number of Town residents or fraction thereof as shall be determined by the Town Clerk as herein provided. During the last full week of June in the year of the Town election, the Town Clerk shall determine the total number of Town residents. The Town Clerk shall then divide the total number of residents by twenty-one (21) and allocate to each district such number of Council members as said district is entitled to on a proportionate basis.

Proposed language:

At the Town election, the members of the Council shall be elected from and by voting districts of the Town for terms of two (2) years. There shall be seven (7) voting districts of substantially equal population, with three (3) Council members for each district. District lines shall be established from time to time by ordinance adopted by the Council.

(REASON: The Town Charter requires that the Town Council be composed of 21 members. In order to create voting districts of substantially equal populations with equal representation there are four possible district configurations: 1,3 7, or 21 districts. Commission members feel that the seven district option is the best of those configurations as it provides:

1. Equal representation for each district on Town Council (3 members/district)
2. Improves voter enfranchisement with more polling places in closer proximity to voters' homes
3. Substantially equal numbers of potential voters at each polling place reducing uneven wait times caused by unequal district sizes
4. Guarantees more equitable minority representation to improve parity in discussion (at least seven minority members of Town Council)
5. provides voters with more local representation on Council.) 5/20/20

Chapter II, Section 5A, Legislative Branch. Meetings. (page 4)

Current language:

Notice of meetings of the Council shall be published in a newspaper having a circulation within the Town not less than five (5) days prior to the meeting listing in said notice the agenda contained in the call.

Proposed language:

Notice of meetings of the Council shall be, at a minimum, posted on the Town website not fewer than five (5) days prior to the meeting.

(REASON: Replaces publication of notice in a newspaper having a general circulation in the town with posting on the Town website.) 5/6/20

Chapter II, Section 5B, Legislative Branch. Meetings. (pages 4-5)

Current language:

- For all meetings, agendas and all supplemental materials will be posted on the town's official web site no less than 48 hours prior to the posted start time of the related meeting.

Proposed language:

- For all meetings, agendas and all non-privileged supplemental materials will be posted on the town's official website no less than 24 hours prior to the posted start time of the related meeting.

(REASON: To bring the Charter in line with the Freedom of Information Act, "non-privileged" language added to clarify that privileged documents, such as those to be discussed in executive session, need not be posted, and documents must be posted at least 24 hours prior to meetings.) 4/22/20, 5/6/20

Current language:

- Minutes of all meetings will be posted on the town's official website by the end of the seventh business day following the date the meeting ends.

Proposed language:

- Minutes of all meetings will be posted on the town's official website by the end of the seventh day following the date the meeting ends.

(REASON: To bring the Charter in line with the Freedom of Information Act, minutes must be posted within seven calendar days rather than business days.) 4/22/20

Chapter II, Section 6, Legislative Branch. Adoption of Legislation. (page 5)

Current language:

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.

Proposed language:

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 posting on the town website, except with reference to the annual budget which shall become effective as hereinafter provided. The fifteen (15) day period shall not apply to appointments made of members of Boards, Commissions, and Committees. Such appointments shall become effective immediately upon posting on the town website.

(REASON: To provide for posting on the town website rather than publication in the newspaper, and to eliminate the waiting period for appointments to become effective in order to fill seats on boards, commissions, and committees more quickly.) 5/6/20, 5/13/20

Chapter II, Section 7, Legislative Branch. Emergency Legislation and Appointments. (page 5)

Current language:

Any legislative action designated to be a public emergency measure shall become effective immediately upon publication, but shall be subject to rejection, or approval as provided in chapter VIII, Section 7.

Proposed language:

Section 7. Emergency Legislation.

....Any legislative action designated to be a public emergency measure shall become effective immediately upon posting on the town website, but shall be subject to rejection, or approval as provided in chapter VIII, Section 7.

(REASON: To provide for posting on the town website rather than publication in the newspaper and to clarify the title of the section.) 5/6/20

Chapter II, Section 8, Legislative Branch. Publication of Adopted Legislation. (pages 5-6)

Current language:

Within five (5) days after final passage, as provided in section 6 of this chapter, the Town Clerk shall transmit for publication in a newspaper, having a circulation within the Town, a notice that such legislation is on file in the Office of the Town Clerk and is available for examination.

Proposed language:

Posting of Adopted Legislation.

Within five (5) days after final passage, as provided in section 6 of this chapter, the Town Clerk shall transmit for posting on the town website, a notice that such legislation is on file in the office of the Town Clerk and is available for examination.

(REASON: To provide for posting on the town website rather than publication in the newspaper and to clarify the title of the section.) 5/6/20

Chapter III, Section 3, Executive Branch. Absence, Disability, Vacancy, etc. (pages 7-9)

Current language:

A. 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 Town Treasurer or the Chairman of the Town Council in the event that the Town Treasurer 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.

B. The Office of First Selectman shall be deemed vacant if the First Selectman dies, retires, resigns, becomes ineligible to serve, or removes from the town. In any such event the Town Council shall within fifteen (15) days thereafter at a meeting duly warned for said purpose, fill the vacancy for the unexpired portion of the term, by majority vote of the total Town Council members, provided, however, that the Town Clerk shall forthwith warn a special election to fill the vacancy if either (1) the Town Council fails to fill the vacancy within said period, or (2) within ten (10) days after the Town Council shall have filled the vacancy, a petition for a special election shall be filed by a number of town electors equal to at least five (5) percent of those who voted for the office of First Selectman in the preceding Town election. Such petition shall be filed and certified in the manner provided herein for the filing and certifying of referendum petitions.

C. Such special election shall be held on a day to be prescribed by the Town Council which day shall be not 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 Town Treasurer shall serve as acting First Selectman. If the vacancy occurs within six (6) months of the end of the First Selectman's term, no proceeding shall be had to fill the vacancy and the Town Treasurer shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term. In the event the Town Treasurer declines to serve, the Town Council shall fill the vacancy.

Any appointments made by the Acting First Selectman shall expire at the end of the Acting First Selectman's term, unless state law requires otherwise.

Proposed language:

A. In the event of a temporary absence of 30 calendars days or less, the First Selectman may, by letter filed with the Town Clerk, appoint the Town Treasurer as Acting First Selectman. In the event the Town Treasurer is unable or unwilling to serve, the First Selectman may, by letter to the Town Clerk, appoint the Chairman of the Town Council as Acting First Selectman. The Acting First Selectman shall have all the powers and duties of the First Selectman except that unless otherwise required by law, the Acting First Selectman shall neither make any appointments to any Board or Commission nor sign any agreements binding the Town nor hire or fire any employees that serve the Town at the pleasure of the First Selectman.

B. The Office of the First Selectman shall be deemed Vacant upon the occurrence of any of the following:

1. Death of the First Selectman.
2. The retirement or resignation of the First Selectman.
3. If the First Selectman ceases to have a principal residence in the Town.
4. If the First Selectman is, as determined by the Town Council, absent from office, for any reason, for a continuous period of not fewer than 90 calendar days. Vacation time shall not be considered in determining the period of absence.

C. In the event that the Office of the First Selectman becomes vacant as defined in Section 3 B, the Council shall call for a Special Election to fill the remainder of the term of the outgoing First Selectman. Such Special Election shall be held in compliance with state statute.

D. During the period beginning with the Office of the First Selectman becoming Vacant and ending with the swearing in of a new First Selectman, the Town Treasurer shall become Acting First Selectman. In the event the Town Treasurer is unwilling or unable to perform the duties of Acting First Selectman, the Chairman of the Town Council shall become Acting First Selectman. In the event neither the Treasurer nor the Chairman of the Town Council is willing and able to serve, the Town Council shall, by a vote of 2/3rds of the members present and voting, appoint an Acting First Selectman who shall be a resident and elector of the Town. The Acting First Selectman shall have all the powers and duties of the First Selectman except that unless otherwise required by law, the Acting First Selectman shall not sign any contracts binding the Town for a period exceeding his term as Acting First Selectman. Any appointments made by the Acting First Selectman shall expire at the end of the Acting Selectman's term, unless state law requires otherwise.

If a vacancy occurs within a period of six months or less from the date of a regularly scheduled election for the Office of First Selectman, there shall be no Special Election and the Acting First Selectman shall fill the remaining portion of the term of office.

(REASON: The current Charter has language regarding succession, both temporary and permanent, for a sitting First Selectman. The Committee operating under the principle of clarity with respect to processes, recommends changing the language so that it provides a clear and unambiguous process.) 5/13/20

Chapter III, Section 6G, Executive Branch. Department of Finance. Purchasing contracts and expenditures. (pages 12-14)

Current language:

- (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 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.

Proposed language:

(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.

(iii) 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.

(REASON: Chapter III, Section 6G, clauses (ii) through (vii) of the current Charter include certain provisions—including procurement of multiple bids, sealed competitive bidding, conflicts of interest, bid waivers, and purchasing authority approval—that are set forth in the Town of Trumbull Purchasing Policy and Procedures (the “PPP”). The Commission believes the deleted provisions are better suited for, and should remain in, the PPP. New clause (ii) ensures that future editions of the PPP will include, at a minimum, multiple bids and competitive sealed bidding at such thresholds as may be adopted by the Town Council.) 5/27/20

Chapter III, Section 15, Executive Branch. Bonds. (pages 18-19)

Current language:

Bonds.

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.

Proposed language:

Bonds and Employee Dishonesty Coverage.

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.

(REASON: This change is recommended to bring the charter into conformity with the actual practice in Trumbull and other communities in the area. We believe it provides the Town with greater protection than does the language in the current charter. This change also clarifies the title of the section.) 5/27/20

Chapter IV, Section 2B, Adopting the Annual Budget. Duties of the Board of Finance. (page 21)

Current language:

The Board of Finance shall, at least five (5) calendar days prior to the hearing provided in chapter IV, section 2 A, cause to be published in a newspaper having a general circulation in the Town, as well as the Town's website, the budget proposed by the First Selectman including in parallel columns, for each item, the sum budgeted for the current fiscal year and the sum requested by each department or division for the next fiscal year, the sum proposed by the First Selectman and also the estimated tax rate.

Proposed language:

The Board of Finance shall, at least five (5) calendar days prior to the hearing provided in chapter IV, section 2 A, cause to be, at a minimum, posted on the Town website, the budget proposed by the First Selectman including in parallel columns, for each item, the sum budgeted for the current fiscal year and the sum requested by each department or division for the next fiscal year, the sum proposed by the First Selectman and also the estimated tax rate.

(REASON: Replaces publication in the newspaper with posting on the town website.) 5/6/20

Chapter IV, Section 3A, Adopting the Annual Budget. Duties of the Town Council. (page 22)

Current language:

At least five (5) days prior to said hearing, the Town Council shall cause to be published, in a newspaper having a general circulation in the Town, as well as the Town's website, a notice of the public hearing together with a summary of the budget recommended by the Board of Finance showing proposed expenditures, anticipated revenues by major sources together with the amount of revenue to be raised by general taxation.

Proposed language:

At least five (5) calendar days prior to said hearing, the Town Council shall cause to be, at a minimum, posted on the Town website, a notice of the public hearing together with a summary of the budget recommended by the Board of Finance showing proposed expenditures, anticipated revenues by major sources together with the amount of revenue to be raised by general taxation.

(REASON: Replaces publication in the newspaper with posting on the town website.) 5/6/20

Chapter V, Section 2D(ii) and (iii), Appropriations from the General Fund and the Capital and Nonrecurring Fund During the Course of the Fiscal Year. (pages 24-25)

Current language:

Any action by the Board of Finance on any such matter shall go to the Town Council for review and action as hereinafter set forth if the same involves:

....

(ii) An appropriation from the general fund for a sum in excess of two thousand dollars (\$2,000.00);

or

(iii) If the same involves an appropriation from the general fund to any department which has received supplemental appropriations from the general fund during the course of any fiscal year the sum total of which is in excess of the sum of ten thousand dollars (\$10,000.00); or

Proposed language:

Any action by the Board of Finance on any such matter shall go to the Town Council for review and action as hereinafter set forth if the same involves:

....

(ii) An appropriation from the general fund for a sum in excess of ten thousand dollars (\$10,000.00); or

(iii) If the same involves an appropriation from the general fund to any department which has received supplemental appropriations from the general fund during the course of any fiscal year the sum total of which is in excess of the sum of twenty thousand dollars (\$20,000.00); or

(REASON: The dollar amounts in this provision have been the same since at least 1981. The Commission believes they should be adjusted upwards to reflect inflation since that time.) 6/17/20

Chapter VII, Section 1A, Boards and Commissions. Board of Finance. Composition and election. (page 27)

Current language:

(None.)

Proposed language:

There shall be at least one (1) alternate member from the Democratic party and one (1) alternate member from the Republican party.

(REASON: The current Charter provides the Board of Finance with three (3) alternate members. The Commission is not recommending any change to the number of alternates. Operating under the principles of fairness and balance, the Commission is recommending the language be added to the Charter requiring each major party to have at least one alternate of their party. This will minimize politics in the selection of alternates and ensure that each major party has at least one alternate from their party that can stand in their place in the event of an absence.) 5/20/20

Chapter VII, Section 3, Boards and Commissions. Board of Education. (pages 27-28)

Current language:

A. *Composition and election.* 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, six (6) of whom shall be elected for terms of four (4) years, and one (1) of whom shall be elected for a term of two (2) years. Commencing with the election occurring in November 2015, the Board of Education shall consist of seven (7) members, who shall be elected to concurrent two (2) year terms.

B. *Minority representation and voting.* In accordance with section 9-167a of the Connecticut General Statutes, not more than five (5) members of the Board of Education shall be members of the same political party. Notwithstanding the provisions of Chapter VIII, Section 4 of this Charter, electors may vote for up to seven (7) candidates for the Board of Education.

C. *Transition election.* At the election occurring in November 2013, four (4) members shall be elected for terms of two (2) years, and electors may vote for up to four (4) candidates. At the

election occurring in November 2015 and thereafter, all seven (7) members of the Board of Education shall be elected for concurrent terms of two (2) years.

D. *Powers and duties.* The Board of Education shall have all the powers and duties conferred or imposed by law on boards of education.

Proposed language:

A. *Composition and Election.* The Board of Education shall continue as established, subject to and pursuant to the General Statutes, consisting of seven (7) members, each of whom shall be elected for a two (2) year term. Commencing with the 2021 election, the Board of Education shall be composed of eight (8) members.

Each political party may nominate candidates for election as members of the Board of Education as provided in Section 9-204a of the General Statutes, provided however that not more than one-half (1/2) of the total membership shall be registered with the same political party.

In the 2021 election, four (4) members shall be elected for a two (2) year term. Not more than one-half (1/2) of those members elected shall be registered with the same political party. In the 2021 election, four (4) members shall be elected for a four (4) year term. Not more than one-half (1/2) of those members elected shall be registered with the same political party.

Commencing with the 2023 election, all members shall be elected for a four (4) year term.

B. *Powers and Duties.* The Board of Education shall have all of the powers and duties conferred or imposed by the General Statutes on Boards of Education.

(REASON: Prior to charter revision in 2003 the Town had a six member Board of Education, with not more than three members from any political party. This change is recommended in order to return to a less political Board of Education. One change is to increase to an eight-member board, which is recommended due to the heavy workload of board members. By creating four year terms, with half the board turning over at each municipal election, we believe that it will provide for greater continuity which will be a benefit to our educational system.) 5/20/20; 6/10/20

Chapter VII, Section 8A, Boards and Commissions. Police Commission. Composition and appointment. (page 30)

Current language:

The Town shall have a Police Commission which shall consist of six (6) members who shall be appointed by the First Selectman for a term of three (3) years, two (2) of which terms shall expire each year. 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:

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, upon recommendation of the First Selectman, 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.

(REASON: State statute provides that municipal police commissions shall consist of three, five, or seven members who are appointed by the legislative body of the town. This change conforms Trumbull's Police Commission to what is required by statute. To reduce the number of commissioners from six members with a three-year term to five members with a five-year term while maintaining the current commissioners, shortened terms are provided during a transition period.) 5/27/20; 6/10/20

Chapter VII, Section 11E, Boards and Commissions. Parks and Recreation Commission. Power to consider gifts. (page 33)

Current language:

The Commission shall consider the acceptance of gifts, donations, legacies or devises for park purposes, and recommend the acceptance or rejection thereof to the Town Council.

Proposed language:

The Commission shall consider the acceptance of gifts, donations, legacies or devises for park and/or recreation purposes, and recommend the acceptance thereof to the Town Council.

(REASON: Addition of "and/or recreation" to clarify that gifts may be accepted for recreation purposes.) 4/29/20

Chapter VII, Section 17, Boards and Commissions. Ethics Commission. (pages 36-37)

Current language:

B. Powers and duties. The Ethics Commission shall have the following powers and duties:

- (i) It shall recommend a code of ethics for adoption by the Town Council; and
- (ii) It shall investigate any complaints and make a determination of whether or not there have been any violations of this Charter, ordinances of the Town, or of the code of ethics adopted by the Charter; and
- (iii) It shall conduct such inquiries and proceedings as may be required and, thereafter, in appropriate cases, impose such sanctions as may be provided by the Town ethics code or by this Charter.

C. Code of ethics. The Town Council shall have the power and the duty to adopt, under its ordinance making power, and subject to the approval of the First Selectman required for ordinances, a code of ethics which shall, except as otherwise provided by law, by this Charter, govern the conduct of all elected and appointed Town officials and all Town employees. The code shall specify and designate ethical standards of conduct required of affected persons, prohibited activities, and the sanctions that may be imposed for violations of the code with the exception of those cases where violations of the code may also involve criminal violations in which cases the matters involved shall be referred to and

reserved for appropriate criminal authorities. The power to investigate violations, to conduct hearings on any alleged violations, and to impose sanctions or otherwise enforce the code shall be vested in the Ethics Commission and in no other body or official of Town government.

D. Procedure. The Ethics Commission shall, in the conduct of its activities, adhere to the confidentiality requirements of the statute and also the Ethics Commission and shall observe the following procedural rules:

Any person charged with any violation:

- (i) Shall be promptly notified, in writing, of the charges against him/her and the provision of ethics code or Charter claimed to have been violated;
- (ii) Shall be entitled to a hearing on the charges against him/her to be held, at his/her option, in public or in private, not later than forty-five (45) days after the notification of charges, or at any later time agreed upon by the Commission and the person charged;
- (iii) Shall be entitled to confront his/her accuser and to cross examine witnesses against him; and
- (iv) Shall be entitled to representation by counsel.

Proposed language:

B. Powers and duties. The Ethics Commission shall have the following powers and duties:

- (i) It shall recommend a code of ethics (a "Code") for adoption by the Town Council; and
- (ii) It shall investigate any complaints and make a determination of whether or not, in the discretion of the Ethics Commission, there have been any material violations of this Charter, ordinances of the Town, or of the Code adopted by the Town Council; and
- (iii) It shall conduct such inquiries and proceedings as may be required and, thereafter, in appropriate cases, impose such sanctions as may be provided by the Town ethics code or by this Charter.

C. Code of ethics. The Town Council shall have the power and the duty to adopt, under its ordinance making power, and subject to the approval of the First Selectman required for ordinances, a Code which shall, except as otherwise provided by law, by this Charter, govern the conduct of all elected and appointed Town officials and all Town personnel. For purposes hereof, "Town personnel" shall mean and include (i) all Town employees, (ii) members of the Board of Education and Board of Education employees, and (iii) members of all other Town Boards, Commissions, Committees and Authorities. The Code shall specify and designate ethical standards of conduct required of affected persons, prohibited activities, rules of procedure, and the sanctions that may be imposed for violations of the Code with the exception of those cases where violations of the Code may also involve criminal violations in which cases the matters involved, at the discretion of the Ethics Commission, may, be referred to the appropriate criminal authorities. The power to investigate violations, to conduct hearings on any alleged violations, and to impose sanctions or otherwise enforce the Code shall be vested in the Ethics Commission and in no other body or official of Town government.

D. Procedure. The Ethics Commission shall, in the conduct of its activities, adhere to the confidentiality requirements of Section 1-82a(a) through (e) of the Connecticut General Statutes, and the Code, as the same may be amended from time to time. The provisions of the Code notwithstanding, the respondent shall be afforded the opportunity to cross examine the complainant and witnesses against the respondent and, failing such opportunity, the Ethics Commission may, in its discretion, dismiss the complaint.

(REASON: In clause (ii) of Section 7B, the Commission is proposing that determinations of the Ethics Commission (the "EC") regarding ethical violations be governed by a materiality standard. Under clause (ii) as currently drafted, and the Town's Code of Ethics, when the EC receives an ethics complaint, it meets in executive session to determine whether to dismiss the complaint for lack of jurisdiction or

probable cause. If it finds jurisdiction and probable cause, the EC must fully investigate and adjudicate the claim. If the EC finds that an ethical violation has been committed, it may or may not choose to impose a sanction. New clause (ii) will give the EC the discretion to dismiss a claim for lack of probable cause—and thus avoid a full investigation and adjudication—if it determines the alleged offense to be immaterial. In Section 7C, the term “Town personnel” is substituted for “Town employees” and defined to include Town employees, as well as members of Boards, Commissions, Committees and Authorities. The Commission believes that any referral by the EC of possible criminal violations to appropriate criminal authorities should be discretionary, rather than mandatory. In Section 7D, the Commission believes EC procedures should be set forth in the Town’s Code of Ethics, rather than the Charter. However, the Commission strongly believes in the right of a respondent to cross examine a complainant and witnesses against the respondent. New Section 7D, which is not in the current version of the Code of Ethics, gives the EC the discretion to dismiss a complaint in which a respondent is not given the opportunity to confront his/her accusers.) 5/6/20

Chapter VII, Section 21, Boards and Commissions. Commission on Aging. (pages 38-39)

Current language:

[None.]

Proposed language:

SECTION 21. Commission on Aging.

- A. *Composition and appointment.* The Town shall have a Commission on Aging, which shall consist of eight (8) members appointed by the First Selectman for a term of two (2) years. No fewer than four (4) members shall be age 55 or older. No more than five (5) members shall be members of the same political party.
- B. *Duties in general.* The Commission shall study the conditions and needs of older adults in the community in relation to housing, economics, employment, health, recreation and other matters. It shall analyze the services for older adults 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 Statutes and the ordinances of the Town.
- C. *Transition.* All members of the Senior Citizen Commission as of November 2020 shall be deemed members of the Commission on Aging and shall serve the remainder of their current terms.

(REASON: The Municipal Code currently provides for a Senior Citizen Commission. This commission, which deals with issues pertaining to a large segment of Trumbull’s population, many of whom are isolated from the community, is important enough to warrant being included in the Charter. The recommended provision, including a new commission name, was drafted with input from the current chair of the Senior Citizens Commission and the Senior Center Director.) 6/10/20

Chapter VII, Section 22, Boards and Commissions. Commission on Youth. (page 39)

Current language:

[None.]

Proposed language:

SECTION 22. 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 a term of two (2) years. No more than four (4) members shall be members of the same political party. The Commission shall have two non-voting youth members appointed by the First Selectman for a term of one (1) year.

- B. *Duties in General.* The purpose of the Commission on Youth 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.

(Reason: The Youth Commission was eliminated from the Charter in 2011. The Charter Revision Commission believes that it is important to add this commission back into the Charter to address the needs of Trumbull youth. It is an advisory commission only.) 6/10/20

Chapter VII, Section 23, Boards and Commissions. Official conduct. (page 40)

Current language:

[None.]

Proposed language:

- D. *Removal of Appointees.* The appointing authority may remove any member of an appointed commission or board for failing to participate in at least fifty percent (50%) of the meetings in a fiscal year or failing to participate in three (3) consecutive meetings.

(REASON: This change provides a mechanism for removal of an appointed, but not elected, member of a board, commission, or committee when that member does not meet a minimum attendance standard. Removal is discretionary and not mandatory to account for potential issues such as illness or other hardship of a member.) 4/29/20

Chapter VII, Section 24, Boards and Commissions. Public meetings and records. (page 41)

Current language:
[None.]

Proposed language:

All boards, commissions and committees shall follow posting requirements for all meetings as stated in Chapter II, Section 5B.

(REASON: This paragraph clarifies that all boards, commissions, and committees must follow posting requirements for meetings as specified in Chapter II, Section 5B, which is the chapter dealing with the Legislative Branch. The Commission believes it is important to include this language in the Chapter dealing with Boards and Commissions.) 5/6/20

Chapter VIII, Section 4, Electoral Process. Majority Limitation. (page 42)

Current language:

Section 4. Majority Limitation.

The determination of the number of members of any one (1) political party to be appointed or elected under this Charter shall be made as provided in Section 9-167a of the General Statutes, Rev. of 2001. The provisions of this section shall have no application to the Town Council. No party may nominate for office more candidates for any board or commission than the number determined in accordance with the provisions of Section 9-167a of the Connecticut General Statutes as amended.

Proposed language:

Section 4. Minority Representation.

The determination of the number of members of any one (1) political party to be appointed or elected under this Charter shall be made as provided in Section 9-167a of the General Statutes, as amended. The provisions of this section shall have no application to the Town Council. Unless specifically required by the General Statutes or by another provision of this Charter, no party may nominate for office more candidates for any board or commission than the number determined in accordance with the provisions of Section 9-167a of the Connecticut General Statutes as amended.

(REASON: The reason for changing the title of the section is so that the title will conform to the statute it references, Section 9-167a of the General Statutes. This was changed in the charter revision of 2003 and should be corrected.

The reasoning for the language regarding the numbers of nominees and the number of candidates voters can vote for is to make it clear that the requirements of this section are not intended to be in conflict with the General Statutes or other sections of the charter which deal with nominating and voting processes.) 6/10/20, 6/17/20

Chapter VIII, Section 5, Electoral Process. Vacancies. (pages 43-44)

Current language:

- A. A vacancy in any office, board or commission subject to appointment shall be filled for the unexpired portion of the term by the appointing authority herein designated.
- B. A vacancy in the Office of the First Selectman shall be filled as provided in Chapter III, Section 3.
- C. A vacancy in an elective office, board or commission other than the Council shall be filled as follows:
 - (i) By special election if a petition therefor is filed with the Town Clerk, as provided by law, within ten (10) days after such vacancy has occurred; but in such event, the First Selectman shall have the right to fill the vacancy until said special election is held.
 - (ii) By appointment by the First Selectman in the event such a petition for special elections are not filed in accordance with the provisions of subparagraph C.(i), *supra*, unless otherwise required by State law.
- D. For the purposes of this Section 5, a vacancy shall occur upon:
 - (i) The receipt by the Town Clerk of the incumbent's written resignation;
 - (ii) The death of the incumbent;
 - (iii) The incumbent's ceasing to reside in or be an elector of the Town.
- E. Persons appointed by the First Selectman to fill vacancies in elected boards or commissions or elective offices shall be of the same political party, if any, as the person vacating the office.

Proposed language:

- A. For the purposes of this section 5, a vacancy shall occur upon:
 - (i) The receipt by the Town Clerk of the incumbent's written resignation;
 - (ii) The death of the incumbent;
 - (iii) The incumbent's ceasing to reside in or be an elector of the Town.
- B. The Town Clerk shall, within forty-eight (48) hours of notice of a vacancy, post a public notice of the vacancy on the home page of the Town website. For purposes of the previous sentence, notice of a vacancy shall be defined as when the Town Clerk learns of a vacancy or, in the case of resignation, the receipt by the Town Clerk of the incumbent's written resignation.
- C. A vacancy in any office, board or commission subject to appointment shall be filled for the unexpired portion of the term by the appointing authority herein designated.
- D. A vacancy in the Office of the First Selectman shall be filled as provided in chapter III, section 3.
- E. A vacancy in an elective office, board or commission other than the Council shall be filled as follows:
 - (i) By special election if a petition therefor is filed with the Town Clerk, as provided by law, within ten (10) days after notice of such vacancy has been posted on the Town website in accordance with subparagraph (b), *supra*; but in such event, the First Selectman shall have the right to fill the vacancy until said special election is held.
 - (ii) By appointment by the First Selectman in the event such a petition for special election is not filed in accordance with the provisions of subparagraph (C)(i), *supra*, unless otherwise required by State law.
- F. Persons appointed by the First Selectman to fill vacancies in elected boards or commissions or elective offices shall be of the same political party, if any, as the person vacating the office.

(REASON: Under this section, the public may petition for a special election within a specified number of days after occurrence of a vacancy, but the public may be unaware of the vacancy and therefore may

miss the window for filing a petition. This change provides for posting notice of a vacancy on the town website, thereby providing a fairer process for the public. The section was also reorganized for clarity.)
6/17/20

Chapter VIII, Section 7B(i), Electoral Process. Referendum. (page 47)

Current language:

Petitions for referendum shall be filed within twenty-five (25) days following publication of notice of adoption of an emergency measure or prior to the effective date of any other specific measure, including budget adoption.

Proposed language:

Petitions for referendum shall be filed within twenty-five (25) days following posting of notice on the town website of adoption of an emergency measure or prior to the effective date of any other specific measure, including budget adoption.

(REASON: Replaces publication in the newspaper with posting on the town website.) 5/6/20

Chapter VIII, Section 7D(ii), (iii)(a) and (b), and (iv), Electoral Process. Voting procedure. (pages 48-49)

Current language:

(ii) Voting in such election shall be by voting machine or paper ballot at the discretion of the registrar of Voters.

(iii) Form of ballots:

(a) The paper ballots or voting machine ballot labels used for a referendum with respect to any appropriation of one hundred thousand dollars (\$100,000.00) or more or the annual budget shall state separately each appropriation or budget item referred to in substantially the following form: "Shall an appropriation (or budget item) adopted by the Council on (date of appropriation or budget item) in the sum of \$_____ for (here state the purpose of said appropriation or budget item) be increased (or decreased) to the sum of \$_____?" (or such other form as shall in the opinion of the Town Clerk appropriately state the question to be voted on).

(b) The paper ballots or voting machine ballot labels used for any other referenda shall be submitted by ballot label. There shall appear upon the official ballot a ballot label, which may be distinct from the legal title of any such proposed measure, and which shall be a clear, concise statement without argument or prejudice, descriptive of the substance of the measure. Ballots and ballot labels shall be prepared by the Town Clerk, subject to the approval of the Town Attorney as to form, in such a manner as to present as clearly as possible the issue to be voted upon.

(iv) The voting machine, paper ballot shall provide means of voting "yes" or "no" on each question so presented.

Proposed language:

(ii) Voting in such election shall be recorded by voting in such method as may be required by the General Statutes.

- (iii) Form of ballots:
 - (a) The question(s) to be voted on at each referendum with respect to any appropriation of one hundred thousand dollars (\$100,000.00) or more or the annual budget shall state separately each appropriation or budget item referred to in substantially the following form: "Shall an appropriation (or budget item) adopted by the Council on (date of appropriation or budget item) in the sum of \$_____ for (here state the purpose of said appropriation or budget item) be increased (or decreased) to the sum of \$_____?" (or such other form as shall in the opinion of the Town Clerk appropriately state the question to be voted on).
 - (b) There shall appear upon the official ballot the question to be voted on, which may be distinct from the legal title of any such proposed measure, and which shall be a clear, concise statement without argument or prejudice, descriptive of the substance of the measure. Ballot questions shall be prepared by the Town Clerk, subject to the approval of the Town Attorney as to form, in such a manner as to present as clearly as possible the issue to be voted upon.
- (iv) The ballot shall provide a means of voting "yes" or "no" on each question so presented.

(Reason: To remove confusion caused by use of the terms "voting machines" and "ballot labels.")
6/24/20

Chapter VIII, Section 7F(ii), Electoral Process. Referendum. (page 49)

Current language:

- (ii) If a referendum vote increases or decreases any budget item which consists of more than one (1) single item each with its own account number then:
 - (a) Not later than five (5) days after said referendum vote, the Board of Finance shall make its recommendations to the Council for modification of individual items within said item so affected.
 - (b) Not later than ten (10) days after said referendum vote, the Council shall modify the individual items within said item so affected and shall adopt the amount budgeted, which shall be effective on said date, provided, however, neither the Council, nor the Board of Finance shall modify the total appropriation as set by the referendum vote on said item.

Proposed language:

- (ii) If a referendum vote increases or decreases any budget item which consists of more than one (1) single item each with its own account number then:
 - (a) Not later than five (5) days after certification of the vote, the Board of Finance shall make its recommendations to the Council for modification of individual items within said item so affected.
 - (b) Not later than ten (10) days after certification of the vote, the Council shall modify the individual items within said item so affected and shall adopt the amount budgeted, which shall be effective on said date, provided, however, neither the Council, nor the Board of Finance shall modify the total appropriation as set by the referendum vote on said item.

(Reason: This section prescribes certain action to be taken within a specified number of days of a referendum vote. However, it does not take into consideration the time it takes for the results of that

vote to be certified. Therefore, this change is recommended so that days are counted from the date the vote is certified.) 6/10/20

Chapter VIII, Section 7H, Electoral Process. Referendum. Publication. (page 50)

Current language:

Publication. Prior to any referendum election the Town Clerk shall cause the text of each measure affected to be printed twice in a newspaper having a circulation in the Town, the first (1st) printing to be not less than seven (7) days prior to such election and the second (2nd) printing to be not less than two (2) days nor more than six (6) days prior to such election.

Proposed language:

Publication and Posting. Prior to any referendum election the Town Clerk shall cause the text of each measure affected to be:

- (i) printed twice in a newspaper having circulation in the Town, the first (1st) posting to be not fewer than seven (7) days prior to such election and the second (2nd) posting to be not fewer than two (2) days nor more than six (6) days prior to such election, and
- (ii) posted on the Town website not fewer than seven (7) days prior to such election.

(REASON: Adds posting of referendum questions on the town website in addition to publication in the newspaper.) 5/6/20

Chapter VIII, Section 8B(i), Electoral Process. Special Referendum Requirements. Petition Requirements. (page 50)

Current language:

Petitions for referendum may be filed with the Town Clerk within twenty-five (25) days following publication of notice of the adoption of the annual budget.

Proposed language:

Petitions for referendum may be filed with the Town Clerk within twenty-five (25) days following posting on the town website of notice of the adoption of the annual budget.

(REASON: Replaces publication in the newspaper with posting on the town website.) 5/6/20

Chapter VIII, Section 8D, Electoral Process. Special Referendum Requirements. Form of Question. (pages 51-52)

Current language:

The voting ballots or voting machines shall state the following question: “Shall the annual budget of \$_____ [amount of adopted budget], as adopted by the Trumbull Town Council on _____ [date of adoption] be rejected and replaced with a budget that does not exceed \$_____ [amount of current year budget, as of the same date the Town Council adopted next year’s budget, plus three and one half percent (3.5%)]?” The voting machine or paper ballot shall provide means of voting “yes” or “no” on the question so presented.

Proposed language:

The ballots shall state the following question: “Shall the annual budget of \$_____ [amount of adopted budget], as adopted by the Trumbull Town Council on _____ [date of adoption] be rejected and replaced with a budget that does not exceed \$_____ [amount of current year budget, as of the same date the Town Council adopted next year’s budget, plus three and one half percent (3.5%)]?” The ballot shall provide means of voting “yes” or “no” on the question so presented.

(Reason: To remove confusion caused by use of the terms “voting machines” and “ballot labels.”)
6/24/20

Chapter VIII, Section 9, Electoral Process. Bonded Debt. (pages 52-53)

Current language:

- 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.

Proposed language:

- 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) referendum must be held for all projects exceeding \$15 million. The \$15 million amount shall be indexed annually in January using the annual Consumer Price Index for All Urban Consumers (CPI-U) for the Northeast Region, with \$15 million and the 2020 annual CPI-U for the Northeast Region used as the baseline for the calculation. If the indexing calculation results in an amount lower than \$15 million, the floor for the referendum requirement will remain at \$15 million. The indexed amount will be by vote of the Board of Finance and approval by a two-thirds (2/3) vote of the Town Council. A single project cannot be bonded in multiple smaller amounts in order to avoid this referendum provision.
- C. Voting Procedure. Voting at such election shall be in accordance with state law, provided that the hours for voting may be increased at the discretion of the Town Council.
- D. Form of Question. The voting ballots or voting machines shall state the following question: “Shall the proposed bond issue in the amount of \$_____ [amount of adopted], as

adopted by the Trumbull Town Council on _____ [date of adoption] be approved. The voting machine or paper ballot shall provide means of voting “yes” or “no” on the question so presented.

- E. Procedure after Referendum. A simple majority of those voting will determine whether the issuance of the bond issue is approved. However, if the number of votes cast is not at least five (5%) percent of the number of eligible electors, then the bond issue shall be deemed approved.
- F. 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.

(Reason: This section was added in the 2011 Charter revision, and requires a referendum vote on all debt taken out exceeding \$15 million. However, no procedural framework was included to guide the town in holding a referendum under this section. In addition, the \$15 million threshold amount was not indexed for inflation and has already become outdated. Therefore, the Commission is recommending procedures and indexing for inflation to remedy those deficiencies.) 6/10/20

Chapter VIII, Section 10, Electoral Process. Registrar of Voters. (page 54)

Current language:

A Registrar of Voters for each political party having ten percent (10%) of the votes cast at the previous election shall be elected at the state election as provided in the General Statutes. Registrars of voters shall have all the powers and duties conferred or imposed by law on registrars of voters. Deputy registrars of voters may be appointed as provided in the General Statutes.

Proposed language:

Delete the last sentence to read as follows:

A Registrar of Voters for each political party having ten percent (10%) of the votes cast at the previous election shall be elected at the state election as provided in the General Statutes. Registrars of voters shall have all the powers and duties conferred or imposed by law on registrars of voters.

(Reason: The last sentence in this Section provides that the Registrars may appoint deputy registrars in accordance with state statutes. However, that is a statutory requirement and is not optional. The Commission recommends deleting the sentence, since state law covers this issue.) 6/10/20

Chapter IX, Section 7, Adoption and Amendment Procedures. Referendum on Approval of Charter. (page 56)

Current language:

This Charter as revised shall be submitted to the electors of the Town for approval at the election to be held on November 8, 2011. If a majority of those voting shall vote in favor thereof, this Charter as revised shall become effective 30 days after the election.

Proposed language:

This Charter as revised shall be submitted to the electors of the Town for approval at the election to be held on November 3, 2020. If a majority of those voting shall vote in favor thereof, this Charter as revised shall become effective on December 1, 2020.

(REASON: This language updates this section to reflect the Election Day 2020 and the effective date of this revision if approved by the voters.) 6/10/20

Recommended Ballot Questions

The Commission is recommending three questions on the ballot. We believe there are two issues that are of enough importance that they should be broken out into their own separate ballot questions. Those are the establishment of seven (7) voting districts for the Town Council (see page 5 above) and expanding the Board of Education to eight (8) members with no more than four (4) members from one party (see pages 14-15 above). The Commission believes the remainder of the changes can be included in one other catch-all question.