

**MINUTES**  
**Charter Revision Commission**  
**May 27, 2014**

**CALL TO ORDER**

Upon motion by Ken Martin, seconded by Dan Shamas, Chairman Suzanne Burr Monaco called the Charter Revision meeting to order at 8:00 p.m. at the Town Hall, Council Chambers, Trumbull, Connecticut.

**PRESENT**

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

The meeting was then suspended by motion by Suzanne Burr Monaco, seconded by Adam Maiocco to complete the public hearing portion of the meeting.

The meeting reconvened at 8:30PM.

Mr. Martin thanked the public for their input and expressed agreement with many points brought forward.

A discussion followed regarding the funding to the ARC. It was discussed that the commission felt it critical to fund to the ARC and that a mandate would provide the discipline for said funding. There was further discussion of opt-out provisions during times of severe economic crisis, upon recommendation by the First Selectman or Director of Finance. Further discussion of possible opt-out options, ranging from a total opt-out or setting a mandatory minimum of at least 50%. Following significant discussion it was voted for a mandate of funding to the ARC with an opt-out provision during times of severe economic crisis. The Board of Finance would have the option to choose the mandatory minimum opt-out allowed. Upon 6-0 approval by the BOF, the matter would be presented to the Town Council who must elect the opt-out by an 18-3 vote.

Chapter I, Section 4B. After further discussion, the proposed change from business days to calendar days was eliminated. The only change will be to clarify "business days" as days the Trumbull Town Clerk's Office is open.

VOTED: UNANIMOUS to ELIMINATE the original proposed change to said paragraph and accept the revised draft as presented.

Chapter II, Section 5B

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter II, Section 6

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 1

VOTED: 4 votes to accept the proposed draft as presented, Suzanne Burr Monaco abstained.

Chapter III, Section 3A

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 3C. Following discussion, to return the one year period back to 6 months

VOTED: UNANIMOUS to accept the revised draft as presented.

Chapter III, Section 6D

VOTED: 4 votes to accept the proposed draft as presented. Suzanne Burr Monaco abstained.

Chapter III, Section G(ii) After discussion, amount was modified from \$5,000 to \$3,000

VOTED: UNANIMOUS to accept the revised draft as presented.

Chapter III, Section 7

VOTED: 4 votes to accept the proposed draft as presented. Suzanne Burr Monaco abstained.

Chapter IV, Section 3B

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter IV, Section 6

VOTED: UNANIMOUS to accept the revised draft as presented and set forth above.

Chapter VII, Section 3A, after discussion of public comments,

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 3C

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 3D

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 17C

Following discussion of the language proposed by Atty Lee of the Ethics Commission, it was

VOTED: UNANIMOUS to accept the proposed revisions as presented.

Chapter VII, Section 17D After discussion, it was agreed to return said section to the Charter, only modifying Section 17D (ii) by removing the words "in public or in private" to agree with FOI requirements.

VOTED: UNANIMOUS to accept the revised draft as presented.

Chapter VIII, Section 5D(i)

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter IX, Section 7

VOTED: UNANIMOUS to accept the proposed draft as presented.

Following further discussion, it was

VOTED: UNANIMOUS to accept the entire proposed draft as presented.

The proposed revisions to the Charter will be submitted to the Town Council on or before May 30, 2014.

The Commission will not meet until further notice, when the Town Council has reviewed said revisions and returned their comments to the Commission.

The meeting was adjourned by motion of D Shamas, seconded by K Martin and unanimous consent at 9:55PM

Respectfully submitted,

Nancy Milewski

**TRUMBULL CHARTER REVISION COMMISSION'S**  
**DRAFT REPORT, AS AMENDED ON MAY 27, 2014**

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

Subsequent meetings were held weekly on April 15, April 22, April 29, May 6, May 13, May 20 and May 27, 2014. All meetings were open to the public. A public hearing was held on April 21, 2014 prior to the Commission beginning substantive work on the Charter. Another public hearing was held on May 27, 2014 after the Commission had completed its draft report. The Commission heard and reviewed all suggestions for revisions made by the public, in addition to suggestions made by the First Selectman, the Chairman of the Town Council, the Clerk of the Town Council and the Chairman of the Ethics Commission. The Commission also heard and reviewed information regarding funding of the Town's pensions plans which was provided by the Treasurer and Director of Finance, both of whom are voting members of the Pension Board.

After considering all suggestions and information provided, the Commission hereby amends its draft report dated May 20, 2014 and proposes the following changes to the Town Charter:

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

"Days" Unless otherwise specified, all references in this Charter to days are business days. Business days are those days that the Town Clerk's Office is open.

(REASON: Definition of "business days" added to clarify meaning of term used throughout Charter.)

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

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

- For all meetings, agendas and all non-privileged supplemental materials will be posted on the Town's official web site no less than forty-eight (48) hours prior to the posted start time of the related meeting.
- Minutes of all meetings will be posted on the Town's official web site by the end of the seventh (7<sup>th</sup>) day following the date the meeting ends.
- The information posted on the Town's official web site must be publicly accessible and downloadable.

- The posted information must be kept available on the web site for the greater of five (5) years or the minimum required by law.
- Such additional requirements under the Connecticut Freedom of Information Act as amended.

(REASON: "Non-privileged" language added to clarify that privileged documents, e.g. those discussed in executive session, need not be posted.)

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

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

(REASON: 15 day waiting period for appointments to Boards and Commissions omitted to provide quorums for meetings).

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

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

(REASON: Term changed to 4 years to provide greater continuity.)

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

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

(REASON: Succession changed to minimize need for special election; Chairman is also involved in all aspects of Town government.)

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

Such special election shall be held on a day to be prescribed by the Town Council which day shall not be earlier than the ninetieth (90<sup>th</sup>) day and not later than the one hundredth (100<sup>th</sup>) day following the day of such warning. Until the result of said special election shall have been determined, the Chairman of the Town Council shall serve as acting First Selectman. If the vacancy occurs within six (6) months from the end of the First Selectman's term, no proceeding shall be had to fill the vacancy and the Chairman of the Town Council shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term. In the event the Chairman of the Town Council declines to serve, the Town Treasurer shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term.

(REASON: Succession changed to conform with change in Section 3A.)

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

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

(REASON: Term changed to 4 years to provide greater continuity.)

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

Before any purchase is made or any contract for insurance, public work or services, other than professional services, involving an expenditure of more than three thousand dollars (\$3,000.00), 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.

(REASON: \$1,000.00 expenditure changed to \$3,000.00 due to increased costs of many purchases and contracts; it has also become increasingly difficult to obtain bids for lower dollar amount.)

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

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

(REASON: Term changed to 4 years to provide greater continuity.)

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

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

(REASON: Clarification that Town Council adopts overall budget by majority vote.)

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

Notwithstanding any of the foregoing provisions of this chapter or any other provision of this Charter, the budget adopted for each fiscal year shall fully fund the Town's Retirement Plan and Police Retirement Income Plan based on the Annual Required Contribution for each plan as prepared by the actuaries. The amounts for these Annual Required Contributions shall be included in the proposed budget prepared by the First Selectman pursuant to Section 1 of this chapter, the budget recommended by the Board of Finance pursuant to Section 2 of this chapter, and the budget adopted by the Town Council pursuant to Section 3 of this chapter. However, in any fiscal year, the Board of Finance may recommend, by a unanimous vote of all six (6) members of the Board of Finance, that the budget adopted for that fiscal year shall fund a percentage less than one-hundred percent (100%) of the Town's Retirement Plan and Police Retirement Income Plan. If said recommendation is made, then the Town Council may approve said recommendation by a vote of no less than eighteen (18) out of twenty-one (21) members of the Council, thereby adopting a budget for that fiscal year that funds less than one-hundred percent (100%) of the Town's Retirement Plan and Police Retirement Income Plan.

(REASON: Funding mandated to ensure that Town's legal obligations are met on an annual basis. "Opt-out" provision included to allow for flexibility in the event of a severe economic crisis.)

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

Except as provided herein, the Board of Education shall continue as established, subject to and pursuant to the General Statutes, consisting of seven (7) resident electors. At the Town election occurring in November 2015, three (3) members shall be elected for a term of two (2) years and four (4) members shall be elected for a term of four (4) years. Commencing with the Town election occurring in November 2017, all

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

(REASON: Term changed to 4 years to provide greater continuity; staggered elections provided to prevent complete Board turnover in any one election.)

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

Delete this Section.

(REASON: No longer applicable.)

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

Change "D." to "C."

(REASON: Required due to deletion of previous section.)

**Chapter VII, Section 17C. Boards and Commissions. Ethics Commission. Code of Ethics. (p. 64)**

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, as otherwise provided by law, by this Charter, govern the conduct of all elected and appointed Town officials and all Town employees, including the Board of Education and all its employees, which term shall include paid consultants of the Town and all Boards, Commission and Authorities. 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 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.

(REASON: Language added after "Town employees" to make this section of the Charter consistent with the Code. "[S]hall" is replaced by "may" after "matters involved" to allow for discretion in referring to criminal authorities. "[A]nd reserved for" after "referred to" removed because it is unclear what that term means and how it would affect the Commission's authority.)

**Chapter VII, Section 17D(ii). Boards and Commissions. Ethics Commission. Procedure. (p. 65)**

Shall be entitled to a hearing on the charges against him/her to be held 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;

(REASON: “[A]t his/her option, in public or in private” removed because language is inconsistent with FOI requirements.)

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

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

(REASON: Provision on time period added to clarify long-standing practice.)

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

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

(REASON: Provision updated.)