

The Wethersfield Town Council, on December 16, 2013, pursuant to the terms of the existing Wethersfield Charter, appointed a seven (7) person Charter Revision Commission. The charge given to the Commission was to review the existing Charter and make recommendations regarding revisions and/or additions to the Charter. The members of the Charter Revision Commission are: T. William Knapp, John J. McAuliffe, Jr., Stephen A. Kirsche, Mary R. Pelletier, Daniel A. Silver, Louis Laccavole and Michael Zaleski. Daniel A. Silver was elected Chair of this Commission and Stephen A. Kirsche was elected to the position of Vice-Chair of the Commission.

After holding a statutory required public hearing in January of 2014 the Commission met on a bi-weekly basis for a period of eleven (11) months and diligently reviewed and discussed each existing section of the Charter and further discussed new additions to the Charter. The following report reflects the proposed changes voted upon by the Commission as well as the addition of two (2) new sections relating to ethics. The purpose of this report is to set forth the changes to the Charter recommended by the Commission and the basis for the proposed changes as well as the addition of two (2) new sections relating to ethics.

The attached exhibit sets forth the changes and additions being proposed by the Commission. For each section for which a change is recommended, the existing Charter text is in italics and the regular print represents the proposed change.

Section 308 – Section 308 sets forth a procedure for public hearings and notice for the adoption of an Ordinance or a Resolution to be acted upon by the Town Council. The change proposed by the Commission would be to allow notice of any action be given by either publication in a newspaper having a general circulation or by other alternative means established by the Council. The purpose of this change would be to provide the Council with an alternative to be able to use an alternative forum for publishing such notice without the required use of existing newspapers. The Commission sought an opinion from the Town Attorney who provided the opinion that this proposed change was consistent with State law.

Section 309- This section provides procedures for citizen referendums for Ordinances or Resolutions adopted by Council that exceed \$100,000.00. The present text states that, a citizen can move for a referendum relating to any Ordinance or Resolution of Council in excess of \$100,000.00. There is an exception for the adoption of the budget or special appropriations less than \$100,000.00. It was the opinion of the Commission that, due to the potential of inflation and other factors over the next ten(10) years that this sum should not exceed 0.15% of the appropriated expenditures of any fiscal year. This would take into account inflation. See the commentary for section 310 for a further discussion.

Section 310 - This existing section provides for emergency appropriations to preserve the preservation of the public peace, health and safety of the Town. The present text states that, notwithstanding any other provision of the Charter, such an emergency sum shall not exceed one hundred thousand (\$100,000) dollars. It was the opinion of the Commission that, due to the potential of inflation within the next ten (10) years, that the sum should not exceed 0.15% of the appropriated expenditures for a fiscal year. The Town Manager's office computed that 0.15% of the current appropriated expenditures would be equal to one hundred thousand (\$100,000) dollars. Therefore, this figure could be adjusted but would not exceed .015 % of the appropriated expenditures in any year. The Commission felt that this change would remove the need to change during future Charter Revisions well into the future unless this figure proves to be too high or too low.

Section 311 – This section relates to the issuance of bonds and the need for referendums for the issuance of said bonds. Under the current text of Section 311, no bond or special appropriation in excess of two hundred thousand (\$200,000) dollars can be effected without a referendum. Under the change proposed by the Commission the two hundred thousand (\$200,000) dollar figure is changed to a figure that cannot exceed 0.30% of the appropriated expenditures for a fiscal year. Similar to Section 310, this

change would provide for inflation over the next ten (10) years for which this Charter is effective and allow stability for future Charter revisions.

Section 312 – The current text in this section of the Charter allows the Town Council to issue subpoenas or seek a Judge to issue what is known as a Capias for the appearance of witnesses and the production of books and papers. Since the adoption of the last Charter change ten (10) years ago, a case from the Connecticut Supreme Court has been issued in which the power of a Town Council to issue a subpoena and seek a Capias has been abolished. Therefore, this Section has been changed upon the advice of the Town Attorney to be in compliance with existing State law.

Section 501 – The current text in this section states that the Town Clerk shall serve for an indefinite term. The Commission, after much discussion, felt that the continued use of “indefinite term” was overly vague. As a result, the Commission proposes that the second sentence of Section 501 be changed to read “the Clerk shall be an officer of the Town and appointed by the Council who shall serve until removed from office pursuant to this Charter, resigns or is otherwise unable to perform his or her duties”. There are no other proposed changes to this section.

The Commission also expressed a belief that the Town Council should take a more

active role in the evaluation of his/her duties with the consultation with the Town Manager as appropriate.

Section 602a – This section provides the duties of a Town Dog Warden. The Town of Wethersfield no longer has a position of Dog Warden. Therefore, the proposed change would eliminate the title of “Dog Warden” and replace it with “duties of the Animal Control Officer as provided in the General Statutes”.

Section 604 – In reviewing the various provisions of the Charter, the Commission recognized a conflict between Section 510 relating to Parks and Recreation Board and Section 604, Department of Parks and Recreation. Section 510 states that the Parks and Recreation Board is an advisory body only with respect to the development and use of the Town parks and its recreation program. Section 604 states that the Director of Parks can only enact rules and regulations (see Section 510). . . , The Commission proposed that section 510 be amended to eliminate the term advisory and would be consistent with section 604.

Section 703 – Section 703a states that the budget shall contain an estimate of the probable cash receipts or unencumbered cash surplus, as the case may be, at the end of

the current fiscal year. After a discussion with the Town Manager and the Town Finance Department, it was recommended to the Commission that this section be changed to read “the budget shall contain (a) an estimate of the unassigned fund balance, or the equivalent as defined by generally accepted accounting principles as the case may be at the end of the current fiscal year. This is a technical change only and represents the practice which has been utilized by the Town Manager in issuing his yearly budget.

Section 705 – This section provides for scheduling and notice of a public hearing for the budget. In order to give the Council the discretion to determine the most effective methodology for publication, the Commission proposes that the Council would have discretion to either publish this notice in a newspaper having a general circulation in the Town or by alternative means, such as posting on the Town website or any other internet posting as determined by the Town Council.

Section 713 – This section provides the requirement of competitive bidding for any purchase which involves the expenditure of twenty thousand (\$20,000) dollars or more. Any public bidding was required to be published in a newspaper having a local circulation within the Town. The Commission proposed to change the twenty thousand (\$20,000) dollar figure to 0.03% of the appropriated expenditures for a current fiscal year in order to

mandate competitive bidding. This proposed change, again, would provide for inflation and other factors and remove the need for change during future Charter Revisions unless this figure proves to be either too high or too low. This proposed change was constant with the opinion of the office of Legislation and Legal Research.

The Commission also recommends a change that, in the event public bidding is required, the Council have the discretion to either publish notice of the bidding in a newspaper with general circulation in the Town or by alternative means which would be established by the Council. This, again, would give the Council the discretion to reduce the cost of publication.

Section 714 – This section, similar to Section 713, provides for public competitive bidding for construction of streets, sewers and other public works. Under the current text, public bidding is required for any expenditure over twenty thousand (\$20,000) dollars. The Commission recommends, as it did in Section 713, that this figure be replaced by a sum equal to 0.03% of the appropriated expenditures for a current fiscal year. The reasons for this proposal have been sent forth in the explanation of Section 713. This section allows the Council, in the event that public bidding is required to either publish notice in a newspaper having a circulation in the Town or by other alternative means which would be established by the Council.

Section 803 – This section requires notice of certain vacancies to be published in a newspaper having a general circulation within the Town. The Commission proposes that the Council should be provided discretion in either having these positions published in a newspaper or by alternative means to be established by the Town Council. This would allow the Town Council to reduce the cost of publication notice.

Ethics and Conflicts of Interest – A great deal of time and effort was spent by the Commission in discussing the subject of ethics and conflicts of interest. Presently there is no provision in the Wethersfield Town Charter dealing with either ethics or conflicts of interest. It is recognized by the Commission that the Town presently has an Ordinance which creates a Board of Ethics and there has been much controversy over the past several years as to the Board of Ethics and how it carries on its duties. The Commission as a whole felt strongly that the provision dealing with the creation of a Board of Ethics should be a part of the Charter, not merely promulgated pursuant to a Town Ordinance. It is felt by the Commission that the Board of Ethics should properly be a part of the Charter that was not subject to potential change or elimination by a simple majority of the Town Council.

It was recognized that, although the position of the Board of Ethics would be a part

of the Charter, the duties and functions of the Board of Ethics would be determined by the Town Council. As a result, if this provision were to be adopted, both the Town Council and the electors of the Town the Town Council may be required to amend the existing Ordinance dealing with ethics to be consistent with this new section of the Charter.

This new proposed section in addition to creating the Board of Ethics section (c) specifically states that an individual who is found by the Board of Ethics to be in violation of the Code of Ethics shall be publically censured and encouraged by the Board of Ethics and Council to resign his or her position. It should be noted that there were members of the Commission who felt that this provision should have stronger language, however, any stronger language would have contractual implications as well as potential statutory implications. As a result, the Commission was advised by the Town Attorney that any stronger language may run afoul of existing Town employment contracts and State Statute.

The Commission also has voted to include a section in the Charter relating and defining “conflicts of interest” which is not presently contained within the Wethersfield Town Charter. Again, the Board of Ethics, which is appointed by the Town Council under existing Town Ordinance, would have the authority to make rulings under this section.

#### ADDITIONAL REVISION

There are a number of sections of the Wethersfield Charter which refer to the term

“qualified electors” The Commission proposes to eliminate the term “qualified electors” wherever it appears in the Charter and maintain the term “electors “ only. The reason for this Change is that any elector in the Town of Wethersfield is automatically a “qualified elector” and the use of the word “qualified is superfluous.