

CHARTER REVISION COMMISSION

DRAFT REPORT

May 22, 2008

On January 28, 2008, the Town Council established this Charter Revision Commission (hereafter "CRC") in order to "*review the Stratford Charter and make recommendations as to any changes, amendments, modifications or clarifications*" that in the opinion of the CRC should be considered by the Town Council and the people of the Town of Stratford. Subsequently, on February 11, 2008, the Council made specific suggestions as to certain issues which should be considered by the CRC. These suggestions were as follows:

- a. Per Mr. Forrester: Possibility of changing the appointment process for the Ethics Commission from the Mayor to the Town Council. Clarify any inconsistencies in the Charter.
- b. Ms. Wanamaker: Look at requiring a larger number of people to sign the petition to create a Charter Revision Commission.
- c. Mr. Stroomer: Clarify the verbiage in Section 2.2.15 of the Charter.
- d. Mr. Henrick: Look at the Mayor's ability to veto resolutions.
- e. Mayor Miron: Review every section of the Charter.

The CRC met a total of nineteen times and considered a wide range of issues including the aforementioned suggestions from the Council, those suggestions advocated by the Committee that originally put forth the Charter Revision Petition, and those received from speakers at the initial public forum and members of the CRC itself. In addition, there presently exist many archaic portions of the Charter where statutory enactments have now superseded those Charter provisions, many of which have existed since the original 1921 Charter. These provisions were also considered for

revision in accordance with present law and practice, appear in this Draft Report as “technical changes”, and are discussed in Exhibit A. The result of the CRC’s efforts is attached as the proposed revisions to the Charter. These proposed revisions are shown in the text in two colors, the “green” revisions being the “substantive” revisions recommended by the CRC, and the “purple” revisions encompassing those “technical” changes made to eliminate the archaic portions of the Charter. All proposed additions to the Charter are underscored, and all deletions are crossed out.

Operationally, the CRC chose not to recommend wholesale and radical changes to the Charter, but rather, to address specific issues which had surfaced during the two years since the advent of the mayoral form of government. The basic philosophy behind these proposed revisions is that the citizens of Stratford are better served with a government that contains more checks and balances between the Council and the Mayor than presently exist, so that an overabundance of power does not reside in either the executive or legislative branches of government.

Reflecting that philosophy, the CRC recommends eliminating the Mayor’s power to veto resolutions of the Town Council and the power to veto only a portion of ordinances passed by the Council (i.e., the “line item veto”), except for the budget ordinance [Section 1.2(6)]. Additionally, the CRC recommends modifying the Mayor’s unilateral power to appoint the members of most boards and commissions by providing for Council approval of those appointments, including appointments to the Ethics Commission [Section 1.4]. In a similar vein, the CRC recommends changing the present appointment process for the Office of Town Attorney by eliminating the unilateral right of the Mayor to appoint the Town Attorney and by substituting in lieu

thereof a process whereby the Mayor's appointment of the Town Attorney is subject to being overridden by a supermajority of the Town Council. Furthermore, in order to guarantee that information is available to the Town Council and citizens of the Town of Stratford, the CRC recommends expanding and strengthening the Council's power of investigation [Section 2.2.15], and requiring the regular disclosure of information by the Mayor to the Council regarding the hiring of Town employees [Section 1.2.14]. Finally, in order to insure the Council's power over the purse remains inviolate, the CRC recommends that the Charter clearly state that the Council, not the Mayor, has the power to approve monetary transfers between departments [Section 2.2.1].

However, so as not to unduly restrict the Mayor's powers and to further maintain the concept of checks and balances, it is further recommended that the Mayor retain the unilateral power to appoint and terminate the directors of municipal departments [Section 1.2.(13)], that the principle that the directors and the Chief Administrative Officer (CAO) are employed on an "at will" basis be reaffirmed [Sections 5.1.2 and 5.2.6], that the power to veto Council ordinances be retained, subject to the Council's power to override such a veto with seven votes [Sections 1.2(6) and 2.2.2], and that the Mayor's power to break 5-5 ties on any ordinances or resolutions of the Council be similarly retained. The CRC also recommends that the position of Mayor be a fulltime position, but that any "business interests" a Mayor has need not necessarily be relinquished so long as the Mayor does not engage in any day-to-day activities of any such business.

The CRC also addressed the question of the line of succession, both in the event of the temporary absence or disability of the Mayor, and in the event of a vacancy in the

office of Mayor. The CRC felt that absence should be determined from the perspective of the ability to carry out the duties of the office and that the Mayor should not necessarily be considered “absent,” even if the Mayor is in another geographic location, so long as communication with the CAO is available and so long as the circumstances do not require the physical presence of the Mayor in Stratford. However, the CRC felt strongly that any absence or disability or vacancy in the office should be filled by the Council Chairman, i.e., an elected official, rather than a Town employee such as the CAO. The CRC also strongly felt that the powers of the Council Chairman, when serving as Acting Mayor on a temporary basis, should be limited and that as Acting Mayor the Council Chairman should have no power to permanently hire or terminate any department director, no power of veto, and no power to break ties in votes on the Council (all contained in Section 1.3). It was felt that these limitations should act as a check to any ability of an Acting Mayor to make radical changes to the policies of the incumbent administration and should thus promote consistency in government.

Finally, the CRC rejected the recommendation of the Town Attorney to eliminate the unique powers of the electorate such as Recall, Referendum and Initiative by deleting them from the Charter. Although mindful of the legal theory that the recent revision of the Charter completed in 2003 resulted in Stratford becoming a “Home Rule” rather than a “Special Act” municipality, thereby depriving Stratford of the right to recall elected officials, the CRC felt strongly that no changes should be made to the Charter in this regard, and that these special powers should be retained.

The above is a summary of the “substantive” revisions that the CRC recommends be made to the Charter. It is not all-encompassing, and the complete text

of all revisions recommended by the CRC is attached hereto. For the record, all suggestions of the Council in establishing the CRC have been considered and dealt with as set forth above, with the sole exception of the suggestion from Ms. Wanamaker that the creation of a charter revision commission by petition require more signatures. This is a matter of state statute and the CRC has no power over this. Additionally, the concept of a "run-off" election for the office of Mayor was discussed, but was found to be unlawful under present state election statutes. Finally, certain proposed sanctions (such as suspension, forfeiture of office, fines, etc.) designed to assure that the Mayor and other Town officials comply with the mandates of the Charter were found to be unlawful, except for certain sanctions within the Ethics Commission Ordinance, and were not pursued further by the CRC.

The CRC wants the Council to be aware of three areas of concern in considering this report. First, if the Council decides to send these proposed revisions to the electors at the November 2008 regular election, there are strict time lines that must be met. The Town Attorney's Office will provide the Council with the time periods at which the process must unfold if the November election is to be met. This will require the Council to act with speed in calling a public hearing, discussing our recommendations, etc., and may well result in the necessity of having special meetings in the midst of the Council's already crowded schedule. Secondly, the Connecticut General Statutes Section 7-191 provides that if the proposed revisions are approved by the voters, the revisions are effective thirty (30) days following the approval. For that reason no specific effective date is set forth in the report. Finally, in its review of the Charter, the CRC found that there is no provision in the Charter mandating the competitive bidding process and the

awarding of contracts to the “lowest responsible bidder” in regards to the construction of most municipal buildings. Inasmuch as such a provision does not ever seem to have been part of the Charter, and since there are certain ordinances in the Town Code which can be interpreted to require a competitive bidding process, the CRC decided not to make such a change at this time. The Council may well wish to review these ordinances and to amend them to clearly require such a process for construction of municipal buildings.

EXHIBIT A

SUMMARY OF TECHNICAL CHANGES TO THE CHARTER

As part of the Commission's review of the Charter, it became obvious that there were many provisions of the current Charter which had become obsolete or antiquated as a result of changes in state law. In addition, we found that a number of provisions were not well written. The Commission made a decision, early on, that it was important that these provisions be identified and, where appropriate, amended, to ensure that they are now technically correct, or, if outdated, or if the state legislature has taken action to supersede the provision, removed.

These changes included items as simple as properly numbering Section 1 of the Charter, to ensuring that any statutory references in the Charter are correctly cited, and providing language to take into account, that should those state statutes be amended in the future, that those amendments would be tracked in our Charter.

We found that there were a number of positions in the Charter that no longer existed, or had had their titles changed by state law. By way of example, the current Charter references a Dog Warden and a Deputy Dog Warden. Those positions had been changed by the state legislature some time ago, and are now referred to as Animal Control Officers. The position of Health Officer had been eliminated by the state legislature and replaced by the office of Health Director. These changes were made. Additionally, we changed the title of the Board of Tax Review to the Board of Assessment Appeals, again representing a change in state law.

Throughout the body of the current Charter, there were numerous references to the county sheriff and the Court of Common Pleas. Both of these entities no longer exist and those provisions have been removed.

In Section 1 of the Charter, although it is understood that the Mayor serves a term of four years, we added language indicating that there would be an election held every four years for the office of Mayor.

Section 2, which deals with the Town Council, required certain modifications. The provision dealing with the Qualifications of Council Members was amended to indicate that a Council member would forfeit their position if they were convicted of a felony during their term of office.

Currently, the Charter requires that the Mayor and Director of Finance sign all payments for invoices owed by the town. In today's economy, many payments are made by electronic means, and no paper, and therefore, no signatures, are utilized. We changed the language to require all payments to be authorized by the Finance Director and Mayor, thereby, eliminating the need that each specific payment have a signature, but only that there be a written and signed authorization to make the payment.

Section 5.6.7, having to do with the Audit of Accounts, was rewritten to make the section more understandable and grammatically correct.

Section 5.8.1 was rewritten to make it clear that the Town Council is required to approve all wage and salary schedules for town employees.

Section 6.4.7 – 6.4.9, having to do with sewerage systems were rewritten so as to reference the current WPCA set up that has been developed by the state and federal government and has been in place for decades.

Section 7, having to do with Town Elections was amended to include the nomination for all land use boards, which are elected offices but for which our Charter provided no nomination procedure or election procedure.

The Commission also amended the Redistricting provisions to bring our Charter into conformance with state law regarding timing of redistricting.

The Commission also corrected spelling, grammatical and syntactical errors. Where it was appropriate and made good drafting sense, the Commission broke up sections into subsections.

The goal of the technical revisions was to ensure that our Charter, on a going forward basis, was fully compliant with state law, and that the language would take into account any changes which may be made by our state legislature which would impact specific sections of our Charter. The Technical changes do not, in our opinion, substantively change the meaning or intent of the previous language, except in those instances, such as the sewerage system provisions, where state law has completely consumed the area and has set forth the procedure which must now be, and is, in fact, utilized by the Town.