

MEMORANDUM

To: Personnel Sub-Committee
From: Thomas F. Cooke – Director of Administrative Services
Re: **Charter Revision Commission History**
Date: February 3, 2015
CC: Lisa Heavner – First Selectman



You have asked for (1) information on the steps involved in the Charter Review process; and (2) historical data with respect to Charter Revision Commissions in the Town of Simsbury and with a particular focus on the form of government.

A letter from Town Counsel to the First Selectman dated January 27, 2011 and setting forth the Charter Revision requirements is attached.

I am also attaching a memorandum prepared by Brandon Robinson in 2001 which contains information on Charter Revision studies from 1985 through 1999.

Two additional Commissions have met since then – the Ninth Charter Revision Commission (beginning in 2004 and concluding with changes to the Charter implemented in 2007) and the Tenth Charter Revision Commission (beginning in 2010 and concluding with changes to the Charter in 2012). A brief summary of the last two Charter Revision Commission activities follows:

Ninth Charter Revision Commission (2004-2007)

The Commission specifically considered the Town's form of government, including whether the Town should have an elected First Selectman or a Town Manager (as directed by a Memorandum from the First Selectman). As spelled out in the attached selection from the Commission's Draft Report, the Commission voted to continue with the present First Selectman form of government. (Draft Report dated November 17, 2005.)

After receiving the report, the Board of Selectmen asked that the Commission consider adding the position of Director of Administrative Services to the Charter. In its Final Report, the Commission declined to do so, stating that a "new First Selectman should be able to appoint a new Director of Administrative Services if

he or she believes it is appropriate to do so.” (Final Report dated January 27, 2006.)

Tenth Charter Revision Commission (2010-2012)

The Commission considered the Town's form of government and heard testimony from two former Town Managers (the Commission's Final Report dated March 27, 2012 is attached). Its final recommendations did not include changing Simsbury's form of government. It did include a revision to Section 502, Duties of the First Selectman, providing that the First Selectman, with approval of the Board of Selectmen, can appoint another Town officer as the Personnel Director. This change became effective January 1, 2013.



Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

August 28, 2001

MEMO TO: ANITA L. MIELERT
FROM: *BR* BRANDON ROBERTSON
RE: SUMMARY OF CHARTER REVISION STUDIES

Per your request, I have summarized the recommendations of the four most recent Charter Revision Commissions. I have also provided brief summaries of the report by the Simsbury Commission on Government, issued in 1994, and the report of the Simsbury Town Manager Study Committee, issued in 1997. I have paid particular attention to the recommendations made by these Commissions regarding the role of the First Selectman.

1999 Charter Revision Commission

The Board of Selectmen requested that this Commission review the current form of the Town government and determine whether a Town Manager was appropriate for the Town. Other topics studied included:

- The powers of the Chief Executive Officer
- The Board of Finance and budget issues
- Land use commissions and the approval process
- The Police Commission
- The Town Meeting/Referendum Process
- Appointed and elected offices and lengths of terms
- Form of government options under Section 7-193 of the Connecticut General Statutes including, representative Town Meeting and Town Manager

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The Commission made a number of recommendations. Several of the comments of the Commission focused on the role of the Chief Executive Officer. The recommendations of the Commission are summarized below:

- The Commission recommended extending the term of the First Selectman to four years. The Commission noted that there are benefits that accompany a longer tenure of a chief executive. It was also noted that the extension of the term gives the First Selectman time to implement policy changes on which they campaigned and were elected. It was also noted that the longer term may serve to attract more candidates for the office who otherwise would not risk leaving the private sector for the uncertainties of biennial runs for office.
- The Commission concluded that the First Selectman is a weak executive officer. Specifically, the group concluded that the First Selectman's ability to hire, direct and discipline key town officers is impaired by several provisions in the Charter that require the consent of the Board of Selectman and other commissions. The Commission concluded that the First Selectman should have the same discretion in the appointment of key town officers as the governor and president have in the appointment of their cabinet officers.
- The Commission noted that the chief executive's lack of authority creates confusion with the public. The public perceives the First Selectman as fully responsible for the policies and administration of all municipal departments and services. However, the Charter does not provide such authority. The Charter imposes two masters on a number of key administrative positions. For instance, the Finance Director and the Director of Culture, Parks and Recreation report to the First Selectman and to their respective boards and commissions. The Commission concluded that it is difficult for the First Selectman to implement policy changes when administrators are not subject to his/her complete authority.

1997 Town Manager Study Committee

A Town Manager Study Committee was convened in 1997. The mission of the Study Committee was as follows:

- Inform itself about the characteristics of a Town Manager form of government.
- Review the experiences of other towns, which have adopted a Town Manager form of government.
- Examine the work that various Charter Revision Commissions have done with respect to this issue.
- Solicit public input.
- Consider how a change to a Town Manager form of government would affect the existing governmental structure.
- Assess how a change to a Town Manager form of government would impact the Town in various ways, including but not limited to, accountability, responsiveness to the public, efficiency in operations and cost effectiveness.
- Produce a report that summarizes its conclusions, and, to the extent that there is consensus, any recommendations that it may choose to make.

Based on its study, the following recommendations were made:

- The Board of Selectmen moved to convene a Charter Revision Commission with a mandate to examine the role of the First Selectman as contained in the present Charter with a view toward separating the management and administrative duties from the legislative, ceremonial and political leadership duties of the position.
- That the Commission be requested to review, in detail, the report together with the meeting minutes of the Town Manager Study Committee, the information contained in the reference file at the Simsbury Public Library, the SCTV tapes of meetings, forums and invited academic guests and all other materials collected by this Committee.
- That the Commission be advised that the experience of other Towns indicates that lack of focus and dealing with too many elements of a Charter in one recommendation for change may lead to public confusion and inaction on necessary changes.

1994-1995 Charter Revision Commission

According to the official report, the Seventh Charter Revision Commission was formed because of the dissatisfaction of residents with the special Town Meeting that was held to consider a long-term lease involving the World Skate Development in the north part of Simsbury. According to the report, residents expressed a lack of satisfaction due to the following reasons:

- Questions were moved too quickly so that people who were prepared to speak were not allowed to.
- Some individuals that voted were not eligible to do so according to established criteria.
- There was an inadequate amount of parking spaces available.
- There was an inability of residents to attend due to employment or child-care needs.
- There were inadequate facilities to accommodate 10% of the electors.
- The Town has grown in size and the Town Meeting is no longer an efficient way to conduct business.

The Charter Revision Commission considered whether to eliminate the Town Meeting and allow residents to decide public policy questions by referendum or by allowing the Board of Selectmen to decide questions that have been historically decided by Town Meeting. The group concluded that the Town Meeting should be retained. The Commission also made a number of technical recommendations regarding the Town Meeting format, including the annual budget meeting, special boards and commissions, the appointments of alternates to the Building Code Board of Appeals, and the day of the week that the referendum should fall on. The 94-95 Charter Commission was silent on the role of the First Selectman.

1994 Simsbury Commission on Government

The Simsbury Commission on Government was formed in January, 1993, by the Board of Finance and approved by the Board of Selectmen. The group consisted of 15 members of varying party affiliation. According to the mission statement adopted by the group, "The Ultimate Objective of the Study was (is) to provide a blueprint for management of the Town into the next century.(3)" The group made recommendations regarding the operations of both the Town Government and the Board of Education. The Simsbury Commission on Government recommended the following:

- A permanent Long-Range Planning Steering Committee should be established.
- A permanent Information Technology Steering Committee should be established.
- An improved and timely communications process with the voters must be established.
- Cooperative delivery of services by General Government and the Education Department should be pursued.
- A savings incentive budget should be introduced.
- A formal review of current and future service delivery programs with respect to collaboration of departments and, where appropriate, with other towns should be required.
- Use a longer range planning budget horizon.
- Enhance the accounting system to provide simple analysis of program service costs on a net basis to show true cost of operations.
- Strengthen the financial operations.
- Require fiscal impact studies for major policy and program changes.
- Strengthen cross training among departments.
- Publish a policy manual.

1992 Charter Revision Commission

The Charter Revision Commission submitted a final report to the Board of Selectmen on September 17, 1992. Again, as in the past, this Commission studied the possibility of adopting the Town Manager form of government. There was a conspicuous lack of public support for this option. The Commission was largely silent on the role of the First Selectman. However, the Commission did consider expanding the ability of the First Selectman to spend funds in the event of an emergency. This expansion of power was not approved. The following is a summary of the recommendations that were made:

- The Commission recommended retaining Simsbury's Board of Selectmen form of government over the proposed Town Manager form of government.
- The Commission recommended requiring that annual budget votes and other Town Meeting votes involving amounts over three percent of the current budget be voted on by automatic referendum.
- The Commission recommended the creation of a separately appointed five member Police Commission which would (1) establish Police Department policies, (2) investigate citizen complaints, (3) recommend to the Board of Selectmen candidates for Police Chief, (4) be responsible for all other Police Department personnel matters and (5) have joint responsibility (with the Board of Selectmen) for establishing procedures for conducting collective bargaining negotiations with Police Department unions.
- The Commission recommended empowering the Board of Selectman with (1) the right to appoint all members of the Police Commission, (2) budget authority (after input from the Police Commission) over the Police Department budget, (3) final authority to hire and fire the Police Chief and (4) final approval of collective bargaining agreements with Police Department unions.
- Allowing the Town to hire its Police Chief for a specified, rather than indefinite, term if it chooses.
- Reducing bureaucracy by reconstituting the Human Services Commission and its three subcommittees into two independent commissions, a commission on Health and Welfare and a commission on Aging and Disability.
- Retaining the current status, power, make-up and or authority of the Board of Finance, Library Board, Design Review Board, Economic Development Commission, Fair Rent Commission, Juvenile Review Board, Public Safety Subcommittee, and Housing Authority.
- Making certain technical amendments to the Charter, including recognizing the permanent status of the Historic District Commission, and simplifying the descriptions or composition of certain boards, committees and personnel positions described in the Charter.

1985 Charter Revision Commission

At a meeting held on April 3, 1985, the Board of Selectmen of the Town of Simsbury appointed a Charter Revision Commission pursuant to Chapter 99 of the General Statutes. The Commission was given the following charge:

- Study the four major forms of local government in Connecticut.
- Concentrate on the role of the Chief Executive Officer.
- Consider the three proposed Charter revisions contained in a voter petition previously submitted to the Board of Selectmen.

The three proposed Charter revisions previously submitted to the Board of Selectmen were the following:

- The appointment of a Town Manager to serve as the Chief Administrative Officer
- The assignment to the Town Manager of responsibility for preparing the Town budget and supervising all Town employees
- Review of the specific powers and duties of the elected and appointed boards and commissions.

Based on its review, the Commission made the following recommendations:

- It did not recommend a change in the form of government.
- It did not recommend any other changes in the Charter at the time of the review.
- The Commission concluded that the residents of the Town of Simsbury should be given an opportunity to express their opinion as to whether or not they favor retaining the existing Selectmen/Town Meeting form of government.

Town of Simsbury, Charter Revisions

1958	First Charter
1962	First Charter Revision Commission (New charter was not adopted.)
1972 1975	Second Charter Revision Commission Adopted.
1977 1978	Third Charter Revision Commission Adopted.
1983 1984	Fourth Charter Revision Commission Adopted.
1985	Fifth Charter Revision Commission Commission does not recommend any changes.
1991 1992	Sixth Charter Revision Commission Adopted.
1994 1995	Seventh Charter Revision Commission Adopted.
1998 1999	Eighth Charter Revision Commission 8/3/99 BOS does not send report to referendum.
2004 2006 2007	Ninth Charter Revision Commission Adopted by referendum at State Election 11/3/06. Effective 1/1/07
2010	Tenth Charter Revision Commission