

**TOWN OF BROOKFIELD
BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING**

The legal voters and residents of the Town of Brookfield are hereby notified that the Board of Selectmen will conduct a Public Hearing in Meeting Room 133 at the Brookfield Town Hall at 100 Pocono Road in Brookfield, CT on **Thursday, April 19, 2012, at 7:00 p.m.**, for the purpose of receiving public comment and opinion concerning the Draft Report of the Charter Revision Commission proposing revisions to the Town Charter.

A copy of said Draft Report is on file and available for public inspection in the office of the Brookfield Town Clerk and on the Town's Website www.brookfieldct.gov.

Dated at Brookfield, Connecticut, this 9th day of April, 2012.

William R. Davidson
Howard Lasser
George F. Walker
Brookfield Board of Selectmen

BROOKFIELD Charter Revision Commission

Report to the Board of Selectmen
March 19, 2012



Historical Background

The Brookfield Charter Revision Commission ("CRC") was charged on January 10, 2011.

The CRC held its first public hearing on February 3, 2011 to accept comments from the public.

All public comments were collected and organized into three major categories:

- *Form of Government*
- *Fiscal Responsibility*
- *Legal/Technical Issues*

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Historical Background

CRC members formed subcommittees and contacted Brookfield Boards and Commissions to gather their individual and collective input.

Public participation was encouraged and comments were accepted at the CRC's regularly scheduled meetings.

CRC members analyzed Connecticut municipalities with populations and annual budgets comparable to Brookfield's.

A Western Connecticut State University student intern's research provided information about the role and responsibilities of town managers in some other Connecticut towns.

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Form of Government

The most common forms of government in Connecticut and other New England States include:

- *Selectmen/Town Meeting*
- *Town Manager/Council*
- *Mayor/Council*

The Brookfield Selectmen/Town Meeting form of government is common to many small Connecticut municipalities. The number of Selectmen generally ranges from three to five; however, some towns have as many as seven.

The CRC firmly believes in maintaining the Town Meeting form of government to ensure that Brookfield's voters will continue to have a strong voice in municipal elections, policy-making decisions, and fiscal accountability.

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Form of Government

The Town Manager/Council form of government has become more recognized and accepted in Connecticut municipalities to meet the growing needs of larger populations and budgets.

Since the original Brookfield Town Charter was adopted in 1975, our population has more than doubled and our annual combined budget has increased from \$5.7 million to \$55.3 million.

The CRC also considered the scope of Federal and State mandates imposed on municipalities over the past thirty-five years that have increased complexity in the day-to-day operation of municipalities.

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Form of Government

With its increasing population, budget, services, costs for such services, and compliance with Federal/State regulations, the CRC recommends the addition of a Town Manager as an appropriate Charter revision at this time.

The benefits of a Town Manager include:

- *Provides professional management skills to effectively supervise municipal employees.*
- *Provides improved efficiencies in human and financial resources.*
- *Provides continuity in pursuing longer-term objectives.*
- *Promotes economic development with increased ability to explore other sources of revenue.*

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Form of Government

Brookfield's Town Manager should meet all of the following criteria:

- *Be a qualified individual trained in public administration at an accredited college or university.*
- *Be well-prepared to act as Brookfield's Chief Operating Officer to oversee the administration of town government and its employees.*
- *Act in accordance with the policies and standards of the International City/County Management Association (ICMA — icma.org).*

The Town Manager will be an employee of the Town of Brookfield operating under the direction of the Board of Selectmen, and complying with the Charter and all ordinances.

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Form of Government

The CRC also considered the concept of a single Town Council in lieu of a Board of Selectmen and a Board of Finance.

The CRC concluded that Brookfield should continue to have both a Board of Selectmen and a Board of Finance.

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Form of Government

The CRC evaluated the size of the Board of Selectmen taking into consideration meeting quorum requirements, compliance with Freedom of Information regulations, discussions between selectmen of different political parties, and other complications.

To promote more efficiency and to provide Brookfield's residents with a more diverse and larger representation of elected officials, the CRC is recommending a Charter revision to increase the number of selectmen from three to five.

Although four-year terms — staggered every two years — were discussed, the CRC proposes that the current two-year term of office for the Board of Selectmen remain unchanged.

The Charter (including Section C₄₋₄) would also have to be amended to change the quorum from two to three members of the Board of Selectmen for the transaction of business.

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Form of Government

Unlike chairpersons of other municipal boards and commissions (which appoint or elect their chairpersons), the First Selectman is the elected chair of the Board of Selectmen who also functions as the town's Chief Executive Officer.

Consequently, the CRC considers the office of First Selectman a distinct and unique elected position, significantly different from that of a chair who is appointed or elected by its own board or commission.

With this in mind, the CRC recommends that candidates for First Selectman run only for that office, and that losing candidates ***not*** be included in the tally for Board of Selectmen seats.

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Form of Government

Recognizing a trend in the reduction of available land for the development of housing sub-divisions, the CRC evaluated the possibility of consolidating certain land use commissions to achieve greater efficiency.

Although the CRC proposed a Charter revision to merge the Planning and Zoning Commissions into a single commission, comments received the public at the January 25, 2012 public hearing lead the CRC to reconsider its position.

Based on those comments, and in the absence of a town planner, the CRC agreed to maintain separate Planning and Zoning Commissions

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Fiscal Responsibility

As previously noted, the CRC believes in maintaining a Board of Finance to provide a system of checks and balances in budgeting, expenditures, and loans.

While CRC members also considered expanding the Board of Finance to include alternates, the CRC did not receive compelling information substantiating the need for an expanded Board of Finance.

Concerned about appointing alternates who might participate in fiscal decisions on behalf of the town, the CRC believes the Board of Finance should remain a six-member elected board with the First Selectman continuing to serve in an *ex officio* capacity.

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Fiscal Responsibility

CRC recommends a Charter revision to allow for non-binding advisory questions — for either a single town budget vote or a bifurcated budget vote.

Such advisory questions must be proposed by the Board of Selectman or decided at a town meeting in advance of a budget referendum.

If it were decided that a budget referendum would include non-binding advisory questions, then the Charter revision would also stipulate that for each question three choices would be presented to the voters (*e.g.* too low, adequate, too high).

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Technical/Legal Issues

The CRC evaluated voter thresholds for petitions to overrule actions by the Board of Selectmen and referenda for ordinances, resolutions, initiatives, and special town meetings. In the current Charter, the threshold for such petitions ranges from 1% to 3% of the electors.

The CRC believes the current petition thresholds are too low and — in the interest of facilitating efficiency in government and for purposes of consistency — it recommends an increase of the voter threshold for all petitions to at least 4% of the electors.

Consistent with the above comment, the CRC recommends that a referendum to repeal an ordinance, resolution, or other actions by the Board of Selectmen would require greater than 2% of the electors favoring such a repeal (*e.g.* > 1/2 of 4%).

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Technical/Legal Issues

The CRC also considered the thresholds for special spending appropriations.

The current limit for special appropriations requiring town approval is \$20,000 or 10% of the department's current annual budget, whichever is greater.

To simplify and streamline these processes, the CRC recommends a Charter change to set the bar for special appropriations at 0.5% of the town's annual municipal budget.

All such appropriations remain subject to the approval of the Board of Finance.

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Technical/Legal Issues

The Library Board of Trustees and the Police Commissioners recommended eliminating alternate positions for their groups.

The Economic Development Commission recommended increasing its members from seven to eleven regular members.

The CRC recommends a Charter revision to allow nine regular members on the Library Board of Trustees, seven regular members on the Police Commission, and eleven regular members to the Economic Development Commission.

In accordance with CGS Chapter 128 section 8.41, the term of appointment for municipal Housing Authority board members is five years. Consequently, Addendum A of the Charter should be revised to comply with the state statute.

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Technical/Legal Issues

Section C 8-5 E of the current Charter requires the Board of Finance to act on all requests from the Board of Selectmen within 30 days of the receipt thereof.

The CRC recommends a Charter revision to allow the Board of Finance to act within 45 days of any such requests from the Board of Selectmen.

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Technical/Legal Issues

The Charter language specifies that the term for an appointed position expires with the election of a new officer rather than with the beginning of a new term, resulting in the situation where a void would exist for several weeks.

The CRC recommends that section C2-6 D of the charter be revised to stipulate that the appointee would continue to serve until an elected successor's term begins.

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Technical/Legal Issues

Section C4-3 of the Charter requires that the newly elected Board of Selectmen shall meet on the first Monday of December following its election.

The CRC proposes a technical change to require the newly elected Board of Selectmen to be sworn in prior its first meeting.

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Technical/Legal Issues

Section C8-7 of the Charter has a provision that appropriations for construction or other permanent improvements will be abandoned if three fiscal years have elapsed without any expenditure from or encumbrance of the appropriation.

Because such projects may be delayed by federal/state grant monies or other reasons, the CRC proposes a change to allow the Board of Selectmen the ability to vote for a two year extension.

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Other Non-Charter Recommendations

If the Charter revision for a Town Manager is adopted, the CRC believes all elected officials should be volunteers as one way to support the salary and employee benefits of a Town Manager. This budget issue would be decided by the Board of Selectmen, Board of Finance and the voters on an annual basis.

Based on the evaluations of other Connecticut municipalities, the CRC suggests that the Board of Selectmen consider creating a staff position for a Town Planner.

The objectives of the Brookfield Youth Commission are unclear and its current membership is not sufficient for a quorum. The CRC recommends the Board of Selectmen establish objectives for the Youth Commission and promote an increase in its membership.

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Summary of Recommendations

The CRC proposes nine ballot questions:

- The more significant Charter revisions (*e.g.* town manager, five member Board of Selectmen, voter/appropriation thresholds, etc.) should be presented as “stand-alone” or individual ballot questions.
- The technical issues — which are considered procedural corrections — can be presented as a single ballot question.

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Summary of Recommendations

No change in the Town Meeting form of government.

Employ a Town Manager under the supervision of the Board of Selectmen.

Increase the number of selectmen from three to five, and have three constitute a quorum to transact business. .

Candidates for First Selectman are eligible only for the office of First Selectman.

Revise the Charter to allow non-binding advisory questions on budget referenda; three choices must be presented to the voters (*e.g.* too low, adequate, too high).

Increase voter thresholds for all petitions to 4% of the electorate.

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Summary of Recommendations

Change the special appropriations on spending and borrowing by the Board of Selectmen with oversight by the Board of Finance.

Increase the number of full members on the Library Board of Trustees and Police Commission by eliminating the current alternate positions.

Increase the number of members from seven to eleven on the Economic Development Commission.

Expand the time for the Board of Finance to act on requests from the Board of Selectmen from 30 days to 45 days.

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Summary of Recommendations

Clarification in timing of term for appointed board and commission members who are succeeded by elected members of those boards and commissions.

Clarification that a newly elected Board of Selectmen must be sworn in prior to its first meeting.

The Board of Selectmen may vote to extend appropriations intended for construction projects and other permanent improvements for an additional two years .

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Next Steps

By statute, the Board of Selectmen is required to review and comment on the proposed Charter revisions within 45 days.

Upon completion of its review by the Board of Selectmen, the CRC is required to issue its final report within 30 days.

In either case, the CRC must be disbanded no later than May 10, 2012.

The Board of Selectmen is required to hold a public hearing on its preliminary position prior to its final decision on the Charter revisions that will be presented to the voters.

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Discussion

The CRC thanks the Board of Selectmen for the opportunity to present our work and recommendations.

We look forward to discussion and further comments.