

## CHARTER REVISION COMMISSION

May 2, 2012

Town Hall Meeting Room

A meeting of the Charter Revision Commission was held on May 2, 2012 in the Weston Town Hall Meeting Room. Present were Woody Bliss, Richard A. Bochinski, Nina Daniel, Arne de Keijzer, Kenneth C. Edgar, Jr. and Susan A. Moch. Dennis H. Tracey, III was absent.

Town Attorney Patricia Sullivan was present at the invitation of the Commission.

The meeting was called to order at 7:31 PM.

Approval of the minutes of the April 22 meeting was deferred.

The Commission then asked Town Attorney Sullivan to join the meeting. Mr. Edgar asked Attorney Sullivan whether there were any provisions in the proposed revised Charter that might be subject to legal challenge. Attorney Sullivan identified one area, namely the ability to remove elected officials, that might not withstand legal scrutiny.

First, she felt that the Commission's proposal that an elected official be subject to removal for failure to attend three or more consecutive meetings without advance notice was most likely unenforceable. With regard to removal of an elected official for misconduct or other conduct constituting "cause" under the proposed Charter, Attorney Sullivan stated that although she was familiar with several town charters that contained such provisions, the Connecticut General Statutes did not at present contain provisions enabling towns to remove elected officials. She stated that although there had been proposals to introduce such provisions into the General Statutes, they had not to date been enacted, and case law was negative. Therefore she was unable to give the Commission assurances that the removal provisions in the proposed Charter relating to elected officials were enforceable.

Attorney Sullivan addressed additional questions from Commission members regarding best practices under town charters and was of the view that each town's individual circumstances must be considered when evaluating this issue, and that generally she was comfortable that the Commission's proposed revised Charter struck an appropriate balance between competing considerations.

The Commission then considered whether it should make any changes to its proposals in response to public comment at its April 25 Public Hearing. After extended discussion, the sense of the Commission was as follows:

1. Regarding election versus appointment of the Town Clerk and Tax Collector, the Commission agreed to consider further, at its next meeting, two potential approaches to these issues. First Mr. Edgar had proposed that the Commission consider leaving the Town Clerk as an elected position, with the ability of 5% of qualified voters to call a Town Meeting to consider changing the position to an appointed one, and making the Tax Collector an appointed position. Ms. Daniel then asked the Commission to consider simply leaving the Town Clerk as an elected position and changing the Tax Collector to an appointed position.
2. In light of Town Attorney Sullivan's views (discussed above), the provision regarding removal of elected officials for failure to attend meetings should be stricken from the proposed Charter.
3. In light of concerns expressed by the First Selectman at the Public Hearing, approval by referendum of the Town's Capital Budget should be combined with approval of the Town's Operating Budget, so that voters would separately approve the Town budget (consisting of its Operating and Capital Budgets) and the Board of Education Budget.
4. The Commission agreed to consider potential changes to language pertaining to the Library Board's expenses, to be submitted by Library Board Chairman Amy Sanborn.
5. The Commission agreed to consider language to be submitted by Mrs. de Keijzer regarding the potential for the First Selectman to mediate disputes between Town Boards and Commissions.

The Commission discussed, but did not change, the provisions of the proposed revised Charter regarding term limits, the required annual budget referendum, quorum provisions at the Annual Town Budget Meeting ("ATBM"), secret ballots at the ATBM, and changes in Article 10, relating to the Town's Code of Ethics.

Mr. Edgar also took the Commission through some proposed language changes to the revised Charter and the Commission's Report.

New drafts of the Charter and Report will be circulated to the Commission based on the items discussed above.

After completion of its discussions, Mr. Bochinski made a motion to adjourn the meeting, and Mr. Bliss seconded the motion, which was unanimously approved. The meeting was adjourned at 9:40 PM.

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Kenneth C. Edgar, Jr., Co-Chair