

DRAFT MINUTES – September 7, 2013

CHARTER REVISION COMMISSION

September 6, 2013

Town Hall Meeting Room

A meeting of the Charter Revision Commission was held on September 6, 2013 in the Weston Town Hall Meeting Room. Present were Woody Bliss, Dennis Brooks, Nina Daniel, Arne de Keijzer, Kenneth Edgar, Michael O'Brien and John Stripp (by phone).

The meeting was called to order at 7:30 PM.

The Commission unanimously approved the draft minutes of its August 14, 2013 Meeting and the Public Hearing of August 28.

The Commission then considered its draft Report to the Board of Selectmen. A discussion occurred regarding the continuance of the quorum requirement under the Charter related to the Annual Town Budget Meeting. Dr. Tom Failla was invited to speak about his understanding of the prevalence and operation of the quorum in New England town meetings. After extended discussion, the Commission voted (5-2, Messers. Edgar and Brooks voting no) to reduce the quorum to 100 Qualified Voters. After more discussion, the Commission voted (5-2, Mr. Bliss and Ms. Daniel voting no) to rescind its earlier decision and modify the quorum to require that 130 Qualified Voters be present at the Annual Town Budget Meeting.

The Commission decided to hold a meeting on September 11 to finalize its Report to the Selectmen.

Finally, attached to these minutes are submissions received by the Commission after its Public Hearing of August 28.

The meeting was adjourned at 9:20 PM.

Kenneth C. Edgar, Jr., Co- Chair

Hi Gayle and Ken,

With the back-to-school-crazies at my house, I was unable to attend your Charter Revision meeting tonight. First I want to thank you (and the whole committee) for taking on the revisions (as if you both don't already have enough on your plates!). Second, I would also like to respectfully send my opinion as a resident on the ATBM/quorum issue: I am in favor of requiring a quorum to ensure a representative voice at the ATBM. Thank you, Sara Spaulding

Hi Gayle and Ken,

I'm sorry I couldn't make the meeting last night. Kids and a traveling husband. I firmly believe that so long as the ATBM is part of Weston's Charter that a quorum requirement must continue as well. The budgets are too important to be subject to the special interests of a small minority. I also believe there should be an equal opportunity to suggest increases to budgets and not just decreases.

Thanks for all of your hard work.

Best,

Shannon Nordlinger
66 Good Hill Road
Weston, CT

From: Dr. Tom Failla

Sent: Thursday, August 29, 2013 11:40 PM

Subject: Fwd: Dr., Tom Failla Comments to Charter Revision Committee

Nina, John and Woody. I attended the Town Charter revision meeting last night and did not hear anything about my suggestion in Jan. 2012 regarding the quorum issue (see the last paragraph of my Jan. 2012 e-mail included with this correspondence). I presume it got lost and I did not want to bring it up until I heard the current comments. While I don't believe we need a quorum rule for town meetings including the ATBM in Weston, I reintroduce my suggestion to be helpful as a possible compromise if a majority of the current committee is bent on having such a rule.

An important consideration related to the deliberative body called the town meeting is that it falls under Robert's Rules (11th Edition p 5 and p 543-546) as a mass meeting. In point of fact the town meeting self assembles. We also have difficulty knowing at any given time for certain how many registered voters and enfranchised tax paying property owners who not also registered voters, making a percentage quorum rule difficult to administer. So setting the quorum based on an undefined number is a slippery slope.

Instead Robert's Rule advises that "in a mass meeting the quorum is simply the number of persons present at the time since they constitute the entire membership at that time" (11th Ed. p 345) Therefore, the quorum rule is self established by the assembly. However, if this interpretation is unsatisfactory to some why not consider the idea I presented earlier of a rolling 10-year or five year average approach and apply the customary majority to this average to determine the quorum count. It essentially respects the self assembly nature of the town meeting and makes it easy to know year to year well in advance what the quorum will be for the following year. For instance if the assembly numbers are: year one 99; year two 115, year three 135; year four 246; year five 87; year six 94; year seven 122; year eight 87; year nine 456; year ten 101; the average attendance would be 154 and a majority quorum rule would mean 78 would constitute an official meeting for the next year. If in the following year, 78 folks showed up that number would be included and 85 would not. The average then would be 152 and the quorum would be 77 and so forth. Keep in mind also that while the ATBM is deliberative, it is not representative. Rather it is direct democracy. Each voter and property

owner who shows up votes for themselves so it is somewhat different from deliberative bodies that are representative like boards and commissions and representative legislatures. Robert's Rules provides some additional advice

The "requirement for a quorum is protection against totally unrepresentative action in the name of the body by an unduly small number of persons." However, in the town meeting the voters who are there constitute the deliberative body and act directly on their own behalf. If voters stay away they make a statement the matter does not concern them or they could not make the meeting or that they are content with the wisdom of those who do assemble. In the case the ATBM they also have the opportunity to vote in the referendum.

Furthermore, the town meeting is a self assembled body and the electors have the choice and freedom to show up or not. There are no, and should be no provisions in a democracy to compel electors to show up. Some representative bodies like the House of Representatives have rules that can compel members to show up to avoid quorum busting and quorum disappearing maneuvers but this should never apply to individual electors. One would hope electors take their duties as citizens seriously and participate in town meetings and certainly in any plebiscite that affords the protection of a secret ballot.

By not having a quorum we also avoid the following problem noted in Robert's Rules (11 edition p 349):

"when the chair has called a meeting to order after finding that a quorum is present, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present. If the chair notices the absence of a quorum, it is his duty to declare the fact at least before taking any vote or stating the question of any new motion—which he can no longer do except in connection with the permissible proceedings related to the absence of a quorum."

If a change is contemplated to the quorum rule be sure to consult Robert's Rules (11th edition p 346-347) "the proper procedure is to strike out the old provision and insert the new provision, which is moved and voted on as one question."

For research and discussion on town meetings, small town pressure groups and quorums see Joseph Francis Zimmerman's work "The New

England Town Meeting: Democracy in Action" The book compiled results from the six New England states in the late 1990s and found few towns with a quorum rule and those that had such a requirement use a relatively small number rather than a percentage, presumably to help avoid confusion. See page 121 for notes on Connecticut. I accessed the full text from google scholar using the following search terms "quorum + "town meeting"

Zimmerman is a professor of political science at New York state university graduate school of Public Affairs in Albany. Amazon provides the following review on the book:

In this groundbreaking study, Zimmerman explores the town meeting form of government in all New England states. This comprehensive work relies heavily upon surveys of town officers and citizens, interviews, and mastery of the scattered writing on the subject. Zimmerman finds that the stereotypes of the New England open town meeting advanced by its critics are a serious distortion of reality. He shows that voter superintendence of town affairs has proven to be effective, and there is no empirical evidence that thousands of small towns and cities with elected councils are governed better. Whereas the relatively small voter attendance suggests that interest groups can control town meetings, their influence has been offset effectively by the development of town advisory committees, particularly the finance committee and the planning board, which are effective counterbalances to pressure groups.

Zimmerman provides a new conception of town meeting democracy, positing that the meeting is a de facto representative legislative body with two safety valves—open access to all voters and the initiative to add articles to the warrant, and the calling of special meetings to reconsider decisions made at the preceding town meeting. And, as Zimmerman points out, a third safety valve—the protest referendum—can be adopted by a town meeting.

I hope you find this helpful.

Cheers Tom

No Need For A Quorum

Last week I attended the "Public Hearing" of the Charter Revision Commission. The topic of greatest interest was whether or not we need a quorum at the Annual Town Budget Meeting (ATBM). I am concerned about what I heard and who I heard it from.

The majority of speakers spoke against having a quorum, as was the case at the first public hearing in June. The tally was 11 to 9 (including those who submitted letters) against a quorum. Most of those who favored a quorum were elected officials. If one eliminates elected officials, because their budget increases might be helped by limiting the ability to vote with a quorum requirement, the tally is 10 to 4 against requiring a quorum. Clearly, the official public input, though small, is against requiring a quorum.

I was appalled that one of the Selectmen expressed his views on the subject, since the Board of Selectmen is the ultimate decider of what is placed on the ballot in November. He should have been at the meeting, as was the First Selectman, to listen, not to advocate.

I attended this year's ATBM. I observed a member of the Board of Finance in the row behind me attempting to discourage attendance at the meeting so that a quorum would not be reached. So, it is clear to me that the quorum can lead to "gaming the system".

Under Roberts' Rules, quorums apply to elected officials or appointed members of a board, who are obligated to attend meetings and participate. At a public meeting, such as the ATBM, no such quorum is necessary.

The Charter Revision Commissioners have asked for and received public input. They should now proceed to eliminate the quorum requirement from the Town Charter and move on.

If they are not listening to the public, but only to elected officials, I can only hope that come November, the voters will be given a chance to choose between having a quorum or not. After all, if the quorum is such a good idea, why would the members of the Charter Revision Commission or our Selectmen be reluctant to put the choice on the ballot on Election Day?

Martha Diamant
15 White Birch Road