

CHARTER REVISION COMMISSION

The Charter Revision Commission met at the Wethersfield Town Manager's Conference Room on Thursday, September 4, 2014 at 6:30 pm.

Present: Chairperson Dan Silver, Vice Chairperson Steve Kirsche, Louis Laccavole, Mary Pelletier (arrived at 6:53 pm) and T. William Knapp

Also Present: Town Manager Jeff Bridges

The meeting was called to order by Chairperson Silver at 6:32 pm.

Chairperson Silver ruled that there was a quorum (4) and that Commissioner Pelletier was expected at 7:00 pm.

Chairperson Silver asked if anyone had any motions regarding the minutes from the last (June 26th) meeting.

- **Vice Chairperson moved to accept the minutes, seconded by Commissioner Laccavole. All Commissioners present voted "AYE" unanimously. Motion passed. 4-0-0**
- **The motion and second were withdrawn due to only 2 Commissioners present who attended said meeting. Will be voted on at the next meeting.**

Public Comment

- Robert Young (20 Coppermill Rd)
 - Mr. Young spoke on Ethics and his hope that the Commission comes up with tough rules and an ombudsman that people can go to in the event of a problem. Regarding Section 601, he would like the Finance Director to report directly to the Town Council.
- Paul Copp (100 Executive Sq)
 - Mr. Copp feels that the Commission is completely hampered by State law as far as Ethics and therefore should ignore State law.

Agenda Items

- **Vice Chairperson Kirsche moved to change the order of the Agenda items to D, A, B, C, seconded by Commissioner Laccavole. All Commissioners present voted "AYE" unanimously. The motion passed. 4-0-0**

D) Discussion on Timeline for Completion of Commission's Work

- Chairperson Silver stated that he and Vice Chairperson Kirsche met approximately a week prior to discuss where the Commission stands as it appears that they are nearing the end of their work. He is hoping that the Commission will be able to complete most of their work at this or the next meeting.
- He stated that there are a few topics that the Commission has not voted on yet. One would be the ethics question and the other would be the vote on the wording on the Town Clerk amendments to Sections 501 and 404. Also outstanding is the issue of the use of the term "qualified" electors in the Charter document.
- Vice Chairperson Kirsche stated that the last item was voted on at the last meeting (June 26th). Commissioner Knapp is concerned that removing the term may seem suspicious to voters, and that adding the term "qualified" may be better received.

- Chairperson Silver stated that his understanding that once the Commission completes their work is that they have to draft a report encompassing the suggested changes. Once the report is drafted, they must hold Public Hearing before the report is presented to the Town Council. The report is then presented to the Council for review. Then the Council meets with the Commission to discuss the changes. The Council must then have a Public Hearing to discuss their changes, after which they submit their changes to the Commission for approval and adoption. Lastly, it goes back to the Council for final approval and inclusion on the ballot. The Commission would have no control over when that would appear on the ballot.
- Vice Chairperson Kirsche again stated that the issue of “qualified” electors had been voted on, so in order to reopen discussion someone from the prevailing side would have to bring up the topic for review. As such Chairperson Silver and Commissioner Knapp would not be able to do so as they were not present when the vote was taken. Chairperson Silver is concerned about the amount of times the term appears and how the ballot would have to read.

A) Final Discussion and Vote on Ethics Provisions

- Chairperson Silver referred the Commission to Proposal 3 (attached), as sent by Atty. Chappell. He stated that anything that the Commission adopts as far as Ethics would require the Council to amend the present Code of Ethics ordinance to comply with the Charter.
- Vice Chairperson Kirsche referenced Mr. Young’s comment about an ombudsman. He is hesitant to elevate one person to that position without having to answer to the public. He feels that issues should be broached with the Chairperson of the Town Council, if not the Manager. Chairperson Silver states that under the ordinance, anyone can bring up an issue with the Ethics Commission. Vice Chairperson Kirsche states that going to the Ethics Commission makes it an issue of public record and that people may want to be able to address it quietly before reaching that point. The Commission further discussed the merits of the system that is currently in place.
- Chairperson Silver opened the discussion on Proposal 3. Commissioner Pelletier stated that she was very pleased with this proposal. Chairperson Silver indicated that he will vote in favor of this, as it appears to be the consensus of the Commission, but that he is not totally pleased with it as he doesn’t feel it is necessary. Vice Chairperson Kirsche expressed his wish that they could do more, but agrees with Mr. Copp that they are hampered by State law.
- **Vice Chairperson Kirsche moved to accept Proposal 3 and add it to the Charter, seconded by Commissioner Knapp. All Commissioners present voted “AYE” unanimously. The motion passed 5-0-0**

B) Review, Discussion and Vote on Sections 6, 7, 8 and 9

- Vice Chairperson Kirsche expressed his desire to know more about the integration of monies from the Board of Education and the Town – how it flows and who is responsible for what and what checks and balances are in place. He would like to have the Finance Directors from both the Town and the Board of Education meet with the Commission and the Town Manager to explain the process, especially considering the size of the budget.
- Town Manager Bridges then explained how the Town and Board of Education share services.

- There is only one Finance Director for the Town of Wethersfield, per the Charter. That position manages all of the money, even though the monies allotted to the Board must stay with the Board by State statute. The Finance Director manages the one accounting system, banking system, the audit for the Budget & Finance Committee. There is one pension plan, one health plan for the Town it is just split into the different pots. The Board handles their own payroll and pays their own bills.
- Vice Chairperson Kirsche asked for clarification on Section 601 “...*within one hundred twenty (120) days of the conclusion of each fiscal year, a report covering all financial transactions of the town for such fiscal year, the Council may extend the deadline...*”
 - Town Manager Bridges stated that they have taken it to mean that the audit by the outside auditors is done. This includes the Board of Education, the Library, etc.
- Vice Chairperson Kirsche if there is something in place at the Town level to find the extraneous/unjustified expenditures at the end of the fiscal year. Such as departments rushing to use up monies for fear of “losing” it for the next year’s budget. Commissioner Pelletier also expressed her displeasure at this practice. Town Manager Bridges then explained some reasons for this and some incentives (Capital Improvement Fund) to avoid such “June Binges,” although he has not really seen it happen in Wethersfield.
- Chairperson Silver referenced his experiences in Town government that had members of the Town Council closely monitoring expenditures.
- Commissioner Laccavole asked how many people work in Finance between the Town side and the Board of Education side, to which Town Manager Bridges responded approximately 10 (5 on each side). Commissioner Laccavole expressed that it seemed that some of the duties were redundant and couldn’t the number be brought down to 9 or 8 ½?
- Vice Chairperson Kirsche feels the day-to-day operations are not for the Commission to determine, but what is the optimal way to ensure that the money is being spent correctly and that it is controlled.
- Town Manager Bridges explained the information that needs to be presented to the Council for the budget to aid in avoiding overspending.
- Chairperson Silver feels that there is really nothing that can be added to the Charter for this issue.
- Commissioner Pelletier advised looking at spending for the first 3 quarters.
- Vice Chairperson Kirsche again expressed his desire to have those in charge of the Finances justify what they do to the Commission which would serve to show those responsible that the Commissioner does have the ability to change things.
- Chairperson Silver does not see the benefit of a “Czar” to the Town. He feels that the checks and balances are in place.
- Commissioner Laccavole referenced the Town budget book and praised the fact that one can turn to any department and see in 2 pages what the department accomplished, what is important to the department and how much it spends. However once one reaches the Board of Education section, instead of listing graduation rates and standardized test scores, the big accomplishment was raising the budget over the previous year.
- Town Manager Bridges stated that a Financial “Czar” being added to the Charter would make a significant impact to the Town’s organizational structure. Clarification on who would appoint, manage and/or trump the “Czar,” as well as the relationships between that person and everyone else.

- Commissioners Laccavole and Pelletier feel that this issue is even more important than the Town Clerk issue dealt with at prior meetings and should be pursued further.
- Chairperson Silver indicated his hesitance and opposition to making any changes without knowing the consequences. He feels an independent consultant would be needed which could be costly.
- Vice Chairperson Kirsche feels that is the Charter's responsibility to ensure that the Town's government is being run optimally.
- Chairperson Silver suggested perhaps setting up a workshop with all the pertinent players in which to avoid the need for a consultant, which Vice Chairperson Kirsche supported.
- Commissioner Pelletier referred to Chapter 6 where it indicates the option to regionalize the Health Department, and asked if there are other opportunities for regionalization.
 - Town Manager Bridges explained that there is some regionalization in the form of the Capitol Region Council of Governments.

The next meeting will be held on Thursday, September 18, 2014 at 6:30 pm.

Commissioner Knapp moved for adjournment. Commissioner Pelletier seconded. All those present voted AYE unanimously. The motion passed. 5-0-0

Meeting adjourned at 8:32 pm.

Respectfully Submitted,

Sónia Betz, Secretary

Ethics (entirely new)

At the last meeting the Commission again discussed the possibility of suggesting the addition of a conflict of interest/ethics provision to the Charter. Two alternatives were provided, along with some discussion regarding the proposals, including a potential conflict with the Town's existing Ethics Code. The Commission requested essentially the merging of Proposal 1 and Proposal 2 from the June 6, 2014 memo. Below is "Proposal 3" which is a draft based on the Commission's request, but in its consideration the Commission is advised to refer to the June 6, 2014 memo once again. While these entire sections would be new to the Charter, language changes from the former Proposal 1 and 2 of interest are shown in redline.

Proposal 3:

§ _____. Board of Ethics

- (a) There shall be a Board of Ethics, consisting of five resident electors and three alternates, appointed by the Council, pursuant to § 7-148h of the Connecticut General Statutes. Each member of the Board of Ethics who was appointed prior to the adoption of this provision and in accordance with the Code of Ethics shall remain a member of the Board of Ethics and fulfill the remainder of his term. The composition of the Board of Ethics, appointment, term, and term limit of members of the Board of Ethics shall otherwise be governed by the Code of Ethics.
- (b) The Board of Ethics shall have all the powers and duties now or hereafter conferred by the General Statutes, this Charter, the Code of Ethics of the Town of Wethersfield, as amended, or otherwise conferred by the Council, including but not limited to the investigation of allegations of unethical conduct or the existence of a conflict of interest, the issuance of an advisory opinion upon request~~responding to requests for advisory opinions~~ regarding potential violations of the ~~Town of Wethersfield~~ Code of Ethics, receipt of complaints, holding hearings as necessary, and the determination whether a violation of the Code of Ethics occurred.
- (c) If the Board of Ethics determines an individual has violated the Code of Ethics or an applicable provision of this Charter, such individual shall be publically censured and encouraged by the Board of Ethics and the Council, the Board of Education, or other applicable appointing authority to resign from his or her position. This section shall not be construed to supersede or otherwise impact any provision of an individual's collective bargaining agreement.

§ _____. Conflict of Interest

In addition to the provisions of the Code of Ethics of the Town of Wethersfield, as amended, Any elected or appointed officer, any member or individual appointed by the Council including the Manager and any individual appointed to any board, commission, committee, or agency, who has a financial interest in any matter to be acted upon or coming before his board, commission, committee, or agency, shall make full record disclosure in writing of that interest, which shall be incorporated into the minutes of such board, commission, committee, or agency, and a full copy of such minutes shall be filed in the office of the Town Clerk, and he or she shall be disqualified to act in any way upon such matter. Violation of this section with knowledge, express or implied, of any person or corporation participating in such matter or decision shall be an additional ground for appeal, which shall nullify the action of such board, commission, committee, or agency upon appeal to the appropriate court.

The Board of Ethics shall have the authority to determine the existence of a conflict of interest pursuant to this section or the Code of Ethics. An individual who violates this section shall be publically censured and encouraged by the Council to resign from his or her position.



Substitute Senate Bill No. 815

Public Act No. 13-60

**AN ACT CONCERNING THE CONSOLIDATION OF
NONEDUCATIONAL SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 10-222 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Each local board of education shall prepare an itemized estimate of the cost of maintenance of public schools for the ensuing year and shall submit such estimate to the board of finance in each town or city having a board of finance, to the board of selectmen in each town having no board of finance or otherwise to the authority making appropriations for the school district, not later than two months preceding the annual meeting at which appropriations are to be made. The board or authority that receives such estimate shall, not later than ten days after the date the board of education submits such estimate, make spending recommendations and suggestions to such board of education as to how such board of education may consolidate noneducational services and realize financial efficiencies. Such board of education may accept or reject the suggestions of the board of finance, board of selectmen or appropriating authority and shall provide the board of finance, board of selectmen or appropriating

Substitute Senate Bill No. 815

authority with a written explanation of the reason for any rejection. The money appropriated by any municipality for the maintenance of public schools shall be expended by and in the discretion of the board of education. Except as provided in this subsection, any such board may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate. Boards may, by adopting policies and procedures, authorize designated personnel to make limited transfers under emergency circumstances if the urgent need for the transfer prevents the board from meeting in a timely fashion to consider such transfer. All transfers made in such instances shall be announced at the next regularly scheduled meeting of the board and a written explanation of such transfer shall be provided to the legislative body of the municipality or, in a municipality where the legislative body is a town meeting, to the board of selectmen. Expenditures by the board of education shall not exceed the appropriation made by the municipality, with such money as may be received from other sources for school purposes. If any occasion arises whereby additional funds are needed by such board, the chairman of such board shall notify the board of finance, board of selectmen or appropriating authority, as the case may be, and shall submit a request for additional funds in the same manner as is provided for departments, boards or agencies of the municipality and no additional funds shall be expended unless such supplemental appropriation shall be granted and no supplemental expenditures shall be made in excess of those granted through the appropriating authority. The annual report of the board of education shall, in accordance with section 10-224, include a summary showing (1) the total cost of the maintenance of schools, (2) the amount received from the state and other sources for the maintenance of schools, and (3) the net cost to the municipality of the maintenance of schools. For purposes of this subsection, "meeting" means a meeting, as defined in section 1-200, and "itemized estimate" means an estimate in which broad budgetary categories including, but not limited to, salaries,

Substitute Senate Bill No. 815

fringe benefits, utilities, supplies and grounds maintenance are divided into one or more line items.

Approved June 3, 2013