

DRAFT REPORT OF CHARTER REVIEW COMMISSION

Under a Resolution dated June 13, 2017, this Charter Review Commission was tasked with four charges, as follows:

1. Review of Section 6.5.6 – Annual Budget Meeting; Town Meeting vs. Referendum
2. Review of Section 2.2.4 – Board of Selectmen (Number of Selectmen)
3. Review of Section 8.4 – Amendment of Charter; Automatic review intervals
4. To allow each recommendation of the Revised Charter to be voted upon independently of other recommendations.

Charge #4: Independent Votes for Charges

At the initial public hearing, the Commission determined that Charge #4 was a matter of process, rather than something that needed to be incorporated into the Charter. Upon considering the matter, the Commission concludes that each recommendation of the Commission should be the subject of a separate question for voting purposes.

Charge #1: Automatic Referendum for Annual Budget Meeting

The following changes to the Charter are suggested to allow for an automatic referendum for the Annual Budget Meeting:

[[Repeal and replace the current § 6.5.6 and § 6.5.6.1 with the following provisions, and add a new subsection § 6.5.6.2]]

§ 6.5.6 – Annual Budget Meeting

The Annual Budget Meeting, which shall also be the Annual Town Meeting, shall be held on the first Monday in May. Sufficient copies of the proposed Annual Budget shall be made available for general distribution in the office of the Town Clerk at least five (5) days prior to the Annual Budget Meeting.

The budget portion of the meeting shall be limited to a presentation of the Town of Marlborough Budget by the Board of Selectmen and Board of Finance with an opportunity for public participation by comments and questions. After reasonable discussion, the moderator shall adjourn the budget portion of the meeting to a referendum on the voting machines. The Annual Town Meeting may consider and act upon additional items which are the proper subject of a town meeting.

§ 6.5.6.1 – Annual Town Budget Referendum

The Annual Town Budget, including budgets for both Town Operations and Local Board of Education, and Capital Improvement Plan Budget shall be acted upon by a machine vote of all those persons qualified to vote in a town meeting by referendum which shall take place on the first Tuesday after the first Monday in May. The referendum shall be conducted from the hours of 6:00 am until 8:00 pm.

At least five (5) days prior to such referendum, the Board of Selectmen shall publish in a newspaper having a general circulation in the town a notice of such referendum, setting forth the date on which, the hours during which, and the location at which the referendum will be held and the text of the question(s) as it will appear on the ballot. The text shall provide for approval/disapproval of the Budget of the Town of Marlborough and shall be as follows:

- 1. Shall the budget for the fiscal year July 1, _____ to June 30, _____ as recommended by the Board of Finance, be adopted?
Yes _____ No _____*

Absentee ballots shall be made available in advance to any qualified voter who is unable to present himself/herself at the polling place on the day of the Annual Town Budget Referendum in the manner prescribed by the Office of the Secretary of State.

Approval of the Annual Budget shall constitute appropriation of funds up to the amount authorized, beginning with the next fiscal year starting on July 1. The expenditure of funds from this budget shall be administered by the Selectmen in accordance with Section 3.4.16.

§ 6.5.6.2 – Rejection of the Proposed Annual Budget

Should the budget fail to be approved by a majority of those voting thereon, the Board of Finance shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget to a referendum not later than three (3) weeks following the date the initial budget referendum was defeated.

The Board of Finance shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget for consideration. This process shall be repeated in at least three (3) week succeeding intervals until such time as the budget is adopted.

In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

The foregoing proposed amendments to the Charter, if adopted, shall be effective on January 1, 2018.

§ 7.2 – Annual Town Meeting

[[Repeal current § 7.2 and replace with the following]]

The Annual Town Meeting shall be held on the first Monday in May for action on the proposed Annual Town Budget, and other business duly warned for the meeting. The Annual Town Meeting is also known as the Annual Budget Meeting.

The foregoing proposed amendment to the Charter, if adopted, shall be effective on January 1, 2018.

The Commission proposes these changes, concluding that an automatic referendum is desirable. In order to reduce costs, the referendum should be on the same day as the RHAM educational budget referendum. The language provided above allows for this to occur. The additional charter amendments were necessary to align with the proposed language of § 6.5.6.

Charge #3: Automatic Charter Review Intervals

The following changes are suggested to allow for periodic review of the Town of Marlborough Charter.

§ 8.4 – Review and Amendment of Charter

[[Repeal current § 8.4 and replace with the following]]

This Charter may be amended in the manner prescribed by the Connecticut General Statutes. The Board of Selectmen shall cause the Charter to be reviewed at least once every ten (10) years in the manner prescribed by the Connecticut General Statutes. The ten-year period shall commence on the date the immediately preceding Charter Review Commission files its final report with the Board of Selectmen.

The foregoing proposed amendment to the Charter, if adopted, shall be effective on January 1, 2018.

Charge #2: Increasing the Number of Selectmen

After considerable discussion over the course of several meetings, the Commission recommends that Charge #2 (Increasing number of Selectmen from three to five) be deferred and presented to a future Charter Review Commission. Keeping in mind the time period within which a final report must be filed with the Board of Selectmen and the importance of this issue, the Commission concludes that making a recommendation at this time is premature. There are several ramifications resulting from an amendment of this magnitude to this section of the Charter. The following topics should be explored in more detail before considering an amendment to the Charter:

- Costs associated with increasing Board of Selectmen by two people
- Whether the composition of a five-member Board of Selectmen should comply with Connecticut's minority representation statute (maximum of four persons from the same party on a five-member board), or whether the Charter should limit the majority to three persons.
- With more individuals on the Board of Selectmen, should certain decisions require a supermajority of voting selectmen?

Additionally, the Commission was presented with another issue at the initial public hearing – should the Town of Marlborough consider hiring a Town Manager in lieu of increasing the number of Selectmen? The Commission believes that a future Charter Review Commission should investigate this issue further, while keeping in mind budget constraints in Marlborough.