

BLOOMFIELD TOWN CHARTER REVISION COMMISSION

There was a regular meeting of the above referenced subcommittee held on Thursday, May 16, 2024, at 7:00 p.m. in Council Chambers at Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, CT.

Commission Members: Joseph Suggs, Chair, Dwight Bolton, Elvin Turner, Bradley Klein

Absent: Erica Coleman

Others present (in-person): Mayor Danielle C. Wong, Councilor Kenneth McClary, Attorney Lawrence Widem, Crumbie Law Group, LLC

The meeting was called to order at 7:05 p.m.

Public Comments

In-Person:

1. **Robert Dickinson, 400 Seabury Drive** recommended consideration of the following changes to the Town Charter:
 - Listing of election candidates in alphabetical order
 - Rank choice voting – no mention of party affiliation for the candidates, easier for an unaffiliated person to get on the ballot and get elected through the partitioning system.
2. **David Baram, 5 Warbler Circle** submitted his proposed suggested changes to the Town Charter (See attached). Being the former Co-Chair of the Charter Revision Commission in 2006, Mr. Baram extended the invitation for any advice or assistance needed during this process.
3. **Rickford Kirton, 7 Hickory Lane** expressed deep concern regarding proposed changes to the Town Charter as outlined by the Council and allies of Mayor Wong. These changes do not positively impact the lives of the residents. He noted that this is an attempt to consolidate power for this elected position. Mr. Kirton also mentioned that the essence of a charter revision should be to enhance the democratic process to ensure transparency and improve the overall governance of our community. He urged a committee to reconsider these proposed revisions and to prioritize the well-being and interest of all residents. We need a charter that empowers our community, fosters trust in our local government and upholds democratic values we all cherish.

Review and Discussion of Council Charges to the Commission

Mayor Wong clarified in detail some of the reasoning behind the submission of the Council charges to the Commission.

Mayor Wong made note that the Council has every right in supporting and endorsing the current form of government, Council-Manager form of government. There is no intention from the Council perspective, to disrupt that current established way of governing this town.

Discussion

Commissioner Klein noted that there is no current proposal or set direction steering the Commission. The proposed suggested changes by the Council to Commission is a guidepost of interest areas of the Council to review, discuss and consider action on. In addition, Commissioner Klein inquired about the percentage of salaries and benefits within the town budget, how does Bloomfield compare to other towns?

Mayor Wong noted that there is some room for efficiency and improvement and financial optimization. The Town really needs to realign some things and distribute resources in places of priority. The issue is being raised only as a potential consideration of consolidation of some positions, and it would be relevant to know what is being spent.

Commissioner Turner inquired about the Council charges to review the number of Justices of the Peace with the Town. Commissioner Suggs noted that this item was researched, and it was discovered that the Town is allowed 2,263 justices of the peace based on our population size. So, decreasing that number would make more sense.

Commissioner Turner mentioned that he is struggling here with the process of efficiency for answering questions as a public body. He reiterated the need for public engagement during this process. There is not much time to review, discuss and consider proposed changes for a draft document by the end of August. He requested a deeper dive and clarification by the mayor and other Councilors about questions or thought concerning their Council charges.

He also requested that Chair Suggs receive a public report regarding information given, and report back publicly as a part of the record. Chair Suggs stated that if any Commissioner needs to hear from departments, we will make that available to this body through the Town Manager's Office. The Commission may opt to schedule joint meetings with the Council if needed for further clarification.

Commissioner Turner reported that he has been in contact with a couple of staff members regarding some background information and the current relationship between library staff and the Town Manager.

The library, in terms of budgeting, is like another department in the town. So, from a budget point of view, both the operating budget and capital budget. The Town Manager gives instructions to the Library Director that are given to every department head. There is a matrix effect happening in which the Library Director reports to up to the Library Board of Trustees.

Commissioner Klein inquired if it would be helpful to expedite inquiry and general knowledge, if the Commissioners would divide up some of Council charges and assign areas of concern, expertise, and report back to the full body for discussion.

He expressed that the Commissioners are not going to change items for the sake of changing them, not what this is about. This process is about reviewing if there is a problem, determining if certain tweaks can be resolved or improved.

Chair Suggs stated the one challenge separating the Council charges out, is that the full Commission does not get the benefit of other thoughts and comments on areas that they are not working on. Whereas, if the Commissioners

could work together, then everyone would be working on the same information and not have one group working on one set of information and must explain that.

Commissioner Bolton inquired about the review process of Council charges moving forward and bringing that to resolution? Or are the Commissioners reviewing in conjunction with public comments received thus far. Chair Suggs mentioned that the review process will be done concurrently not separate.

Commissioner Bolton also asked for clarification regarding minority representation and what the State statutes say about what is required for minority representation. Are they exempt from any of those municipal, those public act, statutes that govern minority, representation, and restrictive voting, etc. Are we exempt as a town because we have a Town charter, even though there is a minority representation section. What is currently listed in the charter is consistent with State statutes.

Attorney Lawrence Widem, Senior Attorney with Crumbie Law Group, legal counsel representation for the Town gave a detailed explanation on the historical and political background of minority representation in the State of Connecticut. He noted that the law of the Connecticut State statute is, if the members of the Board of Education and the Town Council are elected at large, State statute requires minority representation. If they are elected in districts or wards. Then there is no requirement of minority representation.

So, when we talk about minority representation as the statutes are currently structured. There is nothing in those statute that says in Bloomfield, the Republicans will occupy the minority seats. That is the decision that is left to the voters of Bloomfield.

To clarify, Commissioner Bolton commented on an elector's question about boards and commissions, not having enough or not meeting the necessary records and number of minority participation to invoke a quorum. For example, the Town Charter, currently, as it stands, allows the Council to appoint an unaffiliated person outside of, and not another Democrat. This person would be an unaffiliated, or if they were able to find a Republican to that board or commission without question. The Bloomfield Town Charter mirrors the State statute, and the Commissioners make very certain that that Town Charter continues to mirror along the same pathway of the State statutes.

Attorney Widem reminded the Commissioners that everything is open for review and discussion. The Commissioners have the power to make any change you want, even if the Council did not ask you about it or did not discuss it. Everything is on your plate, and it is completely your decision, your discretion.

Commissioner Klein asked Chair Suggs to provide an accounting of how many registered voters there are in the Town of Bloomfield. How many are Democrat? How many are Republican? How many are unaffiliated to see if that group is being in effect excluded.

Commissioner Turner requested clarification regarding districts in terms of the election, then there is no requirement for minority representation. Attorney Widem clarified with explanation of one exception and one caveat. The caveat is there is no minority representation requirement. If the Council's elected from districts, the caveat is, if you have more than one person from the same district. However, if the Town Council establishes a system where, if you go from, say current five districts to three districts, and there is more than one person elected from each district, then that may trigger a provision under the minority representation, provisions of the statutes, and the position.

Chair Suggs commented on e-mail communications and correspondence regarding Bloomfield Volunteer Ambulance about a specific Charter section and its meaning.

He also noted that he would inquire with Administration to coordinate meetings through the town manager with whomever they would like to speak to or meet with Town staff regarding proposed changes to the Town Charter. Chair Suggs asked the Commissioners to come prepared to discuss in depth the Council charges along with public comments received thus far.

APPROVAL OF MINUTES

It was moved by Commissioner Bolton, seconded by Commissioner Klein and voted unanimously to approve the minutes of April 27, 2024.

ADJOURNMENT

It was moved by Commissioner Bolton, seconded by Commissioner Klein and voted unanimously to adjourn the meeting at 8:10 p.m.

BLOOMFIELD CHARTER REVISION COMMISSION

PUBLIC HEARING – APRIL 18, 2024

SUBMITTED BY DAVID A. BARAM

Dear Chairperson Joseph Suggs and Members of the Charter Revision Commission:

As I stated in my brief remarks at your public hearing on April 18th, I extend my congratulations and good wishes to all of you as members of this important Commission. The last Charter Revision Commission co-chaired by myself as the Democratic representative and Lew Rome as the Republican representative was convened over 20 years ago and lasted about a year and a half. We took our time reviewing, debating, and studying complicated legal and policy issues. We sought public and Town Council input. It was an intellectual experience that allowed us to better understand Bloomfield's Charter, pertinent municipal State Statutes, and relevant case law. I hope that all of you as Commission members enjoy your service, and experience the same fulfillment and educational stimulation that we did.

After the process of review and study, the Commission should strive to reach agreement among its members keeping in mind that ultimately the Town Council and most importantly, the public, must accept your proposals by vote in a Referendum.

As such, I urge you hold as many public hearings as you can, dialogue with the Council and other elected officials, and focus on those issues that need to be updated or clarified in a way which will foster overwhelming community support. Change for the sake of change that may create unnecessary division and contention should be avoided.

I would like to address items identified by the Town Council and members of the public provided by oral and written testimony. I share my thoughts for your consideration from the perspective and experience as a former Bloomfield Mayor, Bloomfield State Representative, and Bloomfield Charter Revision Commission Co-Chair, as follows:

1. Annual Budget Process

The last Charter Revision Committee adopted a compromise threshold of 7.5% signatures of registered voters to require a referendum or vote on the Council's budget. This compromise was intended to be a reasonable requirement that was not so low as to let a small interest group dominate or undermine the Town Council and community after conducting a thorough budget process, yet not so high to prevent a citizen-

initiated referendum on issues of concern by a broader and more representative group of residents. Reviewing this threshold is appropriate but I urge you not to lower it in such a way that it can create turmoil and unnecessary referenda. That is why the last Charter Revision Commission eliminated the budget vote at the Annual Town Meeting which permitted small groups to overturn the budget on issues not embraced by the larger community. Lowering the threshold to 1.5% or 250 signatures in my opinion would create the possibility for resurgence of turmoil and expense (\$20,000+/- per Referendum), placing both the Board of Education's and Town's Budgets in jeopardy, allowing a small unrepresentative minority of residents to force a Referendum.

By State law, the Board of Education conducts its own budget process and delves into detailed analysis of staffing, educational standards, student needs, etc. Concerned citizens have an opportunity to participate and speak. Ultimately the Town Council can reduce the Board budget within certain parameters, but the Board of Education has sole authority to decide where reductions are to be made (CGS 10-222 as amended).

That is my understanding of the State law, and it has always made sense to me. As your former State Representative and former Mayor, that process has historically been embraced and supported. It recognizes the expertise of the Board of Education and allows the Town Council to consider larger community issues in approving or reducing the Board's budget.

Action on the Board Budget is of such local importance, reductions should be a Council decision, and not the decision of the Town Manager. If the Charter is unclear, it should be changed to follow the tradition of Council-Manager towns and what I believe is the intent of State law, leaving any lump sum reductions of the Board Budget solely to the Town Council as the policy-making body. The Town Manager should not advocate or propose reductions to the Board of Education budget in his/her proposed Town budget to the Town Council.

2. Appointment of the Town Attorney

I agree that the appointment of the Town Attorney should be changed to allow the newly elected Council more time to obtain Requests for Proposal, and interviews of candidates by the entire Town Council. I suggest that process conclude by the end of January following the Council's November election.

I would also suggest that the Town Council consider hiring a full time municipal Deputy Town Attorney who is an employee of the Town with their office in Town Hall. The Deputy Town Attorney would handle most of the Town's routine legal matters and report to the Town Council's appointed Town Attorney. The Commission might want to

study the West Hartford model for some ideas and concepts, as well as cost savings that would likely be of value to Bloomfield.

3. Town Treasurer

I agree with other speakers that this position should be eliminated and that its functions be given to the Finance Department. However, I urge the Commission to suggest "best practices" that protect against larceny, unauthorized check writing and theft of money which towns have sometimes experienced.

4. Party Representation on Boards and Commissions

Keeping minority political representation on all Boards and Commissions should be continued. It promotes inclusion, diversity of opinion, unites the community and enfranchises residents of multiple political parties. I suggest that you also review CGS 9-167a which does not appear to allow distinctions between boards or commissions.

5. Clarification of 15% Majority in Section 308 regarding Referenda

I agree that Section 308 should be reviewed and clarified. My recollection is that the intent of the last Charter Revision Commission was to require a minimum percentage voting of 15% in the majority in order to pass a Referendum. The purpose was to reflect the will of the broader community, but there is certainly room for debate and clarification.

6. At-Large Elections, Terms and Election of the Mayor

I strongly believe that our elected officials should be elected at large. Bloomfield is a small suburban community and there is no need to create district elections that are more relevant in large cities (like Hartford, Bridgeport, New Haven). In smaller towns it is easy for residents to know the candidates and elected officials and there is no reason to create divisions that tend to foster turf disputes and disunity. That is why every Council-Manager municipality that I'm aware of, supports at large elections. District elections also may void minority political representation, which is the strength and hallmark of our suburban communities. Our two-party system creates unity, diversity of ideas, and provides checks and balances. In the past, both the Bloomfield Democratic and Republican Parties have rejected the concept of district elections citing the concepts highlighted hereinabove.

Traditionally Boards and Commissions other than the Town Council have rarely operated in political competition. Our Boards and Commissions are seen as more unified and operate in a more technocratic fashion. The Town Council however, has

always been a competitive political entity that leads the election campaign, debates the bigger policies issues, and makes policy by budget, ordinance and rules for the Town. Keeping its term every two years and electing candidates to the nine Council positions, I believe is the best practice. That way voters can assess decision-making, achievements and governance to determine if re-election or change is warranted. Unlike other State elected positions which cost tens of thousands of dollars to conduct a campaign, Council candidates typically run as a party slate, pooling funds together, campaigning as a team, and do not expend anywhere near what State office candidates incur.

The beacon attribute of a Council-Manager municipality is the recognition that management should be given to a "professional". Council focuses on policy and the Town Manager implements policy, prepares a proposed budget for Council deliberation, and manages the staff. The Mayor assumes the role of "titular" head, running meetings, attending functions as the Town's representative, and working with councilmembers to form consensus on policy issues. Changing to the image of a "strong Mayor" by giving the impression that the Mayor has independent powers, undermines the Council-Manager form of government. The temptation in such a governance would be to assign more powers to a Mayor and weaken the role of the professional Town Manager. That is why towns like Simsbury revised their Charters to eliminate strong Mayors or First Selectpersons, to create the paradigm of the time honored Council-Manager form of government.

As far as Political Party competition for Mayor, until recently the election of Mayor by the Town Council was decided by the time-honored tradition of appointing the Council member with the highest vote, to reflect the overall vote of the residents, and to avoid party infighting, retribution, and animosity. Designating a "mayor candidate" is apt to undermine the Council-Manager relationship over time, force even more primaries, and create more expensive campaigns. A Mayor appointed by the Council, who remains part of the Town Council, is incentivized to achieve success by working with all the Council Members to form consensus and unity. By design, a successful Mayor is just another Town Councilor, who is judged by his/her ability to facilitate consensus and positive policy. It's not the position, but the person who creates collaboration and success.

Lastly, I urge that the number of Town Council members remain at nine (9). It is important to have an odd number to make sure that a numerical majority that can prevail. The Mayor should remain one of the nine council members as discussed above. Furthermore, the suggestion of limiting the number of nominations by a political party to run for election to an elected Board is governed by State law. Keep in mind, there can also be numerous political parties running in a local election, and we have in fact, experienced the involvement of independent candidates running for local office.

7. Town Manager Residency

I generally support a residency requirement for the Town Manager, and even the Superintendent of Schools. However I realize that there are housing conditions, economic changes, and situations that favor attracting a superior candidate who resides outside of Bloomfield. As a compromise I would suggest a Residency Requirement unless there is a two-thirds override of the Town Council or Board of Education based upon enumerated reasons that might be memorialized in the Charter.

8. Structure of the Town's Administration

I think it is important to provide for an Administrative structure in the Charter, but agree it should afford the Town Manager some flexibility. Most towns that I'm familiar with set forth a general structure of identified Town Departments and Administrative Divisions, but still provide flexibility to the Manager to adjust within the general structure. Having a defined municipal structure however, creates stability and avoids unnecessary changes that might be viewed as political, destabilizing, or targeted against individual staff.

9. Position of Library Director

This is one of those matters I would favor continuing the Section 604 paradigm to allow the Library Board the authority to appoint the Library Director and establish duties, responsibilities and performance evaluation. This structure has been a long time tradition in Bloomfield and has worked well. The Library Board develops the experience and knowledge to manage the Director. The Director maintains their status as a Town Employee subject to the Town's personnel rules and Classified Service requirements. Ultimately the Town Council has budgetary control. The hybrid structure has worked very well and as a result we have been extremely fortunate to attract professional and capable Library Directors.

10. Non-Budgeted Appropriations

Clarification of the Referendum language in Section 310 related to the 15% majority vote, should be reviewed similarly to Section 308 discussed in Paragraph 5 above. There needs to be clarification of what the vote requirements are for a Referendum to avoid lawsuits and public misunderstanding.

11. Initiatives

Historically small towns including Bloomfield have refrained from granting the right of Initiative. Several reasons for that perspective include: two- year elections which allow for frequent voter input, avoiding the expenditure of limited time necessary to carry out the duties of Council members as volunteers, the financial expense of Initiatives, and to avoid the possibility of numerous Initiatives that tend to overwhelm the public and the elected officials.

12. Quasi Municipalities – Fire Districts

The idea of merging our two Fire Districts into the Town of Bloomfield is both bad policy and illegal. The Fire Districts are quasi municipalities and formed by Legislative Charter. The Town has no legal authority to merge or dissolve our Fire Districts. As former Chair of the Center Fire District's Board of Commissioners for about 13 years, I can tell you that our volunteer firefighters and volunteers, save the Town millions of dollars every year, are some of the best trained and dedicated fire personnel in the State, and have served the Town of Bloomfield with distinction, personal sacrifice, and honor!

I hope the above thoughts and concepts will be helpful to your review. If I can be of assistance in providing a more detailed explanation of any issues, please do not hesitate to ask me. I extend best wishes for your success.

Respectfully submitted,



David A. Baram
5 Warbler Circle, Bloomfield
5-15-24