

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,



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