

## **Comments for Charter Revision Commission**

**From Dr. James Biffer, 17 Terry Plains Road**

First, I will make some general comments on the motivation for and conduct of this Revision process, followed by a detailed analysis of the many sections of the entire Charter.

1. Charter Revision is a serious undertaking, which should be carried out only to improve service to Bloomfield residents and taxpayers, to enhance Bloomfield's position vis a vis economic development, to effect economies which save tax dollars, and/or to preserve citizens' rights and freedoms.
2. I applaud your efforts to make this process accessible to residents by holding weekend sessions, and providing alternate means for submitting comments. I would also recommend that you speak with department directors and staff directly to get a clearer picture. Many are reluctant to speak in public at public meetings.

**CHAPTER I.** These sections are pro forma, ensuring compliance with applicable state statutes.

### **CHAPTER II.**

**Section 201:** A Council of 9 is fine, and terms should remain 2 years (not staggered); in other words, status quo. I would never support longer terms absent a recall provision. However, Connecticut currently does not allow towns to have a recall provision.

I would change the BOE to all 2 year terms, with 4 of them being staggered terms. This allows for continuity of a knowledge base, while allowing the public to make changes.

Conversely, I agree with Mr. Bolton regarding the value of the current TPZ structure and terms. I have carefully followed TPZ deliberations for decades, and have witnessed the value of learned knowledge and understanding of applicable laws. If a project satisfies all applicable laws, codes, and the POCD, it must be approved. You cannot deny a project simply because you don't like it. Similarly, if a variance is to be granted, the project must legally conform, plus you must be able to justify a compelling reason for the suggested change, in terms of perceived and real benefit to the town.

The Library Board of Trustees has worked successfully for decades in Bloomfield, with staggered 4 year terms of elected trustees. Even though the Board of Trustees is considered by many people to be "lesser" positions, or maybe because of this, Bloomfield has been blessed to have trustees dedicated to preserving intellectual freedom, building a collection

that reflects not only the demographic makeup of the town, but also their aspirations and hopes, diligently working to remove barriers to access and closing the digital divide, and fighting the constant onslaught against First Amendment rights. In all of Bloomfield's history, politics have not been allowed to enter their discussions, and has never distracted their focus from providing the most extensive, kind, respectful, and valuable service to everyone. [In the spirit of full disclosure, yes, my spouse is the current chair of the Board of Trustees.]

**Section 202:** The value of and need for minority representation to continue, as is, cannot be overstated. There would be no checks and balances, not even discussion, without minority representation. Republicans, Independents, and unaffiliated voters would have no voice at all without this modest requirement.

**Section 203:** For the same reason as having minority representation, there should be a special election to fill vacancies on elected boards, to allow citizens to make the choice.

**Sections 204 and 205:** Fine as is.

### **CHAPTER III.**

**Section 301:** I agree whole-heartedly with your decision to have elected officials serve without compensation, as they always have. Many citizen volunteers spend an extraordinary amount of time, money, and effort in their roles, and do not receive compensation. Public service should be the calling and the reward.

**Sections 302, 303, 304, 305, and 306:** Fine as is.

**Section 307:** I am fine with 0.1% of the budget being the threshold. That is going to be \$100,000+ for some time, and eventually \$200,000+. It is a large enough absolute sum of money to require safeguards against cavalier use or abuse.

**Section 308 a:** 7.5% is a ridiculous requirement, designed to essentially guarantee failure. As you have discussed, this should be made smaller, so that legitimate concerns can be addressed, but not so low that referenda occur by whim of a handful of citizens. I would suggest 3-4% would be a reasonable threshold.

**Section 308 b:** As you have discussed, this should be clarified to a couple of trivial sentences covering a couple of trivial ideas: you do not want a handful of citizens in a year of low voter turnout to decide an issue. I would make the requirement: at least 15% of registered voters MUST have voted on the issue, and passage would be by simple majority of those voting. If the president and federal budgets are decided by even 1 vote, then our town budget can be decided by 1 vote. That is the American way.

**Section 309:** Fine as is.

**Section 310:** Again, the same simple clarifications as Section 308 b. So long as at least 15% of registered voters actually vote, a simple majority passes the item.

**Sections 311 (already repealed), 312, and 313:** Fine as is.

#### **CHAPTER IV.**

**Section 401:** ALL these positions should continue to serve without compensation, for the reasons cited earlier.

#### **CHAPTER V.**

**Section 501 b:** As you have already discussed, the time to hire a new town attorney should be extended perhaps 5 or 6 weeks, during which the previous town attorney continues his or her functions. Time is needed to allow public scrutiny and proper bidding to occur, to ensure we taxpayers footing this bill are getting the best representation at the best price. This is more than a quarter-million-dollar base expense, plus all the “specialty” consultations we pay for, often totaling more than \$500,000. That is just too much taxpayer money to be spent without taxpayers and the new Council having time for input and scrutiny.

**Section 502 a:** I do appreciate the difficulty in finding quality TM candidates who either happen to be, or are willing to become, residents of Bloomfield. This could be simplified to say “preference will be given to qualified Bloomfield residents”, and leave it at that.

**Section 502 d:** The TM has the authority to remove any director, including the Director of Library Services. Continuing in this section: many directors (finance, DPS, DPW, and BPL) appoint their respective staffs with the approval of the TM, because of the unique qualifications and duties of those positions. One TM, or one HR representative, cannot possibly understand all the different functions of these departments, requiring specific knowledge and experience. The discipline-specific knowledge and experience required, coupled with customer service skills, are best measured by directors of that discipline.

**Sections 503, 504, and 505:** Fine as is, although apparently there is no longer a need for town treasurer.

#### **CHAPTER VI.**

**Section 601:** You might want to clarify the concept of a “Department of Public Safety”. It seems to imply there is another director, of public safety, distinct from the divisions of police, fire, and civil defense. You should probably allow the “department of public safety” to simply include those departments, but not require a distinct “head” of that department, as it currently implies.

**Section 602:** Fine as is.

**Section 603:** You will want to remove all references to the town treasurer, if you eliminate that position.

**Section 604:** As I pointed out earlier, to minimize the intrusion of politics into the protection of fundamental First Amendment rights, the appointment of the Library Director was purposely assigned to the Library Trustees. The Library Director may be removed by the Library Trustees (per this section 604), but as I pointed out in section 502 d, above, the TM may remove any department director.

If you think this is a needless protection, just think Florida and Texas. In those states, and indeed, increasingly across America, some are seeking to control what is available in libraries and schools as resources, what is taught, what programs occur, what you and your child can read and view, etc.

Throughout Bloomfield's history, the Library Board of Trustees has stood as independent guardians of free speech and the free flow of ideas. Just for a minute, think about how things could (and most likely, would) be different, if years ago, when the demographics of Bloomfield started to change, if a loud, discriminatory group were allowed to control the library. The collection development, programming, computer literacy focus, help for all our neighbors with resumes, job applications, medical forms and claims would not exist as they do now.

The Library functions just like every other department in terms of day-to-day operations, position descriptions, and budget processes. The Library Director attends all CBLT meetings on an equal footing with all the other directors, reports to the TM just like all the other directors, provides information and reports to the TM just like all the other directors, because the Library is just a town department, like all the others. This cannot be more clear.

**Section 605:** Fine as is.

**Section 606:** Serious typo in the sentence: "These statements, which shall become effective when approved by a majority of the entire membership of the council, shall comprise the classification PLAN of the town". Currently, the word "in" is where PLAN should be, which makes no sense.

**Section 607:** Fine as is.

## **CHAPTER VII.**

**Section 701:** All elected officials must serve without compensation, for reasons I delineated earlier.

**Section 702:** Fine as is.

**Section 703:** Another serious typo: in the very first sentence, “be removed by the appointing OFFICER”. Currently, the sentence ends after “appointing” and makes no sense.

**CHAPTER VIII.** Fine as is.

**CHAPTER IX.**

**Sections 901, 902, and 903:** Fine as is.

**Section 904 a:** To engage citizens in the budget process and permit transparency, the current charter requires the town to make hard copies available, since many do not have internet, or the financial wherewithal to print hundreds of pages. However this was not done during this past budget cycle in March and April. Printed copies of the Town and BOE budgets should be made available to citizens. An adequate supply of examination copies should also be available in all Town offices and the Library.

**Section 905:** Fine as is.

**Section 906:** Just as I discussed in sections 308 and 310 earlier, the number of signatures to compel a referendum should be changed to something attainable. I suggested 3-4%. And, so long as at least 15% of registered voters actually vote on the referendum, a simple majority passes the referendum question.

**Sections 907, 908, and 909:** Just one simple typo in section 908: “the council may BY resolution...” Currently, it says “be” instead of “by”.

**Section 909:** Fine as is.

**CHAPTER X.**

All pro forma. Fine as is.

Thank you for the opportunity to provide these detailed comments. If you would like additional details or clarifications, please feel free to contact me.