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CHARTER REVISION COMMISSION

TOWN OF DARIEN

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Why Darien's Charter Needs Revision

The Problem

A well-governed town provides effective long range planning supported by well-conceived policy, a clear and coherent government structure with reasonable checks and balances and efficient delivery of services to its citizens.

By contrast, the 1995 study of Darien's town government by Public Administration Services (PAS) noted:

"Policy making is diffused among the Board of Selectmen, Board of Finance, various boards and commissions and committees of the RTM. The roles are unclear in legal authority and overlapping in practice. It is not possible to pinpoint responsibility or to hold anybody accountable for the actions of government. There are many opportunities for blocking things, but few opportunities for achieving them."

This description of where our government has drifted over the past 40 years, since Darien first had a Charter, verified a widespread feeling that it was time to re-examine Darien's complex and unique form of town government. The Board of Selectmen therefore established a Charter Revision Commission in July of 1997 to review the Town Charter. (See Charge, Appendix).

The Process

The Commission began its task of self-education by researching the various governments of similar towns and interviewing a comprehensive list of former and current Darien appointed and elected officials, town department heads and employees. Recognizing the special features of different government structures, the Commissioners came to appreciate the relative strengths and understand the inherent weaknesses of Darien's current system.

The two major issues that surfaced were: the difficulty in determining who's in charge and the question of whether an appropriate balance of power existed among the elected Boards. Rather than recommending a dramatic change to a different form of government to address these and other issues, the Commission decided to work within the familiar Selectman/Representative Town Meeting governmental structure to seek sound improvements.

After lengthy debate and deliberation the Commission collectively formulated Standards for Improvement to evaluate and guide subsequent decisions and recommendations:

Improve government with well-reasoned change.

Employ effective and efficient decision-making with reasonable checks and balances.

Be responsive to citizens in the efficient delivery of services considering the community's short and long term needs.

Seek appropriate mix of volunteerism and professionalism in government.

Ensure accountability, which is a product of clear lines of authority.

Recommend a government with a clear and coherent structure.

This Summary Report puts into layman's language, the Charter Revision Commission's findings and conclusions -- what we did and why.

Who's In Charge

First Selectman Board of Selectman

As indicated in the Public Administration Services Report, "Policy making is diffused among the Board of Selectmen, Board of Finance, various boards and commissions and committees of the RTM". This has resulted in confusion, delays and frustration at all levels of town government and for Darien residents as well.

The question "who's in charge?" occurred often in our study and at all levels of our government. The Commission's decision to maintain Darien's unique form of government therefore made it all the more important to clarify the roles and responsibilities of key officials to establish clear lines of authority and improve accountability throughout the system.

The Commission has developed new Charter language that clearly defines the First Selectman as the Chief Elected Official and Chief Executive Officer of the Town. As Chief Elected Official, the First Selectman leads the Board of Selectmen in setting policy, developing strategic long range plans and establishing goals and objectives for the Town. As Chief Executive Officer, the First Selectman oversees the implementation of the policies and plans adopted by the Board of Selectmen and assures that the budget reflects such policies, plans and objectives. As Chief Executive Officer he also supervises the Town Administrator.

In addition, the Charter now calls for all appointed Town bodies to report annually to the Board of Selectmen, and the First Selectman shall serve as an ex-officio member of all Town bodies, with the exception of the Board of Education. Both of these initiatives are designed to support the power and authority of the Board of Selectmen over policy-making in Town Hall.

The revised Charter language is direct and non-ambiguous. The strengthened roles, responsibilities and powers of the First Selectman and Board of Selectmen leave no question as to "who is in charge" of setting direction for the Town. As the Chief Elected Officer, the First Selectman provides leadership within Town Hall; as the Chief Elected Official, the First Selectman is accountable to the electorate for providing that leadership.

Town Administrator

Clarification of the roles of the First Selectman and Board of Selectmen gave rise to the question -- who's in charge of the day-to-day operations within Town Hall? *The Charter Revision Commission has determined that a professional Town Administrator, reporting directly to the First Selectman and serving at the pleasure of the Board of Selectmen, should serve as Chief Operating Officer for the Town.*

The proposed Town Administrator role lies somewhere between the current administrative officer position and that of a traditional town manager. The Town Administrator will have strengthened duties and responsibilities to direct the implementation of all policies, rules and regulations; provide administrative and staff support; and develop sound personnel policies and procedures for employees. The 1995 PAS report points out that staff morale at town hall has been an issue over the years as a result of poor communication and inadequate and inconsistent personnel policies. It is our expectation that the newly configured role of the Town Administrator will serve to address these issues.

Not to be confused with the leadership and policy-making powers of the Board of Selectmen and/or the various elected and appointed Boards and Commissions, the Town Administrator's authority is strictly administrative in nature. The new organization chart (See Chart, Org. Exhibits) illustrates clear and consistent lines of authority and reporting responsibilities from the first Selectman to the Town Administrator and between the Town Administrator and the various department heads.

The Charter Revision Commission believes the professional administrative support provided by the Town Administrator to department heads in their daily operations, backed up by clear policies and objectives established by the Board of Selectmen, will lead to improved function within Town Hall resulting in better services to Darien residents.

Director of Finance

To improve the financial operations within town hall, the Charter Revision Commission has provided for the creation of an integrated finance department led by a Director of Finance who reports directly to the Town Administrator. Today, fees are collected in many departments by many different personnel; certain key employees are elected while others are appointed; and many day-to-day decisions fall to the Chairman of the Board of Finance, an elected official.

The Director of Finance replaces the Finance Officer and will set up and manage an integrated finance department, including the functions of an employed treasurer, tax collector and tax assessor. In addition to monitoring investments and cash management, the Director of Finance will prepare, analyze and modify the town operating and capital budgets and monitor expenditures. The Director of Finance will also provide staff support to the Board of Finance in its important tasks.

The creation of an integrated Finance Department headed by a Director of Finance, who reports directly to the Town Administrator, who in turn reports directly to the First Selectman, leaves no question as to "who is in charge?."

Tax Collector/Town Clerk/ Treasurer

In keeping with its initiative to draw clear lines of authority within town hall, the Charter Revision Commission has concluded that the tax collector, town clerk and town treasurer, upon expiration of their respective terms, shall be employed, not elected.

This change addresses what was a confusing and inconsistent structure that allowed elected officials, serving as town employees, to report and be accountable to the electorate rather than to the First Selectman and Town Administrator. The new Charter change designating these positions as hired versus elected, now provides for a consistent means of handling administrative matters across departments within Town Hall.

The Commission believes adding these positions to the roster of employees will close the loop within the town hall organization. With all department heads under the policy umbrella of the Board of Selectman and the administrative authority of the Town Administrator, the Commission has responded to its charge to "develop a better administrative structure for Town Hall". (See Org. Chart, Exhibits).

The Balance of Power

Board of Selectmen/Board of Finance/Board of Education

The somewhat "fuzzy" role of the Board of Selectmen has allowed the Board of Finance, over the years, to influence policy and planning in Darien by virtue of its powers of the purse. By clarifying the respective roles and responsibilities of the Board of Selectmen relative to the Board of Finance, *the Charter Revision Commission provides that non-educational policy decisions are strictly the domain of the Board of Selectmen.*

As per the new Charter language and the General Statutes, the Board of Finance continues to be responsible for developing a long-range financial plan for the town, approving a fiscally sound budget, providing for recommended special and emergency appropriations, securing bonds for capital projects, and setting the town's mill rate.

In accordance with the new Charter provisions, *any final Board of Finance action is subject to an override by a super majority vote of the RTM if either the Board of Selectmen or the Board of Education makes such an appeal.*

This provision for both the Board of Selectmen and the Board of Education represents the Commission's best effort to ensure meaningful checks and balances among these elected Boards and to establish an appropriate balance of power.

The Representative Town Meeting

A thorough review of the Representative Town Meeting led the Commission to conclude that the non-partisan RTM would be a far more effective body if it were reduced in size to 50 members. Research data pointing to poor attendance records, uncontested elections and ongoing vacancies raised questions as to the RTM's effectiveness and accountability. (See RTM Research, Appendix).

More importantly, the Commission determined that the RTM, in its legislative role, could be a critical player in the realignment of the balance of powers among Town bodies through an RTM override provision. The possibility of empowering the RTM to play such a significant role, in fact led the Commission to more closely examine the effectiveness of the RTM at its current size of 100. The Commission concluded that only a smaller and more accountable RTM should be granted such power.

With increased effectiveness and the accountability of a smaller body, *the Commission determined that the RTM may vote a budget override upon the recommendation of the Board of Selectmen or Board of Education.* Upon such recommendation, the RTM may override a final action of the Board of Finance by an affirmative vote of not less than two-thirds of those voting and at least a majority of the membership.

The RTM provides necessary checks and balances in town government. The Charter Revision Commission is unanimous in its belief that the RTM's proposed reduction in size, coupled with its new responsibility for budget override, will enhance the RTM in form and function. The Commission believes the RTM should continue to determine its own rules of procedure and reorganize its committee structure in accordance with its 50 member size.

The Electorate

A town-wide referendum may be called if the townspeople disapprove of an action of the RTM that involves the adoption of an ordinance or the appropriation of an expenditure \$50,000 or more for a single purpose.

The current rules call for a referendum if 5% of the electors (as of the last municipal election) petition for a referendum within 10 days of the action of the RTM. *The Commission recommends under the new Charter language, that the time period be extended to 14 days for filing, to allow for at least two weekends during which signatures may be solicited.* As in the past, a majority of those voting must favor the override and that majority must equal at least 25% of the number of electors as of the last municipal election.

The referendum topic generated much debate on the Commission. In the end, the majority favored retaining the 25 % rule in support of the policy and budgetary powers accorded to the elected officials of the town and the representative nature of the RTM. (See Minority Report, Appendix). It should be the exception when the thoroughly considered decisions of our town's duly elected officials are overturned. As Darien's referendum history bears out, the 25% rule has in the past and will in the future, allow for overturning of certain decisions if that is the will of the people.

Further Recommendations

Beyond the recommended Charter changes, the Commission recommends the following items for consideration by the Board of Selectmen:

- + Increase the Police Commission to five members
- + Continue to work cooperatively with the Board of Education on cost sharing and technology initiatives.
- + Review the Town Ordinances to assure compliance with the proposed Charter.
- + Establish a Committee to review changes to the Charter and Ordinances every ten year
- + The functions of the Town Treasurer be incorporated within Department of Finance.

The Charter Document

The Charter document has been rewritten and reorganized to set forth the decisions made by the Charter Revision Commission. The consistency, clarity and simplicity of the document will make it easier for all citizens to find answers to their questions.

The roles and responsibilities of public officials and the Town Administrator; the powers and duties of Boards and Commissions; and the special powers of the RTM have been carefully detailed so as to make their powers and duties clear. Each Board and body's role in the budget process has also been defined.

The Charter has been constructed to provide for the general powers and duties of Town government. The specifics will be enacted through ordinances to allow for future adjustments as needed. To further clarify, the Commission has provided an index of definitions of terms used throughout the Charter (highlighted by *italics* in the Charter document.)

Final Comments

The Charter Revision Commission submits the following revised draft of the Darien Town Charter according to the timeline established by State Statute. This Commission has, to the best of its ability, fulfilled its charge as set forth by the Board of Selectmen, making the Charter revisions, the government structure and the interrelationship of the elected officials and the town hall staff, its top priority.

The Charter Revision Commission understands that the determination of how the revised Charter is presented on next November's ballot rests with the Board of Selectmen. For the record, however, the Commission considers its recommended Charter changes a package -- a series of interrelated decisions which evolved through serious study and debate. Only when taken as an integral part of the whole, does any individual decision have value. None of the decisions reflected in the revised Charter, in and of themselves, address the complex issues that were before us.

We therefore believe that the newly revised Charter should be presented to the electorate as a single question on the ballot. If broken out into a series of questions, fairness to the electorate would dictate that the Board of Selectmen understand and explain to the voters how success or failure of a specific item will affect the resulting governmental structure.

Although the Commission's duties officially end this spring, the Charter Revision Commission has a vested interest in seeing the revised Charter gain an affirmative vote in next November's election. The Charter Revision Commission will therefore be pleased to work with the Board of Selectmen to inform and educate the greater Darien community as to the changes in the proposed Town Charter and the attendant benefits to our town.

CHARTER REVISION COMMISSION

TOWN OF DARIEN

The Charter Revision Commission submits the following revised draft of the Darien Town Charter according to the timeline established by State Statute. This Commission has, to the best of its ability, fulfilled its charge as set forth by the Board of Selectmen, making the Charter revisions, the government structure and the interrelationship of the elected officials and the town hall staff, its top priority.

The Charter Revision Commission understands that the determination of how the revised Charter is presented on next November's ballot rests with the Board of Selectmen. For the record, however, the Commission considers its recommended Charter changes a package -- a series of changes that have been studied through several study and deliberation sessions. None of the decisions reflected in the revised Charter, in and of themselves, address the complex issues that were before us.

PROPOSED REVISED CHARTER OF THE TOWN OF DARIEN

We therefore believe that the newly revised Charter should be presented to the electorate as a single question on the ballot. If broken out into a series of questions, the electorate would dictate that the Board of Selectmen understand and explain to the voters how success or failure of a specific item will affect the resulting governmental structure.

June 2, 1999

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CHARTER OF THE TOWN OF DARIEN

Article I

Charter of the Town of Darien

1.1 Title

This instrument, amending the Charter of the Town of Darien, shall be known as the Charter of the Town of Darien.

1.2 Powers and Duties of the Town

The Town of Darien shall continue to have and enjoy all powers, privileges and immunities heretofore exercised or enjoyed by said *Town*¹ or which are conferred upon towns by the *General Statutes* and shall perform all duties imposed upon towns by the *General Statutes*.

1.3 Definitions

As used in this Charter, the following words and phrases shall have the meaning set forth below, unless the context clearly indicates otherwise:

Body - The Representative Town Meeting, and any elected or appointed board, commission or authority.

Cause - Acts or omissions by a member of an appointed *body* or a *committee* involving gross negligence, failure to follow policy set by the Board of Selectmen, or failure to attend three consecutive meetings.

Committee - A group created by the First Selectman or by an elected *Town body*, having a specific assignment and a temporary and advisory function.

¹ *Italicized* words throughout the Charter are defined terms.

- Elector* - A resident of the *Town* qualified by law to vote in a *Town* election.
- Employ* - Hire, suspend or terminate the employment of an individual.
- General Statutes* - The Connecticut General Statutes, as amended.
- Grand List* - The list of assessed values of taxable property in the *Town*.
- Official* - Any person elected to any *Town body* or position, and any person appointed to any *Town body* or position other than *Town* employees.
- Ordinance* - Local laws adopted by the *RTM* that apply to the *Town* or the general public.
- Publish* - Publication in a newspaper having a general circulation in the *Town*.
- RTM* - The Representative Town Meeting established by this Charter.
- Regulation* - Any rule adopted by a *Town body* affecting the conduct of *Town* government or the general public.
- Town* - The Town of Darien.
- Voter* - An individual who may vote in a referendum, pursuant to Sec. 7-6 of the *General Statutes*, i.e., an *Elector* of the *Town*, and any citizen at least eighteen years of age, and jointly or severally, liable to the *Town* for taxes on an assessment of not less than one thousand dollars on the last-completed *Grand List*, or so liable if not entitled to an exemption under the *General Statutes*.

Article II

Elected Officials

2.1 Elections

The Board of Selectmen shall convene municipal elections on the Tuesday following the first Monday of November of each year, said elections to be designated the annual municipal elections of the *Town*.

2.2 Powers and Duties of Elected Officials

In addition to the powers and duties provided in this Charter, all elected *Town officials*, boards and commissions shall have the powers and duties prescribed by the *General Statutes*.

2.3 Terms of Office of Elected Officials

Unless otherwise provided by statute or *ordinance*, the terms of office of each elected *official* shall commence on the first Monday following her election. An elected *official* shall hold office until a successor has been elected and has qualified.

2.4 Number of Elected Officials for Each Office

There shall be the number of officials indicated for each of the following offices:

- (a) Board of Assessment Appeals 3
- (b) Board of Education 9
- (c) Board of Finance 7
- (d) Board of Selectmen 5
- (e) Constables 3
- (f) Planning and Zoning Commission 6
- (g) Registrars of Voters 2
- (h) Representative Town Meeting 60

2.5 Officials Elected for Two-Year Terms in Odd-Numbered Years

At the annual municipal elections in odd-numbered years there shall be elected for two-year terms:

- Board of Selectmen
 - The First Selectman;
 - Four (4) additional Selectmen
- Three (3) constables.

2.6 Officials Elected for Two-Year Terms in Even-Numbered Years

At the annual municipal elections in even-numbered years, there shall be elected for two-year terms:

- Two (2) registrars of voters.

2.7 Officials Elected for Three-Year Terms

At each annual municipal election there shall be elected for three-year terms:

- Three (3) members of the Board of Education.

2.8 Officials Elected for Four-Year Terms

At the annual municipal elections in odd-numbered years there shall be elected for four-year terms sufficient members of the following boards and commissions to fill expiring terms:

- The Board of Finance;
- The Board of Assessment Appeals;
- The Planning and Zoning Commission.

2.9 Election of RTM Members

At each annual municipal election, there shall be elected for two-year terms sufficient members of the *RTM* to fill all expiring terms.

2.10 Vacancies

- a) A vacancy in the office of First Selectman shall be filled in the manner provided in paragraph 5.5 of this Charter.
- b) A vacancy in the office of Selectman shall be filled in the manner provided in the *General Statutes*.
- c) A vacancy in the office of *RTM* member from any district shall be filled by appointment by the other members from that district for the unexpired portion of the term of office.
- d) A vacancy in any elected *Town body*, other than the Board of Selectmen and *RTM*, shall be filled temporarily by majority vote of all the remaining members of such *body* and in accordance with Para. 4.5 of this Charter. At the next municipal election at which an expiring term of a member of such *body* is to be filled, the unexpired term filled temporarily, if any, shall be filled for the balance of the term.

2.11 Power of Elected Town Bodies to Appoint A Committee

Any elected *Town body* may establish any *committee* consistent with the powers and duties of that *Town body*. Such *Town body* shall appoint all members of such *committees* and may remove such members for *cause*.

Article III

Appointed Officials

3.1 Appointment By Board of Selectmen

The Board of Selectmen shall appoint all non-elected *officials* unless otherwise specifically provided. All appointments by the Board of Selectmen shall be by affirmative vote of the First Selectman and at least two other Selectmen. If an appointment is made when an Acting First Selectman is in office pursuant to Paragraph 5.5, the appointment shall be by affirmative vote of at least three Selectmen.

3.2 Term of Office

Each appointed *official* shall hold office for the term of the office and until a successor is appointed and has qualified, unless earlier removed.

3.3 Powers and Duties of Appointed Officials

In addition to the powers and duties provided in this Charter, all appointed *officials* and *Town bodies* shall have the powers and duties prescribed by the *General Statutes*, by *ordinance* or by *regulation* of the Board of Selectmen.

3.4 Annual Report to Board of Selectmen

Each appointed *Town body* shall, at least annually, submit a report to the Board of Selectmen.

3.5 Vacancies

A vacancy in any appointed *Town body* shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term.

Article IV

Requirements for All Town Officials

4.1 Representation of Electors on Town Bodies

Representation of political parties and unaffiliated *electors* on all *Town bodies*, whether elected or appointed, except the non-partisan *RTM*, shall comply with the *General Statutes*.

4.2 Eligibility of Elected and Appointed Officials

Every *official* shall be an *elector* of the *Town*, and when any *official* ceases to be an *elector* of the *Town*, the *official* shall thereupon cease to hold office.

4.3 Officials May Not Hold More than One Office

No person may serve as an *official* of more than one *Town body*, except as expressly permitted by *ordinance* or *regulation* adopted by the Board of Selectmen or as provided by the *General Statutes*.

4.4 Meetings of Town Bodies

- a) Except as otherwise provided by the *General Statutes*, each *body* shall hold such regular meetings as it shall determine and may hold other special or emergency meetings.
- b) All meetings of *Town bodies* shall be opened to the public as provided in Section 1-21 of the *General Statutes*.
- c) All elected and appointed *Town bodies* shall have an annual organizational meeting to elect officers.

4.5 Replacement by Same Political Party

When an *official* who has been elected or appointed as a member of a political party has vacated his office, such vacancy shall be filled by the appointment of a member of the same political party.

4.6 Resignations of Officials

To resign, an *official* shall notify the Town Clerk in writing and specify the date of resignation. The Town Clerk shall notify the First Selectman and the chair of the *Town body* from which the *official* resigned.

4.7 Compensation

Members of all *Town bodies* other than the Board of Selectmen shall serve without compensation.

4.8 Code of Ethics

The *RTM* shall adopt by *ordinance* a code of ethics and the means for enforcing such code. The Code of Ethics shall define standards for ethical conduct by all *Town officials* and their employees.

Article V

First Selectman

5.1 General Powers and Duties

The First Selectman shall be the Chief Executive Officer and Chief Elected Official of the *Town*, shall be accountable to the Board of Selectmen, shall preside over all meetings of the Board of Selectmen and shall be a non-voting ex-officio member of all *Town bodies* other than the Board of Education.

5.2 Specific Responsibilities

Among other responsibilities, the First Selectman shall:

- a) provide policy and planning leadership to the *Town, Town bodies* and the Town Administrator consistent with such direction as may be provided by the Board of Selectmen;
- b) lead an annual review by the Board of Selectmen of goals and objectives as proposed by *Town bodies* and administrators, other than the Board of Education and its administrators;
- c) lead the development and annual revision of a strategic long range plan for approval by the Board of Selectmen;
- d) represent the *Town*, personally or through a designee, as a member of municipal, regional and governmental organizations;
- e) supervise the Town Administrator and initiate an annual performance review; and
- f) establish any *committee* consistent with the powers and duties of the First Selectman as Chief Executive Officer. The First Selectman shall appoint all members of such *committees* and may remove such members for *cause*.

5.3 Role in the Budget Process

The First Selectman shall:

- a) lead the development of operating budget requests that reflect policies and objectives established by the Board of Selectmen; and

- b) lead the development and annual revision of capital budget requests for approval by the Board of Selectmen.

5.4 Compensation

The compensation of the First Selectman shall be recommended by the Board of Selectmen and approved by the Board of Finance, subject to the adoption of the *Town* budgets.

5.5 Acting First Selectman

- a) During the first month after its election, the Board of Selectmen shall designate one of its members to be Acting First Selectman.
- b) During an absence or temporary disability of the First Selectman, the duties of the First Selectman shall be performed by the Acting First Selectman. The Acting First Selectman, upon assuming the office of First Selectman, shall have all the powers, responsibilities and duties of the First Selectman except that an affirmative vote by such Acting First Selectman shall not be required for appointment by the Board of Selectmen as provided by Paragraph 3.1 of this Charter.
- c) In the event the First Selectman resigns or the Board of Selectmen finds that the First Selectman is permanently unable to complete the term of office, the Acting First Selectman shall become the First Selectman with all the powers and responsibilities incident thereto.
- d) Should the Acting First Selectman assume the office of First Selectman within six (6) months of the next municipal election, the Acting First Selectman shall serve until such election. In the event the Acting First Selectman assumes the office more than six (6) months before the next municipal election, the Board of

Selectmen shall call a special election no more than ninety (90) days from the date the Acting First Selectman assumes office. The person elected First Selectman shall serve until the next municipal election.

Article VI

Board of Selectmen

6.1 General Powers and Duties

In addition to the powers and duties provided in this Charter, and subject to the provisions of this Charter, the Board of Selectmen shall exercise all of the powers and perform all of the duties conferred or imposed upon Boards of Selectmen by the *General Statutes*. No motion, resolution or other action, except to adjourn or to fix the time and place of its meeting, shall be adopted by less than three (3) affirmative votes.

6.2 Duty to Carry Out Provisions of Charter

The Board of Selectmen shall do every act and perform every duty necessary to give effect to this Charter unless such act or duty is required of or delegated to some other *Town body or official*.

6.3 Specific Responsibilities

Among other responsibilities, the Board of Selectmen shall:

- a) set policy for the *Town* and provide direction to the First Selectman on matters relating to policy and *Town* administration including:
 - working with the Town Administrator in developing administrative policies;
 - establishing policies and objectives to be carried out by appointed *Town bodies*; and
 - recommending *ordinances*.

- b) establish and review annually goals and objectives of the Board of Selectmen;
- c) adopt and review annually a strategic long range plan for the *Town*;
- d) update the long range Board of Selectmen capital budget requests;
- e) recommend *ordinances* to establish any appropriate non-elected *Town body*;
- f) appoint all non-elected *Town officials* and remove any appointed *official* for *cause*;
- g) employ the Town Administrator by an affirmative vote of the First Selectman and at least three (3) Selectmen;
- h) conduct an annual performance review of the Town Administrator;
- i) authorize interdepartmental and intradepartmental budget transfers within limits established by the Board of Finance;
- j) as provided in Article XIII of this Charter, call a referendum to approve or disapprove an action of the *RTM* upon the submission to the Town Clerk of the requisite petition; and
- k) be authorized to engage such legal counsel as the Board may deem appropriate.

6.4 Role in the Budget Process

The Board of Selectmen shall:

- a) set policy guidelines for its operating and capital budget requests;

- b) in whole or in part, meet with the Town Administrator and each department head, as appropriate, to consider budget requests;
- c) approve and submit to the Board of Finance the recommended Board of Selectmen Operating and Capital Budgets including the compensation of the First Selectman; and
- d) meet with the Board of Finance to explain and seek approval of the recommended operating and capital budget requests.

6.5 Recommendation of Override by RTM of Board of Finance Action

Within thirty (30) days of a final action by the Board of Finance reducing or rejecting a budget item or any special appropriation approved by the Board of Selectmen, the Board of Selectmen shall have the power to recommend that the *RTM* override such action by the Board of Finance.

6.6 Power to Investigate

The Board of Selectmen shall have the power to investigate any appointed *Town body* or appointed *official* and to subpoena or call witnesses to testify before the Board on any matter under investigation.

6.7 Compensation

The compensation of the Selectmen other than the First Selectman shall be fixed by the Board of Finance, subject to the adoption of the *Town* budgets.

Article VII

Town Administrator

7.1 Employment as Chief Operating Officer

The Town Administrator shall be the Chief Operating Officer of the *Town*. He shall be chosen on the basis of his administrative qualifications, experience and character and shall serve at the pleasure of the Board of Selectmen.

7.2 Duties and Responsibilities

Under the supervision of the First Selectman, the Town Administrator shall:

- a) direct and supervise the implementation of policies, rules and *regulations* and the activities of all *Town* departments and employees, other than employees of the Board of Education and sworn officers of the Police Department;
- b) provide administrative and staff support for daily operations, and also for meetings of the Board of Selectmen;
- c) make periodic reports to the First Selectman and recommend to the Board of Selectmen measures that may be necessary or expedient;
- d) in consultation with the First Selectman, *employ* all Department heads and all part-time and full-time employees of the *Town*, other than employees of the Board of Education and Police Department. The Director of Planning and Zoning shall be *employed* with the concurrence of the Planning and Zoning Commission. The Director of Finance shall be *employed* with the concurrence of the Board of Finance;

- e) conduct annual performance reviews of all personnel who report directly to him and other employees as assigned by the First Selectman;
- f) if necessary, perform duties of any office under his jurisdiction for which he or she is qualified;
- g) administer personnel policies and procedures for *Town* employees other than sworn officers of the Police Department and employees of the Board of Education; and
- h) serve as purchasing agent for all *Town Bodies* and departments other than the Board of Education.

7.3 Role in the Budget Process

The Town Administrator shall:

- a) following receipt of the Board of Selectmen's policy guidelines, provide notice to department heads and chairs of *Town bodies*, other than the Chairman of the Board of Education, concerning the calendar of deadlines and the Board of Selectmen's policy guidelines for each department's budget;
- b) receive, analyze and modify budget requests from each department in accordance with policy guidelines and Board of Selectmen's goals and objectives;
- c) meet with *Town* department heads following such analysis and participate in meetings between *Town* department heads and the Board of Selectmen concerning each department's request;

- d) prepare, with support from the Director of Finance, a final draft of the recommended Board of Selectmen Operating and Capital Budgets to be approved by the Board of Selectmen for submission to the Board of Finance.

7.4 Compensation

The Board of Selectmen shall determine the compensation of the Town Administrator, subject to adoption of the *Town* budgets.

7.5 Acting Town Administrator

During the absence or temporary disability of the Town Administrator, the Board of Selectmen may appoint a person to serve as Acting Town Administrator. The Acting Town Administrator shall have all the powers and duties of the Town Administrator. The salary of the Acting Town Administrator shall be set by the Board of Selectmen.

Article VIII

Board of Finance

8.1 General Powers and Duties

In addition to the powers and duties provided in this Charter, the Board of Finance shall exercise all of the powers and perform all of the duties conferred or imposed upon boards of finance by the *General Statutes* for Boards of Finance except to the extent such powers and duties are inconsistent with this Charter.

8.2 Specific Responsibilities

Among other responsibilities, the Board of Finance shall:

- a) develop and review annually a long range financial plan for the *Town*;
- b) approve fiscally sound budgets for the *Town*;

- c) consider Board of Selectmen and Board of Education requests for special or emergency appropriations and, if approved, recommend such appropriations and the means for funding them for *RTM* approval;
- d) determine the maximum dollar amounts of interdepartmental and intra-departmental transfers that the Board of Selectmen may make;
- e) approve the disposition of unexpended balances of appropriated budget items other than the Board of Education Operating Budget appropriation;
- f) concur with the Town Administrator in the appointment or termination of the Director of Finance; and
- g) approve the compensation of the First Selectmen and determine the compensation of the other Selectmen subject to the adoption of the Town budgets.

Article IX

8.3 Role in the Budget Process

The Board of Finance shall:

- a) provide guidance to the Board of Selectmen and the Board of Education concerning Board of Finance financial forecasts at the outset of the annual budget process;
- b) conduct a public hearing for the purpose of taxpayer comment on the recommended *Town* budgets;
- c) meet with the Board of Selectmen and the Board of Education to discuss their budget requests;

- d) review, approve, reduce or increase by line item, and submit to the *RTM*, the recommended Board of Selectmen Operating and Capital Budgets and the Board of Education Capital Budget;
- e) review, approve, reduce or increase and submit to the *RTM* the total recommended Board of Education Operating Budget;
- f) establish and submit for *RTM* approval the mill rate to be assessed on the *Grand List* based on the Board of Finance approved Budget; and
- g) in the event of the recommendation of an override action as provided in Paragraph 12.2(g) of this Charter, submit for *RTM* approval the mill rate to be assessed on the *Grand List* based on both the Board of Finance approved Budget and funding any item that may be authorized by an affirmative *RTM* override action.

Article IX

Director of Finance

9.1 Employment

The Director of Finance shall be *employed* by the Town Administrator with the concurrence of the Board of Finance.

9.2 Duties and Responsibilities

Under the supervision of the Town Administrator, the Director of Finance shall:

- a) supervise and direct an integrated finance department including treasurer, tax collector and tax assessor functions;
- b) be responsible for *Town* investments and cash management;

- c) monitor compliance with approved Board of Selectmen budgets and authorize payments;
- d) provide staff support for the Board of Finance, as requested; and
- e) audit financial controls, receipts and disbursements of any *Town Body*, other than the Board of Education, as appropriate.

9.3 Role in the Budget Process

The Director of Finance shall:

- a) prepare the budget requests of the Department of Finance;
- b) assist the Town Administrator in preparing, analyzing and modifying the preliminary and final draft of the recommended Board of Selectmen's Operating and Capital Budgets; and
- c) compile such budget data as may be directed by the Board of Finance.

Article X

Planning and Zoning Commission

10.1 Powers and Duties

In addition to the powers and duties provided by this Charter, the Planning and Zoning Commission shall exercise all of the powers and perform all of the duties conferred or imposed upon Planning and Zoning Commissions by the *General Statutes*. Among its other powers, the Planning and Zoning Commission shall concur in the employment of the Director of Planning and Zoning.

Article XI

Board of Education

11.1 Powers and Duties

In addition to the powers and duties provided by this Charter, the Board of Education shall exercise all of the powers and perform all of the duties conferred or imposed upon town Boards of Education by the *General Statutes*.

11.2 Role in the Budget Process

The Board of Education shall:

- a) review the preliminary operating and capital budget requests developed by the Superintendent of Schools;
- b) conduct a public hearing for comments on the preliminary operating and capital budget requests;
- c) approve the recommended Board of Education Operating and Capital Budgets for submission to the Board of Finance;
- d) meet with the Board of Finance to explain and seek approval of the recommended operating and capital budget requests.

11.3 Recommendation of Override by RTM of Board of Finance Action

Within thirty (30) days of a final action by the Board of Finance reducing the total operating budget or reducing or rejecting a capital budget item or special appropriation approved by the Board of Education, the Board of Education shall have the power to recommend that the *RTM* override such action by the Board of Finance.

Article XII

Representative Town Meeting

12.1 Membership and District Representation

The *RTM* shall be non-partisan. To the extent possible an equal number of members shall be elected from the *Town* voting districts and each member shall represent an equal number of *voters*. District lines and the number of districts shall be determined accordingly and may be revised as appropriate.

12.2 Powers and Duties

Among other responsibilities, as the *Town* legislature, the *RTM* shall:

- a) enact, amend or repeal *ordinances* and resolutions for the general welfare of the *Town*;
- b) upon the recommendation of the Board of Selectmen, adopt, amend or repeal *ordinances* establishing non-elected *Town bodies*;
- c) determine its rules of procedure;
- d) establish a Code of Ethics and a means for enforcing same;
- e) approve or reduce by line item the Board of Selectmen Operating and Capital Budgets and the Board of Education Capital Budget;
- f) approve or reduce the total Board of Education Operating Budget;
- g) act on recommendations of the Board of Selectmen or Board of Education to override a final action of the Board of Finance with an affirmative vote consisting

of two-thirds of those voting but not less than a majority of the membership required for approval;

- h) act on special or emergency appropriations as recommended by the Board of Finance; and
- i) approve leasing, sale or acquisition of real property by the *Town*.

12.3 Specific Power to Amend Charter

Pursuant to the Special Acts, the *RTM* may amend this Charter, other than paragraphs 2.4(h) and 12.2(g), by adopting an *ordinance* as follows:

- *publish* notice of a public hearing at least ten days in advance of the hearing, which notice shall include the proposed amendment and the time and place of the hearing;
- hold a public hearing to receive comment; and
- approve the amendment by a vote of a majority of the *RTM* membership at a regular meeting not fewer than sixty (60) days after the public hearing, unless the Moderator and committee on rules declare the amendment to be an emergency measure in which event the vote may occur sooner.

12.4 Notice of Actions and Effective Dates

- a) Within one week of the adoption of any *ordinance*, the Town Clerk shall *publish* notice thereof, and no *ordinance* shall become effective until ten (10) days after such publication except for a public emergency measure. An *ordinance* stated to be a public emergency measure and containing facts describing the public emergency may be temporarily effective upon such publication.

- b) In the event of a codification reorganizing the Code of Ordinances, the action adopting such codification shall not be effective until thirty (30) days following publication.
- c) Any action made the subject of a referendum, other than a public emergency measure, shall not become effective until the day following the referendum, if approved.

Article XIII

Referendum

13.1 Legislative Actions Subject to Referendum

An action of the *RTM* adopting an *ordinance* or determining the appropriation of \$50,000 or more for a single purpose shall be subject to approval or disapproval by referendum.

13.2 Referendum Process Requirements

Upon the submission to the Town Clerk of the requisite petition, the Board of Selectmen shall call a referendum to be held promptly. The requisite petition shall be signed by not less than five percent (5%) of the *electors* of the *Town* as of the last municipal election, and

- concerning the adoption of an *ordinance*, be submitted to the Town Clerk prior to the effective date of the *ordinance* as provided in paragraph 12.4 of this Charter; and
- concerning the determination of the appropriation of \$50,000 or more for a single purpose, be submitted to the Town Clerk on or before the fourteenth day following the action of the *RTM*.

13.3 Referendum Vote Requirements

- a) A referendum shall overturn the action of the *RTM* only if a majority of the votes cast disapprove of the action and if such majority consists of at least twenty-five percent (25%) of the *electors* of the *Town* as of the last municipal election.
- b) *Electors* may vote on any referendum. *Voters* may vote on any referendum concerning the determination of the appropriation of \$50,000 or more for a single purpose.

Article XIV

Miscellaneous

14.1 Preservation of Special Act No. 410 of 1959

Any provision of Special Act No. 410 of 1959 not inconsistent with this Charter shall continue in full force and effect for twelve (12) months. The *RTM* must adopt necessary and advisable ordinances to continue such provisions beyond the twelve (12) month period.

14.2 Existing Ordinances

All *ordinances* of the *Town* shall continue in full force and effect except as they are inconsistent with the Charter.

14.3 Number and Gender

As used herein, the singular may include the plural, and the plural may include the singular, as the context may require; and the use of any gender shall apply to all genders.

14.4 Validity

If any provision of the Charter is declared by a court of competent jurisdiction to be void or unconstitutional, such action shall not affect the validity of any other provision.

Article XV

Transition Provisions

15.1 Tax Collector

Upon expiration of the term of office of the Tax Collector in November 2001, a Tax Collector shall be *employed* and not elected.

15.2 Town Clerk

Upon expiration of the term of office of the Town Clerk in January 2002, a Town Clerk shall be *employed* and not elected.

15.3 Town Treasurer

Upon expiration of the term of office of the Town Treasurer in November 2001, a Town Treasurer may be *employed* but not elected.

15.4 RTM

- a) In order to provide for the transition to an *RTM* comprised of sixty (60) members with staggered two-year terms:
 - in the November 2000 municipal election approximately thirty (30) members shall be elected to fill the approximately fifty (50) expiring terms, creating an *RTM* of eighty (80) members; and

- in the November 2001 municipal election approximately thirty (30) members shall be elected to fill the approximately fifty (50) expiring terms, creating an *RTM* of sixty (60) members.
- b) The power of the *RTM* to override a final action of the Board of Finance shall become effective the first day after the November 2001 municipal election.
- c) Within twelve (12) months from the adoption of the Charter the *RTM* shall supplement the Charter with necessary and advisable *ordinances*.

15.5 Authorization of Appointed Town Bodies within Twelve Months

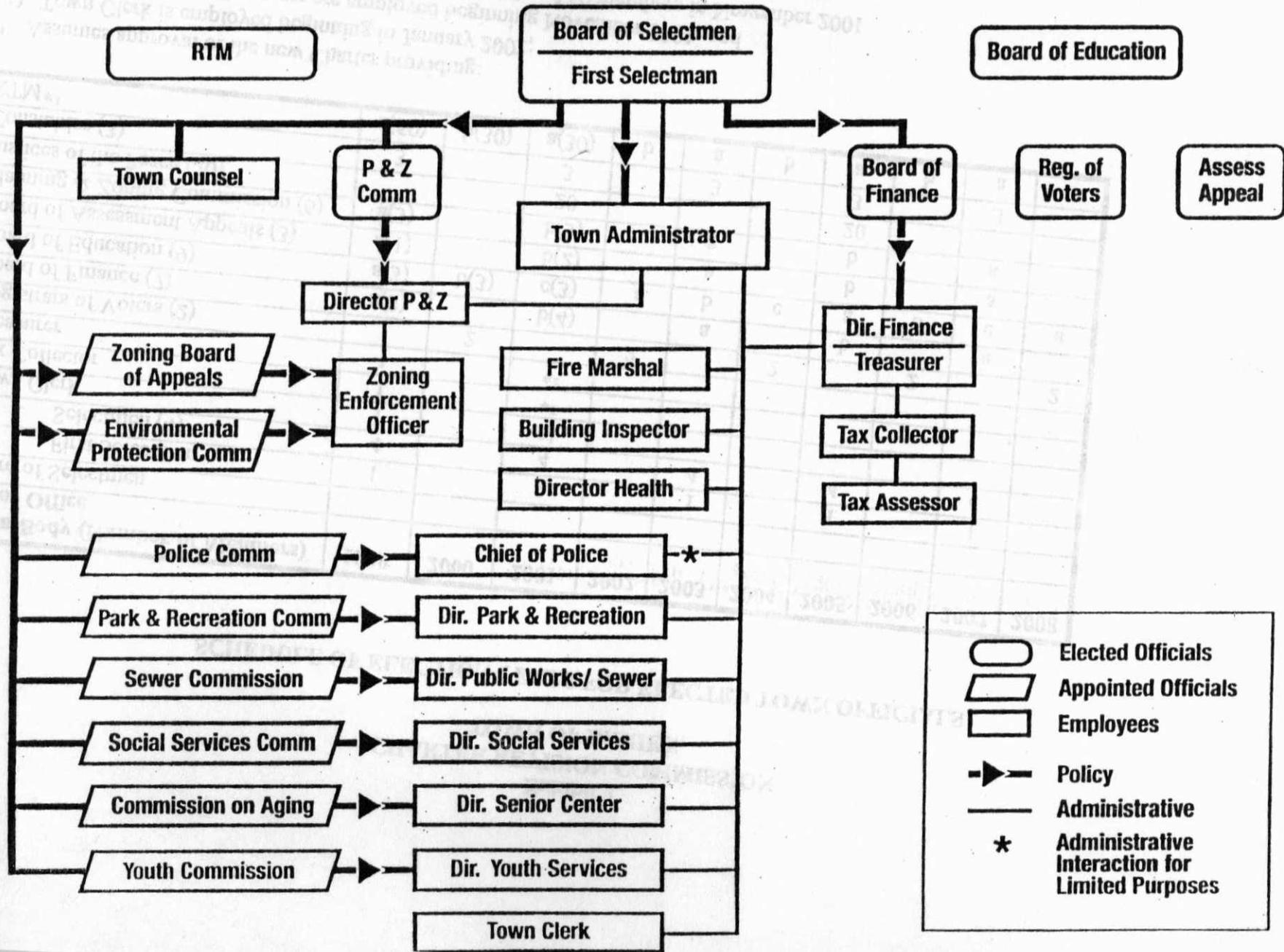
Appointed *Town bodies* not specifically authorized by *ordinance* shall expire twelve (12) months after the adoption of the Charter.

15.5 Future Printing

This Article need not be printed after November 2002.

EXHIBIT 1

CRC Proposed Town Government Organization Chart



**Exhibit 2
CHARTER REVISION COMMISSION
TOWN OF DARIEN**

SCHEDULE OF ELECTION YEARS FOR ELECTED TOWN OFFICIALS

Town Body (Number of Members) or Office	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Board of Selectmen										
First Selectman	1		1		1		1		1	
Selectmen (4)	4		4		4		4		4	
Town Clerk	1		* ¹							
Tax Collector	1		* ²							
Treasurer	1		* ²							
Registrars of Voters (2)		2		2		2		2		2
Board of Finance (7)	a(3)		b(4)		a		b		a	
Board of Education (9)	a(3)	b(3)	c(3)	a	b	c	a	b	c	a
Board of Assessment Appeals (3)	a(1)		b(2)		a		b		a	
Planning & Zoning Commission (6)	a(3)		b(3)		a		b		a	
Justices of the Peace (20)			20				20			
Constables (3)	3		3		3		3		3	
RTM* ³	a(50)	b(30)	a(30)	b	a	b	a	b	a	b

* Assumes approval of the new Charter providing:

- 1) Town Clerk is employed beginning in January 2002;
- 2) Tax Collector and Treasurer are employed beginning November 2001; and
- 3) RTM is reduced to 80 members in November 2000 and 60 members in November 2001

Current Appointed Officials And Appointed Town Bodies

<u>Official</u>	<u>Number of Members</u>
Architectural Review Board	7 plus 2 alternates
Beautification Commission	13
Board of Ethics	5
Building Board of Appeals	3
Business Development Comm.	13
Cable TV Advisory	5
Coastal Water Advisory Comm.	11 plus 4 Ex Officio
Commission on Aging	10 plus 1 Ex Officio
Commission of Social Services	7
Environmental Protection Comm.	8
Five Mile River Comm. Reps	2
Housing Authority	6 State Agency
Information Tech. Committee	5 plus 8 Ex Officio
Jury Committee	3
Middle School Building Comm.	8
Monuments and Ceremonies	11
Operations Planning Comm.	6
Park and Rec. Commission	9
Parking Ticket Hearing Officers	4
Police Commission	3
Police Pension Board	3 plus clerk
Resource Conservation Advisory	8
Safety and Health Committee	13
Selectman's Civil Preparedness	28
Sewer Commission	5
SWRPA Representatives	2
Town Historian	1
Town Pension Board	5 plus clerk
Youth Commission	6 plus 9 students
Zoning Board of Appeals	5

**CHARTER REVISION COMMISSION
TOWN OF DARIEN**

ANNUAL BUDGET PROCESS

Town Fiscal Year: July 1 - June 30

- I. At the outset of the budget-making process, the Board of Finance provides guidance to the Board of Selectmen and the Board of Education concerning Board of Finance financial forecasts.
- II. Budget requests are developed by the Board of Selectmen and Board of Education for submission to the Board of Finance.
 - A. The Board of Selectmen develops its recommended operating and capital budget requests.
 - The Board of Selectmen sets policy guidelines for its operating and capital budgets.
 - The Town Administrator sets a calendar of deadlines for department heads and chairmen of Town bodies and advises each about Board of Selectmen policy guidelines.
 - The Town Administrator receives, analyzes and modifies budget requests of each department in accordance with Board of Selectmen policy guidelines and goals and objectives and each department's goal and objectives.
 - The Town Administrator meets with each department head following such analysis to review the budget requests, and the Town Administrator participates in meetings between department heads and the Board of Selectmen concerning budget requests.
 - The Town Administrator prepares, with the support of the Director of Finance, a final draft of the operating and capital budget requests for approval by the Board of Selectmen.
 - The Board of Selectmen reviews, modifies and adopts department budget requests.
 - Upon adoption, the Board of Selectmen submits its recommended Operating and Capital Budgets to the Board of Finance.

B. The Board of Education develops its Recommended Operating and Capital Budgets.

- The Board of Education reviews the preliminary budget requests prepared by the Superintendent of Schools.
- The Board of Education holds a public hearing for comment on the preliminary budget requests.
- The Board of Education modifies and adopts its operating and capital budget requests.
- Upon adoption, the Board of Education submits its recommended Operating and Capital Budgets to the Board of Finance.

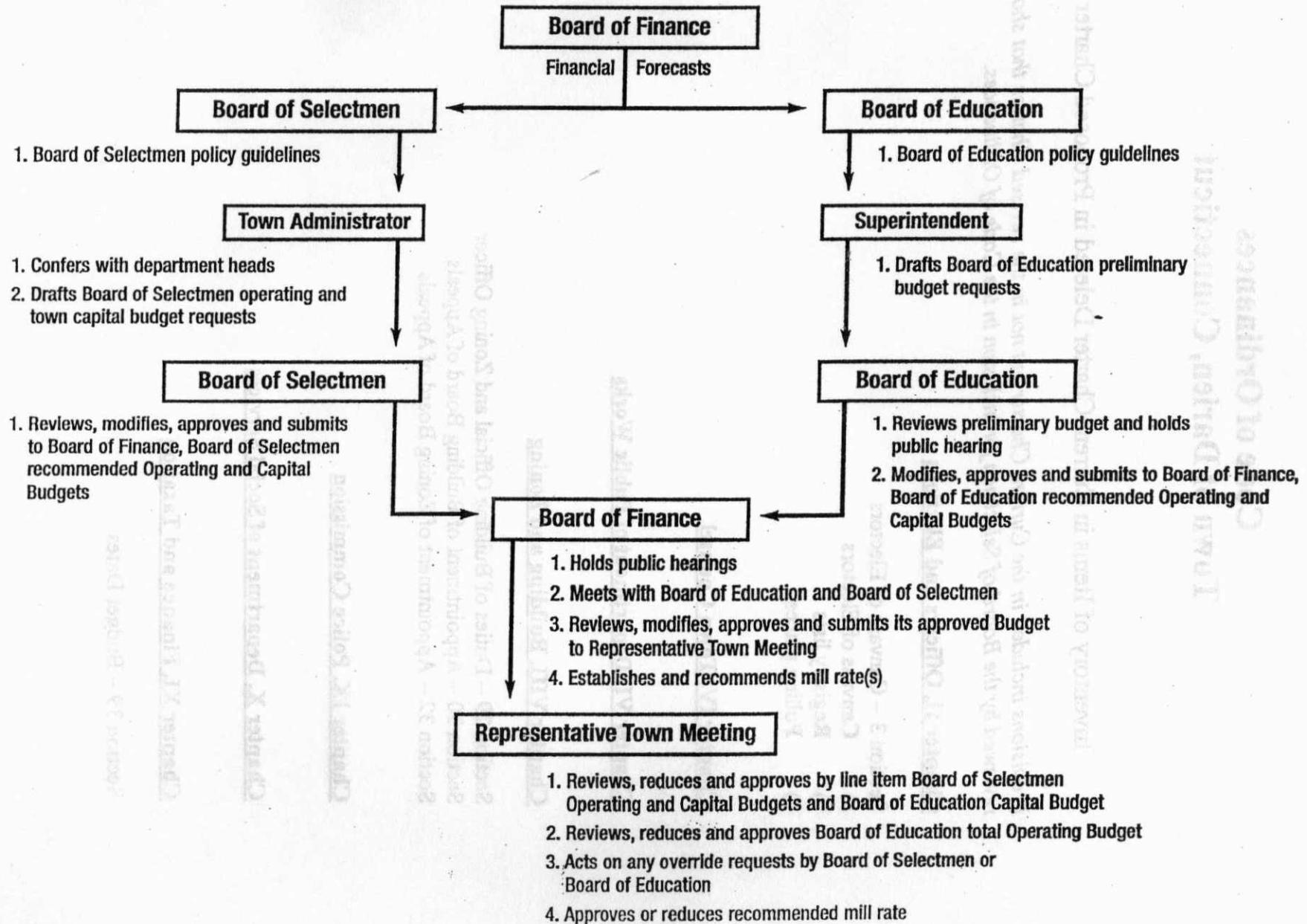
III. The Board of Finance considers the recommended Board of Selectmen Operating and Capital Budgets, and the recommended Board of Education Operating and Capital Budgets for submission to the RTM.

- A. The Board of Finance holds a public hearing for taxpayer comment on the recommended Town budgets.
- B. The Board of Finance meets with the Board of Selectmen to discuss the Board of Selectmen Operating and Capital Budgets.
- C. The Board of Finance meets with the Board of Education to discuss the Board of Education Operating and Capital Budgets.
- D. The Board of Finance reviews, approves, reduces or increases, by line item, the Board of Selectmen operating and capital budget requests and the Board of Education capital budget requests.
- E. The Board of Finance reviews, approves, reduces or increases the total Board of Education operating budget requests.
- F. Upon adoption, the Board of Finance submits its approved Budget to the RTM.
- G. The Board of Finance submits for RTM approval the recommended mill rate based upon the Board's approved budget. In the event the Board of Selectmen or Board of Education has recommended to the RTM an override of an action by the Board of Finance, then the Board of Finance shall also submit to the RTM a mill rate that it would recommend assuming the override is approved by the RTM.

IV. RTM acts on the Board of Finance Budget and mill rate.

- A. The RTM approves or reduces, by line item, the Selectmen's Operating and Capital Budgets and the Board of Education Capital Budget approved by the Board of Finance.
- B. The RTM approves or reduces the total Board of Education Operating Budget approved by the Board of Finance.
- C. The RTM acts on any override recommendation of the Board of Selectmen or Board of Education.
- D. The RTM approves or reduces the mill rate recommended by the Board of Finance.

TOWN OF DARIEN, ANNUAL BUDGET PROCESS



Code of Ordinances Town of Darien, Connecticut

Inventory of Items in Current Charter Deleted in Proposed Charter

Provisions included in the Current Charter but not in the revised Charter that should be reviewed by the Board of Selectmen for inclusion in the Code of Ordinances.

Chapter II, Officers and Elections

Section 3 – Canvass of Electors

- a) Canvass of Electors
- b) Registry lists
- c) Polling places

Chapter IV, Town Council

Chapter VI, Department of Public Works

Chapter VIII, Building and Zoning

- Section 29 – Duties of Building Official and Zoning Officer
- Section 30 – Appointment of Building Board of Appeals
- Section 32 – Appointment of Zoning Board of Appeals

Chapter IX, Police Commission

Chapter X, Department of Social Services

Chapter XI, Finance and Taxation

- Section 39 – Budget Dates

Chapter XII, Purchasing, Contracting and Expenditures

Section 46 – Expenditures and Accounting

- a) Purchasing function
- c) Requirements for sealed bids

Chapter XIV, Harbor Waters

Provisions that should be reviewed by the Board of Selectmen for possible inclusion in the Code of Ordinances.

Chapter II, Officers and Elections

Section 11 – Official Bonds

Consider either for inclusion in Code of Ordinances or Human Resource job description

Chapter V, Board of Finance

Section 23 – Records and Books of Accounts

Chapter XI, Finance and Taxation

Section 40 – Special and Emergency Appropriations

These recommendations should be considered in conjunction with the preceding inventory of items in current Charter to be removed and added to the Code of Ordinances.

Suggestions for edits or deletions

Global changes:

- All references to effective dates remaining from time of original enactment can now be removed, e.g., 10-3, p.616; 22-9, p.1207; 52-1, p.2733.
- All fixed fines, fees, and other such charges as may be included should be removed (could be changed to: "not less than" something). Specific dollar values for these charges will require constant amendment.

Designate authority to determine fees and/or fines.

Chapter 1, General Provisions

Chapter 2, Administration

2-1 Replace with paragraph that says Board of Selectmen establishes schedules and agenda for meetings held at least quarterly.

Chapter 3, Code of Ethics

Chapter 4, Animals and Fowl

4-36 Consider adding zoning officer to list of those who may enforce provisions.

4-37(b) another fee

4-40 another fee

Chapter 5, Boats and Harbors

It has been suggested that Chapter XIV be deleted from the Charter and moved to this location to replace 5-2 through 5-11.
River pieces?]

5-8 Penalties to be redefined

5-12, p. 362.2, another fee

Chapter 6, (Reserved)

Chapter 7, Buildings and Structures

7-6, p. 460 another fine

Chapter 8, (Reserved)

Chapter 9, (Reserved)

Chapter 10, Conservation

10-23 Consider referring to "water company(ies) supplying water...", instead of naming specific entity, which could change and then require amendment.

10-24 Instead of detailing specific possible restrictions on water use, redraft first paragraph to give board of selectmen authority to "among other things..." Delete (1) through (8).

Chapter 11, (Reserved)

Chapter 12, Demolition

Chapter 13, Elections

Chapter 14, (Reserved)

Chapter 15, (Reserved)

Chapter 16, Finance and Taxation, Generally

Chapter 17, Relief for the Elderly

Chapter 18, (Reserved)

Chapter 19, Fire Protection and Prevention

Chapter 20, (Reserved)

Chapter 21, (Reserved)

Chapter 22, Solid Waste

22-4 Section (c) *Refuse disposal area* is it all necessary? We think much of it could be replaced by delegating authority to Public Works. They could publish rules.

22-5 Section (1) a&b *Commercial vehicles* do we need to define commercial if Connecticut already has?

Chapters 23 and 24, Reserved

Chapter 25, Health, Sanitation, Environment

- 25-7 Re food establishment inspections. Currently required annually. Staff does not currently accomplish task that frequently. Should it be changed to "periodic" from annual? Subcommittee was split.
- 25-8 Diseased handlers prohibited. Is it necessary to have local regulation?
- 25-12 Exempts public buildings' sewage disposal systems from preceding regs re inspection. We think it can be deleted, at least because now it must be superseded by state requirements.
- 25-22 Re clamming permits for Stamford residents. Seems strange to us, but don't know if it can be changed.

Chapters 26 and 27, Reserved

Chapter 28, Housing

Article II. Trailers and Trailer Parks All obsolete. BUT, there is nothing about motels and hotels. Is that covered in the P&Z regulations? If not, where? We recommend giving authority to P&Z if it's not already there.

Chapter 29, Reserved

Chapter 30, Tag Sale

- 30-1 Definitions: consider including "estate sales."
- 30-2 Eligibility: suggest amending to say, "resident or his representative (legal designee?)."

Chapter 31, Miscellaneous Permits, Penalties and Offenses.

- 31-1 Re liquor to minors. Why do we have it when it must be thoroughly covered by state law?

Chapter 32, Nuisances

32-9 Definition should become 32-1.

32-12 Savings clause. Why only in this chapter? We think there should be one that covers the entire book.

Chapter 33, Parks and Recreation

33-7 (c) Re parking permits. Says the park and recreation commission sets fees for stickers. We think authority to set fees should reside with elected officials.

33-10 Park Operating Policy. Gives too much authority to the administrator. We suggest making a global change giving the authority to the Commission. They can then delegate to the administrator.

Article II. Parking at Pear Tree Point Beach Why necessary? We recommend deleting as archaic and superfluous.

Chapters 34 and 35, Reserved

Chapter 36, Peddlers, Solicitors and Canvassers

Chapter 37, Reserved

Chapter 38, Personnel

Article 1. Employee Retirement Plan

Article 2. Police Pension Fund

Article 3. Miscellaneous

Article 4. Benefit Plan for Spouses and Dependents

Chapters 39 and 40, Reserved

Chapter 41, Planning and Zoning

Chapters 42-46, Reserved

Chapter 47, Streets and Sidewalks

47-1(1) another fee. Delete end of sentence: for the issuance of which a fee of ten dollars (\$10.00) is established.

Chapters 48 and 49, Reserved

Chapter 50, Traffic and Vehicles

50-1 Board of Education exception has been superseded; should be deleted.

Chapter 51, Reserved

Chapter 52, Youth Commission

Consider combining Youth Commission with Parks and Recreation. They have overlapping missions.

Chapter 53, Commission on Aging

53-1(b) Unclear--who is the municipal agent for elderly persons of the town?

Chapter 54, Beautification Commission

Appendix A, Miscellaneous Special Acts

Appendix B, Rules of Procedure of the Representative Town Meeting

Appendix C, Administrative Regulations

The Charge

BE IT RESOLVED that the Board of Selectmen hereby establishes a 1997 Charter Revision Commission, in accordance with Chapter 99 of the General Statutes of Connecticut, which Commission shall be composed of 12 members to be appointed by the Board of Selectmen; and

BE IT FURTHER RESOLVED that the Charter Revision Commission shall study the structure of Town government, including its form, composition, and functioning; the laws, rules, regulations, ordinances and procedures under which it operates; and the working relationships with each of the other various Town Boards, RTM, Commissions, Committees, Departments and Offices; and

BE IT FURTHER RESOLVED that the Commission shall issue a draft report relative to the proper structure of Town government and appropriate measures to achieve that structure. The draft report should look toward a Town government structure which will combine sensitivity and responsiveness to citizen needs with practical, economic and efficient operation of local government and government services. The Charter Revision Commission shall submit its draft report no later than November 16, 1998; and

BE IT FURTHER RESOLVED that this Commission shall be charged with the following:

- * review the authority and responsibilities of the First Selectman, the Board of Selectmen and the Administrative Officer.
- * develop a better administrative structure for Town Hall.
- * determine the form of town government suitable for Darien.
- * make such other recommendations as deemed appropriate by the Commission.

Adopted by the Board of Selectmen on June 16, 1997.

Proposed Resolution of the Board of Selectmen Terminating the 1997 Charter Revision Commission

WHEREAS, the Charter Revision Commission created on June 16, 1997, was, by resolution and by statute, required to present a draft report to the Selectmen no later than November 16, 1998; and

WHEREAS, working diligently, said Charter Revision Commission has developed concepts for amending the Darien Charter but writing service delays have prevented said Commission from transforming its efforts into a complete draft report during the time allotted by law; it is

BE IT RESOLVED that the Charter Commission created June 16, 1997 is declared terminated.

Proposed Resolution of the Board of Selectmen Creating a 1999 Charter Revision Commission

BE IT RESOLVED that the Board of Selectmen hereby establishes a Charter Revision Commission in accordance with Chapter 99 of the General Statutes of Connecticut which Commission shall be comprised of 12 electors of Darien to be appointed by the Board of Selectmen pursuant to said chapter 99; and

BE IT FURTHER RESOLVED that said Charter Revision Commission shall review, evaluate and further develop the conclusions reached by its predecessor relative to the structure, composition, functioning, laws, regulations, ordinances and procedures of Town government; and

BE IT FURTHER RESOLVED that said Charter Revision Commission shall submit its draft report no later than March 31, 1999.

Proposed Resolution of the Board of Selectmen
Establishing the 1999 Charter Revision Commission

The members of the Charter Revision Commission have come together from many walks of life and parts of town. We have worked late and long hours on this collaborative effort on behalf of the Town of Darien and its citizens.

WHEREAS, working diligently, said Charter Revision Commission has developed concepts for amending the Darien Charter which, if adopted, will provide said Commission from transforming its efforts into a complete draft report during the time allotted by law, it is

Karen Armour

Harry Earle, Vice Chairman

BE IT RESOLVED that the Charter Commission be and it is hereby so ordered, that the Charter Commission shall be composed of 12 electors of Darien to be appointed by the Board of Selectmen on or before June 15, 1997 as decided

Wilder Gleason

Lynn Hamlen

Jed Lawrence

Proposed Resolution of the Board of Selectmen
Creating a 1999 Charter Revision Commission

Maxwell McCreery

Gerald Nielsen, Jr.

Jan Raymond

BE IT RESOLVED that the Board of Selectmen hereby establishes a Charter Revision Commission in accordance with the provisions of the General Statutes of Connecticut which Commission shall be composed of 12 electors of Darien to be appointed by the Board of Selectmen on or before June 15, 1997 as decided

George Reilly

Linda Santarella

BE IT FURTHER RESOLVED that said Charter Revision Commission shall review, evaluate and further develop the concepts developed by its predecessor relative to the structure, composition, functioning, laws, regulations, ordinances and procedures of Town government, and

Amy Squyres

William Swett, Chairman

BE IT FURTHER RESOLVED that said Charter Revision Commission shall submit its final report no later than March 31, 1999.

* Marilyn Hart, Charles Lamb and Fred Sammis were appointed to the Commission in 1997, but were unable to complete their service.

CALENDAR

June, 1997	Board of Selectmen establishes Charter Revision Commission with charge to file Draft Report with recommendations for changes to Town government by November 16, 1998
August 4, 1997	First meeting of the Commission
October 7, 1997	First public hearing of the Commission
March 25, 1998	Adoption of "Standards for Improvement" by Commission
October 29, 1998	Second public hearing of the Commission
November 12, 1998	Commission adopts resolution seeking additional time to finish its work
November 16, 1998	Board of Selectmen reappoints Commission with charge to file Draft Report by March 31, 1999
November 19, 1998	Commission meets for first time following reappointment
December 10, 1998	Commission holds public hearing
March 2, 1999	Commission releases Proposed Revised Charter to the public
March 11, 1999	Commission holds final public hearing
March 30, 1999	Commission unanimously approves Draft Report with Proposed Revised Charter
March 31, 1999	Commission files Draft Report

The following dates are tentative:

April 22, 1999	Board of Selectmen to hold public hearing
May 7, 1999	Board of Selectmen to make recommendations to Commission for changes to Proposed Revised Charter
June 6, 1999	In its Final Report, Commission to accept or reject, in whole or part, the recommendations of the Selectmen
June 21, 1999	Board of Selectmen to accept or reject Commission's Final Report and Commission terminates
November 2, 1999	Election Day, electors to decide on approval of the Proposed Revised Charter

Findings of Commission Research on the RTM

Meeting Attendance (100=a fully attended meeting)

1995

<u>3/20</u>	<u>5/8</u>	<u>6/19</u>	<u>9/25</u>	<u>11/13</u>	<u>12/11</u>
74	90	66	78	80	74

1996

<u>1/2</u>	<u>3/4</u>	<u>4/29</u>	<u>5/3</u>	<u>6/2</u>	<u>9/23</u>	<u>11/12</u>	<u>11/25</u>	<u>12/9</u>
80	65	73	78	80	74	72	77	82

1997

<u>1/27</u>	<u>4/7</u>	<u>5/12</u>	<u>6/16</u>	<u>6/29</u>	<u>9/22</u>	<u>10/20</u>	<u>11/10</u>	<u>12/8</u>
74	75	83	63	73	82	69	66	85

1998

<u>1/26</u>	<u>3/16</u>
73	64

Number of Vacancies to be Filled In November Election

Number of Candidates On The Ballot

1993	53	58
1994	49	45
1995	53	45
1996	57	43
1997	53	45
1998	55	36

Comparison of Darien With Other RTM Towns

<u>Town</u>	<u>Population</u>	<u># On RTM</u>	<u>Ratio of RTM members to population</u>
Branford	28,043	30	1: 935
Fairfield	53,200	50	1: 1,064
Greenwich	60,000	230	1: 261
Waterford	17,500	22	1: 795
Westport	24,400	36	1: 678
Darien	18,196	100	1: 182

With a 50 member RTM Darien's ratio would be 1: 364

Minority Report

Referendum:

The minority is in agreement with the majority regarding the proposed change from 10 days to 14 days for signatures for petition, and keeping the amount of \$50,000.00, which is the amount needed to bring an item/items to referendum. The differing point of view lies solely with the 25% rule for referendum. The minority feels that 25% is an unreasonable amount in light of the CRC's Standards for Improvements and doesn't allow for reasonable checks and balances. American Government is patterned on checks and balances. The minority feels this is the only opportunity for voters to exercise their authority to hold the process of government accountable. We support the voters right to choose in areas where there is not unanimous agreement within the Commission. The minority feels the 25% rule is uncommonly strict compared to towns the size of Darien, and would recommend lowering the percentage. The minority recommends that the Board of Selectmen receive input from the electorate regarding using a simple majority vote or some percentage less than 25% in referenda, and that the Selectmen approve a revised Charter which reflects the electorate's position.

Town Clerk – Tax Collector

The minority favors leaving the Town Clerk and Tax Collector as elected, not employed. There were no clear indicators for the minority to change these positions to employed. The Town Clerk's responsibilities are clearly outlined in State Statue, Section 7. The Town Clerk should report directly to the Town Administrator. The Tax Collector's responsibilities are also clearly outlined in Section 9-189 and 48 other State Statue sections. The Tax Collector should report to the Director of Finance, who in turn would report to the Town Administrator. The minority recommends to the Board of Selectmen that these two items be put to a vote on the ballot as a separate vote.

1. Shall the Town Clerk be an employee instead of an elected official?
2. Shall the Tax Collector be an employee instead of an elected official?

It should be noted that the Charter Revision Commission reached consensus, and voted unanimously on the overwhelming vast majority of proposed changes to the Charter.

Submitted by Jed Lawrence and Linda Santarella

UPDATE

from the Darien Charter Revision Commission

February 1998

We the People

Towns throughout Connecticut recognize the need to keep their government current. To that end, the state legislature has empowered the people to take responsibility for the way their government operates, through a state statute allowing for charter revision.

The Darien Charter Revision Commission, established by the Board of Selectmen on June 16, 1997, is charged with reviewing how our government works today and making recommendations for improvement.

But it is also the responsibility of the Commission to keep you, the voter, informed. We intend to use this newsletter, UPDATE, the local newspapers, meetings in public and public hearings to accomplish this mission.

Ultimately, any changes to the Darien Town Charter rest with you, the Darien voter. We, the members of the Charter Revision Commission, are committed to making your vote an educated one.

The Selectmen's Charge

The Board of Selectmen has charged the Charter Revision Commission to:

Study the structure of Town government, the laws, ordinances and procedures under which it operates; and the working relationships among the various boards, RTM, commissions, committees, departments and offices.

Draft a report on the proper structure of Town government, combining responsiveness to citizen need with the practical, economic and efficient operation of Town government.

Meetings

The Charter Revision Commission meets on the 2nd & 4th Wednesday of each month, at 7:30 p.m. in Darien Town Hall.:

Feb 11, 25	July 8, 22
March 11, 25	Aug. 12, 26
April 8, 22	Sept. 9, 23
May 13, 27	Oct. 14, 28
June 10, 24	Nov. 4, 18

Commission Members

The membership of the Charter Revision Commission originally numbered 12. When the breadth and scope of the work became clear, the Board of Selectmen, at the request of the Commission, added two additional members for a total of 14. The members are:

Bill Swett, Chairman
Harry Earle, Vice Chairman
Amy Squyres, Secretary

Karen Armour
Wilder Gleason
Marilyn Hart
Lynn Hamlen
Jed Lawrence
Max McCreery
Jerry Nielsen
Jan Raymond
George Reilly
Fred Sammis
Linda Santarella

Why the Review?

The possible need for the revision of Darien's Town Charter, originally drafted more than 30 years ago, is a direct outgrowth of an ongoing process designed to improve the Town's delivery of services to its citizens.

In 1995, the Selectmen authorized a management consultant to undertake an organization and management study of town government as it works today. The Selectmen's Committee to Study the Improvement of Town Services subsequently issued a report, pointing to several areas in need of further review.

The Charter Revision Commission was appointed to undertake this task.

Timeline

The timetable for carrying out charter revisions are set by State Statute. The key dates are:

June 1997	Selectmen establish Commission
July 1997	Selectmen appoint members to Commission
Oct. 1997	Public Hearing
Nov. 1998	Deadline for submission of report to Selectmen after public hearing
Jan. 1999	Selectmen recommend changes; public hearing
Feb. 1999	Commission makes final report.
Mar. 1999	Selectmen vote on proposed amendments
Nov. 1999	Voters approve or reject proposed amendments via special/regular election.

Strategy

In an effort to get maximum input from many sources, the Commission kicked off its study with a public hearing. Three sub-committees then interviewed 53 key employees/officials over a 4-month period.

The Chairmen, in some cases past and present, and members of the following Boards and Commissions were interviewed: the Board of Selectmen, Board of Finance, Planning & Zoning, Park & Recreation and Board of Education.

Interviews were also conducted with the Town Administrator, Town Treasurer, Tax Collector, Finance Officer, Tax Assessor, the Board of Tax Review, Fire Marshal, Director of Public Works, the Sewer Commission, the Police Chief and Commission, Town Clerk, RTM members and Moderator, Youth Commission, Commission on Aging, Social Services and the Superintendent of Schools.

The town charters of nine Connecticut towns are also being reviewed as a basis for comparison. They include: Newtown, Weston, Fairfield, Monroe, Trumbull, Glastonbury, New Cannan, est Hartford and Woodbridge.

Guiding Principles

An outgrowth of the Commission's study and research was the development of principles designed to guide the Commission in its decision making:

1. Continue to foster quality of elected, appointed or hired personnel.
2. Consider a structure of government that improves services to our citizens.
3. Seek more efficient allocation of resources where possible.
4. Be more responsive, accessible and open to our citizens.

Key Issues

The interviews and findings of the Committee to Study the Improvement of Town Services, revealed a continuing pattern of issues and concerns. At this date, there appears a need for the clarification and defining of:

1. Duties, roles and relationships of the Board of Selectmen, the town administrator/ manager, Boards of Finance, Education and the RTM.

2. Structure and operations of Town government.
3. Appointment and /or election of Town officials.
4. Need for a human resources specialist in town hall.
5. Numbers of Town boards and commissions.
6. Need for information technology and training.
7. Size, terms and accountability of the RTM.

Send Us Your Thoughts

The Commission wants your input!
Send your comments to:

The Charter Revision Commission
c/o the Selectmen's Office
Darien Town Hall
or e-mail us at:
charterrevision@ci.darien.ct.us

For up-to-the-minute news
visit our website at:
<http://www.darien.lib.ct.us/townhall/charternews.htm>



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UPDATE

Published by the Darien Charter Revision Committee

October 1998

The Charter Revision Commission (CRC) began its challenge of making Darien's government more responsive to its citizens about a year ago.

The Commission must submit a draft to the Board of Selectmen (B/S) on or before November 16, 1998. We seek your comments at a public hearing scheduled for Thursday, October 29, 1998 at 8:00 p.m., Room 119, in Town Hall.

Since any changes to the Town Charter ultimately rest with you, the voters, this UPDATE describes the changes we anticipate recommending to the B/S.

The Process

We studied similar towns' charters, considered the 1996 report of the Selectmen's Committee to Improve Town Services, and interviewed many former and current government officials and town department heads and employees.

Through this exercise, the Commissioners came to appreciate the strengths of our current system and to understand its inherent weaknesses. Armed with knowledge of our government today, the CRC set goals for its improvement.

Standards for Improvement

After considering other forms of government, the CRC voted unanimously to preserve Darien's Selectmen/Representative Town Meeting (RTM) structure. The CRC then developed Standards for Improvement to benchmark our subsequent decisions and recommendations:

Be it resolved that our town government...

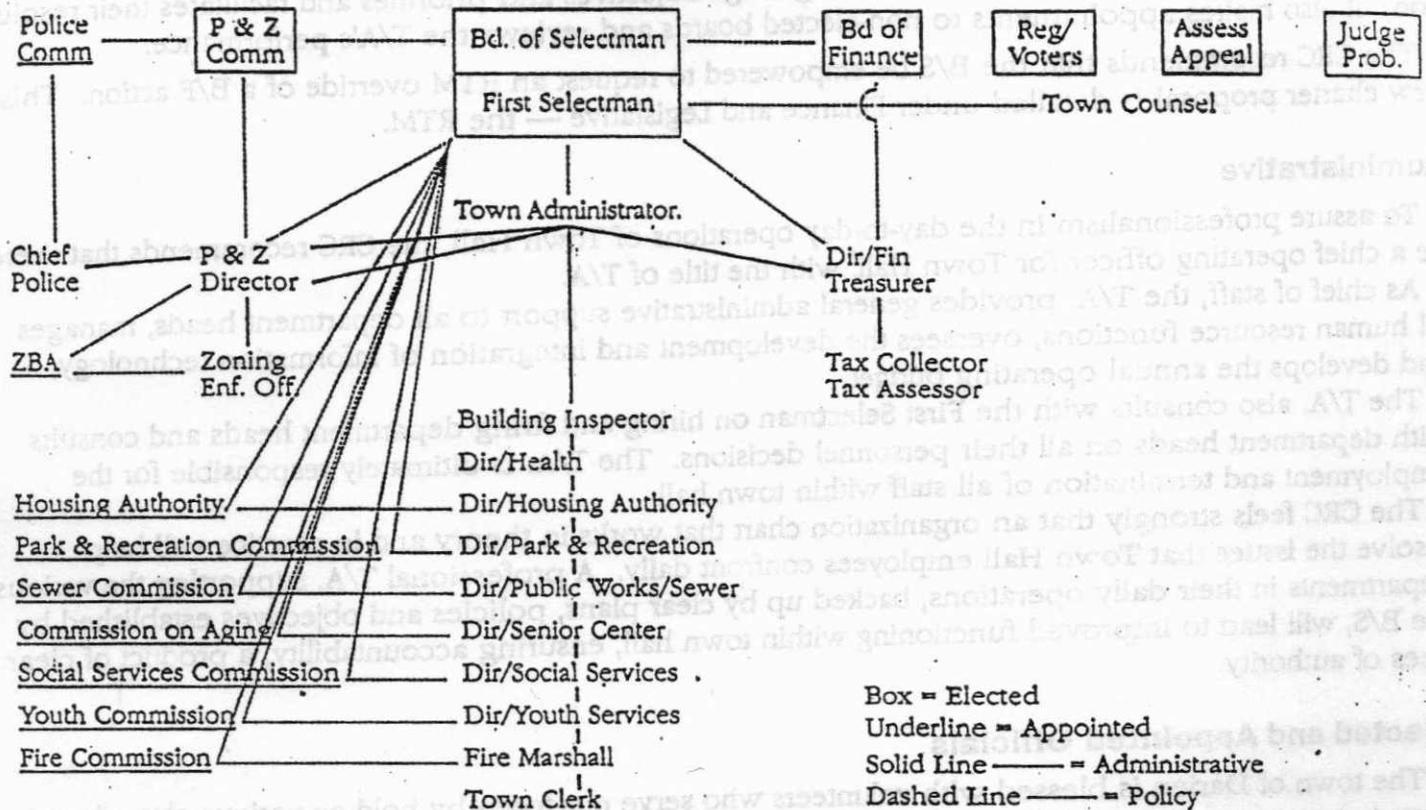
- * be improved through well-reasoned change;
- * employ effective and efficient decision-making with reasonable checks and balances;
- * be responsive to its citizens in the efficient delivery of services, considering the community's short- and long-term needs;
- * seek an appropriate mix of volunteerism and professionalism in government;
- * ensure accountability, a product of clear lines of authority;
- * operate under a clear and coherent structure.

The Big Picture

To understand how town government should and could function, the CRC undertook a "big picture" approach. We developed an organization (chart) for internal restructuring that meets our Standards for Improvement by providing for proper checks and balances, greater accountability and clear lines of authority.

DAVID
MAYBOSLICE

CRC Proposed Town Hall Organization Chart



Policy

Timely and effective long-range planning, supported by well-conceived policy, is the hallmark of a well-governed town that responds to the changing needs of its citizens.

A study of town government authorized by the B/S in 1995 said, "Policy making is diffused among the B/S, Board of Finance (B/F), various boards and commissions and committees of the RTM. The roles are unclear in legal authority and overlapping in practice. It is not possible to pinpoint responsibility or to hold any person or any body accountable for the actions of government. There are many opportunities for blocking things, but few opportunities for achieving them."

The CRC, to better define the roles and responsibilities within Town Hall, started at the top, with the chief elected official. The First Selectman is the leader of the B/S — the principal policy maker for the Town. The First Selectman provides policy and executive leadership to the appointed boards and commissions and all Town Hall operations, primarily by setting long-range goals and approving annual operating and capital budgets.

The dash (---) lines on the chart show the First Selectman's lines of communication to all elected town officials, the Chief of Police, and all commissions and boards, elected and appointed. A professional Town Administrator (T/A) reports directly to the First Selectman and is responsible for daily operations of Town Hall, thereby allowing the First Selectman more time to devote to planning and effective and efficient decision-making.

The B/S, under the leadership of the First Selectman, establishes policy for town operations and planning, as does the Board of Education (B/E) for educational issues. The B/S should assure that the budget reflects the goals and objectives of the various town commissions and the objectives and priorities of the B/S. The First Selectman also chairs the Operations Planning Committee, designed to communicate and coordinate townwide concerns.

The B/S in turn establishes annual and long-range objectives and priorities and facilitates their resolution. It also makes appointments to non-elected boards and reviews the T/A's performance.

The CRC recommends that the B/S be empowered to request an RTM override of a B/F action. This new charter proposal is detailed under Finance and Legislative — the RTM.

Administrative

To assure professionalism in the day-to-day operations of Town Hall, the CRC recommends that there be a chief operating officer for Town Hall, with the title of T/A.

As chief of staff, the T/A. provides general administrative support to all department heads, manages all human resource functions, oversees the development and integration of information technology, and develops the annual operating budget.

The T/A. also consults with the First Selectman on hiring and firing department heads and consults with department heads on all their personnel decisions. The T/A. is ultimately responsible for the employment and termination of all staff within town hall.

The CRC feels strongly that an organization chart that works in theory and in practice will help resolve the issues that Town Hall employees confront daily. A professional T/A. supporting the various departments in their daily operations, backed up by clear plans, policies and objectives established by the B/S, will lead to improved functioning within town hall, ensuring accountability, a product of clear lines of authority.

Elected and Appointed Officials

The town of Darien is blessed with volunteers who serve our town by holding various elected positions in town government. These elected positions are: First Selectman, B/S, Board of Assessment Appeals, B/E, B/F, Judge of Probate, Planning and Zoning Commission, RTM, Tax Assessor, Tax Collector and Town Clerk. With the exception of the non-partisan RTM, all of these elected officials appear on the ballot through endorsement by their respective town committees or a successful primary and are then voted into office by the entire electorate.

The CRC proposes a few changes to what are now elected positions. The first is that the Town Clerk be appointed rather than elected. Darien has been fortunate for many years to have experienced professionals in this important post. But, with the planned retirement of the incumbent at the end of her current term, making this change would ensure future professional staffing of this complex job.

For similar reasons, the CRC proposes that the Tax Collector and Tax Assessor no longer be elected but be appointed and report to the Director of Finance. The decision to appoint a Town Treasurer would be left to the discretion of the B/S.

Many citizens serve on appointed Commissions, in volunteer capacities, indicated on the chart by an underline and connected to their corresponding town hall department heads with a horizontal dashed line. The list of appointed Commissions is too extensive for these pages, but much good work is done by dozens of citizen volunteers.

The CRC, in recognition of the services performed by volunteers, was deliberate in including in its Standards for Improvement that Darien seek an appropriate mix of volunteerism and professionalism in government.

Finance

The CRC carefully analyzed the role and responsibilities of the B/F. As ultimate arbiter of the town's operating and capital budgets, the B/F has much authority over issues inside and outside of town hall.

To provide for the proper checks and balances required in a democratic system of government, the CRC sought ways to mitigate the power of the purse in policy and planning.

To illustrate: Assume the B/S plans, and requests funding for, a new walkway downtown as part of its annual budget. The B/F, in its desire to reduce the budget and via its line item veto power, cuts the item and thereby rejects the Selectmen's proposed walkway. In such a circumstance, the CRC feels there should be some recourse or appeal process for the B/S

The CRC recommends that the RTM be granted the authority to override an action of the B/F, upon request of the B/S or the B/E.

Such an override, however, would not come easily. In the case of the B/S's walkway, the B/S would have to make a strong case to fund it and the B/F put forth good reasons to deny it. Then the RTM with two-thirds present and a favorable vote by two-thirds of them, might overrule the B/F action.

This override provision would add another step to a long process; however, it would require our elected officials to defend their proposals, cuts and overrides. The CRC believes that the override will ensure greater accountability at every level and meet another of our Standards for Improvement by employing effective and efficient decision making with reasonable checks and balances.

To improve financial functions within town hall, the CRC recommends that many duties currently assumed by the Chairman of the B/F, would fall to the new position of Director of Finance. These would include setting up an integrated financial department within town hall, defining a process for the collection of monies by various departments, streamlining the budgetary process, and working with the T/A. to prepare the budget. The Director of Finance would also serve as purchasing agent, be responsible for treasurer functions, and oversee the work of tax assessor and tax collector.

Legislative

The RTM, in the tradition of the New England town meeting, has long been the legislative arm of government in Darien. The CRC, having considered alternatives, concluded that Darien's RTM has served the town well and should be preserved

Finding some concerns about the current size and function of the RTM, we questioned the RTM's effectiveness at 100 members.

Darien has a significantly higher ratio of RTM members to its population than other towns. This, along with poor attendance, uncontested elections, and ongoing vacancies, led the CRC to recommend a reduction to 50 members. We believe a smaller body will lead to contested elections for seats, more individual accountability of members, and better functioning of the RTM as a whole.

Along with this proposed reduction in size, the CRC recommends the RTM take on increased responsibility through the possibility of a budget override. (See Finance section.) The CRC sees the RTM providing necessary checks and balances in town government and believes the proposed reduction in size and increased responsibilities will enhance its form and function

Referendum

The current rules to overturn a decision made by the RTM provide that the B/S shall call a referendum if 5 percent of the electors petition for a referendum within 10 days of an action's having been taken involving an expenditure of \$50,000 or more. To overturn such action by the RTM, a majority of those voting must favor the override and that majority must equal at least 25 percent of the number of electors as of the last municipal election.

The CRC carefully considered these referendum provisions. We wished to ensure that the rules support the volunteer decision-makers in government, and provide reasonable checks and balances as well as accessibility by citizens to the decision-making process.

As a result, the CRC recommends that the Charter provide a 14-day period for filing a petition so that there are at least two weekends during which signatures may be solicited. The CRC believes that the rules could be more clearly stated in the Charter, but the existing rules satisfy our criteria.

The Next Step

There are other, less-substantial, charter changes recommended that go hand in hand with the proposals outlined above. These will be in the CRC's draft report to the B/S on November 16, 1998. Then the Selectmen will recommend any changes to the CRC's draft report and conduct a public hearing. The CRC will make a final report to the B/S in February of 1999. Following an affirmative vote by the B/S in March, the voters will approve or reject the proposed new Charter in a special election or at the next regular election in November of 1999.

Final Comment

The above recommendations and changes have been unanimously adopted by the twelve members of the CRC. We have worked together to deliver meaningful recommendations for better government for Darien. Our proposals are designed to foster better communications and working relationships within town hall so that our "government can be responsive to its citizens in the efficient delivery of services, considering the community's short- and long-term needs."

Mark Your Calendars:

Public Hearing, Thursday, October 29, 1998, Room 119, Town Hall, 8 PM

Questions?

Feel free to ask any member of the CRC:

Bill Swett, Chairman	Jed Lawrence
Harry Earle, Vice Chairman	Max McCreery
Amy Squyres, Secretary	Jerry Nielsen
Lynn Hamlen, Editor, UPDATE	Jan Raymond
Karen Armour	George Reilly
Wilder Gleason	Linda Santarella

Abbreviations: B/S = Board of Selectmen; B/E = Board of Education; B/F = Board of Finance;
CRC = Charter Revision Commission; RTM = Representative Town Meeting; T/A = Town Administrator

Charter Revision Commission to Board of Selectmen

Process Outline

I. Introduction

- Background
- Charge
- Process -- interviews, identified issues
- Guiding principles
- Standards for Improvement

"Policy making is diffused among the B/S, B/F, various boards and commissions, and the committees of the RTM. **The roles are unclear in legal authority and overlapping in practice.** It is not possible to pinpoint responsibility or to hold any person or any body accountable for the actions of government. **There are many opportunities for blocking things, but few opportunities for achieving them.**"

(Source: PAS report)

Guiding Principles

- Continue to foster quality of elected, appointed or hired personnel.
- Consider a structure of government that improves services to our citizens.
- Seek more efficient allocation of resources where possible.
- Be more responsive, accessible and open to our citizens.

Standards for Improvement

- Improve government with well-reasoned change.
- Employ effective and efficient decision-making with reasonable checks and balances.
- Be responsive to citizens in the efficient delivery of services considering the community's short- and long-term needs.
- Seek appropriate mix of volunteerism and professionalism in government.
- Ensure accountability, which is a product of clear lines of authority.
- Recommend a government with a clear and coherent structure

II Policy and Planning

- Issues: Who's in Charge?
 - Need for clearly defined roles and responsibilities
 - Must strengthen B/S role as lead policy maker
 - Need for clear lines of authority
 - Need for strategic long-range planning
 - Length of term
 - Need for improved cooperation and communications among boards and electorate
- Recommendations
 - First Selectman is Chief Elected Official
 - B/S hires and evaluates Town Administrator
 - F/S chief policy maker; B/S leads town budget process
 - B/S architect of long-range plan
 - Closer working relationship with appointed boards and commissions

III. Administrative

- Issues
 - Need for continuity in day-to-day Town Hall operations
 - Need for administrative support for department heads
 - Need for professionalism
 - Need for human resources function
- Recommendations
 - Upgrade and clarify role of Town Administrator (T.A.)
 - Should possess technology and personnel expertise
 - Function as Chief Operating Officer
 - T.A. reports directly to First Selectman
 - All departments report administratively to T.A.

IV. Finance

- Issues

- Need for integrated finance department
- Need for definition of roles in budget process to prevent overlap
- Does line item veto result in B/F as policy authority?
- Is balance of power among major elected boards and commissions appropriate?
- Currently primary Town long-range plan is B/F's five-year plan

- Recommendations

- Create integrated finance department
- Professional director of finance to head department
- Define budget process in charter via descriptions of roles
- RTM override provision with stringent requirements
- Long-range planning is responsibility of B/S

V. Legislative

- Issues

- RTM Size
 - Often not as many candidates as seats
 - Is it an election or a sign-up?
- Accountability of members
 - Poor attendance
 - Frequent vacancies
- Comparison to other towns

- Recommendations

- Reduce RTM membership to 50
 - Competition for seats
 - Empower representatives
 - Improve accountability and responsiveness
- Create provision for RTM override of B/F cuts
 - Super majority of super quorum required, i.e., 2/3 of 2/3
 - CRC does not support override at current RTM size

VI. Referendum

- Issues
 - Dollar amount too low?
 - Time to file too short?
 - Size of vote required to override RTM too high?
 - Process too difficult
- Recommendations
 - Stay with \$50,000
 - Increase time to file from 10 to 14 days
 - No change in size of vote to override
 - Try to describe process more simply

VI. Overall...addressed balance of power

- Clarified roles = heightened accountability
- Improved reporting relationships
- Smoothed out snags = reasonable checks & balances

Development of Darien's Organic Law

At its incorporation in 1820, Darien adopted the Selectmen-Town Meeting form of government as required by state statute. Few modifications were made until 1923 when a study commission was appointed by the "Town Plan Board" (later to become the Planning and Zoning Commission) to examine and recommend changes to town government. Subsequently, the legislative body appointed advisory study commissions in 1945, 1948, 1954, 1961 and 1974.

Changes to the structure of Darien's government became effective only after they were enacted into law by the state legislature. Each change was a special act. In 1959, Special Act No. 410 consolidated all the individual special acts into one that became known as Darien's "Special Act Charter."

Summary:

- 1820 Darien incorporated, employing the Selectmen-Town Meeting (statutory) form of government.
- 1911 Special Act forms Board of Finance.
- 1925 Special Act forms Planning and Zoning Commission.
- 1945 Advisory study commission appointed.
- 1948 Advisory study commission appointed.
- 1951 Special Act 72 forms RTM
- 1954 Advisory study commission appointed.
- 1955 Special Act forms Department of Public Works.
- 1957 Home Rule Act passed, allowing municipalities to devise structures of town government that may deviate from the norms of the General Statutes, i.e., Selectmen-Town Meeting, without requiring action of the legislature.
- 1957 Special Act 216 consolidates Darien's various special acts into a self-amending "special act charter." This was disapproved by the RTM because of the proviso that any amendment by the Town "shall be made in accordance with requirements and procedures established by the general statutes concerning local action on charters and special acts, as the same may be from time to time amended," which referred to the Home Rule Act.
- 1959 Special Act 410 consolidates Darien's various special acts into the Darien Town Charter. Note: Sec. 98 added to Special Act 410 allows the RTM to amend Special Act 410 without approval of the state legislature provided the amendments are not inconsistent with the constitution or general statutes.
- 1961 Advisory study commission appointed.
- 1965 Article X, Sec. 1 of the 1965 Constitution expressly forbidding the enactment of special legislation relating to governance of any single town is considered not applicable to Darien. Therefore, the Town can amend its structure of government without invoking the Home Rule process and without requiring a new Special Act (which would be unconstitutional).
- 1974 Study advisory commission appointed by RTM.
- 1997 Darien's organic law remains untouched by the Home Rule Act of 1957.
- 1997 Darien Charter Revision Commission appointed.
- 1998 Darien Charter Revision Commission reappointed.

Development of Darion's Organic Law

At its incorporation in 1820, Darion adopted the Selectmen-Town Meeting form of government as required by state statute. Few modifications were made until 1923 when a study commission was appointed (later to become the Planning and Zoning Commission) to examine and recommend changes to town government. Subsequently, the legislative body appointed advisory study commissions in 1941, 1942, 1943, 1954, 1961 and 1977.

Bibliography

Report of the Committee to Study the Improvement of Town Services, November 1996

Public Administration Services Report (PAS), July 1996

Town Government Study Advisory Commission (TGSAC), February 1977

1820 Darion incorporated, employing the Selectmen-Town Meeting (statutory) form of government.

1911 Special Act forms Board of Finance.

1923 Special Act forms Planning and Zoning Commission.

1942 Advisory study commission appointed.

1943 Advisory study commission appointed.

1954 Special Act forms RTM.

1961 Advisory study commission appointed.

1977 Special Act forms Department of Public Works.

1957 Home Rule Act passed, allowing municipalities to devise structures of town government that may deviate from the norms of the General Statutes, i.e., Selectmen-Town Meeting without requiring action of the legislature.

1937 Special Act 216 consolidates Darion's various special acts into a self-amending "special act charter." This was disapproved by the RTM because of the proviso that any amendment by the Town "shall be made in accordance with requirements and procedures established by the general statutes concerning local action on charters and special acts; the same may be from time to time amended," which referred to the Home Rule Act.

1959 Special Act 410 consolidates Darion's various special acts into the Darion Town Charter. Note: Sec. 92 added to Special Act 410 allows the RTM to amend Special Act 410 without approval of the state legislature provided the amendments are not inconsistent with the constitution or general statutes.

1961 Advisory study commission appointed.

1963 Article X, Sec. 1 of the 1963 Constitution expressly forbidding the enactment of special legislation relating to governance of any single town is considered not applicable to Darion. Therefore, the Town can amend its structure of government without invoking the Home Rule process and without requiring a new Special Act (which would be unconstitutional).

1977 Study advisory commission appointed by RTM.

1997 Darion's organic law remains unaltered by the Home Rule Act of 1997.

1997 Darion Charter Revision Commission appointed.

1998 Darion Charter Revision Commission reappointed.