

TOWN OF NEWINGTON 2022 TOWN CHARTER REVISION EXPLANATORY TEXT

This explanatory text has been prepared by the Town Clerk pursuant to CGS §9-369b(a). It is intended to not advocate the approval or disapproval of the referendum question appearing on the November 8, 2022 ballot.

General Explanation:

Acting under the authority and powers granted to municipalities by the Connecticut General Statutes, On January 25, 2022 the Newington Town Council passed a Resolution approving the initiation of action to amend and revise the Newington Town Charter.

On February 22, 2022, the Town Council charged the Charter Revision Commission to:

1. *Include a mandated review of the charter every ten years. Set up committee make up and time frame for review.*
2. *Review and update referendum limits to bring them in line with current expenditure amounts C-408, page 9 Define Special Appropriation.*
3. *Review Article VI and look at the number of members, specifically Parks and Rec (11 Members) page 13-15*
4. *Review the document for ambiguous terms like shall and may and make them clearer*
5. *Review and clarify Article IX Personnel. Specify who has control over BOE personnel. C-903 page 24*
6. *Change time on Council Organizational meeting to 7:00 C-403 page 8*
7. *Specify how Commission and Board members can be removed if they do not attend meetings or we are unable to contact them or conduct unbecoming a Board or Commission member.*
8. *Review the language for C-603 Library Trustees. "Selected by town"? page 14*
9. *Look at all numbers in the charter related to amounts required for referenda, bidding requirements etc. and determine if appropriate*
10. *Review staggered terms for council and board of education and other town boards*
11. *Review residency requirements for Town Planner, Police Chief*
12. *Review language in C-410. **Right of Referendum on Ordinances**, to ensure that the existing language and timeline is properly outlined.*
13. *Review language in C-609. **Auditor**, to include by reference the Audit Committee, currently created under Resolution 2021-58. Recommend approval of Code language to outline duties of the Audit Committee.*

Additionally, upon review of the initial Draft Report and Draft Charter, the Town Council referred ten (10) additional revisions to the draft language to the commission for review.

1. *Recommend removal of Work Sessions from "Procedures";*
2. *Recommend removal of membership amount from Charter for Board of Parks and Recreation;*
3. *Update Department of Police to change Dog Warden to Animal Control Officer;*
4. *Remove added language from Development Commission to be included in Code of Ordinances language;*
5. *Add definition of "shall" and "may";*
6. *Review change of language in C-412, C (New Section) to read "Mayor and member of opposing party. ";*
7. *Recommend addition of "disabled persons" in the end of the last paragraph of C-710;*
8. *Recommend changing language in C-403 to remove "...but only one vote" and to read "...and only one vote";*
9. *Recommend revised language to remove "...provided however, that such" and to read "...Such Bond" in C-408;*

Authorized by the Town Council

Prepared by the Newington Town Clerk

Approved by the Town Attorney

10. Recommend revised language to remove “...which petition shall be filed with the” and to add “...The Town Clerk” and “...of the petition filing” in C-410.

The Newington Town Council, on August 23, 2022, adopted a singular question in regards to the proposed draft of the Charter of the Town of Newington and voted to present that proposal, on the November 8, 2022 ballot in the form of one question:

2. Shall the Town of Newington adopt the proposed charter that was approved by the Town Council on August 23, 2022?

Yes ____

No ____

The following proposed revisions are the general revisions of the Charter that are referred to in Question No. 2. Article and Section references are to the proposed Sections, except where noted. A “**Yes**” vote is a vote for the adoption of all of the following revisions. A “**No**” vote is a vote against the adoption of all of the following revisions, and to leave the following Articles and Sections of the current Charter unchanged.

A majority vote on the question determines whether the proposed revisions pertaining to this question are approved or not.

Copies of the current (2012) Town Charter, the proposed draft Town Charter and a document comparing the current (2012) Charter to the proposed draft Charter are available in the office of the Town Clerk and on the Town of Newington website, www.newingtonct.gov. These documents will also be available at the Lucy Robbins Welles Library, the Senior and Disabled Center and the Town Manager’s Office. Copies of the proposed revisions and this Explanatory Text will be available at each polling place on Election Day, November 8, 2022.

Article/Section	Intent and Purpose of Proposed Revision
Article IV, The Council	
Section C-403 Organization	The current Charter defines the start of the Organization meeting as 8:00 PM, which is different than the normal scheduled meeting time of the Council. The proposed revision requires the Town Council to set the time based upon the adoption of the Annual Meeting Schedule.
Section C-404, B Procedures	The current Charter references “Work Session” as part of the discussion and review process. Statutory meeting types are limited to Regular, Special or Emergency. This proposed change would remove this reference.
Section C-408 Obligatory Referendum and Ordinance	The current Charter sets a threshold for Special Appropriations. The current language requires a Resolution for amounts up to \$375,000; an Ordinance for amounts up to \$975,000; and a Referendum for amounts over \$975,000. The proposed language sets the ordinance limit up to 1.5% of total budget and referendum limit in excess of 1.5% of total budget. The proposal also limits Special Appropriations to two (2) per year and defines a Special Appropriation.
Section C-409 Emergency Ordinance	This proposed language requires the Council, if possible, to hold a Public Hearing, within the first 30-days to inform the public on the status of the emergency.

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Section C-410 Right of Referendum on Ordinances	This proposed language cleans up repetitive language to clarify the certification period of a petition filing with the Town Clerk.
Section C-412, C Removals and Suspensions	<u>NEW SECTION</u> – This proposed language creates a streamlined process for the removal of individuals that are on longer residents of the Town and have not resigned; or have not met the attendance requirements during the calendar year.
Article V, The Manager	
Section C-501 Appointment, Qualification and Tenure	The current Charter language requires the Town Manager, upon appointment to reside within the Town within six-months, with the possibility of a six-month extension. This proposal recommends the removal of the residency requirement for the Town Manager.
Article VI, Officials and Boards Responsible to the Council	
Section C-603 Library Trustees	This proposed revision clarifies that the six town members of the Library Board are appointed by the Town Council.
Section C-604 Board of Assessment Appeals	This proposed revision removes the membership amount from the Charter. The current membership is not currently outlined within the Code of Ordinances and would require the Town Council to adopt an amendment to the Code of Ordinances. This would allow for additional members to be revised, should the need arise, without opening the Charter.
Section C-605 Board of Parks and Recreation	This proposed revision removes the membership amount from the Charter. The current membership is not currently outlined within the Code of Ordinances and would require the Town Council to adopt an amendment to the Code of Ordinances, Chapter 305, Parks and Recreation. This would allow for additional members to be revised, should the need arise, without opening the Charter.
Section C-606 Development Commission	This proposed revision removes the membership amount from the Charter. The current membership is outlined within the Code of Ordinances, Chapter 8, Boards, Committees, Commissions and Bureaus, Article VIII, Section 8-29. This will allow for additional members to be revised, should the need arise, without opening the Charter. The Commission also recommended that the Town Council outline that powers and duties that the commission is tasked with within the proposed ordinance.
Section C-608 Commission on Aging and Disabled	This proposed revision removes the membership amount from the Charter. The current membership is outlined within the Code of Ordinances, Chapter 8, Boards, Committees, Commissions and Bureaus, Article V, Section 8-16. This would allow for additional members to be revised, should the need arise, without opening the Charter.

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Section C-609 Auditor	This proposed revision would require the creation of an ordinance outlining the powers and duties of an Audit Committee within the Code of Ordinances.
Article VII, Administrative Offices and Departments Under Manager	
Section C-710 Department of Senior and Disabled Center Services	This proposed revision revises the title of Municipal Agent for Elderly to include the term “ <i>and disabled persons</i> ”.
Section C-711, C Department of Police	This proposed revision updates the title of Dog Warden to the statutory term of Animal Control Officer.
Article X, Miscellaneous	
Section C-1005 Amendment	This proposed language creates a recurring process for the Council to review and update the Charter, should they determine changes are needed. Any Charter amendments would need to conform to the Connecticut General Statutes, as amended.