

July 11, 2019

Charter Commission Report

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1. Summary.

The Charter provides a single local document which includes:

- A comprehensive definition of the structure of Lebanon's Town government,
- Define powers and duties of town officials and institutions
- Identifies uniform and consistent procedures and policies to support the orderly operation of the government.

The basic Town Meeting / Selectmen form of government is preserved. All current boards, commissions, committees and authorities are preserved. The Charter changes the Town Clerk and the Tax Collector from elected to hired positions. The Board of Selectmen is changed from a 3-member board elected every two years to a 5-member board with 4-year overlapping terms. The charter adopts the Connecticut General Statutes minority political party representation requirements for all boards, commissions or similar bodies.

The Charter maintains and documents the current roles of the Board of Finance, the Board of Selectmen and the Board of Education in the budget process. It defines uniform procedures for filling board vacancies. A uniform policy is specified for appointment of alternates to serve when regular members are not able to serve, except in the case of the Board of Finance which is specified by Statutes. The Charter requires the Board of Selectmen to define uniform hiring, personnel and compensation policies and to serve as the hiring agent for the town. Finally, the Charter stipulates that the Board of Selectmen review the Charter at least every five years and consider Charter revisions whenever it deems necessary.

2. Overview of major features.

The basic form of government

The Charter maintains the traditional Town Meeting / Selectmen form of government as specified in Article 2 of the Charter. All current boards, commission, committees and authorities are preserved.

The Charter leaves most things the way they are conducted in town today. It does however propose modifying some procedures and organizational structures in an effort to be more uniform and better prepare the town for the future. It also clarifies and documents areas of responsibility and operating

procedures.

Formation and approval of the annual budget.

Under the Charter, the Board of Finance, will continue to coordinate, prioritize and prepare a Town Operating Budget which consists of all agencies and departments of Town government with line-by-line details of the budgets affecting daily operations of the town. The Board of Finance will also continue to prepare the Non Operating Budget. The budget formation process for the Board of Education budget also remains unchanged. All Board of Finance responsibilities remain unchanged.

The proposed process basically remains the same as current practice. The Charter documents this practice to ensure consistency in future years. One change is listed below

- If the budget is sent to a referendum, specific advisory questions must be included on the ballot, asking if the major portions of the budget are too high, too low or acceptable. The results of the referendum and advisory questions must be published and considered in any revision to the proposed budgets. These specific questions are intended to reduce the ambiguity of questions that have been used in the past. Any revisions to the proposed budget must follow the same procedure as above.

Hiring, rather than electing, two professional, non-policy-making officials.

The proposed Charter would change the Town Clerk and the Tax Collector to hired positions rather than elected positions. The intent of the Charter is to permit hiring individuals for these positions based on specific technical and professional qualifications.

Five (5) member Board of Selectmen.

The Charter would institute a 5-member Board of Selectmen with 4 year overlapping terms in place of the current structure of 3 Selectmen with 2-year terms. As with current structure, the First Selectman is one of the voting members of the 5-member board. The proposed change to 5 members with staggered terms ensures some measure of continuity across years and broadens the representation of the citizens. It also allows a more diverse perspective on town affairs and policy direction by having more voices on the Board. Under the Charter, the First Selectman would continue to receive a salary.

Policies regarding hiring and dismissal of employees (other than Board of Education)

The Charter would establish uniform personnel, hiring and compensation policies for all hired positions except those in the Board of Education.

The Charter requires the Board of Selectmen to consult the board, commission, committee or department in which the employee is to serve regarding job requirements. The agency may identify candidates, conduct interviews and recommend candidates using the fair labor practices established for all town employees.

Provides uniform guidelines and timelines for filling a vacancy in elected agencies.

Provides uniform guidelines and timelines for filling in for an absent or

disqualified regular member.

Checks & Balances: duties and powers of officials & agencies

The Charter contains numerous forms of checks and balances to ensure that power is not concentrated in single individuals, boards, commissions and committees. These provisions appear throughout the document although several articles of the Charter are devoted exclusively to defining the duties and powers and limits of power of agencies and officials.

General features and transition

The Charter contains several features that provide consistency, streamlined processes and transition to operating under the Charter.

1. The Connecticut General Statutes' minority representation rules are adopted for all agencies. This change will affect the Planning and Zoning Commission and the Zoning Board of Appeals. Under the current Ordinances of December 18, 1961 and April 30, 1985, these boards cannot have more than a bare majority of members with the same political party affiliation. That is, the Planning and Zoning Commission can currently have 4 of 7 members with the same political party affiliation. Under the Charter, 5 of the 7 members could have the same affiliation. The Zoning Board of Appeals can currently have 3 of 5 members with the same political party affiliation. Under the Charter, 4 of the 5 members could have the same affiliation.
2. The Charter would make the effective date of all ordinances 21 days or later after publication.
3. The referendum on the Charter is expected to be held on the same day as the biennial elections on November 5, 2019. If the Charter is approved, Article 11 provides details for transition to governing under the Charter. Other than these transition provisions explained below, all parts of the Charter will become effective on December 1, 2019.
 - a) The Charter does not impact the terms of previously elected officials. Currently elected officials and officials elected on November 5, 2019 will remain in office until their elected terms of office expire.
 - b) In November 2019, a First Selectman and two Selectmen will have been elected, each with two year terms of office and each with previously established compensation. The First Selectman will have the traditional duties of the First Selectman in the day-to-day operation of the Town. Transition from the newly elected three member Board of Selectmen to a five member board is accomplished by requiring a special election no later than May 29, 2020 for two additional Selectmen each with terms ending in November 2023. This provision will establish a five member board with staggered four year terms.
 - c) Transition from elected to hired Town Clerk and Tax Collector occurs on the earlier of when their terms expire and when their positions become vacant for any reason.
 - d) Article 11 also specifies when elections and appointments are to be made for all elected and appointed agencies. These provisions have been coordinated with current practice and schedule.

3. Ordinances that are superseded by the Charter.

The following Lebanon Town Ordinances are superseded by provisions in the Charter and the Charter states that they are repealed with adoption of the Charter. These ordinances are incorporated in various sections of the Charter in a form that is UNCHANGED, MODIFIED, EXPANDED or ELIMINATED as described in the following section.

1. ORDINANCE REGARDING THE APPROVAL OF CAPITAL PROJECTS (April, 2017).

The ordinance states that "any capital project with an estimated tax impact in excess of 5% of the Mill Rate" must be approved at the annual Town Meeting.

MODIFIED: The Charter incorporates the following modifications in Section §2.4.12: The Charter clarifies the threshold as follows, any capital project for which the entire project cost is up to one million dollars must be approved by a majority vote of the electors at a Town Meeting unless consideration of such project has been petitioned to a Special Town Meeting in accordance with §2.6 of this Charter, or at any referendum to which said meeting may be adjourned.

2. AN ORDINANCE CONCERNING MEMBERSHIP OF TOWN EMPLOYEES ON TOWN OF LEBANON BOARDS AND COMMISSIONS (May 7, 2007).

This ordinance allows town employees to be members of the Board of Finance, Planning and Zoning Commission, Zoning Board of Appeals & Inland Wetlands and Watercourses Commission.

UNCHANGED The provision of the ordinance are included, in the Charter §7.1 and §8.1

3. ORDINANCE REGULATING MEMBERSHIP ON NON ELECTED BOARDS AND COMMISSIONS (Dec 4, 2005).

The ordinance requires all members of boards be residents and registered voters.

UNCHANGED The provision are included in the Charter, for non-elected boards §8.1.

4. AN ORDINANCE CONCERNING CREATION OF A NINE MEMBER BOARD OF EDUCATION (May 20, 1973).

The ordinance allows voters to vote for no more than a bare majority of candidates for open positions.

CHANGES The Charter allows voters to vote for all of the open positions. §7.1

5. AN ORDINANCE PROVIDING FOR THE ELECTION OF ALTERNATE MEMBERS TO THE BOARD OF FINANCE (April 30, 1985).

The ordinance establishes three alternate members of the Board of Finance and their terms of office. The ordinance also provides that an absent or disqualified regular member designates an alternate member to serve in his /her place.

UNCHANGED Membership of alternates and terms of office are incorporated in the Charter. §7.3.4 and §11.3

6. AN ORDINANCE CONCERNING THE ADOPTION OF ZONING AND PLANNING IN THE TOWN OF LEBANON, CREATING A PLANNING AND ZONING COMMISSION AND PROVIDING FOR ITS APPOINTMENT AND ELECTION. (December 18, 1961).

The ordinance creates both the Planning and Zoning Commission and the Zoning Board of Appeals. The ordinance limits membership by a single party to no more than a "bare majority" which is four of seven for the PZC and three of five for the ZBA.

CHANGES The Charter's minority party representation provision incorporates the Connecticut General Statutes' single party limits. The membership by a single party is defined according to Charter section §6.2. This allows five of seven for the PZC and four of five for the ZBA to have the same political party affiliation.

7. AN ORDINANCE CONCERNING THE TERMS OF THE MEMBERS OF THE PLANNING AND ZONING COMMISSION AND PROVIDING FOR ALTERNATE MEMBERS OF THE PLANNING AND ZONING COMMISSION (April 30, 1985)

The ordinance provides for alternate members of the combined Planning and Zoning Commission. It also limits regular members to have no more than a bare majority with the same political party affiliation. It specifies that absent members select an alternate to serve in their absence.

MODIFICATIONS

i. The ordinance states that no single political party shall have more than a bare majority of members. That is four of the seven members. The Charter (§6.2) reverts to the Connecticut General Statutes regarding minority representation which limits membership from a single party to no more than five of the seven members.

ii. The Charter, using a uniform policy for filling vacancies, specifies that the position is filled by the Board of Selectmen (§7.4), with restrictions regarding the political party affiliation and §6.2 minority representation restrictions within 90 days. If the Board of Selectmen cannot fill the position in that time, the Board itself will fill the vacancy with the same minority representation requirements.

8. ORDINANCE CONCERNING FOUR YEAR TERMS OF REGISTRAR OF VOTERS AND TOWN CLERK (August 22, 1976).

The ordinance establishes that the Town Clerk and the Registrars of Voters are elected positions with four year terms of office.

CHANGE The Charter changes the office of Town Clerk to a hired position §8.2.4

9. REVISED ORDINANCE CONCERNING THE LEBANON COMMISSION ON AGING (August 31, 2007).

The ordinance establishes the Commission, its membership, terms of office and responsibilities.

CHANGES The Charter EXPANDS the Commission's responsibility by establishing it as the directing agency for the Senior Center. The Charter ELIMINATES the Commission's responsibility to act as the Town's Agent in securing and disbursing Federal, State, Local and Private funds for Elderly Programs, and in interpreting and implementing related policies and Guidelines. Instead, the commission is assigned the duty to identify such funding opportunities and advising the Board of Selectmen regarding grant requirements, implementing grants and related topics.

The charter also specifies that there be a Municipal Agent for the Aging (§8.2.11) which was not in the ordinance.

10. AN ORDINANCE CREATING A CONSERVATION AND AGRICULTURE COMMISSION (March 23, 2012)

The ordinance establishes the commission, its membership, terms of office, its purpose and its duties.

MODIFIED The Charter states the commission may include one non-voting member who is a resident of the Town, enrolled student in high school or college with an interest in agriculture, appointed by the Board of Selectmen to serve up to 3 years

The Charter includes abbreviated descriptions of the commission's purpose and duties.

11. REVISED ORDINANCE FOR THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT COMMISSION (August 31, 2007).

EXPANSION Commission membership is unchanged in the Charter. §8.1.3 The Charter also defines overlapping terms of office of alternate members with appointments in the first, third and fifth year of every five year cycle. §11.4

12. AN ORDINANCE CONCERNING THE CREATION OF AN INLAND WETLAND COMMISSION FOR THE TOWN OF LEBANON (June 28,1974)

The ordinance establishes the Commission, its membership, terms of office, duties and requirements for Public Hearings.

UNCHANGED The Charter includes the ordinance provision. §8.1.4

13. (REVISED ORDINANCE) AN ORDINANCE CONCERNING CREATION OF AN INLAND WETLAND COMMISSION FOR THE TOWN OF LEBANON (September 6, 1989)

The ordinance establishes the Commission, its membership, terms of office, duties and requirements for Public Hearings.

UNCHANGED The Charter includes the ordinance provision in the Charter. §8.1.4

14. AN ORDINANCE CREATING A RECREATION COMMISSION FOR THE TOWN OF LEBANON (January 4, 1975).

CHANGES The Charter states that the Commission has the power to recommend the appointment of a superintendent or director to the Board of Selectmen. The Board of Selectmen is the hiring agent for all Town employees according to §8.2, the uniform hiring and personnel policy of the Charter.

15. ORDINANCE FOR THE ESTABLISHMENT OF A CEMETERY COMMISSION FOR THE TOWN OF LEBANON. (July 20, 2010).

UNCHANGED The ordinance is incorporated in the Charter §8.1.6

16. AN ORDINANCE FOR THE ESTABLISHMENT OF THE WATER POLLUTION CONTROL AUTHORITY (January 5, 2009).

MODIFICATION The Ordinance is incorporated in §8.1.8 and §11.4 with the following MODIFICATION: The Charter establishes the Board of Selectmen (§8.2) as the official hiring authority for the Town. The BOS would hire any agents or other employees to carry out the duties of the WPCA.

17. AN ORDINANCE CREATING A LOCAL EMERGENCY PLANNING TEAM (August 31, 2007).

The ordinance establishes that the Chief Executive Officer (the First Selectman) assumes control in a declared emergency, creates a Local Emergency Planning Team and an Emergency Management Director.

UNCHANGED The Charter defines the Emergency Planning Team, its duties and the role of the First Selectman are established in §8.1.9. Emergency Management Director in §8.2.8.

18. ORDINANCE REPEALING THE ORDINANCE CREATING A MUNICIPAL FLOOD AND

UNCHANGED The provisions of the ordinance are included in the Charter. §8.1.10

19. ORDINANCE ESTABLISHING THE BOARD OF HISTORICAL PRESERVATION FOR THE JONATHAN TRUMBULL JUNIOR MUSEUM (April 12, 2008).

The ordinance establishes the Board, membership and terms of office. The ordinance also specifies the responsibilities of the Board.

UNCHANGED in §8.1.11 regarding membership and duties; in §8.2 regarding recommending hired positions; in §11.4 regarding terms of office.

20. AN ORDINANCE PROVIDING FOR THE NUMBER OF JUSTICES OF THE PEACE (April 8, 1996).

UNCHANGED Provisions are incorporated in the Charter. §8.1.12

21. ORDINANCE RE: TAX ASSESSOR (2008).

The ordinance establishes the position of Tax Assessor, specifies qualifications, and authorizes the Board of Selectmen to appoint and establish compensation.

UNCHANGED The Charter incorporates the ordinance provisions in §8.2.2

22. AN ORDINANCE CONCERNING A FOUR YEAR TERM OF OFFICE FOR THE TAX COLLECTOR (Sept 13, 1994).

CHANGE The charter establishes the Tax Collector as a hired position. §8.2.3

23. AN ORDINANCE CONCERNING THE SALARY OF THE TOWN CLERK (July 24, 1984).

The ordinance specifies that the Town Clerk is to receive a salary in lieu of all fees and other compensation. The salary is fixed by the legislative body of the Town.

MODIFICATION The Charter modifies the salary provision. Under the Charter, the Town Clerk is a hired position (§8.2.4), and as such the compensation is set by the "uniform personnel and compensation" policies established by the Board of Selectmen. §8.2.

24. A REVISED ORDINANCE PROVIDING FOR THE APPOINTMENT OF CONSTABLES FOR THE TOWN OF LEBANON IN LIEU OF CONSTABLES TO BE ELECTED AT THE REGULAR TOWN ELECTION (May 7, 2007).

The ordinance specifies that Constables are to be appointed for two (2) year terms by the Board of Selectmen.

MODIFICATION The Charter, §8.2.12, makes provision for the Town to provide police services exercising "the powers and duties prescribed in Chapter 95 of the Connecticut General Statutes..." It does not specify that Constables are appointed by the Board of Selectmen nor does it specify terms of such appointments.

25. AN ORDINANCE FOR THE ESTABLISHMENT OF REGIONAL ANIMAL CONTROL SERVICES (July 1, 2010).

The ordinance authorizes the First Selectman to establish Regional Animal Control Services by

entering a Memorandum of Understanding with the Towns of Bozrah, Franklin, and Sprague.

ELIMINATED The Memorandum of Understanding is expired and the Regional Animal Control no longer exists. The Board of Selectmen now contracts through NECCOG for these services which is authorized under §3.3.17 and §8.1.

26. A REVISED ORDINANCE REGULATING THE USE AND OPERATION OF THE SOLID WASTE FACILITY (May 6, 2002).

The ordinance establishes rules for the use of the Solid Waste facility and establishes the Solid Waste Commission to oversee it. .

UNCHANGED Provisions are incorporated in the Charter under § 8.1.7

4. Ideas for future consideration.

The Charter Commission considered several ideas that were not included in the proposed Charter. These ideas and issues are presented here for future consideration.

1. Consider using some administrative services jointly for municipal and Board of Education to capture efficiencies and depth of expertise. Specifically, in the areas of finance, accounting, maintenance.
2. Consider allowing appointment of unaffiliated voters to fill vacancies of major party members.
3. Consider establishing a code of ethics.
4. Consider establishing an advisory committee regarding investment practices of trusts.
5. Consider including an overview description of duties of all agencies along with the complete legal description or reference to Connecticut General Statute (when applicable).

Respectfully submitted
2019 Charter Commission
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