

Public Hearing Comments on Charter Revision – 4/18/24

Chair Suggs and Members of the Bloomfield Charter Revision Commission:

Due to the Bloomfield TPZ meeting scheduled for 4/18/24, I am unable to speak at the public hearing on Charter Revision. Accordingly I am supplying written comments.

I believe that Bloomfield's Charter does need revision and updating. The prior revision was in 2005, almost twenty years ago, and much has changed. After serving two terms on the Town Council, currently serving on the TPZ, and being involved with several Town committees I can personally attest to this.

I supported establishing the Charter Revision Commission at the 2/12/24 Town Council meeting. I would like to expand on the comments I made at that time. They fall into two categories: items that, in my view, must be modified and other items where modification should be considered.

Items Definitely Needing Modification:

1. The Annual Budget Approval Process

Under the current structure the Town Council proposes a Budget which is adopted by the Council at the Annual Town Meeting in early May. Residents a) do not vote to approve the Budget at the Annual Town Meeting (they can comment only) and b) can only vote on the Budget by petitioning for a referendum, the signature requirement being 7.5% of registered voters. As there are roughly 16,000 registered voters in Bloomfield, this equates to about 1,200 signatures!

Additionally, Bloomfield's Budget is prepared by the Town Manager and approved by the Town Council but contains the budget for Bloomfield Public Schools. However, neither the Town Manager nor the Town Council exercise any control over how that money is spent by the schools, removing accountability from school officials while making the Manager and Council the scapegoat if they "don't fund our children." Before the current year, school authorities thumbed their noses at the Council by submitting outrageous budget requests and then directing criticism toward the Council if they attempted to question how the funds were being spent. (In fact, current Charter language in Sec. 903 states that the Town Manager's proposed Budget "shall include the Board of Education request *as received* from the chairman of the Board of Education." [Emphasis added.] This in itself has generated controversy: does the Manager's proposal need to include the BoE request in its entirety or does the Manager simply need to state that request and how it was modified?)

What needs to be changed?

At a minimum, the threshold required to hold a referendum on the Budget should be lowered. I propose 1.5%, about 250 signatures, if this was the only change made. This

is a reasonable petition target and makes a referendum a realistic motivator to keep the Budget aligned with the residents' approval.

Another option, of course, is to have an automatic referendum as numerous neighboring towns do. As this can lead to unnecessary expense, I would propose a hybrid: an automatic referendum if the Budget's tax increase was higher than some threshold, say 2 or 3%. This would streamline the process (no required Annual Town Meeting, no petitioning) but impose fiscal responsibility on the budgeting body (or bodies – see below).

Finally, the current structure of budgeting for the schools makes no sense: the Council is involved in funding issues where it has no accountability and no control. Should the Budgets –and approval processes – be separated? If the Charter adopted the concept in the paragraph above of a 'referendum threshold' then both the Town Council and Board of Education could approve Budgets and if the increase was above a certain threshold then there would be a referendum on that portion of the Budget. For example, the Town operations budget might be approved with no referendum but the Schools budget might have a vote if the increase was above the threshold.

In any case, some change is required to the process so that a Budget referendum is a realistic possibility and hence a constraint on tax increases and spending. In the current structure the threshold is simply too high. (I believe that the last Charter revision made this change specifically to defang the local taxpayer association of the time.)

2. Timing of Appointment of the Town Attorney

Sec. 501 has the Town Attorney appointed "beginning with the third Tuesday in November in the odd numbered years," i.e. effectively to be appointed at the organizational meeting (election of Mayor and Deputy Mayor) of the new Council. This gives the new Council no time to decide how to fill the Town Attorney role, and certainly no time for RFPs or interviews of candidates. The appointment date should be staggered with seating of a new Council, both for selection and transition continuity.

3. Town Treasurer

This position is no longer needed and should be eliminated. Many neighboring towns have eliminated it and moved the (minor) functions to within their Finance Dept. (with appropriate controls).

4. Party Representation on Boards and Commissions

Sec. 501(d) notes that "[i]n making appointments to boards and commissions that Council shall not appoint more than a bare majority of members registered with one political party to any board or commission." While I support this for boards and

commissions that have a ‘partisan’ slant, the requirement makes no sense for many ‘community service’ boards and commissions. Should we care how many Democrats or Republicans are members of the Bloomfield Beautification Committee? The Public Art Commission? (I am assuming here the current interpretation that this section applies to ALL town committees, not just ones that are specifically ‘boards’ or ‘commissions,’ which is the interpretation that the Town Clerk has used.) At the least, this section should be changed to list specifically which boards and commissions must satisfy this requirement; the political party limits would not apply to the rest.

5. Clarification of the “15% majority”

Sec. 310 on passage of bond (and other) referenda has the unclear language that passage requires a majority “equal to more than fifteen percent (15%).” This has been interpreted to mean that, to pass, “yes” votes need to exceed “no” votes by 15% (i.e. victory requires slightly under 53.5% “yes”). Even if this is the intent (I do not believe that it was), this is stated very poorly. Either the language should be revised or, perhaps, it should simply be a simple majority – no margin required. Another option, is to require a simple majority but a certain minimum percentage voting in order to pass (which, I believe, was the original intent of the 15%).

Those are the items that I believe definitely need change.

Items to Consider Modifying – these require a robust public discussion:

- Should Bloomfield remain an “at-large town” with respect to elected offices or should we elect by district?

Making this change would eliminate the “minority party” representation rules. One can argue that Republicans currently are over-represented due to the minority party rules for at-large towns given that registered Republicans are only about a ninth of registered Democrats and a third of registered unaffiliated voters. By district, for Council we could still have 9 members – 1 from D1 and 2 each from D2-D5. Would this lead to more inter-town squabbling or would areas of town be better represented? The districts will change in 2032 and every 10 years, which could be problematic.

- Should Town Council have staggered terms like the Board of Education and TPZ? Should BoE, TPZ, and Library Board not have staggered terms?

The current structure makes Town Council more volatile, as all seats are open every election. On the other hand, this allows the public to vote folks out if they are unhappy with their performance, as happened with the Council in 2017. If this is desired, why doesn’t the same apply to most of the other government bodies: BoE, TPZ, Library Board? Should the structure be consistent for all the groups?

- Should the Mayor be elected separately rather than being chosen when the Council is seated?

Under this scenario, the powers of the Mayor would not change but there would be an endorsement (and possibly primary) of the Mayoral candidates by each party and at the General Election a) the Mayoral candidate with the highest number of votes would be Mayor and b) the next eight highest votes getters (including potentially the other Mayoral candidate(s)) would be the elected Council members. This somewhat eliminates the “highest vote-getter is Mayor” tradition, which has been problematic in recent years as Democrat factions have tried to ‘game’ the general election. Unless there is a primary, the Mayor candidates would be chosen by their parties, which takes away some (soft) power of the public.

- Residency requirements: should the Manager be required to reside in Town? Should residency be expanded to other positions, e.g. School Superintendent, Police Chief?

I support the residency requirement for Town Manager – if you administer the town you should live here – and would support it for some other key positions (e.g. School Superintendent, Police Chief, Director of Public Works). The counter argument is that you eliminate highly-qualified candidates from your employment pool because they may not be able to move (due to kids, spouse’s job, aging parents, etc.). This is probably a moot point given the Rat passed in the 2023 legislative session – I believe that it prohibits changes to residency requirements in charters at this point in time.

- Is the town’s administration structure specified appropriately and effectively in the Charter?

I have been told that some items are not operating and/or structured as the Charter specifies (e.g. Purchasing Officer structure). Now is the time to examine these and make any changes if necessary (in conjunction with analysis by the incoming Town Manager).

- Should the Library Director report to the Library Board or the Town Manager?

Sec. 604 makes the Town’s library system, like the schools, an entity somewhat autonomous from the Town Manager and Town operations. Is this the best structure? How much authority should the Town Manager have over library operations, such things as hours of operations, budgeting, etc., as opposed to library materials and focus?

- Referendum Threshold for Ordinances and Non-Budgeted Appropriations

A minor issue (as I can’t ever remember having one) but Sec. 308 has the same 7.5% petition threshold as a Budget referendum and this is way too high. It should be reduced.

- Initiatives

Sec. 311 is blank (it was repealed). Should there be an opportunity for citizenoriginated initiatives?

Thank you for your consideration of these items. I look forward to supporting the important work of this Commission.

Kevin Gough
5 Bear Ridge Drive