

## MEETING OF THE CHARTER REVISION COMMISSION

MAY 4, 2022

A Meeting of the Charter Revision Commission was held on May 4, 2022 at the Bristol Public Library, 5 High Street, Bristol, CT. Members present: Chairman Jon Fitzgerald, Vice Chairman Calvin Brown, Melanie McKinley, Michelle Roalf, Daniel Micari, Richard Carter. Absent: Commissioner John Lafreniere

Also Present: Mayor Jeffrey Caggiano  
Thomas Conlin, Edward Krawiecki, Richard Lacey, and Jeffrey Steeg from City of Bristol Corporation Counsel.

**1. Call to order.**

The meeting was called to order at 7:00 p.m. by Chairman Jon Fitzgerald.

**2. Introduction of Commissioners.**

**3. Discuss and approve the minutes of the meeting held on April 14, 2022 and take any action as necessary.**

On motion made by Commissioner Roalf and seconded by Commissioner Brown it was unanimously voted: to approve the minutes.

**4. Presentation of the agenda and take any action as necessary.**

**5. Discuss the charter revision process, and have public participation on the charter revision process.**

Chairman Fitzgerald explained the process that is required to revise or develop a municipal charter (see attached chart).

**6. Public participation regarding revisions to the charter.**

John Smith, 103 Tuttle Road, chair of the Bristol Board of Finance addressed the commission stating that he is in favor of the 4-year term for mayor. He commented that Bristol is close to a 300 million dollar operation and it has over 1,000 employees; trying to manage that from an operational perspective requires a learning curve that might take up to six months. He feels that two years is not long enough strategic planning and that a community our size needs to have a very strong strategic planning. He suggested that if the number of city council members is expanded, the number of members on the board of finance should likewise be expanded so that the board of finance always has one more vote than the Council, that way it doesn't upset the financial oversight of the city.

Mayor Jeffrey Caggiano addressed the commission stating that many of the municipalities that have 4-year term in Connecticut tend to be much more like Bristol size wise such as Guilford, Norwich, London, Torrington, Waterbury, Middletown, Hartford, Bridgeport, Stamford, Westport,

and Waterford. He commented that because it takes a while to “steer a larger ship” 4 years is the way to go. He further pointed out that recall has not been used since 1911 (the incorporation of the City) and that there was an occasion not too long ago where recall could’ve been an option but it wasn’t. He believes that recall is not the best option to remove someone from office for serious offences. He is also concerned that most voters don’t understand the questions on the ballot and asked that if possible, to keep the questions short and simple.

Ernie Pitti, 65 Palmorr Place, addressed the commission stating that he is in favor of the 4-year term for 4 different reasons. 1.) Recall has not been used in over one hundred years and during that time the city has been able to make solutions and resolutions without needing to use recall. He feels that we should not be paralyzed by the fear of losing something we have never even used. 2.) City council is an effective means for checks and balances. 3.) Prior mayor and current mayor both agree that a 4-year term is the most productive use of their time. 4.) It is also the best use of tax payer’s dollars.

Jan Gyurko, 88 Fern Hill Road, addressed the commission stating that she is in favor of the 4-year term for mayor, for the various reasons already stated.

Jennifer Van Gorder, 272 Candlewood Drive, addressed the commission stating that she also agrees with the 4-year term for mayor for the same reasons stated by the Chair of the Bristol Board of Finance and Ernie Pitti. She is also in favor of minority representation on the city council.

**7. Discussion by charter revision commissioners of possible revisions to section 9 of the city charter regarding penalties and sanctions on elected and appointed officials who engage in unlawful harassment in the work place and take any action as necessary.**

Commissioner Brown suggested a slight amendment to Section 9 that broadens the charter language to implement the removal of an elected official for serious violations. He commented that it would be good to include some language from East Hartford Charter § 2.7 where in part states “any elected town official may be removed from office for cause which shall include, but not be limited to, conviction of a felony, conviction of a lesser crime involving fraudulent or dishonest conduct, willful violation of this Charter, or a willful violation of this Charter, or a willful violation of the Town’s Code of Ethics”.

Commissioners Roalf also suggested to add some charter language from Stamford Charter § C1-90-1 where in part states “charges shall be for neglect or dereliction of official duty, or incompetency, or dishonesty or incapacity o perform official duties or some delinquency materially affecting that person’s general character or fitness for office”

**8. Discussion by charter revision commissioners of possible revisions to the charter to require multi-party representation on the city council and take any action as necessary.**

Chairman Fitzgerald stated that there are three options 1.) To elect at large 2.) To elect by district and a few more at large and 3.) To keep the district system and elect from within the district. He

feels that keeping the district system is the best option. If this done, it guarantees that not all council members will be of the same political party as the mayor which is good for transparency and accountability. He believes that having a multi-party representation helps guard against the loss of institutional memory.

Commissioner Michelle Roalf stated that it would be too difficult to elect at large as it is hard to find people to run now. She feels that option 3 would be the best one to go with. She believes the representation from both parties is needed for transparency and accountability.

Commissioner Calvin Brown stated that he agrees that option 3 is the best approach as it is the option that requires the least change.

Commissioners Daniel Micari, Richard Carter and Melany McKinley also agree that option 3 is the best approach.

On motion made by Commissioner Brown and seconded by Commissioner Michelle Roalf it was unanimously voted to: recommend to City Council to expand the council members from 6 to 9 and provide multi-party representation by district.

**9. Discussion by charter revision commissioners of possible revisions to section 51 of the charter to increase the membership on the board of finance and take any action as necessary.**

Chairman Fitzgerald stated that under our current system there are 8 appointed officials on the board of finance and 7 elected officials on the city council. It's been suggested that if the city council is expand – to also expand the board of finance so that the appointed people would outnumber the elected officials.

Commissioners Calvin Brown, Daniel Micari, and Michelle Roalf commented that both questions would have to be written together on the ballot so that it's easier for voters to understand.

Chairman Fitzgerald suggested to look into when the 3 new members would go into office and how they will be appointed into the cycle so that it follows the rotating system already in place.

**10. Discussion by charter revision commissioners on the impact adopting a four-year term for mayor would have on section 68 of the charter (recall of elected officials) and take any action as necessary.**

Chairman Fitzgerald stated that a decision on 4-year term for mayor needs to be made before acting on this item.

Edward Krawiecki from the Corporation Counsel's office stated that they are unsure whether recall would be lost if a 4-year term is implemented. He commented that there are a lot of different items that might be argued in a court case because of the special act and home rule.

- 11. Discussion by charter revision commissions of the impact adopting a four-year term for mayor and/or city council members would have on section 38 of the charter (limits on successive terms for mayor and city council) and take any action as necessary.**

No action taken.

- 12. Discussion by charter revision commissioners of possible revisions to the charter to replace the current 2-year terms for the office of mayor and/or city council with a 4-year term for the offices of mayor and/or city council and take any action as necessary.**

Chairman Fitzgerald stated that four former mayors, Mike Werner, John Leone, Art Ward, and William Stortz opposed a change in the mayor's length of term.

Commissioner Brown stated that it is important to first resolve the charter language regarding penalties for holding a mayor accountable for serious violations in light of a possible extension of a two year term to four years. He further stated that based on the public input received so far and the arguments made on the positive impact a 4-year term has on a good governance, strategic planning, and the good use of tax payer's dollars, he is inclined to support the recommendation for a 4-year term.

Chairman Fitzgerald contrasted Bristol's recall provision (special act) to East Hartford and Stamford's removal sections (referendum/charter amendments). He further commented whether such removal provisions would be upheld in Court if challenged by a public official. So if Bristol adopted a removal provision and lost its recall power under special act, the removal provision might be weaker and unenforceable.

- 13. Discussion by charter revision commissioners of comments and potential topics for charter revision raised during public participation and take any action as necessary.**

None.

- 14. Discussion by charter revision commissioners of proposed charter revisions and take any action as necessary.**

None.

- 15. Discussion by charter revision commissioners of Old Business and take any action as necessary.**

During the last meeting it was voted to recommend a change in the process on how the council districts are drawn to have the Registers of Voters file the most recent map with the Town Clerk. A draft was made for review (see attached).

- 16. Discussion by charter revision commissioners of New Business and take any action as necessary.**

None.

- 17. Discussion by charter revision commissioners of meeting dates and agendas and take any action as necessary.**

Next meetings will be Wednesday May 25th, Tuesday June 7th, and Tuesday June 21th at the Bristol library at 7:00 PM. The meeting that had been set for June 15 is cancelled.

**18. Adjourn.**

At 8:22 p.m. a motion was made by Commissioner Brown and seconded by Commissioner Roalf and it was unanimously voted: to "Adjourn."

Respectfully Submitted  
Genesis Ojeda  
Recording Secretary

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## BASIC STEPS FOR REVISING OR DEVELOPING A MUNICIPAL CHARTER<sup>1</sup>

The process for charter revision, from initiating a proposal to filing approved revisions with the Secretary of State, is prescribed in *Connecticut General Statutes (CGS) 7-188* "Initiation of action for adoption, amendment or repeal of charter or home rule ordinances" (attached in its entirety). Summarized below are the basic steps to municipal charter revision, with statutory citations.

**STEP 1:** Charter revision proposal must be initiated by either a 2/3 vote of the entire membership of the municipal appointing authority (common council, board of aldermen, selectmen, etc.), or a petition signed by not less than 10% of the electorate. [CGS §§7-187(a), 7-188(b)]



**STEP 2:** Within 30 days after step 1 (vote of appointing authority or certification of a petition), the appointing authority must appoint a charter commission, charter revision commission, or home rule ordinance revision commission. The commission must consist of five to fifteen electors, not more than 1/3 of whom may hold another public office in the municipality, and with no more than a bare majority from the same political party. "The commission shall proceed forthwith to draft a charter or amendment to the existing charter, or amendments to the home rule ordinance as the case maybe." [CGS §7-190(a)]



**STEP 3:** The commission must hold at least two public hearings: one prior to beginning "substantive work," and one after the commission has completed a draft report, but before submitting it to the appointing authority. The commission may hold other meetings it deems necessary. [CGS §7-191(a)]



**STEP 4:** The appointing authority shall prescribe a date, no later than 16 months from appointment, by which the commission must submit the draft report, including the proposed revisions, to the municipal clerk. Although the appointing authority can prescribe a date, decisions are not definitive. [CGS §§7-190(b), 7-191(b)]



**STEP 5:** The appointing authority shall hold its last public hearing, within 45 days after submission of the commission's draft report. [CGS §7-191(b)]

<sup>1</sup> This bulletin is an update of MMB 02-20 previously issued in October 2002.



**STEP 6:** The appointing authority may recommend changes to the draft within 15 days after its last hearing.

- If there are recommendations, the commission shall confer with the appointing authority concerning such recommendation and may amend its report or reject the recommendations. In either case the commission shall make its final report within 30 days after receiving such recommendations.
- If there are no recommendations, the commission's report becomes final and the appointing authority shall act on the report. [CGS §§7-191(b), (c)]



**STEP 7:** Within 15 days after receiving the final report<sup>2</sup>, the appointing authority shall, by majority vote, either approve or reject the proposed changes. Following a vote to reject may file a petition for referendum within 45 days after such rejection by the appointing authority. [CGS §§7-191(d)]



**STEP 8:** Within 30 days after the appointing authority's approval or certification of a petition from the electorate, the charter, amendments, shall be published in full at least once in a general newspaper having circulation in the municipality. [CGS §7-191(d)]



**STEP 9:** After approval or the filing of electorate petition, the appointing authority decides by majority vote whether to hold a vote on the charter, amendments, or revisions at either a regular election (majority vote of participants needed for approval), or a special election (majority equal to at least 15% of qualified electors needed for approval). The election must be held not later than 15 months either after approval by the appointing authority or certification for a petition. [CGS §§7-191(e), (f)]



**STEP 10:** Not later than 30 days after the approval by the electors, the municipal clerk must notify the Secretary of State, in writing, of the results. Also, the municipal clerk must file three certified copies of the charter, amendments, or revisions with the Secretary of State. [CGS §7-191(g)]

<sup>2</sup> The commission shall terminate upon acceptance or rejection of its final report by the appointing authority [CGS §7-190(c)].

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**Bold underline** – addition

**[bold bracket]** - deletion

Sec. 12. City council districts, voting districts and precincts.

(a) The City of Bristol shall be divided into three (3) city council districts. Said council districts shall be defined in accordance with **[a certain map or plan entitled “Map Showing CT General Assembly Districts Under 2011 Redistricting Plan with Bristol City Council Districts and Bristol Precincts dated December 29, 2011, as revised January 9, 2012 and drawn by the Bristol Public Works Department, Bristol, CT 06010.”] the most recent map filed with the Town Clerk of Bristol by the Registrars of Voters.**

(b) The precincts established shall at all times coincide with the voting districts for the election of the general officers of the City of Bristol. The city council may increase or diminish the number of voting districts and alter voting district boundaries as allowed by state statute, provided it maintains the boundaries of the council districts established herein by the above-referenced map.

(Amend., eff. 11-5-75; Amend., eff. 11-4-92; Amend., eff. 12-5-02, Amend., eff. 12-6-12)  
Legislative history--Sp. No. 352, § 4, 1911; Sp. No. 434, § 5, 1931; Sp. No. 489, § 5, 1939; Sp. No. 353, 1965.