

Lynn Bielawiec

From: Sue Errickson [REDACTED]
Sent: Wednesday, March 07, 2018 11:25 AM
To: Lynn Bielawiec; Kim Kowalyszyn
Cc: marileë beebe; Michael Wilkinson
Subject: Fwd: Tolland CRC Questions
Attachments: 180307 TCRC Question Responses.pdf, ATT00001.htm

Needs to go out to the commission...thank you.

Sent from my iPad

Begin forwarded message:

From: "Vianca T. Diaz" <vdiaz@dctlaw.com>
Date: March 7, 2018 at 11:15:25 AM EST
To: Sue Errickson <[REDACTED]>
Cc: "Beebe, Marilee" <[REDACTED]>, Michael Wilkinson
<mwilkinson@tolland.org>, Lisa Hancock <lhancock@tolland.org>, Richard Conti
<Rconti@dctlaw.com>
Subject: RE: Tolland CRC Questions

Good Morning,

Attached please find my responses to the latest questions (responses are in red).

If you have any questions or would like me to come to the next meeting to provide the context to the attached, please let me know.

Vianca

From: Sue Errickson [REDACTED]
Sent: Friday, March 2, 2018 1:20 PM
To: Vianca T. Diaz <vdiaz@dctlaw.com>
Cc: Beebe, Marilee [REDACTED]
Subject: Tolland CRC Questions

Hi Vianca:

Because I have not heard from you, I am re-sending (attached) our questions from the last meeting (originally sent February 16th)

We were able to get all the way to the end of the Charter at the last meeting. The next meeting--March 15th--we will be reviewing the draft of the entire charter. So we hope to have all our questions answered by then. We have scheduled an additional meeting for March 22nd to review the revised draft before we go to a public hearing at the April meeting.

I hope you will be able to get to our questions soon.

Thank you,
Sue Errickson, co-chair
TCRC

A re-typing of Errickson Feb. 17, 2018 email

At the Charter Revision Commission's February 15th meeting, the following questions were asked for you to consider:

- 1) In re: Sections C9-4 and C9-10: specifically when the Town Manager and /or Town Council can suspend the budget timeline /process."

The Commission felt the suggested language from the February 13th memo was still too permissive. The general feeling is: the timeline should only be changed if the State Budget process "breaks down", such as happened this year. Not knowing what funding is coming from the State would be a big enough "trigger" to suspend the process/timeline. But we don't know how to say that.

The other condition would be some sort of natural disaster-or is that too far-fetched?

Whatever language you might propose needs to go in two sections-C9-4 and C9-10--but we're not sure where. Suggestions would be helpful.

I do not think there are specific enough circumstances that would occur early enough to trigger a postponement of the budget timeline. The State budget is usually passed late in the legislative session after Tolland would need to start the process in order to have a budget by the beginning of the next fiscal year. Therefore, the Town should rely on the Town Manager and Town Council to determine when this should occur (i.e. Town Manager to make a recommendation in which the Council must vote to approve).

- 2) In re: Instead of having specific dates for the budget timeline/process:

Ex: C9-4 "March 27", "April 11", and in C9-10 "first Tuesday in May"

Can we use: "...in accordance with the manner prescribed in the Connecticut General Statutes and amendments thereto" ?

As we understand it, the G.S. spell out the timeline/process for Towns to do budget approvals/referenda. We're trying to make the Charter more flexible should these dates change.

The Connecticut statutes do not provide any specific timeline or process for Towns to adopt their budgets. Rather the Connecticut statutes provide general guidelines that the Towns can choose to use in their budget processes (such as holding an annual meeting to act on the budget). Relying on the state statutes would require the Town to determine a timeline every year and would create too much confusion. In order to ensure the process runs smoothly, the dates should remain.

- 3) In re: C5-2-Terms

Problem: How to ask members of appointed boards, commissions, or offices who don't show up for three meetings (not necessarily consecutive) to resign their positions.

Can we say: "Members appointed to any board, commission, or office may be excused from serving after absence form three meetings" ?

The Town should not limit when a person can resign from a position. I suggest the Town implement a removal provision that would allow the Council to remove an appointed member. However, this provision should include the following:

- Circumstances that may lead to removal;
- Notice requirement; and
- Hearing.

Please see the following examples of removal provisions from other towns.

Wethersfield

Sec 313 Removals The Council may remove any member from any appointed board, commission, committee, or agency who serves without compensation as follows: (1) upon such member's unexcused absence from three consecutive meetings of the board, commission, committee, or agency, whether regular or special meetings, or, (2) upon such member's unexcused absence from fifty percent or more of the meetings, whether regular or special, of the board, committee, commission, or agency within a calendar year, unless otherwise provided by the General Statutes of the state.

The Council may remove any officer or employee appointed by it, provided that such officer or employee is first served with a statement of grounds for his/her removal and given an opportunity to be heard by the Council thereon. Such hearing shall be public, if the officer or employee desires, and shall be held not less than five (5) nor more than ten (10) days after service of the grounds for removal. The decision of the Council shall be final. From the service of the statement of the grounds for the removal until final action by the Council, the officer or employee shall be ineligible to perform the duties of that office or employment but shall continue to receive salary or wages, pending such final action. No further hearing shall be required for removal if a public hearing is held at the request of such officer or employee, provided that notice of such hearing is given in accordance with Section 308 and the public, as well as the officer or employee, is given opportunity to be heard.

Manchester:

Sec. 2-8 Removal from office by Board of Directors. Except as hereinafter provided, the Board of Directors may remove any officer or employee appointed by it, provided the officer or employee shall have been served with a written notice of the intention of the Board of Directors to remove him, containing a clear statement of the grounds for such removal and of the time and place, not less than ten (10) days after the service of such notice, at which he shall be given an opportunity to be heard thereon. For the purposes of this provision, absence of any appointee to a board or commission created by Charter or ordinance from more than three (3) consecutive regular meetings shall be considered grounds for removal. In the event this conflicts with any provisions of a board or commission currently operating under the Charter or an ordinance, it is intended that this provision shall control. After such hearing, which shall be public at the option of the officer or employee and at which he may be represented by counsel, the action of the Board of Directors the officer or employee shall be ineligible to perform the duties of his office or employment but he shall continue to receive his salary or wages pending such final action.

Notwithstanding the foregoing provisions, if any officer or employee appointed by the Board of Directors shall be convicted by a final judgment of a felony, as deemed by the Connecticut General Statutes, the office held by such officer and the position held by such employee shall become vacant forthwith upon such conviction.

Sec. 2-9 Removal from office by General Manager. The General Manager may remove any officer or employee appointed by him when, in his opinion, the best interests of the Town require such action, provided the officer or employee shall have been served with a written notice of the intention of the General Manager to remove him, containing a clear statement of the grounds for such removal. Any officer or employee so discharged shall be entitled, upon request in writing to the Board of Directors, to a hearing before said Board under such procedure as said Board shall provide, which hearing shall be public at the option of such officer or employee and at which he may be represented by counsel, but the final decision with respect to any such discharge or removal shall rest with the General Manager. The General Manager may suspend from duty for not more than thirty (30) days any such officer or employee pending final action. Notwithstanding the foregoing provisions, if any officer or employee appointed by the General Manager shall be convicted by a final judgment of a felony, as defined by the Connecticut General Statutes, the office held by such officer and the position held by such employee shall become vacant forthwith upon such conviction.

And can we eliminate: "Despite the elimination of a term, the holder of an appointive position shall continue to hold office until a successor has been appointed or qualified." ?

I am not sure if this needs to be eliminated if there is a removal provision.

Thank you, in advance, for your advice in these matters.

Sincerely,

Sue Errickson, TCRC Co-chair