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FAIRFIELD, CT

**Town of Fairfield**  
Office of the First Selectman

William A. Gerber  
First Selectman  
203-256-3030

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Fairfield, CT 06824  
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**To:** Betsy Browne, Town Clerk, Fairfield  
**From:** Bill Gerber, First Selectman and Phil Pires, Town Attorney ("Appellants")  
**Subject:** Appeal to the Representative Town Meeting to Restore \$100,000 Cut by the Board of Finance Related to Charter Revision  
**Date:** April 12, 2024

In accordance with the Town Charter of Fairfield § 12.6 (see below) we, the Appellants, through submission of this document to Town Clerk Betsy Browne, appeal to the RTM to restore \$100,000 cut by the Board of Finance from the Legal Services Account 1270,53200 FEES AND PROFESSIONAL SERVICES. These legal services were included in the budget to support charter revision.

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William A. Gerber  
First Selectman  
4/12/2024

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Phil Pires  
Town Attorney  
4/12/2024

**Background**

The Board of Finance cut \$100,000 from the legal budget to support Town Charter revision in a 5 – 4 vote at its budget meeting on April 9, 2024. Board of Finance member Amy Ruggiero made the motion explaining that she agrees the Charter should be revised, but feels the Administration faces many issues, including the implementation of new systems (for example, payroll). She and BOF member Jim Walsh expressed concerns generally relating to the following: (A) the First Selectman's significant number of initiatives during the coming year to make Town Hall operate more efficiently and, as a consequence, whether sufficient time will be available to focus on Charter reform; and (B) whether enough time has elapsed since the failure at the ballot box of the prior administration's proposed November 2022 Charter revision.

BOF members Lori Charlton and Craig Curley discussed that forming a Charter Revision Commission in the Fall of 2024 would translate into a timeline that puts Charter revision on the ballot in November 2025, over 18 months from now and three years from the failed 2022 proposed Charter Revision.

The motion passed as follows: Ms. Ruggiero (R), Mr. Testani (R), Mrs. LeClerc (R), Mr. Starkc (D), and Mr. Walsh (R) voted in favor of the cut. Mrs. Charlton (D), Mr. Curley (D), Mr. Pendley (D), and Mr. Mitola (D) voted against it.

As explained by First Selectman Bill Gerber at the Board of Finance meeting on April 9, 2024, the Appellants believe that now is the appropriate time to commence the long process of Charter revision. We anticipate that a Charter Revision Commission would be formed by September of 2024, and the work of the Commission would lead to multiple questions for inclusion on the ballot, but not until the November 2025 election (just under 19 months from now and three years from the prior Charter revision attempt that failed). The Charter revision process is led by the Commission, not the First Selectman and, therefore, the First Selectman's busy schedule should not be a gating factor to getting this important work done.

State law guides municipalities to review their charters every 10 years, but it has been 18 years since Fairfield has revised its own charter. Many helpful changes were brought forward by the Charter Revision Commission in 2022. However, the significant amount of good work accomplished may ultimately have been undermined by the prior administration's decision to combine all proposed revisions (popular and unpopular alike) into a single, omnibus ballot question, rather than allowing the electors to choose which ones they wanted to pass. We would not recommend this approach.

Regarding timing of the expenditures, Budget Director Frank Magneri explained that if the \$100,000 budget is not all used this coming fiscal year, the balance can be carried forward to the following year.

For illustrative purposes, below are some topics we believe should be discussed during the Charter revision process. Some were proposed as part of the omnibus ballot question that failed in 2022.

**Internal auditor.** Discuss current sole reporting relationship of the Internal Auditor to the Chief Fiscal Officer and whether this position should have a strong reporting relationship with the Audit Committee of the Board of Finance to strengthen independence of internal audit.

**Notification.** Discuss removing the requirement to post proposed budgets, ordinances, and other items in local newspapers. The newspaper industry has changed significantly since this requirement was codified in the Charter, and the expense can be material. This requirement was codified before the internet age.

**Water Pollution Control Authority.** Clarify the duties and authority of the WPCA versus the Town regarding the planning and operations of the sewer system, while ensuring alignment with State Statutes.

**Gender-neutral terms for Town positions.** Change "Selectman" to "Selectperson", etc. as recommended in the proposed revised 2022 Charter.

**Terms of office.** Consider, where appropriate, standardizing terms of office for all appointments.

**Board of Education midterm cycle.** The 2022 proposal for Charter revision included: "In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for up to four (4) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, one (1) candidate not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to his or her vote count."

**Resignations from elected office.** Clarify the appointment process and terms of office when replacing elected officials who resign.

**Independent counsel.** Establish which bodies, if any, should have the right to request to independent legal counsel (e.g., RTM for writing ordinances).

**Contract approval threshold.** The failed 2022 proposed Charter revision raised the threshold requiring BOS approval from \$10,000 to \$50,000. This topic should be considered. Currently under the Charter, all contracts which exceed \$10,000 or have a term longer than 30 days must be approved by the Board of Selectmen. This requirement is antiquated, and it is an inefficient use of our Department Heads' time and the Board of Selectmen's time.

**Job qualifications.** The failed 2022 proposed Charter revision included language requiring appropriate professional qualifications for town officers, including department heads. This topic should be considered.

**Removal from office.** Clarify which positions are "at will" employees of the First Selectperson and the process for reappointment and termination.

**Town Treasurer.** Discuss the role of the Town Treasurer, whether it should be eliminated (as a separate position) or have an expanded role.

**Ethics Commission.** Discuss expansion of duties for the Ethics Commission, as well as resources, to ensure ethics violations are appropriately heard and investigated.

**Capital planning.** Discuss codification of required capital planning process and reports.

**Process for Determining the Compensation of the First Selectman and Selectmen:** The process for determining the compensation of the First Selectman and the Selectmen should be reviewed, further defined, and made consistent with the State Constitution.

**Defined Terms.** Review the defined terms in the Charter and add definitions for presently undefined terms used in the Charter. The current version of the Charter has a number of terms that are undefined, which can create uncertainty and ambiguity.

### **For Information Purposes**

#### **Fairfield Town Charter § 12.6. Appeals from the Board of Finance.**

A. Appeals to RTM. Any Town officer, board, commission, authority, committee or department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by the Town officer, board, commission, authority, committee, or department for an appropriation of Town funds as part of the annual budget or at another time in the fiscal year, or for a budget transfer. The Town officer, board, commission, authority, committee, or department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

B. Method of appeal. The appeal shall be made in writing and shall be filed with the Town Clerk within 10 days after written notice of the vote of the Board of Finance shall have been received by the Town officer, board, commission, authority, committee or department making the appeal.

C. RTM hearing. Not later than the annual budget meeting if the appeal is from a budget request, or the next regular meeting of the RTM after receiving an appeal from a vote of the Board of Finance in any other case, the RTM shall:

- (1) Hold a hearing on such appeal, at which both the Board of Finance and the appellant shall be entitled to be heard;
- (2) At the conclusion of the hearing, put the question of sustaining the appeal to a vote.

D. Vote necessary to sustain appeal. If two-thirds or more of the total number of RTM members present and voting at such meeting shall vote to sustain the appeal, the requested appropriation or transfer shall be made without the recommendation of the Board of Finance, subject, with respect to the appropriation, to referendum as provided in this Charter

To: RTM

From: David Kluczowski, Tax Collector

Re: The efficiencies and benefits of reducing motor vehicle taxes to one installment

Date: May 6, 2024

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### **Background on two installments**

- Only 12% (20 out of 169) of all municipalities collect motor vehicle taxes in two installments
- One mailing is sent in July with two installment coupons due July and January in order to reduce postage costs.
- Approximately 68% of all motor vehicle taxes are paid in full in July
  - Concern over failing/forgetting to pay timely in January due to no second notice in the mail is most common reason stated for paying in full in July

### **A single installment for motor vehicle taxes will improve office efficiencies**

- **Motor vehicle taxes collected in arrears (Due July 1, 2024, covers 10/1/23-9/30/24)**
  - **Efficiency:** One installment reduces customer questions regarding cars they no longer own
  - **Benefit:** Eliminates the billing of an old car and a new car during the same billing cycle in January. Also eliminates an installment due date (1/1/25) which is 15 months from the 10/1/23 beginning coverage date.
- **Refund/Overpayment Process**
  - **Efficiency:** Volume of refunds would decrease and the timeline for the return of funds to taxpayers would decrease from 12-16 weeks to approximately 8-12 weeks.
  - **Benefit:** Improved customer service provided by researching and reaching out to taxpayers about refunds rather than putting responsibility on residents to request it as required per state law.
- **Delinquent statements returned by Post Office reduced by half**
  - **Efficiency:** Personnel would have less returned mail and more time to research, and resend bills to proper address
  - **Benefit:** Bills could be resent to proper address in a more efficient manner

### **Estimated Savings**

- Printing - \$2,500
- Postage - \$5,000