



Town of Fairfield

Office of the First Selectman

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Board of Selectmen
Town of Fairfield
725 Old Post Road
Fairfield, CT 06824

RE: First Selectman's Recommendations to the Charter Revision Commission

Dear Members of the Board of Selectmen:

Pursuant to Conn. Gen. Stat. § 7-190(b), the Board of Selectmen may make recommendations to the Charter Revision Commission ("CRC") for its consideration. Listed below are certain recommendations for consideration by the CRC. If adopted by the Board of Selectmen, these recommendations would not limit or modify the scope of the CRC's review. Rather, they are recommendations for the CRC to consider during its process of reviewing and revising the Charter. Pursuant to Conn. Gen. Stat. § 7-190(b), the CRC is required to comment on each recommendation when it submits its report to the Board of Selectmen.

- 1) Final Report of the Charter Revision Commission Approved by the Board of Selectpersons 11 August 2022:** Consider using the August 11, 2022 proposed Charter (that failed as a single question at the ballot box on November 8, 2022) as the starting point for Charter Review. Many of the revisions proposed by the 2022 CRC appeared to have broad support and, in the end after many months of public input, only a few were controversial. This approach- making edits to those controversial sections- could save significant time and work for the Commission. Several of the items described below have been dealt with in the August 11, 2022 proposed Charter by the 2022 CRC.
- 2) Terms of Elected Office:** Consider standardizing the terms of office at four years for elected bodies other than RTM (2 years).
- 3) Section 6.1(C)(1) (BOS Contract Approval):**
 - a. Current Language: "All contracts to which the Town shall be a party shall be subject to approval of the Board of Selectmen, except contracts authorized to be made by or on behalf of the Board of Education. The Selectmen shall have the power to delegate their authority to other Town officers, employees, and bodies where the contract would be for a duration of less than one month and would involve an expenditure by or income to the Town of less than \$10,000. "Contracts" shall mean all contractual relations of the Town, including, without limitation, purchase contracts, lease contracts, and service contracts. This requirement of approval by the Board of Selectmen shall not be construed to eliminate review by other persons or bodies where required by this Charter, by ordinance, or by the General Statutes."

- b. Suggested Changes: The dollar threshold should be increased and the 30-day limitation should be eliminated. The 2022 CRC recommended limiting BOS approval of contracts to contracts in excess of \$50,000 “which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances and Regulations adopted hereunder”
 - c. Rationale: The current Charter requires Board of Selectmen approval of all contracts which exceed \$10,000 or have a term longer than 30 days. This requires virtually any contract to be presented to the Board of Selectmen for approval. This requirement is antiquated, and it is an inefficient use of our Department Heads’ time and the Board of Selectmen’s time.
- 4) **Qualifications and Eligibility of Town Officers:** Review and evaluate the appropriateness of the professional qualifications for all Town officers. The 2022 CRC proposed changes to the qualifications for certain Town officers:
- a. Consider reasonable maximum distance requirements instead of the requirement to be an Elector for Police and Fire Chiefs and their deputies, so they can be on site in Fairfield in a timely manner during an emergency.
 - b. Consider removing the Elector requirement for the Town Attorney.
 - c. Review required credentials for a Director of the Department of Public Works and determine if a Professional Engineer (“PE”) designation is still a reasonable and practical requirement.
- 5) **Advisory Bodies:** Review and evaluate the terminology and requirements for Boards, Commissions, Committees, Task Forces, etc. that are purely advisory in nature versus those that vote on resolutions that carry the force of law. Consider whether advisory bodies should have the single office or other requirements.
- 6) **Section 1.4(B): Term of Office for Town Officers:** The term of office is not stated in the Charter for several appointed Town officers. Conn. Gen. Stat. § 9-187 provides: “When not otherwise prescribed by law, the terms of those town officers appointed by the board of selectmen shall expire on the termination date of the term of the board of selectmen appointing such officers.” The CRC should consider whether the length of the term of office should be defined in the Charter so that the length of term for all offices is clear.
- 7) **Section 2.2(B): Minority representation on the Board of Education:** As proposed by the 2022 CRC, consider changing the minority representation requirements for the Board of Education that currently cause races to be uncompetitive in an election year when four candidates are to be elected.
- 8) **Section 9.15 (Internal Auditor):** The Internal Auditor presently reports to the Chief Fiscal Officer. This reporting relationship could result in potential conflict because the Internal Auditor is, in large part, tasked with auditing the Finance Department. Therefore, the CRC should consider whether the Internal Auditor should report to an elected body, such as the Board of Finance.
- 9) **Section 8.3(D) (“Assessment System”):**
- a. Current Language: “Assessment system. The Board of Finance shall install and shall modernize from time to time a system by which equitable and just values of taxable property within the Town may be ascertained. The system shall provide, among other things, for the collection of data relating to each parcel of land and to each building within the Town and for the arrangement of such data in convenient and practical form for the use of the Assessor. The system may provide for the preparation and upkeep of tax maps and land maps, in the discretion of the Board of Finance.”
 - b. Suggested Revision: This section should be deleted, as requested by the Tax Assessor and as previously proposed by the 2022 CRC. The Town’s assessment system is determined by the Assessor with assistance from the Town’s outside vendors in connection with any assessment revaluation. It is believed that this section of the Charter was added when the

Town was in the process of transition from physical field cards that were maintained by hand to a computerized assessment system. The language is confusing, antiquated, and serves no purpose at this time.

- 10) Section 9.18 (Tree Warden):** The term of the Tree Warden is presently one year. It should be updated to two years consistent with Conn. Gen. Stat. § 23-58.
- 11) Section 10.13 (Water Pollution Control Authority):** Consider clarifying the roles and responsibilities of the Town Administration and the Authority to better reflect the significant support and oversight- financial, operational, planning, engineering, construction, etc.- provided by the Administration.
- 12) Town Administrator:** Consider including a position of Town Administrator, with the flexibility to be designated “Chief Administrative Officer”, “Chief Operating Officer”, “Town Manager”, “Town Administrator”, or other suitable title with similar job responsibilities. Consider making this position an ex officio member without vote on all Boards and Commissions.
- 13) 10.15 Standards of Conduct and Ethics:** Consider working with the Representative Town Meeting and aligning Standards of Conduct and Ethics with any Town ordinances and policies. Analyze and consider the Ethics Commission nominating process, structure, and rules of operation:
 - a. Reduce the potential of Board of Selectmen stalemates resulting in fewer than the required Commission members; and
 - b. Ensure that there is a functioning anonymous reporting hotline that transmits submissions directly to the Ethics Commission and the Administration’s Human Resources Department simultaneously.
- 14) Section 14.1 (Town Seal):** Section 14.1 of the Charter currently requires the Town to use the Town Seal adopted at a Town Meeting held on July 1, 1935. The 2022 CRC recommended revising this section so that the seal is as adopted by ordinance. Allowing the Town Seal to be determined by ordinance (and not defined in the Charter as a specific Town Seal) would allow the Town to change its current Town Seal and allow flexibility for the Town to make changes in the future.
- 15) Gender-Neutral Terms:** Gender-neutral terms should be used throughout the Charter, as recommended by the 2022 CRC.
- 16) Section 1.3(B) (Defined Terms):** Consider adding or revising the defined terms in the Charter. The Charter presently uses many terms that are undefined, which can cause ambiguity. The CRC should consider defining additional terms in the Charter to improve its clarity. In addition, the definition of “Town office” presently excludes membership on the RTM. The CRC should consider whether the term “Town office” should include RTM membership.
- 17) Commissions Established by Charter:** Certain commissions are codified in the Charter, while others exist only by virtue of an ordinance. The CRC should consider whether any commissions that presently exist by virtue of an ordinance only (such as the Solid Waste & Recycling Commission) should be added to the Charter.
- 18) Defining the Process to Set Future Compensation for the First Selectman and the Board of Selectmen:** Define the 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. The Town’s practice over the last decade or so has been for the Board of Selectmen to form a “Selectmen Compensation Committee” to review and recommend changes to the compensation of the First Selectman and the Board of Selectmen. However, this practice is not required by the Charter, and Section 5.2 of the Charter confirms that the compensation of the First Selectman and the Board of Selectmen (as Town officers) is set by the Board of Selectmen. In addition, Article 11, § 2 of the Connecticut Constitution prohibits increases in compensation of an elected official

during their term of office unless they occur after two years of the term and the change is approved by the municipality's legislative body. The requirements of Article 11, § 2 of the Connecticut Constitution are not contained in the Charter.

Thank you for your consideration of these proposed recommendations. I look forward to discussing them with you in our meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. A. Gerber", is written over a faint circular stamp.

William A. Gerber
First Selectman