

Ballot Question and Explanatory Text

On August 19, 2024, the Board of Selectmen voted to designate the following question to appear on the ballot at the election on November 5, 2024. (CGS 7-191(f))

QUESTION

Shall the charter of the Town of Ellington be amended in accordance with the recommendations set forth in the final report of the bipartisan charter revision commission dated August 7, 2024?

YES NO

A YES vote ACCEPTS the recommended changes.

A NO vote REJECTS the recommended changes.

Recommendations of the Charter Revision Commission.

[NOTE: Proposed new language is underlined. Proposed deletions are ~~crossed out~~.]

Recommendation #1: DELETE THE REFERENCE TO THE AUDITING COMMITTEE IN SECTION 603.

EXPLANATION: The Board of Selectmen has the authority to appoint ad hoc committees as the need arises. The Town engages an outside professional entity to audit the town’s finances and other town functions in accordance with law. The appointment of a permanent, internal auditing committee duplicates existing processes.

Charter Text:

SECTION 603. PROCEDURE

At the first meeting of the Board of Selectmen following each biennial town election said Board of Selectmen shall fix the time and place of their regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-21 of the General Statutes, as amended. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Board of Selectmen for the transaction of business shall be open to the public and shall afford to the electors of the town an opportunity to address to the Board of Selectmen with suggestions, petitions, and complaints. The votes of all meetings shall be recorded as prescribed by Section 1-21 of the General Statutes, as amended. Four (4) members of the Board of Selectmen shall constitute a quorum. Emergency ordinances, resolutions, or votes shall be adopted by affirmative vote of a majority of those members present. The Board of Selectmen shall appoint a qualified person who is not a member of the Board of Selectmen to serve as secretary of said board. Said secretary shall keep a public record of all proceedings of the Board of Selectmen, including all roll call votes, which shall be the official record of its proceedings. The record so kept shall be authenticated for each meeting by the signature of either the First Selectman or the Deputy First Selectman and said public record shall be kept in the office of the Board of Selectmen. ~~The Board of Selectmen shall appoint an Auditing Committee consisting of not less than three (3) of their members whose duty it shall be to oversee and review all claims and charges against the town except those incurred by the Board of Education.~~

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Recommendation #2: UPDATE THE GENERAL DESCRIPTION AND DUTIES OF THE FIRST SELECTMAN IN ORDER TO INTEGRATE THE POSITION OF TOWN ADMINISTRATOR INTO THE TOWN STAFF (Sections 801, 802 & 803).

EXPLANATION: The First Selectman's historical role as day-to-day manager of town staff has been transferred to the position of Town Administrator. The First Selectman's position was reduced to part-time in 2023. While the First Selectman remains the town's chief elected official and chief executive officer (CEO), the day-to-day responsibility of managing town staff was transferred to the full-time Town Administrator in 2023.

Charter Text:

SECTION 801. GENERAL (Delete existing language and replace as follows)

At each biennial town election, a First Selectman shall be chosen by the electors of the town as provided in Chapter III of this Charter. The First Selectman shall be the chief executive officer of the town and shall receive such compensation as shall be recommended by the Board of Selectmen and approved in the annual budget. Said First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of said board. The First Selectman, or another Selectman designated by the First Selectman shall be an ex-officio member of all other town boards, commissions, and agencies and shall receive such advance notification of any such meeting as is given to the members of said bodies. He or she shall have the full right of participation in discussions but shall not have the right to vote.

SECTION 802. DUTIES (Delete existing language and replace as follows)

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law, which are not inconsistent with this Charter. The First Selectman shall have all the powers necessary or incidental to the discharge of the First Selectman's duties and responsibilities as set forth in the town's Position Description 109. The First Selectman, as the chief elected official, may represent the town at local, regional or statewide meetings, events or various committees or task forces.

The First Selectman, under the general policy direction of the Board of Selectmen, shall be responsible for:

- a. Providing guidance to the Town Administrator in the coordination and administration of the agencies of the town agencies and departments, except those functions expressly reserved or delegated to such agencies by Connecticut General Statutes.
- b. The implementation of ordinances, resolutions, policies, and other actions voted by the Board of Selectmen, or at Town Meeting.
- c. The continuous review of current and future needs of the Town. The First Selectman may require reports and information to be submitted by the Town Administrator, or agencies reporting to the administrator.
- d. Preside over the meetings of the Board of Selectmen, when present, and prepare the agenda in conjunction with the Town Administrator.

SECTION 803. APPOINTMENTS AND TERMS (Delete existing language)

~~The First Selectman shall appoint and may remove, each such action with the approval of a majority of the entire Board of Selectmen, and in accordance with such provisions of the General Statutes as may apply to said appointments and removals, such administrative officers as are assigned to the Board of Selectmen for appointment by the several provisions of this Charter, and such other assistants or employees as may be required, subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter XII of this Charter. The terms of all such administrative officers hereinafter named, except appointees serving indefinite terms, shall terminate on the same day as the term of the First Selectman provided such appointees shall continue to serve until their successors are appointed and qualified. The First Selectman may, subject to the approval~~

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of the Board of Selectmen, perform the duties of any officer under his or her jurisdiction provided that he or she is, in the opinion of the Board of Selectmen, otherwise qualified to perform such duties.

Recommendation #3: INCLUDE THE FOLLOWING POSITIONS IN SECTION 1001: TOWN ADMINISTRATOR; EMERGENCY AND RISK MANAGER; YOUTH SERVICES DIRECTOR; AND SENIOR CENTER DIRECTOR.

EXPLANATION: These positions currently exist as administrative departments. However, the positions were created or amended since the last charter revision in 2018.

Charter Text:

There shall be the following administrative officers and departments for the town: Town Administrator, Town Clerk; Finance Officer; Tax Collector; Assessor; ~~Director of Emergency Management~~ Emergency and Risk Manager; Director of Public Works; Building Official; Town Engineer; Town Attorney; Constables; Director of Health; Director of Recreation; Fire Marshal; Animal Control Officer; Director of Human Services; Youth Services Director; Senior Center Director and Town Planner. The Board of Selectmen may recommend to the town meeting pursuant to the provisions of Section 703 of this Charter the creation of such additional or the elimination of such existing administrative offices and departments as it from time to time may deem appropriate and necessary to the best interest of the town. All administrative officers and department heads and their deputies and assistants shall receive compensation fixed by the Board of Selectmen; provided, however, no compensation shall be based upon any fees collected by them and all such fees collected by them shall be paid to the town treasury.

Recommendation #4: REPLACE THE CURRENT REFERENCE TO SECTION 803 WITH A REFERENCE TO A NEW SECTION 1024(D).

EXPLANATION: Section 1002 of the Charter describes the appointment and eligibility of administrative officers and department heads employed by the town. The current version of the charter refers to Section 803 which describes the First Selectman's role of appointing certain personnel. The proposed Charter revisions transfer this responsibility to the Town Administrator as described in the new Section 1024(d).

Charter Text:

SECTION 1002. APPOINTMENT AND ELIGIBILITY

Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the Board of Selectmen shall be appointed and may be removed in accordance with the provisions of Section ~~803~~ 1024(d) of this Charter. No officer or employee of the town shall serve on any board or commission if his or her duties on the board or commission conflict with the duties of his or her town position. Any such officer or employee elected to public office in the town shall, upon such election, forfeit the position to which he or she had been appointed.

Recommendation #5 UPDATE THE TITLE AND DESCRIPTION OF THE POSITION AND DUTIES OF THE EMERGENCY AND RISK MANAGER IN SECTION 1008.

EXPLANATION: This revision updates the title of the existing position and articulates more specifically the role of the position. Additionally, the revision adds reference to the town's existing job description for the position.

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Charter Text:

SECTION 1008 EMERGENCY AND RISK MANAGER

The Board of Selectmen shall appoint an Emergency and Risk Manager who shall serve for an indefinite term. The Manager is responsible for the functions outlined in Ellington Position Description 710, including the review of and adjustments to the Local Emergency Operations Plan (LEOP) as filed with the State's Department of Emergency Management and Homeland Security (DEMHS). He or she shall meet the qualifications described in the Town of Ellington Position Description 710. ~~Director of Emergency Management who shall serve for a term of two (2) years. Said Director of Emergency Management shall have all the powers and duties, not inconsistent with the provisions of this Charter, conferred or imposed by Section 28-7 of the General Statutes, as amended and such other powers and duties as may be prescribed by the Board of Selectmen.~~

Recommendation #6: AMEND SECTION 1012 TO REVISE THE PROCESS BY WHICH THE TOWN CONTRACTS WITH A FIRM OR PERSON TO FULFILL THE ROLE OF TOWN ENGINEER.

EXPLANATION: This revision is intended to ensure that the selection of a contracted firm or person to provide engineering services to the town is performed in conformance with the town's established procurement process. As an alternative to hiring a firm, the provision allows the town to hire a Town Engineer as a staff member in the future should the Board of Selectmen determine the need to do so.

Charter Text:

SECTION 1012. TOWN ENGINEER

The Board of Selectmen ~~may~~ shall appoint a Town Engineer in accordance with section 1111 of this Charter, and as recommended by the Director of Public Works and the Town Planner. The town, in the alternative, may hire an exempt town employee as the town engineer. The Town Engineer who shall be a licensed civil engineer. Said ~~The~~ Town Engineer shall serve for an indefinite term. All powers and duties of said Town Engineer shall be prescribed by the Board of Selectmen.

Recommendation #7: ADD SECTION 1024, A NEW SECTION, DESCRIBING THE QUALIFICATIONS, PROCESS FOR APPOINTMENT AND REMOVAL AND THE DUTIES AND RESPONSIBILITIES OF THE TOWN ADMINISTRATOR.

EXPLANATION: The Town Administrator position was approved by Town Meeting on May 8, 2023, and such administrator was appointed by the Board of Selectmen on August 14, 2023. This new section adds the Town Administrator to the Charter as one of the town's administrative positions.

Charter Text:

SECTION 1024. TOWN ADMINISTRATOR [NEW]

(a) Qualifications

The Town Administrator shall be chosen exclusively on the basis of their executive and administrative qualifications, character, education, training and experience. The Town Administrator is not required to be a resident of town.

(b) Appointment

The Town Administrator shall be appointed by the Board of Selectmen. The Town Administrator is an exempt position of indefinite term. The compensation and benefits shall be in accordance with the town classification, policies and Section 1205 of this Charter.

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(c) Removal of the Town Administrator

The Town Administrator may be removed by a 2/3 vote of the entire membership of the Board of Selectmen. At least thirty (30) days before the proposed removal of the Administrator, the Board of Selectmen shall adopt a resolution stating their intention to remove the Administrator and the reasons therefore. A copy of the resolution shall be served on the Town Administrator who, within ten (10) working days, may demand a public hearing, in which case the Administrator shall not be removed until such hearing has been held. The Board of Selectmen may suspend from duty the Town Administrator upon passage of the resolution provided that the salary and benefits of the Administrator shall continue until removal from office. The action of the Board in removing the Town Administrator shall be final.

(d) Duties and Responsibilities

The Town Administrator shall be the Chief Administrative Officer of the Town of Ellington and is responsible to the Board of Selectmen for the supervision, direction, and administration of all departments, agencies, and offices listed in Chapter X of this Charter. The Town Administrator may perform the duties of any officer under his or her authority, subject to the approval of the Board of Selectmen.

The Town Administrator may, subject to the approval of the Board of Selectmen, appoint or remove any administrative officer, or town employee(s) in accordance with the provisions of Connecticut General Statutes, provisions of Chapter XII of this Charter, or other rules and regulations concerning town employees. (Excludes employees under the Board of Education). The Town Administrator may, with the approval of the Board of Selectmen, enter into contracts or agreements with the United States government, or any agency thereof, with the State of Connecticut or any agency or political subdivision thereof, any person body politic, or corporation.

The Town Administrator shall be responsible to the Board of Selectmen for the functions called out in the Town of Ellington Position Description 108 as approved or amended by the Board of Selectmen. The Town Administrator shall work collaboratively with the First Selectman.

Recommendation #8: AMEND SECTION 1109(B) TO REPLACE “DEPUTY FIRST SELECTMAN” WITH “TOWN ADMINISTRATOR” AS A STAFF MEMBER WHO CAN ACT IN THE ABSENCE OF THE FIRST SELECTMAN OR FINANCE OFFICER FOR THE PURPOSE OF COUNTERSIGNING AUTHORIZATIONS TO MAKE CERTAIN PAYMENTS ON BEHALF OF THE TOWN AND TO DELETE THE LANGUAGE IN SUBSECTION (F) LIMITING THE TRANSFER OF UNENCUMBERED FUNDS FROM ONE DEPARTMENT TO ANOTHER DURING ONLY THE LAST THREE MONTHS OF THE FISCAL YEAR.

EXPLANATION: This revision to section (b) authorizes the Town Administrator to act in limited circumstances regarding financial transactions due to the absence of the First Selectman or Finance Officer. The revision to section (f) would allow the Board of Finance to authorize the transfer of funds between departments throughout the fiscal year instead of just during the final 3 months of the fiscal year.

Charter Text:

SECTION 1109. EXPENDITURES AND ACCOUNTING

(b) No voucher, claim, or charge against the town, except those against the Board of Education, shall be paid until the same has been audited by the Finance Officer and approved by him or her for correctness and validity. Payment of all claims against the Board of Education shall be authorized by the

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Superintendent of Schools or his or her agent. Payment of all approved claims against all other town accounts shall be authorized by the First Selectman. Said authorization shall be valid when countersigned by the Finance Officer acting as the treasurer provided, in the absence or inability to act of the First Selectman or Finance Officer, the Town Administrator ~~Deputy First Selectman~~ shall substitute temporarily for said First Selectman or Finance Officer.

(f) Upon the recommendation and request of the Board of Selectmen, ~~during the last three (3) months of the fiscal year~~ the Board of Finance may, by resolution, transfer any unencumbered appropriation, balance, or portion thereof from one department, commission, board, or office to another provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriation for debt service and other statutory charges.

Recommendation #9: AMEND SECTION 1111 TO SET THE THRESHOLD FOR PURCHASES REQUIRING SEALED BID BE SET PURSUANT TO ELLINGTON ORDINANCE 28-1.

EXPLANATION: In 2013, Ordinance 28-1 was passed setting the threshold for requiring sealed bids at \$25,000. This threshold was set pursuant to Conn. Gen. Stat. Sec. 7-148v(a). The ordinance supersedes the \$7,500 threshold currently set forth in Section 1111 of the Charter. Such section was last amended in 2007.

Charter Text:

SECTION 1111. PURCHASING

Purchases for the Town of Ellington, except the Board of Education and the Probate Court, shall be made under such rules and regulations as may be established by the Board of Selectmen. For any purchase that exceeds the limits established in Ellington Ordinance 28-1, ~~estimated at seven thousand five hundred dollars (\$7,500) or more~~, the Finance Officer shall invite sealed bids unless the Board of Selectmen decides it to be against the best interest of the town. The Finance Officer shall provide a minimum of ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town. The Finance Officer shall, with the approval of the requesting board, commission, committee, or department, award the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly. For any purchase less than the established limit ~~seven thousand five hundred dollars (\$7,500)~~, or such other amount required by law, the Finance Officer or his or her designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract.

Recommendation #10: AMEND SECTION 1205 TO INCLUDE THE TOWN ADMINISTRATOR AS A POSITION WITH AUTHORITY TO REVIEW AND MAKE RECOMMENDATIONS REGARDING TOWN SALARIES AND TO ACT AS BARGAINING AGENT FOR THE TOWN.

EXPLANATION: This revision grants the Town Administrator authority to review and make recommendations regarding the town's salaries and pay schedule and to act as bargaining agent for the town during the negotiation of labor agreements. This is in addition to similar authority currently granted to the First Selectman.

Charter Text:

SECTION 1205. SALARIES

The Finance Officer shall prepare for the First Selectman and the Town Administrator a proposed standard, systematic schedule of pay for each class of positions in the classified service. The First

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Selectman or the Town Administrator shall submit the proposed pay plan to the Board of Selectmen with any changes he or she deems necessary and such proposed plan shall take effect when adopted by resolution of the Board of Selectmen. Amendments to the pay schedule may be adopted by the Board of Selectmen from time to time upon recommendation of the First Selectman or the Town Administrator. For purposes of Chapter 113 of the General Statutes, as amended, the First Selectman or the Town Administrator shall have the ~~sole~~ authority to recognize the exclusive bargaining agent for any unit of town employees and shall act as the bargaining agent for the town.