

Charter Revision Procedures

Presentation To The Board of Selectmen
By The Law Department, Town of Greenwich
January 22, 2015



Charter Revision Under The State Statutes

Relevant Statutes:

- C.G.S. § 7-187
- C.G.S. § 7-188
- C.G.S. § 7-189
- C.G.S. § 7-190
- C.G.S. § 7-191



STEP ONE

Charter Revision Proposal May Be Initiated By

- 2/3 Vote of Board of Selectmen.
OR
- Petition Signed By Not Less Than 10% Of The Electorate.
 - Petition must be certified by Town Clerk.

STEP TWO

- Commission Must Be Appointed By Board of Selectmen Within 30 Days Of Vote By Board of Selectmen Or Certification of Petition.
- Composition of Commission:
 - 5-15 Electors.
 - No more than 1/3 may hold another public office in Town.
 - No more than a bare majority from same political party.

STEP THREE

Public Hearings Held By Commission

- At least 2 public hearings.
- First hearing prior to beginning substantive work.
- One hearing after completing draft report.
- Additional hearings as Commission deems necessary.

STEP FOUR

Draft Report and Proposed Amendments Submitted to Town Clerk

- Must be submitted within 16 months of appointment.
- Town Clerk transmits report and proposed Amendments to Board of Selectmen.

STEP FIVE

Board of Selectmen Holds Public Hearing

- At least 1 public hearing.
- Not later than 45 days after submission of draft report to Town Clerk.

STEP SIX

Post – Public Hearing:

- Board of Selectmen may recommend changes to draft report within 15 days of public hearing.
 - Commission is required to confer with Board of Selectmen and may amend or reject recommendations.
 - Commission is required to issue final report to Board of Selectmen within 30 days after receipt of recommendations.
- If Board of Selectmen makes no recommendations, report becomes final.

STEP SEVEN

- Within 15 Days Of Receipt Of Final Report By Board of Selectmen:
 - Board of Selectmen must, by majority vote, approve or reject proposed changes or individual provisions.
 - Commission terminates upon acceptance or rejection of report by Board of Selectmen.
- If Report Rejected By Board of Selectmen:
 - Petition for Referendum signed by 10% of electors may be submitted not later than 45 days after Board of Selectmen vote.

STEP EIGHT

Not Later Than 30 Days After Approval By Board of Selectmen OR Certification of Petition:

- Portion of Charter being amended to be published in newspaper at least once.
- With notice that copy is available in Town Clerk's Office.
- Town Clerk to mail copy to anyone who requests it.

STEP NINE

Board of Selectmen Decides by Majority Vote
Whether to Submit Amendments at a Regular or
Special Election

- Election to be held not later than 15 months after:
 - Approval by Board of Selectmen
 - OR
 - Certification of Petition for Referendum
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- Board of Selectmen prepares proposed amendments in the form of questions.

STEP TEN

Approval at Election

- Regular Election – Majority of Electors voting.
- Special Election – Majority equal to at least 15% of Electors.
- Amendments effective 30 days after approval unless another date is specified.

STEP ELEVEN

Post Approval Requirements

- Within 30 days of approval, Town Clerk to file certified copies with Secretary of State.
- Secretary of State to distribute copies to state library.

Charter Revision Under The Town Charter

Relevant Town Charter Sections:

- Article 6 Home Rule (1955, 1961 and 1965 Special Acts of the State Legislature)
 - Sec 65 Home Rule (Charter Revision)
 - Sec 66 Referendum (when required and percentage vote)
 - Sec 67 Home Rule Procedures (BET, Selectmen, RTM approvals)
 - Sec 68 Home Rule Report (to Secretary of State)

STEP ONE

Charter Revision (Home Rule Action) May Be Initiated By
Affirmative Vote Of:

- Seven members of the Board of Estimate and Taxation (BET) if it affects the BET or the Finance Department.
- Majority of the Board of Selectmen (BOS) for any other proposal.

STEP TWO

- Proposal in Step One is given to the Town Clerk and included in the warning (call) of the next Representative Town Meeting (RTM).
- May be adopted or amended and adopted by affirmative vote of a majority of the entire membership of the RTM.
- Except where proposal introduces the creation or abolition of any Board of Town Government in which case an affirmative vote of two-thirds of the entire membership of the RTM is required for adoption.

STEP THREE

If proposal of BOS or BET is amended and adopted by RTM:

- Initiating Board must concur in amendment by same vote as required for initiation.

STEP FOUR

Referendum

- Only if revision affects existence, mode of selection, composition, rights, powers, privileges or duties of the RTM, BOS or BET.
- Held not later than one (1) year after approvals in Steps 2 and 3.
- At regular or special election.
- Approval of a majority of electors voting thereon.
- Majority in favor has to be fifteen (15%) percent of electors.

STEP FIVE

Filing with Secretary of State of Connecticut

- Filed within fifteen (15) days of approval by Town Clerk.