**ANDOVER CHARTER REVISION COMMISSION**

**DRAFTREPORT**

**AMENDED AND APPROVED AFTER PUBLIC HEARING JULY 17, 2024**

In satisfaction of the requirements of State law governing Charter Revision, namely, the Connecticut Home Rule Act, General Statutes section 7-187, et seq., including any action taken by the Charter Revision Commission (CRC)in response to public input, this **DRAFT REPORT** is submitted for consideration by the Board of Selectmen.

Note that words not underlined or stricken below appear in the Charter as currently written and are provided in certain places as context for proposed revisions. Wordingunderlined in blueis proposed to be added to the Charter as revisions.Wording or any referenced sectionthat is~~stricken in red~~are proposedto be ~~deletedfrom the Charter~~.

**Section 105. Definitions.**

**H. “Minor Ordinance”. ~~shall mean those ordinances that are necessary to ensure the orderly day to day maintenance of the order of the Town. Such ordinances are intended to include, inter alia: the setting of speed limits on Town roads, the hours of operation for Town facilities and offices.~~Any ordinance enacted as a “Minor Ordinance” prior to the deletion of this general provision on the effective date of the November 5, 2024 Charter Revision amendments shall continue to remain in place and effective unless and until it is thereafter repealed or amended by the Board of Selectmen.**

**Section 203. Town Officers – General Election**

A.~~At~~Beginning on November 2, 2027 and continuing every four years thereafter,inthe biennial municipal election to be held on the first Tuesday after thefirst Monday in ~~May~~ November, ~~1999 per section 1012 of this Charter~~ there shall be elected a Board of Selectmen consisting of five (5) members which members shall serve four (4) year terms. A political party may nominate no more than three members, one of whom shall be the designated nominee for the Office of First Selectman.

B. (Section 203B regarding election of a Town Clerk is repealed in its entiretyand replaced as follows):

Pursuant to the option set forth in General Statutes section 9-185, as fully set forth in the below Charter Section 702O, beginning with the November 2, 2027 election, the Town Clerk shall no longer be elected.

C. At the biennial municipal election to be held on the first Tuesdayafter the first Monday in ~~May~~ November, 2025, and every two years thereafter, there shall be elected members tothe following

Boards, commissions and agencies for the terms specified herein. (The remainder of section 203C shall remain in place verbatim).

D. All terms of office, except as otherwise provided in this Charter, shall commence on the~~first~~thirdTuesday after the first Monday of ~~July~~November. Elected Town officials shall hold office until their successors have been chosen and qualified.

**Section 210 – Early Voting**

**The dates and hours for Early Voting shall be conducted as prescribed by the Connecticut General Statutes, as amended.**

**CHAPTER III – THE TOWN MEETING**

**Section 301 – General**

The legislative authority of the Town shall be shared by the Board of Selectmen and the Town Meeting. The Town Meeting shall have authority for final approval of those actions of the Town as hereinafter enumeratedin Section 304, ~~and shall be the legislative body of the Town.~~The~~Town Meeting~~Board of Selectmen shall have legislative authority for all matters not specifically enumerated hereafterin Section 304, including but not limited to the authority to approve and enact, repeal and modify all ordinances after a public hearing,and also those powers~~or~~ enumerated in Section 402, and those powers formerly assigned to the Town Meeting per Section 304D of this Charter.

Section 301A – Elector Authority to Repeal any Ordinance Legislatively Enacted by the Board of Selectmen

Any action of the Board of Selectmen toenact, repeal or modify any ordinance, except any emergency ordinance enacted per Section 406 of this Charter, shall be subject to being repealed by way of a special referendum in the following manner:

1. The Board of Selectmen shall send a written Town-wide mailer promptly notifying the Town electorate in detail of any such legislative action by the Board. The mailer shall be sent to the Office of the Town Clerk where the date of its receipt shall be noted on the public record.
2. To seek repeal of any such legislative action by the Board of Selectmen, a petition must be filed with the Office of the Town Clerk within twenty (20) days after official receipt by the Office of the Town Clerk of the Town-wide mailer from the Board of Selectmen. To be valid, any such petition must be timely filed by five (5) percent or fifty (50) of the electors of the Town, whichever number is less, as determined by the latest official registry lists of the Registrars of Voters. The petition must also conform with the requirements of Connecticut General Statutes section 7-9, except as provided herein, and be signed in ink, requesting that such ordinance be submitted to the voters in a special referendum.
3. The Town Clerk shall within seven (7) days of receipt of any such petition, certify to the Board of Selectmen whether the petition included a sufficient number of valid signatures and was legally consistent with the other requirements of this provision. If it is not legally sufficient in every way, the Town Clerk shall so inform the Selectmen who shall declare the petition invalid and the ordinance shall take effect on the forty-fifth (45th) day following approval of the Board of Selectmen.
4. If the petition contains sufficient valid signatures and is otherwise legally sufficient, the effective date of the ordinance shall be set aside and the Selectmen shall, in cooperation with the Office of the Secretary of the State and State law, schedule a special referendum to be conducted simultaneously with the election regularly scheduled to be held on the first Tuesday after the first Monday in the month of Novemberor with the next regularly scheduled referendum immediately following validation of any such petition.
5. The ordinance shall stand approved by the referendum unless a majority of those electors voting shall have voted in favor of repealing such ordinance, provided however, that at least ten (10) percent of the registered voters of the Town shall have voted on the matter. Any ordinance not so repealed shall take effect on the day following the referendum.

**Section 303. Annual Town Budget Meeting**

**The Annual Town Budget Meeting for the consideration of the budget shall be held ~~on one of the first ten business days of May~~in the second week of Aprilin each year. The adoption of the budget shall be pursuant to the provisions of Section 803 of the Charter.**

**Section 304. Special Town Meetings**

Providing that all other procedures and/or prerequisites, financial and otherwise, as delineated in this Charter have been met, Special Town Meetings shall be called by the Board of Selectmen and shall follow Section 302 of this Charter for consideration of the following items;

A.The issuance of bonds and all other forms offinancingexceeding fifty thousand dollars ($50,000) in value,the terms of which are in excess of one (1) year,

B. Any supplemental appropriation which exceeds the ~~one half of~~ onepercent (~~0.5%)~~(1.0%)limit set forth in Section 805B, excluding any bonds or notes issued subject to Section 810D.

Any supplemental appropriation which exceeds or is equal to 2.5% of the current year budget excluding the amount appropriated for the Region 8 Board of Education and approved by the Board of Finance shall go directly to referendum pursuant to Section 803 of this Charter.

~~D. The creation, consolidation,modification or abolition of any permanent board, commission,department or agency not otherwise provided for in this Charter, provided however, any newly created board, department, agency or commission shall come under the provisions contained in this Charter.~~

E. Leases and/or lease optionsin excess of fifty thousand dollars ($50,000.00) to which the Town, including the local Board of Education, is a party which involve a term or obligation in excess of one (1) year, excluding leases of personalty.

F. Any appropriation from the capital and nonrecurring expense fund, not included in the annual budget, which exceeds one quarter of one percent (0.25%)of the budget, as specified in Section 805B;

G. The ~~application for or~~participation in any federal, state or private grant program in excess of $2,500,excluding the local and regional Board of Education, which participation shall require the Townto contributein excess of $25,000.00~~any cashor provide any in-kind participation~~ to enter into any such grant programs;

H. The discontinuance or abandonment of Town roads.

I.Such other matters or proposals as the Selectmen, in their discretion, shall deem of sufficient importance to be submitted to a Special Town Meeting. ~~including recommendations by the Selectmen for the adoption, modification, or repeal of any ordinance.~~

~~J. The approval, repeal or modification of any Town Ordinance when petitioned pursuant to the provision(s) of Section 305 of this Charter as amended, providing said Ordinance(s) are not inconsistent with any other provisions of this Charter, or with the CT General Statutes.~~

**Section 305. Petitioned Town Meetings**

This Section shall remain intact, except that any references to the repealed Charter Sections 304D and 304J shall be deleted.

**Chapter IV. BOARD OF SELECTMEN**

**Section 402 – General Powers and Duties**

**A.**To enact, amend or repeal ~~minor~~ Ordinancesproviding they are not inconsistent with this Charter ~~and not inconsistent with Ordinances adopted at prior Town Meetings,~~and not legally inconsistent with the General Statutes of the State of Connecticut.

**B. To ~~recommend~~ enact Ordinances ~~to the Town Meetingthe creation, consolidation, modification or abolitionof~~creating, consolidating, modifying, or abolishingagencies, commissions, boards and authorities not otherwise provided for in this Charter. ~~The Board of Selectmen may create any agency, commission, committee, board, authority or department for a nonrenewable term not to exceed eighteen (18) months;~~**

**Section 404. Public Hearing on and Publication of Ordinances.**

This Section shall remain intact, except that the phrase“not covered by Charter Section 105H”shall be deleted, and the final sentence of Section 404 shall be amended as follows: “Every ordinance, unless it shall specify a later date, shall become effective on the ~~twenty-first (21)~~ forty-fifth (45th) day ~~after such publication~~following its ~~final passage~~enactment by the Board of Selectmen,except if appealed oroverruled as provided in Section ~~409~~301Aof this Charter.

**Section 605. Terms of Office**

Except as otherwise specifically provided for in this Charter, the terms of all Town Board members shall be for two years, and shall commence on the firstMonday in Julyof ~~1999~~2025,and biennially thereafter. All Town Board members shall be eligible for reappointment and shall continue in office until a successor has been appointed and has qualified.

**Chapter VII. ADMINISTRATIVE SERVICES**

**Section 701. General**

**At the very beginning of Section 701, delete “With the exception of 702(O). Town Clerk, which is an elected position,” but the rest of Section 701 shall remain in place.**

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**Section 702. Administrative Positions.**

**D. Director of Health – The Board of Selectmen shall appoint a Director of Health as mandated by the State of Connecticut. The ~~Director of Health is employed part time subject to all rules and provisions of his/her contract. The said officer shall be compensated by stipend.~~**

**E. An Animal Control Officer – The Board of Selectmen shall appoint an Animal Control Officer or contract withAnimal Control Services. ~~The said officer shall be employed part time.~~**

**O. A Town Clerk –The Office of the Town Clerk shall have permanent status.** Pursuant to the option set forth in General Statutes section 9-185, beginning with the November 2, 2027 election, the Town Clerk shall no longer be elected. Rather, on or after November 16, 2027, and every four (4) years thereafter, the Board of Selectmen most recently elected in the November municipal election shall, on or after two weeks following the date of their election, by a minimum of three votes appoint a qualified person to be the Town Clerk to workin that capacity beginning on January 2 of the New Year for a term of four (4) years, subject to the requirements of Chapter 92 of the General Statutes, as amended, regarding “Town Clerks.”

**CHAPTER VIII – FINANCE AND TAXATION**

**Section 802. Duties on the Budget**

1. **(ALL NEW). No later than October 15th, the Board of Finance shall confer with the Board of Selectmen and the Board of Education to discuss the goals and objectives for the upcoming budget. The Board of Finance may suggest a targetfor expenditures for both the General Government and Board of Education budgets; however, the target shall not be binding with respect to budget submittals.**
2. **Agency and Department heads (Section 802A in the current Charter) ~~At least one-hundred twenty (120) days before the end of the Fiscal Year~~ At least one-hundred fifty (150) days before the end of the Fiscal Year, the head of each department, office or agency of the Town, supported wholly or in part by Town funds, except the Regional Board of Education and the local Board of Education, shall file with the ~~Board of Finance~~ Town Administrator** a detailed estimate of expenditures to be made by that department, office or agency and the revenues other than propertytaxes, to be collected thereby in the ensuing Fiscal Year. Such estimates shall be accompanied by a statement setting forth the services, activities and work accomplished during the current year and planned for accomplishment for the ensuing Fiscal Year. The Local Board of Education budget must be submitted to the Board of Finance by February 15th.
3. (ALL NEW) Duties of the Town Administrator. The Town Administrator shall review the budget estimates. Upon completion of the review and not later that one-hundred twenty (120) days prior to the end of the Fiscal Year, the Town Administrator shall present to the Board of Selectmen and Board of Finance a proposed budget. In preparing the proposed budget, the Town Administrator may comment and make recommendations on the budget requests made by various departments, offices and agencies.
4. (ALL NEW) There shall be budget review meetings in March which shall be joint meetings of the Board of Selectmen and the Board of Finance. A quorum of at least one of the two Boards is required to conduct business.
5. **Duties of the Board of Finance (formerly Section 802B)**

The Board of Finance shall review the budget estimates with the heads of all Town supported departments, offices, and agencies**as needed. . . . . . . (some text omitted)**

The Board of Finance shall include the estimated budget request of the Regional School District No. 8**Board of Education** in their recommended budget.

**(E.1) Upon completion of the review and not later than ~~sixty days (60) days (~~85) days prior to the end of the Fiscal Year, the Board of Finance shall hold a Public Hearing on their recommended budget. ~~the Board of Finance shall hold a public hearing, as provided for in Section 802C of this Charter, on the proposed budget~~.**

**Section 803. The Annual Town Budget Meeting and Referendum**

1. The Annual Town Budget Meeting shall be held ~~on one of the first ten business days of May.~~ in the second week of April.
2. ~~If a quorumas defined in Section 302 of this Charter is present, then the meeting may proceed to adopt or reject the budget. Prior to taking a vote to adopt or reject the budget,~~ The Town Meeting may make amendments to the proposed budget, provided, however, that the Town Meeting shall only have the power to reduce or modify, but not increase the budget or any portion thereof. The Town Meeting may not alter any specific items contained in the budget proposed by the local Board of Education. ~~If the budget is rejected, the Board of Finance shall review therejected budget and present the same or a revised budget to a subsequent Town Meeting held on the same day of the next following week. If the budget is approved,~~ the Town Meeting shall adjourn to a referendum to be held on the Tuesday following the first Monday in May. ~~It shall be put to a referendum on the second following Tuesday.~~ Voting by absentee ballot at the referendum is allowed.
3. ~~This subsection, 803C, shall be deleted in its entirety by the Charter Revision of 2024.~~
4. D.~~If a quorum is present at the Succeeding Town Meeting on the rejected budget, the Town Meeting may proceed to proceed. If a quorum is not present, the budget shall be put to a referendum on the Tuesday following the next Monday. This same adoption cycle shall be followed if any budget is rejected at Town Meeting or referendum until a budget is finally adopted.~~ If the budget is defeated at a first referendum ~~or for a second time at town meeting~~ the budget will be bifurcated into separate votes on the Town Budget and on the local Board of Education Budget individually, and the process shall begin again with the Board of Finance as set forth in Section ~~803C~~802E, above, and continue until each bifurcated budget is passed. The Board of Finance shall review any rejected budget and present ~~for review and discussion only,~~ the same or revised budget(s) to ~~a subsequent Town Meeting held exactly one week after the day of the referendum at which the budget was rejected, and~~ the next referendum which will be held exactly two weeks later. If only one of the two bifurcated budgets is passed at referendum, it is final and may be implemented for the new Fiscal Year, but this process must continue for any failed budget until it is

passed.

E.After the final adoption of the budget at referendum, and with consideration of external budgeting factors including state appropriation(s) and/or the Region Eight (8) Board of Education, the Board of Finance shall meet as soon as possible to set the mill rate for the upcoming Fiscal Year.

**F.Notices indicating the date, location and agenda of the Annual Town Budget Meetings) ~~and a separate notice identifying the date, and~~including the date andlocation of the subsequent referendum(s) shall be mailed to eligible voters by US mail at least five (5) days prior to the meeting(s) and subsequent vote.**

**Section 805. Supplemental Appropriations.**

**B.** Duties of the Board of Finance. . . . The Board of Finance shall be empowered to make supplemental appropriations up to and including an amount that cumulatively is equal to ~~one- half of~~onepercent(1%)approved by the Board of Finance. Those which exceed the cumulative ~~one-half of one~~one percent (~~0.5%)~~(1%) of the current year budget, excluding the amount appropriated for the Regional School District, shall be submitted to a Special Town Meeting pursuant to the provisions of Section 304B of this Charter. ~~and if approved, will be sent to referendum pursuant to Section 803 of this Charter.~~

Any supplemental appropriation which exceeds or is equal to 2.5% or $200,000.00, whichever is greater, of the current year’s budget,excluding the amount appropriated for the Region 8 Board of Education, approved by the Board of Finance shall go directly to referendum pursuant to Section 803 of this Charter.

**CHAPTER X –TRANSITION AND MISCELLANEOUS PROVISIONS**

**Section 1003 - Conflicts of Interest**

**(**This Section shall remain intact, except that any references to Section 105K shall be changed to 105J.)

**Section 1008. Review and Amendment of Charter.**

Add a second paragraph to this Section 1008 as follows:

If after any such review, the Board of Selectmen does vote to appoint a Charter Revision Commission, the Board shall give any such Commission a minimum of six (6) months to submit their draft report to the Board.

**Section 1010. Resignations.**

This section shall remain in place except that the sentence requiring that “~~Said resignation shall become effective upon acceptance by a vote of the Board of Selectmen~~,” is shall be deleted from Section 1010, and “Resignation by the Town Clerk shall be filed with the First ~~Selectmen~~Selectman,” shall be amended as indicated herein.

**Section 1011. Effective Date**

This Charter shall become effective upon the approval of a majority of the electors voting at an election on November**~~8, 2016~~5, 2024in** accordance with the provisions of Chapter 99 of the General Statutes, as amended, provided, however, that no**new**provision of this revised Charter shall be implemented until July 1**, ~~2017~~ 2025, with the exception of any revisions enacted by the electors on November 5, 2024 in Chapter VIII. FINANCE AND TAXATION, and Charter Section 203C, which may be implemented immediately thereafter.**

**Sections 1012, 1013 and 1014. Transition**al–

Thesethree sectionswere all transitional at previous times, but are no longer relevant and necessary, may be readily located in the Office of the Town Clerk, and are deleted in their entirety.