



City of Bristol
Bristol, Connecticut

**Minutes of the Charter Revision Commission's regular meeting of February 23,
2021**

1. Call to order.

Chair Jon FitzGerald called the meeting to order at 7:00 PM and read the call of the meeting.

2. Introduction of commissioners.

The commissioners introduced themselves. Present were: Jon FitzGerald, Laurie Scotti (virtually), Roman Czuchta, John Krampitz, Richard Carter, Kimberly Ploszaj, and John Lafreniere.

3. Discuss and approve the minutes of the meeting held on February 9, 2021 and take any action as necessary.

On motion by Commissioner Ploszaj and seconded by Commissioner Krampitz, it was unanimously voted: to approve the minutes.

4. Public participation regarding revisions to the charter.

None.

5. Discussion of possible revisions to the charter to recommend changing the term of the office of mayor from a two-year term to a four-year term and take any action as necessary.

Discussion of reasons for retaining two-year term: has worked in the past; can vote out non-performing mayor after two years; good checks and balances; four former mayors support maintaining a two-year term; possibility that a four-year term would result in the loss/invalidity of the charter's recall provision.

Discussion of reasons for recommending four-year term: individual elected with the public's knowledge of how the person wants to proceed and gives person the

opportunity and time to flush out ideas and implement agenda; allows for long term planning; person running for reelection after one year in office, would eliminate constant campaigning and fundraising; voters continue to elect council members every two years and can change the political majority on the council if dissatisfied with mayor's performance; put the question on the ballot and let the voters decide; charter's recall provision has never been utilized.

It was moved by Commissioner Krampitz and seconded by Commissioner Czuchta to: recommend that the term of mayor be changed from two years to four years.

In favor of motion: Commissioners Krampitz, Ploszaj, Czuchta, Scotti and Carter.

Opposed to motion: Commissioners Lafreniere and FitzGerald.

Motion carries 5 to 2.

Corporation Counsel Clift provided to the commission for their consideration a draft of changes to charter sections to implement a four-year term (attached). Draft will be considered at the commission's meeting on March 3, 2021.

6. Discuss comments and potential topics for charter revision raised during public participation and take any action as necessary.

None.

7. Discuss the charter and proposed charter revisions raised by the commissioners of the charter revision commission and take any action as necessary.

None.

8. Discuss meeting dates and agendas and take any action as necessary.

Next meeting: March 3, 2021 at 7:00 PM to review and approve drafting language to the sections.

On motion by Commissioner Czuchta and seconded by Commissioner Ploszaj, it was unanimously voted: to schedule the public hearing for March 16, 2021 at 7:00 PM.

Following the public hearing on March 16, 2021 will be the commission's regularly scheduled meeting to consider public comments to the proposed draft.

9. Old Business.

None.

10. New Business.

None.

11. Adjourn.

At 7:45 PM, on motion by Commissioner Lafreniere seconded by Commissioner Scotti, it was unanimously voted: to adjourn.

Submitted by:

Jon P. FitzGerald, chair.

SUBJECT TO APPROVAL

Charter Revision Commission

Other Charter Sections affected – two-year mayoral term to four-year mayoral term

February 23, 2021

<p>Sec. 2. - Construction of the charter.</p> <p>(a)The Town of Bristol shall continue to exist. It shall hold town meetings as hereinafter provided, for the election of registrars of voters. Said town shall elect no other officers and hold no other meetings. All other political and legal rights heretofore vested in said town and in the Borough of Bristol, and all property, property rights and choses in actions heretofore belonging, either to the Town or Borough of Bristol, shall be vested in the City of Bristol, and said city shall be subject to all obligations which otherwise would exist against said town or said borough if all these debts are paid.</p> <p>(b)In the construction of this charter, words importing the masculine gender may be applied to females and words importing the feminine gender may be applied to males.</p> <p>(c)In the construction of this charter, the terms personnel director and director of personnel mean director of human resources.</p> <p><u>(d) In the construction of this charter, in Section 13, Recall of elective officials, the words “a petition signed by qualified electors equal in number to twenty per cent of the entire vote cast for mayor at the last preceding biennial election” shall mean the last preceding biennial election at which there was an election for the office of mayor.</u></p> <p>(Amend. eff. 11-4-81; Amend. eff. 11-9-83; Amend. eff. 12-8-11; Amend. eff. 12-5-13; Amend. eff. 12-5-19)</p> <p>Legislative history—Sp. No. 352, § 2, 1911; Sp. No. 102, 1921; Sp. No. 434, § 2, 1931; Sp. No. 489, § 2, 1939.</p>	
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Sec. 12. - City officers; elective.

(a)The general officers of said City of Bristol, to be elected by the electors thereof shall be a mayor, six council members, a treasurer and a board of assessment appeals of three members. All of such officers, except for the mayor, shall be elected at each municipal election for a term of two years from the first Monday following their election and until their successors are elected and have qualified. Beginning with the municipal election to be held in November 2023, and at each municipal election held every four years thereafter, the mayor shall be elected for a term of four years. Each elector shall be entitled to cast one vote for mayor, one vote for treasurer, two votes for the candidates of their choice for city council of the council district wherein the elector resides, and two votes for members of the board of assessment appeals of said city.

(b)No political parties shall nominate more than two residents of each council district as candidates for the city council. The two candidates from each council district receiving the highest number of votes shall be declared elected to the city council.

(c)No political party shall nominate more than two candidates for the board of assessment appeals of the city and the three candidates receiving the highest number of votes for the board of assessment appeals shall be declared elected.

(d)No person shall be qualified to be a candidate for any elective municipal office in the City of Bristol unless such person shall be an elector of said city.

(e)Any official elected on or after November 7, 2017, who ceases to be a resident and elector of the City of Bristol, or in the case of a council member who ceases to be a resident and elector of the council district from which he or she was elected, shall thereupon cease to hold such elective office and the elective office shall be

<p>vacant. Vacancies shall be filled in accordance with the provisions of Section 14 or Section 39 as may be applicable.</p> <p>(Amend. eff. 11-5-75; Amend. eff. 11-4-81; Amend. eff. 11-9-83; Amend. eff. 11-7-89; Amend. eff. 12-4-97; Amend. eff. 12-2-10; Amend. eff. 12-8-11; Amend. eff. 12-5-13; Amend. eff. 12-8-16)</p> <p>Legislative history—Sp. No. 352, § 12, 1911; Sp. No. 434, § 23, 1931; Sp. No. 387, 1933; Sp. No. 489, § 12, 1939; Sp. No. 456, § 1, 1941; Sp. No. 132, 1957.</p>	
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<p>Sec. 9. - Municipal elections.</p> <p>The municipal election of city officers and for the taking of any other ballot or vote required by the general statutes or the provisions of this charter, except special elections, shall be held on the Tuesday after the first Monday of November in odd numbered years. A call for each city meeting shall be published in a newspaper having a general circulation in said city in accordance with state statutes.</p> <p>(Amend. eff. 11-7-89; Amend. eff. 12-2-10; Amend. eff. 12-5-13)</p> <p>Legislative history—Sp. No. 352, §§ 6, 8, 10, 1911; Sp. No. 199, 1913; Sp. No. 281, 1915; Sp. No. 434, § 9, 1931; Sp. No. 489, § 9, 1939.</p>	
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Sec. 12A. - Limits on successive terms for mayor and city council.

(a) No person who has been elected after the effective date of this section to the office of mayor for four successive two-year terms shall be eligible to run for election to the office of mayor until at least one term has elapsed. Provided, any person elected or appointed to the office of mayor to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to the office of mayor to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for election to the office of mayor for any term or terms that are not successive.

(b) A person who has been elected to the office of mayor for three successive two-year terms shall be eligible to run for election to the office of mayor for one four-year term. No person who has been elected to the office of mayor for a four-year term shall be eligible to run for more than one additional four-year term. Provided, any person elected or appointed to the office of mayor to fill an unexpired term for two years or less shall be eligible to serve two successive four-year terms. Any person elected or appointed to the office of mayor to fill an unexpired term of more than two years shall only be eligible to serve one successive four-year term.

~~[(b)]~~ (c) No person who has been elected after the effective date of this section to the city council in any district for four successive two-year terms shall be eligible to run for election to the city council or to be appointed to serve on the city council in any council district for any additional successive term until at least one term has elapsed. Provided, any person elected or appointed to serve on the city council to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to serve on the city council to fill an unexpired term of more than one year shall only be eligible to serve three

Comments: This section implicates a policy decision that should be considered by the Commission. This particular wording allows an incumbent mayor who has served only three successive two-year terms to run for one four-year term. If the Commission desires a different policy, this can be redrafted.

successive two-year terms. This does not disqualify a person from running for any term or terms that are not successive.

[[c]] (d) This section does not disqualify a person who has served for successive terms as mayor pursuant to subsection (a) from being elected or appointed to any other elective or appointive office.

[[d]] (e) This section does not disqualify a person who has served for successive terms as a city council member pursuant to subsection (b) from being elected or appointed to any other elective or appointive office.

(Amend. eff. 12-5-13; Amend. eff. 12-5-19)

Sec. 13. - Recall of elective officers.

(a) Each incumbent of an elective office shall be subject to recall by the voters of this city, not inconsistent with state statutes. The procedure to effect such a removal from office shall be as follows: *A petition signed by qualified electors equal in number to twenty per cent of the entire vote cast for mayor at the last preceding biennial election*, demanding an election of a successor of the officer sought to be removed, shall be addressed to the city council and presented to the city clerk, and shall contain a statement of the reason for such demand. If the officer sought to be removed shall not resign within five days after the petition is filed, the council shall cause a special election to be held within thirty days thereafter, to determine whether the people will recall such officer. In the published call for the election shall be printed, in not more than two hundred words, the reasons for demanding the recall of such officer as set forth in the recall petition, and such officer may therein, in not more than two hundred words, justify his course in office.

(b) The sufficiency of such petition shall be determined by the town clerk, subject to the right of any person who has signed it to appeal to the city council for final decision of its sufficiency. The officer sought to be removed shall be deemed a candidate, and his name shall appear as that of a candidate upon the voting machine or a printed ballot, as the case may be.

(c) The nomination of other candidates and the election shall be in accordance with the provisions of this charter concerning nominations and elections, except that the result of the election under the recall shall be final, and the candidate receiving a plurality vote shall be elected for the remainder of the term, subject to subsequent recall. The officer sought to be removed shall, if he shall not resign, continue to

Comments: If the mayoral term of office is changed from a two-year term to a four-year term, and the last biennial election did not include an election for the office of mayor, this provision may fail. Since this is a special act, and the Home Rule Act does not provide for recall, it cannot be amended.

If the Office of Corporation Counsel were called upon to defend recall, we could argue a re-interpretation of this section to mean the last preceding biennial election "at which there was an election for mayor." However, it would be pure speculation to predict if that argument would be successful.

<p>perform the duties of his office until the election, whereupon if he shall fail of election, he shall be deemed to be removed from office.</p> <p>(d)No recall petition shall be filed against any officer, nor a recall election held, until such officer has actually held his office for at least four months, nor within ninety days of a general city election.</p> <p>(e)No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any city office within two years after such recall or resignation.</p> <p>(f)The council may make such further provisions as may be necessary to carry out the provisions of this section and the election may be ordered and conducted and the result declared in the same manner as is determined herein for the election of officers at biennial city elections. Legislative history—Sp. No. 352, § 11, 1911; Sp. No. 434, § 22, 1931, Sp. No. 489, § 13, 1939.</p>	
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<p>Sec. 14. - Elective officers; terms; vacancies.</p> <p>(a)If a vacancy shall occur in the office of mayor, the city council shall have power to make temporary provisions for the performance of the duties of the office. It may fill the vacancy for the unexpired portion of the term of such office, if less than nine months remain of such term. If, at the time of such vacancy, nine months or more remain of such unexpired term, or if, within one month after such vacancy, the city council shall have failed to fill such vacancy, as is above authorized, the vacancy shall be filled at a special city election called by the acting mayor.</p> <p>(b)All provisions of this charter relating to nominations of elective officers and to city elections shall apply to such special election, with such changes as to dates and other details as the city council shall determine to be necessary.</p>	<p>Comments: This section appears to still work with a four-year term for Mayor, but could be changed to allow for a temporary appointment if more than 9 months are left on a four-year term. This is a policy consideration left for the Commission.</p>
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<p>(c) If any council member shall vacate such person's office, the vacancy shall be filled at a special city election for the position vacated if more than nine months remain of the term and shall comply with Sections nine and ten of this charter herein. If less than nine months remain, no election shall be held and the mayor shall within two weeks of such vacancy, appoint a replacement, with a member of the same party affiliation as the member who vacates, with approval of the city council. Said appointment shall continue until the next regular municipal election.</p> <p>(d) The city council shall have power to fill any vacancy that may occur in any other city or town office, except as otherwise specifically provided herein. (Amend. eff. 11-9-83; Amend. eff. 11-4-92; Amend. eff. 12-8-11; Amend. eff. 12-5-13)</p> <p>Legislative history—Sp. No. 352, § 24, 1911; Sp. No. 434, §§ 31, 37, 1931; Sp. No. 404, 1933; Sp. No. 489, § 14, 1939.</p>	
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<p>Sec. 40. - Fire department.</p> <p>(a) The fire department of the City of Bristol shall be under the general supervision of a board of fire commissioners, consisting of six members, one of whom shall be a city council member, and the mayor, who shall be a member, ex officio, and chairperson of such board.</p> <p>(b) The existing board of fire commissioners shall hold office for their respective terms of appointment and until their respective successors shall be appointed.</p> <p>(c) <i>Within one month after [the mayor and] the city council elected at a municipal election shall take office, the mayor shall nominate and the city council shall appoint one council member to be a member of such board, for the term of two years,</i></p>	<p>Comments: Because the mayor would be elected only once every four years, we should take out the words as bracketed to keep it the council nominee being made every two years.</p>
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except that no council member shall be a council member of the board after the term of office of said council member shall terminate.

(d) All members of the board except the council member, shall hold office for three years, and no member except one city council member shall hold any other office in such city. Upon the expiration of the term of office of any member, the mayor shall nominate and the city council shall appoint a successor. All appointments shall be made during the month of January, for a period of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto, but the term of office shall be deemed to begin on the first Tuesday of said month.

(e) In the event of a vacancy, a successor shall be nominated and appointed in the same manner for the unexpired portion of the term of the office vacated.

(f) Said board of fire commissioners, subject to the approval of the city council, shall make rules and regulations for the government of the fire department, including the suspension or removal of the members of said department, except as otherwise expressly provided for in this charter.

(g) The city council shall have power of removal of the chief upon recommendation of the board of fire commissioners. Said officer shall not be removed or reduced in grade without having first received a written statement setting forth the reason for such removal or reduction and has been given an opportunity to appear and be heard before the city council. If desired by the officer removed or reduced, the statement received by the city council, together with said officer's reply thereto, shall be made a matter of public record.

(Amend. eff. 11-9-77; Amend. eff. 12-2-10; Amend. eff. 12-8-11)

Legislative history—Sp. No. 352, § 55, 1911; Sp. No. 434, §§ 82, 83, 1931; Sp. No. 489, § 43, 1939; Sp. No. 326, § 2, 1945; Sp. No. 157, 1955.	
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<p>Sec. 45. - Police department and board of police commissioners</p> <p>.</p> <p>(a)The board of police commissioners shall consist of six members, one of whom shall be a member of the city council and five of whom shall be electors of the city. The mayor shall serve as a member of such board, ex-officio, and be the chairperson thereof.</p> <p>(b)The existing board of police commissioners shall hold office for their respective terms of appointment and until their respective successors shall be appointed.</p> <p><i>(c)Within one month after [the mayor and] the city council elected at a municipal election shall take office, the mayor shall nominate and the city council shall appoint one council member to be a member of such board, for the term of two years, except that no council member shall be a council member of the board after the term of office of said council member shall terminate.</i></p> <p>(d)All members of the board except the council member, shall hold office for three years, and no member except one city council member shall hold any other office in such city. Upon the expiration of the term of office of any member, the mayor shall nominate and the city council shall appoint a successor. All appointments shall be made during the month of December, for a period of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto, but the term of office shall be deemed to begin on the first Tuesday of December.</p>	<p>Comments: Because the mayor would be elected only once every four years, we should take out the words as bracketed to keep it the council nominee being made every two years.</p>
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<p>(e) In the event of a vacancy, a successor shall be nominated and appointed in the same manner for the unexpired portion of the term of the office vacated.</p> <p>(f) Said board of police commissioners, subject to the approval of the city council, shall: (1) Confer with and advise the chief of police with respect to the general management of the Police Department; (2) Review and comment on the budget request of the Police Department prior to its submission.</p> <p>(g) The city council shall have the power of removal of the chief of police and other nonbargaining unit members for just cause in accordance with Connecticut General Statutes. Said officers shall not be removed or reduced in grade without having received a written statement, setting forth the reasons for such removal or reduction and having been given an opportunity to appear and be heard before the city council. If desired by the officer removed or reduced, the statement received by the city council, together with their reply thereto, shall be a matter of public record. (Amend. eff. 11-7-89; Amend. eff. 12-2-10; Amend. eff. 12-8-11; Amend. eff. 12-5-19)</p> <p>Legislative history—Sp. No. 352, §§ 52, 53, 1911; Sp. No. 434, §§ 100, 102, 1931; Sp. No. 489, § 47, 1939.</p>	
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<p>Sec. 50. - Initiative and removal.</p> <p>Special meetings of the electors for the purpose of voting on any proper question, including the removal from office of any appointee of the city council, may be called at any time by the mayor or by the city council, and shall be called whenever electors to the number of ten per cent of the electors who were entitled to vote at the last general city election shall petition that such meeting be called. The signatures to such a</p>	<p>Comments: Because the threshold for the number of signers appears not to be tied to votes for mayor and is tied only to 10% of the number of eligible voters in the last “general city election”, it appears that no changes would need to be made. If changes were needed, any change would likely invalidate this provision because these powers were granted in a special act of the Legislature. Initiative and removal are not</p>
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petition need not all be appended to one paper, but each signer shall add to his signature a statement of his place of residence, giving the street and number, if any. One of the signers of the petition shall make oath before an officer competent to administer oaths that each signature appended to such paper is the genuine signature of the person whose name it purports to be. Within five days from the filing of such petition with the town clerk, said town clerk shall ascertain if such petition is signed by the regular number of qualified electors, and he shall attach to such petition a certificate showing the result of such examination. If, by said clerk's certificate, the petition be found to be insufficient, it may be amended within ten days from the date of such certificate. The clerk shall make like examination of the amended petition, and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall, without delay, submit the same to the city council. The petition for each electors' meeting shall state specifically the resolution or resolutions it is desired to have submitted to vote at such meeting. Upon receipt of such petition, the city council shall either (a) pass such resolution or resolutions without alteration, within twenty days after attachment of the clerk's certificate to the accompanying petition, in which case the petition shall become of no effect, or (b) if the petition shall not have been withdrawn in a written statement signed by a majority of the signers of the original petition, call a special meeting of the electors within thirty days unless a general municipal election is to be held within ninety days thereafter; and at such special or general meeting, the resolution or resolutions shall be submitted to a vote of the electors of said city. All votes at the meetings of the electors shall be taken by the check list at the polling places in the several voting districts. The registrars of voters shall have power to appoint such election officers as are necessary. The question of the passage of any such resolution shall be designated on the voting machine, or on the ballot, if required, in the following words "for

powers addressed in the Home Rule Act and therefore cannot be changed and/or restored.

the resolution" (stating the nature of the proposed resolution). At the close of the election, the votes registered or ballots cast shall be counted immediately and the result in each voting district shall be declared by the moderator. The moderator of the first voting district shall declare the general result on this and all other elections and he shall certify such results to the town clerk forthwith. The registrars shall, if requested, appoint one challenger from each side of the matter to be voted upon. If a majority of the qualified electors voting upon any proposed resolution shall vote in favor thereof, such resolution shall thereupon become a valid resolution of the city and any resolution proposed by petition, or which shall be adopted by vote of the people, shall not be repealed or amended except by vote of the people.

(Amend. eff. 12-8-05)

Legislative history—Sp. No. 352, § 66, 1911; Sp. No. 434, § 138, 1931; Sp. No. 489, § 52, 1939; Sp. No. 188, 1955.