

Approved December 17, 2012

**Re: Charter provisions for Term Limits and Terms for Elected and Appointed officials of the Town of Somers.**

The Charter Commission recommends that the town refrain from instituting term limits.

The Charter Commission makes the following recommendations regarding terms for Elected and Appointed officials:

Charter Chapter III *Elective Offices*

Section 3.1 *Two Year Terms*: Refer to Commission recommendation for Board of Selectmen approved December 3, 2012.

Section 3.2 *Board of Finance*: Change term from six years to four years; revise section 3.2 to read: *The electors shall elect a Board of Finance of six members for terms of four years. At the regular town election in 2015, there shall be elected two members and one member shall be for a two year term. A two-year term candidate may be an incumbent or a new candidate, however, candidates must state whether each is seeking either a two-year or four-year term; no candidate may run for both term lengths. Thereafter, there shall always be elected a sufficient number of members to such Board to maintain its number at six.*

Section 3.3 *Board of Education*: Eliminate everything after the term length & add a clause defining their powers and duties; revise section to read: *The electors shall elect a Board of Education of nine members for terms of four years with the powers and duties of a Board of Education as prescribed by the General Statutes.*

Section 3.4 *Board of Assessors*: Refer to Commission recommendation on Elected Position Eliminations pending approval.

Section 3.5 *Board of Library Directors*: Change term from six years to four years; revise section 3.5 to read: *The electors shall elect a Board of Library Directors of nine members for terms of four years. At the regular town election in 2015, there shall be elected three members and two of whom shall be elected for two year terms. The two-year term candidates may be incumbents or a new candidates, however, candidates must state whether each is seeking a two-year or four-year term; no candidate may run for both term lengths. Thereafter, there shall always be elected a sufficient number of members to such Board to maintain its number at six.*

Section 3.6 *Currently not titled*: Create title: *Town Clerk.*

Section 3.7 *Powers*: No changes.

Charter Chapter IV *Board of Selectmen*

Section 4.7 *Director of Health*: No changes.

Section 4.8 *Town Attorney*: No changes.

Charter Chapter V *Appointive Board in Office*

Section 5.2 (a): Change term from six years to four years; revise section to read: *The terms of appointment to any appointive board shall not exceed four years and shall commence on December 23<sup>rd</sup> following appointment by the Board of Selectmen; and shall expire on December 22<sup>nd</sup> at the term of appointment.*

Section 5.4 (d) (1) Replace the word *appointment* with *appointive*.

Section 5.5 *Planning Commission*: Subject to further revision as a result of Charter Commission discussions not yet completed regarding the structure of the Planning and/or Zoning commission, change the term from five years to four years; revise section to read: *There shall be a Planning Commission of five members serving four year terms with the powers and duties of Planning Commissions prescribed by the General Statutes.*

Section 5.6 *Zoning Commission*: Subject to further revision as a result of Charter Commission discussions not yet completed regarding the structure of the Planning and/or Zoning commission, change the term from five years to four years; revise section to read: *There shall be a Zoning Commission of five members serving four year terms with the powers and duties of Planning Commissions prescribed by the General Statutes.*

Section 5.6 (a) Allow for alternates to serve subsequent one-year terms and clarify language for consistency with other alternates; revise section to read: *There shall be three alternate members of the Zoning Commission, serving subsequent one-year terms. When seated, the alternate members shall have all the powers and duties prescribed by the General Statutes.*

Section 5.8 *Zoning Board of Appeals*:

5.8 (a) Change term from five years to four years; revise section to read: *There shall be a Zoning Board of Appeals of five members serving four year terms with the powers and duties of Planning Commissions prescribed by the General Statutes.*

5.8 (b) Change term of alternates from five years to subsequent one-year terms and clarify language for consistency with other alternates; revise section to read *There shall be three alternate members of the Zoning Board of Appeals, serving subsequent one-year terms. When seated, the alternate members shall have all the powers and duties prescribed by the General Statutes.*

Sections 5.9 through 5.12 (entirety): No changes.

Section 5.13 *Conservation and Wetlands Commission*. Change term from five years to four years; revise first sentence to read: *There shall be a Conservation and Wetlands Commission of seven members serving four-year terms.*

5.13 (a) Allow for alternates to serve subsequent one-year terms; revise section to read: *There shall be two alternate members of the Conservation and Wetlands Commission, serving subsequent one-year terms. When seated, the alternate members shall have all the powers and duties prescribed by the General Statutes.*

Section 5.14 *Housing Authority*: Change term from five years to four years; revise section to read: *There shall be a Housing Authority of five members serving four year terms with the powers and duties of Planning Commissions prescribed by the General Statutes.*

Section 5.15 *Building Board of Appeals*: Change term from five years to four years; revise section to read: *There shall be a Building Board of Appeals with five members serving four year terms with the powers and duties of Planning Commissions prescribed by the General Statutes.*

Section 5.16 *Cemetery Committee*: Change term from five years to four years; revise first section to read: *There shall be a Cemetery Committee of five members serving four year terms.*

Sections 5.17 through 5.21 (entirety): No changes.

#### Rationale:

The Charter Revision Commission was asked by the Town of Somers in the Resolution dated April, 2012 to review Elected and Appointed Terms.

Certain sections in this recommendation are not identified; they are not to be deemed as overlooked. If a section is not listed, it was considered to be outside the scope of this particular recommendation.

The consensus of the Town of Somers via public hearings, and the consideration of this Charter Committee is that the town need not institute term limits. Town resources regarding willing, qualified candidates for open offices are limited. When finding such individuals, the town can be served well as those officials learn the history, tradition, and legal implications of their respective roles. The electorate has the option and obligation of finding new representation should the seated official fail in their duties. By limiting terms to four years in most cases, elected and appointed officials should be afforded adequate time to become familiar with their duties & obligations, but short enough so that the electorate can voice their opinion at the polls.

Section 3.3 Board of Education – There is in the existing Charter a reference to the town elections of 1981 and 1983 that are no longer relevant. However, the Commission wishes to state that in the unlikely event of more than 5 Board of Education seats being open at any single election, the electorate would choose no more than 5 candidates for four year terms, and the remaining open seats for two-year terms. This will help ensure smooth management of the town's schools and a qualified pool of future candidates in subsequent elections. Powers & duties terminology came from Charter clauses for seating of similar public officials. This was not written into revisions, as it appears to this commission that filling vacancies is adequately addressed in 2-5.

Section 5.13 has some terminology regarding alternates that the commission felt would clarify roles of alternates in other roles, and has so incorporated those terms into 5.6 (a) and 5.8 (b).

The Commission was asked in the April 2012 Resolution to "...consider the term of Registrar of Voters to (4) years vs. two (2) years" but cannot locate in the Charter any reference to the Registrar of Voters. Lacking any formal inclusion in the Charter, the Commission would

recommend leaving the term at two years, consistent with its decisions in other cases during this review where current terms are less than four years.

Board of Finance Terms:

Of 6 members on Board of Finance, two members have terms that expire in 2015. Two members currently serving have terms that expire in 2017. Two members who are elected in 2013 will have their terms expire in 2019. At that 2015 election, having one (4) year term and one (2) year term on the 2015 ballot would provide for 3 terms expiring in 2017, and 3 expiring in 2019. In the 2017 and subsequent elections, 3 seats would be open for balloting.

Library Board Terms:

Of 9 members on the Library Board, three members have terms that expire in 2015 and three terms expire in 2017. Three members who are elected in 2013 will have their terms expire in 2019. At that 2015 election, having one (4) year term and two (2) year terms would provide for 5 terms expiring in 2017, and 4 expiring in 2019. In the 2017 and subsequent elections, either 4 or 5 seats would be open for balloting.

Respectfully Submitted,

Tim Potrikus, Chair