



MEMORANDUM

ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS

To: Board of Selectmen
Town of Chester

From: Richard P. Roberts, Esq.

Date: March 23, 2023

Re: Charter Adoption Procedures and Schedule

The entire charter adoption process is laid out in Chapter 99 of the Connecticut General Statutes - https://www.cga.ct.gov/current/pub/chap_099.htm. For purposes of this introductory memorandum, there are a handful of salient points.

First, the Board of Selectmen is responsible for appointing between 5 and 15 members of the charter commission and delivering the charge or mission to the newly formed entity. The statutes contain certain restrictions on the membership of the charter commission, primarily that it cannot have more than a bare majority who are enrolled in one political party and that no more than one-third of its members may serve in any other town office during their tenure on the commission.

Second, although the Board of Selectmen may provide its list of issues of concern to the commission, they are not restricted to review and discuss only those items that are in the initial charge. They have broad discretion to review any aspect of what could be included in a charter.

Finally, there is a restrictive timeline that is to be followed. In general, a charter commission is established with a "target" date of having the proposed changes be submitted to the voters at a general election. One reason for this is that charter proposals must be approved by a majority vote consisting of at least 15% of the registered electors in the town if it is the subject of a special election or a referendum not coinciding with a general election. Many towns have found this threshold difficult to achieve. X

The remainder of this memorandum is a bullet point summary of the steps in the charter process. Once you have identified the target date for the vote by the residents, we can populate a chart of important dates working backward from that date so that the commission and Board of Selectmen can remain on track. Note that many of the time periods described in the list below are maximum amounts of time for taking certain actions. If the commission and the Board of Selectmen can work faster, they can be reduced. The real deadline is tied to the date of the election at which you would like this to be presented to the voters. This list is tied to a November general election target date. Please let me know if you have any questions or concerns. Nov 2024

Charter Revision Process

- Initiation of Charter Process by Board of Selectmen

- 30 days after Initiation – Deadline for appointment of Charter Commission

- Prior to beginning substantive work – Charter Commission holds an initial public hearing
- Commission meets and prepares draft report
- After completion of draft report but before submission to Board of Selectmen Charter Commission holds a second public hearing
- Draft report submitted to Town Clerk, who forwards same to Board of Selectmen
- Board of Selectmen holds at least one public hearing
- 45 days after submission to Board of Selectmen – last date on which last public hearing may be held by Board of Selectmen
- 15 days after last public hearing – deadline for Board of Selectmen to recommend changes to Charter Commission. If no changes are recommended, report becomes final
- 30 days after receiving recommendations for changes from Board of Selectmen – Deadline for Charter Commission to respond to Board of Selectmen with final report
- 15 days after receiving final report from Charter Commission – Deadline for Board of Selectmen to approve or reject some or all proposed charter provisions
- 45 days after rejection of proposed charter by Board of Selectmen – Deadline for submission of petition calling for referendum on rejected provisions
- 30 days after approval of report by Board of Selectmen or submission of petition calling for rejection – deadline for publishing full charter or proposed provisions
- 60 days before general election – Deadline for final town (BOS) action to set referendum question(s). In the case of the adoption of an initial charter, it probably makes sense to have it be one single question unless there are specific issues of concern.
- 45 days before general election – Deadline for Town Clerk to certify questions to SOTS
- Election Day
- 30 days after Election Day – deadline for Town Clerk to forward revised charter to state.