June 2019

Lebanon Charter Proposal Draft Report

The goal of the charter commission and this proposal is

   To provide a locally available document that provides a clear and comprehensive
definition of town government and its structure.

   To provide as more local control and choice to town government

   To define the responsibilities, duties, terms of office, and limits of power of town officers
and agencies.

   To define key procedures for orderly operations of town government.

   To provide future flexibility to permit town government to be responsive and efficiently
structured to address changes it may face going forward.

Our efforts with document were directed in large part by comments made at our public hearing
and comments shared by residents in other forums. We took to heart the many statements made,
that people were basically happy with our how our town operates. We heard concerns that a
previous charter proposal included too many changes. We have tried to minimize changes,
clarify identified gray areas and still provide flexibility for the town in the future.

Summary of Proposed Charter of the Town of Lebanon

ARTICLE 1. INCORPORATION AND GENERAL POWERS

Establishes four essential elements of the Charter:

   - legal description of the Town of Lebanon All residents of the Town of Lebanon, as
     presently constituted, shall continue to be the "Town of Lebanon". As such the
     Town shall have perpetual succession.
   - States the Towns rights and obligations with respect to such things as honoring contracts;
     paying debts, including bonded indebtedness do not change after adoption of the Charter
   - Defines the source of authority. The specific grant of authority pursuant to the Charter does
     not limit the general grant of power provided to the Town by state law.
   - Adopts definitions for specific terms used in the Charter to ensure a common understanding
     15 terms that are consistent with current use and practice in town

NO REAL CHANGES, some clarifications and make this information available to everyone in a
local document

ARTICLE 2. TOWN MEETINGS, REFERENDA, PETITIONS

   - Maintains the legislative powers of the Town to continue to be vested in the Town Meeting
   - Continues the same time frame for the Annual Town Meeting and the requirements for
     Special Town Meetings
- Maintains the existing rules for the calling and running of the Annual Town Meeting and Special Town Meetings
- Documents those circumstances, that require approval of a Town Meeting in order to proceed. (maintaining current practice)
- Identifies instances (appropriations or other actions) when a referendum shall be required in the following instances. Also identifies the process to petition for referendum:
- Defines process and requirements to petition for Special Town Meeting for Enactment of Ordinances or Other Action

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ARTICLE 3. BOARD OF SELECTMEN

- Board of Selectmen will continue to consist of three (3) members.
  - First Selectman and two (2) additional Selectmen
- The Board of Selectmen would be elected every two years.
- Maintains and identifies the current responsibilities, procedures and authority for the Board of Selectmen

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ARTICLE 4. THE FIRST SELECTMAN

- The First Selectman retains the power as the Chief Elected Official of the Town and its Chief Executive Officer.
- Maintains the current responsibilities, procedures and authority of the First Selectman
- The First Selectman retains hire and termination authority
- Includes a provision that permits the First Selectman to designate another Selectman to act in the case of absence or disability and to act as the First Selectman's representative on any agency, but without the power to vote. Any designation must be in writing.

CLARIFICATIONS / ADDITION, Makes this information available to everyone in a local document

ARTICLE 5. ORDINANCES

- Ordinances require approval at a Town Meeting.
- At least one Public Hearing shall be held by the Board of Selectmen before any Ordinance shall be recommended by the Board of Selectmen for consideration at a Town Meeting.

No change to current process or practice. Makes this information available to everyone in a local document

ARTICLE 6. GENERAL ELECTIONS

- Retains current practice when Regular Town Elections shall take place
- Retains current practice when Special Town Elections may be called.
- Defines Minority Representation
- Documents current practice for Eligibility for Office
- Documents process for Breaking a Tie

No change to current process or practice. Makes this information available to everyone in a local document

ARTICLE 7. ELECTIVE OFFICIALS AND AGENCIES

- Maintains the current general powers and duties of elective officials and agencies
- Clarifies eligibility of a municipal employees of the Town, who are electors of the Town to serve as a member or an alternate of any elective boards or commissions
- Changes the terms of office of elected officials and moves the start of a new term to the second (2nd) Monday in January after 2019 election and qualification. Change
- The Tax Collector and the Town Clerk are no longer elective offices. Change
- Clarifies that the Registrar of Voters is required to appoint an assistant who shall be sworn to their duties. Addition/Clarification
- Maintains the current practice for filling vacancies in elective office and on boards and commissions.

ARTICLE 8. APPOINTEE OFFICIALS, AGENCIES AND EMPLOYEES

- The Tax Collector and the Town Clerk become positions that are hired. Change
- Establishes a process for the creation of the position of Town Administrator. New
  - Creation of the position would require unanimous approval of the Board of Selectmen and Town Meeting or Referendum.
  - The same process can be used to dissolve the position.
  - A Town Administrator may perform day to day management functions at the direction of the First Selectman
  - The Board of Selectmen in requesting the Town to approve the creation of a Town Administrator must specify the source of funds to support such position.
  - A Town Administrator would serve at the pleasure of the board of selectmen
- Maintains and documents the current practice for filling vacancies of appointed officials and agencies
- Confirms that a municipal employee of the Town who is an elector of the Town and is not otherwise disqualified from serving, may serve as a member or alternate on any appointive agency. Clarification
- Eliminates the Commission on Children and Families. (No appointments for over a decade) Change

ARTICLE 9. FINANCE AND TAXATION

- Maintains the existing authority of the Board of Finance.
- Maintains membership at six (6) members and three (3) alternates elected for staggered six year terms
- Board of Finance prepares the Town Budget including the Town Operating, Board of Education and Non-Operating budgets
- Documents the current practice and procedure of the Board of Finance for the preparation of the annual budget and on-going activities. Clarification
- Confirms that the Finance Director works with the Board of Finance and the Board of Education in the preparation and administration of town finances. Clarification
ARTICLE 10. MISCELLANEOUS

- Documents guidelines for The Board of Finance approval of supplemental appropriations not to exceed ten thousand dollars ($10,000). Clarification
- Documents guidelines for Transfer of Funds Clarification

Identifies the Board of Selectmen shall make a determination as to whether it is necessary or appropriate to appoint a Charter Revision Commission to consider amendments to this Charter no less than once every five (5) years. New

ARTICLE 11. TRANSITION AND IMPLEMENTATION

- Between the effective date of this Charter and the next biennial Town election, all Boards, Commissions, agencies, committees and officials shall have those powers and duties which they had prior to the adoption of this Charter, unless otherwise specified. New
- Charter shall be effective December 1, 2019, except as follows: New
  1. The terms of all Town Officials elected in November 2019 shall commence on the Effective Date. Thereafter, the terms of all Town Officials elected at Biennial Town Elections shall commence on the second Monday of January in the year following such election.
  2. If elected offices of Town Clerk or Tax Collector become vacant for any reason, such office shall become a hired position under the provisions of Article 8 of this Charter
- List schedules of Biennial Town Elections and Annual Town Appointments No change to current process or practice. Available in a local document.

ARTICLE 12. ORDINANCES SUPERSEDED BY THE CHARTER

- List 26 Lebanon Town Ordinances superseded by provisions of this Charter.