

Draft discussion issues Charter Sec 17, 18, 20 – 22, 24 - 33

Major issues for discussion in these sections

A question was raised as to when a citation rises to the level of an actual punishable violation. This is a question of due process and rights or appeal, and is pertinent to Secs. 24b, 25a, 25c and possibly 16a.

Sec 24b Liens. As per questions from many, when does a violation actually exist, as a question of due process? Might want to revise this section.

Sec 25a Removal of nuisances. Tried to split the difference as to when the Town Manager should deal with a nuisance, etc versus having the Council pass an ordinance or resolution to make this happen. Along with Sec 24 there is a real question of due process and appeal for a decision made by a town official or the town council.

“... if the Town Council either upon its own inspection or upon information obtained from the Town Manager, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated in a timely manner, the Town Council shall enact an ordinance or adopt a resolution or both in a properly-noticed Town Council Meeting, to that effect and thereupon...”

Still need to define when a violation actually exists, as per 24b. This question rises again in 25c.

Sec 26e. Manner of borrowing money. Totally missing. Should we draft a recommendation or flag for the Council to deal with?

Minor issues therein

Sec 17 Audit Committee. Amend membership so as to not require property ownership and a majority of residents as per Chair’s recommendation, who also recommended reducing the requirement for comparison with prior 3 years to that of prior year (as is the current practice).

Sec 18 Solicitor. Amend to clarify to whom the solicitor reports. Does the following capture our recommendation?

“It shall be The Town Solicitor’s duty to give legal advice to the Town Manager, the Town Council either as a body or through a designated Commissioner liaison, any individual Commissioner, and any other officer of the Town and to perform other legal services as may be required by the Town Manager or Town Council.”

Sec 20.13 Max penalty. Is it time to recommend an increase in the maximum penalty amount – now \$500?

Sec 20.14 Reporting chain. As per other areas, changed to recommend a reporting chain through the Town Manager.

Sec 22b Budget content. Some of this content is not in the current budget, nor captured under existing procedures. Recommend modification to possibly reference both the budget and other financial documents, including balance sheet and only list those items currently included therein.

Sec 22d Adherence to budget. Adds Town Manager responsibility (and, indirectly, department heads) as per discussions on 3/10.

“The Town Council shall, so far as possible, adhere to the Budget so adopted in the making of appropriations and the revising of schedules for the various fees, fines and penalties, and taxes due to the Town. So too, the Town Manager shall, so far as possible, ensure that the operations of each department and the Town as a whole adhere to the budget so adopted and that all monies due the Town are collected in an effective and efficient manner.”

Sec 24c Severability? Not clear to me what this sub-section means or if it is missing language.

Sec 26a Missing text. Is this a reasonable repair (just main flow presented)?

“The Town Council may borrow money ... and to secure the payment of the same, and is hereby authorized and empowered to issue bonds ... for the payment of the principal thereof ...”

Sec 26d Taxables. Is replacement with “residents and other-qualified voters” reasonable?

Sec 27 Bidding Contracts. This seems an effort to minimize fraud and abuse of the municipal procurement process, but seems to have some glaring loopholes. Do these need to be fixed?

Sec 27a1 Sole source minimum. Consider increasing from \$2,000 due to inflation.

Sec 27a2 Personal/professional services exemption. This is a huge procurement hole and opportunity for abuse that we should consider closing or tightening up. It has also been a bone of contention in the past.

Sec 27a7 Supervision of the Town Manager. More opportunity for fraud and abuse. What could this possibly have been intended for?

Sec 28 Statute of Limitations. Is the 90 statute of limitations enforceable? Might want to flag for the Council.

Sec 29 Indemnification. This language finds itself in the Compendium section. It might be better to move into some other section.