

TOWN COUNCIL APPOINTMENT POLICY FOR BOARDS AND COMMISSIONS

TOWN COUNCIL APPOINTMENT POLICY

Administrative Regulation #8-2, adopted by the Town Council on February 15, 1994. Revised May 16, 2006. Revised January 15, 2008. Revised November 7, 2012. Revised March 5, 2019.

Sec 1.0 PURPOSE

To establish the policy and procedures for Town Council appointments to agencies, authorities, boards, commissions, and committees, etc., hereinafter referred to as "A/B/C". To attract and retain qualified and interested citizens to serve on town A/B/Cs.

Sec 2.0 ORGANIZATIONS AFFECTED

The Town Clerk's Office, the Town Council's Personnel & Appointments Committee, the Town Council, the political Town Committees and the general public.

Sec 3.0 ABBREVIATIONS and DEFINITIONS

Sec 3.1 A/B/C – Agencies, authorities, boards, commissions, committees, councils, etc. whose members are appointed by the Town Council. These A/B/Cs are permanent in nature and have decision-making and/or advisory authority.

Political Town Committee – the Democratic and Republican Town Committees. Also referred to as "political party".

Appointee – A member of any A/B/C who is appointed by the Town Council according to State Statute, Town Charter, Town Ordinance or Town Resolution.

Personnel & Appointments Committee – The Town Council Personnel & Appointments Committee – A sub-committee of the Town Council which recommends electors of the town to be-appointed by the Town Council to serve on any A/B/C.

See Appendix A for list of A/B/C.

Sec 4.0 POLICY

Sec 4.1 This policy conforms to Town Charter Sections 8.1, 8.1.1, 8.1.2, 8.1.3, 8.1.5, 8.1.5.2, 8.1.5.3, and 8.4 which describe the duties of the Town Council for appointments to A/B/Cs. The policy also conforms to Connecticut General Statute (CGS) 9-167a – requiring minority Representation on ABCs.

See Appendix B for Charter Sections and CGS 9-167a.

Sec 4.2 Vacancies on all A/B/C shall be regularly publicized by the Town Clerk's office.

Sec 4.3 The Town Clerk's office shall provide information and applications to any person inquiring about appointment to a vacancy on any A/B/C. In addition, the application form and information about vacancies shall be available on the Town website.

Sec 4.4 All applicants are required to submit a completed application to the Town Clerk's office to be considered for appointment.

Sec 4.5 The Town Clerk's office shall periodically send an updated copy of the current town register to the Chair of each political party and the Chair of each A/B/C.

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Sec 4.6 For the purposes of minority representation it shall be the policy of the Town Council that alternate positions are considered as a separate body in the composition of an A/B/C with respect to CGS 9-167a.

Sec 4.7 APPOINTMENTS

Sec 4.7.1 It is the policy of the Town Council to appoint the most qualified citizens to the A/B/Cs. The Personnel & Appointments Committee shall consider all applicants that have been recommended by the political Town Committees for a vacant position, regardless of party affiliation or lack thereof, but in compliance with CGS 9167a regarding minority representation. The Personnel & Appointments Committee makes recommendations to the Town Council regarding individuals to be appointed to A/B/Cs. The Town Council reserves the right to appoint any applicant regardless of a recommendation from either the political Town Committees or the Personnel & Appointments Committee.

Sec 5.0 PROCEDURES FOR INITIAL APPOINTMENTS TO A/B/C'S, REGULAR AND ALTERNATE POSITIONS

Sec 5.1 Upon receiving an application, the Town Clerk's office shall verify the applicant is a registered voter through the Registrars of Voters. If the applicant is a member of a political party, a copy of the application shall be sent to the Chairperson of that party. If the applicant is unaffiliated, a copy of the application shall be sent to both political parties, for informational purposes, to the Town Council Personnel & Appointments Committee and to the Chair of the A/B/C to which the applicant is applying.

Sec 5.2 COORDINATION AND APPROVAL

Sec 5.2.1 For timely appointment, the political Town Committees have 60 days to evaluate party affiliated applicants before they may be considered by the Town Council Personnel & Appointments Committee. Once a political Town Committee receives a copy of an application for a party affiliated applicant from the Town Clerk's office, if there is a vacancy on the A/B/C for a regular or alternate position, and if the political Town Committee wishes to recommend the appointment of this party affiliated applicant, the Town Committee shall notify the Clerk's office in writing of such recommendation.

Sec 5.2.2 If no recommendation is received by the Town Clerk within sixty (60) days for a party affiliated applicant, the Town Council Personnel & Appointments Committee may proceed with consideration of the affiliated applicant. This Section is void if the position is mandated by CGS 9-167a to be filled by a member of the minority party.

Sec 5.2.3 Political Town Committee and unaffiliated citizens may submit additional Information to the Town Clerk's Office in order to support the recommendation or citizen interest.

Sec 5.3 Upon receiving written notice that a political Town Committee has recommended a Party affiliated applicant for appointment, the Town Clerk's office shall forward the information within 10 days to the Town Council Personnel & Appointments Committee.

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Sec 5.4 Upon receipt of an application for an applicant not affiliated with a political party, the Clerk's office shall determine whether an application from any party affiliated applicant has been previously received. If an application from a party affiliated applicant is on file in the Clerk's office, the Town Council Personnel & Appointments Committee shall be so informed, and advised to wait 60 days to consider the application from the unaffiliated applicant, so as not to give undue advantage to unaffiliated applicants who do not need to wait for Town Committees to act on their applications. If no application has been received by the Clerk's office for the particular position the unaffiliated applicant is applying for, the Town Council Appointments Committee may proceed at their discretion to consider the unaffiliated applicant without delay.

Sec 5.5 The Town Council Personnel & Appointments Committee shall meet to review and discuss the applicant's qualifications. The Appointments Committee may, at its discretion, elect to personally interview applicants, in which case the Town Clerk's office shall be requested to invite the applicant to attend a Committee meeting. The Committee reserves the right to perform its due diligence in vetting all applicants prior to recommending an individual for appointment by the Town Council.

Sec 5.6 The Town Council Personnel & Appointments Committee shall submit its recommendations to the Town Council for approval at the next regularly scheduled Town Council Meeting or, if necessary, at a Special Meeting.

Sec 5.7 APPOINTMENT AND OATH OF OFFICE

After approval at a Town Council meeting, the appointee shall be notified by the Town Clerk and given the oath of office. The Town Clerk shall send copies of the appointment letter to the Chairperson of the A/B/C and to that A/B/C staffing department.

Sec. 6.0 REAPPOINTMENTS AND MOVING ALTERNATE MEMBERS TO REGULAR MEMBERS

Sec 6.1 Two months in advance of the term expiration for any regular or alternate member of an A/B/C the Town Clerk's office shall send a reappointment questionnaire to the Chairperson of each A/B/C.

Sec 6.2 Within 45 days of receiving a reappointment questionnaire, the Chairperson of the A/B/C shall return a completed questionnaire to the Town Clerk's office for any member (regular or alternate) who is interested in re-appointment and whom they recommend for re-appointment. If the Chairperson is unable to respond within 45 days, they shall communicate with the Town Clerk's office about any extenuating circumstances.

Sec 6.3 The Town Clerk's office shall forward such recommendation and reappointment questionnaire to the Town Council Appointments Committee within 10 days.

Sec 6.4 The Town Council Appointments Committee shall act at its next regular meeting on Chairperson recommendations for reappointment. The Committee reserves the right to do its due diligence in reappointing members or alternate to A/B/C's including requesting in person interviews, discussions with the Chair and Staff etc. The Committee reserves the right to reappoint or not based on its due diligence.

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Sec 6.5 When a vacancy occurs for a regular member on an A/B/C for any reason, the Town Clerk shall notify the Chairperson of the A/B/C. If there are alternate members serving on an A/B/C the Chairperson shall discuss with the most senior/experienced alternate as to their interest in “moving up” to a regular position, provided this does not result in a violation of the minority representation requirements. If the member is interested, and the Chair recommends their “moving up” the Chair should complete a re-appointment questionnaire and the same procedure as described in secs 6.2, 6.3 and 6.4 above shall apply. If the Chair is of the opinion that another alternate is more qualified, or the most senior member is not interested in becoming a regular member, the Chair may recommend the best qualified alternate, providing there is no conflict regarding minority representation.

NOTES:

1. It does not matter which party is the majority on the Town Council. Appointment of any applicant does not define the “position” such as Democratic or Republican.
2. If there is any question about the composition of an appointed town board, the Town Attorney makes the ruling on it, not the State.

APPENDIX A

Boards and Commissions

A/B/C Appointed by the Town Council

CGS – Connecticut General Statutes TC Res – Town Council Resolution		GTCo – Groton Town Code of Ordinances GTCh – Groton Town Charter (1987)
BOARD OF ASSESSMENT APPEALS	3-year	GTCh 5.4 GTCo 2-196
COMMUNITY DEVELOPMENT ADVISORY COMMITTEE	3-year	TC Res. 1/3/89, 2/18/92
FAIR RENT COMMISSION	3-year	GTCo 9-33 CGS various
HARBOR MANAGEMENT COMMISSION	3-year	GTCo 2-161 CGS 22a-113k
HISTORIC DISTRICT COMMISSION	5-year	GTCo 2-195 CGS 7-147c
HOUSING AUTHORITY	5-year	CGS 8-40
HOUSING CODE BOARD OF APPEALS	3-year	GTCo 9-129
INLAND WETLANDS AGENCY	2-year	GTCo 2-111 CGS 22a-42
JABEZ SMITH HOUSE COMMITTEE	4-year	TC Res. 9/20/04, 2/5/02 Town Manager and Town Council
LIBRARY BOARD	3-year	GTCh 5.9.1
NEIGHBORHOOD REVITALIZATION ZONE COMMITTEE	indefinite	GTCo 9-216 – 9-220
PARKS & RECREATION COMMISSION	5-year	GTCh 5.10.1
PERMANENT SCHOOL BUILDING COMMITTEE	3-year	TC Res. 9-28-65, 12/20/71, 3/7/00

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PERSONNEL APPEALS BOARD	5-year	GTCh 5.12
PLANNING COMMISSION	5-year	GTCh 5.8 CGS 8-19
RETIREMENT BOARD	3-year	GTCh 5.5 GTCO 2-62
SHELLFISH COMMISSION	5-year	GTCO 2-126 CGS 26-257a
WATER POLLUTION CONTROL AUTHORITY	3-year	GTCO 15-21 CGS 7-246
ZONING BOARD OF APPEALS	5-year	GTCh5.7 CGS 8-5
ZONING COMMISSION	5-year	GTCh5.3 CGS 8-1

ABC Appointed by the Town Manager

BUILDING CODE BOARD OF APPEALS	5-year	CGS 29-266
CONSERVATION COMMISSION	4-year	GTCh 6.4.1 CGS 7-131a
ECONOMIC DEVELOPMENT COMMISSION	5-year	GTCO 2-148 CGS 7-136
YOUTH & FAMILY SERVICES ADVISORY	No limit	CGS 17a-40

APPENDIX B

TOWN CHARTER (2009)

CHAPTER VIII. AGENCIES, AUTHORITIES, BOARDS, COMMISSIONS, COMMITTEES, COUNCILS; APPOINTED OFFICERS

Sec. 7.1 General.

The Council may, at its discretion, create or eliminate agencies, authorities, boards, commissions, committees, or councils (A/B/C), either permanent or non-permanent consistent with the CGS or ordinance or resolution.

7.1.1 Eligibility for membership.

Members of all appointive A/B/C, with the exception of advisory boards or other bodies specifically exempted, shall be resident electors of the Town. After selection and notification they shall be sworn in by the Town Clerk or designee before having the right to participate and to vote. Any member ceasing to be a resident elector of the Town shall immediately cease to be a member of such ABC and the position shall be deemed vacant.

7.1.2 Appointment.

All appointments shall be in accordance with a policy approved by the Council or the Town Manager as appropriate. Minority representation shall apply as per CGS Sec. 9-167a.

7.1.3 Reappointment.

Upon expiration of appointment, all regular and alternate members of A/B/C shall continue to serve until they have been reappointed or replaced, unless such member provides a written statement to the Town Clerk that he/she no longer wishes to serve.

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7.1.4 *Officers.*

Unless otherwise specified by CGS, the members of all appointive A/B/C shall elect a chairperson, vice chairperson and secretary. Such election shall take place annually at the first meeting in January or at the first meeting with a quorum, whichever occurs first.

7.1.5 *Removal.*

7.1.5.1 A regular or alternate member of any appointive A/B/C may be removed for cause by at least seven (7) votes of the Council or by the Town Manager as appropriate appointing authority. Just cause may include: 1) failure to attend at least sixty (60) percent of the regular meetings without reasonable explanation during any calendar year; 2) failure to comply with the duties and obligations imposed by local, state or federal law; 3) violation of the Town Code of Ethics if such exists.

7.1.5.2 No member or alternate of any A/B/C shall be removed until he/she has been notified by certified mail with a written statement indicating why he/she should be removed. Proof of mailing shall be considered adequate notification. Not sooner than four (4) weeks after mailing, the Council or Town Manager shall convene a public hearing at which the regular or alternate member may appear with counsel. Not later than three (3) weeks after the close of said public hearing, the Council shall vote or the Town Manager, as appropriate, shall take action to remove the member.

7.1.5.3 Any regular or alternate member who has been removed from any A/B/C shall be ineligible to be a regular or alternate member on any agency, authority, board, commission or committee for a period of not less than one (1) year.

Sec. 7.4 *Board of Assessment Appeals.*

The Council shall appoint a Board of Assessment Appeals (BAA) for terms of three (3) years unless otherwise specified by CGS. Members of the BAA, at the time this amendment becomes effective, shall continue to serve the remainder of their appointed terms. Powers and duties of the BAA shall be consistent with CGS.

CONNECTICUT GENERAL STATUTES

Sec.9-167a. Minority representation. (a) (1) Except as provided in subdivision (2) of this subsection, the maximum number of members of any board, commission, legislative body, committee or similar body of the state or any political subdivision thereof, whether elective or appointive, who may be members of the same political party, shall be as specified in the following table:

COLUMN I	COLUMN II
Total Membership	Maximum from One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

(2) The provisions of this section shall not apply (A) to any such board, commission, committee or body whose members are elected wholly or partially on the basis of a geographical division of the state or political subdivision, (B) to a legislative body of a municipality (i) having a town meeting as its legislative

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body or (ii) for which the charter or a special act, on January 1, 1987, provided otherwise or (C) to the city council of an unconsolidated city within a town and the town council of such town if the town has a town council and a representative town meeting, the town charter provides for some form of minority representation in the election of members of the representative town meeting, and the city has a city council and a body having the attributes of a town meeting or (D) to the board of directors and other officers of any district, as defined in section 7-324, having annual receipts from all sources not in excess of two hundred fifty thousand dollars.

(b) Prior to any election for or appointment to any such body, the municipal clerk, in cases of elections, and the appointing authority, in cases of appointments, shall determine the maximum number of members of any political party who may be elected or appointed to such body at such election or appointment. Such maximum number shall be determined for each political party in the following manner: From the number of members of one political party who are members of such body at the time of the election or appointment, subtract the number of members of such political party whose terms expire prior to the commencement of the terms for which such election or appointment is being held or made and subtract the balance thus arrived at from the appropriate number specified in column II of subsection (a) of this section.

(c) In the case of any election to any such body the winner or winners shall be determined as under existing law with the following exception: The municipal clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any one political party who would be elected without regard to this section exceeds the maximum number as determined under subsection (b) of this section, only the candidates of such political party with the highest number of votes up to the limit of such maximum shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidates shall be elected up to the number of places to be filled at such election.

(d) If an unexpired portion of a term is to be filled at the same time as a full term, the unexpired term shall be deemed to be filled before the full term for purposes of applying this section. At such time as the minority representation provisions of this section become applicable to any board, commission, committee or body, any vacancy thereafter occurring which is to be filled by appointment shall be filled by the appointment of a member of the same political party as that of the vacating member.

(e) Nothing in this section shall be construed to repeal, modify or prohibit enactment of any general or special act or charter which provides for a greater degree of minority representation than is provided by this section.

(f) Nothing in this section shall deprive any person who is a member of any such body on July 1, 1960, of the right to remain as a member until the expiration of his term.

(g) For the purposes of this section, a person shall be deemed to be a member of the political party on whose enrollment list his name appears on the date of his appointment to, or of his nomination as a candidate for election to, any office specified in subsection (a) of this section, provided any person who has applied for erasure or transfer of his name from an enrollment list shall be considered a member of the party from whose list he has so applied for erasure or transfer for a period of three months from the date of the filing of such application and provided further any person whose candidacy for election to an office is solely as the candidate of a party other than the party with which he is enrolled shall be deemed to be a member of the party of which he is such candidate.