



Charter Revision

**A CCM Municipal Resource & Service Center
InfoKit**

March 2020



Charter Revision

A CCM Municipal Resource and Service Center
Research InfoKit

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(203) 498-3000 or research@ccm-ct.org.



INTRODUCTION

Charter revisions are an important part of local governance in Connecticut's cities and towns. It is a good way for local officials and residents to review and assess their own processes and procedures, compare those with those of other communities, and reshape how their community is governed.

This Infokit will provide you with a significant amount of information and insight into how the charter revision process works and what some other municipalities have done recently to change their systems of governance.

The information provided in this document includes:

- The basics of the charter revision process;
- The relevant constitutional and statutory framework for home rule and charter revisions;
- Legislative reports on the subject;
- Examples of recent charter revisions.

We hope you find *Charter Revision* helpful.

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Contents

INTRODUCTION.....	2
PART I: GUIDES AND RESEARCH REPORTS.....	4
Forms of Municipal Government in Connecticut.....	5
BASIC STEPS FOR REVISING OR DEVELOPING A MUNICIPAL CHARTER.....	6
CONSTITUTION OF THE STATE OF CONNECTICUT	8
CONNECTICUT GENERAL STATUTES	9
PUBLIC ACT 18-12:An Act Permitting The Amendment of Municipal Charters for the Purpose of Modifying Budget Adoption Dates	25
OLR REPORT: Adopting Charters, Ordinances, and Bylaws (2017).....	27
OLR REPORT: Charter Revision Commission Membership (2018)	32
OLR Report: Town Charters and Dillon’s Rule (1997)	34
PART II: CHARTER REVISION COMMISSION SAMPLE DOCUMENTS	39
TOWN OF NEW CANAAN: CHARTER REVISION PROCESS (2015-2016).....	40
DRAFT REVISED CHARTER OF THE TOWN OF NEW CANAAN (2016)	44
TOWN OF NEW CANAAN CHARTER REVISION-BALLOT QUESTIONS (2016)	105
TOWN OF BETHEL: CHARTER REVISION COMMISSION FINAL REPORT (2019).....	106
TOWN OF CLINTON: CHANGES TO CHARTER (2018).....	128
TOWN OF CLINTON: REVISED CHARTER (EFFECTIVE 2019).....	130
TOWN OF SIMSBURY: CHARGE TO THE CHARTER REVISION COMMISSION (2015)	174
TOWN OF SIMSBURY: FINAL REPORT OF THE CHARTER REVISION COMMISSION (2016)	177
TOWN OF SIMSBURY: PUBLIC INFORMATION BROCHURE ON PROPOSED REVISED CHARTER (2016)	249
TOWN OF SIMSBURY: GUIDE TO TOWN MANAGER-BOARD OF SELECTMEN FORM OF GOVERNMENT.....	253
TOWN OF GROTON: FINAL REPORT OF THE 2016 GROTON CHARTER REVISION COMMISSION	259
TOWN OF GROTON: CHARTER REVISION COMMISSION-MINORITY REPORT (2016)	263

PART I: GUIDES AND RESEARCH REPORTS

Forms of Municipal Government in Connecticut

SELECTMAN - TOWN MEETING		COUNCIL-MANAGER*	MAYOR-COUNCIL*	OTHER*	
Andover (4)*	Goshen	Preston	Avon	Manchester	General Manager - Board of Directors
Ashford	Griswold	Putnam*	Berlin	Stamford (4)	Mayor - Board of Representatives
Barkhamsted	Guilford (4)*	Redding	Bloomfield	Granby	Selectmen - Manager - Town Meeting
Beacon Falls	Haddam*	Ridgefield (4)*	Cheshire	Hebron (4)	Selectmen - Manager - Town Meeting
Bethany	Hampton	Roxbury (4)	Clinton	Simsbury	Selectmen-Manager
Bethel*	Harland	Salem*	Coventry	New Canaan	Selectmen - Council
Bethlehem	Harwinton	Salisbury	Cromwell	Trumbull	Selectmen - Council
Bolton*	Kent	Scotland	East Hampton	Brantford	Selectmen - Representative Town Meeting
Bozrah	Killingworth*	Seymour*	Enfield	Darien	Selectmen - Representative Town Meeting
Bridgewater (4)	Lebanon*	Sharon	Farmington	Fairfield (4)	Selectmen - Representative Town Meeting
Brookfield*	Lisbon	Sherman	Glastonbury	Greenwich	Selectmen - Representative Town Meeting
Brooklyn	Litchfield	Somers*	Groton	Waterford (4)	Selectmen - Representative Town Meeting
Burlington (4)*	Lyme	Southbury*	Killingly	Westport (4)	Selectmen - Representative Town Meeting
Canaan	Madison*	Sprague	Mansfield		
Canterbury	Marlborough (4)*	Stafford	Meriden		
Canton (4)*	Middlebury*	Sterling (4)	Newington		
Chaplin	Middlefield*	Stonington*	North Branford		
Chester	Monroe*	Suffield*	Norwich (4)		
Colchester*	Morris	Thomaston	Plainville		
Colebrook	New Fairfield	Thompson	Rocky Hill		
Columbia (4)*	New Hartford	Union	South Windsor		
Cornwall	Newtown*	Voluntown	Southington		
Deep River	Norfolk	Warren	Tolland		
Durham (4)*	North Canaan	Washington	Watertown		
East Granby	North Haven*	Westbrook*	West Hartford		
East Haddam	North Stonington	Weston*	Wethersfield		
East Lyme*	Old Lyme	Willington	Winchester		
East Windsor (4)*	Old Saybrook*	Wilton (4)*	Windham (4)		
Eastford	Orange*	Windsor Locks*	Windsor		
Easton	Oxford*	Woodbridge*			
Ellington*	Plainfield*	Woodbury*			
Essex	Pomfret	Woodstock			
Franklin	Portland*				

NOTE: Chartered municipalities are indicated by a (*) and in **BOLD**. All Council-Manager, Mayor-Council, and Other forms of government are chartered municipalities.

NOTE: (4) represents those municipalities whose Chief Elected Official (CEO) is elected on a 4-year cycle. All other municipalities have a 2-year CEO election cycle.

Source:

<https://www.jud.ct.gov/lawlib/ordinances.htm>

CCM 03/04/2020

BASIC STEPS FOR REVISING OR DEVELOPING A MUNICIPAL CHARTER

Below is a simple step-by-step outline of the charter development or revision process, as prescribed in *Connecticut General Statutes (CGS) 7-188* "Initiation of action for adoption, amendment or repeal of charter or home rule ordinance."

STEP 1: INITIATION

A charter revision proposal must be initiated by either a 2/3 vote of the entire membership of the municipal appointing authority (town or city council, board of selectmen, etc.), or a petition signed by not less than 10% of the electorate.

CGS §7-187(a); §7-188(b)



STEP 2: APPOINTMENT

Within 30 days, the appointing authority must appoint a charter commission, charter revision commission, or home rule ordinance revision commission. The commission must consist of five to fifteen electors (registered voters), not more than 1/3 of whom may hold another public office in the municipality, and with no more than a bare majority from the same political party. "The commission shall proceed forthwith to draft a charter or amendment to the existing charter, or amendments to the home rule ordinance as the case may be."

CGS §7-190(a)



STEP 3: PUBLIC HEARINGS

The commission must hold at least two public hearings; one prior to beginning "substantive work," and one after the commission has completed a draft report, but before submitting it to the appointing authority. The commission may hold other meetings it deems necessary.

CGS §7-191(a)



STEP 4: SUBMISSION

The appointing authority shall prescribe a date, no later than 16 months from appointment, by which the commission must submit the draft report, including the proposed revisions, to the municipal clerk. Although the appointing authority can prescribe a date, decisions are not definitive.

CGS §7-190(b); §7-191(b)



STEP 5: FINAL PUBLIC HEARING

The appointing authority shall hold its last public hearing within 45 days of submission of the commission's draft report

CGS §7-191(b)



STEP 6: RECOMMENDED CHANGES

Within 15 days of the last hearing, the appointing authority may recommend changes to the draft report.

- If there are recommended changes, the commission shall confer with the appointing authority concerning such recommendations and may amend its report or reject the recommendations. In either case the commission shall make its final report within 30 days of receiving such recommendations.
- If there are no recommended changes, the commission's report becomes final and the appointing authority shall act on it.

CGS §7-191(b), (c)

**STEP 7: APPROVAL OR REJECTION BY APPOINTING AUTHORITY**

Within 15 days after receiving the final report, the appointing authority shall, by majority vote, either approve or reject the proposed changes. Following a vote to reject, a petition may be filed for referendum within 45 days after rejection by the appointing authority. The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

CGS §7-190(c); 7-191(d)

**STEP 8: PUBLICATION**

Within 30 days of the authority's approval or certification of a petition from the electorate, the charter and amendments shall be published in full at least once in a general newspaper having circulation in the municipality.

CGS §7-191(d)

**STEP 9: REFERENDUM**

After approval or the filing of a petition, the appointing authority decides by majority vote whether to hold a vote on the charter, amendments or revisions at either a regular election (majority vote of participants needed for approval), or a special election (majority equal to at least 15% of qualified electors needed for approval). The election must be held not more than 15 months after approval by the appointing authority or certification of a petition.

CGS §7-191(e), (f)

**STEP 10: CERTIFICATION**

Not later than 30 days after approval by the electors, the municipal clerk must notify the Secretary of the State, in writing, of the results. The clerk must also file three certified copies of the charter, amendments or revisions with the Secretary of the State.

CGS §7-191(g)

CONSTITUTION OF THE STATE OF CONNECTICUT

ARTICLE TENTH. OF HOME RULE.

SEC. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices. After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

SEC. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.

Source: <https://www.cga.ct.gov/asp/Content/constitutions/CTConstitution.htm>

CONNECTICUT GENERAL STATUTES

CHAPTER 99*

MUNICIPAL CHARTERS AND SPECIAL ACTS

*See Conn. Const. Art. X and Sec. 2-14.

Cited. 147 C. 60. If charter empowers legislative body of municipality to adopt and amend its own rules of order in exercising certain legislative function, such body need not act by ordinance or resolution. 148 C. 33, 44. Cited. 149 C. 631, 747. Home Rule Act covers entire field of charter drafting or amendment by municipalities so far as that is allowed to be done by them without action of General Assembly; act controls previously enacted special laws which are inconsistent with it, and methods it prescribes may be employed irrespective of any existing charter provisions; home rule, so far as it relates to charter changes, may be exercised only in accordance with provisions of general statutes; when Sec. 2-14 is read in connection with Home Rule Act, it becomes clear that legislature intended to provide two separate methods—one with, and one without, action by General Assembly—for inaugurating and securing adoption or amendment of a municipal charter. 150 C. 24. Cited. 152 C. 676; 156 C. 260. Plaintiffs as taxpayers had no standing as individuals to challenge the constitutional and legal existence of city of Danbury in action for declaratory judgment; doctrine of de facto municipal corporations discussed. Id., 347. Cited. 171 C. 74; 172 C. 60; 174 C. 282; 178 C. 81; 180 C. 243; 182 C. 93; 185 C. 88. Provisions do not authorize a municipality to restrict the candidacy of unclassified state employees for elective office. 192 C. 399. Does not authorize municipal recall elections. 195 C. 524. Cited. 196 C. 623; 197 C. 554; 201 C. 377; 208 C. 543; 216 C. 112; 219 C. 217; 225 C. 378; 234 C. 513; 242 C. 678.

Cited. 16 CA 213; 42 CA 599.

Omission of zoning powers from enumeration of specific powers granted towns under chapter compels conclusion that legislature did not intend that any action under chapter should alter the declared law under the general zoning enabling act; that law is that zoning commissions have the exclusive power to enact and change zoning regulations and zone boundaries. 25 CS 378. Cited. 28 CS 286, 298, 413; 36 CS 74; 40 CS 539.

Table of Contents

[Sec. 7-187. Definitions.](#)

[Sec. 7-188. Initiation of action for adoption, amendment or repeal of charter or home rule ordinance.](#)

[Sec. 7-189. Form of petition.](#)

[Sec. 7-190. Commission: Appointment, membership, duties, report, termination.](#)

[Sec. 7-191. Charters, charter amendments and home rule ordinance amendments: Hearings; draft and final report; public notice; referendum; effective date; filing of copies with Secretary of the State; file maintained by State Library.](#)

[Sec. 7-191a. Adoption of home rule ordinance.](#)

[Sec. 7-191b. Amendments to charters to modify budget adoption dates.](#)

[Sec. 7-192. Existing provisions not affected. Amendments to charters. Amendment or revision of home rule ordinance. Supersedence of certain special acts by municipal ordinance. Termination of certain parking authorities and boards of health.](#)

[Sec. 7-192a. New tax not authorized by general statutes prohibited. Provisions affecting elections and electors not to be adopted.](#)

[Sec. 7-193. Required provisions. Organization of government.](#)

[Sec. 7-194. Powers.](#)

[Sec. 7-195. Consolidation of governments.](#)

[Sec. 7-196. Form of petition.](#)

[Sec. 7-197. Consolidation commission.](#)

[Sec. 7-198. Duties of commission.](#)

[Sec. 7-199. Referendum.](#)

[Sec. 7-200. Consolidation of school districts. Charter revisions in consolidation process.](#)

[Sec. 7-201. Receipt of funds. Appropriations.](#)

Sec. 7-187. Definitions. Whenever used in sections 7-188 to 7-193, inclusive:

(a) "Appointing authority" means the body having authority to appoint a charter commission, charter revision commission or home rule ordinance revision commission, which shall be the board of selectmen of a town not having a council or board of directors, the council or board of directors of a town having such a council or board, the common council or other body empowered to make ordinances of a city or the board of burgesses of a borough;

(b) "Commission" means any such charter commission, charter revision commission, or home rule ordinance revision commission;

(c) "Home rule ordinance" means any ordinance or resolution which has been adopted by a municipality prior to October 1, 1982, in substitution for a special act relating to its government, which ordinance or resolution may contain the provisions of such special act with or without amendments and which ordinance or resolution shall not be inconsistent with the Constitution of the state or the general statutes;

(d) "Municipality" means a town, city, borough, consolidated town and city or consolidated town and borough.

(1957, P.A. 465, S. 1; 1959, P.A. 678, S. 1; P.A. 81-451, S. 1, 10; P.A. 85-253, S. 1, 10.)

History: 1959 act added home rule ordinance commission; P.A. 81-451 added definitions of "commission", "home rule ordinance" and "municipality" and rephrased definition of "appointing authority", effective October 1, 1982; P.A. 85-253 redefined "home rule ordinance" to include resolutions.

Cited. 150 C. 26; 188 C. 276; 190 C. 39; 193 C. 1; 196 C. 623.

Sec. 7-188. Initiation of action for adoption, amendment or repeal of charter or home rule ordinance. (a) Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, shall have the power to (1) adopt and amend a charter which shall be its organic law and shall supersede any existing charter, including amendments thereto, and all special acts inconsistent with such charter or amendments, which charter or amended charter may include the provisions of any special act concerning the municipality but which shall not otherwise be inconsistent with the Constitution or general statutes, provided nothing in this section shall be construed to provide that any special act relative to any municipality is repealed solely because such special act is not included in the charter or amended charter; (2) amend a home rule ordinance which has been adopted prior to October 1, 1982, which revised home rule ordinance shall not be inconsistent with the Constitution or the general statutes; and (3) repeal any such home rule ordinance by adopting a charter, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated.

(b) Any action pursuant to subsection (a) of this section shall be initiated by a resolution adopted by a two-thirds vote of the entire membership of the appointing authority of such municipality, or by petition filed with the clerk of such municipality for submission to the appointing authority and signed by not less than ten per cent of the electors of such municipality, as determined by its last-completed registry list; provided, in the case of a consolidated town and city having a town clerk and a city clerk, such petition shall be filed with the city clerk.

(c) No signature on any petition filed pursuant to subsection (b) of this section shall be valid unless it has been obtained within ninety days of the filing of the page of the petition on which it appears. Any elector signing such a petition may cause his signature to be removed at any time prior to the filing of such petition with the clerk. The clerk with whom the petition is filed shall proceed forthwith to determine its sufficiency by comparing the signatures thereon with those contained in said registry list and shall certify its sufficiency or insufficiency to the appointing authority.

(d) After a resolution has been so adopted by the appointing authority or a petition has been so certified as sufficient, as the case may be, the appointing authority shall not adopt any resolution initiating such action and the clerk shall not accept any petition for the initiation of such action until such time as the commission appointed pursuant to such original resolution or petition has been terminated.

(1953, S. 271d, 272d; 1957, P.A. 465, S. 2; 1959, P.A. 678, S. 2; February, 1965, P.A. 269, S. 1; P.A. 81-451, S. 2, 10; P.A. 84-153; P.A. 85-253, S. 2, 10; P.A. 87-278, S. 2, 5.)

History: 1959 act added home rule ordinance provisions; 1965 act provided no signature is to be valid unless obtained within 90 days of filing petition; P.A. 81-451 provided that no new home rule ordinances should be adopted after October 1, 1982, and that no new petition could be accepted until a commission appointed pursuant to a previous petition had been terminated, effective October 1, 1982; P.A. 84-153 amended Subsec. (d) to apply provisions to resolutions and to clarify that only one commission can exist at any time; P.A. 85-253 amended Subsec. (a) to replace the word "revise" with the word "amend" and to add language concerning inclusion of special acts in Subdiv. (1); P.A. 87-278 inserted the word "otherwise" in the phrase "shall not otherwise be inconsistent" in Subsec. (a).

See Sec. 7-328a re home rule action.

Cited. 140 C. 517. Home rule, so far as it relates to charter changes, may be exercised only in accordance with general statutes. 150 C. 24. Purpose behind act is to enable municipalities to draft or amend charters without necessity of action by General Assembly; as to method or procedure of assessment, the Home Rule Act, being later in time, takes precedence over any inconsistent provisions in the Waterbury charter. 152 C. 423. Act exhibits legislative intent to add a new power to those which municipalities already had without affecting existing powers. Id., 424. Cited. 178 C. 81; 180 C. 243; 182 C. 253; 188 C. 276; 190 C. 736; 193 C. 1; 216 C. 112; 234 C. 513.

Cited. 37 CA 348.

Adoption of municipal charter does not invalidate special acts prior thereto establishing special districts. 28 CS 413. A charter provision cannot repeal or nullify the general statutes. 31 CS 392.

Sec. 7-189. Form of petition. (a) The form of the petition for adopting or amending a charter or amending a home rule ordinance shall be as follows: **WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.** We, the undersigned electors of the town, city or borough of (here insert name of town, city or borough), hereby present this petition under the provisions of section 7-188 requesting the appointment of a commission for (insert one of the following: "The adoption of a charter, the amendment of its charter, or the amendment of its home rule ordinance", using such words as are applicable) and we certify that we are electors of the town, city or borough of residing at the addresses set opposite our names and that we have signed this petition on the dates opposite our names and not more than once. (Here follow the signatures, dates and addresses.)

(b) Each page of such petition shall contain a statement, signed under penalties of false statement as defined in section 53a-157b, by the person who circulates the same, setting forth such circulator's name and address, and which shall be in the form as follows: "Each person whose name appears on this page signed the same in person in my presence and such person is known to me or has satisfactorily identified himself to me." Any page of a petition which does not contain such a statement by the circulator shall be invalid.

(c) Such petition may also include, immediately after the statement provided in subsection (a) of this section, a list of general or specific recommendations for consideration by such commission.

(1957, P.A. 465, S. 3; 1959, P.A. 678, S. 3; February, 1965, P.A. 269, S. 2; P.A. 81-451, S. 3, 10; P.A. 85-253, S. 3, 10.)

History: 1959 act added home rule ordinance provisions; 1965 act added provision for placing date of signing on petition; P.A. 81-451 added Subsec. (b) concerning the statement of the circulator and Subsec. (c) concerning recommendations for consideration by the commission and revised wording of petition form in Subsec. (a), effective October 1, 1982; P.A. 85-253 amended Subsec. (a) to refer to amendments of charters and home rule ordinances rather than to revisions.

Cited. 188 C. 276; 193 C. 1; 196 C. 623; 234 C. 513.

Sec. 7-190. Commission: Appointment, membership, duties, report, termination. (a) Within thirty days after such action has been initiated by vote of the appointing authority or by certification of a petition, the appointing authority shall by resolution appoint a commission consisting of not fewer than five nor more than fifteen electors, not more than one-third of whom may hold any other public office in the municipality and not more than a bare majority of whom shall be members of any one political party, which commission shall proceed forthwith to draft a charter, or amendments to the existing charter, or amendments to the home rule ordinance, as the case may be.

(b) The appointing authority shall direct the commission to consider those recommendations included in the petition and may make other recommendations to the commission. The commission may also consider other items for inclusion in the proposed charter, other changes to the charter or home rule ordinance and such other items as it deems desirable or necessary. The commission shall in its reports comment on each recommendation which it has been directed to consider, if any, and on such other changes or items. The appointing authority shall specify by resolution when the commission shall submit its draft report, which shall be not later than sixteen months from the date of its appointment.

(c) The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

(1957, P.A. 465, S. 4; 1959, P.A. 678, S. 4; 1967, P.A. 76; P.A. 75-179; P.A. 81-451, S. 4, 10; P.A. 83-188, S. 2; P.A. 85-253, S. 4, 10.)

History: 1959 act added home rule ordinance provisions; 1967 act made minor change in wording; P.A. 75-179 distinguished between charter commissions and charter revision or home rule ordinance commissions re report deadlines; P.A. 81-451 divided section into subsecs., clarified language of existing provisions, required consideration of recommendations in petition and recommendations of appointing authority, changed deadline for report from 18 to 16 months from date of appointment and added Subsec. (c) re termination of commission, effective October 1, 1982; P.A. 83-188 made minor change in wording of Subsec. (b), requiring submission of draft report rather than of final report; P.A. 85-253 replaced the words "revision of" with the words "amendments to" and made certain technical changes.

Cited. 150 C. 27; 184 C. 30. Interpretation of statute not unconstitutional. 188 C. 276. Cited. 193 C. 1; 196 C. 623; 234 C. 513.

Sec. 7-191. Charters, charter amendments and home rule ordinance amendments: Hearings; draft and final report; public notice; referendum; effective date; filing of copies with Secretary of the State; file maintained by State Library. (a) The commission shall hold at least two public hearings on the proposed charter, charter amendments or home rule ordinance amendments; one prior to the beginning of any substantive work on such charter, charter amendments or home rule ordinance amendments, and one after the draft report to the appointing authority has been completed, but not submitted, after which hearings the commission may amend such report. The commission may hold such other public hearings as it deems necessary.

(b) The commission shall submit its draft report, including the proposed charter, charter amendments or home rule ordinance amendments, to the clerk of the municipality, who shall transmit such report to the appointing authority. The appointing authority shall hold at least one public hearing on the draft report and shall hold its last hearing not later than forty-five days after the submission of the draft report to such clerk. Not later than fifteen days after its last hearing, the appointing authority shall make recommendations to the commission for such changes in the draft report as it deems desirable.

(c) If the appointing authority makes no recommendations for changes in the draft report to the commission within such fifteen days, the report of the commission shall be final and the appointing authority shall act on such report. If the appointing authority makes recommendations for changes in the draft report to the commission, the commission shall confer with the appointing authority concerning any such recommendations and may amend any provisions of the proposed charter, charter amendments or home rule ordinance amendments, in accordance with such recommendations, or the commission may reject such recommendations. In either case the commission shall make its final report to the appointing authority not later than thirty days after receiving such recommendations.

(d) Not later than fifteen days after receiving the final report, the appointing authority, by a majority vote of its entire membership, shall either approve the proposed charter, charter amendments or home rule ordinance amendments or reject the same or separate provisions thereof. Not later than forty-five days after a vote of the appointing authority to reject such matter, a petition for a referendum thereon, signed by not less than ten per cent of the electors of such municipality, as determined by the last-completed registry list thereof, and filed and certified in accordance with the provisions of section 7-188, may be presented to the appointing authority. Not later than thirty days after approval by the appointing authority or the certification of such a petition (1) the proposed charter shall be published in full at least once in a newspaper having a general circulation in the municipality, or (2) the portion of the charter or home rule ordinance being amended shall be published at least once in a newspaper having a general circulation in the municipality with a notice that a complete copy of the charter or home rule ordinance and amendment is available in the town clerk's office and that a copy shall be mailed to any person who requests a copy. The town clerk shall mail or otherwise provide such copy to any person who requests a copy.

(e) The appointing authority shall, by a majority vote of its entire membership, determine whether the proposed charter, charter amendments or home rule ordinance amendments shall be submitted to the electors for approval or rejection at a regular election or at a special election warned and held for that purpose, which shall be held not later than fifteen months after either the approval by the appointing authority or the certification of a petition for a referendum.

(f) The proposed charter, charter amendments or home rule ordinance amendments shall be prepared for the ballot by the appointing authority and may be submitted in the form of one or several questions; and, if approved by a majority of the electors of the municipality voting thereon at a regular election or if approved by a majority which number equals at least fifteen per cent of the electors of the municipality as determined by the last-completed active registry list of such municipality at a special election, such proposed charter, charter amendments or home rule ordinance amendments shall become effective thirty days after such approval unless an effective date or dates are specified therein, in which event the date or dates specified shall prevail.

(g) Not later than thirty days after the approval by the electors of any proposed charter, charter amendments or home rule ordinance amendments, the town or city clerk shall file, with the Secretary of the State, (1) three certified copies thereof, with the effective date or dates indicated thereon, and (2) in the case of the approval of charter or home rule ordinance amendments, three certified copies of the complete charter or ordinance incorporating such amendments. The Secretary of the State shall distribute two copies, whether tangible or intangible in form, to the State Library, where a file of such charters, charter amendments and home rule ordinance amendments shall be kept for public inspection.

(1953, S. 271d; 1957, P.A. 465, S. 5; 1959, P.A. 678, S. 5; 1963, P.A. 184; P.A. 75-358, S. 1, 2; P.A. 77-196, S. 1; P.A. 79-207; P.A. 81-451, S. 5, 10; P.A. 82-472, S. 14, 183; P.A. 83-188, S. 3; P.A. 84-161; P.A. 85-253, S. 5, 10; P.A. 87-387, S. 3; P.A. 96-134, S. 6, 9; P.A. 00-92, S. 6; P.A. 02-89, S. 7; P.A. 03-99, S. 1; P.A. 07-227, S. 19.)

History: 1959 act added home rule ordinance provisions and changed “general” election to “regular” election; 1963 act specified subject matter of mandatory hearing by commission and provided for referendum re rejected matter on petition of electors; P.A. 75-358 made specific provisions re effective dates for charters, home rule ordinances etc., re validations of actions of municipality or its administrative agencies or officials; P.A. 77-196 required filing with secretary of the state within 15 days rather than 7 days; P.A. 79-207 required two public hearings rather than one, one before the substantive work and one after report is drafted but before its submission; P.A. 81-451 divided section into subsecs., clarified language of existing provisions, changed time for hearing from 30 to 45 days after submission of draft report, reduced the percentage of electors necessary to force a referendum from 15% to %10, required that election be held within 15 months rather than one year after approval or certification of petition and provided that the appointing authority shall prepare the ballot, effective October 1, 1982; P.A. 82-472 made technical corrections; P.A. 83-188 made minor changes in wording of Subsec. (b); P.A. 84-161 amended Subsec. (h) to provide for 30-day filing period rather than 15-day period; P.A. 85-253 changed “revised charter” to “charter amendments” and “revised home rule ordinance” to “home rule ordinance amendments”; P.A. 87-387 added Subsec. (h)(2) re filing requirements in the case of approval of charter or home rule ordinance amendments; P.A. 96-134 added the word “active” before “registry list of such municipality” in Subsec. (f), effective May 29, 1996; P.A. 00-92 amended Subsec. (b) to require hearing “not later than” 45 days “after the submission” rather than former “within” 45 days “of the submission”, and throughout the section substituted “not later than” for “within”; P.A. 02-89 deleted as obsolete former Subsec. (g) re effective date of any proposed charter, home rule ordinance or amendment or repeal thereof approved at any election on or after November 5, 1974, and prior to July 1, 1975, and re the validation of actions of a municipality or agency or official thereof taken prior to July 1, 1975, under a previously effective charter or home rule ordinance, and redesignated existing

Subsec. (h) as Subsec. (g); P.A. 03-99 amended Subsec. (d) to insert Subdiv. designators (1) and (2), to delete requirement that charter or home rule ordinance amendments be published in full and to provide that the portion of the charter or home rule ordinance being amended be published and that a copy be provided by the town clerk upon request; P.A. 07-227 added reference to tangible or intangible copies in Subsec. (g), effective July 1, 2007.

See chapter 152 re holding of referenda.

Cited. 140 C. 517. Legislature intended procedure outlined in Home Rule Act to be a complete, self-contained method of amending charter of a city irrespective of any existing charter provision; Home Rule Act controls previously enacted special laws which are inconsistent with it; home rule, so far as it relates to charter changes, may be exercised only in accordance with provisions of general statutes. 150 C. 24. Amendment of charter of consolidated city of Norwich to change tax and other provisions concerning its districts pursuant to Secs. 7-188 through 7-194 held valid when challenged by action for declaratory judgment by resident taxpayer. 155 C. 573. Cited. 184 C. 30. Interpretation of statute not unconstitutional. 188 C. 276. Cited. 193 C. 1; 196 C. 623; 234 C. 513.

Sec. 7-191a. Adoption of home rule ordinance. Any home rule ordinance in effect on October 1, 1982, shall be part of the organic law of the municipality and the special act superseded thereby and any other special act relating to the government of such municipality inconsistent therewith are repealed.

(1959, P.A. 678, S. 6; P.A. 81-451, S. 6, 10.)

History: P.A. 81-451 made ordinances in effect on October 1, 1982, a part of municipality's organic law, replacing provision which had made any home rule ordinance a part of organic law upon its adoption, effective October 1, 1982.

Cited. 178 C. 81; 188 C. 276; 193 C. 1; 196 C. 623.

Sec. 7-191b. Amendments to charters to modify budget adoption dates. Notwithstanding the provisions of this title and chapters 164, 170 and 204 and any special act, municipal charter or home rule ordinance, a municipality, upon a two-thirds vote of its legislative body, may amend its charter for the sole purpose of modifying its budget adoption dates. Such budget adoption dates may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body of a municipality pursuant to this section shall include a reference to this section. For the purposes of this section, "municipality" has the same meaning as provided in section 7-401.

(P.A. 18-12, S. 1.)

History: P.A. 18-12 effective May 25, 2018.

Sec. 7-192. Existing provisions not affected. Amendments to charters. Amendment or revision of home rule ordinance. Supersedence of certain special acts by municipal ordinance. Termination of certain parking authorities and boards of health. (a) Every charter, special act and home rule ordinance in effect on October 1, 1982, shall continue in effect until repealed or superseded by

the adoption of a charter, charter amendments or home rule ordinance amendments in accordance with this chapter, the provisions in any charter in existence on said date governing revision or amendment to the contrary notwithstanding. Nothing in this section shall prohibit the adoption of a revised home rule ordinance or home rule ordinance amendments by any method established in such home rule ordinance if the provisions concerning such method were in effect on July 15, 1959. Any municipality administering its local affairs under the provisions of the general statutes or special acts adopted prior to said date may continue to so administer its local affairs until the electors of such municipality avail themselves of the provisions of this chapter. Any municipality having as its organic law a home rule ordinance or a revised or amended home rule ordinance shall after any revision or amendment of such ordinance publish, in a single document, any such home rule ordinance and shall make such ordinance available at a nominal cost to any member of the public.

(b) Notwithstanding the provisions of subsection (a) of this section, the provisions of any special act relative to the number of holders of an office, or members of a board, commission, department or agency of a municipality (1) which does not administer its affairs under a charter, and (2) for which the legislative body, as defined in section 1-1, is a town meeting may be superseded by adoption of a municipal ordinance that is not otherwise inconsistent with the Constitution of the state or the general statutes.

(c) Notwithstanding the provisions of subsection (a) of this section, any consolidated town and city which (1) was consolidated in 1902, (2) has a mayor and board of aldermen form of government, and (3) has a population of more than one hundred thousand may terminate a parking authority established by special act in such consolidated town and city upon majority vote of the board of aldermen. The clerk of any such consolidated town and city shall notify the Secretary of the State of such termination not more than ten days after such vote.

(d) Notwithstanding the provisions of subsection (a) of this section, any municipality which (1) was incorporated in 1784, (2) administers its affairs under a charter and for which the legislative body is a town meeting, and (3) has a population of less than twelve thousand may terminate a board of health established in the municipality by special act by adoption of an ordinance that is not otherwise inconsistent with the Constitution of the state or the general statutes.

(1957, P.A. 465, S. 6; P.A. 81-451, S. 7, 10; P.A. 85-253, S. 6, 10; P.A. 92-172, S. 1; P.A. 03-256, S. 2.)

History: P.A. 81-451 transferred former provision concerning imposition of taxes to Sec. 7-192a and added provisions concerning revision of home rule ordinance by methods in effect prior to July 15, 1959, and to publication of home rule ordinances, effective October 1, 1982; P.A. 85-253 amended section to refer to amendment of charters and home rule ordinances rather than to their revision; P.A. 92-172 amended section by designating Subsec. (a) and adding Subsec. (b) re supersedence of special acts by municipal ordinance not inconsistent with the state constitution or general statutes; P.A. 03-256 made a technical change in Subsec. (b), added Subsec. (c) re termination of a parking authority in a consolidated town or city and added Subsec. (d) re termination of a board of health in a municipality, effective June 26, 2003.

Legislature intended procedure outlined in Home Rule Act to be a complete, self-contained method, not involving action by General Assembly, of amending charter of a city, irrespective of any existing charter provision; act confers no power on mayor to exercise a veto; a construction

which would import into these amendatory proceedings the power of veto conferred on mayor by charter would be inconsistent with procedure provided for in Sec. 7-191. 150 C. 24. Cited. 155 C. 579; 171 C. 74. Retention of surplus was not an unauthorized exercise of taxing power in violation of statute. 178 C. 81. Charter provisions regarding consolidation prevail over parallel provisions in Home Rule Act. 179 C. 589. Cited. 188 C. 276; 193 C. 1; 196 C. 623.

Sec. 7-192a. New tax not authorized by general statutes prohibited. Provisions affecting elections and electors not to be adopted. No provision of this chapter shall be deemed to empower any municipality to levy or collect any tax not authorized by the general statutes or to adopt a charter, charter amendments or home rule ordinance amendments which shall affect matters concerning qualification and admission of electors; duties and responsibilities of registrars of voters; duties and responsibilities of town clerks with respect to electors, voting and elections; forfeiture of electoral rights and restoration of the same; absentee voting; conduct of and procedures at elections; hours of voting; canvass of electors; preliminary, final and supplementary registry lists; warning of elections; election officials and their duties and responsibilities; election canvass and returns; election contests; corrupt practices; prohibited acts with respect to elections; nomination of candidates; adoption and amendment of party rules; primaries; and political parties and enrollment therein.

(1967, P.A. 417, S. 1; P.A. 81-451, S. 8, 10; P.A. 85-253, S. 7, 10.)

History: P.A. 81-451 added provisions concerning new taxes, formerly in Sec. 7-192, effective October 1, 1982; P.A. 85-253 amended section to refer to amendment of charters and home rule ordinances rather than to their revision.

Cited. 188 C. 276; 193 C. 1; 195 C. 524; 196 C. 623.

A town is not prohibited by section from adopting age requirements for local elective officers. 31 CS 447.

Sec. 7-193. Required provisions. Organization of government. (a) Any charter adopted or amended under the provisions of this chapter shall conform to the following requirements:

(1) The municipality shall have a legislative body, which may be: (A) A town meeting; (B) a representative town meeting; (C) a board of selectmen, council, board of directors, board of aldermen or board of burgesses; or (D) a combination of a town meeting or representative town meeting and one of the bodies listed in subparagraph (C). In any combination, the body having the greater number of members shall have the power to adopt the annual budget and shall have such other powers as the charter prescribes, and the body having the lesser number of members shall have the power to adopt, amend and repeal ordinances, subject to any limitations imposed by the general statutes or by the charter. The number of members in any elective legislative body, the terms of office of such members and the method by which they are elected shall be prescribed by the charter.

(2) The municipality shall have a chief executive officer, who may be one of the following: (A) The first selectman; (B) a chief administrative officer appointed by the board of selectmen; (C) a mayor elected by the electors of the municipality; (D) a warden elected by the electors of the borough; (E) a town, city or borough manager appointed by the board of selectmen, the council, the board of directors, the board of aldermen or the board of burgesses; (F) a chief administrative

officer appointed by the mayor. Any municipality having a manager as its chief executive officer may also have a mayor who shall be the presiding officer of its legislative body, shall be the ceremonial head of such municipality and shall have such other powers and duties as the charter prescribes. The powers, duties and term of office of the chief executive officer shall be those prescribed by the general statutes and he shall have such other powers and duties as the charter prescribes.

(b) Every municipality shall have all municipal officers, departments, boards, commissions and agencies which are required by the general statutes or by the charter. Each municipality may have any municipal officers, departments, boards, commissions and agencies which are specifically allowed by the general statutes or which are necessary to carry out any municipal powers, duties or responsibilities under the general statutes. All such officers, departments, boards, commissions and agencies shall be elected, appointed and organized in the manner provided by the general statutes, except as otherwise provided by the charter or by ordinances or resolutions adopted pursuant to such charter. Any municipality may, by charter or by ordinances or resolutions adopted pursuant to such charter, alter the method of election, appointment or organization of any or all of such officers, departments, boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the Constitution or the general statutes.

(1957, P.A. 465, S. 7; P.A. 76-296, S. 1; P.A. 81-451, S. 9, 10; P.A. 85-253, S. 8, 10; P.A. 86-230.)

History: P.A. 76-296 included among those things prescribed by statute, the term of office of municipality's chief executive officer; P.A. 81-451 substituted "municipality" for "town, city, borough", effective October 1, 1982; P.A. 85-253 applied provisions to charter amendments; P.A. 86-230 changed the manner of subdividing the section and expanded the new Subdiv. (b) by clarifying that a municipality may alter the method of election, appointment or organization of its officers, departments, boards, commissions or agencies.

See Sec. 9-167a re minority representation.

Cited. 170 C. 62; 188 C. 276; 192 C. 399; 193 C. 1; 195 C. 524; 196 C. 623; 234 C. 513.

Cited. 41 CS 295.

Subsec. (b):

Cited. 216 C. 112; 219 C. 217.

Because Subsec. authorizes commissions to be elected, appointed and organized as provided by the charter or by ordinances or resolutions adopted pursuant to such charter, and because Plainville's charter requires five affirmative votes of the town council for the adoption of any resolution, ordinance or vote, the adoption of the resolution appointing members by only four affirmative votes renders their appointment and subsequent actions null and void. 47 CA 783. Trial court properly concluded that membership amendment was authorized by statute; however, it was improper for trial court to engage in analysis of common law doctrine of incompatible offices because language of statute precludes it. 70 CA 358.

Cited. 35 CS 645.

Sec. 7-194. Powers. Subject to the provisions of section 7-192, all towns, cities or boroughs which have a charter or which adopt or amend a charter under the provisions of this chapter shall have the following specific powers in addition to all powers granted to towns, cities and boroughs under the Constitution and general statutes: To manage, regulate and control the finances and property, real and personal, of the town, city or borough and to regulate and provide for the sale, conveyance, transfer and release of town, city or borough property and to provide for the execution of contracts and evidences of indebtedness issued by the town, city or borough.

(1957, P.A. 465, S. 8; 1961, P.A. 490; 517, S. 89; 1967, P.A. 19; 1971, P.A. 802, S. 12; 1972, P.A. 279, S. 1, 2; P.A. 75-516, S. 1, 2; P.A. 79-531, S. 2; 79-618, S. 2; P.A. 80-403, S. 8, 10; 80-483, S. 19, 186; P.A. 81-219, S. 2, 3.)

History: 1961 acts made section applicable to municipalities having a charter as well as those which adopted or amended a charter under provisions of this chapter and amended Subdiv. (50) to remove obsolete exception for court officers; 1967 act amended Subdiv. (57) to raise maximum penalty from \$25 to \$100; 1971 act repealed Subdiv. (41) re building code regulation; 1972 act added Subdiv. (58) re merit and civil service systems; P.A. 75-516 added Subdiv. (59) re leasing real property; P.A. 79-531 added Subdivs. (60) and (61) re fair housing and data processing services; P.A. 79-618 added Subdiv. (62) re ethics code; P.A. 80-403 added Subdiv. (63) re discriminatory practices; P.A. 80-483 made technical changes; P.A. 81-219 transferred most powers from this section to Sec. 7-148, effective October 1, 1982.

Cited. 147 C. 60. Where charter points out particular way in which act is to be done, prescribed form must be pursued for act to be lawful. *Id.*, 401. If charter of city grants, in general terms, power to take any land necessary to layout of highways, it is to be presumed, in absence of express words or necessary implication to the contrary, that it was not intended land already appropriated to one public use should be taken for another. *Id.*, 478. Language in charters varies so that cases involving construction of some charters are not authoritative in determining power under others. 148 C. 233. Cited. 152 C. 422. Court held ordinances attempted to regulate public service company and were in conflict with state policy; New Haven and Hamden ordinances requiring private water company, which also served 11 other towns, to fluoridate the water it supplied them held invalid. *Id.*, 563, 566. Ability of board of education to perform its statutory duties not destroyed by requirement that it select nonprofessional employees under civil service requirements of charter. *Id.*, 568. A town, as a creature of the state, can exercise only such powers as are expressly granted to it, or such powers as are necessary to enable it to discharge the duties and carry into effect the objects and purposes of its creation. 153 C. 236. Regulation and disposal of refuse and garbage is town power and refuse disposal operation is not a nuisance where not in arbitrary or unreasonable manner. 156 C. 304. Cited. 158 C. 100; 162 C. 497; 171 C. 78. Town has broad authority to control traffic on its public streets which includes the closing thereof to vehicular traffic. 174 C. 282. That the legislature went to the extent of precisely enumerating numerous specific powers without mentioning subpoena power indicates it did not intend to grant municipalities such a power by way of charter adoption; former Subdiv. (26) did not authorize a municipality to grant its governing or legislative body the power to issue subpoenas. 180 C. 243. "Regulate" connotes the power to permit and control as well as to prohibit and infers limitations. 181 C. 114. Cited. 182 C. 253. Adoption of equal opportunities ordinance was valid exercise of Home Rule Act, but former Subdiv. (25) did not authorize municipality to create commission to resolve employment discrimination complaints. 183 C. 495.

Cited. 185 C. 88; 186 C. 229; 188 C. 276; 193 C. 1; 196 C. 623; 203 C. 267; 208 C. 543; 237 C. 135; 241 C. 678.

Cited. 1 CA 417; 42 CA 599.

Omission of zoning powers from enumeration of specific powers granted towns under statute compels conclusion that legislature did not intend that any action under chapter should alter the declared law under the general zoning enabling act. 25 CS 378, 379. Cited. 31 CS 447; 34 CS 14. Former Subdiv. (58) provided authority to establish a merit or civil service system for selection and promotion; also contained implied power to establish a personnel appeals board. 35 CS 645. Cited. 36 CS 74; 37 CS 124.

Sec. 7-195. Consolidation of governments. (a) As used in this section and sections 7-196 to 7-201, inclusive, "unit of local government" means a town or political subdivision thereof and "political subdivision" means a city, borough or district within a town.

(b) The consolidation of the government of any town with the government or governments of one or more political subdivisions therein shall be effected in the manner hereinafter prescribed. A proposal to consolidate setting forth the units of local government to be consolidated may be adopted by a majority vote of the entire membership of the legislative body of any unit of local government or, when the legislative body is the town meeting, by a majority vote of those present and voting. Upon adoption of such proposal, a copy thereof shall be transmitted to the legislative body of each other unit of local government included in the proposed consolidation, which legislative body shall, within thirty days of the adoption of the proposal, accept or reject the proposal. Acceptance shall be by resolution adopted by at least a majority vote of the entire membership of the legislative body of each such other unit or, when the legislative body is the town meeting, by a majority vote of those present and voting, a copy of which resolution shall forthwith be filed with the town clerk.

(c) In addition to the method of initiating a consolidation set forth above, such action may also be initiated by petition. Such petition shall set forth the units of local government to be consolidated and shall be signed by not less than ten per cent of the electors of each political subdivision included in the proposed consolidation and by not less than ten per cent of the electors of the town, if any, residing outside the boundaries of any such political subdivision; provided, if a lesser number of signatures on such petition is required by any existing special act, such number shall be sufficient for the purposes of this section. Prior to the obtaining of any signatures on such petition, a copy thereof shall be filed with the town clerk and a period of ninety days from the date of such filing shall be allowed for the obtaining of the required signatures. Within not more than ninety days from the filing of the copy of the petition with the town clerk, the signed petition shall be filed with the town clerk, who shall proceed forthwith to determine its sufficiency by comparing the names thereon with those contained in the registry list of the town and shall certify its sufficiency or insufficiency to the presiding officer of the legislative body of the town; provided a separate petition may be signed by the electors of each political subdivision included within the proposed consolidation and by the electors residing outside the boundaries of any such political subdivision, in which case the clerk of each such political subdivision shall determine the sufficiency of the petition so far as such political subdivision is concerned and shall certify such sufficiency or insufficiency to the clerk of the town, who shall transmit the certification to the presiding officer of the legislative body of the town.

(1957, P.A. 465, S. 9; 1971, P.A. 55; P.A. 80-474, S. 1, 4.)

History: 1971 act required passage by two-thirds majority of those present and voting when legislative body is town meeting; P.A. 80-474 amended Subsec. (b) to require adoption and acceptance of consolidation by simple majority rather than two-thirds majority.

Cited. 152 C. 676. District means geographical subdivision, inhabitants of which are invested with power to discharge some function of government; since districts in consolidated city of Norwich are not units of local government but subdivisions of city, changes in city charter affecting them were properly made by amendment and not by consolidation procedures hereunder. 155 C. 573. Cited. 171 C. 74; 179 C. 589; 184 C. 30; 188 C. 276; 195 C. 524; 208 C. 543.

Watertown and Oakville Fire districts are units of local government and consolidation with Watertown is governed by Secs. 7-195 to 7-201. 28 CS 413.

Sec. 7-196. Form of petition. The form of the petition for proposing a consolidation shall be as follows: **WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.** We, the electors of the town, city or borough or unit of local government of (Here insert the name of the town, city, borough or unit of local government), hereby present this petition under the provisions of section 7-195 proposing a consolidation with the following-named town, city, borough or unit of local government, and we certify that we are electors of the town, city, borough or unit of local government of residing at the addresses set opposite our names and that we have not signed this petition more than once. (Here follow the signatures and addresses.)

(1957, P.A. 465, S. 10.)

Cited. 171 C. 74; 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-197. Consolidation commission. If, within thirty days of the adoption of the proposal to consolidate by the initiating legislative body, the legislative body of each other unit of local government included in the proposed consolidation has accepted the proposal, or if a sufficient petition has been certified to the presiding officer of the legislative body of the town, such presiding officer shall call a joint meeting of the legislative bodies of all of the units of local government included in the proposal, designate the time and place, and preside at the joint meeting. Such meeting shall by joint resolution appoint a consolidation commission of not fewer than five nor more than fifteen members. Each political subdivision included in the proposed consolidation and the area of the town, if any, outside the boundaries of any such political subdivision shall be represented on the consolidation commission, as nearly as possible, in proportion to the number of electors residing in each such political subdivision and the number of electors residing outside the boundaries of any such political subdivision; provided there shall be at least one commission member from each political subdivision in the proposed consolidation and one member from the area of the town, if any, outside the boundaries of any such political subdivision.

(1957, P.A. 465, S. 11.)

Cited. 152 C. 676; 171 C. 74; 179 C. 589; 184 C. 30; 188 C. 276; 208 C. 543.

Sec. 7-198. Duties of commission. Such consolidation commission shall prepare a consolidation ordinance in which provision shall be made for the allocation of local governmental functions and services to existing offices, departments, boards, commissions or other agencies of the town, city, borough or other unit of local government; the abolition of unnecessary offices, departments, boards, commissions or other agencies; the definition of areas in which services are to be rendered; the establishment of necessary taxing districts to pay the cost of such services; the distribution of assets and liabilities, and such other matters as are required to effectuate such consolidation, including the necessary revision of the charter of any of the units of local government under consolidation so as to eliminate unnecessary offices, departments, boards, commissions or other agencies or to expand existing offices, departments, boards, commissions or other agencies and so to render such charter effective as the charter of the consolidated municipality; provided the terms of the consolidation ordinance shall not, in terms or effect, impair the contractual obligations of the town, city, borough or other unit of local government.

(1957, P.A. 465, S. 12; 1963, P.A. 18, S. 1.)

History: 1963 act deleted the word “geographical” before the word “areas” in the phrase “the definition of areas” and specifically provided for necessary charter revision, deleting a prohibition against the establishment of new offices, departments, etc.

“Cost of such services” does not permit charges exceeding cost of acquiring, constructing and operating a sewage system; taxpayer cannot be charged for more than he is actually receiving. 171 C. 74. Cited. 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-199. Referendum. Not less than ninety days nor more than eighteen months after the appointment of such consolidation commission, such consolidation ordinance shall be submitted to the town clerk. Such ordinance shall be submitted to the electors of the town at the next general election following submission to the town clerk. A special election may be held before the next general election providing a petition for a special election is filed with the town clerk of such municipality for submission to the legislative body and signed by not less than ten per cent of the electors of such town. The sufficiency of such petition shall be determined in the manner specified in section 7-188. Such consolidation ordinance shall become effective if approved by a majority of the electors of the town voting thereon; provided such majority shall be no less than fifteen per cent of the electors as determined by the last-completed registry list of such town.

(1957, P.A. 465, S. 13; P.A. 75-212, S. 1, 2.)

History: P.A. 75-212 required submission of ordinance within 18 months rather than within one year to town clerk (previously to electors) and to voters at next general election following submission to clerk unless special election held.

Cited. 171 C. 74; 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-200. Consolidation of school districts. Charter revisions in consolidation process. Nothing in sections 7-195 to 7-201, inclusive, shall be construed to prevent the consolidation of school districts as heretofore provided by law. Nothing herein contained shall be construed to prevent a consolidation commission from making revisions in the charter of any of the units of local government in the process of consolidation so as more conveniently and appropriately to effectuate the process of consolidation of that unit of government with the other unit or units of

government concerned; nor shall the provisions of sections 7-187 to 7-191, inclusive, apply to any such consolidation commission.

(1957, P.A. 465, S. 14; 1963, P.A. 18, S. 2.)

History: 1963 act deleted language re appointment of combined charter and consolidation commission and added provision re charter revisions to facilitate consolidation procedure.

Cited. 179 C. 589; 188 C. 276; 208 C. 543.

Sec. 7-201. Receipt of funds. Appropriations. Any charter commission or consolidation commission appointed under the provisions of this chapter is authorized to receive for its own use and purposes any funds or money from any source, including gifts and contributions, made by any individual, corporation or association. Any unit of local government is authorized to appropriate funds for expenses incurred by any charter commission, consolidation commission or combined charter and consolidation commission in the performance of its purposes. Within the amounts so received such commissions may engage employees and contract for the services of consultants.

(1957, P.A. 465, S. 15.)

Cited. 179 C. 589; 188 C. 276; 208 C. 543.

PUBLIC ACT 18-12: An Act Permitting The Amendment of Municipal Charters for the Purpose of Modifying Budget Adoption Dates



House Bill No. 5184

Public Act No. 18-12

AN ACT PERMITTING THE AMENDMENT OF MUNICIPAL CHARTERS FOR THE PURPOSE OF MODIFYING BUDGET ADOPTION DATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) Notwithstanding the provisions of title 7 and chapters 164, 170 and 204 of the general statutes and any special act, municipal charter or home rule ordinance, a municipality, upon a two-thirds vote of its legislative body, may amend its charter for the sole purpose of modifying its budget adoption dates. Such budget adoption dates may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body of a municipality pursuant to this section shall include a reference to this section. For the purposes of this section, "municipality" has the same meaning as provided in section 7-401 of the general statutes.

Approved May 25, 2018

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 18-12—HB 5184

Planning and Development Committee

**AN ACT PERMITTING THE AMENDMENT OF MUNICIPAL CHARTERS FOR THE
PURPOSE OF MODIFYING BUDGET ADOPTION DATES**

SUMMARY: This act authorizes municipal legislative bodies to amend budget adoption dates in their charters by a two-thirds vote. Dates subject to modification include those concerning: the executive presentation of the proposed budget, public hearings, action by the fiscal authority, publications, referenda, and final budget adoption.

The act's authorization applies regardless of conflicting (1) special act, charter, or home rule ordinance provisions or (2) laws on municipalities, local taxes, public schools, or boards of education. (Generally, to amend a charter, a municipality must (1) ask the General Assembly to change the municipality's special act charter or (2) in the case of home rule charters, establish a charter revision commission and comply with a statutory procedure.)

"Municipalities" covered by the authorization include towns; cities; boroughs; consolidated towns and cities; consolidated towns and boroughs; school districts; regional school districts; metropolitan districts; and similar municipal corporations, organizations, authorities, and taxing districts.

EFFECTIVE DATE: Upon passage

OLR REPORT: Adopting Charters, Ordinances, and Bylaws (2017)



ResearchReport

Adopting Charters, Ordinances, and Bylaws

By: Rute Pinho, Principal Analyst

June 15, 2017 | 2017-R-0117

Issue

Explain the procedure municipalities and special taxing districts must follow to adopt or revise home rule charters, charter amendments, ordinances, and bylaws. This report updates OLR report [2002-R-0863](#).

Summary

Municipalities and special taxing districts generally must follow the same statutory process for adopting or amending home rule charters. This is also the case for municipalities and districts that currently operate under charters that the legislature enacted on their behalf (i.e., special act charters). The procedure is generally the same for adopting or amending a charter and involves four steps:

1. The municipality or district's appointing authority (generally its legislative body) or voters can initiate the process by resolution or petition, respectively.
2. The appointing authority must appoint a charter commission, which must consider any item the appointing authority or petition specifies. The commission may also consider other items it chooses.
3. The commission and the appointing authority must hold public hearings on the proposed charter or charter amendments according to a statutory schedule. The appointing authority may recommend changes to the commission's proposal, but the commission does not have to accept them.
4. After the commission finalizes its proposed charter or amendments, the appointing authority may accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the appointing authority initially approved it.

The statutes authorize municipalities and special taxing districts to adopt ordinances, but they

establish specific procedural requirements that apply only to ordinances adopted by towns, cities, boroughs, and fire districts. The statutes are silent on whether and how municipalities and special districts can adopt bylaws. However, the statutory requirements for adopting ordinances appear to apply to bylaws as well since the statutes, local charters, and legal commentaries use the terms interchangeably.

Charter Adoption and Amendment

Home Rule Charters versus Special Act Charters

The phrase "home rule charter" signals the fact that some municipalities and districts operate under charters that they adopted and amended on their own (i.e., "home rule" charters) while others operate under charters that the legislature adopted and amended on their behalf (i.e., "special act" charters). The distinction holds even though the legislature allowed all towns (in 1957) and districts (in 1963) to act on their own.

A 1969 constitutional amendment banned the legislature from enacting special acts regarding the powers, organization, form of government, and terms of elective office for any single town, city, or borough (Article Tenth). The amendment did not repeal special act charters but generally blocked the legislature from amending them. As a result, towns, cities, and boroughs operating under these charters can amend them only by converting them into home rule charters.

While the constitutional ban does not apply to special districts, they may still choose to convert their special act charters into home rule charters in order to amend them, rather than asking the legislature to do so. The legislature discourages legislation amending district charters because:

1. the legislative process does not move fast enough for districts;
2. drafting, processing, and debating numerous special acts consumes too much time; and
3. the statutes provide a mechanism through which districts can act on their own (Connecticut Advisory Commission on Intergovernmental Relations, Independent Special Taxing Districts in Connecticut, December 1988).

Home Rule Action by Special Districts

A special district operating under a special act charter must convert its charter into a home rule charter before it can amend it on its own by following the same statutory procedure municipalities must use to adopt and amend their home rule charters. Two-thirds of the voters present at a district meeting must vote to do so ([CGS § 7-328a\(a\)](#)).

Initiation

From this point on, the process for adopting or amending a municipal charter or amending a district charter is generally the same. (The statutes do not specify the process by which newly formed districts must adopt their charters.)

The process can be triggered by the jurisdiction's appointing authority or voters. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. For special taxing districts, the appointing authority is the board of directors or other governing body.

The appointing authority can start the process if two-thirds of its members agree. Voters can start the process if 10% of them sign a petition to that effect, according to requirements the law establishes for preparing petitions and validating signatures. In the case of municipal charter petitions, the law requires petition signatures to be obtained within 90 days of the date when the page containing them was filed with the appointing authority in order for the signatures to be valid. In the case of either municipal or district charter petitions, it allows the petition to recommend items for the commission to consider. The petitioners must file the petition with the town or district clerk, who must validate the signatures and certify its sufficiency to the appointing authority ([CGS §§ 7-188\(c\), 7-189, and 7-328a\(c\)](#)).

In either case, the appointing authority appoints a commission to draft the charter or charter amendments ([CGS §§ 7-188\(b\) and 7-328a\(b\)-\(c\)](#)). Once the clerk certifies a municipal charter petition's sufficiency, the clerk cannot accept another petition for the same purpose until the first commission terminates ([CGS § 7-188\(d\)](#)).

Appointing the Charter Commission

The appointing authority must appoint a charter commission consisting of between five and 15 voters, no more than one-third of whom can hold another municipal or district office and no more than a bare majority of whom can belong to the same political party. The appointing authority must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition ([CGS § 7-190\(a\)](#)).

The appointing authority can recommend items for the commission to consider, and the commission must consider these and any other items specified in the petition, if there was one. The commission can also consider other items it deems desirable or necessary. Its draft and final reports must discuss all of the items it considered.

The appointing authority must adopt a resolution setting a deadline for the commission to complete its draft report, which must fall within 16 months after the commission's appointment. The commission terminates after the appointing authority accepts or rejects the commission's final report ([CGS §§ 7-190\(b\) and \(c\)](#)).

Holding Public Hearings on the Proposed Charter or Amendments

The commission and the appointing authority must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the appointing authority. It may opt to hold additional hearings ([CGS § 7-191\(a\)](#)).

After completing its hearings, the commission must submit the proposal to the town or district clerk, who must send it to the appointing authority, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it receives the report ([CGS § 7-191\(b\)](#)).

The appointing authority has up to 15 days from its last hearing to recommend changes to the proposal ([CGS § 7-191\(b\)](#)). If it does not make any, it tacitly accepts the report as the commission's final report and must act on it. If it does recommend changes, the law requires the commission to discuss them with the appointing authority. The commission may accept these

recommendations and incorporate them into its proposal or reject them. In either case, it must submit its final report to the appointing authority no later than 30 days after the appointing authority makes its recommendations ([CGS § 7-191\(c\)](#)).

Approving the Charter or Amendments

The appointing authority must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a charter commission ([CGS § 7-191\(d\)](#)).

No later than 30 days after approving the final report or the petition's certification, the municipality or district must publish at least once in a newspaper the (1) proposed charter or (2) portion being amended, with a notice that a complete copy is available in the clerk's office or by mail on request ([CGS § 7-191\(d\)](#)).

The appointing authority must also decide by majority vote the forum for submitting the proposal to the voters for approval. Municipalities may submit the proposal at a regular or special election while districts may submit one at a regular or special district meeting. In both cases, the referendum must be held no later than 15 months after the appointing authority approved the proposal or the respective clerks certified the petition. The appointing authority must also decide whether to submit the proposal to the voters as a single question or several questions ([CGS §§ 7-191\(e\) and \(f\)](#)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election (or meeting). A majority vote is required for proposals submitted at regular elections or district meetings. A majority vote is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all municipal or district voters. If approved, the proposal takes effect 30 days after the vote, unless the proposal requires otherwise ([CGS § 7-191\(f\)](#)).

The town or district clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approve them ([CGS § 7-191\(g\)](#)).

Ordinances and Bylaws

Distinction

The requirements for adopting and publishing ordinances seem to apply to bylaws as well. The statutes, town charters, and legal commentaries seem to use the terms interchangeably. For example, [CGS § 7-159](#) grandfathers "any valid ordinances, bylaws, or regulations adopted prior to October 1, 1957 under the provisions of the general statutes...." Several town charters list both bylaws and ordinances as the means for exercising municipal powers. Black's Legal Dictionary lists bylaws as a synonym for ordinance and likewise shows "ordinance" as one meaning for bylaw.

Adoption and Publication

Towns, Cities, Boroughs, and Fire Districts. The law explicitly allows towns, cities,

boroughs, and fire districts to adopt ordinances, subject to certain procedural requirements. The local legislative body or voters at a town or district meeting may adopt ordinances and have them published in a local newspaper. Those adopted by the legislative body take effect 30 days after publication; those adopted at meetings take effect 15 days after publication. But these requirements apply only if the local charter does not provide otherwise ([CGS § 7-157\(a\)](#)).

Voters can block these ordinances from taking effect by petitioning to have them approved at a referendum. At least 15% of the voters must sign the petition and submit it to the town or district clerk within 30 days after the newspaper publication. The petition must indicate if the referendum should be held at the next regular election or at a special meeting. The ordinance is adopted if a majority of voters approve ([CGS § 7-157\(a\)](#)).

The statutes allow jurisdictions to publish a summary of ordinances (except those making or requiring an appropriation) in lieu of the actual ones. Nonetheless, the jurisdiction's clerk must make copies of the actual ordinance available to the public upon request. The summary must include a statutory disclaimer explaining, in part, that it does not represent the legislative body's intent ([CGS § 7-157\(b\)](#)).

Districts. State law gives special taxing districts broad authority to adopt ordinances to carry out the special district law and establish the duties and compensation of their officers and how their duties must be carried out, including penalties to enforce the ordinances ([CGS § 7-328](#)). But, as noted above, it establishes procedural requirements only for fire districts.

RP:bs

OLR REPORT: Charter Revision Commission Membership (2018)



ResearchReport

Charter Revision Commission Membership

By: Kristin Sullivan, Chief Analyst

December 12, 2018 | 2018-R-0323

Issue

Describe whether the law prohibiting more than one-third of charter revision commission members from holding any other public office in the municipality allows the appointing authority to “round up” with respect to this threshold.

The Office of Legislative Research is not authorized to provide legal opinions, and this report should not be considered one.

Revisions to Commission Membership

Under the Home Rule Act, a municipality must follow specified procedures to amend its charter. Among other things, the appointing authority (i.e., legislative body) must appoint a charter revision commission consisting of between five and 15 electors, “not more than one-third of whom may hold any other public office in the municipality” ([CGS § 7-190\(a\)](#)).

It is unclear whether the legislative body may “round up” with respect to the threshold when the total commission membership is not evenly divisible by three. For example, if a legislative body appoints a five-member commission, one member may hold another public office in the municipality because one-third of five is 1.67. However, if the legislative body rounds up to two office-holding members, this would cause the commission to exceed the limitation imposed by statute.

We searched the legislative history of [CGS § 7-190](#) and other statutes specifying a maximum or minimum membership threshold for boards and commissions but did not find anything instructive.

In addition, we searched but did not find any relevant cases or attorney general opinions.

However, an April 15, 1985 letter from then-Governor O'Neill and the legislative leaders to the Law Revision Commission may be relevant. The letter asked for clarification of the minority representation statute, which restricts the maximum number of members from one political

party who can serve on most state and local boards and commissions ([CGS § 9-167a](#)). Among other questions, the letter asked:

For boards and commissions which have more than nine members, yet are not evenly divisible by three, does one round up from .5 and down from .49 to the nearest whole number to determine the number of members which may belong to the same political party?

In its February 24, 1986 response, the Law Revision Commission wrote:

Section 9-167a(a) states that where more than nine elected members serve on a body, only two-thirds of that membership can be from the same political party. The drafting committee has recommended that in response...language be added to clarify that, to obtain the appropriate number, the municipal clerk will round down to the nearest whole number.

The legislature never adopted the Law Revision Commission's recommended language, but the context is somewhat similar to the threshold under [CGS § 7-190](#). Nonetheless, a legislative body that is unsure of whether it may round up with respect to the charter revision commission threshold may consider contacting its town attorney for legal advice.

KS:cmg

OLR Report: Town Charters and Dillon's Rule (1997)

Connecticut General Assembly

OFFICE OF LEGISLATIVE RESEARCH

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8881 Legislative Office Building

December 10, 1997

97-R-1307

TO:

FROM: Mary M. Janicki

RE: Town Charters and Dillon's Rule

You asked us to identify the Connecticut towns that have charters and to identify the advantages and disadvantages of adopting a charter. You also want to know about Dillon's Rule and those states where it applies.

SUMMARY

Of the state's 169 towns, 109 have charters.

To a great extent, the advantages and disadvantages of a charter depend on the perspective of the individual. For example, charter towns have more flexibility to change the structure of their government, and the powers, duties, and terms of office of their officials. For some people, though, that is a disadvantage: they don't want changes to be so easy to effect that there is constant pressure to make them. Charters can be designed so that there is no need to bring the budget to referendum every year; some people, however, prefer the annual referendum approach. Under a charter, many of the officials who are elected under statute could be appointed instead. This might not seem like an advantage to an elected constable or tax collector who is a strong incumbent. Generally, people who support charter government stress the additional flexibility it provides; those who oppose it tend to see it as a potential vehicle for too much change, and sometimes for too much government.

Dillon's Rule is a nineteenth century judicial doctrine that mandates strict construction of municipal authority that limits local powers to only those granted in the state constitution or passed by the state legislature. Judge John Forrest Dillon incorporated the doctrine in nineteenth century Iowa Supreme Court cases and expounded it in his treatise *The Law of Municipal Corporations*, first published in 1872. Its application

throughout the states varies depending on how and whether state courts rely on it to regulate the relationships between state and local governments. It does not apply where a state constitution directly grants broad home rule authority over “local affairs” or “municipal affairs” to municipalities or where the legislature delegates home rule authority. But in individual cases, state courts still present conflicting interpretations of Dillon’s Rule.

TOWNS WITH CHARTERS

The 109 towns listed below operate under charters rather than state statutes.

Ansonia	Enfield	New Canaan	Stamford
Avon	Fairfield	New Haven	Stonington
Berlin	Farmington	Newington	Stratford
Bethel	Glastonbury	New London	Suffield
Bloomfield	Granby	New Milford	Tolland
Bolton	Greenwich	Newtown	Torrington
Branford	Groton	North Branford	Trumbull
Bridgeport	Guilford	North Haven	Vernon
Bristol	Haddam	Norwalk	Wallingford
Brookfield	Hamden	Norwich	Waterbury
Burlington	Hartford	Old Saybrook	Waterford
Canton	Hebron	Orange	Watertown
Cheshire	Killingly	Oxford	West Hartford
Clinton	Killingworth	Plainfield	West Haven
Colchester	Ledyard	Plainville	Weston
Columbia	Madison	Plymouth	Westport
Coventry	Manchester	Portland	Wethersfield
Cromwell	Mansfield	Prospect	Wilton
Danbury	Marlborough	Putnam	Winchester
Darien	Meriden	Ridgefield	Windham
Derby	Middlebury	Rocky Hill	Windsor
Durham	Middlefield	Seymour	Windsor Locks
East Hampton	Middletown	Shelton	Wolcott
East Hartford	Milford	Simsbury	Woodbridge
East Haven	Monroe	Somers	Woodbury
East Lyme	Montville	Southbury	
East Windsor	Naugatuck	Southington	
Ellington	New Britain	South Windsor	

The towns are from the Connecticut Conference of Municipalities’ September 1993 list, plus Burlington and Colchester which adopted charters in 1996 and 1995, respectively.

ADVANTAGES AND DISADVANTAGES OF ADOPTING A CHARTER

When voters won the right, in 1959, to adopt home rule charters, the supporters of the home rule movement considered it to be a two-pronged victory. Municipalities would henceforth be free to organize as they saw fit to carry out the powers granted them in statute; they would not have to seek legislative approval. Further, there would be a diminution of the large volume of special legislation brought to the General Assembly. Both these points were reinforced when a 1965 constitutional amendment prohibited the General Assembly from enacting most special legislation relating to the powers, organization, terms of elective offices or form of government of any single town (Article Tenth).

The difficulty with labeling arguments as “for” or “against” charters, however, is that many of them cut both ways. For example, supporters of statutory governance point out that the General Assembly passes some legislation nearly every year which reflects new thinking and thus updates the arrangements under which statutory towns operate. Charter towns have to amend their charters to do their updating. On the other hand, one could just as well argue that a town that has adopted a charter might not want its form of government “updated” by legislators. Similarly, a person who supports charters can point out that with a charter form of government, a town can design its own budget process, and make it impossible or unnecessary to bring the budget to referendum every year, as statutory towns must. However, if one believes in the referendum requirement, the charter option offers no advantage in that respect. So in the lists that follow, we have done our best to separate advantages from disadvantages. It is well to remember, though, that whether something seems to be an advantage or a disadvantage is largely a function of individual values on a given issue. Also, you will note that some of the points overlap.

Advantages

Generally, the advantages associated with having a charter are that it provides a different mode of selecting officials, better accountability, or a clearer delineation of functions for town officials. Specific advantages are listed below.

1. A municipality with a charter, or initiating a charter process is free to organize its government without seeking General Assembly approval.
2. More specifically, it can change the form of its government if it needs change.
3. It can also adopt minor variations from statutory requirements for organization and procedure.
4. Officials such as constables, the treasurer, tax collector, and town clerk can be appointed rather than elected. In the case of constables, for example, this could have the effect of making them accountable to a police chief. Under statute, constables exercise considerable power and are responsible directly to the electorate.
5. The charter can prescribe a precise budget timetable, with or without a budget referendum.

6. Towns that are experiencing growth frequently feel the need for the flexibility inherent in charter government.

Disadvantages

1. Some people observe that towns with charters appear to revise them frequently causing splits in towns over small issues.
2. Conversely, officials in towns with charters can be reluctant to initiate charter revision efforts when needed to address a specific issue, fearing that other issues may surface subjecting the entire charter to amendment.
3. Some fear that the move to a charter heads in the direction of “big government” and “
4. People who oppose charters may prefer the stability of statutory governance. Local leaders may not want to open the door to a situation in which they may feel pressured to make frequent changes.
5. It may be hard in some very small towns to find enough interested, capable people to serve on a charter commission.
6. Statutory government is traditional in Connecticut.
7. People may be relatively satisfied with statutory provisions and requirements.
8. Charters tend, generally, to be characterized by somewhat less direct democracy than the statutory town meeting form of government (though that need not be the case). Some people feel strongly that direct democracy is philosophically superior to representative democracy. Others believe that they are more likely to be able to influence a town meeting than a council, or some other form of representative government.

DILLON’S RULE

Dillon’s Rule is used in the construction of statutes delegating authority to local governments. An 1868 Iowa Supreme Court case ruling held that “[a] municipal corporation possesses and can exercise the following powers and no others: First, those granted in express words; second, those necessarily implied or necessarily incident to the powers expressly granted; third, those absolutely essential to the declared objects, and purposes of the corporation – not simply convenient, but indispensable...” (*Merriam v. Moody’s Executors*, 25 Iowa 163, 170). Another Iowa case that year held that local governments “owe their origin to, and derive their power and rights wholly from, the legislature,” and could exercise only those powers expressly granted by the state and powers incident to or necessarily implied by that express grant (*City of Clinton v. Cedar Rapids & Missouri River R.R. Co.*, 24 Iowa 455, 475 (1868)).

Later, John F. Dillon, the former chief justice of the Iowa Supreme Court and a U.S. circuit court judge, set out the rule in an 1872 treatise on municipal corporations (*The Law of Municipal Corporations*). Language in the Dillon treatise (essentially the same as that in the *Merriam* decision) describes the constraints on municipal powers as “a general and undisputed proposition of law.” According to Dillon, “any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied ” (§ 55).

Dillon formulated his rule out of a nineteenth century fear of waste, extravagance, corruption, and ineptitude at the local level of government. However, it is still referred to in court cases around the country. Traditional notions of state sovereignty that ensure that municipalities exercise only as much power as the state delegates to them still provide some legitimate justification for the doctrine. But modern perceptions of the proper role of municipal government and its enhanced competence since the 1800’s challenge its application. Questions about Dillon’s Rule that arise also focus on its effect of shifting decisions about the scope of local authority from political institutions, the city council, or state legislature to the courts. Furthermore, as with other rules of statutory construction, courts have not always applied the rule with consistency and predictability.

Dillon’s Rule predated the home rule movement of the turn of the century. Under home rule, municipalities receive their authority directly from the state constitution and Dillon’s Rule is not regarded as a principle of interpretation that applies to home rule. “Dillon’s Rule, then, has no particular application to home rule cities....The domain of Dillon’s Rule is thus now limited to . . . smaller localities” (“Reviewing and Revising Dillon’s Rule” by Gary T. Schwartz, *ChicagoKent Law Review*, Vol. 67:1025, 1026).

Modern efforts to abandon the rule’s strict construction interpretation follow one of two methods for delegating home rule authority to municipalities. They are constitutional provisions or acts of the legislature. Still, litigation in this area “has been, at times, inconsistent and contrary to the plain language of the constitution” (“City of New Orleans v. Board of Commissioners: The Louisiana Supreme Court Frees New Orleans from the Shackles of Dillon’s Rule,” by G. Roth Kehoe II, 69 *Tulane Law Review* 809). Home rule efforts throughout the country have focused on overcoming Dillon’s Rule and transferring power to local governments. But, some state courts continue to take a restrictive view of both constitutional and legislative home rule grants thus adhering to Dillon’s Rule.

MMJ:pa

PART II: CHARTER REVISION COMMISSION SAMPLE DOCUMENTS

TOWN OF NEW CANAAN: CHARTER REVISION PROCESS (2015-2016)

August 19, 2015: Town Council votes to approve the establishment of a Charter Revision Commission:

Charter Review - Mr. Engel joined the meeting at this point. Ms. Young presented a request to approve the establishment of a Charter Revision Commission. She outlined the revision process from the formation of the Committee through the November 2016 election ballot to approve recommended revisions.

After some questions and discussion, Ms. Young made the motion, seconded by Mr. Campbell, to approve the request as presented. The motion was approved unanimously.

(Excerpt from Town Council Minutes, August 19, 2015)

September 16, 2015: Town Council Approves Charter Revision Commission Members recommended by the Bylaws & Ordinance Committee. The following memo was submitted to the Council.

September 16, 2015

To: Town Council

From: Steve Karl, Chair, By-laws and Ordinances Committee
Penny Young, Chair Sub-committee on Charter Revision

Subject: Recommended members of the Charter Revision Commission

At our August 19th meeting, the Town Council voted to form a Charter Revision Commission. By State Statute we have 30 days to form the Commission. Recommendations were submitted by the Board of Selectmen, Town Council, Republican Town Committee, Democratic Town Committee, and following newspaper coverage several individuals expressed interest.

Some 40 names were submitted to the Republican Caucus of the Town Council and the DTC. Consideration was given to expressed interest, experience, critical/objective thinking skills, party balance, etc.

Below are the recommended individuals to form the 10-person Charter Revision Commission.

Republican

John Hetherington
Dave Hunt
Kate Hurlock
Russ Kimes
Rich Townsend
Penny Young

Democrat

Kathleen Corbet
Kit Devereaux
Mike Franco
Sally Hines

he First Selectman ~~Rob Mallozzi~~ will sit ex officio.

Upon a vote by the Town Council approving the recommendations at our meeting this evening, the Commission will convene and schedule a date within 30 days to hold a public hearing. At this meeting, members of the public will be requested to submit their recommendations of topics for the Commission to consider.

The Commission is charged with reviewing the Charter and determining what sections may need/may not need revising. Over the past 5 years various topics have surfaced which might be considered by the Commission. Though they are under no obligation to consider the topics, they will serve as a starting point to aid discussion. The Town Council does have the ability to identify a/some topics which the Commission would be obligated to consider. One such topic which was recently researched and crossed off the list would be the requirement of the Town to advertise public notices in local newspapers, but as it turns out that is actually a State mandated practice.)

A draft document should be submitted to the Town Council by ??? *20* April 15, 2016. The Town Council will review the recommendations, hold a public hearing, and either send back to the Commission with recommended changes or approve. The goal is to have any proposed changes put forth to the electorate at the November 2016 election.

September 30, 2015: First Meeting of Charter Revision Commission

Swearing In of Commission Members – Town Clerk Claudia Weber welcomed the 10 individuals who had been approved by the Town Council to serve on the New Canaan Charter Revision Commission. She then led the process to swear-in Kathleen Corbet, Kit Devereaux, Michael Franco, John Hetherington, Sally Hines, David Hunt, Kate Hurlock, Russ Kimes, Richard Townsend and Penny Young as Commissioners.

Once the Commissioners were seated, Ms. Weber then reviewed the materials provided to each – including notice of the Code of Ethics; required acknowledgement and signing by each member; statement of Disclosure of Interest; summary of Freedom of Information (FOI) Requirements; and, an overview of the FOI Act from Shipman & Goodwin, LLP

Introductions and Commission Objectives – Steve Karl and Penny Young, Town Council co-chairs of the Charter Review sub-committee, led a discussion of the history and objectives of the former and current Charter Revision Commissions. Mr. Karl extended his thanks to the Commissioners for volunteering their time to this important endeavor. Mr. Karl and Ms. Young then described the likely timing required for review and recommendations for maintaining and/or revising articles of the Charter. The last changes made to the Charter were approved by the former Charter Revision Commission, the Town Council and by the electors in 2005. The current Commission will be seeking input from representatives of every council, commission and board as well as from citizens providing input at Public Hearings or in writing. The Commission intends to have its final recommendations available to the Town Council for their review and approval in time for the electors' vote by November 2016.

Election of Chairman – The next order of business was the election of the Charter Revision Commission chair. Penny Young made a motion to elect John Hetherington as chairman and Mike Franco seconded the motion. The motion was unanimously approved, with Mr. Hetherington abstaining.

Calendar meeting dates/times – Within thirty days of the Town Council vote to approve the members of the Charter Revision Commission, the Commission is required to hold its first Public Hearing to solicit input from the Town’s citizens regarding any issues covered by the Town Charter. Date availability was solicited prior to the first meeting with one date – October 21st – offering the opportunity for nine out of ten commissioners to be present. Kathleen Corbet then made a motion, seconded by Dave Hunt, to hold the Public Hearing on Wednesday, October 21, 2015 from 5:30 to 7:00 pm at the Town Hall Meeting Room. The motion carried unanimously.

The Commission has been asked to submit its first draft of Charter revisions, if any, to the Town Council by April 20, 2016. Ms. Young mentioned that the optimal goal is to have the final recommendations of revisions available for a vote by the electorate by election day in November 2016. The commission then discussed frequency, time and location of its meetings and reached consensus on: holding bi-monthly meetings on the first and third Wednesdays of every month through September 2016; meeting start time at 5:30 pm; location - Town Hall Meeting Room. Date availability will be confirmed with Commissioners via a “Doodle” calendar. Ms. Corbet will check on location availability with the First Selectman’s office and then post the dates, time and location with the Town Clerk and Town website.

Other business – The Commission then discussed the potential need for outside counsel; team or sub-committee meetings; public information for public record; dissemination of red-lined copy of previous Charter changes in 2004-2005; and a request for the review of previous Commission rules. It was also recommended that the Commissioners be assigned a Town email address whereby all correspondence would be received and sent.

Adjournment – There being no further business, Mr. Hetherington called for a motion to adjourn, moved by Mr. Hunt and seconded by Ms. Corbet. With all in favor, the meeting was adjourned at 8:15 P.M.

DRAFT REVISED CHARTER OF THE TOWN OF NEW CANAAN (2016)



FINAL REPORT OF THE CHARTER REVISION COMMISSION TOWN OF NEW CANAAN

DRAFT Approved and Submitted by the Commission April 19, 2016

FINAL Approved and Submitted by the Commission July 14, 2016

FINAL Approved by the New Canaan Town Council July 20, 2016

**Published as Required by Statute
For the Education and Benefit of Residents
Prior to the November 8, 2016 Referendum Vote**

COMMISSIONERS

David L. Hunt, Chairman

Kathleen A. Corbet

Kit Devereaux

Michael J. Franco

Sally T. Hines

Kate Hurlock

Russell Kimes

Richard Townsend

Penny Young

Ira W. Bloom, Commission Counsel

**Peter Gelderman, Commission Counsel Berchem, Moses &
Devlin, P.C.**

FINAL REPORT Of The Town of New Canaan Charter Revision Commission

July 14, 2016

The Charter Revision Commission (the “Commission”) of the Town of New Canaan (the “Town”) respectfully submits and is pleased to present its Final Report to the Town Council as required by Connecticut General Statutes (the “Statutes”) on July 14, 2016. In this Final Report, the Commission is providing 1) an historical context of the Town Charter; 2) the Commission’s structure, objectives and review process; and 3) its final recommendations for Charter revision.

The New Canaan Town Charter

Under an Act Consolidating the Town and Borough of New Canaan enacted by the Connecticut General Assembly in 1935, the basis of the current New Canaan Town Charter (the “Charter”) was established. The act took effect upon approval by the electors in October 1935. Over the passage of time, amendments to the Charter have been approved by the electorate and adopted, most recently in November 2005.

Consistent with other Connecticut municipalities, the Charter outlines the foundation of municipal government with respect to elected and appointed Town officials and governing boards and commissions, representing leadership, legislative governance, education, elections, finance, health, parks and recreation, planning and zoning, public safety, public works and taxing, among others.

All official matters of operations of the Town not specifically addressed by the Charter or Town Ordinances are governed by Connecticut General Statutes and any Special Acts, as applicable.

The Charter Revision Commission

The Charter Revision Commission was established on August 19, 2015 by a unanimous vote of the Town Council. The individual members of the Commission – five Republicans and four Democrats all serving as volunteers – were reviewed and approved by the Town Council on September 16, 2015 and sworn in by the Town Clerk on September 30, 2015. The members include:

David L. Hunt, Chairman

Kathleen A. Corbet	Kate Hurlock
Kit Devereaux	Russell Kimes
Michael J. Franco	Richard Townsend
Sally Hines	Penny Young

John Hetherington, initially appointed as a Commissioner and elected Chair, resigned from the Commission on January 20, 2016 due to the press of private business matters. David Hunt was then elected by the Commission to serve as Chair.

Commission Duties and Process

The role of the Commission is to thoroughly **review** each article, section and provision of the Charter and to **consider** and **recommend** either a) maintaining the current description and elements of an article, or b) potential revisions which add, delete, update or clarify articles.

The Commission's process – which is governed by State statutes – operated under a framework of three primary objectives in preparation for its report to the Town Council.

1. The Commission's **research and review process** consisted of a thorough review of the current Charter and the changes that had been recommended by the former Charter Revision Commission and approved by the Town Council and the electorate in 2005. Study team groups of two commissioners each reached out to over 85 individuals representing current and most recent past members of Town governing bodies, Town employees and citizens. The outreach included engagement in interviews and information exchanges (see Appendix – Exhibit I).

The Commissioners also researched other municipal charters and trends in changes implemented by other towns within Fairfield County and in Connecticut, generally. These reviews included examining such matters as the length of terms, limits on terms, as well as the process of election or appointment of Town officials.

2. As part of the Commission's **discussion and analysis process**, due consideration was given to ensure good governance; proper checks and balances of power; the avoidance of potential conflicts of interest; and, the institution of modern day best practices – and were added to, or reinforced within, the Charter. The Commission's discussion was specific to the current and future roles of Town officials and governing bodies – *not* to any individuals currently in those roles.

Throughout the discussion and analysis process, the Commission met for 14 full meetings to discuss the results and to determine those areas of the Charter which the Commission recommends to be amended or clarified, as well as those areas it believes should remain as at present. The Commission meetings were properly noticed, open to the public and had time on

each Agenda for public commentary. As required under the Statutes, Public Hearings were held on October 21, 2015 before the Commission commenced its work, and on April 13, 2016, following which the Commission met to consider any changes to the Draft Report before submitting such report to the Town Council.

The Town Council then conducted its own review and held two Public Hearings on May 18, 2016 and June 1, 2016. On June 15, 2016, the Town Council passed a Resolution in accordance with Chapter 99 of the Connecticut General Statutes and made recommendations to the Charter Revision Commission for further modifications to the Charter, including the addition of the Conservation Commission; word modification to the proposed wording in the Fire Commission section of the Charter; and, a clarification to the definition of Publication. **See Exhibit III for the Town Council Resolution.**

3. The Commission's ***votes and recommendations process*** was based on the culmination of thorough information gathering (under the research and review process) and debate over each Charter article – weighing the pros and cons, the potential for unintended consequences, the variety of opinions and the view that the Commission should do what is right rather than what is convenient.

Accordingly, the Final Report addresses the Commission's recommendations for all articles within the Charter, including: a) articles which have been reviewed and the decision has been made not to make any changes or recommendation; b) articles where changes are recommended which may require a specific ballot vote; c) additions and/or amendments to articles which are already addressed in Town Ordinances and are recommended to be brought up-to-date in the Charter; and d) additions, deletions and amendments that are meant to clarify, update and/or define articles and provisions but do not represent substantive changes.

The Commission held its final review and discussion on July 12, 2016 before submitting this Final Report to the Town Council.

Report Structure and Potential Referendum

The Commission's Review and Recommendations for the Charter are presented in two sections. **Section 1** addresses research and recommendations of **Major Considerations, Revisions and Additions** of Charter articles. **Section 2** represents recommendations of **Minor Revisions, Clarifications, References and Definitions**. Article provisions which are not listed indicate that no changes are recommended.

Each section lists the recommendations with a brief description and the specific reference to the Charter Section to which they apply. A draft of the proposed revised Charter, red-lined to show the current language and the recommended changes, as applicable, is found in Exhibit II.

As required by State Statutes, the Town Council held two Public Hearings on May 18, 2016 and June 1, 2016 to review the Charter Revision Commission's proposed changes and will ultimately consider which changes, if any, will be posted to the ballot and subject to a vote by the electorate on November 8, 2016.

With respect to the November referendum, the Commission recommends that the proposed Charter changes be considered in five ballot measures. Subject to approval by the Town Council, the electorate may consider five items in five individual votes. The first four recommendations are further detailed in Section 1 and the last item covers all changes highlighted in Section 2.

1. **To approve** the opportunity to vote for up to six Town Council members instead of only four during each biennial election.
2. **To be consistent with the Town Charter provisions** for the Town Council and all boards, commissions and committees, the Board of Finance members shall be electors but no longer required to be real estate taxpayers.
3. **To allow** the Board of Finance members to vote annually for a chairman from among its regular members, not including the First Selectman who will remain as an ex officio member.
4. **To update** the Town Charter by adding articles and provisions including the Audit Committee, Conservation Commission, Health and Human Services Commission, Inland Wetlands Commission, Ethics Board and Town Attorney, which are consistent with existing Town ordinances and operations.
5. **To amend** the Town Charter to reflect technical and conforming changes which clarify definitions, delete outdated references no longer applicable and update provisions to current practice.

The Commission reached consensus that having five ballot items was preferable to combining all of the proposed revisions into a single ballot measure and thus only one vote. Ultimately, the final decision regarding the details of a referendum will be made by the Town Council as the appointing authority for the Charter Revision Commission. Should the Town Council seek additional information or Charter recommendations, the Commission stands ready to receive the Town Council's requests and feedback. Following the Town Council's resolution and vote on its recommendations to the Charter Revision Commission on June 15, 2016, the Commission has been engaged in further review and is now prepared to issue this Final Report.

Appreciation

The Commission would like to thank **all** of the Town officials, management and current and former members of the Town Council, boards, commissions and committees who provided invaluable input into data research, analysis and issue considerations undertaken by the Commission.

We are sincerely grateful to the First Selectman, Board of Selectmen, Town Council, Board of Finance and Board of Education, the Town Clerk, Town Treasurer and the Audit Committee Chair for their unwavering support for the broad perspective and independence of the Charter Revision Commission.

We would also like to express our kind thanks Karen Birck for her administrative services with respect to the Commission minutes and postings and to Ira Bloom and Peter Gelderman, attorneys at Berchem, Moses & Devlin for their counsel throughout the Charter Revision process.

Most especially, we are greatly appreciative of the input and ongoing constructive dialogue and debate from our community regarding the current status of, and recommended revisions to, the Town Charter.

Section 1: Major Considerations, Revisions and Additions

The Charter Revision Commission researched, discussed and ultimately voted or reached consensus on 20 Articles and over 160 provisions in the Charter. Provided below is a synopsis of the major issues – organized by Article number – and the Commission’s recommendations.

Article	Provision	Current Charter	Commission Proposal
Article III – The First Selectman and the Board of Selectmen No Referendum Ballot Vote Required	i. Term Limits	No term limits	No change
	ii. Term of Office	Two years per term	No change
	iii. Number of Selectmen on Board	Three selectmen, including First Selectman	No change
	iv. Votes for losing candidates in First Selectman’s race may be counted for Selectmen’s race	No mention in Charter, subject to General Statutes	No change

Article IV – Town Council	Term Limits	No term limits	No change
	v. Term of Office vi. Number of votes elector may cast at each election for Town Council members Proposed Referendum Ballot Vote #1	Four years per term No more than four members to serve for the same term.	No change Provide that voters may vote for up to six candidates for Town Council for the six seats available. All political party nominations shall be made in accordance with statutory requirements of the State of CT. Minority representation requirements of General Statutes shall apply. See §C4-3 in redlined Charter.

Article	Provision	Current Charter	Commission Proposal
Article V – Board of Finance, Financial Procedures, Taxes, Audit Committee	viii. Term Limits	No term limits	No change
	Term of Office	Four years per term	No change
	ix. Appointed or elected members of Board of Finance	Eight regular members and three alternate members are appointed	No change
	x. Qualifications of members	Regular and alternate members shall be electors and taxpayers	Regular and alternate members shall be electors. Requirement to be taxpayers is eliminated. See §C5-1 in redlined Charter.
	Proposed Referendum Ballot Vote #2 xii. Officers and organization Proposed Referendum Ballot Vote #3	The First Selectman shall be an ex officio member of the Board of Finance and its Chairman and shall have no vote except in the case of a tie.	The First Selectman shall be an ex officio member of the Board of Finance and shall have no vote except in the case of a tie. The Board shall annually elect a Chairman. The First Selectman shall not serve as Chairman or Secretary. See §C5-3 in redlined Charter.

	<p>xiii. Addition of Audit Committee provision – which codifies existing establishment as covered by Town Ordinance, Ch. 62</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	Not in current Charter	Add Audit Committee in Article V Title; Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C5-26 through §C5-29 in redlined Charter.
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Article	Provision	Current Charter	Commission Proposal
Article IX – Health and Human Services Commission	<p>xiv. Addition of Health and Human Services Commission article – which codifies existing establishment as covered by Town Ordinance, Chapter 28.</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	Not in current Charter	Add Health and Human Services Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C9-1 through §C9-4 in redlined Charter.

Article X – Inland Wetlands Commission	<p>xv. Addition of Inland Wetlands Commission article – which codifies existing establishment as defined by Town Ordinance, Chapter 33A-3.</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add Inland Wetlands Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, records and quorums; Powers and duties; Inland Wetlands Regulations to remain in effect; Alternate members. See §C101 through §C10-6 in redlined Charter.</p>
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Article	Provision	Current Charter	Commission Proposal
Article XI – Conservation Commission	<p>xvi. Addition of Conservation Commission article – which codifies existing establishment as defined by Town Ordinance, Chapter 11A</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	Not in current Charter	Add Conservation Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C11-1 through §C11-4 in redlined Charter.
Article XIV – Town Employees and Personnel Advisory Board	<p>xvii. Revise Personnel Advisory Board to rename to Ethics Board; increase size to five members and add additional powers and duties. Expected to be consistent with proposed Town Ordinance</p> <p>Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.</p>	Personnel Advisory Board addresses employee grievances and renders advisory opinions and interpretations as to conflicts of interest. Currently at three members	Amend Personnel Advisory Board and rename to Ethics Board; increase membership from three to five members; appointed by Selectmen and confirmed by Town Council; powers and duties to include review and recommend modifications to Code of Ethics and Ethics Board Ordinance (new); receive, review and address complaints of alleged violations (new); hear nonunion employee (excludes BOE) grievance appeals (exists); and render advisory opinions regarding Code of Ethics (exists). See §C14-1 through §C14-8 in redlined Charter.

Article	Provision	Current Charter	Commission Proposal
Article XVIII – Town Attorney	xviii. Addition of Town Attorney article Proposed Referendum Ballot Vote #4 – combined with other additional boards, commissions and committees.	Not in current Charter	Add article of Town Attorney who shall be an attorney at law; appointed by the Board of Selectmen; shall be the legal advisor for the Town. See §C18-1 in redlined Charter.
Article XIX – Town Clerk No Referendum Ballot Vote Required	xix. Term Limits xx. Term of office xxi. Appointed or elected	No term limits Two years, prescribed by the General Statutes The Town Clerk is elected	No change No change No change
Articles II, V, X and XVII – Town Treasurer No Referendum Ballot Vote Required	xxii. Term Limits xxiii. Term of office xxiv. Appointed or elected	No term limits Two years The Town Treasurer is elected	No change No change No change

Section 2 – Minor Revisions, Clarifications, References and Definitions Note that provisions not listed under each article indicate that no changes are proposed.

Article	Provision	Proposed Revision, Addition or Deletion
Article I – General Provisions	§C1-2 §C1-3 §C1-4	Several definitions are clarified including as to grammar or gender. The definitions of “Mailed” and “Taxpayer(s)” were deleted as no longer reflected in Charter. Added definition of General Statutes. Redefine “Publish” to provide for publication in any media consistent with the General Statutes of the State of Connecticut. The Statute presently requires newspaper publication, and this change allows for the use of widespread dissemination by electronic means to Town residents , if and when allowed by State statutes.
Article II – Town Officers and Membership of the Town Council, Boards, Commissions and Committees	§C2-1 §C2-2 §C2-3 §C2-11 §C2-14	Reference to the Agent of the Town Deposit fund was deleted. A sentence defining the powers and duties of the Town Treasurer was added. Reference to the election of the Registrars of Voters on even-numbered years was added. Specific Minority Representation Statute reference was added. Delete the phrase “by resolution”. Capitalized Town Code of Ethics
Article III – The First Selectmen and Board of Selectmen	§C3-1 §C3-2 §C3-8 §C3-11	Clarify that the first selectman is the “chief” administrative officer (also §C1-2). Changed “state statutes” to General Statutes Deleted reference to “stenographic” Replace “Town Health Officer” with “Director of Health.”
Article IV – The Town Council		No minor revisions proposed

Article	Provision	Proposed Revision, Addition or Deletion
Article V – Board of Finance, Financial Procedures, Taxes, Audit Committee	Title	Retitled to include the Audit Committee.
	§C5-1	Modify the provision relating to the prohibition against certain state government service.
	§C5-2	Reinforce that Board of Finance members are subject to Town Council confirmation by seven members of the Town Council.
	§C5-7	Clarify that Board of Finance Chairman shall preside and vote when present.
	§C5-5	Clarifies quorum represents five members
	§C5-7	Delete reference to consultation with the Planning and Zoning Commission. Clarify that only library employees hired before January 1, 2011 are covered by the Town Pension Plan.
	§C5-8	Delete the words “in full” from the description of what must be published by the Board of Finance in its budget recommendations. Require Board of Finance to specify source of funds for certain appropriations.
	§C5-10	Clarify that the prohibition on engaging in business in the town is limited to situations that could create a conflict of interest under the Town Code of Ethics.
	§C5-12	Delete the modifying phrase “Revision of 1958” referring to the Connecticut General Statutes.
	§C5-19	Replace the \$20,000 limit with a reference to the limits set by the General Statutes.
	§C5-21	
	§C5-33	
Article VI – Assessor; Assessing Procedures; Board of Assessment Appeals	§C6-1	Clarifies that the Assessor shall not hold office or engage in business that could create a conflict of interest.
	§C6-7	Conforming change to the publication language as defined in §C1-2
Article VII – Board of Education	§ C7-1	Delete the phrase “as constituted at the time this Charter shall take effect” as unnecessary
Article VIII – Fire Commission	§C8-4	Modernize text to conform to current conditions and practices
Article IX – Health and Human Services Commission	§C9-1 to §C9-4	No further revisions proposed

Article X – Inland Wetlands Commission	§C10-1 to §C10-6	No further revisions proposed
Article XI – Conservation Commission	§C11-1 to §C11-4	No further revisions proposed

Article	Provision	Proposed Revision, Addition or Deletion
Article XII – Parks and Recreation Commission	Title	Re-titled to be Parks (plural) and Recreation Commission
	§C12-3	Provide for election of a Chairman pro tempore when the Chairman is absent.
	§C12-4	Modify powers and duties to indicate the Commission works in conjunction with the Town Recreation Department, and evaluates the maintenance of parks, rather than supervising it.
	§C12-9	Include a reference to working with nonprofit groups for the improvement of Town park property.
Article XIII – Parking Commission	§C13-4	Provide for election of a Chairman pro tempore when the Chairman is absent.
	§C13-5	Delete the word “surplus” in item (4) and add a duty to hear parking citation appeals if authorized by ordinance.
Article XIV – Town Employees and Personnel Advisory Board	§C14-1 to §C14-8	No further revisions proposed
Article XV – Police Commission	§C15-1 to §C15-5	No minor revisions proposed
Article XVI – Planning and Zoning Commission	§ C16-1	Remove reference that allows First Selectman to break a tie vote. Provide
	§ C16-3	for election of a Chairman pro tempore when the Chairman is absent.
Article XVII – Public Works Department	§C17-3	Clarify that the Town Engineer reports to the Director of Public Works.
Article XVIII – Town Attorney	§C18-1	No further revisions proposed
Article XIX – Town Clerk	§C19-2	Clarify that the Town Council sets the Town Clerk’s salary pursuant to the General Statutes.
Article XX – Zoning Board of Appeals	§C20-1 to §C20-5	No minor revisions proposed
Article XXI – Miscellaneous Provisions	§C21-10	Adds a provision that the Town Council shall consider Periodic Charter Review no less frequently than every 10 years.
	§C21-2,4,6,9,11	Indicate the new effective date of the Charter and amend dates to change from 2005 to 2016.

Appendix

Exhibit I: Individuals and Groups Providing Input to Study Group Teams and Full Commission

The Commission is grateful to all individuals and groups who provided their input and perspective on the Town Charter. It should be noted that a limited number of individuals had no comments regarding the Charter, when asked.

Abramowitz, Roy	Resident
Aguirre-Ross, Cristina	Town Council and former Park and Recreation Commission
Annunziato, Lewis	Former Chair Town Council
Appel, Sangeeta	Board of Education
Baldwin, Colleen	Board of Finance
Bedula, Alison	Former Board of Education
Benko, Steve	Director of Recreation
Blauvelt, George	Board of Finance
Boeschenstein, Steve	Board of Finance
Bond, Lyn	Director of Lapham Community Center
Brooks, Andrew	Town Treasurer
Budnick, Neil	Board of Finance
Caldarella, Sebastian	Assessor
Campbell, Ken	Town Council
Campbell, Sally	Chair Park and Recreation Commission
Carlson, Dionna	Chair Board of Education
Carroll, Amy	Board of Finance
Charneski, Jennifer	Director of the Budget
Cody, George	Registrar of Voters
Cody, Mary Davis	Former Board of Finance
Corbet, Kathleen	Town Council and former Board of Finance
Cronin, Tom	Board of Education
Devereaux, Kit	Former Town Council and former Board of Finance
DeWaele, Mark	Former Chair Town Council

DiPanni, Rosanna	Tax Collector
Dunn, Judy	Chair Health & Human Services Commission
Eielson, Jen	Director Environmental Health
Emergency Medical Services Commission	Emergency Medical Services Commission
Emert, John	Former Town Council and Board of Finance
Engel, John	Town Council
Englund, Sven	Town Council and former Fire Commission
Ethridge, Greg	Resident
Foley, Paul	Police Commission and former Town Council
Goodman, Gene	Former Board of Education
Goodwin, John	Chair P&Z Commission
Gress, Scott	Former Board of Education
Hamill, Bob	Former Town Council
Hayes, Brendan	Board of Education
Himmel, Jane	Former DTC Chair
Hobbs, Hazel	Board of Education
Hobbs, Scott	Chair Housing Authority
Holland, Kathleen	Director of Inland Wetlands & Watercourses
Horan, Robert	Tree Warden
Horner, Jack	Chair Fire Commission
Howe, John	Director of Parks
Hussey, Chris	Former Town Council
Hutchins, Cameron	Chair Conservation Commission
Jones, Beth	Selectman
Jones, Cheryl	Director of Human Resources
Kaiser, Chris	Director of Information Technology
Kanter, John	Board of Finance
Karl, Steve	Town Council
Kenin, Christa	Town Council
Kleppin, Steve	Town Planner/Sr. Enforcement Officer

Kucharczyk, Jim	Town Council, former Board of Finance and Education
Lauver, Heather	Member Conservation Commission
League of Women Voters	Various Members
LeBris, Chris	Board of Finance
Luizzi, Bryan	Superintendent of Schools
Mallozzi, Rob	First Selectman
McDonald, Carol	Director Health & Human Services
Moynihan, Kevin	Town Council
Murphy, Tucker	Former Town Council and former Board of Education
Naughton, Maria	Board of Education
Neville, Judy	Board of Finance and former First Selectman
New Canaan Advertiser	Participants in Friday Coffee Hour
Norton, Dawn	Chief Financial Officer
Nowacki, Michael	Resident
O'Dea, Tom	CT State Representative and former Town Council
Paladino, Joe	Town Council
Parking Commission	Parking Commission
Parrett, Bill	Chair Audit Committee
Pastore, Mike	Director of Public Works
Police Commission	Police Commission
Rashin, Penny	Board of Education
Richardson, Jennifer	Board of Education
Richey, Keith	Chair of Parking Commission
Schulte, Tom	Board of Finance
Sessions, Bill	Chair Personnel Advisory Board
Sheffield, John	Board of Finance
Smith, Kerry	Fire Commission
Spangler, Robert	Board of Finance
Spring, Terry Cody	Resident
Stadler, Tom	Administrative Officer

Stephanek, Dan	Chair Inland Wetlands Commission
Sweitzer, Susan	Conservation Commission
Tesluk, Tom	Chair Utilities Commission
Walbert, Bill	Chair Town Council
Walker, Jeb	Former First Selectman
Weber, Claudia	Town Clerk
West, Sheri	Board of Education
Williams, Nick	Selectman
Williams, Roger	Former Town Council
Yanicelli, Carroll	Chair Zoning Board of Appeals

Exhibit II – Redlined Version of Proposed Charter follows.

DRAFT OF PROPOSED CHARTER

UPDATED JULY 12, 2016

Chapter 1

CHARTER

[HISTORY: Approved by the Charter Revision Commission of the Town of New Canaan ~~7-12-2016-272005~~; approved by the Town Council ~~x-xx-20167-13-2005~~; approved by the electors 11-~~8xx-201605~~, effective 11-~~xx9-201605~~. Amendments noted where applicable.]

Article I

General Provisions §

C1-1 Title.

This instrument, amending the Charter of the Town of New Canaan, shall be known as the "Charter." §

C1-2 Definitions.

In the interpretation of the Charter, the words and phrases set forth in this section shall be construed and defined, unless otherwise clearly qualified by their context, as follows:

BYLAW, BYLAWS

Rule or rules for the government of officers, boards, commissions or committees of the Town.

ELECTOR

A resident of the Town of New Canaan qualified by law to vote in a Town election.

FIRST SELECTMAN

The chief executive and chief administrative officer of the Town elected to said office in accordance with the state statutes.

GENERAL STATUTES

The Connecticut General Statutes, as amended.

GRAND LIST

The list of the assessed values of taxable property in the Town ~~of New Canaan~~, and including the list of the assessed values of taxable property in the sewer taxing district.

HIGHWAY

Any public road, street, way, etc., including unimproved portions within the limits of the right-of-way.

~~MAILED~~

~~The deposit in the United States post office in the Town, or in any official United States postal box in the Town, of the matter to be mailed, enclosed in a postpaid envelope addressed to the last known post office address of the addressee~~

OFFICE OF TRUST OR EMOLUMENT

Any appointed or elected office for which an oath of office is administered or a salary, wages, or fees are paid, including Town employees and Town officers described in § C2-1.

ORDINANCE, ORDINANCES

Rule or rules and regulations or local laws enacted by the Town's legislative body and affecting or regulating the general public within the Town.

PUBLISH, PUBLISHED or PUBLICATION

~~Publication in a newspaper having a substantial circulation in the Town, provided that legal notices shall be published at least once in a newspaper published in the Town, if there be such a newspaper. Publication shall be consistent with the governing General Statutes, as amended from time to time. If required by the General Statutes, publication shall be in a newspaper having a substantial circulation in the Town. If not required by the General Statutes, the Town may enact an ordinance providing for publication by any legal means, or in any legal manner, that provides for widespread dissemination by electronic means to Town residents. accessibility, including, but not limited to, publication on the Town website.~~

SELECTMEN

The Board of Selectmen of the Town, consisting of three elected members and including the First Selectman.

SEWER TAXING DISTRICT

That real property in the Town so situated that it is served or is capable of being served by the sewerage system of the Town, the boundaries of which have been established or delineated by the Town.

~~TAXPAYER, TAXPAYERS~~

~~When used to describe a qualification for public office, the owner or owners of real property assessed therefor upon the last completed Grand List or the husband or wife legal spouse of such owner of real property.~~

TOWN

The Town of New Canaan, Connecticut.

TOWN COUNCIL

The legislative body of the Town having the legislative powers provided in the Charter or the General Statutes.

TOWN SEAL

The common seal of the Town.

WARNING

A statement prescribed by the Charter or by the General Statutes giving notice of the date, hour, place, as well as the purpose of any event, meeting or public hearing of the Town Council or of any official, board, commission or committee of the Town.

§ C1 3 General powers of Town.

The Town shall retain and may exercise every power and privilege possessed by it at the time this Charter shall take effect and all powers and privileges granted to towns by the General Statutes not inconsistent herewith. The enumeration hereinafter of specific powers shall not be construed as limiting the powers heretofore possessed or herein confirmed and granted. The Town shall have the power:

- (1) To lay out, establish, accept, maintain or discontinue public streets, highways and other public places, establish the boundaries and fix the grades thereof, and to adopt and enforce rules and regulations governing the opening of such streets, highways and public places for the purpose of laying water mains, electric conduits, sewers and gas mains or for making any connections therewith or for any other purpose.
- (2) To establish sidewalks, determine the width and materials thereof and to fix grades therefor and to establish building and curblines.
- (3) To provide for the lighting of streets, highways and other public places.
- (4) To adopt and enforce police regulations concerning traffic upon and other use of the streets, highways and other public places.
- (5) To establish and maintain a system or systems of public sewerage and to adopt and enforce rules and regulations governing the operation and use thereof; to establish and maintain a public system or systems for the collection and disposal, or either of them, of garbage and refuse and to adopt and enforce rules and regulations governing the operation and use of any such system and the collection and disposal of garbage and refuse by individuals, firms or corporations.
- (6) To provide and maintain a system of public water supply and distribution for domestic, business and industrial use, and for fire protection.
- (7) To establish and maintain a police force; to establish and provide for and maintain an adequate system of fire protection and to adopt and enforce rules and regulations governing the same.
- (8) To establish a retirement and pension system or systems for members of the police force and fire department, and to provide for a retirement payment or pension to any paid or salaried officer or employee of the Town upon his or her retirement.
- (9) To adopt and enforce rules and regulations governing the design, construction and use of buildings and all electrical, gas, heating and plumbing installations.
- (10) To adopt and enforce sanitary rules and regulations.
- (11) To take private property for public use upon paying just compensation therefor.
- (12) To levy, assess and collect taxes to pay the Town debt, defray its lawful expenses and to promote its general welfare.
- (13) To make and collect assessments upon property receiving the benefit of special improvements and to award damages in proper cases by reason of any public improvement, provided such

assessments or awards of damage shall be levied or awarded equally upon all property similarly situated, benefited or affected.

- (14) To lay and collect a sewer tax upon all property receiving the benefit of any public sewer, whether such property is connected therewith or not, provided such tax shall be levied equally upon all property similarly situated or benefited, such tax to be so computed and laid as to provide a revenue sufficient to meet the cost of maintaining the public sewerage system or systems and to pay the interest on all outstanding sewer or filtration bonds heretofore issued or hereafter issued by the Town to meet sinking fund requirements sufficient to pay the principal of such bonds at their maturity, provided the Town may, in the manner hereinafter prescribed, provide for the payment of the interest and principal of such bonds or any part thereof in the general tax levy upon the property of the entire Town.
- (15) To establish separate or special taxing districts, define their purposes and fix and alter their boundaries as hereinafter provided.
- (16) To borrow money and give security therefor, subject to the restrictions and limitations imposed by law.
- (17) To make and enforce all bylaws and ordinances, not inconsistent with law, which may be necessary or proper to carry into execution the foregoing powers or any of them and all other powers which may be hereafter vested in the Town.

§ C1-4 Additional boards, commissions or agencies.

The Town Council shall have the authority to establish, by ordinance, additional boards, commissions, ~~or~~ agencies which are required by the General Statutes, or which are specifically allowed by the General Statutes, or which the Town Council deems advisable or necessary to carry out any municipal powers, duties or responsibilities under the General Statutes. All such officers, departments, boards, commissions ~~or~~ agencies shall be elected, appointed and organized in the manner provided by the General Statutes, except as otherwise provided by the Charter or by ordinances or resolutions adopted pursuant to the Charter. The Town Council may, by ordinance, alter the method of election, appointment or organization of any or all such additional boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the state Constitution or the General Statutes.

Article II

Town Officers and Membership of the Town Council, Boards, Commissions and Committees §

C2-1 Town officers.

The Town officers shall be three Selectmen, a Treasurer ~~and Agent of the Town Deposit Fund~~, two Registrars of Voters, a Town Clerk and 12 members of the Town Council, all of whom shall be elected at the biennial Town elections, together with an Assessor, a Tax Collector and the members of each of the various Town boards, commissions and committees of the Town. Provisions in this Charter prohibiting any Town officer from holding any other office of trust or emolument shall not be construed to prohibit service on committees of the Town government or on charter revision commissions or other extraordinary, ad-hoc commissions.

The Treasurer shall have and exercise the powers and duties conferred and imposed by law on town treasurers. The Treasurer shall exercise the functions of the agent of public funds.

§ C2-2 Date of biennial elections.

The biennial elections of the Town of New Canaan shall be held on the first Tuesday following the first Monday of November in the odd-numbered years, except that the election of Registrars of Voters shall be held in the even-numbered years.

§ C2-3 Minority representation.

There shall be a minority representation on all boards, commissions, committees or similar bodies, whether elective or appointive, in accordance with the General Statutes ~~s. §9-167a~~ § C2-4 Certain Town officers required to be electors of the Town.

Every elected Town officer, member of the Town Council and every member of any other board or commission shall be an elector of the Town, and if for any reason such person ceases to be an elector of the Town, he or she shall thereupon cease to hold office or to be such member and such office or membership shall be deemed vacant. Members of appointed committees need not be electors or residents of the Town.

§ C2-5 Manner of election of officers and appointment of board members.

This Charter shall not alter the manner of election nor the date thereof, nor the term of office of any elected officer of the Town, nor the method of appointment or term of office of any member of the Town Council or of any Town board, commission or committee, whether or not such manner of election, date thereof, term of office or method of appointment was established under any previous Charter or by any bylaw or ordinance of the Town unless the same shall be changed by the provisions of this Charter.

§ C2-6 Oath of office required.

Each elected or appointed officer or member of the Town Council or member of any board, commission or committee shall, before entering upon the performance of the duties as such officer or member, take the oath of office prescribed by law and file the same with the Town Clerk.

§ C2-7 Continuation in office of officers, Town Council members and board members.

Each duly qualified Town officer, member of the Town Council and member of other boards, commissions or committees of the Town in office on the effective date of this Charter shall continue in office until the expiration of the term for which he or she was elected or appointed and until his or her successor shall be appointed or elected and shall have qualified.

§ C2-8 Removal from office.

Any appointed officers or members of any appointed board, commission or committee may be removed for cause prior to the expiration of their respective terms by unanimous vote of the Board of Selectmen.

§ C2-9 Failure to attend meetings.

Failure of an appointed member to attend three successive meetings of his or her respective board, commission or committee, without adequate excuse, shall be a cause for removal by unanimous vote of the Board of Selectmen.

§ C2-10 Action by adjourned meetings to be effective.

Any action which might have been taken at any meeting of the Board of Selectmen, the Town Council or of any board, commission or committee on the date for which such meeting was duly called may be taken with the same force and effect at any adjourned meeting thereof.

§ C2 11 Requirements for meetings of boards, commissions and committees.

Each board, commission or committee shall hold such regular meetings as it shall, ~~by resolution,~~ determine and may hold such other meetings as are called by its Chairman or by its Secretary on the written request of any two members thereof. Notice for all regular, special, or emergency meetings shall be provided in accordance with the Freedom of Information Act.

§ C2-12 Procedure where lack of quorum.

Whenever any meeting of the Board of Selectmen, the Town Council or of a board, commission or committee shall have been duly called and no quorum shall be present, the First Selectman, in the case of the Board of Selectmen and the Chairman or Chairman pro tempore of the Town Council or of such board, commission or committee in other cases, may adjourn the meeting in accordance with the Freedom of Information Act. Unless otherwise provided by this Charter or General Statute, a majority of a board, commission or committee shall constitute a quorum.

§ C2-13 Time requirements for performance.

Whenever, by mistake or inadvertence, the Town Council, an officer, board, commission or committee shall omit to perform any act at or within a time required by this Charter, such act shall be performed as soon thereafter as may be practicable and such action so taken shall have the same force and effect as if performed at or within the time required by this Charter.

§ C2-14 Code of ~~E~~ethics for Town officers and employees, members of the Town Council, boards, commissions and committees.

There shall be an ordinance establishing a ~~Town Code of Ethics~~~~code of ethics~~ enacted by the Town Council setting forth standards of ethical conduct of all Town officers and employees, members of the Town Council and members of boards, commissions and committees of the Town.

Article III

The First Selectman and the Board of Selectmen §

C3-1 The First Selectman.

There shall be a First Selectman who shall be the chief executive and ~~chief~~ administrative officer and shall enforce the bylaws and ordinances of the Town and the laws of the state and shall have such powers and perform such duties as are not inconsistent with this Charter and as are imposed upon the office by the Charter, bylaws and the ordinances of the Town and the laws of the state.

§ C3-2 The Board of Selectmen.

There shall be a Board of Selectmen which shall have, retain and exercise the powers heretofore possessed by it, not inconsistent with this Charter or the ~~General Statutes~~~~state statutes~~, and, in addition thereto, it shall have such powers and perform such duties as the ordinances, bylaws or the law may prescribe.

§ C3-3 Duty to carry out provisions of Charter.

The Board of Selectmen shall do every act and perform every duty necessary to give effect to this Charter unless such act or duty is required of or delegated to some other officer, board, commission or committee or reserved to the Town Council for action thereon.

§ C3-4 Power to make certain appointments and fill certain vacancies.

The Board of Selectmen shall, at such times as are herein designated or as are designated by the bylaws or ordinances, appoint the required number of duly qualified persons to fill the membership of all boards, commissions or committees whose members are not elected. The Board of Selectmen shall fill for the unexpired portion of the terms, all vacancies occurring in offices, boards, commissions or committees to which the Board of Selectmen has the power of appointment; provided, however, that between the first Tuesday after the first Monday in November in odd-numbered years and the second Tuesday following the day of the municipal election in the odd-numbered years, the Board of Selectmen shall appoint no person to fill a vacancy on any board, commission or committee whose members are not elected, nor shall they fill the unexpired portions of terms where there are vacancies which have occurred or are occurring in offices, boards, commissions or committees as to which the Board of Selectmen has the power of appointment. Appointments to the Board of Finance are subject to confirmation by the Town Council as specified in § C4-8 and § C5-2.

§ C3-5 Power to fill vacancies in elective positions and manner of filling the same.

If a vacancy shall occur from any cause in any elective office or in the membership of any elective board, commission or committee, except the Town Council, the Board of Selectmen or the Board of Education, such vacancy shall be filled for the unexpired term at the next succeeding biennial Town election or at a special election held on the date of the next regular state election, whichever shall first occur; provided, however, that until such election such vacancy shall be filled by the Board of Selectmen. If any such vacancy shall occur between the first Tuesday after the first Monday in November in odd-numbered years, being the day of the municipal election, and the second Tuesday following the day of the municipal election in the odd-numbered years, such vacancies shall be filled only by the Board of Selectmen taking office on or after the second Tuesday following the day of the municipal election.

§ C3-6 Duties of purchasing agent for Town.

Except in the case of Board of Education, the Selectmen shall be the agency for the purchase of all goods and the contracting of all services required by the Town Council or by any elected or appointed board, commission, committee, officer and department of the Town and by any volunteer fire company receiving Town aid and all contracts for the purchase of such goods or services shall be awarded by the Selectmen in accordance with the sums appropriated for such purposes by the Town. Any specialized goods or services shall be purchased or contracted for in accordance with specifications relative thereto approved by the Town Council or by the board, commission, committee, officer, department or volunteer fire company making the requisition therefor.

§ C3-7 Authority to act as purchasing agent for Board of Education.

The Selectmen shall have the authority to act as purchasing agent for the Board of Education, but only to the extent and for the periods voted by the Board of Education, provided that the cost of all goods or services requisitioned by the Board of Education shall be charged against the appropriations under the control of the Board of Education.

§ C3-8 Secretarial assistance.

It shall be the duty of the Selectmen to furnish the Town Council and each board, commission, committee or department of the Town, except the Board of Education, upon request, with such ~~stenographic~~ assistance as may be required to provide complete and adequate minutes and to record the vote of the members upon all questions.

§ C3 9 Acceptance of public highways.

The Selectmen are empowered, without action by the Town Council, to accept as a public highway any street or highway situated in the Town which has been improved in accordance with the law and in accordance with any rule, regulation, bylaw or ordinance of the Town or of any board, commission or committee of the Town.

§ C3-10 Acceptance of road and drainage deeds.

The Selectmen are empowered, without action by the Town Council, to accept deeds to areas to be devoted to public highway purposes, to execute and deliver deeds to areas no longer needed for public highway purposes, to accept grants or easements on behalf of the Town for stormwater and public sanitary sewer lines and to release any such easements no longer needed for public purposes.

§ C3-11 Death, resignation or disability of members of Board of Selectmen.

A. Death or resignation. Upon the death of a member of the Board of Selectmen or upon the written resignation of a member of the Board of Selectmen directed to the Town Clerk, the Town Clerk shall notify the remaining members of the Board of Selectmen and the Chairman of the Town Council by certified mail that a vacancy exists on the Board of Selectmen.

B. Self-determination of disability by a member. If a member of the Board of Selectmen, a regular member or the First Selectman suffers a disability which such member believes would prevent him or her from serving on that Board, such member shall give written notice by certified mail to the Town Clerk stating the nature of the disability which causes the inability to serve. Upon receipt of such notice, the Town Clerk shall mail copies of the same by certified mail to the other members of the Board of Selectmen and to the Chairman of the Town Council, and shall declare a vacancy because of the inability of the member to serve. Such inability shall continue until terminated by such member of the Board by written notice that the member no longer is under any disability, such notice to be delivered by certified mail to the Town Clerk, who shall mail by certified mail such notice to the other members of the Board and to the Chairman of the Town Council, whereupon the inability to serve shall be declared to have ended by the other members of the Board and the Chairman of the Town Council.

C. Determination of disability by committee. If a member of the Board of Selectmen suffers a disability which causes an inability to serve and such member fails or cannot give written notice to the Town Clerk of such inability, the Chairman of the Town Council and the remaining members of the Board of Selectmen shall meet and shall determine, by majority vote, if an inability to serve exists. If an inability is found by a majority vote, the vote shall be certified to the Director of Health, who shall designate two qualified physicians to serve with the ~~Town Health Officer~~ Director of Health as a Committee to verify the inability of such Board member to serve. Within 30 days after a verification by the Committee of inability to serve, the Director of Health shall file with the Town Clerk a written report by the Committee containing a finding as to the question of the inability of the Board member to serve. Such finding shall be binding on the Board of Selectmen, including the disabled member unless overruled by a court of competent jurisdiction, and such finding shall continue in full force and effect until notice in

writing of the determination by a majority of the Committee as to the termination of such inability shall have been filed with the Town Clerk.

Replacement. Within 15 days after the receipt by the other members of the Board of Selectmen and the Chairman of the Town Council of a notice of inability to serve, either from an individual Selectman through the Town Clerk, or from the Committee through the Town Clerk or in the event of notice of the death or of the resignation of a member of the Board, the remaining members of the Board of Selectmen and the Chairman of the Town Council shall meet on the call of the Chairman of the Town Council and shall appoint by a majority vote an individual to serve on the Board, either as a replacement of a regular member or as the replacement of the First Selectman, to serve until the inability ends or for the remaining portion of the term or until a special election is held, as the case may be. If the member being replaced is a member of a political party, then the replacement must be a member of the same party. If the member to be replaced is unaffiliated, the member may be replaced by an unaffiliated voter or a member of any political party. The new member shall hold office until the next municipal or state election or until a special election, if called, and shall have the same powers and duties as the replaced member.

§ C3-12 Special election to fill vacancies on Board.

Any appointment by the remaining members of the Board of Selectmen and the Chairman of the Town Council shall be subject to a special election called upon petition signed by not less than 5% of the electors of the Town as determined by the last completed registry list filed in the office of the Town Clerk not later than 15 days after such appointment. Following the filing with the Town Clerk, an election shall be held not later than 15 days after the filing of the petition. All such special elections shall be held in accordance with the requirements and regulations of the General Statutes. Replacement members elected by special election shall hold office until the next municipal election and shall have the same powers and duties as the replaced member.

Article IV

The Town Council

§ C4-1 Powers and duties.

The Town Council shall be the legislative body of the Town and shall have all of the legislative powers provided in this Charter or the General Statutes.

§ C4-2 Membership.

The Town Council shall consist of 12 members, who shall be electors of the Town and shall be elected at large and, upon qualification, shall take office immediately after their election. The First Selectman, ex officio, shall also be a member of the Town Council but shall vote only in case of a tie.

§ C4-3 Election and terms of office; political affiliations.

At each biennial Town election, six members of the Town Council shall be elected for a term of four years. At any election of members of the Town Council, ~~not more than four members of the same political party shall be elected for the same term, and~~ no elector shall vote for more than six (6)~~four~~ members to serve for the same term. All nominations for membership on the Town Council shall be made in accordance with the statutory requirements of the State of Connecticut. The minority representation requirements of General Statutes §9-167a shall apply.

§ C4-4 Vacancies.

Any vacancy on the Town Council shall be filled for the unexpired term at the next succeeding biennial Town election or at a special election held on the date of the next regular state election, whichever shall first occur; provided, however, that until such election such vacancy shall be filled by the Town Council.

§ C4-5 Compensation.

With the exception of the First Selectman, the members of the Town Council shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C4-6 Organization.

The Town Clerk shall call an organization meeting of the Town Council within two weeks following each election at which members are elected to the Town Council, and at such meeting the newly elected members shall be sworn in and a Chairman, a Vice Chairman, a Secretary and any other officer or officers determined by the Town Council shall be elected from the membership, and thereafter the Town Council shall exercise its powers and duties. The Chairman shall, when present, preside at all meetings of the Town Council, and in the absence of the Chairman, the Vice Chairman shall preside. In the absence of both the Chairman and the Vice Chairman, the Town Council shall choose one of its members to act as Chairman pro tempore. The person presiding shall retain his or her vote as a member of the Town Council.

§ C4-7 Meetings.

The Town Council shall meet in a public place at least once every two months and at other times upon the call of the Chairman of the Town Council or of the Board of Selectmen. The Town Council shall also meet within 21 days after receipt of a petition signed by at least 50 electors of the Town and setting forth a matter which may be considered by the Town Council. All meetings shall be open to the public, except for executive sessions in accordance with the Freedom of Information Act. At any open meeting, any elector may, with the permission of the Town Council, be heard by the Town Council.

§ C4-8 Quorum; action by Town Council.

A quorum for a meeting of the Town Council shall be seven members, exclusive of the First Selectman, and the affirmative vote of seven members of the Town Council shall be required for the passage of any appropriation or the passage, amendment, suspension or repeal of any bylaw or ordinance, or for the confirmation of any appointment to the Board of Finance.

§ C4-9 Records.

A record of all actions taken by the Town Council and of the vote of each member thereon shall be filed by the Secretary in the office of the Town Clerk as a public record.

§ C4-10 Notices required for action on appropriations, ordinances and bylaws.

No appropriation shall be passed by the Town Council and no bylaw or ordinance shall be passed, amended, suspended or repealed by the Town Council except after a warning published once a week for two successive weeks, together with posting of the warning of the meeting of the Town Council which is to act upon the appropriation, bylaw or ordinance.

§ C4-11 Manner of making bylaws and ordinances.

The Town Council shall make the bylaws and ordinances in the following manner: The full text of each proposed bylaw or ordinance shall be published ~~at least~~ once a week for two successive weeks, together with a notice of public hearing thereon to be held by the Town Council showing the time and place thereof. After such hearing the Town Council may enact such proposed bylaw or ordinance, together with any amendments thereto which it may make, and shall forthwith file the same as so enacted with the Town Clerk for public record in a book kept by the Town Clerk for that purpose. Any such bylaw or ordinance enacted as proposed and published, without amendment, shall become effective eight days after such filing with the Town Clerk and eight days after publication in summary form, whichever event shall last occur, unless a notice of intent to petition for a referendum is filed under § C4-14; but if enacted with one or more amendments, the Town Council shall forthwith publish at least once each such amendment with its related context, together with a notice in summary form that such bylaw or ordinance as enacted with amendment will become effective eight days after publication of such and eight days after such filing with the Town Clerk, whichever event shall last occur, unless a notice of intent to petition for referendum is filed under § C4-14. The Town Clerk shall note the date of publication and filing on the record of such bylaw or ordinance in the Town Clerk's office.

§ C4-12 Method of approving appropriations.

The Town Council shall pass no appropriation not recommended by the Board of Finance, but may approve, disapprove or reduce but not increase the amount of any appropriation recommended by that Board.

§ C4-13 Requirements for filing and publication of Town Council actions.

Each affirmative or negative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, shall be filed in the office of the Town Clerk promptly after such action has been taken and shall be published promptly in summary form at least once.

§ C4-14 Effective date of legislative action.

Each affirmative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, shall become effective eight days after publication of such action unless a notice of intent to file a petition for referendum has been filed in the office of the Town Clerk within seven days after the publication of such action.

§ C4-15 Legislative action subject to referendum.

Each affirmative or negative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, is subject to referendum.

§ C4-16 Procedure and rules for referendum on legislative action.

1. Notice of intent to petition. Notice of intent to petition for referendum on a legislative action subject to referendum shall be signed by at least 50 electors of the Town and shall be filed in the office of the Town Clerk within seven days after the publication of such legislative action.
2. Petition for referendum. A petition for referendum on a legislative action subject to referendum shall be signed by not less than 5% of the electors of the Town as determined by the last completed registry list, and shall be filed in the office of the Town Clerk not later than 30 days after the publication of such legislative action.

3. Date of referendum. Following the filing with the Town Clerk of a petition for referendum, a referendum shall be held not later than 30 days after the filing of such petition. The date of the referendum shall be set by the Town Council.
4. Number of votes required for repeal or overrule by referendum. An affirmative action of the Town Council shall not be repealed, nor a negative action overruled, unless the number of votes in favor of repeal or overrule shall be a majority of those voting and equal to at least 15% of the numbers of electors of the Town as determined by the last completed registry list.
5. Effect of a referendum.
 - a) If a referendum repeals or overrules an action taken by the Town Council which relates to any appropriation or bond issue recommended by the Board of Finance, such recommendations shall be returned to the Board of Finance for reconsideration.
 - b) If a referendum repeals an affirmative action taken by the Town Council which relates to any ordinance or bylaw, such action shall be nullified forthwith.
 - c) If a referendum overrules a negative action taken by the Town Council which relates to any ordinance or bylaw, such action shall be returned to the Town Council for reconsideration.

Article V

Board of Finance, Financial Procedures, ~~and~~ Taxes, Audit Committee

§ C5-1 Composition of Board of Finance; qualifications of members.

There shall be a Board of Finance of eight regular members, and three alternate members, who shall be electors ~~and taxpayers~~ of the Town. They shall hold no other office of trust or emolument in the Town or State governments or state governments. Service on committees of the Town or State governments is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics. No member thereof shall receive compensation for services as such, but the necessary expenses of the Board, when funds have been appropriated therefor by the Town Council, shall be paid by the Treasurer. There shall be minority representation on the Board and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ C5-2 Appointment and term of office of members of Board of Finance.

The Selectmen shall annually in November after election day appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, two members of the Board of Finance, who, after qualification, shall hold office for a term of four years from the 15th day of November and until their successors have been appointed and shall have qualified. The Selectmen shall ~~appoint~~ in the oddnumbered years on or promptly after the first day of December, appoint subject to confirmation by an affirmative vote of seven (7) members of the Town Council, the three alternate members of the Board of Finance, who shall hold office for a term of two years from the first day of December until their successors have been appointed and shall have qualified. No appointment to the Board of Finance to fill a vacancy shall be effective unless confirmed by an affirmative vote of seven (7) members of the Town Council. No appointment to the Board of Finance, for a full term or to fill a vacancy, shall be effective unless confirmed by an affirmative vote of seven members of the Town Council.

§ C5-3 Officers and organization.

In addition to the eight regular members of the Board of Finance, the First Selectman shall be an ex officio member of the Board of Finance ~~and but not its Chairman~~ and shall have no vote except in the case of a tie. On or promptly after the 15th day of November each year, the Board of Finance shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The First Selectman shall not serve as Chairman or Secretary. ~~The Chairman, when present, shall preside at all meetings of the Board and shall have a vote as a member thereof. to choose one of its regular members to be Secretary.~~

§ C5-4 Powers and duties of officers and alternates.

The Chairman shall preside and vote, when present, ~~and, when present, preside~~ at all meetings of the Board of Finance. In the absence of the Chairman, the Board shall choose one of its regular members Chairman pro tempore who shall preside and vote ~~not thereby lose his or her vote~~. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Board, including the votes of each member on all actions taken, and such record shall be a public record.

The alternate members of the Board of Finance, when seated as provided herein, shall have all the powers and duties of regular members of the Board of Finance. Alternate members shall have no vote, and shall not count towards a quorum or for other purposes, unless seated for a regular member. In the event of the absence of a regular member from a meeting of the Board, or if a regular member is disqualified, such absent or disqualified member shall designate an alternate to act in his or her place. In the absence of such designation, the Board of Finance, by majority vote of those members present and voting, shall designate and seat an alternate or alternates.

§ C5-5 Quorum.

At all meetings of the Board of Finance, five members ~~, exclusive of the Chairman,~~ shall be a quorum and the concurrence of five votes shall be necessary for the transaction of business, except that when only five members ~~, exclusive of the Chairman,~~ are present, the concurrence of four votes shall be sufficient for the transaction of business.

§ C5-6 Requests for annual appropriations.

The Town Council, all officers, department heads, boards, commissions and committees of the Town and the New Canaan Library shall annually not later than the third Tuesday preceding the first Tuesday in February submit to the Selectmen, in a form prescribed by the Board of Finance, itemized estimates of their respective requests for appropriations to cover such expenses, together with statements in detail of their respective expenditures for similar purposes for the preceding fiscal year and such other information as may from time to time be required by the Board of Finance. The Selectmen shall review such estimates or requests, including the preliminary budget estimates submitted by the Board of Education, and shall compile a recommended budget which shall be submitted to the Board of Finance for its consideration not later than the first Tuesday of February in each year. The Board of Education shall submit its preliminary budget estimates to the Board of Selectmen, for its review and comment, not later than the third Tuesday preceding the first Tuesday in February, and shall compile and submit its recommended budget directly to the Board of Finance, with a copy to the Board of Selectmen, not later than the first Tuesday in February in each year.

§ C5-

7 Requests for capital expenditures.

All officers, department heads, boards, commissions and committees shall submit annually to the Selectmen, with the estimates of their respective expenses for the ensuing fiscal year and in a form prescribed by the Board of Finance, an outline of the estimated capital expenditures of such office, board, commission or committee during the next five fiscal years. The Selectmen shall consider such outlines and, ~~after consultation with the Planning and Zoning Commission,~~ shall submit to the Board of Finance, not later than two weeks after the first Tuesday of February, a recommended budget of such capital expenditures, including such recommendation as they desire as to the creation of a reserve therefor in the Town budget for the ensuing fiscal year.

§ C5-8 Pension and retirement systems and insurance.

The Board of Finance may recommend to the Town Council the establishment of a system of retirement payments or pensions for officers or employees of the Town, including employees of the New Canaan Library employed prior to January 1, 2011, in consideration of years of service, age or disability, and may recommend the amount and duration of such payments or pensions. The Town Council, after publication once a week for two successive weeks, together with a simultaneous posting of a warning of the meeting of the Town Council which is to act upon the recommendation of the Board of Finance, may approve or reject any such recommendation, but may not increase the amount or duration of such retirement payments or pensions or change the beneficiaries thereof. The Board of Finance, in its annual recommendation for appropriations to cover Town expenditures for each fiscal year, may likewise include provision for group insurance covering officers or employees of the Town. Any existing system of retirement payments or pensions shall remain in effect until modified under the provisions of this section.

§ C5-9 Board of Finance budget recommendations and public hearing.

The Board of Finance, after receipt of the recommended budget from the Board of Selectmen and after obtaining any further information which it may require, shall prepare tentative budget recommendations. The Board of Finance shall cause such recommendations to be published at least once, together with a notice fixing the time of a public hearing which shall be held not later than the sixth Tuesday following the first Tuesday of February; and the place where such hearing shall be held by the Board of Finance upon requests for appropriations, to hear all persons, including members of the Board of Finance, who may wish to be heard in respect to any such recommendations or who may wish the Board of Finance to recommend any other appropriation or any other matter within the power of the Board of Finance.

After such public hearing, the Board of Finance forthwith shall hold a meeting or meetings to consider the estimates and requests so presented. The Board of Finance shall thereupon prepare and present its recommendations to the Board of Selectmen, for submission to the Town Council, for appropriations to cover Town expenditures for the ensuing fiscal year. Such recommendations may also include appropriations to pay any part of the Town debt or to provide a fund for any public improvement or any other matter within the power of the Board of Finance and to provide a contingent fund for expenses of the Town not otherwise provided for, which contingent fund, when appropriated by the Town Council, shall be subject to disbursement by the Board of Finance. Nothing in this section shall be construed to be a limitation upon the Board of Finance in the disbursement of the whole or any part of the Town contingent fund.

All such recommendations for appropriations shall be classified under proper headings and shall be accompanied by an estimate, made by the Board of Finance, of the amount of revenue the Town will receive during such fiscal year from all sources, except that of taxation, and an itemized list of the debts

§ C5-

and obligations of the Town as of the date of the meeting or meetings following the public hearing of the Board of Finance and a detailed statement showing the amount of increase or decrease of the proposed appropriation as compared to the last previous appropriation made by the Town Council for like purpose. Such recommendations shall include the amount of any unexpended balances or surplus to be applied against appropriations and a reserve for uncollectible taxes; provided, however, that if the Town Council shall reduce the proposed appropriations so recommended and published by an amount exceeding 5%, then in that event, the amount of unexpended balances or surplus to be applied shall be reconsidered by the Board of Finance for final action.

§ C5-10 Annual budget meeting.

The recommendations for appropriations so prepared by the Board of Finance shall be delivered to the Selectmen not later than the seventh Tuesday following the first Tuesday of February in each year in the form of a written report signed by the Chairman of the Board of Finance and a majority of its members. The Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to act upon such recommendations, stating the time and place thereof. The first of such notices shall include the publication ~~in full~~ of the recommendations of the Board of Finance. Such meeting of the Town Council shall be held not later than 11 weeks after the first Tuesday of February in each year.

§ C5-11 Town Council action upon annual appropriations and other recommendations.

The Town Council shall take action upon each of the proposed appropriations so recommended and published. It may approve, disapprove or reduce but may not increase the amount of such appropriations or any of them or the amount of any unexpended balances or surplus to be applied or any reserve for any uncollectible taxes; and no appropriation shall be made for any purpose not recommended and published as hereinbefore provided. If a recommendation of the Board of Finance pertains to some matter other than a money appropriation, then the Town Council shall act thereon in such case as provided in this Charter. § C5-12 Action upon special appropriations.

Whenever the Board of Selectmen or the First Selectman requests a special appropriation, or whenever a special appropriation, in the opinion of the Board of Finance, shall be necessary for any purpose, the Board of Finance shall deliver a recommendation to the Selectmen and the Selectmen shall present the recommendation to a meeting of the Town Council or may present the recommendation of the Board of Finance to a meeting called for that purpose, whereupon the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon the recommendation of the Board of Finance for such special appropriation, which notice shall state the time and place thereof. The Board of Finance ~~shall~~~~may~~ also include in its recommendation that such special appropriation shall be paid from moneys in the Town treasury not otherwise appropriated or by the levying of a special tax. If and when such special appropriation shall be made by the Town Council and the levying of a special tax to pay such special appropriation shall be approved by the Town Council, the Board of Finance shall lay a special tax upon the grand list last completed and fix the date or dates upon which such special tax shall become due and payable and shall thereupon issue a warrant to the Tax Collector to receive and collect the same in the manner provided by the General Statutes for the collection of taxes.

13 Bond issues.

The Board of Finance may recommend the issuance of the bonds of the Town, in the form and subject to the limitations required by law, for any public purpose and the Board of Finance shall deliver a

§ C5-

recommendation to the Selectmen as to such bond issue, and the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon such recommendation of the Board of Finance stating the time and place thereof. Such recommendation and the notice shall contain a full and complete statement of the purpose or purposes for which bonds are to be issued and the amount and general terms thereof. The Town Council may approve, disapprove or reduce the amount of such proposed bond issue, but may not increase the same nor change the terms thereof. Such bonds, if and as approved by the Town Council, shall be executed and signed by the First Selectman and the Town Treasurer and the Town Clerk shall affix thereto the seal of the Town and attest to the same.

§ C5-14 Special taxes for special improvements.

In cases where special taxes shall be levied to provide funds for special improvements, the Board of Finance may, after holding its public hearing duly warned by publication at least once, at which all persons whose property may be affected shall be heard, designate what property shall be subject to special assessments for special benefits and the amount thereof and the date or dates upon which such special assessments shall become due and payable, and shall thereupon issue a warrant to the Tax Collector to receive and collect the same on the date or dates so fixed for such payment in accordance with the manner provided in the General Statutes for the collection of taxes. All such special assessments shall be borne equally by all property similarly situated, benefited or affected.

§ C5-15 Sewer taxing district.

There shall be a sewer taxing district in the Town. The Board of Finance shall in the annual request for appropriations recommend to the Town Council the method by which moneys shall be raised that are necessary to maintain and operate the public sewerage system or systems and to pay the interest and principal of all sewer and filtration bonds heretofore issued by the Town and outstanding at the time this Charter shall take effect or which may hereafter be issued. Unless otherwise provided by ordinance, the Board of Finance by resolution may from time to time include in the existing sewer taxing district additional areas of the Town.

§ C5-16 Assessments for sewer improvements or extensions.

The Board of Finance, in laying any special assessment in connection with the extension or improvement of the sewage disposal system in the Town, is authorized to proceed in accordance with the General Statutes, but no assessment or charge for the extension of the sewage disposal system into unsewered areas shall be less than 100% of the cost thereof, except under circumstances found by the Board of Finance to be unusual and extraordinary or to involve undue hardship.

§ C5-17 Procedure for abolishing sewer taxing district.

The Town Council may vote to abolish the sewer taxing district and thereafter all charges for operation and maintenance of the public sewage disposal system and for the payment of interest and amortization of all sewer and filtration bonds shall be included in the annual request for appropriations made by the Board of Finance to the Town Council. In the event of the adoption of such action by the Town Council, the Town Council and the Town Clerk shall certify such action to the State Commissioner of Revenue Services, the Office of Policy and Management, and to the Secretary of the State.

§ C5-

18 Procedure for establishing special tax districts.

The Board of Finance may recommend the establishment of special tax districts by delivery of a recommendation to the Selectmen, and the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon the recommendation of the Board of Finance, stating the time and place thereof. The recommendation shall set forth the purposes and conditions governing such special tax districts and shall fix the boundaries thereof. No such district shall be established unless the recommendations of the Board of Finance shall be approved by the Town Council and unless a majority of the electors resident in such proposed district and the owners of real property located therein have consented thereto by written ballot cast at a special election called for such purpose in each of the proposed districts. If the Town Council approves such recommendations, it shall fix the date, time and place or places of such special elections and provide the usual facilities for holding the same, and the Board of Finance, together with the Town Council, shall make an appropriation to cover the necessary expenses thereof.

§ C5-19 Tax Collector to be appointed by Selectmen.

The Tax Collector shall be appointed by the Board of Selectmen and shall serve at the pleasure of the Selectmen. The Tax Collector shall have such powers and perform such duties, under the direction of the Board of Selectmen, as may be prescribed by the General Statutes. The Tax Collector shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C5-20 Tax warrant.

The Board of Finance shall issue a warrant to the Tax Collector to receive and collect any regular or special tax laid under the provisions of this Charter, which warrant shall specify the grand list upon which such tax is laid and the date or dates when it shall become due and payable. Such warrant shall be signed by the Chairman of the Board of Finance and a majority thereof. The Town Clerk shall affix thereto the Town seal and attest to the same.

§ C5-21 Payment of taxes.

The Board of Finance, in fixing the dates as to when taxes shall become due and payable, may provide that the taxes on personal property or taxes on real property, or both, shall become due and payable in one or more installments. The provisions of the General Statutes ~~of Connecticut, Revision of 1958,~~ as now or hereafter amended, shall be applicable to delinquent regular taxes or to delinquent special taxes laid under the provisions of this Charter.

§ C5-22 Liens on property for taxes.

The liens on property for taxes annually laid by the Town of New Canaan on any grand list shall date from the first day of July next preceding the completion of the lists upon which such taxes shall be laid.

§ C5-23 Lien fees.

Lien fees collected by and paid to the Tax Collector of the Town in accordance with the provisions of the General Statutes shall be credited to the general fund thereof.

§ C5-

24 Water rates.

The Board of Finance, upon recommendation of the Director of Public Works, shall have power to establish equitable rates, and from time to time revise such rates, for the use of any system of public water supply authorized by the Town Council, to be paid by the owner of each lot or building receiving the benefits thereof, provided such rates shall be so computed as to provide revenue sufficient to meet the cost of maintaining and operating such system and to pay the cost of interest and amortization on all outstanding water supply bonds hereafter issued by the Town. Such rates shall be collected in the manner provided by the General Statutes for the collection of taxes.

§ C5-25 Payment of judgments against Town.

The Board of Finance shall make an appropriation sufficient to pay any judgment rendered against the Town by a court of competent jurisdiction when, in the opinion of the Board of Finance, all reasonable legal defenses or remedies have been invoked. The moneys necessary to pay such appropriation may be withdrawn for that purpose from funds in the Town treasury not otherwise appropriated, if the same be sufficient. Should the money in the Town treasury available for such purpose be insufficient, the Board of Finance may, by resolution, authorize the Treasurer to borrow the amount necessary. The sum so borrowed shall be included by the Board in the next tax levy upon the grand list of the Town last completed and the Board of Finance shall fix the rate thereof in an amount sufficient to provide the moneys necessary to pay such judgment with the interest due thereon and fix the date or dates when such tax shall be due and payable. The Board shall thereupon issue its warrant, in the form prescribed in § C520 hereof, to the Tax Collector to receive and collect the same.

§C5-26 Audit Committee, composition – and qualification of members.

There shall be an Audit Committee of five members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government nor serve on any other committees of the Town government. No member may accept any consulting, advisory or other compensatory fee from the Town, nor shall a member have had any material financial relationship with the Town in the three years prior to appointment to the Committee. Additional qualifications are defined by Town Ordinance, as amended.

§C5-27 Appointment and terms of -office.

The Board of Selectmen shall appoint members of the Audit Committee, subject to confirmation by an affirmative vote of seven- members of the Town Council, for a term of three years to begin on December 1st each year, with two members to be appointed the first year-year, two members to be appointed the second year, and one member to be appointed the third year. Members may serve for no more than three successive three-year terms or part thereof.

Each member, after qualification, shall hold office from their initial appointment and until a successor has been appointed and shall have qualified. In the event of a vacancy due to death, resignation or removal, within 60 days of such vacancy the Selectmen will appoint a successor member of the Committee. There shall be minority representation on the Committee in accordance with § 9-167a of the General Statutes. §C5-28 Organization, officers, records and quorums.

§ C5-

On or promptly after the first day of December in each year the Audit Committee shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Committee and shall have a vote as a member thereof. In the absence of the Chairman or Secretary, as the case may be, the Committee shall choose one of its members Chairman pro tempore or one of its members Secretary pro tempore. Three members shall be a quorum for the transaction of business at any meeting.

The Secretary shall file in the office of the Town Clerk agendas and minutes of all meetings of the Committee, including the votes of each member on all actions taken.

The Committee shall prepare and send an annual report of its activities to the Town Bodies within sixty days after filing of the financial statements with the State Office of Policy and Management.

C5-29 Powers and duties.

Subject to Town Ordinance, as amended, the purpose of the Audit Committee is to assist the Town Bodies (Board of Selectmen, Town Council, Board of Finance and Board of Education) in fulfilling the Town Bodies' respective oversight responsibilities relating to:

A. the integrity of the Town's financial statements, financial reporting processes and systems of internal accounting and controls;

B. the annual independent audit of the Town's financial statements, the engagement of the independent auditors and the evaluation of the independent auditors' qualifications, independence and performance; C. compliance with legal and regulatory requirements that could materially impact the Town's financial statements;

D. the evaluation of enterprise risk issues;

E. the engagement of the internal audit resources and ensuring the adequacy and completeness of an internal audit annual plan and related resources, receiving the related reports, and evaluating the internal auditor(s) qualifications, independence and performance; and

F. overseeing the Town's plan for corrective action which should include appropriate and timely followup measures.

In performing the Committee's duties, members may reasonably rely upon management to prepare financial statements in accordance with applicable standards and to maintain an effective system of internal controls that provide reasonable assurances regarding the reliability of financial reporting.

§ C5-~~3026~~ Recipients of Town funds required to keep records for auditing purposes.

Any person, group or organization receiving funds from the Town of New Canaan to be disbursed for public purposes shall keep records of the method and manner in which such funds received from the Town are expended, shall submit to the Board of Selectmen annual reports in a form prescribed by that Board, setting forth the details of the expenditures of such funds, and shall submit such records for audit by the Town Auditors.

§ C5

~~-3127~~ System of accounting.

The Town shall maintain a system of accounting for keeping records to show amounts of current and past taxes and all types of liabilities of each taxpaying entity and the collections, adjustments, charges and abatements. The Town shall maintain its financial records in accordance with Generally Accepted Accounting Principles (GAAP) and in compliance with the Government Accounting Standards Board (GASB). The Town Finance Department shall maintain sound internal controls, including appropriate separation of duties. The Town shall annually hire an independent accounting firm to audit the financial books of the Town, and require the firm to submit a formal audit report to the Town Council, Board of Finance, and the Connecticut Office of Policy and Management to ensure that the Town is in compliance with the provisions of the General Statutes.

§ C5-~~3228~~ Transfer of unexpended balances.

A. The Board of Finance may, by resolution, transfer unexpended balances from one appropriation to another, but no amount appropriated for any purpose, whether general or special, shall be used or appropriated for other purposes without the approval of the Board of Finance, expressed by resolution thereof. ~~5.~~ Unexpended cash balances remaining at the end of any fiscal year may, by resolution of the Board of Finance, be either transferred to a surplus account or subtracted from the amount the Town Council has authorized to be raised by taxation for the ensuing fiscal year.

B. All uncommitted appropriations for capital improvements may, at the end of any fiscal year, with the approval of the Board of Finance, be continued and set up as a reserve for the same purposes and may be committed by the Board of Finance for the same capital improvements for one fiscal year after the expiration of the fiscal year for which such appropriations were originally made.

§ C5-~~3329~~ Expenditures exceeding appropriations.

Neither the Town Council nor any officer, board, commission or committee shall expend any money or enter into any contract for any purpose by which the Town shall become liable for any sum which, with any contract then in force, shall exceed the sum appropriated by the Town for such purpose, except in cases of necessity connected with the repair of public buildings, sewers, sewage disposal plants, highways and bridges and with public welfare, and then not to exceed the amount provided by § 7-348 of the General Statutes. Should any emergency arise whereby more money is needed for any department or service of the Town government than has been appropriated, the Selectmen shall notify the Board of Finance of such fact and the Chairman of said Board of Finance shall thereupon call a special meeting thereof to consider an additional appropriation. The Board of Finance may make the necessary appropriation therefor if it shall not exceed the ~~amount provided in §7-348 of the General Statutes~~ ~~sum of \$20,000~~, but not more than one such appropriation shall be made during any one fiscal year. In case no funds shall be available to meet such additional appropriations, the Town may, with the consent of the Board of Finance, given by resolution, borrow the amount necessary, and the sum so borrowed shall be included by the Board of Finance in the next regular tax levy upon the Town. If any sum greater than ~~the amount provided in §7-348~~ ~~\$20,000~~ shall be necessary, the Board of Finance shall proceed under and in accordance with the provisions of § C5-12 relating to special appropriations. Nothing in this section shall be construed to be a limitation upon the Town in issuing bonds as herein provided or expending the proceeds therefrom in accordance with the vote of the Town Council. Nothing in this section shall be construed to be a limitation upon the Board of Finance in the disbursement of the whole or any part of the Town contingent fund. In the event of budget category shortfalls in any department other than the Board

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of Education, the Chief Financial Officer, with the approval of the Board of Finance, may make line item transfers, provided the total budget shall not be increased thereby.

§ C5 ~~34~~ ~~30~~ Penalty for exceeding appropriation.

Should the Town Council or any officer or officers or any board, commission or committee expend or cause to be expended any money of the Town or enter into any contract in violation of § C5-29, he, she, they or the members, jointly and severally, of such board, commission or committee or of the Town Council shall be liable in a civil action in the name of the Town and the amount so drawn from the treasury or for which the Town is made liable under such contract shall be liquidated damages in such action against such officer or officers or members of such board, commission or committee or the Town Council, but this section shall not be construed as preventing the Town from pursuing any other remedy which might be provided by law.

Article VI

Assessor; Assessing Procedures; Board of Assessment Appeals §

C6-1 Assessor.

There shall be one Assessor, who shall be appointed by the Board of Selectmen and who shall serve at the pleasure of the Selectmen. The Assessor shall have such powers and perform such duties, under the direction of the Board of Selectmen, as may be prescribed by the General Statutes. The Assessor shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics.

§ C6-2 Requirements for filing real estate lists.

All persons required to file with the Assessor of the Town of New Canaan lists of property subject to taxation shall not include real estate in such lists, except as follows: Any record owner of real estate situated in the Town, to which real estate any new construction, improvement or interior or exterior alterations exceeding \$50 in value have been added and for which no building permit has been obtained from the Town of New Canaan, or from which real estate any building has been wholly or partially razed or removed during the 12 months next preceding the first day of October, and for which no permit has been obtained from the Town of New Canaan, shall be required to prepare, swear to and sign and file a list of such real estate with said Assessor on or before the first business day of November.

§ C6-3 Requirements for filing personal property lists.

All persons required by the General Statutes to file lists of personal property with the Assessor of the Town shall on or before the first business day of November prepare, swear to and file such lists with said Assessor valued as of the first day of October.

§ C6-4 Penalty for failure to file required lists.

The addition of 25% to taxpayers' lists provided by the General Statutes for failure to file such lists, or for omitting property from such lists, shall apply only to such property for which lists are required to be filed under the provisions of §§ C6-2 and C6-3 hereof.

§ C6-5 Assessment day; lodging of grand list.

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The assessment day of the Town of New Canaan shall be October 1 of each year. The Grand List, when completed, shall be lodged with the Assessor's office on or before January 31.

§ C6 6 Board of Assessment Appeals.

There shall be a Board of Assessment Appeals of three members who shall be elected for two-year terms at each biennial Town election. The Board of Assessment Appeals shall have all the powers and duties prescribed by the General Statutes.

§ C6-7 Board of Assessment Appeals meeting dates.

The Board of Assessment Appeals shall meet at least three times during the month of March and at least once in the month of September annually, provided that any meeting in the month of September shall be for the sole purpose of hearing appeals related to the assessment of motor vehicles, and shall give notice of the time and place of such meetings by posting it at least 10 days before the first meeting in each such month in the office of the Town Clerk, and publishing it ~~in a newspaper~~ in accordance with the General Statutes and §C1-2 hereof. Such meetings shall be held on business days, which may be Saturdays, the last not later than the last business day of each such month, on or before which date such Board shall complete the duties imposed upon it. No appeal from the doings of the Assessor shall be heard or entertained by the Board unless presented to it at one of its meetings during the month of March, or during the month of September in the case of an appeal related to motor vehicle assessment.

§ C6-8 General Statutes to prevail.

In the event that the General Statutes are amended to change the name of the Board of Assessment Appeals or its times for meeting, or to change any other provisions in this article relating to assessing procedures, the General Statutes as amended shall prevail and override the provisions of this article.

Article VII

Board of Education

§ C7-1 Membership, powers and duties.

The Board of Education, consisting of nine members ~~as constituted at the time this Charter shall take effect~~, shall continue to exercise all of the powers and perform all of the duties conferred or imposed upon Boards of Education in towns by the General Statutes. The members of the Board of Education shall be electors of the Town.

§ C7-2 Election of members.

Members of the Board of Education shall be elected for a term of four years, with four members elected at one biennial municipal election and five members elected at the next biennial municipal election. At each such election any elector may vote for the total number of members of the Board of Education to be elected at such election, and each political party shall have the right to nominate as many persons as there are vacancies on the Board, provided there shall be minority representation on the Board of Education in accordance with § 9-167a of the General Statutes. All elections and nominations to the membership of the Board shall be made in accordance with the statutory requirements of the State of Connecticut.

§ C7-3 (Reserved)

§ C

§ C7 4 Vacancies.

If a vacancy occurs in the office of any member of the Board of Education, it may be filled by the remaining members of the Board until the next regular biennial municipal election, at which election a successor shall be elected for the unexpired portion of the term, and the official ballot shall specify the vacancy to be filled. If the Board of Education fails to fill any vacancy which occurs on the Board within 90 days after the vacancy occurs, the Board of Selectmen may fill such vacancy until the next biennial municipal election. Article VIII

Fire Commission

§ C8-1 Establishment of Fire Commission.

There shall be a Fire Commission composed of three members, who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C8-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint one member of the Fire Commission who, after qualification, shall hold office for a term of three years from the first day of December until a successor has been appointed and shall have qualified. As long as there shall be a volunteer fire company in the Town of New Canaan ~~receiving Town aid~~, one of the members of the Commission shall be an inactive member, in good standing, of such a volunteer fire company, in order to foster and recognize the volunteer component of the department. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C8-3 Organization, officers, records and quorum.

On or promptly after the first day of December of each year, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Two members shall be a quorum for the transaction of business at any meeting.

§ C8-4 Powers and duties.

The Fire Commission shall supervise the management of the fire department of the Town to ensure adequate fire protection and rescue response, and shall exercise powers and perform duties with respect thereto as follows:

- A. Appoint a Fire Chief, ~~whether paid or volunteer~~, subject to the approval of the Board of Selectmen. ~~If a volunteer is fully qualified for the position and has been elected by the volunteer fire company, the Fire Commission shall appoint such person. In the event that the Selectmen do not approve a candidate appointed by the Fire Commission, then the matter shall be returned to the Fire Commission for reconsideration and further consultation with the volunteer fire company. If~~ When a paid Chief is duly appointed and employed, the Commission shall supervise the Chief in all the duties and responsibilities of the office, including dismissal; ~~and, in the case of a paid Chief~~, the Chief's salary, compensation, benefits, and increases shall be established with

§ C

the consultation and approval of the Selectmen. In the event of a vacancy in the position of Chief, ~~the an~~ Assistant Chief shall be Acting Chief in order to maintain the chain of command and leadership responsibilities of the department pending the appointment of a permanent Chief.

B. As to volunteer fire companies established in the Town, the Commission shall:

(1) ~~Consult with each such company and furnish annually to the Selectmen an itemized estimate of the operating and capital budgets that the Commission recommends be appropriated for the support and maintenance during the ensuing fiscal year of each such company, together with an itemized statement of the expenditures for similar purposes during the preceding fiscal year. Ensure that the Town provides volunteer firefighters, as per Occupational Safety and Health Administration (OSHA) regulations, with required personal protective equipment.~~

(2) Recognize volunteers as members in accordance with the constitution and bylaws of the volunteer fire company.

(3) ~~Consult with the Chief of each such company regarding rules and regulations, approved by the companies, for the proper governance of all personnel serving with the companies and paid by the Town. Direct the volunteer fire company to follow all rules and regulations and standard operating procedures of the fire department. Modification of these rules and regulations shall be in consultation with the volunteer officers.~~ The volunteer fire company shall be responsible for discipline of any volunteers who have violated its rules and regulations or for conduct found to be detrimental to the public welfare.

(4) ~~Consult with the Chief of each such company and thereafter adopt rules and regulations, approved by the companies, for governing their members so that the Town will be assured of adequate fire protection.~~

(5) Provide that copies of all rules and regulations referred to ~~herein in Subsections (3) and (4) hereof~~ shall be delivered to all persons affected thereby.

C. As to the paid Fire Department established in the Town, the Commission shall:

(1) Employ and appoint career officers and fire fighters and other paid personnel of the Fire Department as may be necessary for the adequate protection of the Town. Consult with the Chief to solicit names of qualified candidates for each paid position for service with the Fire Department. Persons so employed shall be paid by the Town.

(2) Implement changes in the classification and compensation of employees of the Fire Department, in accordance with any collective bargaining agreements, after consultation with the Board of Selectmen.

(3) Review and approve rules and regulations regarding career personnel, for the proper governance of the Fire Department, in accordance with contract and regulatory obligations, ~~after consultation with the Selectmen.~~

(4) Remove or suspend without payment of wages any employee of the Fire Department for violation of any such rules and regulations or for conduct found by the Commission to be detrimental to the public welfare but only after a hearing by the Commission upon written charges delivered to the accused person a reasonable time before such hearing, at which hearing such person may be represented by counsel; provided such actions may be taken only in accordance with collective bargaining agreements and regulatory obligations.

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D. As to general fire protection and prevention, the Commission shall:

- (1) From time to time prepare and submit to the Selectmen proposed rules and regulations for governing and abating fire hazards in public and private buildings and in all other places in the Town and recommend their adoption by the Town Council as a bylaw or ordinance of the Town.
- (2) Appoint, subject to the approval of the Board of Selectmen, a Fire Marshal, ~~whether paid or volunteer~~, who shall possess the powers and perform the duties imposed upon such officer by law or by ordinance of the Town.

Article IX

Health and Human Services Commission

§ C9 -1 Composition and qualification of members.

There shall be a Health and Human Services Commission of nine members. The members shall be electors of the Town, and the First Selectman shall be a member ex officio but shall vote only in case of a tie. With the exception of the First Selectman, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C9-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day in December appoint three members of the Commission, all of whom, after qualification, shall hold office for a term of three years from the first day of December until their successors have been appointed and have qualified.

§ C9-3 Organization, officers, records and quorum.

On or promptly after the first of December in each year, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, as required by the Freedom of Information Act, including the votes of each member on all actions taken, and such record shall be a public record; provided, however, that the names of needy persons and confidential matters relating to their domestic, financial or other private affairs, and the votes of the members of the Commission in specific instances granting or refusing welfare, shall not be a public record. The concurrence of a majority of the Commission shall be necessary for the transaction of business.

§ C9-4 Powers and duties.

The Health and Human Services Commission shall have the following general duties and responsibilities in serving Town needs in the areas of human services, aging services, youth services and assigned public health services:

The Commission shall possess and exercise all of the powers and duties relating to the public's general welfare as described above, imposed upon boards of selectmen or municipalities by the Town of New

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Canaan, General Statutes of Connecticut or the United States Code, as well as those powers and duties that may be imposed on it by ordinances of the Town.

Article X

Inland Wetlands Commission

§ C10 -1 Composition and qualification of members.

There shall be an Inland Wetlands Commission of- seven regular members and three (3) alternate members who shall be electors of the Town. Ex-officio members may be provided as in the Town ordinance. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town Code of Ethics.

§ C10 -2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint three or four regular members of the Inland Wetlands Commission, who, after qualification, shall hold office for a term of - two years from the first day of December and until reappointed or their successors have been appointed and shall have qualified. On or promptly after the first day of December in the odd-numbered years, the Selectmen shall appoint the remaining regular members, who, after qualification, shall hold office for a term of two years from the first day of December and until reappointed or their successors have been appointed and shall have qualified.

§ C10 -3 Organization, officers, records and quorums.

On or promptly after the first day of December the members of the Inland Wetlands Commission~~WC~~ shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary.

§ C10 -4 Alternate members.

In the event of the absence of a regular member from a meeting of the Inland Wetlands Commission or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town Code of Ethics, the Chairman shall designate and seat an alternate member from the panel of alternates.

§ C10 -54 Powers and duties.

The Inland Wetlands Commission shall have all the powers and duties and be subject to the restrictions and limitations of inland wetland commissions as established under the General Statutes and as provided in the Town ordinance, as from time to time amended.

Article XI

Conservation Commission

§C11-1 Composition; compensation; qualification of members.

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There shall be a Conservation Commission of five members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics. There shall be minority representation on the Commission in accordance with Section 9-167a of the Connecticut General Statutes.

§C11-2 Appointment; terms of office.

On or promptly after the first day of December in even-numbered years, the Selectmen shall appoint two members of the Commission, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified. On or promptly after the first day of December in odd-numbered years, the Selectmen shall appoint three members of the Commission, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified.

§C11-3 Organization; official records and quorum.

On or promptly after the first day of December, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission, and shall vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts, and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Three members shall constitute a quorum, and the concurrence of two votes shall be necessary for the transaction of business.

§C11-4 Powers and duties.

The Commission shall have all of the powers, duties and responsibilities as specified in the ordinances of the Town.

Article ~~XIII~~

Parks and Recreation Commission

§ ~~C1249~~-1 Composition and qualification of members.

There shall be a Parks and Recreation Commission of no fewer than seven and no more than 11 members, as determined by resolution of the Board of Selectmen. The members shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~CE1249~~-2 Appointment and terms of office.

The Selectmen shall on or promptly after the first day of December in each year appoint 1/3 of the members of the Parks and Recreation Commission for a term of three years, all of whom, after qualification, shall hold office from the first day of December and until their successors have been appointed and have qualified. If 1/3 of the total membership is not a whole number, then the Selectmen shall divide the membership as equally as may be into three appointment classes, and the members of the classes shall be appointed on a three-year rotation. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C

1249-3 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Parks and Recreation Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman, when present, shall preside at all meetings of the Commission and shall have a vote as a member thereof. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. A majority of the total members shall constitute a quorum and the concurrence of a majority of those present shall be necessary for the transaction of business.

§ C 1249-4 Powers and duties.

The Commission shall exercise powers and perform duties as follows:

- A. Recommend to the Selectmen for adoption by the Town Council such bylaws or ordinances relating to public recreation and the use of parks and other recreational facilities as, in its opinion, shall be proper.
- B. Consider and make recommendations to the Selectmen as to the acceptance of donations or devises of property to the Town for park or recreational purposes.
- C. Consider and recommend to the Planning and Zoning Commission acquisition of parks and other recreational facilities.
- D. In conjunction with the Town Recreation Department, ~~Or~~ organize, direct, control, equip, foster and promote recreational programs and activities in public parks, streets, public buildings or elsewhere in the Town except those recreational programs and activities under the jurisdiction of the Board of Education or those recreational programs and activities that may from time to time be delegated to any other board, commission, committee or authority of the Town by the Charter or by any bylaw or ordinance adopted by the Town Council.
- E. ~~Prioritize, plan and supervise-Evaluate~~ the maintenance and care of parks, utilizing the resources of the park maintenance staff of the Department of Public Works, within the annual budget allocation provided to the Commission by the Town, or as may be more specifically provided by ordinance.
- F. On or promptly after the first day of November in each year, the Commission shall submit an Annual Report to the Board of Selectmen and the Town Council, which report shall include the following sections:
 - (1) RECREATION: describing activities for the past year, and new goals and projects, pertaining to the recreational programs and facilities;
 - (2) PARKS: describing activities for the past year, and the current condition of the parks, park maintenance needs and short-term plans, and capital projects and long-range planning.

1249-5 Method of acquisition of park property.

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The Selectmen, upon recommendation of or after consultation with the Parks and Recreation Commission and the Planning and Zoning Commission, may consider the acceptance of gifts, donations or devises of land or other property for park or recreational purposes and recommend to the Town Council the acceptance or rejection thereof. Should the Selectmen, after consultation with the Parks and Recreation Commission find it necessary or advisable to acquire land or facilities or both for park and recreational purposes or for the improvement of park property, they shall make a report relative thereto to the Board of Finance, together with a request for a special appropriation. When an appropriation for such acquisition or improvement shall have been made by the Town Council, the Selectmen shall have exclusive charge of the disbursement of such appropriation in substantial accord with the purpose for which such appropriation was made. If the carrying out of any such recommendation makes necessary the condemnation of land, the Town is authorized to take such land within the limits of the Town by condemnation for the purpose of such public use.

§ ~~C1249~~-6 Park bylaws, permits and use by nonprofit groups.

The Selectmen may, upon recommendation of or after consultation with the Parks and Recreation Commission, recommend to the Town Council the adoption of bylaws and ordinances governing the use of public parks, may prescribe a system for the issuance of permits for the use of all Town-owned land used for park purposes, including public amusements, games, picnics and other purposes to which such areas might be devoted, and may enter into agreements with nonprofit groups or agencies for the use and/or improvement of Town property devoted to park or recreational purposes.

Article XIII

Parking Commission

§ ~~C13240~~-1 Composition; qualification of members.

There shall be a Parking Commission of five members who shall be electors of the Town, together with the First Selectman as an ex officio member, who shall vote only in the case of a tie. With the exception of the First Selectman, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C13240~~-2 (Reserved)

§ ~~C13240~~-3 Appointment and terms of office.

The Selectmen shall on or promptly after the first day of December in each year appoint the necessary number of members of the Parking Commission to fill the vacancies occurring by reason of the expiration of the term of office of any member. Such appointment shall be for a term of three years from the first day of December and until their successors have been appointed and shall have qualified. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

~~13240~~-4 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Parking Commission shall meet at the call of the First Selectman to choose one of its appointed members to be Chairman and one of its appointed members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall file in the office of the Town Clerk

§ C

a full and detailed record of all proceedings, acts and resolutions of the Commission, including the vote of each member on all actions taken, and such record shall be a public record. Three members shall be a quorum for the transaction of business at any meeting.

§ C~~13240~~-5 Powers and duties.

The Parking Commission shall:

- (1) Recommend to the Board of Selectmen such policies, rules and procedures as may be applicable to the maintenance and operation of all public off-street parking facilities owned or controlled by the Town.
- (2) Recommend to the Board of Selectmen the acquisition of land and other property necessary for or incidental to the establishment, maintenance and operation of public off-street parking facilities by purchase, lease or condemnation.
- (3) Consider offers of gifts or devises of land or money to be used for purposes of this article and recommend to the Board of Selectmen acceptance or rejection thereof.
- (4) Recommend to the Board of Selectmen the establishment of such fees and such rules as may be appropriate for the parking of vehicles on public off-street parking facilities owned or controlled by the Town, and make similar recommendations to the Police Commission for the parking of vehicles on any public street. Such fees shall be collected under the direction of the Board of Selectmen and shall be turned over by the Board of Selectmen to the Town Treasurer for deposit in the Town General Fund ~~Surplus~~, unless the use or disposition of such fees are subject to the terms and provisions of a bond indenture relating to the issuance of revenue bonds.
- (5) Recommend to the Board of Selectmen the installation of parking meters on public off-street parking facilities owned or controlled by the Town, and on public streets. No contract requiring the expenditure of money for the purchase or installation thereof shall be submitted to the Town Council by the Board of Selectmen unless accompanied by a recommendation by the Board of Finance.
- (6) The Parking Commission shall prepare and submit to the Board of Selectmen and to the Planning and Zoning Commission plans for the provision of public off-street parking facilities, which plans shall be completed on or before the 15th day of November next after the Parking Commission's appointment. Annually thereafter, the Parking Commission shall update such plans and submit the same to the Board of Selectmen and to the Planning and Zoning Commission on or before the 15th day of November.
- (7) Consider and recommend to the Police Commission such rules and regulations as it deems advisable for improvement of traffic circulation and parking within the Town of New Canaan.
- (8) Hear parking citation appeals if authorized by ordinance.

~~13240~~-6 Annual appropriations.

The Board of Selectmen shall prepare annually an itemized estimate of expenses for the maintenance or operation of public off-street parking facilities for the ensuing fiscal year and of expenses of the Parking Commission, including such professional assistance to the Commission as may be approved by the Board of Selectmen, and shall submit such estimate and its request for an appropriation to cover such expenses

§ C

to the Board of Finance and expend such appropriation, all in accordance with the applicable provisions of the Town Charter. The Board of Selectmen shall present to the Board of Finance promptly after the effective date of this article an estimate of expenses for the remainder of the fiscal year and a request for an appropriation therefor.

§ ~~C13210~~-7 Existing contracts continued.

Nothing in this article shall be constructed to abrogate or render invalid any existing contract to which the Town or the Board of Selectmen as the Parking Commission were parties and which relate to leases or to the duties or functions to be performed by the Town, and all such leases and contracts shall be carried out on behalf of the Town by the Board of Selectmen.

Article ~~XIV~~

Town Employees and ~~Ethics Board~~~~Personnel Advisory Board~~ §

~~C14311~~-1 Personnel under jurisdiction of Selectmen.

The appointment and dismissal of all employees of the Town, except those who are elected or are under the jurisdiction of the Board of Education, the Fire Commission, or the Police Commission, shall be made by the Selectmen. All appointments shall be made on the basis of merit and after examination as to fitness. Before the appointment or dismissal of any paid employee, the Selectmen shall consult with the board, commission, committee, officer, department or individual to whom the services of such employee are to be or have been rendered.

§ ~~C14311~~-2 Classification and compensation plan.

The Selectmen shall review and revise or establish when necessary a plan of classification and compensation for all Town employees whose appointment or dismissal is under the jurisdiction of the Selectmen or of the Fire Commission or Police Commission.

§ ~~C14311~~-3 Ordinance establishing classification and compensation plan and merit system.

The Board of Selectmen shall recommend to the Town Council the enactment of any bylaws or ordinances necessary to give effect to any classification or compensation plan or plans or any changes therein. Any ordinance so adopted by the Town Council shall provide a merit system of personnel administration.

§ ~~C14311~~-4 Code of ~~E~~ethics for Town employees and officials.-

There shall be an ordinance establishing a ~~C~~ode of ~~E~~ethics enacted by the Town Council setting forth standards of ethical conduct for all town officials, including members of boards and commissions, whether such town officials and members are elected, appointed, regular or alternate, and all employees of the Town, ~~and for all employees of the~~ Board of Education, ~~and of the~~ Police Commission, whether paid or unpaid.-

~~14311~~-5 ~~Ethics Board~~~~Personnel Advisory Board~~.

There shall be an ~~Ethics Board~~ ~~Personnel Advisory Board~~ of ~~five (5) three~~ members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited

§ C

by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C~~14311~~-6 Appointment and term of office.

On or promptly after the first day of December, 2016, the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven members of the Town Council, two members of the Ethics Board to serve a term of three years, two additional members of the Ethics Board to serve a term of two years, and one member to serve a term of one year. On or promptly after the first day of December, 2017, the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven members of the Town Council, one member of the Ethics Board to serve a term of three years. Thereafter, on a three year cycle, t~~The Selectmen shall appoint, annually on or promptly after the first day of December, appoint~~subject to confirmation by an affirmative vote of seven members of the Town Council, ~~one~~ members of the Ethics Board~~Personnel Advisory Board~~ for a term of three years, with two members to be appointed the first year, two members to be appointed the second year, and one member to be appointed the third year. Each member~~who~~, after qualification, shall hold office from their initial appointment~~the first day of December~~ and until a successor has been appointed and shall have qualified. In the event of a vacancy due to death, resignation, or removal, within sixty (60) days of such vacancy the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, a successor member of the Committee. There shall be minority representation on the Board in accordance with § 9-167a of the General Statutes.

§ C~~14311~~-7 Organization, officers, records and quorum.

On or promptly after the first day of December in each year the ~~Ethics Board~~Personnel Advisory Board shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Board and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Board, including the votes of each member on all actions taken, and such record shall be a public record. ~~Three~~Two members shall be a quorum for the transaction of business at any meeting.

§ C~~14311~~-8 Powers and duties.

The Ethics Board shall operate in accordance with the Town Ethics Board Ordinance and pursuant to Section 7-148h of the Connecticut General Statutes, and it shall have the following general powers and duties:

- a) Review and recommend modifications, if any, to the Town Code of Ethics and the Town Ethics Board Ordinance for adoption by the Town Council;
- b) Receive, review, and address, in accordance with the Town Ethics Board Ordinance, its own rules and regulations and Section 7-148h of the Connecticut General Statutes, written~~any~~ complaints of alleged violations of the Town Code of Ethics by a Town officer, member of the Town Council, an official, member of a board, commission or committee, or any

employee of the Town, including an official or employee of the Board of Education. All written complaints must be submitted to the Town Attorney for recording and prompt notification to the Ethics Board.

c) Hear appeals of complaints from any employee aggrieved as to the status or condition of employment, except employees governed by the Board of Education and collective bargaining agreements, after such employee follows the grievance procedures provided by the Town of New Canaan Employee Handbook.

d) Render advisory opinions and interpretations as to conflicts of interest arising under the Town Code of Ethics for all Town officers, members of the Town Council, and for all officials, members of boards, commissions and committees, and all employees of the Town, including officials and employees of the Board of Education. It shall be the duty of the Personnel Advisory Board to hear complaints from any employee aggrieved as to the status or condition of employment, except employees of the Board of Education and Police Commission. The Board shall also render advisory opinions and interpretations as to conflicts of interest arising under the Code of Ethics for all Town officers, members of the Town Council, and for all officials, members of boards, commissions and committees, and all employees of the Town, including officials and employees of the Board of Education and of the Police Commission. The Board shall issue written reports to the Selectmen containing findings of fact and recommendations upon complaints or requests for opinions and interpretations.

Article ~~XIV~~VXII

Police Commission

§ ~~C15412~~-1 Composition and qualification of members.

There shall be a Police Commission of three members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C15412~~-2 Appointment and term of office.

The Selectmen shall annually on or promptly after the first day of December appoint one member of the Police Commission who, after qualification, shall hold office for a term of three years from the first day of December and until a successor has been appointed and shall have qualified. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ ~~C15412~~-3 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Police Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Two members shall be a quorum for the transaction of business at any meeting.

15412-4 Powers and duties.

The Police Commission shall manage and supervise the police force of the Town and shall exercise powers and perform duties with respect thereto as follows:

- A. Employ and appoint a Chief of Police, subordinate police officers and other persons as regular or special members of the police force as may be necessary for the adequate protection of the Town.
- B. Recommend to the Selectmen changes in the classification and compensation of police officers and members of the police force.
- C. Make rules and regulations, after consultation with the Selectmen, for the proper government of the police force, copies of which shall be delivered to each officer and member of the force.
- D. Remove, suspend or fine any officer or member of the police force for violation of any such rules and regulations or for conduct found by the Commission to be detrimental to the public welfare but only after a hearing by the Commission upon written charges delivered to the accused person a reasonable time before such hearing, at which hearing such person may be represented by counsel.

§ C15412-5 Traffic regulations.

The Police Commission may make and from time to time change rules for the regulation of traffic on streets, highways and other public places under the jurisdiction of the Police Commission, not inconsistent with the ordinances of the Town or the law, and may fix a penalty for violation thereof. Upon adoption by the Police Commission, such rules shall not be effective until 10 days after their publication. Such rules may be altered, amended, suspended or repealed in the same manner as they may be adopted. All existing traffic regulations shall remain in effect until altered, amended, suspended or repealed in accordance with the provisions hereof. In formulating any such rules, the Police Commission shall consider recommendations from the Parking Commission, the Board of Selectmen, and the Town Council.

Article XVIXIII

Planning and Zoning Commission

§ C16513-1 Composition and qualification of members.

There shall be a Town Planning and Zoning Commission of nine regular members and three alternate members who shall be electors of the Town, together with the First Selectman and the Town Engineer as ex officio members. The First Selectman and the Town Engineer shall have no vote, ~~and the First Selectman shall vote only in the case of a tie.~~ With the exception of the First Selectman and the Town Engineer, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

16513-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint three regular members of the Town Planning and Zoning Commission, who, after qualification, shall hold office for a term of three years from the first day of December and until their successors have been appointed and shall have qualified. On or promptly after the first day of December in the odd-numbered years, the

Selectmen shall appoint the three alternate members, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified. There shall be minority representation on the Commission and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ ~~C16513~~-3 Organization, officers, records and quorums.

On or promptly after the first day of December the members of the Commission shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall keep a record of the acts and resolutions of the Commission, including the vote of each member upon any issue before it, and file such record in the office of the Town Clerk. A quorum shall consist of five members, and the concurrence of four votes, except as otherwise provided in § C13-6 hereof, shall be necessary for the transaction of business.

§ ~~C16513~~-4 Powers and duties.

The Town Planning and Zoning Commission shall have all the powers and duties and be subject to the restrictions and limitations of zoning commissions as established under the General Statutes, as from time to time amended, and of municipal planning commissions established under the General Statutes, as from time to time amended.

§ ~~C16513~~-5 Town planning and zoning rules and regulations and plan of conservation and development to remain in effect.

The zoning regulations and the boundaries of zoning districts heretofore enacted, together with all planning rules and regulations and any plan of conservation and development heretofore enacted or adopted, are validated and shall remain in full force and effect until modified, repealed, amended or superseded.

§ ~~C16513~~-6 Procedure for holding public hearings.

For the purpose of holding public hearings as required under the General Statutes and as required under the planning and zoning rules and regulations now or hereinafter in force in the Town of New Canaan, the Chairman may appoint committees of no less than five appointed members, among whom may be included the Chairman. One member of the committee shall be designated as Secretary. Unless provided otherwise by statute, action on matters which have been subject to a public hearing shall be taken by a majority vote of the entire Commission at a regular or special meeting thereof, except that in the event of a protest being filed in accordance with the General Statutes concerning a proposed amendment, change or repeal of zone regulations or zone boundaries, a vote of 3/4 of the entire Commission shall be required for the adoption of such amendment, change or repeal.

~~16513~~-7 Alternate members.

In the event of the absence of a regular member from a meeting of the Commission or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town's Code of Ethics, the Chairman shall designate and seat an alternate from the panel of alternates, but in designating and seating such alternate, the Chairman shall choose alternates in rotation so that the alternates chosen by the Chairman shall be seated as nearly an equal number of times as is possible. The alternate members, when seated as provided herein, shall have all the powers and duties of regular

members of the Commission. Alternate members shall have no vote, and shall not count towards a quorum or for vote ratios or other purposes, unless seated for a regular member.

~~Article XIV~~

~~(Reserved)~~

Article ~~XVIIIV~~ Public

Works Department

§ ~~C17615~~-1 Powers and duties.

There shall be a Department of Public Works which shall have administrative powers and duties as are set forth in this Charter.

§ ~~C17615~~-2 Appointment and term of office of Director of Public Works.

There shall be a Director of Public Works who shall be appointed by the Selectmen to serve for an indefinite term at the pleasure of the Selectmen and who shall be responsible to the Board of Selectmen. The Director of Public Works shall possess practical and technical qualifications for the duties of the office and shall not engage in any other business or hold any other office, public or private, for which a salary or emolument is paid.

§ ~~C17615~~-3 Appointment and term of office of Town Engineer.

There shall be a Town Engineer who shall be appointed by the Selectmen and shall report to the Director of Public Works, to serve for an indefinite term at the pleasure of the Board of Selectmen. The Town Engineer shall be a professional engineer registered in Connecticut, and shall not engage in any other business or hold any other office, public or private, for which a salary or emolument is paid.

§ ~~C17615~~-4 Duties and powers of Director of Public Works and Town Engineer.

The Director of Public Works shall supervise the Department of Public Works and have charge and control of all buildings, materials, apparatus and other equipment of the department or to which the functions of the department relate. The Director of Public Works and the Town Engineer shall be the chief technical advisors of the Town and of the Town Council and of all boards, commissions, committees and officers, except the Board of Education, concerning the physical matters of the Town and the design and construction of its physical plant as provided for in this Charter. The Director of Public Works, with the Town Engineer, shall furnish at the request of the Town Council or of any board, commission, committee or officer of the Town such technical advice as is reasonably required relating to any function of the Town or of its government and shall perform such other reasonable and related duties as the Board of Selectmen may direct. The Town Engineer shall be in charge of and shall make or superintend the making of all surveys, maps, plans, drawings, bids and estimates thereon relating to the work of the Town or any of its departments, boards, commissions, committees or officers except the Board of Education. The Town Engineer shall have custody of all maps of the Town not entrusted by ordinances, bylaws or otherwise to any other department, commission, committee or officer thereof and shall prepare with and upon direction of the Planning and Zoning Commission all maps or other records showing highways, building and veranda lines, street profiles and plans, profiles of storm and sanitary sewers, planning and zoning districts and planning maps of the Town which involve engineering.

§ ~~C17615~~-5 Streets and highways.

Except as otherwise provided by ordinance, the Department of Public Works shall have full control of the inspection and the construction, reconstruction, care, maintenance, altering, paving, repairing, draining, cleaning and snow clearance of all public places and of all streets, highways, sidewalks and curbs, and of the installation and maintenance of public lighting, street signs and guideposts.

§ ~~C17615~~-6 Public buildings, works and improvements.

The Department of Public Works shall have full control of the inspection and the construction, reconstruction, care, repair and maintenance of all public buildings, public works and public improvements except school buildings and grounds.

§ ~~C17615~~-7 The maintenance of public grounds, including parks.

The Department of Public Works shall be in charge of the work involved in the maintenance, care and improvement of, and construction required in connection with, all real property of the Town, including public cemeteries, parks, playgrounds, recreational areas and other areas not specifically designated for a particular Town use, except recreational facilities or areas for which responsibility for maintenance, care or improvement is delegated to any other board, commission, committee or authority by the charter or by any bylaw or ordinance adopted by the Town Council. The Department of Public Works shall not undertake any new construction in park, playground or recreational area except that for which funds have been appropriated and then only after consultation with the Parks and Recreation Commission.

§ ~~C17615~~-8 Equipment.

The Department of Public Works shall have full control of the care, repair and maintenance of all equipment, including automotive equipment, used in the Department of Public Works or in any other department of the Town, except school, police and fire equipment.

§ ~~C17615~~-9 Sewer and water systems; refuse disposal.

The Department of Public Works shall have full control of the construction, reconstruction, establishment, re-planning, restoration, enlargement, improvement, removal, care, repair and maintenance of all public sewage-disposal systems, public refuse-disposal systems and public water-supply systems in the Town.

§ ~~C17615~~-10 School property.

The Department of Public Works may maintain and care for school buildings or grounds and may undertake engineering work and supervision on behalf of the Board of Education, but only if and to the extent and for the periods voted by the Board of Education, provided that the costs thereof are charged against the Board of Education's appropriations.

Article XVIII

Town Attorney

§ C187-1 There shall be a Town Attorney, appointed by the Board of Selectmen, who shall be an attorney at law admitted to practice in the State of Connecticut, and who shall be the legal advisor for the Town and all departments, boards, commissions and officers of the Town relating to their official duties. The Town Attorney shall issue written opinions on questions of law; shall approve and/or prepare forms of contracts and other instruments to which the Town is a party; shall attend as required meetings of boards and commissions; shall appear for and defend the Town against claims against the Town, boards,

commissions, and officers; shall prepare and file legal actions on behalf of the Town as directed; and shall defend, appeal, compromise or settle legal actions brought by or against the Town, its officers, boards or commissions with the approval of the requisite officer, board or commission. If required, the Town Attorney shall be responsible for the management of any outside counsel, including review of all correspondence, pleadings and bills rendered by such outside counsel. The Board of Selectmen may appoint Assistant Town Attorneys as may be necessary.

Article ~~XIXVIII~~~~XVI~~

Town Clerk

§ ~~C19816~~-1 Term of office and duties.

There shall be an elected Town Clerk whose term of office shall be that prescribed by the General Statutes and whose powers and duties will be those prescribed by the General Statutes and this Charter.

§ ~~C19816~~-2 Town Clerk and Assistant Town Clerks to be paid by the Town.

The Town Clerk and any Assistant Town Clerks shall be paid an annual compensation by the Town for the performance of their duties and such compensation shall be in lieu of all fees and other compensation.

The Town Clerk's salary shall be set by the Town Council pursuant to the General Statutes. Neither the Town Clerk nor any Assistant Town Clerk shall receive any additional compensation for acting as registrar or assistant registrar of births, marriages and deaths. The Town Clerk and Assistant Town Clerks shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C19816~~-3 Disposition of Town Clerk fees.

The fees or compensation now or hereafter provided by the General Statutes to be paid to Town clerks shall be collected by the Town Clerk. All moneys collected by the Town Clerk in accordance with such statutes and with the bylaws or ordinances of the Town, except such as the Town Clerk shall be required by law to transmit directly to an agency of the State of Connecticut, shall be deposited by the Town Clerk with the Treasurer of the Town at least once each month. At the time of making each such deposit, the Town Clerk shall file with the Treasurer a full statement of such receipts so deposited and of the receipts forwarded directly to any state agency, and the Town Clerk shall also keep a record of the receipts of the office.

§ ~~C19816~~-4 (Reserved)

Article ~~XIXXVII~~

Zoning Board of Appeals

§ ~~C201917~~-1 Composition and qualification of members.

There shall be a Zoning Board of Appeals composed of five regular members, together with a panel of three alternate members, all of whom shall be electors of the Town. The alternate members and the regular members of the Zoning Board of Appeals shall be subject to the provisions of the General Statutes and the law relating to the disqualification of members of zoning authorities. The members of the Zoning Board of Appeals and of the panel of alternates shall serve without compensation and shall hold no other

office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C201917~~-2 Appointment of members and alternates; terms of office.

The Selectmen shall, annually on or promptly after the first day of December, appoint the number of members of the Zoning Board of Appeals and of the panel of alternates to the Zoning Board of Appeals necessary to fill the vacancies occurring by reason of the expiration of the term of office of any such member or alternate. Such appointments shall be for a term of two years from the first day of December and until their successors have been appointed and have qualified. There shall be minority representation on the Board and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ ~~C201917~~-3 Organization, officers and records.

On or promptly after the first day of December in each year, the Zoning Board of Appeals shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The Chairman shall, when present, preside at all meetings of the Board; in the absence or disqualification of the Chairman, the Secretary shall assume all of the duties of the Chairman. The Secretary shall keep a record of the acts and resolutions of the Board, including the vote of each member upon any issue before it, and file such record in the office of the Town Clerk.

§ ~~C201917~~-4 Seating of alternates of Zoning Board of Appeals.

In the absence of a regular member at a meeting of the Board, the Chairman of the Zoning Board of Appeals shall seat an alternate designated by an absentee regular member from the panel of alternates provided for under § C17-1 hereof. In the absence of such designation by an absentee regular member, or if a regular member shall recuse himself or herself or be disqualified under the provisions of the General Statutes relating to disqualifications of members of zoning authorities or by law, the Chairman shall designate and seat an alternate from the panel of alternates, but in designating and seating such alternate, the Chairman shall choose alternates in rotation so that the alternates chosen by the Chairman shall be seated as nearly an equal number of times as is possible. The minutes of the meeting shall record the availability of any alternate who cannot be seated in rotation by the Chairman. Alternate members shall have no vote unless seated for a regular member.

§ ~~C201917~~-5 Powers and duties.

The Zoning Board of Appeals and the members of the panel of alternates when seated shall have all the powers and duties set forth in the General Statutes relating to Zoning Boards of Appeals and the voting on any issue or matter before it shall be in accordance with the provisions of the General Statutes.

Article ~~XXIXVIII~~

Miscellaneous Provisions

§ ~~C21018~~-1 Language of the Charter.

For the purpose of this Charter, unless the context clearly indicates otherwise: words used in the present tense include the future tense; words in the singular number include the plural number and words used in the plural number include the singular; words used in the masculine include the feminine and neuter; the word "shall" is mandatory and the word "may" is permissive; where applicable, the word "person" shall mean individuals, companies, corporations, public or private, societies and associations.

§ ~~C21018~~-2 Validity.

Should any article, section or provision of this Charter be held invalid or unlawful by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this Charter nor the context in which said article, section or provision thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the article, section or provision to which such ruling shall directly apply. If any article, section or provision of the Charter shall be held invalid or unlawful by a court of competent jurisdiction, then the article, section or provision of the Charter of the Town in effect on November 8, 20~~1605~~¹⁶⁹⁵, pertinent to or dealing with the same subject matter shall be considered to have remained in full force and effect and shall be in full force and effect.

§ ~~C21018~~-3 Captions.

The captions in this Charter are for convenience only and are not to be construed as part of this Charter and shall not be construed as defining or limiting in any way the scope or intent of the provisions hereof.

§ ~~C20118~~-4 Continuation of existing contracts.

Nothing herein contained shall be construed to abrogate or render invalid any existing contract or contracts to which the Town is a party existing as of November 8, 20~~1605~~¹⁶⁹⁵, and all such contracts shall be carried out ~~on~~ in behalf of the Town.

§ ~~C21018~~-5 Continuation of ordinances and bylaws.

All bylaws and ordinances of the Town, not inconsistent herewith, in force at the time this Charter shall take effect shall continue in force until the same shall be repealed or amended in the manner prescribed in this Charter.

§ ~~C21018~~-6 Continuation of appropriations and Town funds.

All appropriations approved and in force and all funds, including special reserve funds in the name of the Town as of November 8, 20~~1605~~¹⁶⁹⁵, shall remain in full force and effect.

§ ~~C21018~~-7 Authority to adopt codification of ordinances and bylaws by reference.

The Town of New Canaan is authorized to adopt a codification of, and codifying amendments to, those ordinances and by laws by the adoption of an ordinance under § C4-11 hereof stating in substance that the Code of Ordinances and Bylaws is adopted, and the requirements under said § C4-11 for publication in full of said codification of and codifying amendments to the ordinances and bylaws shall be deemed satisfied by filing two copies thereof in the office of the Town Clerk at least eight days before the effective date of the ordinance adopting the same.

§ ~~C21018~~-8 Library Board.

Pursuant to the provisions of Special Acts of 1947, No. 434, P605, the library directors of the Town of New Canaan shall not be elected by the electors of the Town or be appointed by any officer or officers of the Town.

§ ~~C21018~~-9 Special Legislation amendments to be approved.

No Special Legislation enacted after November 9, 20~~1605~~¹⁶⁹⁵, under the provisions of Article 10 of the Constitution of the State of Connecticut relating to or affecting the Town of New Canaan shall be valid or

| effective unless the same is approved at a meeting of the Town Council duly warned and held for that purpose within 60 days after the passage of such Special Legislation.

§ -C210-10 Periodic Charter Review

On or before November 8, 2026, and at least every ten (10) years thereafter, the Town Council shall consider and act upon a resolution calling for the establishment of a Charter Revision Commission to review and, if necessary, amend the Charter. The process of initiating the Charter Revision Commission shall be governed by § 7-188 of the General Statutes.

§ ~~C210-18-1~~10 Effective date.

This Charter shall become effective November 9, 2016~~November 9, 2005~~.

Exhibit III – Town Council Resolution on the CRC Draft Report

June 15, 2016

RESOLVED, in accordance with Chapter 99 of the Connecticut General Statutes, having fully considered the Draft Report of the Charter Revision Commission dated April 19, 2016, the Town Council hereby makes the following recommendations for modifications to the Charter, subject to the Council's final action with respect to any recommendations for changes to the Charter in the Final Report to be submitted by the Commission:

- 1) Addition of the Conservation Commission, currently authorized by Chapter 11A of the Code of Ordinances, to the Charter as a Charter-authorized commission.
- 2) Various wording modifications to Article VIII, Fire Commission, as recommended by the Fire Commission at a Special Meeting on April 18, 2016 to modernize the text to conform to current conditions and practices, as transmitted in a document from the Fire Chief to the Chairman of the Town Council on April 19, 2016.
- 3) Revise the definition of PUBLISH, PUBLISHED or PUBLICATION to read as follows:
"Publication shall be consistent with the governing General Statutes. If required by the General Statutes, publication shall be in a newspaper having a substantial circulation in the Town. If not required by the General Statutes, the Town may enact an ordinance providing for publication by any legal means, or in any legal manner, that provides for widespread dissemination by electronic means to Town residents."

TOWN OF NEW CANAAN CHARTER REVISION-BALLOT QUESTIONS (2016)

State of Connecticut Official Ballot		New Canaan Connecticut		State Election		November 8, 2016		Congressional District 4 - Senatorial District 26 Assembly District 125 Voting District 2	
VOTE ON THE QUESTION(S)		<input type="radio"/> YES <input type="radio"/> NO 1. Shall the current Charter be changed to allow electors to vote for up to six Town Council members, which is typically the number of vacancies, instead of the current limit of four during each biennial election?				<input type="radio"/> YES <input type="radio"/> NO 2. Shall the current Charter be changed so that members of the Board of Finance will no longer be required to be real estate taxpayers, in order to be consistent with the requirements for the Town Council and other boards, commissions and committees?			
OFFICE → PARTY ↓		1 Presidential Electors for Vote for One	2 United States Senator Vote for One	3 Representative in Congress Vote for One	4 State Senator Vote for One	5 State Representative Vote for One	6 Registrar of Voters Vote for One	<input type="radio"/> YES <input type="radio"/> NO 3. Shall the current Charter be changed so that the First Selectman, although remaining an ex officio member of the Board of Finance, will no longer serve as Chairman of the Board of Finance, and the Board of Finance will choose its Chairman from its regular members?	
DEMOCRATIC PARTY		<input type="radio"/> 1A Clinton and Kaine	<input type="radio"/> 2A Richard Blumenthal	<input type="radio"/> 3A Jim Himes	<input type="radio"/> 4A Carolanne Curry	5A	<input type="radio"/> 6A George F. Cody		
REPUBLICAN PARTY		<input type="radio"/> 1B Trump and Pence	<input type="radio"/> 2B Dan Carter	<input type="radio"/> 3B John Shaban	<input type="radio"/> 4B Toni Boucher	<input type="radio"/> 5B Tom D'Dea	6B	<input type="radio"/> YES <input type="radio"/> NO 4. Shall the current Charter be changed by adding articles and provisions including the Audit Committee, Conservation Commission, Health and Human Services Commission, Inland Wetlands Commission, Ethics Board and Town Attorney?	
WORKING FAMILIES PARTY		1C	<input type="radio"/> 2C Richard Blumenthal	3C	4C	5C	6C		
INDEPENDENT PARTY		1D	2D	<input type="radio"/> 3D John Shaban	4D	5D	6D	<input type="radio"/> YES <input type="radio"/> NO 5. Shall the current Charter be changed to make a series of technical and conforming changes which clarify definitions, delete outdated references no longer applicable and update provisions to current practice?	
LIBERTARIAN PARTY		<input type="radio"/> 1E Johnson and Weld	<input type="radio"/> 2E Richard Lion	3E	4E	5E	6E		
GREEN PARTY		<input type="radio"/> 1F Stein and Baraka	<input type="radio"/> 2F Jeffery Russell	3F	4F	<input type="radio"/> 5F Hector L. Lopez	6F		
WRITE-IN VOTES		<input type="radio"/> 1G	<input type="radio"/> 2G	<input type="radio"/> 3G	<input type="radio"/> 4G	<input type="radio"/> 5G	<input type="radio"/> 6G		

TOWN OF BETHEL: CHARTER REVISION COMMISSION FINAL REPORT (2019)



Town of Bethel Charter Revision Commission

Clifford J. Hurgin Municipal Center 1 School Street, Bethel, Connecticut 06801

December 23, 2019

Board of Selectmen
Clifford J. Hurgin Municipal Center
1 School Street
Bethel, CT 06801

First Selectman Knickerbocker, Selectman Straiton, and Szatkowski,

The Charter Revision Commission herewith submits its Final Report in compliance with Chapter 99 of the Connecticut General Statutes §7-187 et seq. Our Final Report consists of this letter responding to the twelve proposed modifications of October 3, 2018, joint meeting of the Board of Selectman and Charter Revision Committee and Legal Counsel's twenty-one proposed amendments to the Town of Bethel Charter last revised and adopted on November 4, 2014 (enclosed herewith). The Commission's Final Report Narrative, Tracking Document and Legal Counsel's Summary of Charter Changes provided to you on November 5, 2019, as part of our Draft Report remain part of our Final Report with the addition of three new revisions, XIX, XX, XXI following the public hearing on December 18, 2019.

Changes adopted by the Charter Revision Committee:

- I. Allow the use of purchasing cooperatives
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C8-13C4(i)

- II. Prohibition on BOF serving on other boards
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C2-5

III. Raise Referendum trigger for capital utility projects to \$2M

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-8

IV. Change PUC to a seven-member board

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C7-11

V. Remove references to water & sewer from Public Works Department/ clarify duties

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C8-9

VI. Change references to “Comptroller” to “Finance Director”

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: Table of Contents; C8-1, C8-13 A., C8-13 B (1), (2), C8-13 C. (1), (3) (4ii), D, E, F & G

VII. Terms in office/ Technical change from his by adding or her

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C3-2

VIII. Change “Data Processing Department” to “Information Technology Department”

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C8-13 E

IX. Allow for meetings to be held at CJH Center or town-owned building accessible to the public

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C11-11

X. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes.”

- Status: Unanimous Commission Approval; Language Drafted
- Sections Revised: C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.

XI. Add section covering resignations and removals of appointed board members

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C7-1 & Formerly Reserved C7-5

XII. Correct proceeding with preceding

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C10-9

XIII. Add “Just Right” to non-binding advisory question

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-3 B (3)

XIV. Add that the BOF shall hold a public hearing “not less than seven days or more than” 14 days before Annual Town Budget Meeting

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C10-2 E

XV. Add new section for Department of Public Utilities and the Director of Public Utilities

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: Added to the Table of Contents; C8-1; New Section C8-14

XVI. Have complete construction plans prior to Referendum

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: New Section C6-8 B

XVII. Change Director of Civil Preparedness to Emergency Management Director

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: Change TOC; C8-5

XVIII. Add Overlapping Terms to BOE & Insurance & Pension Commission

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C3-6, C7-15

XIX. Town Budget Meeting Held During the First 14 Days of April

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-3 A. (1)

XX. Budget Referendum Held 10 to 15 Business Days After Budget Meeting

- Status: Approved by Commission, 1 Abstention; Language Drafted
- Section Revised: C6-3 B. (1)

XXI. Special Referendum by Petition Held 10 to 15 Business Days After Certification • Approved by Commission, 1 Abstention; Language Drafted

- Section Revised: C6-5 E.

Please do not hesitate to contact myself me or Nicholas Vitti, Counsel to the Commission, should you have any questions or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Nick Hoffman", with a long, sweeping horizontal line extending to the right.

Nick Hoffman, Chairman
Charter Revision Commission

Town of Bethel
Charter Revision Commission
Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut, 06801



Final Report of the
Charter Revision Commission to the Board of Selectmen
December 23, 2019

Nick Hoffman, Chairman
Melanie O'Brien, Vice Chairman
Joyce Hess, Secretary
John Lennon
Sharon Straiton
Patrick Perrefort
Theresa Letellier

Attorney Nicholas Vitti, Counsel
Dionne Craig, Recording Secretary

Table of Contents

Section I Report of the Commission:

Proposed Charter Revisions approved by the Commission

Natural numbers CRC tracking / Roman numerals attorney tracking

- 1 / I. Allow the use of purchasing cooperatives
- 2 / II. Prohibition of Board of Finance members serving on other boards
- 3 / III. Raise Referendum trigger for capital utility projects to \$2M
- 4 / IV. Change PUC to a seven-member board
- 5 / IX. Allow for meetings to be held at CJH Center or town-owned building accessible to the public
- 6 / X. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes.”
- 7 / XI. Add section covering resignations and removals of appointed board members
- 8 / XIII. Add “Just Right” to non-binding advisory question
- 9 / XIV. Add that the BOF shall hold a public hearing “not less than seven days or more than” fourteen days before Annual Town Budget Meeting
- 10 / XV. Add new section for Department of Public Utilities and the Director of Public Utilities 11/ XVI. Shovel Ready Projects. Have complete construction plans prior to the Referendum.
- 12 / XIX. Town Budget Meeting Held During the First fourteen days of April. (Added 12/18/2019)
- 13/ XX. Budget referendum held ten to fifteen business days after the budget meeting. (Added 12/18/2019)
- 14 / XXI. Special referendum by petition held ten to fifteen business days after certification. (Added 12/18/2019) **Technical Changes**
- 15 / V. Remove references to water & sewer from Public Works Department/ clarify duties
- 16 / VI. Change references to “Comptroller” to “Finance Director.”
- 17 / VII. Terms in office/ Technical change from his by adding or her
- 18 / VIII. Change “Data Processing Department” to “Information Technology Department”
- 19 / XII. Correct proceeding with preceding
- 20 / XVII. Change Director of Civil Preparedness to Emergency Management Director
- 21 / XVIII. Add Overlapping Terms to Board of Education and Insurance and Pension Commission

Section II Failed revisions proposed by the Board of Selectman

Section III Charter Revision Commission Tracking Document

Section IV Summary of Recommended Charter Changes

Section V Ballot Structure and Observations

Section VI Counsel’s Recommended Text Changes to the Town of Bethel Charter

Section I – Report of the Commission

Introduction

The Connecticut General Statutes, Section 7-188, require each municipality in the State to review its Charter every five years. The Town of Bethel Charter, Paragraph C11-7, requires that the Board of Selectmen review the Town’s Charter at least once every five (5) years and appoint a Charter Revision Commission to assist in that process. The Connecticut General Statutes also specify the Board of Selectmen as to the “Appointing Authority.” Accordingly, the Town of Bethel Board of Selectmen appointed and convened a Charter Revision Commission at a Special Meeting on October 3, 2018.

At the Special Meeting, the Board of Selectmen appointed Joyce Hess, Nick Hoffman, John Lennon, Theresa Letellier, Melanie O’Brien, Sharon Straiton, Patrick Perrefort (alphabetical order) to serve as Commissioners.

The Board of Selectmen charged the Commission with evaluating and recommending specific potential changes to the Charter:

Also, at the Special Meeting, the Commission elected officers to oversee the efforts. The elected officers are:

Chairman: Nicholas Hoffman

Vice-Chairman: Melanie O’Brien

Secretary: Joyce Hess

Attorney Nicholas Vitti serves as Legal Counsel to the Commission

Dionne Craig serves the Commission as Recording Secretary.

The Commission, as required by the above referenced State Statute, held a Public Hearing on November 14, 2018 early in its deliberations, and added a second Public Hearing on September 25, 2019 late in the process to garner more input from the public.

The following paragraphs (1 – 18) represent the Commission’s recommended Charter revisions. When necessary, each section attempts to capture the essence of the Commission’s discussion, rationale, and logic for its decision in favor of the proposed revision.

1. Allow the use of purchasing cooperatives

- Section Revised: C8-13C4(i)

- Proposed by: Theresa D. Yonsky, Director of Fiscal Services for the Bethel Public Schools.
- Vote: Yes: 7 No: 0

Revision applies to both the Board of Education and the Town of Bethel. This revision allows the use of purchasing cooperatives as an available option in order to lower costs.

Connecticut Department of Administrative Services definition of Cooperative Contracting:

Cooperative Purchasing involves sharing procurement contracts between governments or within a government. Through cooperative purchasing arrangements, the dollars spent (purchases) increases, and this increased spend helps to leverage the organization's ability to obtain deeper discounts and achieve greater savings.

2. Prohibition on Town employees serving on the Board of Assessment Appeals & prohibition Board of Finance members serving on other boards and commissions

- Section Revised: C2-5
- Proposed by: Board of Selectmen
- Vote: Yes: 7 No: 0

This change adds the Board of Assessment Appeals to the list of boards and commissions to which town of Bethel employees are prohibited from serving on. The existing list includes the Board of Finance, Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands Commission. Additionally, the revision prohibits members of the Board of Finance from serving on any other elected or appointed board or commission.

3. Raise Referendum trigger for capital utility projects to two million dollars

- Section Revised: C6-8
- Proposed by: Board of Selectmen
- Vote: Yes: 7 No: 0

This revision is specific to **capital utility projects not funded by tax revenue**. Improvements to the public water utility system often exceed the current one million dollar threshold triggering a town-wide referendum in compliance with section C6-8. This revision empowers the Public Utilities Commission to make the necessary system upgrades mandated by state law and avoid the potential for fines for noncompliance.

4. Change Public Utilities Commission (PUC) to a seven-member board

- Section Revised: C7-11
- Proposed by: Board of Selectmen
- Vote: Yes: 7 No: 0

Presently the PUC consists of five members, the three selectmen, and two appointed members. This expansion of the commission to include four appointed members to bring professional expertise and oversight of the town-owned public utility systems.

5. Allow for meetings to be held at Clifford J Hurgin Municipal Center or town-owned building

accessible to the public

- Section Revised: C11-11
- Proposed: Board of Selectman
- Vote: Yes: 7 No: 0

The current charter only allows for meetings to be held at the Clifford J Hurgin Municipal Center. Revising this prohibition will enable meetings to take place at publically accessible town-owned buildings and offsite locations when necessary for boards and commissions to thoroughly perform their duties.

6. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes.”

- Sections Revised: C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.
- Proposed: Board of Selectman
- Vote: Yes: 7 No: 0

A language adjustment to provide flexibility as to where public legal notifications can be published in the event state statutes change.

7. Add section covering resignations and removals of appointed board members

- Section Revised: C7-1 & Formerly Reserved C7-5
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

The revision clarifies the process and procedures associated with the resignation or removal of appointed members of boards or commissions.

8. Add “Just Right” to non-binding advisory question

- Section Revised: C6-3 B (3)
- Proposed: Board of Selectmen, amended Charter Revision Commission
- Vote: Yes: 7 No: 0

The original proposal was to eliminate the Non-Binding Advisory Question due to the belief that it does not provide appropriate guidance following a failed referendum. The commission amended the proposal to add “just right” to the two existing options.

9. The Board of Finance shall hold a public hearing “not less than 7 days or more than” 14 days before Annual Town Budget Meeting

- Section Revised: C10-2 E
- Proposed: First Selectmen Knickerbocker
- Vote: Yes: 7 No: 0

This revision provides greater flexibility to avoid scheduling conflicts for the public hearing in an adequately sized facility.

10. Add new section for Department of Public Utilities and the Director of Public Utilities

- Article Revised: Added to the Table of Contents; C8-1; New Section C8-14
- Proposed: First Selectman Knickerbocker
- Vote: Yes: 6 No: 0 (O'Brien absent)

It was necessary to establish a separate Public Utilities Department and credentials needed for the head of the department.

11. Shovel Ready Projects:

- Add new Section: C6-8B
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

Any capital construction project with a cost higher than one million dollars will require complete construction plans, blueprints, and all necessary engineering specifications before scheduling a referendum for final approval.

12 / XIX. Town Budget Meeting Held During the First fourteen days of April. (Added 12/18/2019)

- Section Revised: C6-3 A. (1)
- Proposed: Registrar of Voters: T Beeble, N Ryan
- Vote: Yes: 7 No: 0

13/ XX. Budget referendum held ten to fifteen business days after budget meeting. (Added 12/18/2019)

- Section Revised: C6-3 B. (1)
 - Proposed: Registrar of Voters: T Beeble, N Ryan
 - Vote: Yes: 6 No: 0 Abstention: 1 o **Yes:** Hess, Hoffman, Lennon, Letellier, Perrefort, Straiton o **Abstention:** O'Brien

14 / XXI. Special referendum by petition held ten to fifteen business days after certification. (Added 12/18/2019)

- Section Revised: C6-5 E.
- Proposed: Registrar of Voters: T Beeble, N Ryan
- Vote: Yes: 7 No: 0

Technical changes, updates, or revisions:

This section outlines the necessary corrections to parts of the charter that need to be updated, amended, or corrected.

15 / V. Remove references to water & sewer from Public Works Department/ clarify duties

- Section Revised: C8-9
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

16 / VI. Change references from “Comptroller” to “Finance Director”

- Section Revised: Table of Contents; C8-1, C8-13 A., C8-13 B (1), (2), C8-13 C. (1), (3) (4ii), D, E, F & G
- Proposed: Brad Heering
- Vote: Yes: 7 No: 0

17 / VII. Terms in office/ Technical change from “his” by adding “or her”

- Section Revised: C3-2
- Proposed: Board of Selectmen
- Vote: Yes: 7 No: 0

18 / VIII. Change “Data Processing Department” to “Information Technology Department”

- Section Revised: C8-13 E
- Proposed: Board of Selectman
- Vote: Yes: 7 No: 0

19 / XII. Correct proceeding with preceding

- Note: Upon further review, the **published** Charter (not the Word document) needs correction
- Section Revised: C10-9
- Proposed: Tim Beeble
- Vote: Yes: 7 No: 0

20 / XVII. Change Director of Civil Preparedness to Emergency Management Director

- Section revised: C8-5
- Proposed: Tom Galliford
- Vote: Yes: 7 No: 0

21 / XVIII. Add Overlapping Terms to Board of Education and Insurance & Pension Commission

- Section Revised: C3-6, C7-15
- Proposed: Tim Beeble
- Vote Yes: 7 No: 0

Section II: Failed revisions proposed by the Board of Selectman

C3-4 Board of Selectman: Increase the term from two to four years for the Board of Selectman.

Motion, Nicholas Hoffman: To keep the term for the board of selectmen to two years made

Second: John Lennon

Vote: Passed Yes: 4 No: 3.

Yes: Hess, Hoffman, Lennon, O’Brien

No: Letellier, Perrefort, Straiton

This issue was our most debated revision amongst the commissioners. Collectively the commission recognizes the responsibilities of the Board of Selectman have evolved dramatically since our form of government was adopted, particularly the role of First Selectmen.

Those who voted to keep the term at two years did not have a shared position against expanding the term to four years.

Arguments included:

- Lacking a recall provision, the ability to vote out a poor performing First Selectman sooner protected the town.
- Assessing our form of government and investigating other alternatives
- Competent First Selectman historically have won re-election
- When proposed at the last charter revision it failed

Those who voted against keeping the two-year term outlined the following reasons why a change was necessary.

- To effectively manage the town a longer-term would provide more stability
- All other boards and commissions are on a four-year cycle
- Allows for long term planning
- More time for governance and town oversight

C6-3B Non-Binding Advisory Question: Remove the non-binding advisory question from the ballot.

Motion, John Lennon: To keep the advisory questions too high / too low

Second: Nick Hoffman

Vote: Failed Yes 1 No 6

Yes: Lennon

No: Hess, Hoffman, O'Brien, Letellier, Perrefort, Straiton.

Commissioner Lennon introduced a new motion to add "Just Right" to the nonbinding advisory question; the motion passed unanimously.

C6-3C Failure to Adopt:

Motion, John Lennon: To not accept the recommendation from the Board of Selectman to add a Failure to Adopt Provision to the budget referendum.

Second: Joyce Hess

Vote: Passed Yes 5 No 0 Abstained 2

Yes: Lennon, Hess, Hoffman, O'Brien,

Perrefort **No:**

Abstained: Letellier, Straiton.

The discussion focused on negating the vote of the townspeople by adding this provision and allowing an approved budget to be modified.

Section III: Charter Revision Commission Tracking Document

Charter Revision Tracking Document December 23, 2019	
Tracking Document of items under consideration	Notes
C8-13C-4(i): This change would allow the use of purchasing cooperatives for the Board of Education, but appears to exclude "Town of Bethel inadvertently." Please correct to enable the town also to participate.	Moved for language review 7/10
C2-5 -Eligibility for Office – Broaden the prohibition on town employees serving on the BAA & prohibits BOF members from serving on another board or commission while in office;	Moved for language review 7/10
C6-8 -Raise the referendum trigger to \$2M for capital utility projects funded by user fees, grants and/or loans.	Moved for language review 7 /10
C7-11 -Change PUC to seven members, four appointed and the three BOS members;	Moved for language review 7 /10

C8-9 -Remove references to water & sewer from Public Works and add maintenance of roads/fleet vehicles & management of Town buildings;	Moved for language review 7/10
C8 -13: Change all refences to "Comptroller" to "Finance Director"	Brad Heering 01/25 /2019
C -3-2: Technical change to: ...his <i>"or her"</i> ...	
C8-13 E. -Change Data Processing Department to Information Technology Department;	Moved for language review 7 /10
C11-11 -Allow for meetings to take place at the Municipal Center or a town-owned facility accessible to members of the public.	Note that I kept this language a broad as possible per the Commission's direction at the last meeting and made an exception for site inspection Moved for language review 7 /10
(Numerous Sections, i.e. C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.) References to Newspaper publication Suggested language change: <i>"or another medium consistent with the requirements of the Connecticut General Statutes;"</i>	Moved for language review 7/10
C3-3 Vacancies and C7-1 Appointments by Board of Selectman	Moved for language review 7/10
C3-6, C7-9 A, C7-15: Add verbiage clarifying overlapping terms for these Boards and Commissions	T. Beeble 1/16/2019
C10-9: Correct "proceeding" with "preceding"	T. Beeble 1/16/2019

C7-1C: Make language consistent with Section C2-5A: Pertaining to elected officials moving out of town.	T. Beeble 1/16/2019
C8-5: change position name from "Director of Civil Preparedness" to "Emergency Management Director ."	Email from Tom Galliford August, 7th 2019
<i>Referencing both Fire Departments in the Charter</i>	Ordinance change not Charter issue
C3-4 Board of Selectmen: Increase term from two to four years for the Board of Selectmen	Initial BOS Charge
C6-3B(2): Non-binding Advisory Question	Keep, eliminate, expand?
C6-3A(1): Reconsider moving the Annual Town Meeting back to May from April.	Multiple community members for and against
C6-3C: Failure to Adopt provision for budget referendum neither budget is ratified BOE or Town until both pass.	Initial BOS Charge
C10-2E and C6-3A(1): Change "The Board of Finance shall hold (1) or more public hearings on the general town budget report	Proposed Dionne Craig 4/3/2019
<i>not less than (7) days or more than fourteen (14) days before the Annual Town Budget Meeting."</i>	
C8-9 Department of Public Works: Change "building management" to "building maintenance ."	First Selectman Knickerbocker 9 /4/2019

C8-9 New Department Needed: Add new section for "Department of Public Utilities" (DPU); remove language referencing Department of Public Works (DPW) which describes responsibilities for management of public water and sewer departments.	First Selectman Knickerbocker 9/4/2019
C8-9 New Position Needed: In conjunction with the item above, need to add "Director of Public Utilities" as a separate entity;	First Selectman Knickerbocker 9/4/2019
the DPW Director and the DPU should not be the same person.	
C8-9: Remove references to water and sewer functions (Utilities Department) add Roads, Grounds, Fleet Vehicles, Buildings, Drainage & Project Management	BOS and Town Planner Cavagna 5/8/19
Ballot Language: one item referendums to not follow STM time line if general election or referendum is in close proximity	Registrar of Voters Beeble / Ryan 5/8/2019
Shovel Ready Projects: Add a charter provision that all Capital projects greater than 1 million dollars have be required to have complete construction plans,	Initial BOS Charge
Town Budget Meeting Held During the First 14 Days of April:	Registrar of Voters: T. Beeble, N. Ryan 12/18/2019
Budget Referendum Held 10 to 15 Business Days After Budget Meeting	Registrar of Voters: T. Beeble, N. Ryan 12/18/2019
Special Referendum by Petition Held 10 to 15 Business Days After Certification	Registrar of Voters: T. Beeble, N. Ryan 12/18/2019

MEMORANDUM

To: Charter Revision Commission
From: Nicholas W. Vitti Jr., Esq.
Date: December 19, 2019
Re: Summary of Charter Changes to Date -Counsel's Draft Report

- I. Allow the use of purchasing cooperatives
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C8-13C4(i)
- II. Prohibition on BOF serving on other boards
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C2-5
- III. Raise Referendum trigger for capital utility projects to \$2M
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C6-8
- IV. Change PUC to seven-member board
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C7-11
- V. Remove references to water & sewer from Public Works Department/ clarify duties
 - Status: Unanimous Commission Approval; Language Drafted
 - Section Revised: C8-9
- VI. Change references to "Comptroller" to "Finance Director"
 - Status: Unanimous Commission Approval; Language Drafted

- Section Revised: Table of Contents; C8-1, C8-13 A., C8-13 B (1), (2), C8-13 C. (1), (3) (4ii), D, E, F & G

VII. Terms in office/ Technical change from his by adding or her

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C3-2

VIII. Change “Data Processing Department” to “Information Technology Department”

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C8-13 E

IX. Allow for meetings to be held at CJH Center or town-owned building accessible to public

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C11-11

X. References to Newspaper Publication – Added “or another medium consistent with the requirements of the Connecticut General Statutes”

- Status: Unanimous Commission Approval; Language Drafted
- Sections Revised: C4-4 B., D., C4-5 A., C8-13 C-4ii, C10-2 G., & C10-4 A.

XI. Add section covering resignations and removals of appointed board members

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C7-1 & Formerly Reserved C7-5

XII. Correct proceeding with preceding

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C10-9

XIII. Add “Just Right” to non-binding advisory question

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-3 B (3)

XIV. Add that the BOF shall hold a public hearing “not less than 7 days or more than” 14 days before

Annual Town Budget Meeting

- Status: Unanimous Commission Approval; Language Drafted

- Section Revised: C10-2 E

XV. Add new section for Department of Public Utilities and the Director of Public Utilities

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: Added to the Table of Contents; C8-1; New Section C8-14

XVI. Have complete construction plans prior to Referendum

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: New Section C6-8 B

XVII. Change Director of Civil Preparedness to Emergency Management Director

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: Change TOC; C8-5

XVIII. Add Overlapping Terms to BOE & Insurance & Pension Commission

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C3-6, C7-15

XIX. Town Budget Meeting Held During the First 14 Days of April

- Status: Unanimous Commission Approval; Language Drafted
- Section Revised: C6-3 A. (1)

XX. Budget Referendum Held 10 to 15 Business Days After Budget Meeting

- Status: Approved by Commission, 1 Abstention; Language Drafted
- Section Revised: C6-3 B. (1)

XXI. Special Referendum by Petition Held 10 to 15 Business Days After Certification •
Approved by Commission, 1 Abstention; Language Drafted

- Section Revised: C6-5 E.

Section V: Ballot Structure and Observations

The Charter Revision Commission suggests the following ballot structure for the proposed amendments.

We have identified four areas to organize the ballot they are Finance, Governance, Public Utility Commission, and Technical.

Finance:

- 1 / I: Allow the use of purchasing cooperatives
- 8 / XIII: Add “Just Right” to the non-binding advisory question
- 9 / XIV: Add that the BOF shall hold a public hearing “not less than seven days or more than” fourteen days before the Annual Town Budget Meeting
- 11 / XVI: Shovel Ready Projects
- 12 / XIX: Town Budget Meeting Held During the first fourteen days of April.
- 13 / XX: Budget referendum held ten to fifteen business days after the budget meeting.
- 14 / XXI: Special referendum by petition held ten to fifteen business days after certification.

Governance:

- 5 / IX: Allow for meetings to be held at the CJH Center or town-owned building accessible to the public
- 6 / X: References to Newspaper Publication - Add “or another medium consistent with the requirements of the Connecticut General Statutes.”
- 7 / XI: Add section covering resignations and removals of appointed board members
- 2 / II: Prohibition of Board of Finance members serving on other boards and commissions

Public Utilities Commission

- 3 / III: Raise Referendum trigger for capital utility projects to \$2M
- 4 / IV: Change Public Utilities Commission to a seven-member board
- 10 / XV: Add new section for Department of Public Utilities and the Director of Public Utilities

Technical

Items 15 through 21 (V, VI, VII, VIII, XII, XVII, XVIII)

Observations:

1. Through our deliberations and information presented to the committee, the theme of the benefits and burdens that the Town Meeting form of government has on the daily operations of the town were discussed. Despite the discussion, there wasn't a mechanism for the Charter Revision Commission to address such a broad question. The committee suggests the Board of Selectmen form an ad-hoc committee to investigate governance options for the Town of Bethel and potential adjustments to our form government. Recognizing if a change is warranted, it would have to take place through charter revision, forming this committee would allow for the time necessary to thoroughly research in advance of the next charter revision.
2. Communication and access to information was an issue brought up throughout the charter revision process. While not in the purview of our responsibilities to mandate specific communication regulations or practices, we felt it was appropriate to relay the concerns shared. The consensus was to outline a strategy to utilize modern technology to allow more access to the ongoings of town governance. Suggestions included the universal use of video at all meetings, advanced notice for town meeting dates, enhanced communication efforts.
3. In budget presentations and communication clearly outline the Board of Education expenses covered in the Town of Bethel budget.

TOWN OF CLINTON: CHANGES TO CHARTER (2018)

CHANGES TO CHARTER 2018

Board of Selectman (Basic) Charter

1. Section 3-1: Add: "No individual can hold more than one elected positions concurrently."
2. Section 3-4: Eliminate the Town Treasurer
3. Section 3-6: Change: Board of Finance shall consist of "six (6) members" to "seven (7) members"
4. Section 3-7: Change: Board of Finance alternates from "six (6) years" to "four (4) years"
5. Section 3-14: Add: "Board of Police Commissioners Alternates"
6. Section 3-14: Shall read: "The Board of Police Commissioners shall have two (2) alternate members, each of whom shall be elected for a term of four (4) years. The alternate members shall serve terms which overlap by two years."
7. Section 3-15: Add: "Registrar of Voters"
8. Section 3-15: Change: Registrar of Voters term from two (2) years to four (4) years
9. Section 4-4A: Change: convened to "adjourned"
10. Section 4-5: Add: Special Town Meeting required for "6. Land Swap Transactions"
11. Section 4-6A1: Add: any resolution appropriating an amount "over \$250,000"
12. Section 4-6A2: all other forms of financing equal to "three (3)" percent or more of current tax levy
13. Section 5-5A: Add: "Except during the time between the change of administration after an election."
14. Section 5-7D: Add: "except during the time between the change of administration after an election."

15. Section 7-1A: Add: "Except during the time between the change of administration after an election."
16. Section 7-2C: Add: "No one person may hold more than then one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc and subcommittees."
17. Section 7-2D: Add: "No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc and subcommittees."
18. Section 7-6B: Add: "There will be no term limit restraints for board members."
19. Section 7-7B: Add: "and three (3) alternate members"
20. Section 8-5: Change: "Civil Preparedness Director" to "Emergency Management Director"
21. Section 8-12: Change: "The Planning and Zoning Commission" to "The Board of Selectmen" shall hire a Zoning Enforcement Officer...
22. Section 8-13: Add" "who shall be hired by the Board of Selectmen with approval of the Board of Police Commissioners,"
23. Section 8-15: Remove: Entire section for Medical Out Patient Transportation Service
24. Section 8-15B: Change: Section "7-148(6)" to "7-148(c)6"
25. Section 8-15c: Change: "Recommend an" to "Approve a recommended" annual budget and proposed capital improvements for the Department of Public Works "to be presented to" the Board of Selectmen and Board of Finance.
26. Section 8-16: Change: ..the Board of Finance and shall be "responsible for" the operation and administration of all finance related functions, "including the duties of the Treasurer," for the Town of Clinton.
27. Section 9-2C: Should read: "No person serving on an elective or appointive Board shall be an "employee supervised by that same" Board."
28. Section 9-3B: Should read: The classified service may include all officers and employees of the Town, except the following: all "elected" officers and "persons" appointed to fill vacancies in "elected offices;"
29. Section 10-3: Should read: "Section 10-3 Levying of Taxes"
30. Section 10-4E: Add: "Transfer of appropriations of amounts up to \$500 within in department can be done by Department Heads with the approval of the Finance Director."
31. Section 10-6E: Should read: "The Board of Selectmen shall have the discretionary authority to utilize state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids, where the sum total shall not exceed one hundred thousand (\$100,000) dollars per commodity and/or piece of equipment, if to do so is in the Town's best interest."

TOWN OF CLINTON: REVISED CHARTER (EFFECTIVE 2019)



William Stanton Andrews Memorial Town Hall

TOWN OF CLINTON, CONNECTICUT

Town Charter Clinton, Connecticut

(Effective date ~~December 6,~~
~~2012~~ November 19,
2019)

TOWN CHARTER
CLINTON, CONNECTICUT

Table of Contents

Chapter I: Incorporation and General Powers

Section 1-1	Incorporation	P. 5
Section 1-2	Rights and Obligations	P. 5
Section 1-3	General Grant of Powers	P. 5

Charter II: Elections

Section 2-1	State Elections	P. 6
Section 2-2	Town Officers	P. 6
Section 2-3	Minority Representation: Elective,	P. 6

Appointive Officials

Section 2-4	Eligibility for Office	P. 6
-------------	------------------------	------

Section 2-5	Breaking a Tie	P. 7
-------------	----------------	------

Chapter III: Elective Officers

Section 3-1	Powers and Duties; Terms of Office	P. 8
Section 3-2	Vacancies	P. 8
Section 3-3	Board of Selectmen <u>Town Council</u>	P. 8
Section 3-4	Treasurer <u>Treasurers</u>	P. 8
Section 3-5	Board of Education	P. 8
Section 3-6	Board of Finance	P. 9
Section 3-7	Board of Finance Alternates	P. 9
Section 3-8	Board of Assessment Appeals	P. 9
Section 3- 9 <u>7</u>	Board of Assessment Appeals Alternates	P. 9
Section 3- 10 <u>8</u>	Zoning Board of Appeals	P. 9
Section 3- 11 <u>9</u>	Zoning Board of Appeals Alternates	P. 9
Section 3- 12 <u>10</u>	Planning and Zoning Commission	P. 9
Section 3- 13 <u>11</u>	Planning and Zoning Alternates	P. 10 <u>9</u>
Section 3- 14 <u>12</u>	Board of Police Commissioners	P. 10 <u>9</u>
<u>Section 3-13</u>	<u>Registrars</u>	<u>P. 9</u>

Chapter IV: The Town Meeting

Section 4-1	Composition; Legislative Powers, Town Meeting and Board of Selectmen <u>Town Council</u>	P. 11 <u>10</u>
Section 4-2	Procedure; Moderator	P. 11 <u>10</u>
Section 4-3	Annual Town Meeting	P. 11 <u>10</u>
Section 4-4	Annual Budget Meeting	P. 11 <u>10</u>
Section 4-5	Special Town Meeting Actions	P. 12 <u>11</u>
Section 4-6	Appropriations or Other Actions Requiring Referendum	P. 13 <u>12</u>

Section 4-7	Petition for Overrule	P. 43 <u>12</u>
Section 4-8	Petition for Special Town Meeting; Initiative	P. 44 <u>13</u>

Chapter V: ~~Board of Selectmen~~Town Council

Section 5-1	Composition	P. 45 <u>14</u>
Section 5-2	Meetings; Conduct of Meetings; Special Meetings	P. 45 <u>14</u>
Section 5-3	General Powers; Investigations	P. 45 <u>14</u>
Section 5-4	Duties and Responsibilities	P. 15
Section 5-5	Power to Enact Ordinances	P. 46 <u>15</u>
Section 5-6	Power to Enact Emergency Ordinances	P. 16
Section 5-7	Additional Powers	P. <u>16</u>
<u>Section 5-8</u>	<u>Relations to Town Manager's appointees</u>	<u>P. 17</u>

Chapter VI: ~~First Selectman~~Chairperson

Section 6-1	General	P. 49 <u>17</u>
Section 6-2	Powers and Duties	P. 19
Section 6-3	Delegation of Duties	P. 19

Chapter VII: Appointive Boards

Section 7-1	Appointments	P. 20 <u>18</u>
Section 7-2	Terms of Office	P. 20 <u>18</u>
Section 7-3	General Powers and Duties	P. 20 <u>18</u>
Section 7-4	Minority Representation	P. 20 <u>18</u>
Section 7-5	Two-Year Terms:	P. 20 <u>18</u>
A.	Municipal Agent for the Elderly	
B.	Shellfish Commission	

- C. Special Constables
- D. Local Veteran's Advisory Committee
- E. Conservation Commission

Section 7-6 Three-Year Terms:

P. ~~24~~19

- A. Water Pollution Control Commission
- B. Clinton Human Services Advisory Board
- C. Design Review Board

Section 7-7 Four-Year Terms :

P. ~~24~~19

- A. Inland- Wetlands Commission
- B. Economic Development Commission
- C. Harbor Management Commission
- D. Historic District Commission

~~D~~.E. Park and Recreation Commission

~~E~~.F. Public Works Commission

~~F~~.G. Fair Rent Commission

Section 7-8 Five-Year Terms:

P. ~~22~~20

~~G~~.A. Historic District Commission

- A. The Board of Ethics

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<u>Section 8-4</u>	<u>Town Manager – Powers and Duties</u>	<u>P. 23</u>	
<u>Section 8-5</u>	<u>Town Manager – Additional Duties and Responsibilities</u>	<u>P. 23</u>	
<u>Section 8-6</u>	<u>Town Manager – Appointments by</u>	<u>P. 25</u>	
<u>Section 8-7</u>	Assessor	<u>P. 23</u>	<u>25</u>
<u>Section 8-38</u>	Town Counsel	<u>P. 23</u>	<u>25</u>
<u>Section 8-49</u>	Architects, Engineers, Surveyors	<u>P. 23</u>	<u>26</u>
	And Other Such Consultants		
<u>Section 8-5</u>	<u>Civil Preparedness</u> ¹⁰ <u>Emergency Management</u> Director		<u>P. 23</u>
<u>Section 8-6</u>	<u>Director of Health; Sanitarian</u> –	<u>P. 24</u>	
<u>Section 8-711</u>	Fire Marshal; Deputies	<u>P. 24</u>	<u>26</u>
<u>Section 8-812</u>	Town Clerk; Salary; Assistant Town Clerk	<u>P. 24</u>	<u>26</u>
<u>Section 8-913</u>	Town Clerk Certification of	<u>P. 24</u>	<u>26</u>
	Records of Killingworth		
<u>Section 8-4014</u>	Building Official	<u>P. 25</u>	<u>26</u>
<u>Section 8-4115</u>	Director of Human Services	<u>P. 25</u>	<u>27</u>
<u>Section 8-4216</u>	Director of Parks and Recreation	<u>P. 25</u>	<u>27</u>
<u>Section 8-4317</u>	Zoning Enforcement Officer	<u>P. 25</u>	<u>27</u>
<u>Section 8-4418</u>	Police Department; Police Commission;	<u>P. 25</u>	<u>27</u>
	Police Chief		
<u>Section 8-45</u>	<u>Medical Out Patient Transportation Services</u> –	<u>P. 26</u>	
<u>Section 8-4619</u>	Inland-Wetlands Enforcement Officer	<u>P. 26</u>	<u>28</u>
<u>Section 8-4720</u>	Department of Public Works and Public Works Commission	<u>P. 26</u>	<u>28</u>
<u>Section 8-4821</u>	Director of Finance	<u>P. 27</u>	<u>28</u>
<u>Section 8-4922</u>	Tax Collector	<u>P. 27</u>	<u>29</u>
<u>Section 8-2023</u>	Town Planner	<u>P. 27</u>	<u>29</u>
	<u>Chapter IX: General</u>		
<u>Section 9-1</u>	Meeting Procedure and Records	<u>P. 28</u>	<u>30</u>

Section 9-2	Code of Ethics	P. 28 30
Section 9-3	Merit System	P. 28 30
Section 9-4	Removal from Office	P. 29 31

Chapter X: Finance and Taxation

Section 10-1	Fiscal Year	P. 30 32
Section 10-2	Preparation of the Budget	P. 30 32
Section 10-3	Laying of Taxes	P. 31 33
Section 10-4	Special Appropriations and Transfer	P. 31 34
	Of Appropriations	
Section 10-5	Emergency Appropriations	P. 32 34
Section 10-6	Expenditures and Accounting	P. 32 34

Chapter XI: Miscellaneous Provisions

Section 11-1	Amendment	P. 34 36
Section 11-2	Savings Clause	P. 34 36
Section 11-3	Referendum; Effective Date	P. 34 36
Section 11-4	Charter Study Commission	P. 34 36
section Section 11-5	Existing Laws and Ordinances	P. 34 36

CHAPTER 1 INCORPORATION AND GENERAL POWERS

Section 1-1 Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Clinton, as heretofore constituted, shall continue to be a body politic and corporate under the name of "Town of Clinton," hereinafter called "the Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this chapter, the additional powers and privileges herein conferred upon towns under the general laws of the State of Connecticut.

Section 1-2 Rights and Obligations

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind to which the Town shall be liable on said date. Nothing therein shall be construed to

affect the right of Town to collect any assessment, charge, debt, or lien. If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any Commission, Board, Department, Officer or Agency herein named, which is abolished by the provisions of this Charter, such contracts , bonds or undertakings shall be in full force and effect and the powers conferred and the duties imposed with the reference to the same upon any such Commission, Board, Department, Officer or Agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the ~~Board of Selectmen~~Town Council.

Section 1-3 General Grant of Powers

In addition to all powers granted to towns under the Constitution and General Statutes, as amended, or which may hereafter be conferred, the Town shall have all the powers specifically granted by this Charter all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Section 7-194 of the General Statutes, as amended, and by special acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or branch thereof, or any agency or political subdivision thereof, or any body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Charter shall not be construed as limiting the general grant of powers but shall be considered as an addition thereto.

CHAPTER 2 ELECTIONS

Section 2-1 State Elections

Nomination and election of state officers, Judge of Probate, Justices of the Peace and Registrars of Voters shall be conducted as prescribed by the General Statutes, as amended. The Registrar of Voters shall prepare lists of electors qualified to vote therefore in the manner prescribed in the Constitution and the General statutes, as amended.

Section 2-2 Town Officers

The election of Town officers listed in Chapter III of this Charter shall take place at the regular Town elections on the first Tuesday after the first Monday in November of each odd numbered year.

Section 2-3 Minority Representation; Elective, Appointive Officials

- A. Minority representation on any elective or appointed board, commission, committee, or similar body of the Town, and alternate members, except the Board of Education, shall be as provided in this section. The maximum number on any such Board, Commission, Agency, Committee or similar body who may be members of the same political party shall be specified in the following table:

COLUMN I TOTAL MEMBERSHIP	COLUMN II MAXIMUM FROM ONE PARTY
3	2
4	3
5	3
6	4
7	4
8	5
9	5
More than 9	One more than one-half of the total membership.

- B. Minority representation on the Board of Education shall be determined in accordance with Section 9-204a of the General Statutes, as amended.

Section 2-4 Eligibility For Office

No person shall be eligible for election to any Town office that is not at the time of election a bona fide resident elector of said Town, and any person ceasing to be a bona fide resident elector of said Town shall thereupon cease to hold elective office in the town.

Section 2-5 Breaking a Tie

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, after recount, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected.

CHAPTER III ELECTIVE OFFICERS

Section 3-1 Powers and Duties; Terms of Office

Except as otherwise provided in this Charter, all elective Officers and members of Boards, and Commissions shall have the powers and duties prescribed for such Officers in the General Statutes, as amended. The terms of office of all elective Officers and members of Boards and commissions shall commence on the second Tuesday following the election. Elective Officers shall continue to hold such Office until their successors have been duly elected and qualified. No individual can hold more than one elected position concurrently.

Section 3-2 Vacancies

- A. The ~~Board of Selectmen~~Town Council shall fill, by appointment, a vacancy in any and all elective Town Offices, including the Board of Education ~~and Board of Finance~~, within thirty (30) days from the time that the office becomes vacant, said appointment to be for the unexpired portion of the term.
- B. When a person vacating an office shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.
- C. A vacancy on the ~~Board of Selectmen~~Town Council shall be filled in accordance with the procedures set forth in Section 9-222 of the General Statutes encaptioned, "Filling of vacancy in office of first selectman or selectman. Petition for special election".

Section 3-3 Board of Selectmen

~~At each regular Town election there shall be elected a five (5) member Board of Selectmen consisting of a First Selectman and four (4) Selectmen.~~Council

~~The candidate for First Selectman receiving the highest number of votes for said office shall be declared elected First Selectman. The balance of the Board of Selectmen shall be seated from the candidates, including the unsuccessful candidate for the office of First Selectman, receiving the next four highest number of votes and in accordance with the minority representation stipulations of Section 2-3 of this Charter.~~

There shall be elected a Seven (7) member Town Council, each member will be elected for a term of Four (4) years. At the municipal election in November 2019, seven (7) members shall be elected and those four (4) candidates receiving the highest number of votes for Town Council in the election shall be elected to serve for terms of four (4) years, and the remaining three (3) elected candidates shall serve for an initial term of two (2) years subject to requirement of minority representation. Thereafter, at each regular municipal election, there shall be elected

candidates to fill those seats for which terms are expiring.

Section 3-4 Treasurers

The Treasurer shall be ~~elected at a regular town election~~ appointed by the Town Council for a term of two (2) years.

Section 3-5 Board of Education

The Board of Education shall consist of seven (7) members, each whom shall be elected for a term of four (4) years, as provided in Section 9-204a of the General Statutes, as amended; nominations by any political party of candidates may be equal to the number of members to be elected to each election, and electors may vote for the full number of such members to be elected. The members shall serve overlapping term. At each regular Town election there shall be elected sufficient members to succeed each member whose term shall expire.

Section 3-6 Board of Finance

~~The Board of Finance shall consist of six (6) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping term. At each regular municipal election, there shall be elected three (3) members of said Board to replace those whose terms are expiring.~~

Section 3-7 Board of Finance Alternates

~~There shall be two (2) Boards of Finance Alternates who shall not be members of the same political party and who shall be elected for a term of six (6) years. Said alternate members shall have all the powers and duties set forth in the General Statutes, as amended, and as provided in this Charter.~~

Section 3-8 Board of Assessment Appeals

The Board of Assessment Appeals shall consist of three (3) members each whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~9~~7 Board of Assessment Appeals Alternates

The Board of Assessment Appeals Alternates who shall not be members of the same political party shall consist of two (2) members, each of whom shall be elected for a term of four (4) years. The Alternate Members shall serve overlapping terms.

Section 3-~~10~~8 Zoning Board of Appeals

The Zoning Board of Appeals shall consist of five (5) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~119~~ Zoning Board of Appeals Alternates

The Zoning Board of Appeals Alternates shall consist of three (3) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~1210~~ Planning and Zoning Commission

The Planning and Zoning Commission shall consist of nine (9) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~1311~~ Planning and Zoning Alternates

The Planning and Zoning Commission Alternates shall consist of three (3) members each whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-~~1412~~ Board of Police Commissioners

The Board of Police Commissioners shall consist of five (5) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-13 Registrars

The Registrars of Voters shall be elected at a regular town election for a term of four (4) years.

CHAPTER IV THE TOWN MEETING

Section 4-1 Composition; Legislative Powers, Town Meeting and ~~Board of Selectmen~~Town Council

- A. The legislative powers of the Town shall be vested in the Town Meeting as provided by this Charter and in the ~~Board of Selectmen~~Town Council as specified in Sections 5-4 through 5-7 of this Charter.
- B. The Town Meeting may be convened as the Annual Town Meeting or Special Town Meeting. The Annual Town Meeting shall be held on the last Monday in January. The Annual Budget Meeting shall be held no later than the first Wednesday in May. Special Town Meeting shall be called by the ~~Board of Selectmen~~Town Council as provided in this Chapter and in the manner provided by the General Statutes, as amended.
- C. All persons eligible to vote in Town Meetings as prescribed in Section 7-6 of the General Statutes, as amended, shall be eligible to vote in Special Town Meetings called as provided in Section 4-8 of this Chapter.

Section 4-2 Procedure; Moderator

All Town Meetings shall be called to order by the ~~First Selectman~~Town Council Chairperson or a member of the ~~Board of Selectmen~~Town Council. A Moderator shall be elected and all business conducted in the manner provided by the General Statutes, as amended, except as otherwise provided in this Charter. The Town Clerk shall serve as Clerk of all Meetings but, in case of an absence, the Meeting shall select an Acting Clerk.

Section 4-3 Annual Town Meeting

The Annual Town Meeting shall be for the purpose of receiving the Town Reports and shall consider such other business as the ~~Selectmen~~Town Council state in the Call of the Meeting.

Section 4-4 Annual Budget Meeting

- A. The Annual Budget Meeting shall be ~~convened~~adjourned to referendum ~~by machine or ballot vote~~. The call of the Annual Town Budget Meeting shall present as separate resolutions, the Town Government Budget and the Board of Education Budget to be voted upon in referendum pursuant to Section 4-4(B) of the Charter. Should the Annual Budget Meeting be adjourned prior to it being convened to referendum, said Meeting shall automatically reconvene in succeeding one (1) week intervals until its completion. The Budget Resolutions will be submitted to the persons qualified to vote in a town meeting which shall take place not less than seven (7) or more than fourteen (14) days thereafter, on a day to be set by the Annual Budget Meeting. At least five (5) days prior to such referendum the ~~Board of Selectmen~~Town Council shall publish in a newspaper having general circulation in the town a notice of such referendum, setting forth the date on which, the hours (6a.m. - 8p.m.) during which, and the location at which the referendum will be held and the text of the questions as they will appear on the voting machine.
- B. The text shall provide for separate approval/disapproval of the Town Government Budget and the Board of Education budget as follows:

Yes / No /

-
1. In favor of the proposed Town Government Budget of the Town of Clinton for the fiscal year July 1, ____ to June 30, ____ in the amount of \$_____.

Yes / No /

2. In favor of the proposed Board of Education Budget of the Town of Clinton for the fiscal year July 1, ___ to June 30, ___ in the amount of \$_____.

Should either budget section fail to be approved by a majority of those voting thereon, the ~~Board of Finance, the Board of Selectmen, Town Council~~ and/or the Board of Education shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget section(s) to referendum 14 days following the date the initial budget referendum was defeated. The ~~Board of Finance~~ Town Council shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget section(s) for consideration. This process shall be repeated at two (2) week succeeding intervals until such time as the total budget is adopted.

- C. In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

Section 4-5 Special Town Meeting Actions

- A. Special Town Meetings shall be required for approval by vote after recommendation by the ~~Board of Selectmen and the approval of the Board of Finance for~~ Town Council:
 1. Any resolution making an appropriation subject to provisions of Section 10-4 of this Charter;
 2. Any resolution authorizing the issuance of bonds or notes;
 3. The purchase of real estate;
 4. The sale of any real estate;
 5. Any real estate lease and/or lease with option which involves a term in excess of three(3) years;
 6. Land exchange Transactions
- B. Special Town Meetings may be called by the ~~Board of Selectmen~~ Town Council for:
 1. The rejection of any collective bargaining agreements negotiated by the Board of Education as provided in Chapter 166 of the General Statutes, as amended.
 2. Proposals for Town improvements disapproved by the Planning and Zoning Commission pursuant to the provisions of Section 8-24 of the General Statutes, as amended.

Section 4-6 Appropriations or Other Actions Requiring Referendum

- A. A referendum shall be required for:
 1. With the exception of the annual budget, any resolution appropriating an amount ~~equal to five (5) percent or more of the current tax levy~~ over \$300,000;
 2. Any resolution authorizing the issuance of bonds, notes, and all other forms of financing equal to ~~five (5)~~ three (3) percent or more of the current tax levy.

The ~~Board of Selectmen~~Town Council shall fix the time and place of all referendums. Notice of a referendum shall be given and each referendum shall be conducted as provided in Section 7-7 of the General Statutes, as amended.

B. With the exception of the annual budget, three hundred (300) persons qualified to vote in a Town Meeting may petition over their signatures for any item on the call of a Town Meeting to be voted on in referendum. The procedure shall be in accordance with Section 7-7 of the General Statutes, as amended. Refer to Section 4-4 A for annual budget referendum procedures. The provisions of Section 7-7 of the General Statutes, as amended, shall not apply to the adoption of the Town Budget.

C. All referendum voting will be by ballot or machine vote.

Section 4-7 Petition for Overrule

All ordinances, adopted by the ~~Board of Selectmen~~Town Council, except emergency ordinances, shall be subject to overrule by referendum. All resolutions or votes of the ~~Board of Selectmen~~Town Council, except those making appointments or removals or regulating exclusively the internal procedure of the ~~Board of Selectmen~~Town Council shall be subject to overrule by referendum. The procedure required is as follows:

A. After the publication of any ordinance or the making of such resolution or the taking of such vote, a petition, signed by not less than three hundred (300) voters must be filed with the Town Clerk requesting it be put to referendum. The effective date of such ordinance, resolution, or vote shall then be suspended. Said petition shall conform to the requirements of Section 7-9 and Section 7-9a of the General Statutes, as amended. Said petition shall contain the full text of the ordinance, resolution, or vote proposed to be repealed. The Town Clerk shall, within five (5) days after receipt of the last page of said petition, determine whether the petition and affidavits are sufficient as prescribed by law, and if so, certify said petition to the ~~Board of Selectmen~~Town Council.

B. The ~~Board of Selectmen~~Town Council shall fix the time and place of such referendum, which shall not be less than seven (7) days not more than fourteen (14) days after the certification of said petition. Notice thereof shall be given by publication in full of the ordinance, resolution, or vote, in the manner provided by law for the calling of a Town referendum.

C. Such ordinance, resolution, or vote shall be submitted to the voters qualified to vote in a Town Meeting for a "Yes" or "No" vote on the ballot or voting machine. The referendum shall be held in accordance with Section 7-7 of the General Statutes, as amended, and after the polls are closed, a Moderator appointed by the Registrars of Voters shall cause the vote to be counted and the ordinance, resolution or vote so referred shall take effect immediately unless a majority of those voting thereon shall have voted in favor of overrule.

Section 4-8 Petition for Special Town Meeting; Initiative

- A. One hundred (100) voters may, at any time, petition for the enactment of any proposed lawful ordinance or resolution on Town Meeting actions enumerated herein, by filing such petition, including the complete text of such ordinance or resolution with the Town Clerk. Said petition shall conform to the requirements contained in Section 4-7 of this Charter.
- B. Any such proposed ordinance or resolution shall be examined by the Town Counsel before being submitted to a Special Town Meeting. The Town Counsel may correct the form of such ordinance or resolution for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, but may not materially change its meaning and effect.
- C. The ~~Board of Selectmen~~Town Council shall hold one or more public hearings on such proposal prior to calling a Special Town Meeting, to be held not less than ten (10) days nor more than thirty (30) days from the date of such filing. Such ordinance, resolution or vote shall be submitted to the voters in the manner specified in Section 4-7 of this Charter.

CHAPTER V
BOARD OF SELECTMEN
TOWN COUNCIL

Section 5-1 Composition

~~There shall be a Board of Selectmen consisting of a First Selectman and four (4) Selectmen, all elected as provided in this Charter.~~

There shall be a Town Council consisting of a Chairperson, Vice Chairperson and (5) Council Members, all elected as provided in this Charter. The members of which shall initially be compensated at the rate of \$3000 for the Chairperson and \$1500 for the remaining members per annum, such level of compensation to be reviewed from time to time by said Council. Any increase or decrease by a vote of at least five (5) members of the Council voting in favor of such an increase or decrease only takes effect upon the election of the next Council. The Town Council may be reimbursed by the Town for actual expenses incurred in the performance of official duties.

Section 5-2 Meetings; Conduct of Meetings; Special Meetings

- A. At the first meeting following its election, the BoardCouncil shall designate ~~an Acting First Selectman to assume the duties of the First Selectman in the event of the absence or disability of the First Selectman.~~ a Chairperson and a Vice Chairperson. The ~~First Selectman~~ Chairperson, when present, shall preside over the meeting of the ~~Board~~ Town Council and shall have full voting power at such meeting.
- B. At its first meeting following the election, the BoardCouncil shall fix the schedule of its regular meeting dates and times. Such schedule shall be set by vote of the entire BoardCouncil. The BoardCouncil shall meet ~~once~~ twice a ~~week~~ month and at least one meeting a month shall be held during the evening hours.
- C. The BoardCouncil may call a special meeting whenever deemed necessary.
- D. All actions of the BoardCouncil shall require ~~three (3)~~ four (4) affirmative votes.
- E. Minutes of each meeting shall be taken and shall include the attendance of each member on all items of business before the BoardCouncil by a clerk.

Section 5-3 General Powers; Investigations

- A. The BoardCouncil shall have the powers and duties as are provided for Boards of Selectmen by the General Statutes, as amended, and this Charter, and may exercise any of the powers conferred on towns by Section 7-194 of the General Statutes, as amended.

- B. The ~~Board~~Council shall have the power to subpoena witnesses and documentation and to investigate any duty related actions of all Officers, Boards, Commissions and Agencies of the Town.

Section 5-4 Duties and Responsibilities

- A. The ~~Board of Selectmen~~Council shall direct ~~and~~, supervise ~~the affairs of the Town~~ and shall be responsible for coordinating the activities of the Officers, Departments, Boards, Commissions and Agents of the Town ~~- to which the Council has power to appoint as outlined in this Charter.~~
- B. The ~~Board~~Council shall adopt such rules and regulations as are necessary for the conduct of the affairs of the Officers, Departments, Boards, Commissions, and Agencies of the Town to which the Council has power to oversee as outlined in this Charter.
- C. The ~~Board~~Council shall hold at least one joint meeting, one of which shall be held during the month of January of each year, with all Officers, Departments, Boards, Commissions, Agencies and Authorities to coordinate the planning and activities of Town functions and responsibilities.

Section 5-5 Power to Enact Ordinances

- A. The ~~Board of Selectmen~~Town Council shall have the legislative power to enact ordinances, not inconsistent with this Charter and the General Statutes, as amended, for the preservation of the good order, health, welfare, and safety of the Town and its inhabitants. No ordinances may be enacted by the Town Council during the period after the election of members of the Town Council and the date they take office after the election with the exception of ordinances to meet a declared emergency under Section 5-6 of this Charter.
- B. At least one public hearing shall be held by the ~~Board of Selectmen~~Town Council before the enactment of any proposed ordinance. Notice of a hearing shall be given in the form of a legal advertisement, by publication, not less than ten (10) days before the date of such hearing, of the full text of the proposed ordinance, in a newspaper having general circulation in the Town, a copy of which shall be on file in the Town Clerk's office.
- C. The ~~Board~~Town Council shall enact or deny the proposed ordinance within thirty (30) days after the public hearing.
- D. Each ordinance as enacted, and its effective date, shall promptly be published in the form of a legal advertisement in a newspaper having a general circulation in the Town. Every ordinance, after enactment, shall be recorded and filed by the Town Clerk in the Code of Ordinances.

- E. Every ordinance shall become effective on the thirtieth (30) day after publication unless a petition to overrule such ordinance has been filed in accordance with Section 4-7 of this Charter.

Section 5-6 Power to Enact Emergency Ordinances

On a declaration by the ~~Board of Selectmen~~Town Council that a State of Public Emergency exists endangering the lives, health or property of citizens, the ~~Board~~Council may enact ordinances to meet such emergency. No public hearing shall be required for emergency ordinances and such ordinances shall become effective immediately, and shall be published promptly in a newspaper having general circulation in the Town. Every emergency ordinance and amendments thereto shall automatically stand repealed at the termination of the sixtieth (60) day following enactment of said ordinance.

Section 5-7 Additional Powers

The ~~Board of Selectmen~~Town Council shall have the following powers and duties. The ~~Board~~Council:

- A. Shall ~~present a review the~~ proposed budget ~~for the Town with its recommendation to from~~ the ~~Board of Finance,~~Town Manager consistent with the provisions of Chapter X of this Charter;

~~Shall assemble, compile and publish the Annual Town Report for submission to the Annual Town Meeting;~~

~~Shall have the power to lease real property for no more than a three (3) year period;~~

- ~~B. Shall authorize the execution of contracts, leases, deeds, and other legal instruments by the First Selectmen;~~

~~C.B. Shall approve or reject any collective bargaining agreement for the Town employees;~~

Shall with the advice of the Town Counsel, institute, prosecute, defend, or compromise any legal action or proceeding by or against the Town;

~~D.C.~~ Shall call a Special Town Meeting to ~~recommend~~consider and act upon recommendations for the creation, consolidation, change or abolition of Offices, Boards, Commissions, or Agencies not otherwise provided for in this Charter;

~~E. Shall approve or reject any collective bargaining agreement for the Town employees; May, when requested by any Officer, Board, Commission, or Agency, and after approval by the Board of Finance, make special or supplemental appropriation in amounts subject to the provisions of Section 10-4 of this Charter. D.~~

E. Shall have the power to subpoena witnesses and documentation and to investigate any duty related actions of all Officers, Boards, Commissions and Agencies of the Town

F. Shall accept a public street or highway provided that the Town Engineer shall have certified that such street or highway has been completed and meets all standards and specifications established by ordinances and regulations relating to streets and highways, and may discontinue, a public street or highway;

G. Shall authorize the submission by the ~~First Selectman~~Town Manager of applications for Federal, State or Regional grants;

H. May incur indebtedness in the name of the Town and provide for the due execution of contracts and evidence of indebtedness issued by the Town;

I. May employ such staff with such powers, duties and responsibilities as they may deem necessary to carry out the duties and responsibilities of the ~~Board~~Council, consistent with the provisions of this Charter;

~~May contract for services and the use of facilities with the Federal Government or any agency thereof, the State of Connecticut, or any agency or political subdivision thereof;~~

~~J. May join with other towns to provide or obtain services or the use of facilities by means of interlocal agreements.~~

~~K.~~J. May call a Special Town Meeting for any proposal it deems of sufficient importance.

~~L. May enter into grant agreements, accept funds disbursed under said grant agreements and appropriate same for the use intended, subject, however, to:~~

- ~~(i) the approval of the Board of Finance and, if the grant exceeds \$15,000, Town Meeting as otherwise provided herein; and~~
- ~~(ii) any other Board or Commission, otherwise having jurisdiction pursuant to any State law or Charter provision due to the subject matter of said grant.~~

K. Shall have the authority to approve real property tax abatement agreements allowed under provisions of the Connecticut General Statutes

~~M.~~L. In no circumstance shall the ~~Board of Selectman~~Town Council accept any grant or enter into any grant agreement that:

- (i) Obligates the Town or any agency thereof to expend funds in excess of the amount granted, unless and until such funds have been appropriated in accordance with the terms of this Charter; or
- (ii) Obligates the Town or any agency thereof to take any action that would otherwise require further approval by Town Meeting or any other Board or Commission.

Section 5-8 Relations to Town Manager's appointees

The Council and its members shall deal with the Town Manager's appointees and their subordinates solely through the Town Manager. Neither the Council nor any member thereof shall give orders to any of the subordinates of the Town Manager either publicly or privately. For purposes of investigation, the Council may call any employee or officer before a properly constituted meeting of the Council, provided that the Town Manager has been invited to attend.

CHAPTER VI FIRST SELECTMAN CHAIRPERSON OF THE TOWN COUNCIL

Section 6-1 General

- A. ~~The First Selectman shall serve full time and shall be the Chief Executive and Administrative Officer of the Town. The First Selectman shall have the powers, duties, and responsibilities conferred upon that Office by the General Statutes, as amended, and by this Charter.~~Chairperson shall be the official head of the Town for all ceremonial or military purposes.
- B. The ~~First Selectman~~Chairperson shall be a full voting and participating member of the ~~Board of Selectmen~~Town Council and shall preside at all meetings of the ~~Board~~Council.
- C. The ~~First Selectman~~Chairperson or such other ~~Selectmen~~Council member as he/she may appoint shall be an ex-officio member of all Boards, Commissions, Agencies, Committees and Authorities including the Board of Education ~~and the Board of Finance~~, but without the power to vote.

Section 6-2 Powers and Duties

- ~~A. The First Selectman shall execute or cause to be executed the ordinances, regulations, resolutions or policies voted by the Board of Selectmen of the Town Meeting, and shall guide the Board in the discharge of its duties and responsibilities.~~
- ~~B. The First Selectman shall be responsible for coordinating the administrative activities of the Officers, Boards, Commissions and Agencies of the Town.~~
- ~~C. The First Selectman shall be responsible for a continuous review of current and future needs of the Town, including the fiscal needs and budget requirements.~~

~~D. The First Selectman shall contract for all services and the purchases of supplies, equipment, and other commodities required by any Town agency except the Board of Education, under the competitive bidding provisions of this Charter.~~

~~E. The First Selectman shall be responsible for the administrative and personnel policies for the Town officers and employees as provided by this Charter and shall direct and supervise the performance of duties of said employees.~~

Section 6-3 Delegation of Duties

~~To assist in the proper administration of the Office, the First Selectman may assign and delegate duties to the Board of Selectmen and to Officers appointed by the First Selectman and/or the Board of Selectmen.~~

CHAPTER VII APPOINTIVE BOARDS

Section 7-1 Appointments

- A. All appointments to Offices hereinafter stated shall be made by the ~~Board of Selectmen by a majority vote of the Board of Selectmen.~~ Town Council by a majority vote of the Town Council. No appointments may be made by the Town Council during the period after the election of members of the town council and the date they take office after the election..
- B. All appointees shall be bona fide resident electors of the Town and shall vacate their positions on ceasing to be bona fide resident electors of the Town. They shall be sworn before taking the Office and the Officer administering the oath shall record such fact in the Office of the Town Clerk.

Section 7-2 Terms of Office

- A. Except as otherwise provided in this Charter, the terms of office for all appointees on all appointive Boards and Commissions shall commence on the first (1st) day of July, the onset of Clinton's fiscal year.
- B. Vacancies shall be filled within sixty (60) days by the ~~Board of Selectmen~~ Town Council.
- C. No one person may hold more than one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.
- D. No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

Section 7-3 General Powers and Duties

Except as otherwise provided in this Charter; all appointees shall have all the powers and duties prescribed by law.

Section 7-4 Minority ~~Party~~ Representation

Minority ~~Party~~ Representation shall be as specified in Chapter II of this Charter.

Section 7-5 Two - Year Terms

- A. A municipal agent for the elderly shall be appointed who shall serve a two year term and shall have all the powers and duties prescribed by the General Statutes, as amended.

- B. The Shellfish Commission shall consist of seven (7) members, each of whom shall serve two (2) year overlapping terms. The members shall also be sworn in as Special Shellfish Constables for the same term and shall also have such powers and duties as are specified in Section 26-277 of the General statutes, as amended.
- C. The ~~Board of Selectmen~~Town Council may appoint Special Constables each of whom shall serve a two (2) year term.
- D. The Local Veteran's Advisory Committee shall consist of three (3) members and one (1) alternate member, each of whom shall serve a two (2) year term. All members shall be veterans.
- E. The Conservation Commission shall consist of seven (7) members all appointed to serve overlapping terms. The Commission shall be organized and granted such powers as are permitted by the Connecticut General Statutes.

Section 7-6 Three - Year Terms

- A. The Water Pollution Control Commission shall consist of seven (7) members, all appointed to serve overlapping terms.
- B. The Clinton Human Services Advisory Board (consisting of Youth and Family Services and Social Services) shall consist of seven (7) bona fide resident elector members and one (1) non-voting youth member, all appointed to serve overlapping terms. The composition of the Board shall meet the requirements set forth in the Connecticut General Statutes (7-44), as amended. The bona fide resident elector members of the Clinton Human Services Advisory Board shall have the powers and duties set forth in the 1991 Town ordinance, as amended, that created the Bureau, in addition to providing the services set forth in the Connecticut General Statutes^{*, 7-1}, as amended.
- C. The Design Review Board shall consist of five (5) members and two (2) alternate members, all appointed to serve overlapping terms.

Section 7-7 Four - Year Terms

- A. The Inland Wetlands Commission shall consist of seven (7) members and three (3) alternate members all appointed to serve overlapping terms.
- B. The Economic Development Commission shall consist of seven (7) members; and three (3) alternate members with no more than two (2) alternates from the same political party and all appointed to serve overlapping terms.

- C. The Harbor Management Commission shall consist of seven (7) members, all appointed to serve overlapping terms.
- D. The Park and Recreation Commission shall consist of seven (7) members, all appointed to serve overlapping terms.
- E. The Public Works Commission shall consist of five (5) members and two (2) alternate members all appointed to serve overlapping terms.
- F. The Fair Rent Commission shall consist of five (5) members, all appointed to serve overlapping terms.

~~Section 7-8 Five Year Terms~~

- G. ~~A.~~ The Historic District Commission shall consist of five (5) members and three (3) alternate members all appointed to serve overlapping terms.

~~B~~Section 7-8 Five Year Terms

- ~~A.~~ The Board of Ethics shall consist of five (5) members, all appointed to serve five (5) year overlapping terms. No member shall serve more than two (2) consecutive terms. Any member having served two (2) consecutive terms shall be ineligible for reappointment to the Board for a period to two (2) years.

CHAPTER VIII ADMINISTRATIVE OFFICERS AND DEPARTMENTS

Section 8-1 Terms of Office; Qualifications; Powers and Duties

Appointments shall be made by the ~~Board of Selectmen~~Town Manager, Town Council or the ~~First Selectman~~Chairperson, as may be required by the General Statutes, as amended. Administrative Officers shall possess, upon appointment, such qualifications as may be required by law or by the ~~Board of Selectmen~~Town Council.

Section 8-2 ~~Assessor~~Town Manager

Section 8-2-1 Appointment; Qualifications; Term; Compensation

A. The Town Council shall appoint a Town Manager for a term not to exceed three (3) years. Prior to appointing the Town Manager, the Town Council shall appoint a search committee it deems qualified, to perform a search for qualified candidates. The Town Council may select and designate a search committee for a term not to exceed one (1) year.

(i) The Board of Selectmen seated and serving as of the date of the initial approval of this Charter, shall constitute a search committee to consider candidates for appointment as the initial Town Manager for the Town of Clinton. Such candidates shall have the qualifications set forth in this Charter. Upon election of the initial Town Council, pursuant to this Charter, candidates will be presented to the Council for selection of the initial Town Manager. The authorization contained in this subsection shall become effective upon passage of the Charter.

B. The Town Manager shall be appointed solely on the basis of executive and administrative qualifications, character, education, professional training, and experience. Specific qualifications such as a Master's Degree in Public Administration (MPA), Master's Degree in Business Administration (MBA) or related fields. The Town Manager need not be a resident of the Town or state at the time of appointment and may reside outside the Town while in office only with the approval of the Town Council.

C. The Town Manager shall serve a specified term not to exceed three (3) years pursuant to a contract between the Town Council and the Town Manager. There shall be no limitation on the number of times the Town Council may execute a new contract with any particular Town Manager. The contract shall make provisions for compensation, review procedures, its specific expiration date, and any other matters the Town Council deems appropriate and/or necessary.

D. The Town Council shall determine the compensation of the Town Manager. In addition to termination provided by Section 8-2-1(C) of this Charter and by any applicable contract provision, the Town Council shall have the power to suspend or remove the Town Manager, as provided herein.

E. Upon the suspension, removal, resignation, incapacity, or death of the Town Manager, the Council may appoint a Temporary Manager to serve at the pleasure of the Council for a period of not more than one hundred eighty (180) days. If, after one hundred eighty (180) days, the Council has not has not appointed a new Manager, it may appoint a Temporary Manager for a further period of up (180) days. The Temporary Town Manager shall have all the powers and duties of the Manager.

Section 8-3 Removal

- A. In addition to termination provided by Section 8-2-1 of this Charter and by any applicable contract provision, the Town Council shall have the power to suspend or remove Town Manager as provided herein.
- B. The Town Council may approve the suspension or removal of the Town Manager by a resolution approved by five (5) affirmative votes of the Town Council which resolution shall set forth the reasons for suspension or removal. A copy of such resolution shall be served upon the Manager by certified mail to the Manager last known address or by hand-delivery.
- C. Within fifteen (15) days of the resolution regarding the Town Manager's removal or suspension, the Town Manager shall reply to the resolution, in writing properly addressed to the Town Council, and the Town Manager may request a private hearing before the Town Council. If the Town Manager fails to timely respond, the Town Council's suspension or removal shall be deemed final.
- D. In the event of the Town Managers timely response the Town Council shall hold a hearing not earlier than ten (10) days and not later than fifteen (15) days after such hearing is requested.
- E. After the public hearing and after full consideration, the Town Council, by five (5) affirmative votes, may adopt a final resolution of suspension or removal. The decision of the Town Council shall be final.

Section 8-4 Powers and Duties of the Manager

The Town Manager shall serve full time and shall be the Chief Executive and Administrative Officer of the Town. The Town Manager shall have the powers, duties, and responsibilities conferred upon that Office by the General Statutes, as amended, and by this Charter.

The Town Manager shall be directly responsible to the Town Council for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Town Manager and shall supervise and direct the same. He or she shall devote full time to the discharge of the duties of the office. The Town Manager shall see that all Policies set by the Town Council, along with the laws and ordinances governing the Town are faithfully executed; shall make reports to the Town Council and shall attend its meetings with full right of participation in its discussions but without a right to vote and may attend meetings of the Board of Education and other Town boards and commissions, but shall have no power to vote on any question under any circumstance; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual Town report; shall require each board, commission and officer of the Town to submit a written quarterly progress report of their official activities to the Town Manager for submission to the Town Council; shall recommend to the Town Council such measures as he or she may deem necessary or expedient; shall keep the Town Council fully advised as to the financial condition of the Town; shall prepare and submit to the Town Council an annual budget; and shall exercise such other powers and perform such other duties as may be required of the Town Manager by ordinance or resolution of the Town Council not inconsistent with this Charter. The Town Manager may, with the approval of the Town Council, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate. The Town Manager may consolidate or combine offices, positions, departments or units under his or her jurisdiction, with approval of the Town Council. The Town Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Town Manager, except those powers and duties imposed by the Town Council under the provisions of this section.

Section 8-5 Additional Duties and Responsibilities

- A. Shall assemble, compile and publish the Annual Town Report for submission to the Annual Town Meeting;
- B. Shall have the power to lease real property for no more than a three (3) year period;
- C. Shall authorize the execution of contracts, leases, deeds, and other legal instruments by the Chairperson of the Town Council, No such documents may be executed by the Town Council during the period after the election of members of the Town Council and the date they take office after the election.

- ~~C.D.~~ May contract for services and the use of facilities with the Federal Government or any agency thereof, the State of Connecticut, or any agency or political subdivision thereof;
- E. May join with other towns to provide or obtain services or the use of facilities by means of inter-local agreements.
- F. May enter into grant agreements, accept funds disbursed under said grant agreements and appropriate same for the use intended, subject, however, to:~~The Board of Selectmen~~
- a. the approval of the Town Council and, if the grant requires in kind or matching funds, Town Meeting as otherwise provided herein; and
 - b. any other Board or Commission, otherwise having jurisdiction of the subject matter of the grant pursuant to any State law or Charter provision due to the subject matter of said grant.
- G. Shall enforce or cause to be carried out the ordinances, regulations, resolutions or policies voted by the Town Council of the Town Meeting.
- H. Shall be responsible for coordinating the administrative activities of the Officers, Boards, Commissions and Agencies of the Town.
- I. Shall be responsible for a continuous review of current and future needs of the Town, including the fiscal needs and budget requirements.
- J. Shall contract for all services and the purchases of supplies, equipment, and other commodities required by any Town agency except the Board of Education, under the competitive bidding provisions of this Charter.
- K. Shall be responsible for the administrative and personnel policies for the Town officers and employees as provided by this Charter..
- L. May, when requested by any Officer, Board, Commission, or Agency, make special or supplemental appropriation in amounts subject to the provisions of Section 10-4 of this Charter. ;
- M. Be the personnel director for the town, and shall have the responsibility for developing job descriptions for all administrative officers, subject to the approval of the Town Council; and all advertising for, hiring, and dismissal of town employees, except for the Board of Education employees, shall be under the Town Manager's direct control, subject to the approval of the Town Council except as otherwise provided for in this Charter;

- N. Keep the Town Council fully advised as to the financial condition and all other matters affecting the welfare and future needs of the Town;
- O. Make recommendations to the Town Council concerning the affairs of the Town;
- P. Periodically review and revise job descriptions of Town officers and employees and make recommendations for improving the organization and staffing of Town departments, offices and agencies;
- Q. Assist the Town Council to develop long-term goals including economic development for the town and strategies to implement such goals;

Section 8-6 Appointments by the Town Manager

The Town Manager shall appoint all officers and employees of the Town except as otherwise specifically provided in this Charter. The appointments by the Town Manager shall be confirmed by a majority of the Town Council. In lieu of any appointment by the Town Manager or appointees to any office under his or her jurisdiction, the Town Manager may, subject to the approval of the Town Council, perform the duties of any appointed office under his or her jurisdiction. The Town Manager may designate one of his or her appointees to serve as acting Manager during the Town Manager's absence. The Town Manager cannot create a position without first obtaining approval of the majority of the Town Council after completing the proper job description and requirements for said position.

Section 8-7 Assessor

The Town Manager shall hire a certified Connecticut Municipal Assessor who shall be so certified by the State Tax Commissioner, following recommendation by a search committee appointed by the Town Council.

Section 8-38 Town Counsel

The ~~Board of Selectmen~~Town Council shall appoint as Town Counsel an Attorney-at-Law or a firm of Attorneys-at-Law admitted to practice in the State. Town Counsel shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its officers, Departments, Boards, Commissions, or Agencies and shall be their legal advisor in all matters affecting the Town. Town Counsel shall; upon written request submitted through the ~~First Selectman~~Town Council Chairperson, furnish a written opinion on any question of law involving Town matters, powers and duties. Town Counsel shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest, and shall have power, with the approval of the ~~Board of Selectmen~~Town Council, to compromise or settle any claims by or against the Town.

Section 8-49 Architects, Engineers, Surveyors and Other Such Consultants

The ~~Board of Selectmen~~Town Manager shall contract with State licensed Architects, Engineers, Surveyors and other such consultants, in support of all services, Commissions, and Boards of the Town, under the administration of the Public Works Commission.

Section 8-~~5 Civil Preparedness~~10 Emergency Management Director

The ~~Board of Selectmen~~Town Manager shall appoint ~~a Civil Preparedness~~a Civil Preparedness ~~an Emergency Management~~Director, following recommendation by a search committee appointed by the Town Council. The Director shall have the powers and duties prescribed by law.

Section 8-~~6 Department of Health; Sanitarian~~

~~Pursuant to Connecticut General Statutes 19a-240 et seq, the powers, duties, responsibilities, and obligations of the Department of Health, Director of Health, and Sanitarian for the Town shall be delegated to the Connecticut River Area Health District, which shall exercise all the authority as to public health required of or conferred upon the Town by law, and which shall provide all appropriate necessary and appropriate services to the Town. In the event, for any reason, including the withdrawal of the Town from said Health District or the termination of said Health District, such services cease being provided to the Town, the Board of Selectmen is authorized, pursuant to Connecticut General Statutes section 19a-200 et sq, to employ a Director of Health and a Sanitarian to provide such services as are required by the Connecticut General Statutes to the Town, on such terms and basis as the Board of Selectmen may decide, subject to the necessary appropriation being made.~~

Section 8-711 Fire Marshal; Deputies

The ~~Board of Selectmen~~Town Manager shall appoint a Fire Marshal to serve a four (4) year term. ~~The Board of Selectmen, following recommendation by a search committee appointed by the Town Council. Town Manager~~ may appoint Deputy Fire Marshals for the same term. They shall all have the powers and duties prescribed by the General Statutes, as amended.

Section 8-~~8~~12 Town Clerk; Salary; Assistant Town Clerk

- A. The Town Clerk shall be hired by the ~~Board of Selectmen~~Town Manager, following recommendation by a search committee appointed by the ~~Board of Selectmen~~Town Council. The successful candidate shall be a Connecticut Certified Municipal Clerk or have a minimum of ~~three (3)~~five (5) years experience in a Town Clerk's office.

~~The Town Clerk shall be paid an annual salary which shall be provided for in the Annual Town Budget in the same manner as salaries of other Town officials and employees. Said salary and such other fringe benefits as Town officials and employees may receive shall be considered as payment in full for all services and duties as may be required by the Board of Selectmen and the~~

~~General Statutes, as amended, and all~~

B. All statutory and other fees shall be remitted monthly to the Town Treasury.

C. The Assistant Town Clerk(s) shall be hired by the Town Manager, and in the absence or disability of the Town Clerk, have all the powers and perform all the duties of the Town Clerk, and all records and acts of said Assistant(s) shall have the same validity as the records and acts of the Town Clerk.

Section 8-~~9~~13 Town Clerk Certifications of Records of Killingworth

The Town Clerk, from photostatic copies of files in the Clerk's Office is authorized to certify copies of the public records of the Town of Killingworth recorded prior to June 1, 1838; which certified copies shall have the same legal affect as copies certified from the original records of the Town Clerk of the Town of Killingworth.

Section 8-~~10~~14 Building Officials

The ~~Board of Selectmen~~Town Manager shall hire a certified building official responsible for the administration of the Basic Building Code of the State of Connecticut, following recommendation by a search committee appointed by the Town Council.

Section 8-~~11~~15 Directors of Human Services

The ~~Board of Selectmen~~Town Manager shall hire a person professionally trained or experienced in social work as the Director of Human Services (responsible for Youth and Family Services and Social ☐ Services, following recommendation by a search committee appointed by the Town Council.

Section 8-~~12~~16 Directors of Park and Recreation

The ~~Board of Selectmen~~Town Manager may hire upon the recommendation of the Commission, a Director of Park and Recreations, following recommendation by a search committee appointed by the Town Council. The Director shall, under the supervision of the Park and Recreations Commission, administer a recreation program.

Section 8-~~13~~17 Zoning Enforcement Officer

The ~~Planning and Zoning Commission~~Town Manager shall hire a Zoning Enforcement Officer, following a recommendation by a search committee appointed by the Town Council, who shall enforce the provisions of the Zoning Regulations.

Section 8-~~14~~18 Police Department; Police Commission; Police Chief

- A. The Police Department shall be headed by the Chief of Police, subject to the direction of the Board of Police Commissioners, who shall be hired by the Town Manager with approval of the Board of Police Commissioners. The Chief shall be the Chief Administrative Officer of the Department and shall be responsible to the Board for its efficiency and for the execution of all laws, rules and regulations prescribed by the said Board.
- B. The Board shall organize, maintain and have the general management and control of the Police Department, its apparatus, equipment and buildings. Said Board, upon the recommendation of the Chief, shall: requisition all equipment; annually prepare a budget; make all rules and regulations governing the Department which it deems necessary; appoint, remove, suspend, or discipline, and prescribe the duties of Police Officers, except that the Chief shall have the power to suspend a Police Officer up to thirty (30) days with or without pay, provided such suspension shall be reviewed by the Board. The Police Chief shall hold a preliminary hearing within a twenty-four (24) hour period of time of the suspension or removal from duty.
- C. If any charge shall be filed against a Police Officer, the same shall be in writing, and such Police Officer may file any proper answers thereto, and action shall not be taken upon such charges until after reasonable notice thereof and opportunity afforded such Police Officer to appear before the Board and be heard concerning the same. After such hearing, any Police Officer aggrieved thereby may appeal to the Courts in the manner provided by law.
- D. The provisions of Section 7-278 of the General statutes, as amended, shall apply to the removal of the Chief of Police.

Section 8-~~15~~ ~~Medical Out-Patient Transportation Services~~

~~The Board of Selectmen may hire a Coordinator to supervise the services of medical out-patient transportation.~~

Section 8-~~16~~19 Inland-Wetlands Enforcement Officer

The ~~Board of Selectmen~~Town Manager may hire an Inland-Wetlands Enforcement Officer who shall enforce the Inland-Wetlands and Water Courses Regulations.

Section 8-~~17~~20 Department of Public Works and Public Works Commission

- A. There shall be a Department of Public Works headed by a Director of Public Works. The Director shall be hired by the ~~Board of Selectmen~~Town Manager, following recommendation by a search committee appointed by the Town Council and upon the recommendation of the Public Works Commission. The Director may also serve as the Town Engineer. The Director shall be the chief administrative officer of the Department of Public Works.

B. The Department of Public Works shall administer the care, repair and maintenance of Town property as described in Section 7-148(c)(6) of the General Statutes, as amended.

C. The Public Works Commission shall:

- a. Monitor, oversee and administer the Department of Public Works to ensure proper management controls are in place and utilized to allow the department to carry out the obligations and duties as set forth in Section 8-1720 of this Charter;
- b. Study and periodically, (but at least once annually) report to the Board of Selectmen Town Manager regarding the organization, operation, management and control of the Public Works Department; and
- c. ~~Recommend an annual~~ Approve a recommended Annual budget and proposed capital improvements for the Department of Public Works to the Board of Selectmen and Board of Finance be presented to the Town Manager
- d. Advise the Board of Selectmen Town Manager on planning, construction, reconstruction, installation, operation and maintenance of public works.
- e. Assist in the development and updating of policies, rules and regulations for public improvements and other matters referred to the commission by the Board of Selectmen Town Manager.

~~* [Clinton's Youth and Family Services Bureau was established by ordinance; in 1991, under General Statute 17-443(a), a subsection of Section 17-443. That same year, Section 17-443 was transferred to Section 17a-39. Sections 17-443 and 17a-39 were both under the auspices of the State's Commissioner of Children and Families. Responsibility for the program was then transferred to the State's Commissioner of Education, effective July 1, 1995; Section 17a-39 was transferred to Section 10-19m in 1997. Section 10-19m is in the Department of Education Section of the General Statutes, as amended, and is captioned "Youth Service Bureaus. Annual Report. Regulations."]~~

Section 8-1821 Director of Finance

The Director of Finance shall be hired by the Board of Selectmen upon the Town Manager following recommendation of the Board of Finance by a search committee appointed by the Town Council and shall be ~~involved in~~ responsible for the operation and administration of all finance related functions, including the duties of the Treasurer, for the Town of Clinton.

Section 8-1922 Tax Collectors:

The Tax Collector shall be hired by the Board of Selectmen Town Manager following recommendation by a search committee appointed by the Board of Selectmen Town Council. The successful candidate shall be a Connecticut Certified Municipal Collector or have a minimum of three (3) years experience in a Tax Collector's office.

Section 8-2023 Town Planners Planner

The ~~Board of Selectman~~Town Manager may hire an American Institute of Certified Planners (AICP) certified Town Planner, following recommendation by a search committee appointed by the Town Council.

CHAPTER IX GENERAL

Section 9-1 Meeting Procedure and Records

- A. All elective and appointive Boards shall annually choose a Chairman and Secretary. They shall make regulations for the conduct of their meetings and such regulations shall be filed with the Town Clerk. All meetings shall be open to the public, in accordance with Section 121 of the General statutes, as amended.
- B. Before January 31 of each year, all Boards shall file with the Town Clerk a schedule of their regular meetings for the ensuing year. Special meetings may be held by filing notice of such meeting with the Town Clerk at least twenty-four (24) hours prior to such meeting.
- C. All meetings of Town Boards, Commissions and Committees shall be held at a Town facility, whenever possible, and must: a) comply with Connecticut's Freedom of Information Act; and b) be in a location that complies with the Americans with Disabilities Act.
- D. The votes of each member shall be taken and made available and filed with the Town Clerk within ~~forty~~eight (48) hours of such vote. Minutes of regular and special meetings shall be filed with the Town Clerk, Chairperson of the First Selectmen Town Council and posted to the Town's web site as per Public Act 08-3 within seven (7) days of the meeting to which they refer.

Section 9-2 Code of Ethics

- A. The ~~Board of Selectmen~~Town Council shall, by ordinance, establish a Code of Ethics regulating the conduct of all officers and employees of the Town.
- B. Any officer or any employee of the Town who has a financial interest, direct or indirect, in any contract, transaction, or decision of any agency to which the Town is a party, shall disclose the interest to the ~~Board of Selectmen~~Town Council who shall record such disclosure upon the Official record of their meetings. Violation by any such Officer of this provision with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision, shall render the same voidable by the ~~Board of Selectmen~~Town Council or a court of competent jurisdiction.
- C. No person serving on an elective or appointive Board shall be an employee ~~on~~supervised by that same Board.

Section 9-3 Merit System

- A. The ~~Board of Selectmen shall~~Town Council may by ordinance, establish a Merit System for a classified service of the Town. The system shall define the personnel to be covered and shall provide for the ~~Board of Selectmen~~Town Council to define the qualifications and method of appointment to each position, the duties and responsibilities of such positions, and the conditions and benefits of employment in such positions.

- B. The classified service may include all officers and employees of the Town, except the following: all ~~elective~~elected Officers and ~~person~~persons appointed to fill vacancies in ~~elective~~Officers~~selected offices~~; members of appointive Boards; persons employed or appointed to make or conduct a temporary study or investigation; and period not exceeding three (3) months.

Section 9-4 Removal From Office

- A. The ~~Board of Selectmen~~Town Council shall have the power to remove any Officer or Employee appointed by them provided the Officer or Employee shall have been served with a written notice of intention to remove from office or position, containing a clear statement of the grounds for such removal, and of the time and place, not less than ten (10) days after the service of such notice, at which said Officer or Employee shall be given the opportunity to be heard thereon.

After such hearing, which shall be at the option of such Officer or Employee, the action of the Board shall be final. The Board may suspend from duty for not more than thirty (30) days any such Officer or Employee pending final action.

- B. Any member of an appointive Board, Commission or Agency or any person who has been appointed to fill a vacancy in an elective Office, who does not attend at least sixty-six and two-thirds ($66 \frac{2}{3}$) percent of regularly scheduled meetings of said Board, Commission, or Agency, during such fiscal year, as defined in Section 7-2(A) of this Charter, shall be considered removed from such Board, Commission, Agency and his/her place thereon shall be considered vacant. It shall be the duty of the Chairman of that Board, Commission, or Agency to give prompt written notice of such vacancy to the ~~Board of Selectmen~~Town Council.
- C. Any vacancy occurring pursuant to subsections A and B above shall be filled in the manner provided in Section 3-2 of this Charter.

CHAPTER X FINANCE AND TAXATION

Section 10-1 Fiscal Year

The Fiscal year of the Town shall begin on July 1, and end on June 30.

Section 10-2 Preparation of the Budget

- A. Annually, at such time and in such manner as the ~~Board of Selectmen~~Town Council and the ~~Board of Finance~~Town Manager shall require, every Department, Office, Board, Commission, Agency or Authority supported wholly or in part by Town revenues, or for which a specific appropriation is or may be made, shall present to the ~~Board of Selectmen~~Town Manager an itemized estimate of the expenditures to made, and all revenues, other than Town appropriation to be received during the ensuing fiscal year. The estimates shall be accompanied by such other reports and information as the ~~Board of Selectmen~~Town Manager shall require. The ~~Board of Selectmen~~Town Manager, with the Director of Finance shall examine the estimates and information and prepare such comments and recommendations as it deems advisable with

respect to the estimates. It shall also provide the ~~Board of Finance~~Town Council with a report on the proposed capital improvements to be undertaken for the ensuing year and the following four (4) fiscal years.

B. Annually, at such time and in such manner as the ~~Board of Finance~~Town Council may require, the ~~Board of Selectmen~~Town Manager shall present to the ~~Board of Finance~~Town Council the itemized estimates of the expenditures to be made by each Department, Office, Board, Commission, Agency, or Authority by them together with the comments and recommendations of the ~~Board of Selectmen~~Town Manager with respect to such estimates.

C. The proposed budget shall include , but not limited to the following items:

1. An itemized listing of revenues by major sources presented in parallel columns; the revenues actually received in the preceding fiscal year; the original revenue estimates for the current fiscal year; the revenues estimated to be collected during the current year; and the estimates of revenues to be collected in the ensuing fiscal year;
2. An itemized listing by major function in parallel columns of actual expenditures for the preceding fiscal year; all original appropriations for the current fiscal year; all estimated expenditures for the current fiscal year; and the proposed appropriations for the ensuing fiscal year;
3. An appropriation for a contingency account may be included not to exceed two (2) percent of the total estimated expenditures;
4. An estimate of available cash surplus or deficit at the end of the current fiscal year to be included in the proposed budget;
5. The estimate of the sum required to be raised by tax levy to assure a balanced budget, with the amount of the tax levy based upon a rate of collection not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years;
6. Appropriations for capital and non-occurring expenditures, or proposed bond issues to finance said capital improvements.

D. The ~~Board of Finance~~Town Manager shall hold hearings with each Department, Office, Board, Commission or Agency on the proposed budget. ~~The Board of Finance~~The Town Manager shall then present the proposed budget to the Town Council. The Town Council shall then revise the estimates as it deems desirable and shall complete the proposed budget for the ensuing fiscal year and its report. All such actions shall take place in public meeting.

E. The ~~Board of Finance~~Town Council shall hold one or more public hearings on the proposed budget not less than fourteen (14) days before the Annual Budget Meeting. At the hearings any person qualified to vote at the Annual Budget Meeting may be heard. The proposed budget shall be published in a newspaper having general circulation in the Town at least ten (10) days in advance of the public hearing, and shall be available at the Town Clerk's Office, and the Board shall have sufficient copies of the proposed budget and report available at the public hearing.

- F. The ~~Board of Finance~~Town Council shall revise the estimates as it deems desirable, prepare the recommended budget, and shall, before the Annual Budget Meeting publish the proposed Town budget in a newspaper having a general circulation in the Town. The board shall present the recommended budget to the Annual Budget Meeting and the Board shall make available copies of the recommended Town budget and report in the office of the Town Clerk not less than five (5) days before the budget meeting.
- G. In the case of the Rejection of the Budget, the Town Council shall then revise and recommend changes as it deems desirable.

Section 10-3 ~~Lying~~Laying of Taxes

- A. Not more than fifteen (15) days after the adoption of the annual Town Budget, the ~~Board~~Town Council and the Director of Finance shall meet and levy the tax rate on the taxable property of the Town sufficient to provide for the budget estimates as finally approved.
- B. The Tax Collector shall then collect the taxes in accordance with the General Statutes, as amended.

Section 10-4 Special Appropriations and Transfers of Appropriations

- A. All requests for special appropriations shall be made in writing to the ~~Board of Selectmen~~Town Council which shall forward such requests together with their comments or recommendations to the ~~Board of Finance~~Town Manager. The ~~Board of Finance~~Town Manager shall act on all requests for special appropriations.
- B. The ~~Board of Selectmen~~Town Manager, when requested by a Town agency and after approval of the ~~Board of Finance~~Town Council, may make special appropriations from cash surplus or the contingency account in the amounts not to exceed in total for that Department, Office, Board, Commission or Agency ~~twenty~~fifty thousand (~~\$20~~50,000) dollars in any one fiscal year. Any request which shall exceed the amount herein provided shall require a vote of the Town Meeting after the approval of the ~~Board of Finance~~Town Council.
- C. Special appropriations other than those from cash surplus or from the contingency account may be acted upon only by a Town Meeting, after the approval of the ~~Board of Finance~~Town Council.
- D. The ~~Board of Finance~~Town Manager, upon appropriate request, and recommendation of the ~~Board of Selectmen~~Town Council, may transfer unexpended balances from one appropriation to another.
- E. Transfer of appropriations of amounts up to \$500 within a department can be done by Department Heads with the approval of the Finance Director.

Section 10-5 Emergency Appropriations

The ~~Board of Selectmen~~Town Council, acting pursuant to a declaration of a State of Emergency, shall be empowered to make appropriations for the purposes of meeting a public emergency threatening the lives, health, or property of citizens, provided such appropriations shall receive a ~~favorable majority~~ vote of ~~three-fifths (3/5) of~~ all members of the ~~Board~~Council. Said emergency appropriations, in the event that there is no cash surplus available, shall be financed in the manner provided in Chapter 109 of the General Statutes.

Section 10-6 Expenditures and Accounting

- A. The system of accounts used by Town ~~Department~~Departments, Offices, Boards, Commissions, and Agencies shall be that prescribed by the General Statutes, as amended, and as supplemented by regulations of the ~~Board~~Town Council and Director of Finance. All regulations of the ~~Board of Finance~~Town Council shall be consistent with the Charter and all Departments, Offices, Boards, Commissions and Agencies shall comply with such regulations. Said accounts shall be maintained under the supervision of the ~~First Selectmen~~Town Manager.
- B. The ~~Board of Selectmen~~Town Manager shall institute Competitive Bidding, for the purchase of all materials, supplies, equipment, and contractual services required by the Town, except the Board of Education, under such regulations as it shall adopt. Said regulations may exclude professional, engineering, and technical services. Purchases shall be based upon requisitions and orders based upon the budget and properly authorized. Joint purchasing with the Board of Education and other towns shall be conducted whenever practicable. Informal bids shall be obtained for all purchases over three thousand (\$3,000) dollars. If any purchase order or contract, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of over seven thousand five hundred (\$7,500) dollars, the ~~First Selectmen~~Town Manager shall invite sealed bids or proposals, giving then (10) days public notice hereof by publication at least once in a newspaper having circulation in the Town. All such sealed bids or proposals shall be opened publicly and the purchase or contract awarded to the lowest qualified bidder thereon. The ~~First Selectmen~~Town Manager may reject all such bids or proposals and re-advertise if bidders fail to meet specifications. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.
- C. The ~~Board~~Town Council and Director of Finance shall provide for an Annual Audit of the books and accounts of the Town as required by the General Statutes, as amended.
- D. No officer or agency of the Town shall expend or enter into any contract which would oblige the Town to expend in excess of an approved appropriation. Any officer who, without authority from this Charter or the General Statutes, as amended, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes, as amended.
- E. The ~~Board of Selectmen~~Town Manager shall have the discretionary authority to utilize state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids, ~~where~~ the sum total shall not exceed ~~thirty five~~one hundred thousand

(\$~~35~~100,000) dollars per commodity and/or piece of equipment, if to do so is in the ~~Town's~~Town's best interest.

F. Books and Records of Town aided organizations:

- i. ~~The Board of Selectmen, the Board of Finance, The Town Council, Town Manager~~ or their designee shall have access at all reasonable times to the records and books of account of town-aided organizations
- ii. The town shall make no contribution to any organization if prohibited by Connecticut General Statutes. No contribution of more than two thousand (\$2,000) per annum shall be made to any organization or corporation whose appropriate financials records are not submitted to the ~~Board of Finance~~Town Council along with its request for an appropriation. Any organization requesting an appropriation in excess of twenty-thousand dollars (\$20,000) shall submit a financial statement prepared by a certified public accountant. No contribution of more than one hundred thousand (\$100,000) ~~per~~ annum shall be made to any organization or corporation who does not comply fully with the requirements in Sections 9-1 and 10-2 of this Charter in the same manner for elected and appointed boards.

CHAPTER XI
MISCELLANEOUS PROVISIONS

Section 11-1 Amendment

This Charter may be amended in the manner prescribed by the General Statutes, as amended.

Section 11-2 Savings Clause

If any Section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of the Charter nor the context in which such Section so held invalid may appear, except to the extent that an entire section or part of Section may be inseparable connected in meaning and effect with the Section or part of Section to which such holding shall directly apply.

Section 11-3 ~~Referendum~~: Effective Date

Amendments to this Charter shall be submitted to the electors of Clinton at the regular Town election to be held ~~November 3, 2009~~ in accordance with the provisions of Chapter 99 of the General Statutes, as amended, and its provisions shall become effective upon the approval of a majority of the electors voting thereon except as follows;

Section 11-4 Charter Study Commission

The ~~Board of Selectmen~~ Town Council shall appoint a Charter Study Commission not later than five (5) years from the effective date of this Charter.

Section 11-5 Existing Laws and Ordinances

- A. All the general laws and special acts of the state of Connecticut, applicable to the Town and Town ordinances shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter.
- B. The following Special Acts are made part of this charter;
1. House Bill No. 418 - AN ACT CONCERNING CERTIFICATION OF THE RECORDS OF KILLINGWORTH BY THE TOWN CLERK OF CLINTON, JUNE 18, 1912;
 2. House Bill No. 371-AN ACT CREATING A BOARD OF POLICE COMMISSIONERS AND A POLICE DEPARTMENT IN THE TOWN OF CLINTON, MAY 29, 1939.

Dated at Clinton, Connecticut this 4th day of September ~~2012~~ 2018.

To be effective as per Connecticut General Statute 7-191f. Effective date ~~December 6, 2012~~ November 19, 2019.

TOWN OF SIMSBURY: CHARGE TO THE CHARTER REVISION COMMISSION (2015)

Charge to the Charter Revision Commission

Section 1008 of the Town of Simsbury's Charter provides that "[t]he Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town," and further that "[t]he amendment of this Charter may be initiated . . . by a two-thirds vote of the entire Board of Selectmen" Consistent with these provisions, on March 23, 2015 the Personnel Sub-Committee held a Public Hearing to receive comment from the public on the Town of Simsbury's form of government. At the Board of Selectmen meeting following the hearing, the Board of Selectmen voted to empower the Personnel Sub-Committee to develop recommendations for consideration by an appointed Charter Revision Commission (see, General Statutes § 7-190 (a) and (b)).

Based on information gathered by the Personnel Sub-Committee, including but not limited to information received at Public Hearing and areas for review identified by Town Staff, the Personnel Sub-Committee hereby recommends for adoption by the full Board of Selectmen the following areas and issues for review by an appointed Charter Revision Commission:

- **Form of Government:** Review the Town of Simsbury's form of government and make a recommendation concerning the appropriate form of government (recognizing that a wide range of options exists, including but not limited to First Selectman and Town Manager forms of government) for the Town. Any recommended changes to the Town's form of government should also include the impact of the recommended changes on:
 - Office terms and the election process;
 - Separation of powers; and
 - Any impact upon, and the integration of, other Boards and Commissions, especially the Board of Finance;
- **Duties of the First Selectman:** If the commission recommends no changes to the Town of Simsbury's form of government, recommend clarifications of the duties and responsibilities for First Selectman (See, Charter Section 502).
- **Identification of Town Officers:** Review and make recommendations concerning positions identified as Town Officers and the provisions applying to the selection and termination of these Officers as set forth in Charter Section 704.
- **Authority of Town Officers:** Review the scope of authority of Town Officers and make a recommendation concerning whether Town Officers should be allowed to execute contracts under their jurisdiction.
- **Budget Preparation and Budget Referendum:** Review the calendar for the budget preparation process and the scheduling of the budget referendum and make recommendations addressing the dates and timelines for budget public notices.
- **Content of Public Notices for the Budget:** Review and make recommendations concerning the required content for budget public notices.

- Open Space Committee: Review composition of the Open Space Committee (which is currently made up of representatives from Planning, Zoning, Conservation and an at-large member) with consideration of adding a member from the Culture, Parks and Recreation Commission.
- Planning and Zoning: Review and make a recommendation concerning the potential combination of the Planning and Zoning Commissions into one commission.

- Permanent Committees: Review the permanent committees provided for in Charter Section 601 and make recommendations concerning their continuation, replacement or elimination.
- Terms of Office: Review and make recommendations concerning the terms of the Board of Selectmen, the First Selectman and all Boards and Commissions (See, Charter Section 302).
- Gender Neutrality: Review and make recommendations concerning the adoption of gender-neutral titles for positions created by the Charter.

Adopted by the Town of Simsbury Board of Selectmen on June 22, 2015

TOWN OF SIMSBURY: FINAL REPORT OF THE CHARTER REVISION COMMISSION (2016)

2016 CHARTER REVISION COMMISSION



FINAL REPORT

August 1, 2016

602874



**MEMBERS OF THE 2016
SIMSBURY CHARTER REVISION COMMISSION**

Hadley Rose, Chair
Thomas Benneche, Vice Chair
Melissa Osborne, Secretary
Robert Crowther
Mary Glassman
Paul W. Henault
Anita L. Mielert
Edward Pabich
James Ray
Jeffrey Tindall
Lydia Tedone

SIMSBURY CHARTER REVISION COMMISSION
FINAL REPORT

August 1, 2016

A. Introduction and Summary of Proposed Changes

The Simsbury Charter Revision Commission ("the Commission") was impaneled by Resolution of the Simsbury Board of Selectmen July 23, 2015 with additional unaffiliated members impaneled on August 10, 2015. The Commission was charged with the responsibility of reviewing the Simsbury Town Charter ("the Charter") in accordance with Charter Section 1108. In addition, the Board of Selectmen requested that the Commission review the specific issues outlined in a memorandum dated August 13, 2015 attached hereto as Exhibit A which contained the Board of Selectmen's Charge to the Commission. As will be seen below, issues were raised beyond that charge and the Commission made recommendations and/or comments when they felt it was appropriate.

The Commission adopted an approach that any recommendations from the Commission to the Board of Selectmen would be made on the basis of a majority of Commissioners on a given issue. Where appropriate, the Commission listed the vote on each issue.

Based on comment and testimony received at Commission meetings and the public hearings, and the deliberations of the Commission members, the Commission drafted a proposed Revised Town Charter and a draft Final Report dated May 5, 2016 which was filed with the Town Clerk on May 9, 2016. The Charter Revision Commission subsequently consulted with the Board of Selectmen to address recommendations, questions and concerns raised by the Board of Selectmen at a joint meeting on July 11, 2016. The Charter Revision Commission met again on July 25, 2016 and August 1, 2016, and made revisions to the proposed Revised Town Charter in response to the Board of Selectmen's input which are reflected in the proposed Revised Town Charter and explained below. The Revised Town Charter recommends the following changes:

1. Simsbury change its form of government to a Town Manager-Board of Selectmen form;
2. The elimination of the Human Relations Commission and the amendment of Charter provisions governing the Economic Development Commission;
3. The creation of a Culture Commission;
4. The expansion of the Open Space Committee to include additional public members;
5. Clarifying changes to the Town budget and appropriations process; and
6. Gender neutral language in the Charter for public offices.

B. **Public Hearings Held by the Commission**

The Commission conducted public hearings on September 24, 2015 and May 5, 2016. Comments from the public were also received by members of the Commission on April 28, 2016.

C. **Commission Meetings**

The Commission held meetings on the following dates:

August 31, 2015
September 21, 2015
October 1, 2015
October 15, 2015
October 29, 2015
November 5, 2015
December 3, 2015
December 17, 2015
January 7, 2016
January 21, 2016
February 4, 2016
February 18, 2016
March 3, 2016
March 17, 2016
March 23, 2016
March 24, 2016
March 30, 2016
May 5, 2016
July 11, 2016 (Joint Meeting with the Board of Selectmen)
July 25, 2016
August 1, 2016

D. **Local Agencies Interviewed**

The Commission interviewed the following Simsbury Boards, Commissions and Agencies and Town Staff:

1. Joseph Mancini, Director of Finance: Mr. Mancini spoke to the Commission on behalf of Town Staff on the issues of Budget Dates and Notice Requirements in the Charter. In his comments to the Commission, Mr. Mancini referred to a Memorandum dated October 13, 2015 addressed to Chairman Hadley Rose by Sean Kimball, the Deputy Director of Administrative Services, himself and Carolyn Keily, the Town Clerk, and his own additional Memorandum to Chairman Rose. He provided specific examples of the challenges he faces in the budget process outlined in the Town Charter. Mr. Mancini stated that the options for hearing dates are overly restrictive; and that notice publications in the Hartford Courant are extremely expensive and the size of the notice makes it difficult to get adequate advertising space in the Hartford Courant in a timely manner. He offered suggestions to the Commission including publishing a budget summary in the Hartford Courant. He suggested that the advertisement should indicate that the detailed budget is available online, at the Town Hall or will be mailed upon request. Mr. Mancini also proposed to have dates listed for public hearings to state "No Later Than" language. The Commission also discussed in detail Sections 406, 808 and 809 of the Charter. The Town Attorney agreed to work with Bond Counsel on wording pertaining to section 406 and 809.
2. Robert Pomeroy, Chair, Zoning Commission: Mr. Pomeroy offered his comments on the issue of whether the Commission should recommend the potential combining of the Planning and Zoning Commission into one Commission. Mr. Pomeroy testified that the Zoning Commission constantly refers to the Plan of Conservation and Development ("POCD") but rarely meets with the Planning Commission because land use projects are reviewed in succession. He added that the Zoning Commission would benefit from the Planning Commission's input since the zoning approval process has become more complex. Mr. Pomeroy added that although developers gain some benefits from streamlining the process, he doesn't see an overwhelming need for a combined Planning and Zoning Commission change.
3. Ferg Jansen, Chair, Planning Commission: Mr. Jansen also offered comments on the potential combining of Planning and Zoning. Mr. Jansen recommended keeping the Planning and Zoning Commissions separate since the current process is operating smoother than in the past. He added that the work involved in developing a new POCD is extensive. As a result, it would be overwhelming for the Zoning Commission to be involved with the POCD in addition to its regular duties.
4. Bill Ethier, Member, Economic Development Task Force: Mr. Ethier also offered comments on the potential combining of Planning and Zoning. He testified that the Economic Development Task Force unanimously recommended combining the

Zoning and Planning Commissions. He said that Simsbury is competing with other towns for development and it is very important to simplify the application process in order to meet the expectations of investors. Mr. Ethier stated that 146 towns in Connecticut have Planning and Zoning Commissions combined. Of the 29 towns in Hartford County, 25 or 26 have combined Commissions and three or four remain separate. Mr. Ethier added that the duties of Planning and Zoning are the same – to follow legal statutes and processes. Therefore, the Commissions should be combined and represent one approach for the town.

5. James Rabbitt, Director of Planning and Community Development: Mr. Rabbitt offered his observations on potentially combining the Planning and Zoning Commissions stating that there were pluses and minuses to doing so. Overall, he believed that combining the two would: alleviate staffing challenges due to the additional hearings required for the two commissions; enable the planning concerns and zoning concerns to be thought about together by the same commission; and would help avoid a situation where the commissions did not get along at all and could cause a serious breakdown in the business of both which could derail development.
6. Mickey Lecours-Beck, Director of Social Services: Ms. Lecours-Beck provided background information regarding the Human Relations Commission. She said it was established by an ordinance in 1993 for the purpose of eliminating discrimination. Only two members attended the Commission meetings between 2008 and 2011. Ms. Lecours-Beck recommended either assigning the anti-discrimination goal to another commission or redefining the goal so that it is more specific.

E. Issues Raised by the Public

The following issues were raised by the public at the meetings and public hearings of the Commission.

1. Change in Form of Government to Town Manager-Town Council

A number of members of the public, including former First Selectman Peg Shanks, advocated for a change in the form of Simsbury's government from First Selectman-Board of Selectmen to the Town Manager form. Generally, those who advocated for the change cited the need for professional executive management of the Town based on the increasing complexity of municipal government. Those urging the Commission to not recommend a change to a Town Manager form of government cited the overall efficiency in the way the Town is currently managed and has been managed in the past and the desirability of having the person who manages the Town directly accountable to the voting public from election to election.

2. Board of Education Voting Process – One of the most discussed issues raised by the public was the process established in the Charter to elect members to the Board of Education and the nature of the actual practices and customs regarding the election process. Under the current Charter Board terms are staggered so that half the Board's

eight (8) seats are subject to election every two years. By practice, the two major political parties nominate four candidates for the four open seats. As a matter of custom, each political party only nominates candidates for one-half of the open seats of each election – two (2) each. This custom provides a “party-neutral” position for the School Board but, in the eyes of the members of the public who came before the Commission, the custom also makes the “election” a mere formality given that in order to actually lose a candidate would have to get zero votes. Moreover, those same members of the public see the custom as allowing for and perpetuating extremely long tenures on the Board so long as the elected member continues to receive a nomination from his or her party.

According to the public testimony, the belief of those who spoke is that in order to be considered for the School Board, by custom and practice a potential candidate must be affiliated with one of the two political parties in order to have any chance of election. This custom makes it very difficult for an unaffiliated voter to be nominated for election to the School Board. A number of residents stated that voters registered as unaffiliated are the largest single group of voters in Simsbury, and as such they do not have an elected voice on the Board. Those members of the public who offered their opinions downplayed the ability of an unaffiliated voter to petition onto the ballot as not economically and politically feasible.

The large majority of the Commissioners were sympathetic to the concerns raised by the members of the public and understood the issues raised. The large majority concurred with the speaking members of the public that this is an important issue to be considered. Notwithstanding those views, the Commission was not able to formulate a recommendation on how best to address the concerns raised by the public. We would ask the Board of Selectmen to consider the formation of a small group of interested parties to see if an alternative process can be created which makes the process of electing members to the Board of Education more of an election than an appointment process.

3. Zoning & Planning – The desirability of keeping the Zoning and Planning Commissions separate was raised by members of the public. In agreeing to keep the commissions separate, the Commission agreed that steps should be taken to improve the efficiency of the two commissions to make the land use decision making process streamlined and to give the appearance of one commission. This process should be as efficient as possible to minimize any delays.
4. Town Constable – The issue of reinstating the position of Town Constable was presented by a member of the public on numerous occasions in Public Audience. In response to the request, the Commission asked and received a position statement from the Police Department that a Town Constable position was not necessary. The Commission voted not to re-instate the position of Constable to the Charter based in large part on that position statement.

F. **Testimony from Invited Guests**

1. **Town Manager.** At its December 3, 2015 meeting, the Commission heard remarks from Matt Hart, Mansfield Town Manager, who gave a presentation titled "Council-Manager Form of Government." Mr. Hart has served as Town Manager for the past nine years and has twenty years of experience in the field. He is a Member of the Connecticut Town and City Management Association (CTCMA) and is the current CTCMA Member who speaks to Charter Revision Commissions which seek input from the CTCMA on a free-of-charge basis. The Town of Mansfield's annual budget is \$49 Million with two school districts. Mansfield implemented a Town Manager form of government in the early 1970s. He is the third Town Manager since the office's inception.

Mr. Hart explained in detail the following processes:

- How does a Council-Manager government work?
- Roles of the Council, Chair and Town Manager
- Duties of the appointed Town Manager
- Town Manager training and qualifications
- Benefits of a Council-Manager government
- Values a professional manager contributes to the community

Mr. Hart answered many questions posed by the Commissioners. He stated that the Town Manager's role was to hire town employees on the basis of merit, run the town as its chief operating officer and implement Town Council policies. Mr. Hart indicated that most Town Managers are hired on a 3-5 year contract basis. Typically they are extremely well qualified, most often holding a Master's in Public Administration and take on a Town Manager position after 5-10 years of progressive town management experience. Mr. Hart is dual degreed holding a Juris Doctorate and a Master's in Public Administration. Mr. Hart pointed out that the network and best practices information available to Town Managers through CTCMA and the International City/County Management Association (CMA) is extensive and helps Town Managers remain current on the professional operation of their respective towns and cities. He pointed out that because they are not running for reelection every election cycle, Town Managers can focus on getting the business of running the town done. They hire the best people possible and build and retain a professional staff, and staff members know who they work for and to whom they are accountable.

He stated that the role of the Mayor or First Selectperson of the town was as its ceremonial head. That person typically chairs monthly meetings, represents the town in intergovernmental relationships and sets Council agenda with the Town Manager. Mr. Hart added that the goal of the Town Council is to actively engage the public either in person or electronically, to better serve the community and actively plan for the town or city's future.

2. Former First Selectman of Canton. At its January 7, 2016 meeting, the Commission heard remarks from Richard Barlow, former Canton First Selectman, regarding the Office of Chief Administrative Officer ("CAO") that Canton employs as an alternative to the pure Town Manager form of government.

Mr. Barlow said the hybrid form of government in Canton started 20 years ago. Under that form the First Selectman serves as CEO on a part-time basis. In Canton, the Board of Selectmen appoints seven positions including the CAO, which manages the administrative functions of the town. Removal of the CAO requires a vote by the Board of Selectmen. Mr. Barlow testified that the problem with a part-time CEO is that it limits the pool of people that can run for that position. Usually the person is either retired or a business owner.

Mr. Barlow said that the CAO in Canton reports to the Board of Selectmen and is active in the selection process of the six other town positions. These six positions report to the CAO. He added that the CAO position has a three year contract. The contract specifies his duties, salary, benefits and a notice period prior to leaving the position. Another requirement is for the CAO to live within a certain distance of the town.

3. Chairs of Former Charter Revision Commissions: At its January 21, 2016 meeting, the Commission heard from Charles Howard and Robert Heagney, the chairs of the two previous Charter Revision Commissions.

Mr. Charles Howard said that the Town Manager position was not discussed while he served on the Charter Revision Commission because the system in place at that time worked very well. People in the town were comfortable with having a First Selectman. The First Selectman had a professional assistant that wasn't listed in the Charter. Mr. Howard added that it was his opinion that Simsbury doesn't need a Town Manager. He questioned if the Town can afford a full-time First Selectman and a Town Manager. He responded to Commissioner Mielert's comment regarding personnel issues she experienced as a First Selectman. Mr. Howard said that a Town Manager might not resolve the issues.

Mr. Heagney said that the focus at the time he was on the Charter Review Commission was to provide the First Selectman with flexibility to select administrative staff with the necessary experience. He commented that there were problems as a result of Administrative Officers not being assigned clear roles. Mr. Heagney recommended not adding a Town Manager. He said that Granby, Avon and Farmington have had a Town Manager for many years but have fallen short in comparison to Simsbury. The vision and leadership of the First Selectman over the years has resulted in the creation of Simsbury Farms, Rails to Trails, the Performing Arts Center and more. He added that a Town Manager or part-time First Selectman would not have the vision and leadership necessary to keep Simsbury ahead of other towns. Mr. Heagney suggested that the Commission hold referendums and put the primary questions in front of the public.

Both Mr. Heagney and Mr. Howard said there doesn't seem to be much outcry from the public to add a Town Manager. They asked the Commission to question what they are trying to solve by having a Town Manager. Mr. Heagney indicated that his Commission utilized a "straw vote" to gauge the opinions of the Commissioners in an effort to narrow the issues at hand. When a Commissioner raised a concern that the First Selectman may not have the necessary experience to develop long range plans or best practices that a Town Manager would offer, Mr. Heagney responded that the other neighboring towns with Town Managers have yet to show initiative or originality. In his view, the issues mentioned could be addressed by providing the First Selectman flexibility in hiring administrative staff that has the expertise needed. Mr. Howard added that Simsbury has been awarded Distinct Destination for Tourism and received a grant from Preserve America because of the vision and leadership of the First Selectman.

4. West Hartford Mayor and Town Manager: At its February 4, 2016 meeting, the Commission heard from West Hartford's Mayor, Scott Slifka and Town Manager, Ronald F. Van Winkle.

Mayor Slifka has been serving as Mayor of West Hartford for almost 12 years and does not receive a salary. Mr. Slifka stated that since 2000, it is more difficult to find people to serve as council members because of the workload. He testified that in West Hartford the Town Council also serves as that Town's Zoning Commission and some of those meetings are six hours long. He cautioned the Commission on the difficulty in finding a high caliber Town Manager. Thirty years ago, it was a popular career in his view. Since then, a degree in town management has gone down in popularity. Mayor Slifka added that in order to recruit a high caliber Town Manager, you need to take into account the salary of the First Selectman.

Mr. Ron Van Winkle testified he has been the Town Manager for West Hartford for eight years. He said his goal is to make the town run smoothly. Mr. Van Winkle testified that it requires a lot of time, effort, leadership and management. He admits to being an expert in construction, police, zoning, in the management of government, finance, public pensions, administration of budgets and issuing bonds, because he does it every day. Mr. Van Winkle is also a professional economist, a qualification Mr. Slifka urged Simsbury to look for if it looks to hire a Town Manager.

Mr. Van Winkle said he has a great working relationship with the Superintendent of Schools. West Hartford has combined school and town management positions into one. That means one CFO, one I.T. manager, and one hiring manager. It works well because they work at it according to Mr. Van Winkle.

Mayor Slifka answered questions from the Commission. He explained that the Mayor is the face of the town. The community wants to hear from the Mayor and expects him to act as if it's his full-time job. He maintains an office at Town Hall but not regular hours. Most inquiries he receives from members of the public are calls

and emails which are filtered by a Town staff member who directs them to the appropriate person or persons to respond which could be the Mayor, the Town Manager or other Town staff. Mayor Slifka also recommended that Simsbury choose either a First Selectman or Town Manager form and gave the opinion that a "hybrid" form would lead to confusion around roles and responsibilities, and ultimately would be a less efficient form of government.

Mr. Van Winkle testified that 90% of what he does is running the government administration, not changing or setting policy. He is employed at will and thinks a person behaves differently if they have a contract.

Mayor Slifka said that a "strategic plan" is overrated since West Hartford and Simsbury are fully developed towns. Instead he lays the ground work for things to happen.

G. **Commission Discussion and Findings**

1. **Form of Government – Town Manager:**

FINDING: Based on the testimony it received, other input from the public and its own considerable deliberations, the Commission recommends, by a vote of 7-4, that a change to the Simsbury form of government to a Town Manager-Board of Selectmen be made.

It was not lost on the majority of the Commission Members that the Commission's membership included two individuals who previously held the position of Simsbury First Selectman both of whom voted in favor of making this recommendation and both of whom offered extremely candid and compelling reasons why they were in favor of making the recommendation. At the core of their comments was their belief that on a risk management basis, the town's residents would be best served by a professional Town Manager, educated and experienced in dealing with the myriad issues facing a town's chief executive officer on a daily basis.

It was also not lost on the majority of Commissioners that the question of whether the town should hire a Town Manager has been debated in the town for thirty years and was last debated by a Charter Revision Commission that issued its final report in 2012. The charge to the Commission in 2015 to again debate the issue made it clear to the majority that the Board of Selectmen and the Personnel Sub-Committee, after the latter conducted a public hearing on the topic, recognized that there was enough public and elected official sentiment to take yet another look at the issue. Section 1008 of the current Charter mandates review of the Charter every seven (7) years.

The Commission undertook an extensive analysis of what areas of Town Government should be in the hands of a professional Town Manager versus in the hands of an elected official of unpredictable educational background and work experience. The majority of Commissioners rather easily concluded that virtually none of the areas would be best served by a First Selectperson over a professional Town Manager.

Those areas included the appointments of department directors (professional staff), the preparation of Town Budgets, discipline and promotion of employees, negotiation of union contracts and the initiation and signing of town contracts. For the majority, on a risk management and qualifications basis, the appointment of a Town Manager makes abundant sense for a town the size and complexity of Simsbury.

The majority of Commissioners championed the benefit of a professional Town Manager hiring, building and maintaining a professional staff compensated and employed on a merit basis. They noted the turnover of high level staff over the years, with not an insignificant number of staff members going to towns and cities that had town manager form of governments so that they could achieve their personal and professional goals. Actions speak louder than words and the defections of high level staff members is not something the majority believes should be ignored.

The majority of Commissioners do not see the validity in the argument that a Town Manager is not accountable to the public. To the contrary, he or she will serve, albeit under contract, at the pleasure of the town. If he or she does not do a good job, the Board of Selectmen, who made the hire, will hear from the public and will either make a change or the public will make the change by replacing the Board of Selectmen.

Personnel decision-making responsibilities were also a key discussion point in the arguments made in favor of a Town Manager. There was a considerable discussion on whether or not the current Charter allowed for delegation of the personnel decision responsibilities.

The majority of Commission members see the First Selectperson and the Board of Selectmen as the town's policy drivers and the First Selectperson as the spokesperson for the town's legislative body. They believe that the pool of candidates for First Selectperson will be increased by a change in the form of government due to interested candidates not having to be faced with the prospects of running a sizeable and complex town and not having to leave full time employment to do so. To the majority, the recommendation to make the change to professional management is not so much to change things today as it is to make sure the town is best positioned to continue to prosper and grow ten years from now. With the hiring of a credentialed and enthusiastic Town Manager, with a First Selectperson charged with being a policy driver, and an equally diverse and energetic Board of Selectmen similarly charged, the majority is more bullish on the town's future with this change than without it.

The decision to change the form of government was not unanimous. Moving to a Town Manager form of government was opposed by four members of the Commission. The Commissioners voting against the change cited the fact that there was no testimony of current First Selectpersons from towns that do not have a Town Manager, or have rejected a Town Manager form of government. Those members voting against the change also expressed their belief that having a First Selectman subject to direct election is a better alternative to having a Town Manager not subject to direct election. In a 6 member Board of Selectmen, a Town Manager only needs to

retain the votes of 4 people to retain their job. There was also sentiment that making alterations to the job description of the First Selectman could achieve the necessary changes sought by the members supporting a Town Manager. In addition, the town has added a number of professional staff in the last few years to address concerns over “professional management and accountability.”

The Commissioners against hiring a Town Manager also raised a number of related issues, including the costs should a Town Manager be terminated; the lack of personal connection between the community and a Town Manager as well as the lack of accountability to the public; and the potential to build a power base within town hall that lacks necessary accountability to an elected First Selectman (or other elected Chief Executive Officer). They also expressed concern about the lack of potential candidates as the attractiveness of municipal service wanes. There has also been no public outcry for a Town Manager.

Finally, those members voting against the change cited the town’s excellent financial standing. Under its current form of government, Simsbury currently enjoys envious qualitative and quantitative measures, including a “Best Places to live ranking”, Aaa bond rating from Standard and Poor’s, a top rated educational system, a modern performing arts center, etc. It was viewed by four of the Commissioners that a change to a Town Manager was not necessary as a modification in the roles of the First Selectman, and the addition of a Chief Administrative Officer would allow for a good measure of professional administration and public accountability.

The minority of the Commission who opposed to the Town Manager form of government offered the so-called “hybrid” model as an alternative. The “hybrid” model is largely based on the Canton Charter and the Erdmann study recommendations. The Erdmann study offered three options to address the issue of professional personnel management within the current First Selectman/Board of Selectmen form of government. The study was the basis for an alternative to the current First Selectman role and the Town Manager form of government. There was a “hybrid” motion raised by a Commissioner based upon one of the options outlined in this study. It was rejected on a 4-7 vote. Commissioners supporting a “hybrid” form note that the vote was for a specific “hybrid” proposal and not a vote against the concept of the “form” of a hybrid government. Immediately after this vote, a motion was made to approve the Town Manager form of government. It passed before other motions on the “hybrid” form – whether for alternate specific language or merely the “hybrid” concept – could be heard. The Commission spent the next several meetings hammering out specific statutory language for a Town Manager form of government.

The form of government issue was discussed in detail with the Board of Selectmen at the joint meeting on July 11, 2016. In addition to the issue of whether or not to change to a Town Manager/Board of Selectmen form of government, the Commission and the Board of Selectmen discussed the specifics of the Commission’s Town Manager proposal. Specifically, the Board expressed concern about a stipend provision for the First Selectman or Selectwoman under the new form of government which tied the amount of the stipend to the compensation of the Town Manager. Because the compensation of the Town Manager as proposed is set by the Board of

Selectmen, the provision creating a potential conflict of interest for the First Selectman or Selectwoman in setting the compensation of the Town Manager.

At its July 25, 2016 meeting the Commission discussed whether to reconsider its decision on form of government and elected not to change its recommendation. It did change the stipend provision for the First Selectman or Selectwoman, setting a specific stipend of \$22,500 annually subject to an annual cost of living adjustment as determined by the Social Security Administration. The change was designed to eliminate any conflict of interest for the First Selectman or Selectwoman in deliberations and decisions connected with the Town Manager's compensation.

At its August 1, 2016 meeting the Commission discussed new statutory and constitutional authority presented by Town Counsel which affected the permissible ways to establish the compensation of the First Selectman or Selectwoman. In so doing, the Commission voted to amend its Charter recommendation to provide that the First Selectman or Selectwoman's compensation or stipend should be set by the Board of Selectmen for each term of office in accordance with the Connecticut General Statutes.

The Charter Revision Commission strongly urges the Board of Selectmen to be guided by a compensation range that is generally 15% of what the Town Manager's is ultimately determined to be.

2. Changes to the Provisions Governing the Economic Development Commission:

FINDING: In its original proposed Revised Town Charter, the Commission recommended by a vote of 10-1 to eliminate the Economic Development Commission from the Charter. After conferring with the Board of Selectmen, the Commission voted to keep the Economic Development Commission in the Charter but to provide the Board of Selectmen with the authority, by ordinance, to set its membership, terms, duties and responsibilities.

The Commission was concerned that the current Economic Development Commission has been ineffective in its current form, and just adds another commission for any new developer to present to as it seeks approval for their project.

The Commission's recommendation was based on the belief that the Town needs to implement a more effective economic development approach to get new business and development projects implemented to grow the Grand List. The key to economic development is the attractiveness of a community for both business and residency. In this regard, economic growth should be championed by all of the town leadership. This task does not require any specific economic background, but rather individuals with cordial openness and the ability to direct the prospective business to the proper town agencies to rapidly respond to opportunities.

The Commission agreed to add the responsibility of economic development to the job responsibilities of the Town Manager. As such, the Commission envisions the Town

Manager having the responsibility to coordinate the various town resources to both promote economic development and respond to new opportunities. Having intimate knowledge of the various resources and activities of the various commissions involved with economic development makes the Town Manager the ideal individual to coordinate the various resources in a cohesive and efficient manner. It is also anticipated that the Town Manager would have the long term capability to see such projects through to implementation.

The Commission also discussed that the First Selectman/First Selectwoman would have a role to play in setting policy and advocating for economic development. The Commission envisions a process similar to what it heard from West Hartford: that the Town Manager works behind the scenes with developers to get and keep things moving along, and that the Mayor is the interface to the public and town advocate for change. The example used was the Blue Back Square development process and the role each played. If required, the Board of Selectmen in conjunction with the Town Manager should be able to quickly appoint any necessary group with the proper background specific to the business in question.

The Commission initially recommended establishing a small stipend of 15% of the Town Manager's salary to the First Selectman/woman to help with their expenses for the role of Chief Elected Official. (As explained above, this recommendation has been changed to address statutory and constitutional concerns.) It is a secondary role, but an important role in that all parties need to work together to make economic development successful in Simsbury.

At the joint meeting on July 11, 2016 the Board of Selectmen and a number of current and past members of the Economic Development Commission expressed concern about eliminating the Economic Development Commission. As noted above, the Charter Revision Commission, after further deliberation on July 25, 2016, recommended that the Economic Development Commission remain in the Charter, but that its membership, terms, duties and responsibilities would be set by the Board of Selectmen by ordinance.

3. **Elimination of the Human Relations Commission:**

FINDING: Based on the testimony it received from Town Staff, the lack of activity on the Commission for years, and the difficulty finding volunteers to serve on the Commission, the Commission voted to eliminate the Human Relations Commission. The Commission also took note of the availability of state remedies for alleged violations of the state's equal rights laws.

4. **Creation of a Culture Commission:**

FINDING: The Commission is recommending that the culture component of the Culture, Parks and Recreation Commission be recreated as a separate commission to be known as the Culture Commission. The Commission believes a separate commission will result in more emphasis on the creation, promotion and advocacy for

cultural events in the Town. The Commission believes the expansion of the scope of work of the current Culture, Parks and Recreation Commission has had the unintended consequence of giving less attention to the cultural aspects of the Commission than is required to fully maximize the town as a venue for cultural events and a sponsor and advocate of cultural initiatives.

5. **Open Space Committee Expansion of Membership:**

FINDING: The Commission recommends that the Open Space Committee be expanded to include three public members.

6. **Town Budget and Appropriations Process: Sections 808 and 809:**

FINDING: The Commission recommends changes to the Town Budget and appropriations process outlined in Charter Sections 808 and 809 to reflect the recommendations of the Finance Director and Bond Counsel as discussed above. The changes made to Section 808 allow cost savings in the publication requirements for the annual town budget and clarification of budget preparation deadlines. The changes recommended by the Bond Counsel clarify the appropriations process outlined in Section 809.

7. **Gender Neutral Language for Town Public Offices:**

FINDING: The Commission finds that the Town Charter should be revised to incorporate gender neutral language for public offices.

8. **Board of Education Election Process:** One of the most discussed issues from Public Audience was how the town elects members to the Board of Education to fill expiring terms in each municipal election. Under the current Charter, the process is for the two parties to nominate four volunteer members each and to have these individuals placed on the ballot for election. As terms expire, that individual can ask to be replaced or continue to serve on the Board through the party volunteer process. This approach provides a political party neutral position for the School Board, and an individual often serves on the Board for a long period of time because the longstanding practice by the political parties has been to only nominate the same number of candidates as open seats in each municipal election.

The problem is that to be considered for the School Board, according to longstanding custom, a potential candidate must be affiliated with one of the two political parties. This makes it very difficult for an unaffiliated voter to be considered for the election to a vacant seat on the School Board. A number of speakers expressed the opinion that voters registered as unaffiliated are the largest single group of voters in Simsbury, and as such they do not have an elected voice on the Board.

The large majority of the Commissioners were sympathetic to the concerns raised by the members of the public and understood the issues raised. The large majority concurred with the speaking members of the public that this is an important issue for

review. Notwithstanding those views, the Commission was not able to formulate a recommendation on how best to address the concerns raised by the public. We would ask that the Board of Selectmen consider the formation of a small group of interested parties to see if an alternative process can be created which makes the process of electing members to the Board of Education more of an election than an appointment process.

FINDING: The Commission made no changes to the Board of Education election process outlined in the current Charter.

9. **Combining the Zoning & Planning Commissions:** The question of keeping the Zoning and Planning Commissions separate was considered and voted on by the Commission. In agreeing to keep the commissions separate, it was suggested that steps should be taken to improve the efficiency of the two land use agencies to make their decision making process give the appearance of a single combined commission through complimentary scheduling of hearings on applications and joint meetings where appropriate. This process should be as efficient as possible to minimize any delays and associated costs in the consideration of applications.

The Board of Selectmen asked the Charter Revision Commission to revisit its decision in this regard at the joint meeting on July 11, 2016. At its July 25, 2016 meeting the Commission voted to stand by its original recommendation to keep the Commissions separate. The testimony of present and former Commission chairs was a significant factor in its decision.

FINDING: The Commission made no changes to the current Charter.

10. **Town Constable:** The issue of reinstating the position of Town Constable was presented on numerous occasions in Public Audience. The Commission asked and received a position statement from the Police Department that a Town Constable position was not necessary. The Commission agreed with this position and voted against reinstating the office of Town Constable in the Charter. The Commission took note of the statutory authority that allows the office to be created by ordinance if the need arises.

FINDING: The Commission made no changes to the current Charter.

11. **Terms of Office for the Board of Selectmen and the First Selectman or First Selectwoman:** The issue of increasing the terms of office for the Board of Selectmen and/or the First Selectman or First Selectwoman from two years to four years was considered by the Commission. State law allows a two or a four year term for each office. The Commission ultimately decided that the change in the form of government to Town Manager justified the continuation two year terms for elective offices to maintain public accountability.

FINDING: The Commission made no changes to the current Charter.

11. **Commission Recommended Action on Other Issues:** The Commission reviewed a number of other issues raised by the public and Town Staff and did not recommend changes to the Charter. Instead, the Commission urges the Board of Selectmen to consider other forms of action. The following is a list of issues considered and recommended actions.

- a. **Board of Assessment Appeals:** The Town Assessor requested that the Charter be revised to increase the membership of the Board of Assessment Appeals from three to five members and that two alternate members be added. Town Counsel advised the Commission that under state statute the Board of Selectmen could, by ordinance, provide for an increase in the number of Board of Assessment Appeals members on a short-term basis. Based on this information, the Commission is recommending that the Board of Selectmen move forward with such an ordinance.
- b. **Update Purchasing Ordinances:** This was raised by Town Staff and included in the Board of Selectmen's charge to the Commission. The Commission concluded that this was a matter of ordinance and did not take any action.
- c. **Expand Town Officer Authority to Execute Contracts:** This was raised by Town Staff and included in the Board of Selectmen's charge to the Commission. After discussion, the Commission concluded that contracting authority was appropriately limited and declined to change the Charter to permit additional Director-level employees to execute contracts on behalf of the town.
- d. **Discontinue the Budget Referendum:** The Commission declined to make changes in the budget approval process.
- e. **Term Limits for Board of Education:** Several residents requested that the Commission add term limits to the Board of Education. The Commission was advised by Town Counsel that there was no legal provision for adding term limits. The Commission's recommendations to the Board of Selectmen with respect to the selection and operation of the Board of Education are set forth above.
- f. **Unaffiliated Voter Representation on Town Boards and Commissions:** A resident requested that unaffiliated voters be officially represented on town boards and commissions with a proportionality requirement for the most important boards and commissions. Noting that the current Charter already provides for unaffiliated voter representation in some cases and that Board-appointed committee and commissions, such as the Charter Revision Commission itself, often provide for unaffiliated voter representation, the Commission declined to take any additional action.
- g. **Reestablishment of Design Review Board as an Independent Board:** A resident requested that the Design Review Board be reestablished as an independent Board. Noting that the current structure was established by the last Charter Revision Commission and the absence of significant complaints about that structure, the Commission declined to take action on the request.
- h. **Requirement for Public Audience for Every Town Meeting:** This was requested by a resident. The Commission took no action on the request.

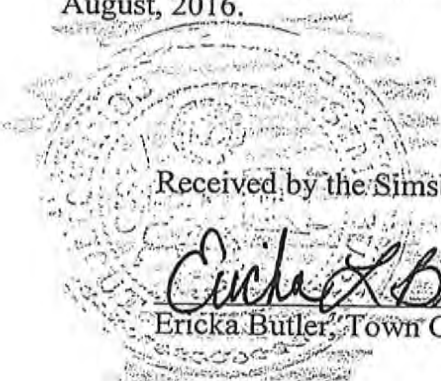
H. Proposed Revised Town Charter

Based on the testimony received at its public hearings and meetings, the comments of its invited guests, its consultation with the Board of Selectmen, the documents it reviewed and its deliberations, the Simsbury Charter Revision Commission recommends the attached Revised Simsbury Town Charter.

I. Acknowledgements

The Commission would like to thank the members of the public who attended and testified at Commission meetings, the invited guests that appeared before the Commission and Town Staff who participated in the Commission's deliberations and in the generation of the Report and the Proposed Revised Charter.

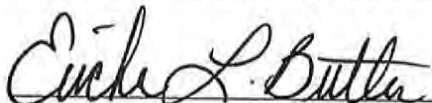
Respectfully submitted by the Simsbury Charter Revision Commission this 1st day of August, 2016.


Hadley Rose - Chair

Received by the Simsbury Town Clerk on August 3rd, 2016.

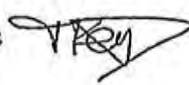

Ericka Butler, Town Clerk

Transmitted to the Board of Selectmen on August 8th, 2016.


Ericka Butler, Town Clerk

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MEMORANDUM

To: Charter Revision Commission
From: Thomas F. Cooke – Director of Administrative Services 
Re: Organizational Meeting
Date: August 13, 2015
CC: Lisa Heavner – First Selectman
Robert M. DeCrescenzo, Esq. – Town Counsel
Carolyn Keily – Town Clerk

On behalf of the Board of Selectmen and the Town of Simsbury, thank you for your willingness to serve on the Charter Revision Commission.

Town Counsel Bob DeCrescenzo and I will provide staff support to the Commission as it moves forward. We would like to schedule an initial organizational meeting on either Wednesday, August 26th or Monday, August 31st at 5:30 pm. Please respond to me at your earliest convenience with your availability and I will confirm the date and location with you via e-mail.

The initial meeting will address organizational issues such as the election of a Chair and Secretary, the scheduling of an initial public hearing before any substantive work is done (as required by statute), and establishing a schedule of meetings. The Commission will also consider a request to Town Department heads soliciting any additional changes to the existing Charter, including recommendations for technical and/or substantive changes. The Board of Selectmen has established March 15, 2016 as the deadline for submission of the Commission's report to the Town Clerk.

Two documents are attached to this Memorandum:

1. The Board of Selectmen's charge to the Commission; and
2. Contact information for members of the Commission (please advise me of any changes or corrections).

Finally, if you have not done so already, please contact Carolyn Keily, our Town Clerk, at (860) 658-3243 to arrange for your swearing in prior to the first meeting.

Please do not hesitate to contact me at (860) 658-3230 with any other questions.

Charge to the Charter Revision Commission

Section 1008 of the Town of Simsbury's Charter provides that "[t]he Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the Town," and further that "[t]he amendment of this Charter may be initiated . . . by a two-thirds vote of the entire Board of Selectmen" Consistent with these provisions, on March 23, 2015 the Personnel Sub-Committee held a Public Hearing to receive comment from the public on the Town of Simsbury's form of government. At the Board of Selectmen meeting following the hearing, the Board of Selectmen voted to empower the Personnel Sub-Committee to develop recommendations for consideration by an appointed Charter Revision Commission (see, General Statutes § 7-190 (a) and (b)).

Based on information gathered by the Personnel Sub-Committee, including but not limited to information received at Public Hearing and areas for review identified by Town Staff, the Personnel Sub-Committee hereby recommends for adoption by the full Board of Selectmen the following areas and issues for review by an appointed Charter Revision Commission:

- **Form of Government:** Review the Town of Simsbury's form of government and make a recommendation concerning the appropriate form of government (recognizing that a wide range of options exists, including but not limited to First Selectman and Town Manager forms of government) for the Town. Any recommended changes to the Town's form of government should also include the impact of the recommended changes on:
 - Office terms and the election process;
 - Separation of powers; and
 - Any impact upon, and the integration of, other Boards and Commissions, especially the Board of Finance;
- **Duties of the First Selectman:** If the commission recommends no changes to the Town of Simsbury's form of government, recommend clarifications of the duties and responsibilities for First Selectman (See, Charter Section 502).
- **Identification of Town Officers:** Review and make recommendations concerning positions identified as Town Officers and the provisions applying to the selection and termination of these Officers as set forth in Charter Section 704.
- **Authority of Town Officers:** Review the scope of authority of Town Officers and make a recommendation concerning whether Town Officers should be allowed to execute contracts under their jurisdiction.
- **Budget Preparation and Budget Referendum:** Review the calendar for the budget preparation process and the scheduling of the budget referendum and make recommendations addressing the dates and timelines for budget public notices.
- **Content of Public Notices for the Budget:** Review and make recommendations concerning the required content for budget public notices.
- **Open Space Committee:** Review composition of the Open Space Committee (which is currently made up of representatives from Planning, Zoning, Conservation and an at-large member) with consideration of adding a member from the Culture, Parks and Recreation Commission.
- **Planning and Zoning:** Review and make a recommendation concerning the potential combination of the Planning and Zoning Commissions into one commission.

- **Permanent Committees:** Review the permanent committees provided for in Charter Section 601 and make recommendations concerning their continuation, replacement or elimination.
- **Terms of Office:** Review and make recommendations concerning the terms of the Board of Selectmen, the First Selectman and all Boards and Commissions (See, Charter Section 302).
- **Gender Neutrality:** Review and make recommendations concerning the adoption of gender-neutral titles for positions created by the Charter.

Adopted by the Town of Simsbury Board of Selectmen on June 22, 2015

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**PROPOSED INDEX OF THE
CHARTER OF THE TOWN OF SIMSBURY**

August 1, 2016 Draft

**Chapter I
Incorporation and General Powers**

- | | |
|---------------------|--------------------------------|
| Section 101. | Incorporation. |
| Section 102. | Rights and obligations. |
| Section 103. | General grant of powers |

**Chapter II
Elections**

- | | |
|---------------------|---|
| Section 201. | General. |
| Section 202. | Eligibility. |
| Section 203. | Minority representation. |
| Section 204. | Breaking a tie. |
| Section 205. | Vacancies – elective offices. |
| Section 206. | Board for Admission of Electors. |

**Chapter III
Elected Officers and Appointed Boards and Commissions**

- | | |
|---------------------|--|
| Section 301. | General. |
| Section 302. | Election and terms of office – town elections. |
| Section 303. | Election and terms of office – state elections. |
| Section 304. | Appointed boards and commissions. |

**Chapter IV
The Board of Selectmen and
the First Selectman or Selectwoman**

- | | |
|---------------------|---|
| Section 401. | General. |
| Section 402. | Presiding officer, organization and procedure. |
| Section 403. | General powers and duties. |
| Section 404. | Public hearing on and publication of ordinances. |
| Section 405. | Emergency ordinances. |
| Section 406. | Automatic referendum. |
| Section 407. | Power of initiative – ordinances proposed to the
Board of Selectmen. |

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| Section 408. | Power of overrule – ordinances adopted by the Board of Selectmen. |
| Section 409. | Power of Initiative – Town Meeting Legislative Action. |
| Section 410. | Investigation. |
| Section 411. | The First Selectman or First Selectwoman. |
| Section 412. | Directions to employees. |

Chapter V

The Town Manager and Administration of the Town

- | | |
|---------------------|-------------------------------------|
| Section 501. | Appointment of Town Manager. |
| Section 502. | Duties of the Town Manager. |
| Section 503. | Appointments and term. |

Chapter VI

Appointed Boards and Commissions

- | | |
|---------------------|---|
| Section 601. | General. |
| Section 602. | Appointment and eligibility. |
| Section 603. | Vacancies – appointive boards and commissions. |
| Section 604. | Parks and Recreation Commission. |
| Section 605. | Conservation Commission-Inland Wetlands and Watercourses Agency. |
| Section 606. | Housing Authority. |
| Section 607. | Aging and Disability Commission. |
| Section 608. | Historic District Commission. |
| Section 609. | Economic Development Commission. |
| Section 610. | Water Pollution Control Authority. |
| Section 611. | Public Building Committee. |
| Section 612. | Building Code Board of Appeals. |
| Section 613. | Board of Ethics. |
| Section 614. | Police Commission. |
| Section 615. | Open Space Committee. |
| Section 616. | Design Review Board. |
| Section 617. | Culture Commission. |
| Section 618. | Regional and interlocal agencies. |

Chapter VII

Administrative Officers and Departments

- Section 701. Departments and officers.**
- Section 702. Appointment and eligibility.**
- Section 703. Vacancies – administrative offices.**
- Section 704. Town Officers.**
- Section 705. Welfare Officer.**
- Section 706. Town Attorney.**
- Section 707. Police Department.**

Chapter VIII

Finance and Taxation

- Section 801. Fiscal year.**
- Section 802. Budget preparation.**
- Section 803. Capital Improvement Program Preparation.**
- Section 804. Department estimates.**
- Section 805. Duties of the Director of Finance on the budget.**
- Section 806. Duties of the Board of Education on the budget.**
- Section 807. Duties of the Board of Selectmen on the budget.**
- Section 808. Duties of the Board of Finance on the budget.**
- Section 809. Duties of the Board of Finance on other financial matters.**
- Section 810. Emergency appropriations.**
- Section 811. Tax bills.**
- Section 812. Expenditures and accounting.**
- Section 813. Borrowing.**

Chapter IX

Town Employees

- Section 901. General.**
- Section 902. Position description.**
- Section 903. Salaries.**
- Section 904. Official bonds.**
- Section 905. Retirement of town employees.**

Chapter X

Transition and Miscellaneous Provisions

- Section 1001. Transfer of powers.**

Section 1002.	Present employees to retain positions.
Section 1003.	Conflicts of interest.
Section 1004.	Transfer of records and property.
Section 1005.	Continuation of appropriations and town funds.
Section 1006.	Legal proceedings.
Section 1007.	Existing laws and ordinances.
Section 1008.	Review and amendment of Charter.
Section 1009.	Saving clause.
Section 1010.	Usage.
Section 1011.	Effective date.

FINAL PROPOSED REVISED CHARTER:

August 1 DRAFT AS OF MARCH 31, 2016

THE CHARTER

CHARTER OF THE TOWNSHIP OF SIMSBURY

~~{HISTORY: Approved by the Electors of the Town of Simsbury _____,
effective January 1, 201_, except as set forth in Section 1001.
Amendments noted where applicable.}~~

We, the Electors of the Town of Simsbury, pursuant to the provisions of Chapter 99 of the General Statutes do approve this Charter, as revised, for the Town of Simsbury.

Section 101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Simsbury, as heretofore constituted, shall continue to be a body politic and corporate under the name of "Town of Simsbury," hereinafter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut.

Section 102. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens in the town as of the effective date of the Charter are continued. Nothing herein shall be construed to affect the rights of the town to collect any assessment, charge, debt, or lien. The town shall continue to be liable for its debts and obligations. If any contract has been entered into by the town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the town, which contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, board or office to which are

granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the ~~First Selectman~~ Town Manager of the town.

Section 103. General grant of powers.

In addition to all powers granted to towns under the Constitution and General Statutes, or which may hereafter be conferred, the town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Sections 7-148 and 7-194 of the General Statutes and by Special Acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the town, including the power to enter into contracts with the United States Government or any branch thereof, the State of Connecticut or any agency or political subdivision thereof or any other body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this or any other chapter of the Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

Chapter II Elections

Section 201. General.

(a) Nomination and election of federal and state officers and of such elected town officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the Constitution and the General Statutes and Special Acts of the State of Connecticut applicable to the Town of Simsbury.

(b) A meeting of the Electors of the Town of Simsbury for the election of municipal officers shall be held biennially in odd-numbered years on the first Tuesday after the first Monday of November.

Section 202. Eligibility.

No person shall be eligible for election to any town office who is not at the time of his or her election an Elector of the town, as defined by Section 9-1 of the General Statutes and any person ceasing to be an Elector of the town shall thereupon cease to hold elective office in the town.

Section 203. Minority representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the town, except the Board of Selectmen, Board of Education, the Board of Ethics and the Police Commission shall be determined in accordance with the provisions of Section 9-167a of the General Statutes. Minority representation on the Board of Selectmen, the Board of Education, the Board of Ethics and the Police Commission shall be determined in accordance with the provisions of ~~C.G.S. Sections §§9-188 and 9-204~~ of the General Statutes and Charter §714-612 and §715-613 respectively.

Section 204. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected; provided, however, that this provision shall not apply to questions at referendum which, under the provisions of this Charter or of the General Statutes, require a minimum number of electors voting in favor of such questions in the event that the number of electors voting in favor of such question does not equal the said minimum number required by such provision.

Section 205. Vacancies - elective offices.

Except as provided in Section 9-221 of the General Statutes, any vacancy, except a vacancy on the Board of Selectmen, in any elective town office, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment by the Board of Selectmen, for the unexpired portion of the term or until the next regular ~~town-municipal~~ municipal election, as defined in Section 9-1 of the General Statutes, whichever shall first occur. Any vacancy on the Board of Selectmen shall be filled within thirty (30) days of such vacancy in accordance with Section 9-222 of the General Statutes. Any such vacancy shall be filled by the appointment of a member of the

same political party as the person vacating the office in the event said person was affiliated with a political party. Except as otherwise provided in this Charter, if there is a regular ~~town~~-municipal election, as defined in Section 9-1 of the General Statutes, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until the election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, such person to take office at the time provided in Section 302 of this Charter for the commencement of terms of office.

Section 206. Board for Admission of Electors.

The Town Clerk and the Registrars of Voters shall constitute the Board for Admission of Electors in accordance with the provisions of Section 9-15a of the General Statutes.

Chapter III

Elected Officers and Appointed Boards and Commissions

Section 301. General.

(a) Except as otherwise provided in this Charter, all elected town officers and members of the Board of Education shall have the powers and duties prescribed for such officers in the General Statutes, and in this Charter.

(b) Terms of Office: Unless otherwise determined by the Connecticut General Statutes, regular and alternate members of all elected, regular and permanent appointed boards, commissions and agencies created by this Charter, except the Board of Selectmen, the Board of Finance, the Economic Development Commission, and the Board of Library Trustees, shall serve a four year term of office beginning with the municipal election of 2017.

(c) The elected boards and commissions shall have the following members:

- (1) Board of Selectmen, six (6), including the First Selectman or the First Selectwoman;-
- (2) Board of Education, eight (8) ;-
- (3) Board of Finance, six (6) ;-
- (4) Board of Library Trustees, (9) ;-
- (5) Planning Commission, six (6) ;-

- (6) Zoning Commission, six (6) ;
- (7) Zoning Board of Appeals, six (6) ;
- (8) Board of Assessment Appeals, three (3).

Section 302. Election and terms of office - town elections.

At a meeting of the Electors of the Town of Simsbury to be held biennially in odd-numbered years on the first Tuesday after the first Monday of November beginning in 2017, there shall be elected the following officers:

(a) For a term of two (2) years:

- (1) A First Selectman or First Selectwoman.
- (2) Five (5) members of the Board of Selectmen, in accordance with the provisions of Section 9-188 of the General Statutes.

(b) For a term of four (4) years:

- (1) Four (4) members of the Board of Education, in accordance with the provisions of Section 9-204 of the General Statutes, who shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes.
- (2) Three (3) members of the Planning Commission.
- (3) Three (3) members of the Zoning Commission.
- (4) Three (3) members of the Zoning Board of Appeals.
- (5) One (1) or Two (2) members of the Board of Assessment Appeals depending upon the expiration of terms from the preceding municipal election.
- (6) The alternate members of the Planning Commission depending upon the expiration of terms from the preceding municipal election.
- (7) The alternate members of the Zoning Commission depending upon the expiration of terms from the preceding municipal election.
- (8) The alternate members of the Zoning Board of Appeals depending upon the expiration of terms from the preceding municipal election.

(c) For a term of six (6) years:

- (1) Two (2) members of the Board of Finance.

(2) Three (3) members of the Board of Library Trustees.

The terms of office of all elected town officers, elected members of town boards and commissions, and members of the Board of Education shall commence on the first Monday in December following the election.

Section 303. Election and terms of office - state elections.

At the state election to be held on the first Tuesday after the first Monday of November, in 2018, and quadrennially thereafter, there shall be elected the following officers:

(a) For a term of four (4) years:

(1) Two (2) Registrars of Voters, in accordance with Section 9-189a of the General Statutes; and

(2) A Judge of Probate for the Probate District Number 9.

The Registrars of Voters and the Judge of Probate shall perform those duties prescribed by the General Statutes. Their terms of office shall commence in accordance with the provisions of Sections 9-189a and 45-55a-18 of the General Statutes.

Section 304. Appointed Boards and Commissions

Members of Appointed Boards and Commissions shall be appointed as prescribed by Chapter VI.

Chapter IV

The Board of Selectmen and The First Selectman or First Selectwoman

Section 401. General.

There shall be a Board of Selectmen, hereinafter referred to as the Selectmen, consisting of the First Selectman or First Selectwoman and five (5) other Selectmen. No more than four (4) members of the Board of Selectmen shall be members of the same political party. With the exception of the First Selectman or First Selectwoman, all Selectmen or Selectwomen shall serve without compensation except for reimbursement of actual expenses incurred in the performance of official duties, as authorized by the Selectmen. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen, which may include the First Selectman or First Selectwoman, to serve as ex-officio, nonvoting members of the several regular and special town boards, commissions, and agencies. No member of the Board of Selectmen, including the First Selectman or First Selectwoman, during

the term of office for which he or she has been elected and for one (1) year thereafter, shall be eligible for appointment to any salaried office or position of profit with the town which has been created or established during his or her term of office.

Section 402. Presiding officer, organization and procedure.

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectmenman or First Selectwoman shall ~~elect~~ appoint,⁷ from ~~among their own~~ the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 503 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 808, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other

action, including any resolution, may be adopted by an affirmative vote of a majority of those Selectmen present, provided those present constitute a quorum.

Section 403. General powers and duties.

The Board of Selectmen shall have all the powers and duties hereinafter conferred upon the Selectmen and all those powers and duties which, on the effective date of this Charter were conferred by law upon Boards of Selectmen, except as otherwise specifically provided in this Charter. The legislative authority of the town shall be vested, except as otherwise specifically provided in Section 409 of this Charter, exclusively in the Board of Selectmen. The Selectmen shall have the power to enact, amend, or repeal ordinances not inconsistent with the provisions of this Charter or the General Statutes, and may by ordinance create, consolidate or abolish boards, commissions and offices not specifically authorized in this Charter, provided further that nothing herein shall be construed to prohibit the Board of Selectmen from appointing, by resolution, special or temporary boards, commissions, or committees as it may from time to time deem necessary and appropriate to the operation of the town government, but in such event, the term of any such special or temporary boards, commissions, or committees shall not exceed two (2) years, and shall be coterminous with the appointing Board of Selectmen. Except as otherwise provided in the Charter, the Selectmen may contract for services and the use of facilities with the United States Government or any agency thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes, and the Selectmen shall exercise and discharge the powers and duties of the Flood and Erosion Control Board and may assign such duties to the Zoning Commission, Planning Commission and Inland/Wetlands Commission for planning and enforcement purposes as the Board of Selectmen deems appropriate. The Board of Selectmen is authorized to apply for and accept on behalf of the town, state or federal grants. The Board of Selectmen is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations which have been published, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance provided, upon adoption of any such ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference. There shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public. The Selectmen may fix the

charges, if any, to be made for services rendered by the town or for the execution of powers vested in the town as provided in Chapter I of this Charter.

Section 404. Public hearing on and publication of ordinances.

Except as otherwise specifically provided in this Charter, no ordinance shall be acted upon by the Selectmen pursuant to the provisions of this chapter until and unless one (1) public hearing on such ordinance shall have been held by the Selectmen. Notice of such public hearing shall be given by the Board of Selectmen at least seven (7) days in advance by publication in a newspaper having general circulation in the town, and by posting a notice in a public place. Copies of such proposed ordinance shall be made available for public inspection at the Town Clerk's office at least seven (7) days in advance of said public hearing. If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance subsequent to the public hearing required under the provisions of this section, a second public hearing shall be held on such proposed ordinance prior to final action by the Selectmen. Every ordinance, after passage, shall be filed by the Town Clerk, and recorded, compiled and published as required by law. Within ten (10) days after final passage, each ordinance so passed shall be published once in its entirety or in summary form as authorized in General Statutes section 7-157 in a newspaper having general circulation within the town. Each ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its passage.

Section 405. Emergency ordinances.

For the purpose of meeting a public emergency threatening the lives, health or property of persons, emergency ordinances stating the facts constituting such public emergency shall become effective immediately, and such ordinances shall be promulgated forthwith. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following final passage of the ordinance; provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Section 404 of this chapter prior to such sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

Section 406. Automatic referendum.

The adoption of the Budget and any matter which involves an expenditure amount in excess of two percent (2%) of the annual budget for the then current fiscal year or Town Meeting action initiated under Section 409 and which involves an amount in excess of one percent (1%) of the annual budget for the then current fiscal year shall be subject to an automatic referendum by all qualified voters of the Town of Simsbury on a date set by the Board of Selectmen. In the case of the automatic referendum for adoption of the budget, the referendum shall be held from fourteen (14) to twenty-one (21) days following the filing of the budget with the Town Clerk in accordance with Section 808. The polls in such referendum shall be open between 6:00 a.m. and 8:00 p.m. Any motion at a Board of Selectmen Meeting dealing with a referendum matter which seeks to reduce the amount of such referendum matter shall require a two-thirds (2/3) vote of the Board of Selectmen.

Section 407. Power of initiative - ordinances proposed to the Board of Selectmen.

The Electors of the town shall have the power to propose ordinances or to propose the repeal of existing ordinances in the following manner:

(a) A petition may be filed by any Elector of the town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes;

(b) The petition shall contain the full text of the ordinance proposed or of the ordinance proposed to be repealed and shall be signed in ink or indelible pencil by qualified Electors of the town equal in number to at least five percent (5%) of the total Electors of the town as determined from the latest official lists of the Registrars of Voters;

(c) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to ~~C.G.S. §§~~ Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in said ~~C.G.S. Section~~ §7-9;

(d) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition

to the number required by Subsection (b) of this section, shall so certify to the Board of Selectmen; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as prescribed herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect;

(e) If the Selectmen fail to adopt, without any substantive change, an ordinance so proposed, or fail to repeal an ordinance proposed for repeal within thirty (30) days after a petition making such a proposal shall have been certified to the Selectmen as provided herein, a second petition may be filed within thirty (30) days of the end of the period in which the Selectmen have to act on the proposed ordinance by any Elector of the town with the Town Clerk in accordance with the provisions outlined in Subsections (a), (b), (c) and (d) of this section;

(f) Upon receipt of the certification by the Town Clerk of the second petition, the Selectmen shall call a special town referendum, at which referendum all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, to be held within sixty (60) days after the certification of such second petition; provided, however, if a regular election, as defined by Section 9-1 of the General Statutes, shall occur within ninety (90) days of the certification of such second petition, such proposed ordinance shall be placed on the ballot at the regular election; the polls in any special town referendum called pursuant to ~~this section~~ Section shall be open between 6:00 a.m. and 8:00 p.m.;

(g) Such proposed ordinance shall become effective, or such ordinance proposed for repeal shall be deemed repealed, upon approval by a majority of those Electors voting thereon, provided such number of Electors approving said ordinance is equal to at least ten percent (10%) of the total Electors of the town, as determined from the latest official lists of the Registrars of Voters.

The ordinance shall become effective on the twenty-first day after publication in accordance with the provisions of Section 404 of this chapter; provided, however, that the ordinance shall be considered approved upon certification of the results of the voting thereon regardless of any defect in the petition submitted in accordance with the provisions herein. No ordinance which shall have been adopted or repealed by referendum in accordance with the provisions of this section may be repealed, amended or reenacted by the Board of Selectmen during its then current term of office.

Section 408. Power of overrule - ordinances adopted by the Board of Selectmen.

All ordinances adopted by the Board of Selectmen pursuant to the provisions of this chapter, except emergency ordinances adopted in accordance with the provisions of Section 405 of this chapter, shall be subject to overrule by a special town referendum in the following manner:

(a) If, within fifteen (15) days after the publication of any such ordinance, a petition conforming to the requirements of Sections 7-9 and 7-9a of the General Statutes and signed in ink or indelible pencil by qualified Electors of the town equal in number to at least five percent (5%) of the total Electors of the town as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to the town voters at a special referendum, the effective date of such ordinance shall be suspended;

(b) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to ~~C.G.S. §§~~Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in the ~~C.G.S. Section~~ §7-9;

(c) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition to the number required by Subsection (a) of this section, shall so certify to the Board of Selectmen;

(d) If, within thirty (30) days of the certification of the petition by the Town Clerk, the Selectmen fail to repeal such ordinance, they shall then fix the time and place of such special referendum, at which referendum all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held within forty-five (45) days of the end of the period in which the Selectmen have to reconsider such ordinance, and notice thereof shall be given in the manner provided by law for the calling of a town referendum; provided, however, if a regular election, as defined by Section 9-1 of the General Statutes shall occur within ninety (90) days of the end of the period in which the Selectmen have to reconsider the ordinance, such proposed overrule action shall be placed on the ballot at the regular election. The polls in any special town referendum called pursuant to this section shall be open between 6:00 a.m. and 8:00 p.m.

An ordinance so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, such majority being equal to at least ten percent (10%) of the ~~qualified electors~~ Electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted in favor

of overruling such ordinance, and in such event said ordinance so referred shall be deemed null, void and repealed upon the conclusion of such referendum.

Section 409 Power of Initiative- Town Meeting Legislative Action

(a) The Electors of the Town shall have the power to require a call of a Town Meeting pursuant to the procedures set forth in ~~General Statutes~~ Chapter 90 of the General Statutes not inconsistent with this Charter for the following purposes:

(1) The authorization of bonds and all other forms of financing, the term of which is in excess of one (1) year;

(2) Any appropriations supplemental to those provided in the annual budget other than those which may be authorized by the Board of Finance pursuant to Section 809 of this Charter;

(3) Authorization of any sale of real estate involving a sale price in excess of one percent (1%) of the annual budget for the then current fiscal year;

(4) Authorization of acceptance of state or federal grants for an amount in excess of one percent (1%) of the annual budget for the then current fiscal year;

(5) The creation of any permanent board, commission, or agency not otherwise provided for in this Charter;

(6) Real estate leases and/or lease options to which the town is party, which involve a term in excess of ten (10) years; or which involve a financial obligation of the town over the term of the lease in excess of one percent (1%) of the annual budget for the then current fiscal year.

(7) Proposals for municipal improvements disapproved by the Town Planning Commission pursuant to the provisions of Section 8-24 of the General Statutes.

(8) Authorization of any purchase or acquisition of real estate valued in excess of one percent (1%) of the annual budget for the then current fiscal year.

(b) A petition may be filed by any Elector of the town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes;

(c) The petition shall contain the full text of the call of the town meeting proposed and shall be signed in ink or indelible pencil by qualified electors—Electors of the Town equal in number to at least five percent (5%) of the total Electors of the Town as determined from the latest official lists of the Registrars of Voters;

(d) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to ~~C.G.S. §§~~Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in said ~~Section C.G.S. §7-9;~~

(e) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition to the number required by Subsection (b) of this section, shall so certify to the Board of Selectmen; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as prescribed herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect.

(f) Within thirty (30) days of the certification of the petition by the Town Clerk, the Selectmen shall then fix the time and place of such town meeting, at which town meeting all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held on the date fixed by the Selectmen but in no event shall such date be more than ninety (90) days of the certification and notice thereof shall be given in the manner provided by law for the calling of a town meeting.

(g) Any Town Meeting called for the purposes set forth in this Section 409 shall be the final legislative authority for the matters included in the call.

Section 410. Investigation.

The Board of Selectmen shall have the power to investigate any and all offices, boards, commissions and agencies of the town and for such purposes shall have the power to call witnesses to appear before the Board to testify and to furnish documentation on any matter under investigation; provided, a properly constituted meeting of the Board of Selectmen may call before it any employee or officer for the purpose of information or investigation.

Section 411. The First Selectman or First Selectwoman

At each town-municipal election a First Selectman or First Selectwoman shall be chosen by the Electors of the town as provided in Chapter III of this Charter. The First Selectman or First Selectwoman shall be the full-time chief elected officer of the town and shall receive a an annual stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes. of \$22,500 subject to an annual Cost of Living adjustment as determined by the Social Security such annual Administration annual stipend compensation as shall be recommended by the Board of Selectmen and approved in the annual budget to cover expenses equal to fifteen percent (15%) of the annual base salary of the Town Manager in effect at the beginning of as of the first day of the term his or her term as his or her sole form of compensation. The First Selectman or First Selectwoman shall not receive any other form of compensation or be eligible for any employee benefits as defined in the Town Personnel Rules, including but not limited to pension benefits, health care benefits, vacation, accrual of vacation, sick days, accrual of sick days, personnel personal days or any other form of employee benefit.

The First Selectman or First Selectwoman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of the Board.

The First Selectman or First Selectwoman shall chair the Board of Selectmen's Personnel Sub-Committee and the Town Manager shall confer with the First Selectman or First Selectwoman on all matters coming before the Personnel Sub-Committee. The First Selectman or First Selectwoman or the designee of the First Selectman or First Selectwoman, as provided in Section 401 of this Charter, shall be an ex-officio member of all other town boards, commissions and agencies, but without power to vote.

The First Selectman or First Selectwoman shall have all the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter and perform such other duties consistent with his or her office as may be imposed by the Board of Selectmen. The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.

Section 412. Directions to employees.

No members of the Board of Selectmen, including the First Selectman, or First Selectwoman shall give orders, either publicly or privately, to any administrative officer or employee as defined by Sections 503 and 701 of this Charter.

Chapter V The Town Manager and Administration of the Town

Section 501. Appointment of Town Manager^{1,2}

The Board of Selectmen shall appoint a Town Manager who shall be the chief executive and the administrative official of the Town—town and shall serve at the pleasure of the Board of Selectmen. The Town Manager shall be appointed—exclusively on the basis of executive and administrative qualifications, character, education, training and experience. At the time of appointment, said Manager need not be a resident of the Town or of the state of Connecticut, but the Town Manager shall reside in the Town during tenure of office. The Town Manager shall devote full working time to the duties of the office.

The Town Manager shall be responsible to the Board of Selectmen for carrying out all ~~acts directives~~ acts and policies of the Board of Selectmen, and all resolutions and ordinances adopted by the Town—town. The Town Manager shall also be responsible for the administration of the Town—town consistent with the policies established by the Board of Selectmen and for carrying out such other duties and responsibilities as set forth in this Charter.

The compensation and benefits of the Town Manager shall be fixed by the Board of Selectmen.

Section 502. Duties of the Town Manager

A. The duties of the Town Manager shall be defined in a Position Description to be approved from time to time by the Board of Selectmen. Those duties shall include at least the following:

1. Ensure that all laws and ordinances governing the town are faithfully executed;
2. Make periodic reports to the Board of Selectmen;
3. Attend Board of Selectmen meetings with full right of participation in its discussion but without a right to vote;

¹ Change approved by the Charter Revision Commission March 3, 2016

4. Submit to the Board of Selectmen and make available to the public complete reports on the finances and on the administrative activities of the Town-town as of the end of each fiscal year;
5. Make recommendations to the Board of Selectmen concerning the affairs of the Town-town and facilitate the work of the Board of Selectmen in developing policy;
6. Keep the Board of Selectmen fully advised as to the financial condition and anticipated future financial needs of the Towntown;
7. Prepare and submit to the Board of Selectmen an annual town budget;
8. At the time of an emergency or disaster, expend the necessary funds to assure the smooth operation of Town-town business and the health, safety and well-being of the Town-town and its residents, consistent with this Charter;
9. Assist the Board of Selectmen to develop long-term goals including economic development for the Town-town and strategies to implement such goals;
10. Encourage and provide staff support for regional and intergovernmental cooperation;
11. Promote partnerships among the Board of Selectmen, staff and citizens in developing public policy and building a sense of community; and
12. Exercise such powers and perform such other duties as may be required by ordinance or resolution of the Board of Selectmen not inconsistent with this Charter.
13. ~~Shall assist~~ Assist the Board of Finance in the preparation of the annual town report.

B. Administration: The Town Manager shall be responsible to the Board of Selectmen for the supervision, direction and administration of all tTown departments, agencies and offices. The Town Manager shall administer and coordinate the operations of the departments, agencies and offices, whether appointed by the Board of Selectmen or elected, except those functions expressly reserved or delegated to such bodies of law.

C. Personnel: The Town Manager shall be the Personnel Director for the town, and shall have the responsibility for developing job

descriptions for all administrative officers, subject to the approval of the Board of Selectmen; and all advertising for, hiring, and dismissal of town employees, except Board of Education employees, shall be under the Town Manager's direct control, subject to the approval of the Board of Selectmen, provided, however, that appointment and removal of officers and employees of the Police Department shall be governed by the provisions of Sections 615 and 707 of this Charter.

D. Execution of Law: The Town Manager shall see that all laws and ordinances governing the town are faithfully executed and shall make periodic reports to the Board of Selectmen on the conditions and affairs of the town. and shall assist the Board of Finance in the preparation of the annual town report.

The Town Manager, Manager in consultation with the First Selectman, shall recommend to the Board of Selectmen such measures as the Town Manager may deem necessary or expedient and shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen not inconsistent with this Charter.

E. Contracts: The Town Manager may, with the approval of the Board of Selectmen and subject to such other limitations as are contained in this Charter and in the General Statutes, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate.

Section 503. Appointments and term.

A. The First Selectman-Town Manager shall appoint and may remove, each such action with the approval of a majority of the entire Board of Selectmen, and in accordance with such provisions of the General Statutes as may apply to the appointments and removals, such administrative officers as are assigned to the First Selectman-Town Manager for appointment by the several provisions of this Charter, and such other assistants or employees as may be required pursuant to the performance of the Town Manager's duties, subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter IX of this Charter.

B. The terms of all administrative officers not specifically listed in Section 704 hereof shall terminate on the same day as the term of the First Selectman-Town Manager, provided such appointees shall continue to serve until their successors are appointed and qualified. The First Selectman-Town Manager may, subject to the approval of the

Board of Selectmen, perform the duties of any office under the ~~First Selectman~~ Town Manager's jurisdiction; provided, however, that the ~~First Selectman~~ Town Manager is, in the opinion of the Board of Selectmen, otherwise qualified to perform such duties.

C. In case of disability or temporary absence of the Town Manager or vacancy in the office of the Town Manager, the Board of Selectmen may designate an acting Town Manager, except the Town Manager may designate an acting Town Manager for temporary absences not to exceed fifteen (15) days consistent with policies established by the Board of Selectmen

Chapter VI Appointed Boards and Commissions

Section 601. General.

All members of appointed boards and commissions shall serve without compensation, except for the reimbursement of necessary expenses as outlined by the Board of Selectmen or as otherwise provided by law and shall serve until their successors have been appointed and qualified. Such boards and commissions shall have the powers conferred by law and by the provisions of this Charter upon their respective offices.

(a) Regular boards. There shall be the following permanent town boards and commissions appointed by the Board of Selectmen with the exception of the Design Review Board which shall be appointed by the Zoning Commission:

- (1) Culture, Parks and Recreation Commission;
- (2) Conservation Commission-Inland Wetlands and Watercourses Agency;
- (3) Housing Authority;
- (4) Aging and Disability Commission;
- ~~-(5) Human Relations Commission;~~
- ~~-(56) Economic Development Commission;~~ Economic Development Commission;
- ~~-(7)(65) Historic District Commission;~~
- ~~-(8)(76) Water Pollution Control Authority;~~
- ~~-(9)(87) Public Building Committee;~~
- ~~-(10)(98) Building Code Board of Appeals;~~
- ~~-(11)(109) Board of Ethics;~~

(1210) Police Commission;

(1321) Open Space Committee;

(1432) Design Review Board; and

(143) Culture Commission.

(b) Permanent boards and commissions created by Town Meeting pursuant to Section 409 of this Charter. Members of such boards and commissions shall be appointed by the Board of Selectmen.

(c) Permanent or Special boards and commissions. Permanent or Special boards and commissions may be appointed from time to time by the Board of Selectmen in accordance with Section 403 of this Charter.

Section 602. Appointment and eligibility.

All members of such town boards and commissions as are described in Section 601 of this chapter shall be appointed in accordance with the provisions of Section 203 and 301(b) of this Charter. Except as provided in Section 6172, the Board of Selectmen shall appoint, by an affirmative vote of not fewer than four (4) members of the Board of Selectmen, such regular town boards and commissions as are described in Section 601 of this chapter by resolution adopted at a meeting to be held not later than the fifteenth day of January following the first regular ~~town-municipal~~ election held under the provisions of this Charter. No person shall be eligible for appointment to any regular town board or commission, except the Building Code Board of Appeals, who is not at the time of his or her appointment an Elector of the town and any person ceasing to be an Elector of the town, shall thereupon forfeit his or her membership on the board or commission. All persons appointed to boards, commissions and agencies created under Section 403 of this charter or by action of the Special Town Meeting pursuant to Section 409 of this Charter shall ~~be according to initial-serve~~ staggered terms as defined by the Board of Selectmen.

Section 603. Vacancies - appointive boards and commissions.

Any vacancy on any appointive town board or commission, from whatever cause arising, shall be filled by appointment by the appointing authority to such office for the unexpired portion of the term vacated. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event the person was affiliated with a political party.

Section 604. ~~Culture,~~Parks and Recreation Commission.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a ~~Culture,~~Parks and Recreation Commission consisting of nine (9) members, the members to serve for terms of four (4) years. The Board of Selectmen shall appoint members of the Commission depending on the number of members whose terms expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions and on Town Forest Commissions by the applicable provisions of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

Section 605. Conservation Commission-Inland Wetlands and Watercourses Agency.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Conservation Commission-Inland Wetlands and Watercourses Agency consisting of seven (7) members and two (2) alternates. The members shall serve for terms of four (4) years. The Board of Selectmen shall appoint members to the Agency depending on the number of members whose terms expire. Alternates shall serve for a term of four (4) years. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Commissions and on Town Forest Commissions by Sections 7-131, 7-131a, 22a-42 and 22a-42a of the General Statutes.

Section 606. Housing Authority.

The Housing Authority existing on the effective date of this Charter is hereby designated the Housing Authority of the town under this Charter. The Authority shall consist of five (5) members, who shall serve for terms of five (5) years. The Board of Selectmen shall appoint a successor to each such member, such successor to serve for a term of five (5) years. The Authority shall have all the powers and duties now or hereafter conferred or imposed upon such authorities by Chapter 128 of the General Statutes.

Section 607. Aging and Disability Commission.

The Board of Selectmen shall establish in accordance with the provisions of Section 602 of this chapter an Aging and Disability Commission. The Board of Selectmen shall by ordinance determine the

number of members on the Commission and their terms of office which shall not exceed four (4) years. The Commission shall be responsible for investigating the needs of the citizens of the Town of Simsbury in the areas of aging and the disabled and shall assist public and private agencies in the implementation of programs and facilities for such needs. The Commission shall have such other powers and duties not inconsistent with this Charter as may be prescribed by the Board of Selectmen.

~~Section 608. Human Relations Commission.~~

~~The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Human Relations Commission consisting of three (3) members, whose members to serve for terms of four (4) years. Biennially the Selectmen shall appoint three (3) members to such Commission. The Commission shall be responsible for advising and assisting in the elimination of all discrimination against any individual or individuals because race, color, religious creed, age, sex, disability, national origin or ancestry. In pursuing these goals, the Commission shall have the duty to foster mutual understanding and respect, to encourage equality of treatment, to develop a community wide program of education, to investigate and mediate complaints and seek compliance with federal, state and other governmental laws and regulations, and to assist public and private agencies in the implementation of these goals and programs upon the request of such agencies or any person or persons. The Commission shall have such other powers and duties, not inconsistent with this Charter, as may be prescribed by the Board of Selectmen.³~~

Section 6098608. Historic District Commission.

The Historic District Commission existing on the effective date of this Charter is hereby designated the Historic District Commission of the Town under this Charter. The Commission shall consist of five (5) regular and three (3) alternate members, who shall serve for terms of five (5) years, and who shall hold no salaried municipal office. The Board of Selectmen shall appoint all members and alternates to the Commission, whose terms shall be so arranged that the term of at least one (1) member shall expire each year, and their successors shall be appointed in like manner for terms of five (5) years. The Historic

² Elimination of the Human Relations Commission approved at the November 5, 2015 Charter Revision Commission Meeting.

District Commission shall work to perpetuate and preserve the historic features of Simsbury and to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period of style of architecture of Simsbury, of Connecticut, or of the nation. The Commission shall have all the powers and duties now or hereafter conferred or imposed upon such commissions by Chapter 97a, Section 7-147a-k of the Connecticut General Statutes, ~~Section 7-147a-k~~.

Section 609. Economic Development Commission ~~(replace existing text with the following)~~

The Board of Selectmen shall create, by ordinance, an Economic Development Commission which shall have the membership, terms, duties and responsibilities, not inconsistent with this Charter or state law, as determined by such ordinance.

~~Section 61009. Economic Development Commission.~~

~~The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, an Economic Development Commission consisting of nine (9) members, who shall serve for term of five (5) years. The Board of Selectmen shall appoint members to such Commission depending on the member or members whose terms then expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions by Section 7-136 of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.~~⁹ (March 23, 2016)

Section 61109610. Water Pollution Control Authority.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this charter, a Water Pollution Control authority consisting of seven (7) members, who shall serve for terms of four (4) years. The Board of Selectmen shall appoint members to the Authority depending on the number of members whose terms expire. The Authority shall have all the powers and duties, not inconsistent with this Charter as are now or may hereafter be conferred or imposed upon such authorities by Chapter 103 of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

Section 61210611. Public Building Committee.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Public Building Committee consisting of nine (9) members, who shall serve for terms of four (4) years. The Board of Selectmen shall appoint Members to the Committee depending on the number of Members whose terms expire. The Committee shall have all the powers and duties with regard to all public buildings, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Committee by the General Statutes or by the Board of Selectmen, including but not limited to responsibilities related to school buildings whether or not included described in Section 10-291 of the General Statutes.

Section ~~613~~121. Building Code Board of Appeals.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter and Section 29-266 of the General Statutes, a Building Code Board of Appeals consisting of five (5) members and two (2) alternates. The members shall serve for terms of five (5) years. The alternates shall serve for a two-year term. Annually, thereafter, the Selectmen shall appoint members and alternates to the Building Code Board of Appeals depending on the number of members or alternates whose term expires. The Board shall have all the powers and duties not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such boards by Chapter 541 of the General Statutes.

Section ~~614~~132. Board of Ethics.

The Board of Selectmen shall appoint, in accordance with Section 602 of this chapter and Section 7-148h of the General Statutes, a Board of Ethics consisting of six (6) members, two (2) of whom shall be registered Republicans, two (2) of whom shall be registered Democrats and two (2) of whom shall be unaffiliated voters. The members of the Board shall serve for four (4) year terms. The Selectmen shall appoint members to the Board depending on the number of members whose terms expire. However, the members so appointed shall be of the same political affiliation as the member or members whose term expires. The Board shall have all the powers and duties, not inconsistent with this Charter, as are now or hereafter confirmed or imposed upon such Board by Section 7-148h of the General Statutes or by the Board of Selectmen.

Section ~~615~~143. Police Commission.

(a) Membership and term. The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter and Chapter 104 of the General Statutes, a Police Commission consisting of five (5) members, who shall serve for terms of four (4) years, Not more than two of the members may be members of the same political party or the same political registration. The Board of Selectmen shall appoint members to the Commission depending on the number of members whose terms then expire.

(b) Citizen matters. The Police Commission shall be responsible for the investigation of citizen complaints against members of the Police Department in accordance with procedures established and published by the Police Commission. The Police Commission shall be responsible for maintaining good relations between the Police Department and the Simsbury community.

(c) Other powers and duties. The Commission shall be responsible for establishing Police Department policies and shall also have all of the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Commission by ~~Chapter 104, Section 7-276~~ of the General Statutes, including, but not limited to, preparation of a proposed budget for the Police Department to be submitted to the Board of Selectmen, and such other duties as may be imposed by the Board of Selectmen.

(d) Personnel matters. The Police Commission shall be responsible for personnel matters within the Police Department, including but not limited to, the appointment and removal, after receiving and considering comments from the Chief of Police and subject to such rules and regulations concerning Town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter IX of this Charter, of all other officers and employees of the Police Department (including an animal control officer whose appointment shall be subject to the approval of the ~~First Selectman~~ **Town Manager** and whose powers and duties shall be as provided in Chapter 435 of the General Statutes).

(e) Collective bargaining matters. Police union contract negotiations shall be conducted pursuant to procedures mutually agreed to by the Board of Selectmen and by the Police Commission; provided that final authority for the approval of any union contract or collective bargaining agreement shall be vested in the Board of Selectmen.

(f) Chairperson. The Police Commission shall annually (at its first meeting in each calendar year) elect from its members a Chairperson and a Clerk. The Chairperson shall serve as the Police Commission's liaison to the Police Chief and to the Board of Selectmen.

Section 61-6154. Open Space Committee.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this Charter, an Open Space Committee to assist and advise the Board of Selectmen in identifying and evaluating land deemed suitable for acquisition and preservation, and in administering the fund for land acquisition and preservation. The Committee shall consist of the First Selectman or First Selectwoman, Chair of the Planning Commission, Chair of the Conservation Commission, Chair of the Zoning Commission, Chair of the Culture, Parks and Recreation Commission³, or their designees, and ~~one~~ three (3) other members⁶ to be appointed by the Board of Selectmen. The Committee shall have such other powers and duties not inconsistent with this Charter as may be prescribed by the Board of Selectmen. The Committee shall establish rules of procedure for the conduct of its business.

Section 617164. Design Review Board

The Zoning Commission shall appoint a Design Review Board which shall consist of six (6) regular members and up to four (4) alternate members. The qualifications of the members shall be determined by the Zoning Commission. The duties of the Design Review Board shall be to (1) advise the Zoning Commission via reports on each application for non-residential development, and (2) to advise the Planning Commission on best land use planning practices in the Planning Commission's work in adopting or updating the Simsbury Plan of Conservation and Development.

Section 615617. Culture Commission.

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Culture Commission consisting of not less than five (5) ~~nine (9)~~ members, the members to serve for terms of four (4) years. The Board of Selectmen shall appoint members of the Commission depending on the number of members whose terms expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions by the applicable provisions of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

Section 61718. Regional and interlocal agencies.

The town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes, as

³Approved by the Charter Revision Commission, October 29, 2015

authority of the town by action of the Board of Selectmen, to continue or discontinue such participation or join new, regional programs, as authorized by the General Statutes.

Chapter VII Administrative Officers and Departments

Section 701. Departments and officers.

(a) The Board of Selectmen may create or eliminate such administrative offices and departments as it from time to time may deem appropriate and necessary for the best interests of the Town, except as provided by law; and

(b) Subject to the provisions of Section 701(a), there shall be the following administrative officers for the town: Town Clerk;

Director of Finance-Treasurer; Tax Collector; Assessor; Director of Civil Preparedness; Welfare Officer; Director of ~~Culture~~, Parks and Recreation; Director of Community Planning and Development/Town Planner; Conservation, Inland Wetlands and Zoning Compliance Officer, Director of Public Works; Building Official; Town Engineer; Town Attorney; Chief of Police; and Social Services Director.

Section 702. Appointment and eligibility.

Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the ~~First-Selectman~~ Town Manager shall be appointed and may be removed in accordance with the provisions of Section 503 of this Charter. No administrative officer or department head shall serve as a voting member on any regular town board or commission during his or her term of office and any such officer or department head elected to public office in the town shall, upon such election, forfeit the position to which he or she had been appointed.

Section 703. Vacancies - administrative offices.

Any vacancy in any appointive administrative office, from whatever cause arising, shall be filled by the appointing authority to such office. Persons appointed to fill vacancies in any administrative offices shall serve for the unexpired portion of the term vacated if

such office has a fixed term, or shall serve for an indefinite term in the event no fixed term is provided for such office.

Section 704. Town Officers.

The ~~First-Selectman~~ **Town Manager** shall appoint and may remove, each such action to be taken with the approval of the Board of Selectmen, the following town officers, each of whom shall serve for an indefinite term (unless otherwise established by this Section 704):

(a) Town Clerk, (b) Director of Finance-Treasurer, (c) Director of ~~Culture~~, Parks and Recreation, (d) Director of Civil Preparedness, (e) Director of Public Works, (f) Building Official, (g) Town Engineer, (h) Director of Community Planning and Development/Town Planner, (i) Conservation, Inland Wetlands and Zoning Compliance Officer, (i) Tax Collector, (k) Tax Assessor and (l) Social Services Director. Each officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed on such officer by the General Statutes and such other powers and duties as are prescribed in this Charter, and as may be prescribed by the Board of Selectmen, and such duties and qualifications as may be prescribed in the position description prepared and approved by the Board of Selectmen. Each such officer may appoint all deputies, assistants or employees in such office, and may remove, subject to the approval of the ~~First-Selectman~~ **Town Manager** and to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to provisions of Chapter IX of this Charter. The following additional provisions shall apply to these officers.

- (1) Town Clerk. The Town Clerk and the deputies and assistants of the Town Clerk shall receive a salary fixed by the Board of Selectmen, and all fees collected by the Town Clerk shall be paid into the town treasury.
- (2) Director of Finance-Treasurer. Prior to appointing or removing the Director of Finance-Treasurer, the **Town Manager** shall also consult with and obtain the approval of the Board of Finance. The Director of Finance-Treasurer shall be the chief fiscal officer, shall serve on a full-time basis, shall be the Town Treasurer and shall coordinate the administration of the financial affairs of the town.
- (3) Director of ~~Culture~~, Parks and Recreation. Prior to appointing or removing the Director of ~~Culture~~, Parks and Recreation, the ~~First-Selectman~~ **Town Manager** shall also consult with and obtain the approval of the ~~Culture~~, Parks and Recreation Commission. The Director of ~~Culture~~, Parks and Recreation shall serve on a full-time basis and shall be in charge of the administration of

the ~~Culture~~, Parks and Recreation Commission program in the town.

- (4) Director of Civil Preparedness. The appointment and removal of the Director of Civil Preparedness shall be in accordance with the provisions of Section 28-7 of the General Statutes. The Director of Civil Preparedness shall serve for a term of two (2) years.
- (5) Director of Public Works. The Director of Public Works shall serve for an indefinite term. The Director of Public Works shall be the administrative head of the Public Works Department and as such shall be responsible for the efficiency, discipline and good conduct of the public works operation of the town. He or she shall have supervision and control of the maintenance of all town-owned property and structures, except those under the control of the Board of Education and, if required by the Board of Selectmen, the ~~Culture~~, Parks and Recreation Commission. Upon the request of the Chair of the Board of Education, the Director of Public Works may supervise and direct the exterior maintenance of school buildings and grounds but only to the extent and for the period requested by the Board of Education and approved by the Board of Selectmen, provided that the costs of such maintenance are charged against the Board of Education appropriations. The Director of Public Works shall serve as Tree Warden.
- (6) Building Official. The Building Official shall serve for a term of four (4) years. Quadrennially, thereafter, the ~~First Selectman~~ Town Manager shall appoint a Building Official as provided above.
- (7) Town Engineer. Prior to appointing or removing the Town Engineer, as provided above, the ~~First Selectman~~ Town Manager shall also consult with the Public Works Director.

Section 705. Welfare Officer.

The ~~First Selectman~~ Town Manager shall serve as the Welfare Officer for the town and as such shall be in charge of the administration of all welfare activities of the town. The Welfare Officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes, on ~~Town First Selectmen~~ Town Manager the town with regard to poor and dependent persons and such other powers and duties as may be prescribed by the Board of Selectmen.

Section 706. Town Attorney.

The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of its term of office, and may remove, a Town Attorney or firm of attorneys to represent the town who shall serve for a term of two (2) years. The Town Attorney shall be an attorney at law admitted to practice law in this state. Except as otherwise provided by law, the Town Attorney shall appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions or board or commission members acting in their official capacity as defined by law, shall be the legal advisor of the Board of Selectmen, First Selectman or First Selectwoman and all town administrative officers, boards and commissions in all matters affecting the town. ~~and shall u~~ Upon written request from the Board of Selectmen, the First Selectman, Town Manager, administrative officer, or any board or commission of the Town ~~town the Town Attorney shall furnish a written opinion on any question of law involving their respective powers and duties within thirty (30) days after receipt of such request from the Board of Selectmen, the First Selectman, Town Manager, administrative officer, or any board or commission of the Town, within thirty (30) days after receipt of such request.~~ on any question of law involving their respective powers and duties. Upon request the Town Attorney shall prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. The Town Attorney shall have power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments, and subject to the approval of said Selectmen, to compromise or settle any claims by or against the town. If, in special circumstances or for investigation under Section 408 410 of this Charter, the Board of Selectmen deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than or in addition to the Town Attorney.

Section 707. Police Department.

(a) Chief. The Police Commission and the Town Manager shall jointly recommend to the Board of Selectmen who shall appoint and may remove, in accordance with the provisions of Section 7-278 of the General Statutes, a Chief of Police who shall serve for an indefinite term or such other term as the Board of Selectmen shall determine. The Chief of Police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state, and the ordinances of the town and all the rules and regulations in accordance therewith. The Chief of Police shall assign all members of the Police Department to their respective posts, shifts, details and duties. The Chief of Police

shall, subject to the approval of the Police Commission, make rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof in accordance with policies as established by the Police Commission. The Chief of Police shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. Disobedience to the lawful orders, rules and regulations of the Chief of Police shall be grounds for dismissal or for other appropriate disciplinary action. Should the Board of Selectmen determine that the Chief of Police should serve for a definite term, at the end of said term a vacancy in the office shall exist and if the incumbent is not reappointed neither the Board of Selectmen nor the Town shall have any obligations to the former Chief of Police whose term has expired except as may be set forth in an employment contract which may have been previously entered into.

(b) Members. All members of the Police Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes.

Chapter VIII Finance and Taxation

Section 801. Fiscal Year.

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June.

Section 802. Budget preparation.

The Town Manager shall require each department, office and agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the Board of Education, to set forth, in narrative or in such other form as the ~~First Selectman~~ Town Manager may prescribe, a program or programs showing services, activities and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

Section 803. Capital Improvement Program Preparation.

(a) In addition to the budget, the Town Manager shall present to the Board of Selectmen a plan of proposed capital projects ("CIP") for the ensuing fiscal year and for the five (5) fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office and agency annually by February fifteenth in the

form and manner prescribed by the Town Manager. The Board of Selectmen shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and the method of financing same.

(b) Only those projects which appear on the previous year's CIP for the ensuing year may be considered for approval. Notwithstanding the foregoing, upon an affirmative vote by no fewer than four (4) members of the Board of Selectmen projects other than those published in the CIP for the ensuing year may be considered for approval and included in the adopted budget if the need to fund the project is determined to be in the best interest of the Town.

Section 804. Department estimates.

The head of each department, office or agency of the town as described in Section 802 of this chapter, except the Board of Education, shall, not later than the thirty-first day of January in each year, file with the Director of Finance on forms prescribed and provided by the Town Manager a detailed estimate of the expenditures to be made by such department, office or agency and the revenues, other than tax revenue, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Board of Selectmen or the Town Manager.

Section 805. Duties of the Director of Finance on the budget.

The Director of Finance shall compile departmental estimates for the annual budget. Not later than the first day of March in each year the Director of Finance shall, under the direction of the Town Manager, present to the Board of Selectmen the completed budget of all boards, offices and agencies, except the Board of Education, compiled in the manner set forth in Section 807 of this chapter.

Section 806. Duties of the Board of Education on the budget.

Not later than the fifteenth day of March of each year, the Board of Education shall present its budget, compiled in the manner set forth in Section 807 of this chapter, to the Director of Finance, the Board of Finance and the Board of Selectmen.

Section 807. Duties of the Board of Selectmen on the budget.

Not later than the thirty-first day of March in each year the Board of Selectmen shall present to the Board of Finance a budget for all

departments, offices or agencies of the town except the Board of Education consisting of: (a) a budget message outlining the financial policy of the town government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents; (b) estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus; (c) itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, appropriations as proposed by the Board of Selectmen for all items for the ensuing fiscal year, provided that the Selectmen may offer recommendations but may not make any adjustments in the budget submitted by the Board of Education for the ensuing fiscal year, and such other information as may be required by the Board of Finance. The ~~First Selectman~~ Town Manager shall present reasons for all such proposals and recommendations. In addition to the budget, the ~~First Selectman~~ Town Manager shall present to the Board of Selectmen a Capital Improvement Plan which conforms to the requirements of Section 803 of this Charter. Pursuant to Section 803, the Board of Selectmen shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

Section 808. Duties of the Board of Finance on the Budget.¹

The Board of Finance shall hold one (1) or more public hearings the first of which shall be held not later than the tenth day of April in each year at which time any Elector or taxpayer shall have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the revenue and expenditure estimates for the ensuing fiscal year, the Board of Finance shall cause sufficient copies of the estimates to be made available for general distribution in the office of the Town Clerk and posted on the Town website the same day as the date of the filing with the Town Clerk. ~~and~~ At least five (5) days prior to the first of the aforementioned hearings, the Board of Finance shall cause to be

published, in a newspaper having substantial circulation in the town, a notice of such public hearing. ~~and a~~ Such notice of public hearing shall reference the summary of proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by function or departments, ~~in the form as prescribed by Conn. Gen. Stat. section 7-344⁴~~ and shall also show the amount to be raised by taxation, as available on file with the Town Clerk and as posted on the Town Website. The Board of Finance shall, by resolution adopted by an affirmative vote of at least four (4) members after holding the final such public hearing, and no more than ten (10) days after such final public hearing approve a budget and file the same with the Town Clerk for submission to the ~~Automatic Referendum~~ automatic referendum. The budget, as approved by the Board of Finance, shall be published at least five (5) days prior to the ~~Automatic Referendum~~ automatic referendum on such budget ~~in the same manner and according to the same form as prescribed in Section 807 for purposes of publication prior to the Board of Finance's public hearing on the budget~~. The resolution of the Board of Finance approving the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function. Should the Board of Finance fail to approve a budget no more than ten (10) days after such final public hearing, the budget as transmitted by the Board of Selectmen in accordance with the provisions of Section 807 of this chapter and the Board of Education in accordance with the provisions of Section 806 of this chapter shall be deemed to have been finally approved by the Board of Finance and the same shall be filed with the Town Clerk for submission to the ~~Automatic~~ automatic Referendum referendum. For the purposes of Chapters 108 and 111 of the General Statutes, the Board of Finance shall be deemed to be the budget-making authority and shall have all the powers and duties contained in Chapter 108 for the creation of a Reserve Fund for Capital and Nonrecurring Expenditures, and shall have the power to select the independent public accountant as provided in Chapter 111.

The Board of Finance shall supervise and maintain the town pension and other post-employment benefit funds in accordance with rules and regulations contained in agreements between the ~~Town~~ town employees and the Town of Simsbury and or the Board of Education regarding pension and other post-employment benefits. The Board of Finance ~~acting as a prudent fiduciary~~, shall, after consultation with the Board of Education and the Board of Selectmen, ensure the pension

⁴ Changes approved at the October 15, 2015 Special Meeting and December 3, 2015 Regular Meeting of the Charter Revision Commission.

funds are prudently invested and shall also supervise and maintain the Retiree Benefit Fund established pursuant to the town code of ordinances and designate the annual contribution to be made to insure said ~~Pension~~ pension and ~~Post~~ post employment funds. The investment and management of the assets of any such fund shall be in compliance with the prudent investor rule as set forth in Conn. Gen. Stat. ~~sections~~ Sections 45a-541 to 45a-541l inclusive of the General Statutes.⁵

Section 809. Duties of the Board of Finance on other financial matters.

~~— In addition to the duties prescribed in Sections 704(a), 808, 811 and 814 of this chapter, the Board of Finance shall have the power, by resolution and only upon the recommendation of a majority of the entire Board of Selectmen, to make the following appropriations:~~

~~(a) Any appropriation supplemental to those provided in the annual budget which is for a project or program which has been or is expected to be funded wholly or in part by state or federal grants, provided any appropriations pursuant to this subsection may not exceed in any fiscal year a cumulative total of one percent (1%) of the annual budget;~~

~~(b) Any appropriation supplemental to those provided in the annual budget which is for a real estate purchase, whether or not an appropriation for such purchase may also be made pursuant to Subsection (a), provided any appropriations pursuant to this subsection may not exceed in any fiscal year a cumulative total of one percent (1%) of the annual budget;~~

~~(c) Any appropriation supplemental to those provided in the annual budget which is for a purpose other than a real estate purchase, whether or not an appropriation for such purpose may also be made pursuant to Subsection (a), provided any appropriations pursuant to this subsection may not exceed in any fiscal year a cumulative total of one percent (1%) of the annual budget.~~

~~— Except as set forth in Section 810, the combined total appropriations supplemental to the annual budget which may be made by the Board of Finance without authorization by referendum is therefore three percent (3%) of the annual budget for the then current fiscal year. The Board of Selectmen shall have the power, by resolution, upon recommendation of the Board of Finance to incur indebtedness, the term of which shall not exceed one (1) year, for any specific purpose in order to finance so much of the supplemental appropriations as are not available from other funds. The Board of Finance shall also have such~~

⁵ (Change approved by the Simsbury Charter Revision Commission, February 18, 2016).

~~other powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on Town Boards of Finance.~~

Section 809. Duties of the Board of Finance on other financial matters.

The Board of Finance shall have the power, by resolution and only upon the recommendation of a majority of the entire Board of Selectmen, to make any appropriation supplemental to those provided in the annual budget for the then current fiscal year. Except as set forth in Section 810, any individual appropriation for any purpose made equal to or greater than two percent (2%) of the annual budget for the then current fiscal year is subject to automatic referendum pursuant to Section 406 of this Charter. Any individual appropriation for any purpose less than two percent (2%) of the annual budget for the then current fiscal year may be made upon approval of the Board of Selectmen and the Board of Finance. Supplemental appropriations as described in this section not approved at referendum may not exceed in any fiscal year a cumulative total of three percent (3%) of the annual budget for the then current fiscal year.

The Board of Selectmen shall have the power, by resolution, upon recommendation of the Board of Finance to incur indebtedness, the term of which shall not exceed one (1) year, for any specific purpose in order to finance so much of the supplemental appropriations as are not available from other funds. The Board of Finance shall also have such other powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on Town Boards of Finance.⁸

Section 810. Emergency appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed fifty percent (50%) of the undesignated fund balance for the then current fiscal year, may be made upon the recommendation of at least four (4) members of the Board of Selectmen and by an affirmative vote of not fewer than four (4) members of the Board of Finance. In the absence of sufficient general fund resources to meet such appropriations, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Board of Finance.

Section 811. Tax bills.

It shall be the duty of the Tax Collector to mail or send by other means as provided by the General Statutes to each taxpayer a tax bill prepared in accordance with the provisions of Sections 12-130 and 12-131 of the General Statutes. Except as otherwise specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on in accordance with the provisions of Chapters 203 and 204 of the General Statutes.

Section 812. Expenditures and accounting.

(a) No purchase to be satisfied with the town funds shall be made by any department, board, commission or officer of the town including the Board of Education, except through procedures established by the Director of Finance. The Director of Finance shall cause the amount authorized for purchases and contracts for future purchases to be recorded as encumbrances against the appropriations from which they are to be paid.

(b) No voucher, claim or charge against the town shall be paid until the same has been audited by the Director of Finance and approved by ~~him~~ him or her for correctness and validity. Payment of all approved claims against Board of Education accounts shall be authorized by the Superintendent of Schools, or his or her agent, which authorization shall be valid when countersigned by the Director of Finance acting as the Treasurer. Payment of all approved claims against all other town accounts shall be authorized by the ~~First Selectman-Town Manager~~ which authorization shall be valid when countersigned by the Director of Finance acting as the Treasurer, provided, in the absence or inability to act of the ~~First Selectman Town Manager~~, the ~~Deputy First Selectman-Town Manager~~ shall appoint a substitute temporarily for the First Selectman Town Manager.

(c) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on behalf of the town shall pay the same to ~~him~~ him or her in his ~~or her~~ her capacity as Town Treasurer.

(d) No expenditure and no commitment to make an expenditure shall be made, caused to be made, or authorized by any officer, agent or agency of the town, or by any board or commission of the town unless an appropriation shall have been made covering such expenditure or commitment in accordance with the provisions of this Charter.

(e) Each order drawn upon the Director of Finance shall state the department, commission, board or officer and the appropriation against which it is to be charged.

(f) Upon the request of the Board of Selectmen during the last six (6) months of the fiscal year, the Board of Finance may, by resolution, transfer any unencumbered appropriation, balance or portion thereof from one (1) department, commission, board or office

to another; provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriations for debt service and other statutory charges.

(g) Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrances of the appropriations therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

(h) Every payment made in violation of the provisions of this Charter shall be deemed illegal, and every official willfully authorizing or making such payment or taking part therein shall be jointly and severally liable to the town for the full amount so paid or received.

(i) The Board of Selectmen may adopt, by resolution, such rules and regulations concerning expenditures, and bidding procedures, not inconsistent with the provisions of this section, as it may from time to time deem necessary and appropriate.

Section 813. Borrowing.

The town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and notes, except tax anticipation notes, shall be authorized by resolution of the Board of Selectmen in accordance with the provisions of Chapter IV of this Charter. The issuance of notes, the term of which does not exceed one (1) year, may be authorized by the Board of Selectmen upon recommendation of the Board of Finance in accordance with Section 809 of this Charter.

Chapter IX Town Employees

Section 901. General.

The Board of Selectmen, during its first term of office under the provisions of this Charter, shall adopt an ordinance providing for the establishment of position descriptions for all town employees except employees of the Board of Education. Such ordinance shall include personnel guidelines, job specifications, salary programs and such other provisions as the Selectmen may deem to be appropriate and necessary.

Section 902. Position description.

Following the action of the Board of Selectmen pursuant to Section 901 of this chapter, the ~~First-Selectman-Town Manager~~ shall cause to have prepared a statement of the duties and responsibilities of each position in the town service and of the minimum qualifications for appointment to such position. The statement so prepared shall become effective upon the approval by resolution of the Board of Selectmen and may be amended, upon recommendation of the ~~First-Selectman-Town Manager~~, by resolution of the Board. New or additional positions may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Board of Selectmen upon the recommendation of the ~~First-Selectman-Town Manager~~. A pay plan for all positions in the town service shall be similarly prepared and adopted and may be amended by resolution of the Board of Selectmen. The ~~First-Selectman-Town Manager~~ shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed by the ~~First-Selectman-Town Manager~~ with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all town employees.

Section 903. Salaries.

The salaries, wages, or other compensation of all officers and all employees of the town, and such employees of the Board of Education as are recommended by said Board shall be determined by the Board of Selectmen, in conformity with a systematic pay plan for the positions involved as prepared and recommended by the ~~First-Selectman-Town Manager~~, except as otherwise provided by law. The salaries, or other compensation of all elected officials of the town shall, except as otherwise provided by law, be determined by the Board of Selectmen in

accordance with the provisions of this Charter. For the purposes of Section 7-468(b) of the General Statutes, the ~~First Selectman~~ Town Manager shall have the sole authority to recognize the exclusive bargaining agent for any unit of town employees.

Section 904. Official bonds.

All officers and employees as may be required to do so by the Board of Selectmen shall, before entering on their respective official duties, execute to the town, in the form prescribed by the Selectmen and approved by the Town Attorney, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

Section 905. Retirement of town employees.

The provisions of the pension plan for town employees in force on the effective date of this Charter shall remain in full force and effect until such time as said plan is amended, by ordinance.

Chapter X Transition and Miscellaneous Provisions

Section 1001. Transfer of powers.

Effective as of the first Monday of December, 2017, all commissions, boards, departments or offices existing prior to the adoption of this Charter are abolished or superseded by this Charter as the case may be. The powers which are conferred, the duties which are imposed upon and the terms of office established for any commission, board, department or office under the General Statutes, or any ordinance or regulation, in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter or superseded by the creation herein of a new term of office for any commission, board or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the

provisions of this Charter. Commissions, boards, departments or offices existing prior to the adoption date of this Charter whether elective or appointive shall continue in the performance of their duties until the first Monday of December, 2017 or until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this charter and until the Town Clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have qualified.

Section 1002. Present employees to retain positions.

All employees of the town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights, or any other rights or privileges of employees of the town or any office, department or agency thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

Section 1003. Conflicts of interest.

It is hereby declared to be the policy of the town that any elected or appointed officer, any member of any board or commission, or any employee of the town who has a financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the town or any board or commission, shall disclose that interest to the Board of Selectmen which shall record such disclosure upon the official record of its meetings. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the town or of any board or commission shall disqualify such elected or appointed official or such member of a board or commission or such town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his or her removal.

Section 1004. Transfer of records and property.

All records, property, and equipment whatsoever of any commission, board, department or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact forthwith to the commission, board, department or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department or office are by this Charter assigned to another commission, board, department, or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact forthwith to the commission, board, department or office to which such powers and duties are so assigned.

Section 1005. Continuation of appropriations and town funds.

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the town, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished by the Board of Finance under the provisions of this Charter.

Section 1006. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or officer which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 1007. Existing laws and ordinances.

All general laws of the State of Connecticut applicable to the town and all ordinances of the town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. The provisions of all Special Acts of the General Assembly relating to the Town of Simsbury not inconsistent with the provisions of this Charter are hereby retained.

Section 1008. Review and amendment of Charter.

The Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the town, but not less often than once every seven (7) years from the effective date of this Charter, such review to be published as part of the annual town report. The amendment of this Charter may be initiated (a) by a two-thirds vote of the entire Board of Selectmen or (b) by a petition signed by not less than ten percent (10%) of the Electors of the town, as determined by the last completed registry list of the town, such initiation in either instance to result in the appointment by the Board of Selectmen of a Charter Revision Commission, which shall consider any proposed amendments to the existing Charter. Such proposed amendments shall not become effective until and unless they shall have been approved by a majority of the town Electors voting thereon at a regular election or, if approved at a special election, by a majority equal to at least fifteen percent (15%) of the Electors of the town as determined by the last completed registry list of the town. The provisions of Chapter 99 of the General Statutes as may now or hereafter apply to the manner of amending the Charter shall prevail in the event of any conflict with the provisions of this section of the Charter.

Section 1009. Saving clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which the section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such ruling shall directly apply.

Section 1010. Usage.

(a) When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and the plural the singular; and

(b) Unless otherwise indicated, all references to the Connecticut General Statutes in this Charter are to the provisions of the General Statutes in effect on the date of the adoption of this Charter. However, in the event that those provisions in effect on the date of the adoption of this Charter are subsequently amended, revised, and/or recodified by the Connecticut State Legislature, all references to such provisions shall be deemed to be to the provision as subsequently amended, revised and/or recodified. The sections of the Connecticut

General Statutes referred to in this Charter shall be abbreviated as C.G.S. Sections of the statutes shall be designated "§" for the singular and "§§" for the plural.

Section 1011. Effective date.

Except as set forth in Section 1001, this Charter, as revised, shall become effective on the first Monday of December, 2017~~January 1, 201~~, if approved by a majority of the Town Electors voting hereon at a regular or a special election as determined by the Board of Selectmen and in accordance with the provisions of Chapter 99 of the General Statutes.

**TOWN OF SIMSBURY: PUBLIC INFORMATION BROCHURE ON
PROPOSED REVISED CHARTER (2016)**

**TOWN OF SIMSBURY
PUBLIC INFORMATION BROCHURE
CHARTER REVISION COMMISSION
PROPOSED REVISED SIMSBURY TOWN CHARTER
REFERENDUM DATE: TUESDAY, NOVEMBER 8, 2016**

September 12, 2016

**TOWN OF SIMSBURY
PUBLIC INFORMATION BROCHURE
PROPOSED REVISED CHARTER**

Dear Simsbury Resident:

This brochure provides background information about the Proposed Revised Charter. The Proposed Revised Charter is under consideration for a public referendum on November 8, 2016. The ballot questions at the referendum will appear as follows:

a. Shall the Charter be amended to change the form of government from First Selectman/Board of Selectmen to the Town Manager form of government to take effect December 4, 2017?

YES_____

NO_____

b. Shall the Charter be amended to make certain amendments to the Economic Development

Commission to take effect December 4, 2017?

YES_____

NO_____

c. Shall the Charter be amended to eliminate the Human Relations Commission to take effect December 4, 2017?

YES_____

NO_____

d. Shall the Charter be amended to expand the membership of the Open Space Committee to take effect December 4, 2017?

YES_____

NO_____

e. Shall the Charter be amended to make technical changes to the Town Budget and appropriations process to take effect December 4, 2017?

YES_____

NO_____

f. Shall the Charter be amended to use gender neutral language throughout the Town Charter to take effect December 4, 2017?

YES_____

NO_____

The following proposed changes to the Simsbury Town Charter have been recommended by the Simsbury Charter Revision Commission and approved by the Board of Selectmen. The proposed changes in the Town Charter are not final unless approved by Simsbury voters at referendum.

1. **Form of Government – Town Manager:**

Based on the testimony it received, other input from the public and its own considerable deliberations, the Commission recommended, by a vote of 7-4, that a change to the Simsbury form of government to a Town Manager-Board of Selectmen be made.

2. **Changes to the Provisions Governing the Economic Development Commission:**

The Commission voted to revise the Charter to require the Board of Selectmen to create an Economic Development Commission by ordinance and further to provide the Board of Selectmen with the authority to set, by ordinance, its membership, terms, duties and responsibilities.

3. **Elimination of the Human Relations Commission:**

Based on the testimony it received from Town Staff, the lack of activity on the Human Relations Commission for years, and the difficulty finding volunteers to serve on the Commission, the Charter Revision Commission voted to eliminate the Human Relations Commission. The Charter Revision Commission also took note of the availability of state remedies for alleged violations of the state's equal rights laws.

4. **Open Space Committee Expansion of Membership:**

The Commission recommended that the Open Space Committee be expanded to include three public members.

5. **Town Budget and Appropriations Process: Sections 808 and 809:**

The Commission recommended changes to the Town budget and appropriations process outlined in Charter Sections 808 and 809 to reflect the recommendations of the Finance Director and Bond Counsel. The changes made to Section 808 allow cost savings in the publication requirements for the annual town budget and provide clarification of budget preparation deadlines. The changes recommended by the Bond Counsel clarify the appropriations process outlined in Section 809.

6. **Gender Neutral Language for Town Public Offices:**

The Commission recommends that the Town Charter should be revised to incorporate gender neutral language for public offices.

A complete copy of the Proposed Revised Charter, including a black-lined version outlining each proposed revision, and of the Final Report of the Charter Revision Commission are available in the Simsbury Town Clerk's office during regular business hours and can be reviewed on the Town of Simsbury's website at www.town.simsbury.ct.us. The Town Clerk will mail or otherwise provide a copy upon request.

**THIS PUBLIC INFORMATION BROCHURE WAS APPROVED
BY THE BOARD OF SELECTMEN TO PROVIDE A GENERAL
OVERVIEW OF THE CHARTER REVISION COMMISSION'S
PROPOSED REVISED TOWN CHARTER**

Guide to Town Manager-Board of Selectmen Form of Government



Town of Simsbury Charter Revision Process

- Section 1008 of the Town Charter provides that the “Board of Selectmen shall review the...Charter from time to time as it deems such review to be in the best interest of the Town”
- In June of 2015, the Board of Selectmen adopted its charge to the Charter Revision Commission, which included a review of the Town’s form of government
- The Commission held its first meeting on August 31, 2015 and met at least twice monthly thereafter; the Commission held two public hearings, interviewed town staff and board chairs, and heard testimony from external parties; the Commission’s final report was filed with the Town Clerk and delivered to the Board of Selectmen in August of 2016

Town of Simsbury Charter Revision Process

- The following changes to the Town Charter were recommended by the Charter Revision Commission and approved by the Board of Selectmen:
 - Change the form of government to a Town Manager-Board of Selectmen form
 - Eliminate the Human Relations Commission
 - Make amendments to the Economic Development Commission
 - Expand the Open Space Committee to include additional public members
 - Clarify changes to the Town budget and appropriations process
 - Use gender neutral language in the Charter for public offices
- In November of 2016 Simsbury's residents approved all six changes
- For more information and to view the Charter Revision Commission's final report, visit the following link: <https://www.simsbury-ct.gov/charter-revisioncommission>

What are the roles and responsibilities under each form of government?

	TOWN MANAGER	FIRST SELECTPERSON	BOARD OF SELECTPERSONS
First Selectman-Board of Selectmen Form	N/A	<ul style="list-style-type: none"> • Elected as the chief executive official • Elected as the chief legislative official 	<ul style="list-style-type: none"> • Serves as the legislative body of the town
Town Manager-Board of Selectmen Form	<ul style="list-style-type: none"> • Appointed as the chief executive official • Supervises town departments 	<ul style="list-style-type: none"> • Elected as the chief legislative official 	<ul style="list-style-type: none"> • Serves as the legislative body of the town • Appoints and oversees the performance of the Town Manager

What are the budgetary and staffing impacts of the change to a Town Manager/Board of Selectmen form of government?

- The Director of Administrative Services position will no longer be included in the town budget or organizational structure.
- The Town Manager will receive a full-time salary. This figure has not yet been determined, but a range of \$140,000-\$160,000 has been budgeted on a pro-rated basis for FY 2018.
- The First Selectperson will no longer receive a full-time salary; he or she will receive a stipend to offset the costs associated with fulfilling the duties of the position. This figure has not yet been determined, but \$10,000 has been budgeted on a pro-rated basis for FY 2018.

When does the new form of government take effect?

- This change will take effect on December 4, 2017.
- The current Board of Selectmen is serving as the Executive Search Committee for the recruitment of the town's first town manager.
- Following the municipal elections in November, the Board of Selectmen plans to expand the Search Committee to include any newly elected members. The Committee will conduct final interviews with the Town Manager candidates and may negotiate terms and conditions of employment.
- The final appointment and employment agreement must be ratified by the new Board of Selectmen in December.

TOWN OF GROTON: FINAL REPORT OF THE 2016 GROTON CHARTER REVISION COMMISSION

Final Report of the 2016 Groton 2016 Charter Revision Commission
November 2017

Appointing Resolutions

By resolution 2015-0298 on May 3, 2016 the Town Council of the Town of Groton established a Charter Revision Commission “whose membership shall consist of 11 electors of the Town, not more than one-third of whom may hold any public office in the Town, and not more than a bare majority of whom shall be members of any one political party, and that such Commission shall make its report including any proposed revision of or amendments to the existing Charter to the Town Council not later than 16 months from the date of this resolution.”

By resolution 2016-0135 on May 16, 2016 the Town Council set the date for the Charter Revision Commission to make its report to the Town Council to be not later than September 2, 2017 and appointed the following persons, effective immediately, to the Charter Revision Commission:

Scott Aument
Kathy Chase
Jane Dauphinais
Robert Frink
Patrice Granatosky
Dee Hauber
Rosanne Kotowski
Brandon Marley
Daniel Mello
Darcy Peruzzotti
Jennifer Lobrin White

The Town Council further provided lists of Charter Revision items they wanted the Commission to consider. Those lists are provided as **Attachment 1** and the CRC gave due consideration to the items on those lists.

The members of the Charter Revision Commission wish to thank the Town Clerk, Betsy Moukawsher and assistant Nathan Caron for their untiring assistance throughout this process. We would also like to thank all the citizens who spoke at our Public Hearings, Citizens Petitions and sent us written communications for their thoughtful input.

Executive Summary

The Commission first met on May 23, 2016. At this inaugural meeting, Dee Hauber was elected Chairman of the Commission, and Scott Aument was elected Secretary of the Commission. The diverse membership of the Commission consisted of two former Mayors of the Town, a former Town Councilor, 4 former members of the RTM and 4 members with no prior experience in Town Government.

The Commission held thirty-one meetings, approximately two each month including two public hearings, one on June 6, 2016 and one on August 21, 2017. Meetings were noticed in advance, open to the public and included a period for citizen comments. The minutes of all the meetings and Public Hearings are available on the Town Web site. This is the link; <http://www.groton-ct.gov/meetings/minutes.asp?mt=68>. Cindy Landry, Groton Director of Finance, attended the June 25, 2016 meeting and provided the members with detailed background and answered questions on Groton's budget process and items regarding Town financial management.

Mark Oefinger, Town Manager, attended the September 12, 2016 meeting and provided his overview of Town Government, suggestions for the Charter Revision and answered many questions.

Ms Mary Ann Jacob, the Chair of the Town of Newtown Legislative Council addressed the Commission at its May 22, 2017 meeting by telephone and discussed and answered questions regarding their budget referendum process.

The Commission held its second Public Hearing on August 21, 2017 and subsequent to that submitted its Draft Report to the Town Council in accordance with the September 2, 2017 deadline. The Town Council held a Public Hearing on the proposed Charter revisions on October 3, 2017, discussed its recommendations at the October 10, 2017 Committee of the Whole meeting and voted on those recommendations at the October 17, 2017 Town Council meeting. The Commission then held meetings October 23 and 30 and November 2, 6, 13 and 15 to resolve the Town Council recommendations which also included comments from the Town Attorney. **Attachment 2** lists the Town Council's recommendations that were favorably voted on, the Commissions resolutions are indicated for each one. Resources referenced include the Office of Policy and Management (OPM); the Sacred Heart University publication, "Financial Performance in Connecticut's Municipalities: A Comparison of Manager, Mayor-Council and Selectman Forms of Government"; Office of Legislative Research (OLR); Connecticut School Finance Project, District Reference Groups; City of San Luis Obispo, CA, "Integrating Goal-Setting into the Budget Process"; Government Finance Officers Association

The recommendations resulted from 97 motions that were made and voted on by the members. The list of motions is included as **Attachment 3**.

Finally when revising the Charter with the recommendations, the red-line method was used throughout except for Chapter IX, Budget and Finance, which was extensively re-written. The marked-up Charter is included as **Attachment 4**.

Highlights- Groton Charter Revision Commission Recommendations

The Charter Revision Commission is recommending the changes to Groton's Charter as indicated on **Attachment 4**. The list below contains the more significant changes and is not all-inclusive.

1. That the RTM be eliminated on approval of the revised Charter. This was voted on at the Feb 13, 2017 meeting and it passed 7-2-0. Although the subject of the RTM came up many times, the pertinent RTM discussions and debate were held at the following meetings;

- Sept 12, 2016 – Town Manager Mark Oefinger provided his input and thoughts.
- Sept 26, 2016 – The CRC conducted a straw poll on government structure.
- Oct 3, 2016, Dec 10 and Dec 19, 2016 General discussions and debate
- Jan 9, Jan 23 and Feb 13, 2017 General discussions and debate
- Oct 23, 2017 – Resolution of Town Council comments

2. That a 7 person Board of Finance be implemented. This was also voted on at the meeting on Feb 13, 2017. It passed 7-2-0 The pertinent Board of Finance discussions and debates were held at the following meetings;

- Oct 3, Nov 11, Dec 5 and Dec 19, 2016
- Jan 9, Jan 23 and Feb 13, 2017
- June 19, 2017 – vote to make the BOF 7 members
- Oct 23, 2017 – Resolution of Town Council comments
- Nov 6, 2017 – Resolution of Town Council comments

In response to Town Council comments the interim 7 BOF members will be appointed by voting district. The election of 7 BOF members will be by voting district.

3. That the annual budget development process shall be revised to include the following additional elements; Board of Finance, Community input, Budget Guidance from the Town Council and an Annual Budget Referendum. The initial vote on this item was at the March 27, 2017 meeting and passed 6-2-0 and was on the overall budget process leaving the question of an Annual Budget Referendum to a future vote. The flow chart depicting the overall budget process is included as Attachment 5. The specific Charter language for the annual budget development process was discussed, debated and voted on at the following meetings; March 27, April 10, April 24, May 8, May 22, June 19, July 10, July 17 and July 24 2017. In response to Town Council / Town Attorney comments the Commission also discussed this item at the October 30 and November 2, 2017 meetings. During these meetings the term 'Budget Workshops' was replaced with 'Community input' and the Budget development no-later-than dates were adjusted.

The initial vote on the Annual Budget Referendum was at the March 27, 2017 meeting and it passed 6-2-0.

The vote was for a referendum with no conditions; no minimum voter turn-out; no "trigger"; and no limit to the number of referendums. Those elements were discussed, debated and passed by individual votes at the May 22 and June 5, 2017 meetings. Those votes approved the following recommendations;

- That the Annual Budget Referendum shall be bifurcated,
- That the Town and BOE budgets shall be voted on separately;
- That there be no requirement for a minimum voter turnout; and
- That there be no limit to the number of referendums, ie., keep voting until the budgets are approved.
- There will be advisory questions as to the budget being too high or too low.
- That if there is no approved budget by June 30, previous year's budget is adopted until a new budget is approved.

The Commission made one change to the last bullet above during its meeting on Nov 13, 2017. That was that if there is no approved budget by June 30, the Town Council will use its April 30 approved budget as an interim budget for the next year until a final budget is adopted by referendum.

4. Recommended changes related to the Town Council. The meeting dates of the votes are indicated for each item. Discussion and debate on these votes occurred during the meetings in September through November of 2017.

- That the Town Council term of office shall be 4 year staggered – June 19, 2017.
- That the Town Council can change Town Attorneys any time by majority vote – June 19, 2017.
- That new Town Councils are seated the first Tuesday after election – June 19, 2017
- That Town and Board of Education employees are not allowed to serve on Town Council – Sept 17, 2016.
- That the number of affirmative votes needed to remove the Town Manager is reduced from 7 to 6. – Feb 3, 2017.
- That Town Council members shall be limited to 3 consecutive terms – June 19, 2017.
- That the Town Council shall issue an Annual Report of the Town (not the Town Manager) – June 19, 2017.
- On elimination of the RTM the CGS minority representation rules shall apply to the Town Council – Feb 13, 2017. (Note this is a change to the charter that is required by the CGS that results from the recommendation to eliminate the RTM).

The Commission made the following changes to the bullets above during its meetings discussing its responses to Town Council comments in October and November 2017.

- To the 1st bullet; that the Town Council term will not be staggered.
- To the 4th bullet; That CGS will be followed in regard to Town and Board of Education employees serving on the Town Council and Board of Education.
- To the 6th bullet; that there will be no term limits for Town Council members.
- To the 7th bullet; that the Town Manager, not the Town Council, will issue the Annual Report.

5. That the duties of the Board of Finance shall be to support all fiscal decisions of the Town Council by providing research and data and support to the budget development process as delineated in Chapter IX, including but not limited to the following:

- Develop the schedule for annual budget development and communicate it to the citizens of Groton.
- Support the Community input with fiscal data including a five year financial forecast of spending and revenue.
- Provide input regarding the form of the Board of Education and Subdivision budgets
- Provide critical analysis and visibility to the Town's public financial reports. All of these items were voted on June 19, 2017. The pertinent discussion and debate on the Board of Finance occurred on Oct 3, Nov 11, Dec 5 and Dec 19, 2016 and Jan 9, Jan 23 and Feb 13, 2017. In response to Town Council / Town Attorney comments the Commission also discussed this item at the October 30 and November 2, 2017 meetings. During these the term 'Budget Workshops' was replaced with 'Community input'.

6. Other Recommendations

- That the Town shall have an Ethics Commission and that the requirement for an Ethics Policy is eliminated – July 10, 2017.
- That the dollar limit for emergency appropriations is raised from \$75,000 to \$100,000 per occurrence and that the limit of one emergency appropriation per year is eliminated – July 17, 2017.

To the first bullet; in response to Town Council / Town Attorney comments the Commission deleted the requirement for an Ethics Commission at the November 9, 2017 meeting.

TOWN OF GROTON: CHARTER REVISION COMMISSION-MINORITY REPORT (2016)

August 14, 2017 *(Revised 08/17/2017)*

1

Charter Revision Commission

Minority Report

In 1955, the Town of Groton commissioned “Groton: Its Community Characteristics and Governments, Report of Town Government Committee Study” to examine the structure and function of municipal government. The Committee included members of the League of Women Voters, the Chamber of Commerce, and members of a taxpayer's association among others.

In the 1950s, the Town of Groton had a population of 25,000. The form of government was selectman--board of finance--town meeting. The report of the Committee of Nineteen noted that at the time Groton was, “the second largest town in Connecticut still operating under the general town meeting--board of selectmen--board of finance form of government.” The Committee also noted that with Groton being so large, at 25,000 people, the people's’ “interests would be better served by substituting a relatively small popularly elected legislative body for the town meeting.”

The Committee of Nineteen recognized that with the growth of population “the town meeting ceases to be an effective instrument of democratic control” and that there was the need to adapt to new realities and implement a change to Groton's government structure--an adaptation to reflect our nation’s republic with popularly elected representatives governing. “For a town meeting--board of selectmen--board of finance form of government the organization of Groton is relatively good. This form of government, however, is designed for a small town where the duties of office are simple enough to be performed adequately by part-time officials. But Groton is no longer a small town and as it continues to grow its administration will become more time- consuming and more complex. The management of the Town’s affairs will then require the full- time services of technically trained personnel.” This was in 1955. In 2017, we should not regress to a reliance on non-professionals for financial advice and guidance in the form of a board of finance. The high stakes of our current economy demand non-partisan professionals providing the advice and guidance to elected officials.

Along with the elimination of the board of finance, the Committee of Nineteen also recommended the elimination of the town meeting. When the new form of government was adopted in 1957, a system of checks and balances came into existence. The RTM serving as a check on the Town Council, with the Town Manager providing full-time, non-partisan professional management of town matters. For sixty years, Groton, with a Town Council—RTM—town manager structure, has functioned efficiently and enjoys a hard-earned reputation as being well managed and fiscally responsible. Indeed, neighboring towns are receiving favorable press as they are just starting to implement practices that the Town of Groton has had in place for years (i.e. the fleet reserve fund to be implemented in Stonington as reported in The Day, January 26, 2017). With a population of 40,000 and the Town's revenues over \$100 million, this is not the time, nor is there a need to change the structure of Groton's government.

Keeping the RTM is in the best interest of the *whole* town of Groton. By its very nature, the body is truly representative of every corner of town. Throughout the year, the members live and work with their constituents, driving the same roads, playing at the same parks and visiting the same classrooms with their children. These elected officials are the voice of the people in each of our seven districts. Based on population, and with guaranteed minority party representation, the RTM is the essence of our republic.

Throughout the year, the RTM meets to keep apprised of town matters and in the spring the heavy lifting begins. Each member is charged with reading, questioning, and understanding the entire town budget--town departments, education, subdivisions, debt service, insurance and claims, etc. In addition to the broad scope, each member is assigned to at least one subcommittee, where they serve as an "expert" on several accounts. The job of the subcommittee is to delve into detail with the Town staff, superintendent of schools, or subdivision representative. The depth of understanding can only be achieved by this detailed analysis. Just as you send a representative to Washington, DC to tend to national matters, you send your neighbor to tend to town matters.

The informed decisions made by the RTM represent the people in every neighborhood in town, unlike a budget referendum, where a very small special interest group could form, and drive the

outcome to suit their specialized needs. Every budget will be a political battle and does not need to be. In a report from the Office of Legislative Research (OLR) on Forms of Local Government, it was reported that, “between 1991 and 1997 only one town” changed forms of government. “Berlin--which changed from mayor council to council manager.” (Note that this is a move to become more like Groton’s current system of government, not a regressive move as are the suggested charter changes.) More pertinent to this particular point, the author expressed concerns with the perils of “a small but well-organized group having disproportionate influence.” In fact, a speaker during the Commission’s citizen’s petitions recounted his experience with just such a small PAC.

As to the partisan composition of the RTM, it was noted in a 2005 article in The Day that, “Historically, Republicans have held the majority on the RTM.” In addition, over the past several decades, the moderator’s post and subcommittee chairs have been fairly equitably split. Not only does the RTM guarantee representation, including minority representation, for each district in the Town, the leadership roles have not stagnated and adapt to the changing political climate, all the while maintaining much needed stability in government processes.

Towns of our size, by measure of population and budget, do not have boards of finance and budget referendums. The classification system used by the Connecticut State Department of Education, District Reference Groups (DRGs), uses factors such as income, education, and poverty to classify municipalities using letter codes A through I. Groton is in DRG G which is mid- size to large towns, suburbs, slightly lower income, rate of low-income students above DRG F, and the 3rd highest in single parent households. (For comparison purposes, the highest DRG is I for big cities like New Haven; with Stonington, a DRG C--mid-size suburban, 3rd highest income and education levels.) Only four municipalities in our DRG have referendum--East Windsor, Killingly, Naugatuck and Windsor Locks. Please note that Glastonbury, which was used as a touchstone for comparisons throughout the Commission’s meetings is a DRG B--smaller rural and suburban, low poverty levels, high incomes, above average in education attainment and percent of management professionals.

At the public hearing, five people asked for the elimination of the RTM. Twenty asked for a

budget referendum. Out of 17,000 registered voters.

The argument has been made that the general public is just as informed on fiscal matters as the RTM. Statistics on Town budget website hits and sale of budget books say otherwise. As an example, for the FYE 2015 budget, the total number of downloads/viewings as reported by the Town IT department was 42 clicks and 37 unique visitors. The Town Clerk's office reported no budget books sold during that time. For comparison, as stated earlier, each of the 41 RTM members reads the budget book, then attends hours of meetings in subcommittee, followed by hours of whole RTM meetings reviewing each account in great detail, prior to any vote on any budget account.

Elections are not cheap. According to the Registrars of Voters, a municipal election in Groton costs \$22,590. A referendum in all seven districts costs \$21,740; and a referendum in only one location costs \$14,890. In an OLR document, it was stated that between 1997-2002, voters rejected budgets 236 times in 51 towns and 12 school districts. A sampling of the municipalities with rejected budgets shows that the dollar amount of change from one vote to the final ranged from \$5,800 to \$28,000. In addition to these monetary concerns, the percent of voter turnout is consistently low in budget referendums, falling below what Groton experiences for municipal elections.

In conclusion, this report outlines opposition to the elimination of the RTM; opposition to the reversion to a board of finance; and opposition to the implementation of the budget referendum. In addition, the terms of office suggested for town council are too lengthy. Term limits will constrain your pool of talent, as will barring municipal employees from serving in elected office.

Service on the Charter Revision Commission has been an honor. It has also been a valuable experience in that it was an exercise in the virtues of current town government. As outlined here, the current charter does not require the revisions suggested by the Commission.

Respectfully submitted,

Patrice Granatosky

Darcy Peruzzotti