

TOWN OF CHESHIRE TOWN COUNCIL
NOTICE OF APPROVAL
TOWN CHARTER REVISIONS

CHAPTER 1. - INCORPORATION, GENERAL POWERS, AND MISCELLANEOUS PROVISIONS

1-1. - Incorporation.

All of the inhabitants dwelling within the territorial limits of the Town of Cheshire, as said limits now are or may hereafter be constituted by law, shall continue to be a body politic and corporate under the name of "Town of Cheshire," hereinafter referred to as the "Town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore vested in the Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred, and all powers and privileges presently or hereafter conferred upon towns under the Constitution and the General Statutes of the State of Connecticut, as amended.

1-2. – Words, Phrases, and Definitions.

- (A) In the construction of this Charter, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.
- (B) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.
- (C) Words importing any gender apply to all genders.
- (D) Words purporting to give a joint authority to several persons shall be construed as giving authority to a majority of them.
- (E) The word "month" shall mean a calendar month, and the word "year" shall mean a calendar year, unless defined herein.
- (F) The words "person" and "another" may extend and be applied to communities, companies, public or private corporations, societies, and associations.
- (G) The words "preceding", "following", and "succeeding", when used by way of reference to any section or sections, shall mean the section or sections next preceding, next following or next succeeding, unless some other section is expressly designated in such reference.
- (H) Unless otherwise specified, "Constitution" and "General Statutes" references the Constitution and the General Statutes of the State of Connecticut as amended.
- (I) "Fiscal Year" is defined as July 1 through June 30, pursuant to the General Statutes.
- (J) As used herein, the term "Mayor" shall mean the Chairman of the Town Council, who shall also serve as the Town's chief elected official.

1-3. - Rights and Obligations.

All property interests, both real and personal; all actions, causes of action, rights of every description; and all securities and liens vested or inchoate which the Town possesses 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 for which the Town shall be liable on said date.

Nothing herein shall be construed to affect the right of the 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 if 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, or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds, or undertakings shall be in no manner impaired but shall continue in full force and effect; and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department, or officer shall hereafter be exercised and discharged pursuant to Section 9-1 of this Charter.

1-4. - General Grant of Powers.

In addition to all powers granted to towns under the Constitution and the General Statutes, as amended, the Town shall have all powers granted by this Charter, all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management, government, and affairs of the Town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision, agency, or instrumentality thereof for purposes not prohibited by law. The enumeration of specific powers in this and any other Chapter of this Charter shall not be construed as limiting this general grant of powers but shall be considered as in addition thereto.

1-5. - Existing Laws and Ordinances.

All special acts, ordinances, laws, and bylaws of the Town shall continue in full force and effect except that insofar as they are inconsistent with the provisions of this Charter, they shall have no further force or effect after the effective date of this Charter.

1-6. - Notice of Public Hearings.

Unless otherwise provided by law or by this Charter, notice of any public hearing as may be required herein to be held, shall be published in a newspaper having a substantial circulation in the Town, and/or by electronic media maintained by the Town, including but not limited to the Town website, at least five (5) days prior to the date set for the hearing. A notice published on a newspaper's website shall be deemed to fulfill the publication requirements.

1-7. - Residency.

- (A) At the time of his appointment, neither the Manager nor the Superintendent of Schools is required to be a resident of the Town or of the State of Connecticut. However, within twelve (12) months after his appointment or by the time of his reappointment, whichever is earlier, a nonresident Manager or Superintendent shall establish residence in the Town and shall maintain such residence during his term of office. For good cause benefitting the Town, the Town Council may, by a two-thirds (2/3) vote of its entire membership, waive this residency requirement for the Town Manager for a period not to exceed three years. For good cause benefitting the Town, the Board of Education may, by a two-thirds (2/3) vote of its entire membership, waive this residency requirement for the Superintendent of Schools for a period not to exceed three years. This residency requirement shall not pertain to the Superintendent of Schools holding the office on January 1, 2018.
- (B) The Council may, by ordinance, require any other Town employee to be a resident of the Town as a condition of his employment, as allowed by law.

CHAPTER 2. - ELECTIONS AND ELECTIVE OFFICERS

2-1. - General.

Nomination and election of municipal elected officers shall be conducted; in the manner prescribed in the Constitution and the General Statutes of the State of Connecticut, as amended and the registrars of voters shall prepare lists of electors qualified to vote therefor.

2-2. - Town Elections.

A meeting of the electors of the Town for the election of municipal officers shall be held on the first Tuesday after the first Monday in November, 1971 and biennially thereafter. At such meeting there shall be elected the following:

- (A) *Town Council.* The Town Council shall consist of nine (9) members elected for a term of two (2) years.
 - (1) One (1) member shall be elected from each of the four (4) voting districts. Five (5) members shall be elected at large.
 - (2) After the district Council members have been determined, the remaining five (5) members shall be determined by plurality from the at large candidates, except that no more than seven (7) Council members shall be from the same political party.
- (B) *Town Clerk.* A Town Clerk shall be elected for a term of two (2) years.
- (C) *Constables.* Four (4) constables shall be elected for a term of two (2) years, no more than two (2) of whom shall be members of the same political party. The Council may, by ordinance and pursuant to the General Statutes, as amended, provide for the appointment of constables in lieu of their election.
- (D) *Planning and Zoning Commission.* The Planning and Zoning Commission shall consist of nine (9) members, no more than six (6) of whom shall be members of the same political party. Initially, three (3) of the members shall be elected for a term of six (6) years, three (3) shall be elected for a term of four (4) years, and three (3) for a term of two (2) years. Thereafter, during the biennial Town elections, the members shall be elected to serve a term of six (6) years. The Council may provide by ordinance for the election of alternate members of the Planning and Zoning Commission, pursuant to Section 8-1b of the General Statutes, as amended.
- (E) *Zoning Board of Appeals.* The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members elected for overlapping terms of four (4) years. For the purpose of minority representation, all eight (8) members shall be considered as one (1) board, no more than five (5) of whom shall be members of the same political party.
- (F) *Board of Assessment Appeals.* The Board of Assessment Appeals shall consist of three (3) members elected for overlapping terms of four (4) years, no more than two (2) of whom shall be members of the same political party.
- (G) *Board of Education.* The Board of Education shall consist of seven (7) members serving overlapping terms of four (4) years. The method of nomination, voting, and election to office shall be as provided in Section 9-204b of the General Statutes, as amended.
- (H) *Justices of the Peace.* Pursuant to the General Statutes, as amended, justices of the peace shall be selected for a term of four (4) years. Unless otherwise provided by the Council, by ordinance, the number of justices of the peace to be selected shall be as provided for in the General Statutes, as amended.

- (l) *Registrars of Voters.* Two (2) registrars of voters shall be elected for a term of two (2) years in accordance with the General Statutes.

2-3. - Effective Date of Office.

The Council's term and those of all elected board and commission members shall begin the first Monday of December after the municipal elections. They shall continue in office until their successors have been chosen and have qualified. Except as otherwise provided in this Charter, all Town officers, boards, and commissions shall have the powers and duties prescribed by law.

2-4. - Compensation.

Elected officials and members of all boards and commissions shall serve without compensation except as provided by law and except for the reimbursement of actual expenses incurred in the performance of official duties. Members of the Board of Assessment Appeals, the Registrars of Voters shall be paid a salary pursuant to General Statutes 12-121 and 1-194 respectively, as amended, and the Town Clerk shall be paid salaries in lieu of fees pursuant to General Statute 7-34b(b), as amended. Such salaries shall be fixed by the Council, pursuant to a job description (not inconsistent with the General Statutes, as amended) and a pay plan established by the Council no fewer than one hundred-twenty (120) days prior to the election of such officers. Unless otherwise required by law, all fees which such officers collect shall be paid to the General Fund of the Town.

2-5. - Voting Districts.

There shall continue to be four (4) voting districts, as the same existed on the effective date of this Charter. The number of voting districts shall not be increased. Boundaries may be altered by ordinance of the Council. The Council shall from time to time, but not less often than once every ten (10) years, examine the voting population of the said voting districts and immediately thereafter make any such adjustments in the district lines as may be necessary in order to assure that the number of registered voters in each of the four (4) districts will be substantially equal. Changes in the boundaries of voting districts shall be made pursuant to Section 9-168, et seq. of the General Statutes, as amended. Suitable polling place or places in each voting district shall be provided as required by the General Statutes, as amended.

2-6. - Eligibility.

- (A) No person shall be eligible for election to any Town office who is not at the time of nomination and election qualified to vote for that office. Any person ceasing to be a resident elector of the Town, or in the case of district Council members, a resident elector of the district, shall thereupon cease to hold elective office in the Town. No Council members shall have office vacated by reason of a district boundary change until completion of term of office.
- (B) No resident elector of the Town shall serve at any given time upon more than one (1) Town board or commission whether elective or appointive; however, this limitation shall not apply to service on the Town Beautification Committee or on any special or temporary board or commission or as may be required otherwise by the General Statutes, as amended.

2-7. - Resignations of Elected Officials.

All resignations of elected officials are to be made by letter to the Town Clerk. The Town Clerk shall notify by letter the Chairman of the Council, the Chairman of the board or commission from which the elected official has resigned, the Chairmen of the Republican and Democratic Town Committees, and the Town Manager.

2-8. - Vacancies in Elective Offices.

Except as otherwise provided herein or as otherwise required by the General Statutes, as amended, any vacancy in any elective Town office, from whatever cause arising, shall, within sixty (60) days, be filled by appointment of the Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner. When the person vacating the office was elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party. If no appointee can be agreed upon within such sixty (60) day period, the Council Chairman shall have the power to make the appointment without the concurrence of the Council. A vacancy occurring on the Board of Education shall be filled in the same manner as other vacant elective offices are filled, except that a Board of Education vacancy shall be filled within thirty (30) days from the time that the office becomes vacant. If there is a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled by appointment as provided herein until said election and, subsequently, by election of a person to fill that office for the remaining portion of the term. Such elected person shall take office on the first Monday following his election.

2-9. - Records.

All elected and appointed boards, commissions, agencies, bureaus, committees, and other bodies of the Town, shall have regulations for the conduct of their meetings pursuant to Section 3-5(G), and the execution of their duties. Such regulations and any amendments thereto shall be filed with the Town Clerk. Each such board, commission, agency, bureau, committee, and other body of the Town, shall keep, maintain, and file certified copies or originals of its minutes, records, and votes in the manner required by the General Statutes, as amended and, in addition thereto, shall furnish to the Council copies of such minutes, records, and votes so kept, maintained, and filed no later than forty-eight (48) hours after receipt from the Council of a written request therefor. A policy concerning electronic recording of public meetings shall be established by the Council.

2-10. - Breaking a Tie.

When any regular or special municipal 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, as amended, to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election shall be held not more than fourteen (14) days after the election which resulted in a tie and shall be confined to the tied candidates or issues. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines. When any primary election results in a tie, the tie shall be broken in accordance with provisions of Section 9-446 of the General Statutes, as amended.

CHAPTER 3. - DUTIES, POWERS, AND APPOINTMENTS—TOWN COUNCIL

3-1. - The Council.

There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the "Council", the members of which shall serve without compensation except for the reimbursement of actual expenses incurred in the performance of official duties. To the extent

permitted by law, no member of the Council shall hold any office or position of profit under the government of the Town of Cheshire, except Justice of the Peace, nor shall he, during the term of office for which he is elected and for two (2) years thereafter, be appointed to any salaried office or position of profit under the government of the Town.

3-2. - Chairman.

The first meeting of each newly-elected Council shall be held no later than seven (7) days after its members take office. At that meeting, the members shall choose one (1) of its members to be Chairman of the Council. Such office shall not deprive the Chairman of his vote on any questions. During his term as Chairman, the Chairman shall bear the title of Mayor and shall be the "chief elected official" as that term may be used in the General Statutes, as amended. At the same meeting, the Council shall choose a Vice-Chairman, who shall bear the title of Deputy Mayor, and who shall act as Chairman during the absence of the Mayor.

The Chairman shall preside over all meetings of the Council and shall perform such other duties as are consistent with the office. The Chairman shall be recognized as the chief elected official and the official head of the Town for ceremonial purposes, for military purposes, and for the purpose of serving civil process.

3-3. - Procedure.

- (A) At the first meeting of the Council following each biennial Town election, the Council shall by resolution fix the time and place of its regular meetings, which shall be not less than once each month, and shall provide a method for the calling of special meetings. The Council shall by resolution determine its own rules of procedure. All meetings of the Council for the transaction of business shall be open to the public, and the votes shall be recorded as prescribed by Section 1-225 of the General Statutes, as amended. Five (5) members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or a vote to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes.
- (B) All ordinances and resolutions, except finance resolutions pursuant to Chapter 7, shall be confined to one (1) subject which shall be clearly stated in the title.
- (C) The Council shall keep for public inspection a journal of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. The journal shall be maintained by the Clerk of the Council and by the Town Clerk. The record so kept shall be authenticated for each meeting by the signature of the Chairman or of the Clerk of the Council, or of both, and a certified copy shall be filed with the Town Clerk.

3-4. - Clerk of the Council.

The Council shall appoint a Clerk of the Council who shall receive compensation as fixed by the Council. The Clerk shall keep a summary record of the proceedings of all regular and special meetings of the Council, all roll call votes, and all ordinances and resolutions adopted at such meetings. Those records shall be public records, and certified copies or originals shall be kept in the Town Clerk's office. The Clerk shall perform such other clerical duties as the Council may determine.

3-5. - General Powers and Duties.

- (A) Unless the provisions of Section 9-1 of this Charter provide otherwise, the Council shall have the powers and duties which, on the effective date of this Charter, were conferred by law upon officers, boards, and commissions of said Town existing immediately prior to such date, which officers, boards, and commissions were abolished by this Charter.

- (B) The legislative power of the Town shall be vested exclusively in the Council, except as hereinafter stated in Sections 3-7 and 3-8.
- (C) The legislative body of the Town shall have the power to enact and amend ordinances not inconsistent with this Charter, the General Statutes, as amended, the Connecticut Constitution, or the United States Constitution. The legislative body of the Town shall also have the power to repeal ordinances.
- (D) The Council shall have the power to create or abolish by ordinance boards, commissions, departments, or offices not established by this Charter and to create or abolish by resolution temporary study groups. Appointments to these boards and commissions shall be made by the Council in accordance with ordinance provisions.
- (E) The Council may authorize or direct the Manager to contract for services and the use of facilities of the United States, any federal agency, the State of Connecticut, or any political subdivision of the State of Connecticut or may, by agreement, join with any such political subdivisions to provide services and facilities.
- (F) In adopting ordinances, the Council is authorized to incorporate by reference into the ordinances any nationally recognized code, rule, or regulation that has been printed in book form or any code officially adopted by any administrative agency of the State or Federal governments, or any portion thereof. However, upon adoption of any such ordinance wherein any such code, rule, regulation, or portion thereof has been incorporated by reference, the Council shall file two (2) copies of such code, rule, regulation, or portion thereof in the office of the Town Clerk for examination by the public.
- (G) The Council may, by ordinance or resolution, establish rules of procedure for any board, commission, or office it fills by appointment.
- (H) Except for persons employed by the Town for a temporary period not exceeding twelve (12) months, the Council shall determine the salaries, wages, and other compensation of all officers and employees in conformity with a systematic pay plan as prepared by the Manager. The salaries, wages, and other compensation of persons employed by the Town for a temporary period not exceeding twelve (12) months, shall be determined by the Manager. Nothing herein shall be construed to permit the Council to fix the compensation for employees of the Board of Education. Except as otherwise provided by law, the salaries, wages, and other compensation of all elected officials of the Town shall be determined by the Council. For the purposes of Section 7-468(b) of the General Statutes, as amended, the Council shall have the sole authority to recognize the exclusive bargaining agent for any unit of Town employees.
- (I) Unless otherwise delegated to the Manager, the power to 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 1 of this Charter shall be exercised by the Council.

3-6. - Public Hearing On, And Publication Of, Ordinances.

At least one (1) public hearing, notice of which shall be given at least ten (10) days in advance by publication in a newspaper having a substantial circulation in the Town and/or by electronic media maintained by the Town, including but not limited to the Town website, shall be held by the Council before any ordinance shall be passed. Publication of the entire text of the proposed ordinance shall accompany such notice, and a copy of the proposed ordinance shall be on file in the Town Clerk's office for public inspection. Every ordinance, after passage, shall be filed with the Town Clerk and recorded, compiled, and published as required by law. Within ten (10) days after final passage, notice of all adopted ordinances shall be published once in a newspaper having substantial circulation within the Town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication

following its final passage. A notice published on a newspaper website shall be deemed to fulfill the publication requirements.

3-7. - Power of Initiative.

- (A) The electors of the Town shall have the power to propose to the Council, by petition, ordinances which are not inconsistent with this Charter, the General Statutes, the Connecticut Constitution, or the United States Constitution. The petition shall be filed by any such elector with, and on such form as prescribed or approved by, the Town Clerk. Except as provided herein, the petition shall conform to Section 7-9 of the General Statutes, as amended. The petition shall contain the full text of the ordinance proposed and shall be signed in ink by qualified electors of the Town equal in number to at least ten percent (10%) of the electors registered at the last regular municipal election. All signatures on each page of the petition shall have been obtained no earlier than six (6) months prior to the filing of the petition. As provided in Section 7-9 of the General Statutes, as amended, the petition shall be accompanied by affidavits signed and sworn to by each circulator. Within five (5) days after receipt of the last page of the petition, the Town Clerk shall determine whether the petition and the affidavits are sufficient as prescribed by law and shall certify the petition to the Council.
- (B) If within thirty (30) days after certification of the petition as provided in Section 3-7(A) of this Charter, the Council fails to adopt the ordinance proposed without any change in substance, the electors may adopt or reject the same at a referendum called by the Council. Such referendum shall be held as part of any state or municipal election previously scheduled to take place no earlier than thirty (30) days nor later than one hundred and twenty (120) days after certification of the petition, except that this scheduling requirement may be waived by the Town Council for good cause by a majority vote. If no election has been scheduled within that time period, or if the Town Council has waived this scheduling requirement, the referendum shall be held within ninety (90) days after certification of the petition. Notice of such referendum, accompanied by the proposed ordinance in its entirety, shall be given at least ten (10) days in advance by publication in a newspaper having a substantial circulation in the Town and/or by electronic media maintained by the Town, including but not limited to the Town website. A notice published on a newspaper website shall be deemed to fulfill the publication requirements. A copy of the proposed ordinance shall be on file in the Town Clerk's office for public inspection. A vote of the electors to adopt the proposed ordinance shall not become effective unless a majority of those voting, which majority numbers twenty percent (20%) or more of the electors, shall have voted to adopt the proposed ordinance. Said ordinance shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No ordinance which shall have been adopted in accordance with the provisions of this Section shall be repealed or amended by the Council; it may be repealed or amended only by vote of the electors.
- (C) The Council shall not submit to referendum any ordinance which would, in its judgment, violate Section 3-5(C) of this Charter. Whenever the Council refuses to submit to referendum any ordinance petitioned pursuant to this Section, it shall state its reasons by resolution in its minutes.

3-8. - Power of Referendum.

- (A) As provided herein, the electors of the Town shall have the power to approve or reject, at a referendum, any ordinance adopted by the Council, except an emergency ordinance adopted in accordance with Section 3-9 of this Charter. Ordinances submitted to the Council by initiative petition pursuant to Section 3-7 of this Charter and adopted by the Council shall be subject to a referendum in the same manner as other ordinances.

- (B) Within twenty (20) days after publication of notice of the adoption of any ordinance, as provided in Section 3-6 of this Charter, a petition requesting that such ordinance be repealed by the Council or be submitted to a vote of the electors may be filed by any elector of the Town with the Town Clerk. The petition shall be on such a form as prescribed or approved by the Town Clerk. Except as provided herein, the petition shall conform to Section 7-9 of the General Statutes, as amended. The petition shall contain the full text of the ordinance to be repealed or to be submitted to referendum and shall be signed in ink by qualified electors of the Town equal in number to at least ten percent (10%) of the electors registered in the last regular municipal election. All signatures on each page of the petition shall have been obtained no earlier than six (6) months prior to the filing of the petition. As provided in Section 7-9 of the General Statutes, as amended, the petition shall be accompanied by affidavits signed and sworn to by each circulator. Within five (5) days after receipt of the last page of the petition, the Town Clerk shall determine whether the petition and the affidavits are sufficient as prescribed by law and shall certify the petition to the Council. Upon the filing of such petition with the Town Clerk, the effective date of the ordinance shall be postponed, if necessary, to the certification by the Town Clerk that the petition is not sufficient or to the certification of the results of such referendum.
- (C) If the Council fails to repeal the ordinance, the question of repeal thereof shall be submitted to the electors for a vote at a referendum called by the Council. The referendum shall be held as part of any state or municipal election previously scheduled to take place no earlier than thirty (30) days nor later than one hundred and twenty (120) days after certification of the petition, except that this scheduling requirement may be waived by the Town Council for good cause by a majority vote. If no election has been scheduled within that time period, or if the Town Council has waived this scheduling requirement, the referendum shall be held within thirty (30) days after the petition for referendum has been certified to the Council. Notice of such referendum, accompanied by a copy of the ordinance in its entirety, shall be given at least ten (10) days in advance by publication in a newspaper having a substantial circulation in the Town and/or by electronic media maintained by the Town, including but not limited to the Town website. A notice published on a newspaper website shall be deemed to fulfill the publication requirements. A copy of the ordinance shall be on file in the Town Clerk's office for public inspection. A vote of the electors to repeal such ordinance shall not become effective unless a majority of those voting, which majority numbers twenty percent (20%) or more of the electors, shall have voted to repeal the ordinance. In such event, no new vote on the question need be scheduled.

3-9. - Emergency Ordinances.

To meet a public emergency affecting life, health, property, or the public peace, a public emergency ordinance, stating the facts constituting such public emergency, shall become effective upon enactment. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Such public emergency ordinance shall be published as required in Section 3-6 of this Charter. Every public emergency ordinance, including any amendments thereto, shall automatically stand repealed at the end of the sixty-first day following adoption of the ordinance. However, if action has been initiated on the same emergency subject matter, providing for a permanent ordinance under Section 3-6 of this Charter prior to such sixty-first day, then the public emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

3-10. - Relations to Administrative Service.

- (A) Neither the Council nor any of its members shall direct or request the appointment of any person to any office or employment which, by the provisions of this Charter, the Manager or any of his appointees is empowered to fill by appointment. The Manager may, however,

seek advice from the Council regarding appointments and shall advise the Council prior to making final appointments of department heads.

- (B) Neither the Council nor any member thereof shall give orders to any of the subordinates of the Manager either publicly or privately. If a properly constituted meeting of the Council is called and the Manager has been invited to attend, the Council may call before it any employee or officer for the purpose of investigation as provided in Section 3-11 of this Charter or for the purpose of seeking reports concerning the administration of the Town.

3-11. - Investigation.

The Council shall have the power to investigate any and all offices and agencies of the Town. For the purposes of such investigation, and as may be provided by law, the Council shall have the power to subpoena or call witnesses to appear before it to testify on any matter under investigation.

3-12. - Removals and Suspensions.

- (A) The Council shall have the power to remove or suspend the Manager as provided in Section 4-1 of this Charter.
- (B) The Council shall have the power to remove for cause or to suspend for cause any person appointed to any other office or position by the Council. Such removal or suspension shall be by resolution and shall require six (6) affirmative votes. The Council, after investigation, shall act first by suspending such person and shall within seven (7) days serve him with a copy of the resolution of suspension together with a statement of the reason therefor. Within ten (10) days after service of said resolution, such person may file with the Town Clerk a written request for a hearing before the Council. The hearing requested shall be held at a time and place set by the Council no fewer than five (5) days nor more than fifteen (15) days after the filing of the request. At the hearing, the person may be represented by counsel. After the conclusion of the hearing, the Council shall, within seven (7) days by resolution, terminate the suspension and either restore the person to, or remove him from, his office or employment. If no hearing is requested within the ten (10) days referenced above, the Council shall within twenty-four (24) days after sending notification of the suspension, terminate the suspension and either restore the person to, or remove him from, his office or employment. Such reinstatement or removal shall be by resolution of the Council. During the period of suspension, any such person shall be ineligible to perform the duties of his office or employment. During the period of suspension, compensation, if any, shall be determined by the Council. There shall be no appeal from the decision of the Council.

CHAPTER 4. - THE TOWN MANAGER

4-1. - Appointment and Removal.

- (A) The Council shall appoint a Manager who shall be the chief executive officer of the Town. The Manager shall be chosen exclusively on the basis of executive and administrative qualifications, integrity, education, training, and experience. Pursuant to Section 1-7 of this Charter, the Manager shall reside in the Town. The Manager shall devote his full time to the duties of his office.
- (B) The Manager shall be an at will employee, serving at the pleasure of the Council. The Council shall fix the Manager's salary. The Council and the Manager shall enter into a

written contract of employment, the term of which shall not exceed three (3) years and which shall include, but not be limited to, the compensation, salary, benefits, term of office, method of performance evaluation, and methods of suspension or removal of such Manager.

(C) The provisions of this Section 4-1 shall apply to incumbent and future Managers.

4-2. - Duties.

(A) The Manager shall be directly responsible to the Council for the administration of all departments, agencies, and offices which are in the charge of persons appointed by the Manager. The Manager shall also supervise and direct those departments, agencies, and offices.

(B) The Manager shall see that all laws and ordinances governing the Town are faithfully executed.

(C) The Manager shall also have the following duties: Make periodic reports to the Council; make special reports to the Council on all significant issues facing the Town or significant decisions to be made by the Manager and on such other issues as may be requested by the Council; assist in the development of all Council and Council committee agendas; attend Council meetings having full right of participation in its discussions but not a right to vote; prepare and cause to be published the operating budget and capital budget; recommend to the Council such measures as the Manager may deem necessary or expedient; report to the Council on all Finance and Taxation issues as required by Chapter 7 of this Charter; execute, on behalf of the Town all deeds and leases approved by the Council pursuant to Section 9-8 of this Charter; develop the Classification Plan, a pay plan for those employees in the Classified Service, and personnel rules—all pursuant to Section 8-3 of this Charter; establish in accordance with a systematic pay plan the salaries, wages, and other compensation of persons employed by the Town for a temporary period not exceeding twelve (12) months; and exercise such other powers and perform such other duties as may be required by ordinance or resolution of the Council, not inconsistent with this Charter.

(D) The Council shall not diminish by ordinance, vote, or otherwise the powers and duties of the Manager, except those powers and duties imposed by the Council under the provisions of this Section.

4-3. - Appointments.

The Manager shall appoint all department heads, other officers, and employees of the Town, except as otherwise specifically provided by this Charter and the General statutes, as amended. In lieu of any appointment by the Manager or by any of his appointees to any office under his jurisdiction, the Manager may perform the duties of any office under his jurisdiction, except those of the Treasurer. The Manager shall countersign checks in accordance with Chapter 7 of this Charter.

4-4. - Temporary Manager.

Upon the suspension, removal, resignation, incapacity, or death of the 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 appointed a new Manager, it may appoint a Temporary Manager for a further period of up to one hundred eighty (180) days. The Temporary Manager shall have all the powers and duties of the Manager.

4-5. - Acting Manager.

The Manager may designate one of his appointees to serve as Acting Manager, for a period not exceeding thirty (30) days, during the Manager's absence. In the event that the Manager is or will be absent for a period in excess of thirty (30) days or in the event that the Council determines that the Manager is unable to act, because of illness, incapacity, or death, the Council may appoint an Acting Manager to serve temporarily in his place. The Acting Manager shall have all the powers and duties of the Manager. The powers of appointment and dismissal, however, may only be exercised by the Acting Manager with the advice and consent of the Council.

CHAPTER 5. - OFFICERS, BOARDS, AND COMMISSIONS APPOINTED BY THE COUNCIL

5-1. - Town Attorney.

- (A) The Council, by majority vote at a meeting to be held not later than two (2) months after the Council has organized, shall appoint a Town Attorney who shall serve as the Town's chief legal officer for a term of two (2) years from the date of his appointment or until his successor has been chosen and takes office.
- (B) The Town Attorney shall receive compensation set by the Council and may be removed without cause by a majority vote of the Council.
- (C) The Town Attorney shall be an attorney admitted to practice law in this state with at least five (5) years' relevant experience. He need not devote full-time to the duties of his office.
- (D) If the Town Attorney is a member of a law firm, other members of the firm may, with the approval of the Council and under the Town Attorney's direction and control, perform any legal services for the Town. As an alternative, the Council may appoint a Town Attorney who would be an employee of the Town and a member of the Classified Service.
- (E) The Town Attorney shall supervise and direct all Assistant Town Attorneys and, as appropriate, all Special Counsel and any employees appointed pursuant to Sections 5-1(G) and 5-1(H) of this Charter.
- (F) The Town Attorney, or when appropriate and pursuant to the terms of their appointment, Special Counsel or insurance defense counsel, shall have the following duties and obligations:
 - (1) He 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, agencies, boards, commissions, or officers sued in their official capacities or for their official acts.
 - (2) He shall be the legal advisor of the Council, the Manager, and all other Town officers, boards, agencies, and commissions in all matters affecting the Town.
 - (3) Pursuant to guidelines established by the Council, he shall provide to Town officers, boards, agencies, and commissions a written opinion on any questions involving their respective powers and duties and shall prepare or approve the legality or form of contracts and other instruments to which the Town is a party or in which it has an interest.
 - (4) He shall have the power to, with the approval of the Council or the Manager pursuant to such guidelines as the Council shall establish, seek judicial and appellate determination and/or review of orders, decisions, and judgments and to compromise or settle claims by or against the Town. When agencies, boards, commissions, or officers have independent, legal authority to seek judicial and appellate review of orders,

decisions, or judgments, prior Council or Manager approval of the seeking of such review shall not be required.

- (5) He shall have such other powers and duties as reasonably necessary to legally represent the Town, its officers, boards, agencies, and commissions.
- (G) The Town Attorney may appoint, with the advice and consent of the Council, full-time or part-time Assistant Town Attorneys, paralegals and others subject to terms and conditions established by the Council by ordinance or resolution.
- (H) The Town Council may appoint Special Counsel pursuant to such procedure as the Council may by resolution adopt.
- (I) The Town Attorney may appoint without term such legal secretaries, clerks, paralegals, or other employees as the Council or the Manager may authorize pursuant to Sections 8-3 and 4-2, respectively, of this Charter. The Town Attorney may remove such employee for cause, subject to the prior approval of the Manager.

5-2. - Building Code Board of Appeals.

There shall continue to be a Building Code Board of Appeals consisting of five (5) members, not more than four (4) of whom shall be members of the same political party. All members shall serve for overlapping terms of four (4) years. The Council shall appoint members to the Building Code Board of Appeals to succeed those whose terms have expired. The Board shall have all the powers and duties conferred upon it by law.

5-3. - Water Pollution Control Authority.

There shall continue to be a Water Pollution Control Authority consisting of seven (7) members, not more than five (5) of whom shall be members of the same political party. All members shall serve for overlapping terms of three (3) years. The Council shall appoint three (3) members for a term of three (3) years, two (2) members for a term of two (2) years, and two (2) members for a term of one (1) year. The Council shall provide for the orderly transition of appointments; thereafter, the Council shall appoint members to succeed those members whose terms have expired. The Authority shall have all the powers and duties conferred upon it by law.

5-4. - Eligibility.

- (A) No person shall be eligible for appointment to any regular Town board or commission who is not at the time of appointment a resident elector of the Town. Any person ceasing to be a resident elector of the Town shall thereupon cease to hold appointive office in the Town. Resident minors may serve on an appointive board or commission created by the Council, by ordinance or resolution, pursuant to Section 3-5(D) of this Charter.
- (B) No resident elector of the Town shall serve at any given time upon more than one (1) Town board or commission whether elective or appointive; however, this limitation shall not apply to service on the Town Beautification Committee or on any special or temporary board or commission or as may be required otherwise by the General Statutes, as amended.

5-5. - Resignations Of Appointed Officials.

All resignations of appointed officials are to be made by letter to the Town Clerk. The Town Clerk shall notify by letter the Chairman of the Council and the Chairman of the board or commission from which the appointed official has resigned the Chairmen of the Republican and Democratic Town Committees, and the Town Manager. The resignation is effective as of the date of the letter unless otherwise specified.

5-6. - Vacancies.

Any vacancy in any appointed Town board or commission, from whatever cause arising, shall be filled by appointment of the Council within sixty (60) days of the vacancy for the unexpired portion of the term vacated. In the event their appointment is not made within such sixty (60) day period, the Council Chairman shall be empowered to fill such vacancy without the concurrence of the Council. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office.

5-7. - Reporting.

In addition to all other duties and responsibilities specified in this Charter and by the General Statutes, as amended, all officers, boards, commissions, and other bodies appointed by the Council shall report to the Council and shall act in an advisory capacity to it, as requested.

5-8. - Term of Office.

Unless otherwise provided by state or federal law, the term of office of members of all appointed boards and commissions shall expire no later than the last day of January of the appropriate year. However, no such term shall expire until a successor has been appointed and qualified, provided that if the Council does not appoint a successor by 60 days from the expiration of a term, the Council Chairman shall be empowered to fill such vacancy without the concurrence of the Council. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office.

CHAPTER 6. - ADMINISTRATIVE OFFICERS AND DEPARTMENTS UNDER THE TOWN MANAGER

6-1. - Building Inspection.

- (A) The Manager may appoint without term and may remove for cause a Building Official who shall be qualified by education and/or experience. The Building Official shall be responsible to the Manager.
- (B) The Building Official shall have all the powers and duties conferred by the General Statutes, as amended, and such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (C) The Building Official may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-2. - Economic Development.

- (A) The Manager may appoint without term and may remove for cause an Economic Development Coordinator who shall be professionally qualified by education and experience. The Economic Development Coordinator shall be responsible to the Manager.
- (B) The Economic Development Coordinator shall have the duties of assisting and advising the Council, the Manager, and the Economic Development Commission on matters relating to

the promotion and development of the economic resources of the Town and of coordinating services and programs related to the economic development of the Town. The Economic Development Coordinator shall have such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.

6-3. - Engineering.

- (A) The Manager may appoint without term and may remove for cause a Town Engineer who shall be qualified by education and experience as a licensed, professional engineer and who shall have experience in the active practice of the profession and in the design and supervision of the construction of public works. He shall be responsible to the Manager or the Director of Public Works at the discretion of the Manager.
- (B) The Engineer shall be in charge of such engineering work of the Town as may be required and shall have the further duty of advising the Department of Public Works and any other commission, department, or agency of the Town concerning engineering projects and issues.
- (C) The Engineer shall have such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (D) The Town Engineer may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-4. - Finance.

- (A) The Manager may appoint without term and may remove for cause a Director of Finance who shall be qualified by education and experience in management and in municipal financial administration. The Director shall be responsible to the Manager.
- (B) The Director shall supervise and direct the Department of Finance. He shall install, maintain, and operate a comprehensive municipal accounting system consistent with applicable standards showing the current status of all funds.
- (C) The Director shall prepare, not later than thirty (30) days after each monthly period commencing with the beginning of each fiscal year, a year-to-date financial report of the Town, including the Board of Education, showing all budget categories and comparing them to actual revenues received and expenditures and encumbrances made or in such other form acceptable to the Council. This report shall be presented to the Council by the Manager and shall also be filed with the Town Clerk.
- (D) The Director shall prescribe the form of accounts to be kept by each department, office, board, commission, and agency of the Town and the Board of Education and the times at which and manner in which monies collected on the Town's or the Board's account by any such department, office, board, commission, or agency shall be paid into the Town treasury.
- (E) The Director shall act as the Treasurer unless and until the Manager determines otherwise.
- (F) The Director shall appoint without term and may remove for cause, each subject to the prior approval of the Manager, a Collector of Revenue and an Assessor and may appoint with the same restrictions such other employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.
- (G) The Director of Finance, the Treasurer, the Collector of Revenue, and the Assessor shall have all the powers and duties conferred by the General Statutes, as amended, and such

other powers and duties as may be established by the Council by ordinance or as may be established by instruction or order of the Manager or the Director of Finance not inconsistent with such ordinance or the General Statutes, as amended.

6-5. - Fire.

- (A) Fire protection shall be provided by the Cheshire Fire Department heretofore established. There shall be a Fire Chief appointed by the Town Manager . The Fire Chief shall prepare and submit the Fire Department's operating and capital budgets to the Manager. The Fire Chief shall be responsible to the Manager for the care and custody of all Town-owned fire fighting equipment and facilities.
- (B) In lieu of the provisions of Section 6-5(A) of this Charter, the Council may, by ordinance and pursuant to the General Statutes, as amended, provide for the protection of property within its limits from fire. In so doing, the Council may establish a municipal fire department and may provide for the management, discipline, and control thereof by the Council. The municipal fire department may consist of both a career and volunteer department or only a career department. The Council may, by ordinance and pursuant to the General Statutes, as amended, also provide that the Fire Chief and other management personnel, if any, shall be appointed by the Manager (upon such terms and conditions as the Council may determine) even if the Town has not established a municipal fire department.
- (C) The Fire Chief shall serve as the Emergency Management Director, unless and until a separate Emergency Management Director is appointed by the Town Manager with the advice and consent of the Council.

6-6. - Fire Marshal.

- (A) The Manager may appoint without term and may remove for cause a Fire Marshal and such deputy fire marshals as may be necessary. In making such appointment, preference shall be given as required by the General Statutes, as amended. The Fire Marshal and any deputies shall meet the qualifications as established in the General Statutes, as amended. The Fire Marshal shall be responsible to and report to the Fire Chief.
- (B) The Fire Marshal, and any deputies, shall have all the powers and duties conferred by the General Statutes, as amended, and such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Fire Chief not inconsistent with such ordinance or the General Statutes, as amended.

6-7. - Health.

- (A) Director of Health. The Manager may appoint without term and may remove for cause a Director of Health who shall be qualified by education and experience. The Director shall be responsible to the Manager. He shall have all the powers and duties conferred by the General Statutes, as amended, and such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (B) Health District. Pursuant to the General Statutes, as amended, the Town may enter into a Health District which shall act as the Town's Department of Health, and its Director shall act as the Town's Director of Health.

6-8. - Human Services.

- (A) The Manager may appoint without term and may remove for cause a Director of Human Services who shall be qualified by education and/or experience in management and social service administration. The Director shall be responsible to the Manager.

- (B) The Director shall supervise and direct the Department of Human Services.
- (C) The Director shall be responsible for the development, operation, and management of human service programs on behalf of the Town for its residents including, but not limited to, senior citizens, youth, and people with disabilities. The Director shall have all such other powers and duties as conferred by the General Statutes, as amended, and such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (D) The Director may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-9. - Library.

- (A) The Manager may appoint without term and may remove for cause a Director of the Library who shall be qualified by education and experience as a librarian and in management. The Director shall be responsible to the Manager.
- (B) The Director shall supervise and direct all free public libraries established in the Town and shall have such powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (C) The Director may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-10. - Recreation.

- (A) The Manager may appoint without term and may remove for cause a Director of Recreation who shall be qualified by education and/or experience in recreation administration and management. The Director shall be responsible to the Manager.
- (B) The Director shall supervise and direct the Department of Recreation.
- (E) The Director shall have such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (F) The Director may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-11. - Planning.

- (A) The Manager may appoint without term and may remove for cause a Town Planner who shall be professionally qualified by education and experience in land planning and management. The Planner shall be responsible to the Manager.
- (B) The Planner shall assist and advise the Manager, the Planning and Zoning Commission, and the Zoning Board of Appeals on town planning, on a comprehensive plan of development, and on land use. The Planner shall have the duty of advising any department, commission, or agency concerning the effect of any action said department, commission, or agency may take on the plan of development.

- (C) The Planner shall have such other powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (D) The Planner shall supervise and direct the Planning Department.
- (E) The Planner may appoint without term and may remove for cause, each subject to the prior approval of the Manager, a Zoning Enforcement Officer who shall have all the powers and duties conferred by the General Statutes, as amended, and such other powers and duties as the Council by ordinance may establish or as the Planning and Zoning Commission by regulation may establish or as may be established by the instruction or order of the Manager or the Planner not inconsistent with such ordinance, regulations, or the General Statutes, as amended.
- (F) The Planner may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such other employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-12. - Police.

- (A) The Manager shall appoint without term and may remove subject to the provisions of Section 7-278 of the General Statutes, as amended, a Chief of Police who shall be qualified by education and experience in public safety, law enforcement, and management. The Chief shall be responsible to the Manager.
- (B) The Chief shall supervise and direct the Police Department. The Chief 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. The Chief shall assign all officers and employees of the Department to their respective posts, shifts, details, and duties.
- (C) The Chief shall enforce all departmental rules and regulations. Disobedience to the lawful orders, rules, and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action.
- (D) The Chief 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, the ordinances of the Town, and the rules and regulations made in accordance therewith.
- (E) The Chief and all officers and employees of the Department shall have all the powers and duties conferred by the General Statutes, as amended, and such further powers and duties as the Council by ordinance may establish or as may be established by instruction or order of the Manager not inconsistent with such ordinance or the General Statutes, as amended.
- (F) The Chief may appoint and may remove, each subject to the prior approval of the Manager and in accordance with law and the Classified Service provisions of this Charter, all officers and employees of the Department, including an Animal Control Officer and assistants.
- (G) The Chief shall be the Traffic Authority as defined in the General Statutes, as amended, and shall have all the duties and powers of the Traffic Authority and as conferred by the General Statutes, as amended.

6-13. - Public Works.

- (A) The Manager may appoint without term and may remove for cause a Director of Public Works who shall be qualified by education and experience in highway construction and public works administration and management. The Director shall be responsible to the Manager.

- (B) The Director shall supervise and direct the Department of Public Works.
- (C) The Director may serve as Director of Engineering at the discretion of the Manager.
- (D) The Director shall supervise, control, and maintain all public grounds, equipment, facilities, and buildings except those which are under the control of the Board of Education or the Department of Parks and Recreation.
- (E) The Council may establish by resolution and by agreement with the Board of Education that the Director be responsible for the maintenance and care of public school grounds, equipment, facilities, and/or buildings the cost of which shall be charged against the Board's appropriations.
- (F) The Council may establish by resolution that the Public Works Director be responsible for the maintenance, control, development, operation, and management of all public grounds, equipment, facilities, and Town open space for parks and recreational purposes, with the exception of the Community Pool.
- (G) The Director shall supervise and control the planning, surveying, constructing, reconstructing, altering, paving, repaving, maintaining, cleaning, lighting, and inspection of highways, sidewalks, curbs, and hydrants.
- (H) The Director shall supervise, control, and maintain sewers, sewage disposal systems and facilities, public drains, private connections to public drains, and other public improvements.
- (I) The Director shall supervise and control the planting, preservation, care, and removal of trees within highways and public places.
- (J) The Director shall supervise and control the collection and disposal of solid waste, garbage, and recyclables.
- (K) The Director or another person appointed by the Town Manager with the advice and consent of the Council shall have all the powers and duties conferred upon Tree Wardens by the General Statutes, as amended.
- (L) The Director or his designee shall be an ex officio member without vote of the Water Pollution Control Authority and the Public Building Commission.
- (M) The Director may appoint without term and may remove for cause, each subject to the prior approval of the Manager, such employees as the Council or the Manager may determine pursuant to Sections 8-3 and 4-2, respectively, of this Charter.

6-14 – The Town Manager with the consent of the Council may consolidate, reassign, contract for, or eliminate service responsibilities if it is in the best interest of the Town, in compliance with state statutes.

6-15. - Bonding Requirements.

Administrative officers as required by the Town Council or the General Statutes, as amended, prior to taking office, shall provide to the Town, a surety company bond in the form prescribed by the Town Attorney in a penal sum to be fixed by the Council and conditioned upon faithful performance of their official duties. Such officials shall file the bond with the Town Clerk. Premiums for such bonds shall be paid by the Town.

6-16. - Rules and Regulations.

- (A) Department heads may establish internal rules, policies, orders, and measures (not inconsistent with federal, state, or local laws or with any policy or directive of the Manager)

governing the internal management of their respective departments and the relationships between departments. These internal rules, policies, orders, and measures shall be reviewed by the Manager pursuant to such procedure as he shall develop. The Manager may modify, amend, or rescind any such internal rule, policy, order, or measure to the extent he deems it necessary.

- (B) Department heads may propose to the Council regulations, that is, statements of general applicability which implement, interpret, or prescribe law or policy or which describe the organization, procedure, or practice requirements of the department or which describe the methods by which the public may obtain information from, make submissions to, or make requests of the department. Such regulations shall be reviewed by the Town Attorney and approved by the Manager prior to submission to the Council. The Council may adopt, modify and adopt, reject, or take no action on the proposed regulation. If, after forty-five (45) days from the date the Council received the proposed regulation from the department head, the Council fails to adopt, modify and adopt, or reject or takes no action on the proposed regulation, the regulation shall become effective.

CHAPTER 7. - FINANCE AND TAXATION

7-1. - Operating Budget.

- (A) Budget Estimates.
 - (1) The Board of Education and each department, office, board, or commission of the Town, supported wholly or in part by Town funds or for which a specific Town appropriation is made, shall prepare a detailed estimate of the expenditures to be made and the anticipated revenue, other than tax revenue, to be received during the ensuing fiscal year. The Board of Education shall report their estimated expenditures and revenues in the same format as the Town departments.
 - (2) The Board of Education shall also submit to the Manager an estimate of the Board's special funds budget which budget is an itemized statement of all funds the Board receives or anticipates receiving from state or federal sources, from private gifts or grants, or from sources other than its operating budget or not otherwise appropriated to it by the Council. The Board shall also provide a detailed estimate of the expenditures made or intended to be made against those funds. The exact format and parameters for the special funds budget shall be as prescribed by the Manager.
 - (3) The estimates required by this Section shall be submitted to the Manager no later than February 15 of the current fiscal year.
 - (4) The Manager shall prescribe the exact format for budget estimates pursuant to Section 7-1(B).
- (B) Duties of the Manager on the Operating Budget. By March 10 of the current fiscal year, the Manager shall present to the Council an itemized, proposed, annual operating budget, including the Board of Education budget, which operating budget shall consist of the following:
 - (1) Budget Message: The budget message shall outline the financial proposals of the Manager and describe in connection therewith the important features of the budget plan, including a proposed tax rate in mills. Any major changes from the current fiscal year budget and any changes in expenditures and revenues (together with the reasons

for such changes) shall be indicated. The operating budget shall also contain a clear, general summary of its contents. The Manager shall also forward to the Council with the operating budget the information he received concerning the Board of Education's special funds budget.

- (2) Revenue Statement: The revenue statement shall present, in parallel columns that are itemized, actual revenue collected in the last completed fiscal year, appropriated revenue for the current fiscal year, estimated revenue to be collected during the current fiscal year, and estimated revenue to be collected during the ensuing fiscal year.
- (3) Expenditure Statement: The expenditure statement shall present, in parallel columns that are itemized, for the Board of Education and for each department, office, board, or commission of the Town, supported wholly or in part by Town funds or for which a specific Town approval is made, the actual expenditures of each for the last fiscal year; the appropriation for each for the current fiscal year; the estimated expenditures of each to be incurred during the current fiscal year; and the recommendations of the Manager and the Board of Education of the amounts to be appropriated for the ensuing fiscal year. The Manager shall offer recommendations concerning the budget submitted by the Board of Education for the ensuing fiscal year. The recommendations of the Manager and of the Board of Education shall include the following:
 - (a) The reasons for all appropriation recommendations;
 - (b) The budget cost of, or the debt service charge for, the first year of the capital budget, together with a narrative and a table showing the debt service cost for the last five (5) years and projections for the ensuing five (5) years.
 - (c) An estimate of surplus or deficit which will exist at the end of the current fiscal year.

(C) Duties of the Council on the Operating Budget:

- (1) Following receipt of the proposed budget from the Manager, the Council shall cause the proposed budget to be made available for public inspection in the office of the Town Clerk.
- (2) Not later than March 24 of the current fiscal year, the Council shall hold one (1) or more public hearing(s) at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year, and shall hold a second public hearing prior to adoption.
- (3) At least five (5) days prior to the aforementioned public hearings, the Council shall cause to be published, in a newspaper having a substantial circulation in the Town, and/or by electronic media maintained by the Town, including but not limited to the Town website, a notice of the public hearing and a summary of the proposed budget showing estimated revenue by major source and proposed expenditures by function or department in the same columnar form as prescribed for the proposed budget in Section 7-1(B) of this Charter. This summary shall also show the amount to be raised by taxation.
- (4) The Council shall have the authority to increase or decrease the proposed operating budget including that portion pertaining to the Board of Education.
- (5) By April 30 of the current fiscal year, the Council shall adopt and appropriate an operating budget and shall file it with the Town Clerk by May 10.
- (6) At the time when the Council adopts the budget, it shall fix the tax rate, in mills, which shall be levied on taxable property in the Town for the ensuing fiscal year.

- (7) Should the Council fail to adopt a budget by April 30 of the current fiscal year, the proposed budget as transmitted by the Manager in accordance with the provisions of Section 7-1(B) of this Charter, shall be deemed to have been finally adopted by said Council. The tax rate shall forthwith be fixed by the Manager, and, thereafter, expenditures shall be made in accordance with the budget so adopted.
 - (8) The adopted budget pursuant to Sections 7-1(B) (2) and 7-1(B)3 , and the tax rate in mills, must be published, in a newspaper having a substantial circulation in the Town, and/or by electronic media maintained by the Town, including but not limited to the Town website, not later than May 10 of the current fiscal year.
 - (9) For the purpose of the General Statutes, as amended, the Council shall be deemed to be the budget-making authority of the Town.
- (D) Power of Referendum on the Operating Budget:
- (1) As provided herein, the electors of the Town shall have the right to reject the annual operating budget, as adopted by the Council, at one (1) referendum.
 - (2) By May 20 of the current fiscal year, a petition requesting that such budget be put to a vote of the electors may be filed by any elector with the Town Clerk. Any such petition shall conform with the requirements of the General Statutes, as amended, except as provided herein. The petition shall be signed in ink by those qualified to vote equal in number to at least ten percent (10%) of the electors registered at the last regular, municipal election. The petition shall be accompanied by affidavits signed and sworn to by each circulator, as provided in the General Statutes, as amended. Within five (5) days after receipt of the last page of the petition, the Town Clerk shall determine whether the petition and affidavits are sufficient to comply with the provisions of this Subsection and with the General Statutes, as amended, and shall certify the petition to the Council.
 - (3) After certification of the petition, the budget shall be submitted to the electors at a referendum called by the Council and held no later than June 20 of the current fiscal year. Notice of such referendum shall be given at least twenty one (21) days in advance by publication in a newspaper having a substantial circulation in the Town, and/or by electronic media maintained by the Town, including but not limited to the Town website, .
 - (4) At the referendum, the electors shall vote for any one of the following choices:
 - (a) I accept the budget;
 - (b) I reject the budget because it is too HIGH; or
 - (c) I reject the budget because it is too LOW.
 - (5) The referendum shall not be effective unless at least twenty percent (20%) of the qualified electors have voted. If fewer than twenty percent (20%) vote, the budget shall be deemed adopted. If at least twenty percent (20%) of the electors vote, and the total votes to reject exceed the votes to accept, the budget shall be deemed rejected. In that event, the Council, taking into consideration the composition of the votes to reject, shall adopt a new budget and file it with the Town Clerk by June 27 of the current fiscal year.
 - (6) The finally adopted budget shall not be subject to referendum. At the time when the Council adopts the budget, it shall fix the tax rate, in mills, which shall be levied on taxable property in the Town for the ensuing fiscal year.
- (E) Expenditures Before Adoption of Operating Budget. Expenditures made prior to the final adoption of the budget shall be made in accordance with Section 7-405 of the General Statutes, as amended.

- (F) Appropriations Not To Exceed Revenues. Except as provided in Section 7-3(H) of this Charter, in any operating budget adopted by the Council, the total amount of appropriations shall not exceed the estimated revenue for the fiscal year.
- (G) The Council is authorized to reduce the operating budget after its adoption and at any time during the fiscal year, if the Council determines that it has over-estimated revenues for that budget year or if the Council determines that expenditures will exceed budget estimates. The Council may apportion the reduction among the various departments, offices, boards, or commissions (including the Board of Education), or it may apportion the reduction to or among one or more specific departments, offices, boards, or commissions (including the Board of Education). Each affected department, office, board, or commission shall be notified of any such reduction in its appropriation.
- (H) The Manager may, at any time and subject to the approval of the Council, correct clerical errors in any budget.

7-2. - Five Year Capital Budget Plan and Annual Capital Budget.

- (A) Definition of Capital Expenditure Items. The Council shall establish by resolution the criteria which characterizes those expenditures which may be included in the Five Year Capital Budget Plan and the Annual Capital Budget.
- (B) The Annual Capital Budget.
 - (1) The Council shall, each fiscal year, adopt and appropriate an Annual Capital Budget which shall include a listing of all the projects and purchases of the Budget, including costs, justification for projects or purchases, the identification of potential sources of revenue including grants, loans, gifts, or other offsetting reimbursements, and the financial impact of the projects and purchases on the Town and the operating budget. Any requests for projects or purchases in the Annual Capital Budget that were not included in year two of the previous fiscal year's Five Year Capital Budget Plan shall identify the reason for their priority and provide supportable cost estimates.
- (C) The Five Year Capital Budget Plan.
 - (1) The Council shall, each fiscal year, adopt a Five Year Capital Budget Plan which shall be developed in conjunction with the Annual Capital Budget and will include the Annual Capital Budget in year one. The projects and purchases of the Plan for years two through five shall include costs, justification for projects or purchases, the identification of potential sources of revenue including grants, loans, gifts, or other offsetting reimbursements, and the financial impact of the projects and purchases on the Town and the operating budget. The Plan shall consist of future programs or purchases that warrant evaluation based on need, preliminary cost estimates, and the short and long term financial impact of the projects and purchases.
- (D) Preparation of the Annual Capital Budget and the Five Year Capital Budget Plan.
 - (1) The Board of Education and each department, office, board, or commission of the Town supported wholly or in part by Town funds shall annually prepare an Annual Capital Budget and the Five Year Capital Budget Plan, if applicable, in a form and manner prescribed by the Town Manager. Said Budget and Plan shall consist of capital expenditures items pursuant to Section 7-2(A) of this Charter proposed by said department, office, board, or commission for a five (5) year period. Said Plan shall be submitted to the Manager not later than June 1 of each year.

(2) The Manager may take the following actions in his recommendations on the Budgets and Plans submitted to him:

- (a) Add and/or delete projects and purchases;
- (b) Increase and/or decrease estimated costs;
- (c) Move projects and purchases to different years of the Plan.

The Manager shall submit to the Council together with his recommendations, the proposed Annual Capital Budget and Five Year Capital Budget Plan including general cost estimates and proposed financing, not later than July 15.

(3) At the same time the Manager submits the Five Year Capital Budget Plan to the Council, he shall also submit it to the Planning and Zoning Commission for a report pursuant to Section 8-24 of the General Statutes, as amended. The Planning and Zoning Commission shall review the Five Year Capital Budget Plan for compatibility with the Comprehensive Plan of Development and may, in its discretion, submit a report to the Council not later than August 15. Failure to submit a report to the Council shall not delay, hinder, or prevent action by the Council.

(4) The Council shall review the Annual Capital Budget and the Five Year Capital Budget Plan together with the recommendations of the Manager and the report of the Planning and Zoning Commission, if any, and may take the following actions:

- (a) Add and/or delete projects and purchases;
- (b) Increase and/or decrease estimated costs;
- (c) Move projects and purchases to different years of the Plan.

(5) The Council shall set a date for a public hearing which shall be held not later than September 25, on the proposed Annual Capital Budget. After completion of the public hearing, the Council may add or delete projects and purchases and increase or decrease estimated costs.

(6) Any additions to the proposed Annual Capital Budget which were not in the Five Year Capital Budget Plan previously submitted to the Planning and Zoning Commission shall be submitted to said Commission for a report pursuant to Section 8-24 of the General Statutes, as amended.

(7) The Council shall adopt and appropriate an Annual Capital Budget, or any part thereof, not later than November 20, subject to the manner and limitations provided in Sections 7-3 and 7-4 of this Charter, as appropriate. The Council shall adopt resolutions to finance the adopted Annual Capital Budget, including resolutions authorizing the issuance of bonds or notes if necessary. The Council shall set a date for referendum, if necessary, in accordance with Sections 7-3 and 7-4(A) of this Charter, such referendum to be held not later than the second Tuesday in February of the following year. The Council shall also adopt a Five Year Capital Budget Plan, or any part thereof, not later than November 20, subject to the manner and limitations provided in Sections 7-3 and 7-4 of this Charter, as appropriate, except that no public hearing shall be necessary.

7-3. - Special Appropriations.

(A) The Council, on its own motion or on request by the Manager or on request by any appointed or elected board, commission, or officer with the approval of the Manager, may, by resolution, make special appropriations subject to the following approval requirements:

- (1) Requests from the Board of Education do not require prior approval of the Manager, but the Manager shall make recommendations concerning such requests.
 - (2) The approval limits are cumulative during the fiscal year for any special appropriation for a special purpose, or for an increase in the operating budget of any one office, department, board, or commission. For capital budget appropriations, the approval limits are cumulative for a five year period for any capital budget appropriations for single, specified purpose.
 - (3) When preparing and acting on appropriation and/or borrowing resolutions and/or questions for submission to referendum, the Council may, in its discretion, group individual items or projects together into general items or projects if those items or projects have a natural relationship with one another.
- (B) Any special appropriation shall specify its source of funding.
- (C) Any special appropriation not exceeding two hundred fifty thousand dollars (\$250,000) may be approved by the Council.
- (D) Any special appropriation which exceeds two hundred fifty thousand dollars (\$250,000) but does not exceed five hundred thousand dollars (\$500,000), may be approved by the Council only following a public hearing called by the Council and noticed pursuant to Section 1-5 of this Charter. Notice of the making of such appropriation shall be published once in a newspaper having a substantial circulation in the Town, and/or by electronic media maintained by the Town, including but not limited to the Town website. Such appropriation will be subject to referendum if a petition requesting a referendum, signed by at least ten percent (10%) of the electors, is submitted to the Town Clerk within twenty-one (21) days following publication of notice of the making of such appropriation. The referendum shall be held pursuant to Section 7-3(G) of this Charter no later than forty-five (45) days following the Town Clerk's certification to the Council of the timeliness and completeness of the petition calling for the referendum.
- (E) Any special appropriation which exceeds five hundred thousand dollars (\$500,000) , may be approved by the Council only following a public hearing called by the Council and noticed pursuant to Section 1-5 of this Charter. Such a special appropriation must be approved by the voters at a referendum held pursuant to Section 7-3(G) of this Charter. The referendum shall be held no later than ninety (90) days following the Council vote to approve the special appropriation.
- (F) To the extent any appropriation in excess of two hundred fifty thousand dollars (\$250,000) is to be funded from the proceeds of grants, insurance, gifts, or other off-setting reimbursements, the amount of the appropriation to be funded from such sources may be approved by the Council in the manner provided in Section 7-3(D) of this Charter, and such amount shall not be included in determining whether a referendum is required pursuant to Section 7-3(E) of this Charter. The Council may authorize the transfer of funds from any undesignated fund equity balance, if any, in anticipation of the receipt of said grants, insurance, gifts, or other off-setting reimbursements.
- (G) If a referendum is found necessary by the provisions of this Chapter, the following provisions shall apply:
- (1) The referendum may be held at a regular, general election; a special election; or a special meeting of the voters called specifically for the referendum.
 - (2) The notice of, and the hours of voting at, the referendum shall be in accordance with the General Statutes, as amended. If the referendum is held at the same time as a regular, general election or a special election, the notice of, and the hours of voting at,

the referendum shall be in accordance with the General Statutes, as amended, for such elections.

- (3) If the referendum is held during a regular, general election, an appropriation made pursuant to Section 7-3(D) of this Charter shall be effective unless a majority of those voting votes to repeal the action of the Council in approving the special appropriation.
 - (4) If the referendum is held during a regular, general election, an appropriation proposed pursuant to Section 7-3(E) of this Charter shall be made only if a majority of those voting votes to approve the appropriation.
 - (5) If the referendum is held during a special election or during a special meeting of the voters called specifically for the referendum, an appropriation made pursuant to Section 7-3(D) of this Charter shall be effective unless a majority of those voting votes to repeal the action of the Council in approving the special appropriation and a total of at least twenty percent (20%) of the electors entitled to vote on the question votes.
 - (6) If the referendum is held during a special election or during a special meeting of the voters called specifically for the referendum, an appropriation proposed pursuant to Section 7-3(E) of this Charter shall be made only if a majority of those voting votes to approve the appropriation.
 - (7) If the appropriation is approved at referendum, no new vote on the question need be scheduled, and the special appropriation may be made.
- (H) Notwithstanding the provisions of Section 7-1(F) and Section 7-7(C) of this Charter, if the Town becomes legally required to expend funds to implement a court judgment or the order of a state or federal official or agency, or a mandate from the state legislature imposed after the Town operating budget is approved, from which order no appeal by the Town lies or from which the Council determines no appeal should be taken, the Council may specially appropriate and/or borrow said funds, if necessary. Notwithstanding the provisions of Sections 7-3(D), 7-3(E), and 7-4 of this Charter, a referendum is not required to authorize such an expenditure. This Section shall not eliminate any public hearing requirements of this Chapter.
- (I) No special appropriation for what is essentially a single transaction or project shall be made for the purpose of evading the public hearing and referendum provisions of Section 7-3(A)(2).
- (J) The special appropriation dollar limits contained in Sections 7-3(C), 7-3(D), 7-3(E), and 7-3(F) of this Charter shall be reviewed by the Council every five (5) years, beginning with the January 1, five (5) years after this Charter is finally adopted. Using the Bureau of Labor Statistics of the United States Department of Labor, All Urban Consumers Index (CPI-U), Size B/C, Northeast, Urban, or any successor thereto as identified by Council, the Council may increase the dollar limits by no more than the percentage increase in the index since the last increase, or may decrease the dollar limits by no less than the percentage decrease in the index, or may leave them unchanged.

7-4. - Borrowing.

- (A) The Town shall have the power to incur indebtedness, including indebtedness in anticipation of taxes, by issuing its bonds or notes, as provided by the General Statutes, as amended. The issuance of bonds and notes shall be authorized by resolution of the Council and shall be subject to the same dollar limitations and requirements as established in Section 7-3 of this Charter. Borrowing in anticipation of taxes shall not be subject to public hearing nor referendum requirements. Borrowing in anticipation of the proceeds of grants,

insurance, gifts, or other offsetting reimbursements to fund an appropriation approved under Section 7-3(F) of this Charter shall not be subject to any referendum requirements.

- (B) When borrowing is necessary to fund an appropriation that requires a public hearing and/or referendum, both the borrowing and appropriation questions shall be treated as a single issue.
- (C) The Manager and the Treasurer shall execute all instruments required for borrowing.

7-5. - Public Emergency Appropriations and Financing.

For the purpose of meeting a public emergency threatening the lives, health, or property of citizens, the property of the Town, or the public health and safety, the Council may, by majority vote of those members present and upon recommendation of the Manager, make emergency appropriations, the total amount of which shall not exceed one percent (1%) of the current tax levy in any one (1) fiscal year. In the absence of sufficient general fund resources to meet such appropriation, additional means of financing, as may be determined by the Council, shall be used consistent with the provisions of the General Statutes, as amended, and of this Charter. A public hearing at which any elector or taxpayer of the Town shall have an opportunity to be heard, must be held prior to the making or financing of an emergency appropriation. Notice of the hearing shall be given in a newspaper having a substantial circulation in the Town, and/or by electronic media maintained by the Town, including but not limited to the Town website, not more than ten (10) nor fewer than five (5) days prior to such hearing. The hearing and notice of hearing may be waived if the Council, by a two-thirds (2/3) vote of the members present determines that a delay in making the emergency appropriation and financing it would jeopardize the lives, health, or property of citizens. The referendum requirements of Sections 7-3 and 7-4 of this Charter shall not apply to public emergency appropriations nor to their financing.

7-6. - Reporting.

Not later than thirty (30) days after each three (3) month period, commencing with the beginning of each fiscal year, the Manager shall present to the Council, , a year-to-date financial report of the Town, including the Board of Education, showing all budget categories and comparing them to actual revenues received and encumbrances made in such a form acceptable to the Council. This report shall also be filed with the Town Clerk.

7-7. - Expenditures.

- (A) No purchase shall be made by any department, board, commission, or officer of the Town, other than the Board of Education, except through the Manager or the Manager's agent acting as the Purchasing Agent. The Manager or his agent shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.
- (B) No invoice, claim, or charge against the Town, other than by the Board of Education, shall be paid until it has been audited and approved by the Manager or the Manager's agent for correctness and validity. Payment of all approved invoices, claims, or charges shall be authorized by the Manager, which authorization shall be valid when countersigned by the Treasurer. In the absence or inability to act of either the Manager or the Treasurer, the Council Chairman may be authorized by the Council to substitute temporarily for either but not both of them.
- (C) Except as permitted by the General Statutes, as amended, or this Charter, no department head, officer, employee, or board or commission member of the Town including the Board of Education shall expend funds, cause funds to be expended, or enter into any contract to do so if in doing so, the total approved appropriation for the department, office, project,

function, board, or commission at issue will be exceeded. Any department head, officer, employee, or board or commission member who violates this Subsection shall be liable for civil action in the name of the Town, as provided in the General Statutes, as amended.

- (D) Upon request transmitted by the Manager, but only after March 31 of the fiscal year and no later than August 31 of the succeeding fiscal year (unless thereafter recommended by the auditors), the Council may by resolution transfer any unencumbered appropriation balance or portions thereof from one department, commission, board, or office to another. However, the Council may by resolution transfer funds from any appropriation for contingency contained in the annual operating budget to a department, commission, board, or office at any time during the fiscal year. No transfer shall be made from any appropriation for debt service and other statutory charges unless the Manager and the Treasurer shall each certify that all obligations for debt service and other statutory charges for the current fiscal year have been satisfied. Each affected department, commission, board, or office shall be notified of any such transfer.
- (E) Every payment made in violation of the provisions of this Charter shall be deemed illegal, and every department head, officer, employee, or board or commission member authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof, shall be jointly and severally liable to the Town for the full amount so paid or received. The foregoing shall not pertain to the Manager, Director of Finance, or Treasurer in the making of payments authorized by the Board of Education. If any department head, officer, employee, or board or commission member of the Town knowingly incurs any obligation or authorizes or makes any expenditure in violation of the provisions of this Charter or takes any part therein, such action shall be cause for removal from office or for disciplinary action, as appropriate.

7-8. - Purchasing.

- (A) Except as otherwise provided by law, the Finance Department shall be responsible for the issuance of all purchase orders for all supplies, materials, equipment, and other commodities and services required by any department, office, board, or commission of the Town (other than the Board of Education) on requisition signed by the head of the department, office, or a representative appointed by the head of the department, office, board, or commission.
- (B) The Board of Education may request the Manager to act for it in the making of purchases, and the Town may request the Board of Education to act for it in the making of purchases.
- (C) Except as otherwise mandated by law, the following terms and conditions shall apply to all requisitions for expenditures made by any department, office, board, or commission (including the Board of Education):
 - (1) The Council shall set the bid limit annually.
 - (2) Except as otherwise provided herein, all requisitions for expenditures over the bid limit shall require sealed bids, based upon specifications prepared by the Manager, the Public Building Commission, the Board of Education, or their designee, as applicable.
 - (3) Invitations to bid shall be published, in a newspaper having a substantial circulation in the Town and/or by electronic media maintained by the Town, including but not limited to the Town website, and in such other publications as the Town may choose, at least ten (10) days prior to the opening of said bids.
 - (4) Sealed bids shall be filed by bidders and shall be opened and read aloud at a place, date, and time specified in the invitation to bid.

- (5) All bid invitations must state that the Town may reject any and all bids, in whole or in part, or may waive any informalities in the bid if, in its opinion, it is in the best interests of the Town to do so.
 - (6) If the lowest bidder meets all specifications, is responsive, and, if applicable, qualified, but the bid is not acceptable to the Manager, the Public Building Commission, or the Board of Education, the matter must be referred to the Council for its decision on whether to reject all bids, to accept a higher bid, or to take such other action as may be in the best interests of the Town.
 - (7) Bulk items such as road salt, fuel, oil, clerical supplies, construction materials, and other similar items which may be delivered at intervals, may be bid on a unit measure basis.
 - (8) The Manager may obtain bids of hourly rates for equipment and labor from contractors. Each such rate schedule shall be binding upon the submitting contractor for up to one (1) fiscal year or until another bid is requested.
 - (9) If the State of Connecticut, Department of Administration Services, Bureau of Purchases has awarded contracts for goods or services to bidders who warrant to the State that the prices, terms, and conditions will be extended to all political subdivisions within the State or to certain districts or counties within the State of Connecticut, the Council may, pursuant to such regulations as it may by resolution adopt, authorize the purchase of those goods or services without bid.
 - (10) The Council may, pursuant to such regulations as it may by resolution adopt, authorize the purchase of goods or services, with or without bid, in conjunction with other municipalities or regional government purchasing entities.
 - (11) The Council may waive the provisions of this Section pertaining to bid requirements and may authorize a negotiated contract or a shortened notice schedule if deemed by it to be in the best interests of the Town. The Council may also authorize the Manager, the Board of Education, or the Public Building Commission to negotiate a contract with a vendor or vendors or to conduct bidding utilizing a restricted or prequalified list of bidders if deemed in the best interests of the Town.
 - (12) In the case of licensed professionals, such as, but not limited to, architects, lawyers, and engineers, bidding shall not be required; their services and fees shall be negotiated.
- (D) All contracts and purchase orders up to and including five thousand dollars (\$5,000.00) or such greater amount as shall be approved by the Council, shall be signed by the Manager or his designee. All contracts and purchase orders exceeding five thousand dollars (\$5,000.00) shall be signed by the Manager.

7-9. - Tax Bills.

The Collector of Revenue shall mail to each taxpayer a tax bill prepared in accordance with the provisions of the General Statutes, as amended.

7-10. - Assessment and Collection of Taxes.

Except as specifically provided otherwise in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the General Statutes, as amended.

7-11. - Fiscal Year.

The Fiscal Year of the Town shall begin on July 1 and end on June 30 of the following calendar year, unless and until changed in accordance with the procedures set forth in the General Statutes, as amended.

7-12. - Annual Audit.

The Council shall annually designate an independent certified public accountant or a firm of independent certified public accountants to audit the annual financial statements of the Town in accordance with the provisions of Section 7-391, *et seq.* of the General Statutes, as amended.

CHAPTER 8. - TOWN PERSONNEL

8-1. - Equal Opportunities Policy.

It is the policy of the Town that, except in the case of a bona fide occupational qualification or need, there shall be no discrimination, coercion, or intimidation of any kind against any official or employee of the Town with regard to their appointment or employment for any reason whatsoever, including but not limited to, those classifications set forth in the General Statutes, as amended.

8-2. - Merit System Established.

All officers and employees in the Classified Service of the Town as described in Section 8-3 below, shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

8-3. - The Classified Service.

- (A) The "Classified Service" shall mean appointees to all positions now or hereafter created except the following: Elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions; officers appointed by the Council; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study, or investigation; and persons employed for a temporary period not exceeding twelve (12) months. Nonprofessional employees of the Board of Education may be included in the Classified Service at the request of the Board of Education.
- (B) It shall be the duty of the Manager to cause to be prepared a statement of the duties and responsibilities of each position in the Classified Service and of the minimum qualifications for appointment to such positions. These statements shall comprise the Classification Plan of the Town, shall become effective upon approval by resolution of the Council, and may be amended, upon recommendation of the Manager, by resolution of the Council. New or additional positions in the Classified Service may be created by resolution of the Council upon the recommendation of the Manager. A pay plan for all positions in the Classified Service shall be similarly prepared, adopted, and amended. The Manager shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examination, administration of the Classification Plan, 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 handling of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon approval by resolution of the

Council and upon filing by the Manager with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the Classified Service.

8-4. - Retirement of Municipal Employees.

The Council may provide by ordinance or resolution for the establishment or continuance of a plan or plans to provide retirement and incidental benefits for the Town's regular, full-time, paid employees and for contributions by such employees and the Town to a fund or funds to provide such retirement or incidental benefits. The Council may authorize the transfer of the custodianship, management, and investment of such funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the General Statutes, as amended. The Council may also retain the services of any investment advisory firm(s) provided said investment advisory firm(s) is/are registered under the Federal Investment Advisors Act of 1940. The Council may authorize contracts with insurance companies authorized to do business in the State of Connecticut for the purpose of funding such retirement and incidental benefit in whole or in part or for the purposes of insuring in whole or in part any death benefit provided under such plan or plans. The Council may elect to participate in the old-age and survivors' insurance system under Title II of the Social Security Act, in accordance with the provisions of the General Statutes, as amended, or may elect any combination of the foregoing. The Council may by ordinance or resolution provide for compulsory retirement of Town employees at any age as may be authorized by law.

CHAPTER 9. - TRANSITION AND MISCELLANEOUS PROVISIONS

9-1. - Transfer of Powers.

If a commission, board, department, or office is abolished by this Charter, the powers which are conferred and the duties which are imposed upon any such abolished commission, board, department, or office pursuant to the General Statutes or pursuant to any ordinance or resolution in force at the time this Charter takes effect, shall be thereafter exercised and discharged by the Council, pursuant to Section 3-5(A) of this Charter, or by the Manager, pursuant to Section 4-3 of this Charter, unless, under the provisions of this Chapter, corresponding or like functions, powers, and duties are imposed upon a succeeding, replacement, or other commission, board, department, or office. All commissions, boards, departments, or offices abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provision 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. All appointive powers now or hereafter conferred by the General Statutes, as amended, upon boards of selectmen shall be exercised by the Council unless otherwise specifically provided in this Charter.

9-2. - Present Employees to Retain Positions.

All persons holding regular full-time or regular part-time positions in the service of the Town on the effective date of this Charter, whose positions are included in the Classified Service by the terms of this Charter, shall immediately become members of the Classified Service and retain such positions until promoted, transferred, reduced in rank, or removed in accordance with the provisions of this Charter. All other 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 Council 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, appointment, ranks, grades, tenure of office, promotions, removal, 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 in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

9-3. - Conflicts of Interest.

Any elected or appointed officer or any employee of the Town who has a conflict of interest, as set forth in Section 10-1, "Conflicts of interest and standards of conduct", of the Town's Code of Ordinances, as amended, shall, in addition to the requirements of Section 10-1, disclose that interest to the Council who shall record such disclosure upon the official record of their meetings. Violation by any such officer or employee of the provisions of this section shall be grounds for his removal. Violations of this Section 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 Council or by a court of competent jurisdiction.

9-4. - 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 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 or part thereof 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 to the commission, board, department, or office to which such powers and duties are so assigned.

9-5. - 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 proceedings or actions may be continued notwithstanding that functions, powers, and duties of any commission, board, department, or office party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department, or office; but in that event, the same may be prosecuted or defended by the head of the commission, board, department, or office to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

9-6. - Amendment of Charter.

This Charter may be amended in the manner prescribed by Chapter 99, "Municipal Charters And Special Acts," of the General Statutes, as amended.

9-7. - 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 said 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 a Section to which such holding shall directly apply.

9-8. - Transfer of Real Estate.

Transfer of Town-owned real estate (by sale, grant, lease, or license) shall require approval by a vote of the Council. The transfer of a fee simple absolute interest in Town-owned real estate or the lease, grant, or license of Town-owned real estate for more than ten (10) years, including any renewal option, may be approved only after a public hearing. The transfer of a fee simple absolute interest shall also require a two-thirds (2/3) vote of the Council. All other transfers of Town-owned real estate do not require a public hearing.

9-9. - Effective Date.

These Charter amendments shall become effective on January 1, 2018.

AS APPROVED AT REFERENDUM NOVEMBER 7, 2017