

CHARTER

OF THE

TOWN OF FAIRFIELD

**Proposed Recommendations from
The Board of Selectpersons
Approved: __ July 2022^{1 2}**

**Transmittal to Town Clerk and Charter Revision
Commission: __ July 2022**

Board of Selectpersons

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First Selectperson

Hon. Thomas M. Flynn
Selectperson

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¹ **Please Note:** This document *remains a draft and will continue to undergo due diligence reviews throughout the entirety of this process.* We will continue to clarify and align provisions for the duration. This draft is based upon the 11 January 2022 Reorganizational Baseline. This document remains a work in progress and will be reviewed and refined as the CRC and Board of Selectpersons progresses through the process. Please excuse any errors or inaccuracies. Internal references will continue to be addressed and aligned at the final stage in this process.

² **Further Note re – July 4th Red-Line:** This July 4th redline edition was prepared on an Article-by-Article basis and, where necessary, on a paragraph-by-paragraph basis. This is due to the fact that the proposed revised Charter has been consolidated and various provisions have been moved and consolidated. Please continue to review this document thoroughly and provide input on any errors or inconsistencies that remain.

REDLINE PROJECT - 4 JULY 2022

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ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION, ORGANIZATION AND STANDARDS³

§1.1. Title⁴.

The Charter of the Town of Fairfield (the "Town") shall be the organic Law of the Town in the administration of its local affairs.

§1.2. Incorporation and powers⁵.

All the inhabitants dwelling within the Town ~~of Fairfield~~, as previously constituted, shall continue to be a body politic and corporate under the name of the ~~"Town of Fairfield" (the "Town")~~ and shall have all powers and privileges and immunities previously exercised by the Town and not inconsistent with this Charter, the additional powers and privileges conferred in this Charter, and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut ~~(the "State")~~ as the same may be amended⁶.

~~§~~ §1.23. Rights and obligations⁷.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the date when this Charter shall take effect are continued in the Town, and the Town shall continue to be liable

³ [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 ("2006 Charter")³. Amendments noted where applicable.] Editor's Note: This enactment supersedes the former Charter adopted by the Representative Town Meeting 11-4-1997, effective 11-24-1997. **Comment from the 2022 Charter Revision Commission:** The annotations set forth herein are not definitive or comprehensive. The effort is a first step in the process of recreating the historical antecedents to the current provisions of the Charter as well as showing the continued impact, if any, of Special Act provision adopted prior to the adoption of the Home Rule Act and Article Tenth of the 1965 Constitution of the State of Connecticut. When the term "edit" is used in these annotations it means a minor grammatical change or conformity revision. When the term "modification" is used, it means a more substantive change, which may be described in the footnote. Where not described, we recommend a careful review of the current and previous charter in order to ascertain the difference.

⁴ NEW (2022).

⁵ 2022 recodification and minor edits of previous Article I, §1.1. Derived from Chapter I, §1 of "An Act Concerning a Charter for the Town of Fairfield" (1947) ("1947 Act"). Chapter XXIII of the 1947 Act and 1956 Acts included a Town Court; which was amended by §3 of Special Act No. 382 of the Special Act of 1949: ("1949 Act"); further amended by §21 of "An Act Amending the Charter of the Town of Fairfield" (1951) ("1951 Act"); Chapter I, §1 of "An Act Concerning a Charter for the Town of Fairfield" (1956) ("1956 Act"); Chapter I, §1 of the Charter of Town of Fairfield (1975) ("1975 Charter"); and, Article I, §1.1 of the Charter of the Town of Fairfield (1997)("1997 Charter").

⁶ Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

⁷ 2022 recodification of previous Article I, §1.2. Derived from Chapter I, §2 and 3 of the 1947 Act; reenacted by Chapter I, §2 and 3 of the 1956 Act; Chapter I, §2 and 3 of the 1975 Charter; and modified by Article I §1.2 of the 1997 Charter. Chapter I, §4 of the 1947 and 1956 Acts and 1975 Charter included contained a provision vesting the 'legislative power of the Town' in the Representative Town Meeting; said provision as well as the "corporate powers" provision in Chapter I, 3 of the 1947 and 1956 Acts and 1975 Charter were abandoned by the 1997 Charter.

~~(3)~~ "Board of Selectpersons¹³" means the executive authority of the Town officer as defined in Article IV of this Charter.

~~(1)(4)~~ "Charter¹⁴" means the Charter of the Town of Fairfield.

~~(2)(5)~~ "Contracts" shall mean¹⁵ [S3]" means all contractual relations of the Town, (including the Board of Education), including, without limitation, purchase contracts, lease contracts, and service contracts. This requirement of approval by the Board of Selectmen shall, including but not be construed limited to eliminate review by, agreements, memoranda of understanding, memoranda of agreement, letters of understanding, side letters and other persons or bodies where required by this Charter, by ordinance, or by the General Statutes agreements.

~~(6)~~ "Day(s)¹⁶" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law

~~(7)~~ "Department¹⁷" means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

~~(3)(8)~~ "Elected Town Officials¹⁸ [S4]" means an individual who holds an elected or appointed to a Town municipal office other than as a member of an authority, board, or commission set forth in §2.3.A, and as further set forth in this Charter.

~~"Town official" means any Town officer and any member of an authority, board, or commission.~~

~~(9)~~ "Elector¹⁹ [S5]" shall have the meaning contained in the General

¹³ NEW (2022)

¹⁴ NEW (2022)

¹⁵ 2022 recodification and significant modification of the definition of "contracts that was in previous Article VI, §6.1.C(1) (2006)(third sentence).

¹⁶ NEW (2022).

¹⁷ NEW (2022).

¹⁸ NEW (2022). This is a definition derived from common usage in the previous Charter, although not defined. See, prior version of the Charter §2.1.B, §2.3.A, §2.3.D and §2.4.

¹⁹ NEW (2022). A common term used throughout the previous Charter. **Comment of the 2022 Charter Revision Commission.** C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town". C.G.S. §9-12. Who may be admitted. (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission

Statutes.

(10) "First Selectperson²⁰[S6]" means the chief executive officer of the municipality, as required by the General Statutes and as set forth in this Charter.

(6)(11) "General Statutes" or C.G.S.²¹[S7].²¹" means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated, from time to time. Where chapter references are made, they are to chapter designations as of January 1, 2006. In the event a chapter designation is changed by the publishers of the General Statutes, the new chapter references shall be substituted for the chapter references contained in this Charter.

(12) "Law²²[S8]" means, although is not limited to, decisions of courts and administrative bodies (or any agreements sanctioned by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

(13) "Majority Vote of the RTM²³" means more than half of the votes have been cast by the members at a meeting of the RTM at which a quorum is present.

(14) "Meeting²⁴" shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.

(15) "Meeting (or Hearing) Notice²⁵[S9]" means a notice posted as required

as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector. (b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector. If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

²⁰ NEW (2022). A commonly used title in the previous Charter. A provision required by C.G.S. § 7-193(a)(2)(C).

²¹ 2022 modification and recodification of current Article I, §1.3.B (the fourth definition). Derived from Article I, §1.3.B of the 1997 Charter

²² NEW (2022).

²³ NEW (2022).

²⁴ NEW (2022)

²⁵ NEW (2022). **Comment of the 2022 Charter Revision Commission:** The 2022 Charter revision deletes previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The previous provision in Article IV referenced the Freedom of Information Act, while the new language references the General Statutes.

by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in §1.4.C(17) of the Charter, and as may be established by Ordinance or written rules of the RTM or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the Town may post notices on its web-site or notify Elected Town Officials, members of the RTM or members of Boards and Commissions through other electronic media and, if otherwise required by Law, said notice shall be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

(16) “Ordinances” or “Ordinances of the Town” or “Town Code²⁶ §10” means the legislative powers of the Town to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

(17) “Public Notice” or “Publication²⁷” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice shall be posted (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public or other public places as may be determined by the Town Clerk; (2) on the Town web-site or through other electronic media by the Town Clerk; and, (3) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town. Unless otherwise required by Law, newspaper publication is in the discretion of the Town Clerk or the body providing the Public Notice.

(18) “Regulation²⁸” means a statement of general applicability approved by a Department or Board or Commission, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any such Department, Board or Commission or the Laws under which they operate.

²⁶ NEW (2022). A commonly used title in the previous Charter.

²⁷ NEW (2022)

²⁸ NEW (2022). Derived from C.G.S. §4-166(16).

(19) “Representative Town Meeting” or “RTM”²⁹ means the legislative body of the Town, as required by the General Statutes and as specifically set forth in Article III of this Charter.

(20) “Special Acts” or “Special Laws”³⁰ means the acts of the General Assembly pertinent to the Town.

(21) “State” or “Connecticut”³¹ means the State of Connecticut.

(22) “State Constitution”³² means the Constitution of the State of Connecticut.

(23) “Town”³³ means the Town of Fairfield.

(7)(24) “Town ~~office~~Office”³⁴ means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.

(8)(25) “Town ~~officer~~Officer”³⁵ means an individual elected or appointed to a Town ~~office~~Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of an authority, board or commission.

(9)(26) “Town ~~official~~Official”³⁶ means any Town ~~officer~~Officer and Board or Commission or the individual members thereof, including any member of an authority, board, or commission. Appointed Town Officer whether established by this Charter or the Town Code.

(27) Where reference is made to the word “shall” the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Town Code. It is recommended that to avoid any doubt the word “must” should be used in order to

²⁹ NEW (2022). A commonly used title from the previous Charter and required by C.G.S. §7-193(a)(1)(C).

³⁰ NEW (2022). A commonly used title from the previous Charter.

³¹ NEW (2022). A commonly used title from the previous Charter.

³² NEW (2022). A commonly used title from the previous Charter.

³³ NEW (2022). A commonly used title from the previous Charter.

³⁴ 2022 recodification of previous Article I, §1.3.B (first definition). Derived from Article I, §1.3.B of the 1997 Charter

³⁵ 2022 recodification and edits of previous Article I, §1.3.B (second definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term “Town Code” in the edits to make it clear that these definitions apply to the body of law of the Town.

³⁶ 2022 recodification and modification of previous Article I, §1.3.B (third definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term “Town Code” in the edits to make it clear that these definitions apply to the body of law of the Town.

impose clarity on the concept of obligation³⁷.

(10)(28)³⁸.

§1.5. Standards of Conduct³⁹ [S15].

A. Declaration of Policy⁴⁰. Town ~~officers~~Officials, RTM members, ~~members of boards, commissions, authorities, and committees~~, and all employees of the Town shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. As agents of public purpose, they shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

B. Conflict of Interest⁴¹. No ~~elected or appointed~~ Town ~~officer or employee~~or Official, RTM member or any ~~member of any authority, board, commission, or committee employee~~ shall:

(1) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the Town ~~officer~~Official, employee, or member in the performance of official duties; (Nothing in this paragraph shall preclude the solicitation or acceptance of lawful contributions for election campaigns-).

(2) Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

(3) Knowingly have or acquire any financial interest or any personal beneficial interest, direct or indirect, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town in connection with any project, matter or thing which comes within the Town ~~officer's~~Official's, employee's, or RTM member's jurisdiction or the jurisdiction of the ~~board, commission, authority, committee~~Board, Commission or any other body of which the person is a member (unless such interest is acquired through being the lowest responsible bidder after public advertisement); or

(4) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the

³⁷ NEW (2022)

³⁸ NEW (2022)

³⁹ 2022 recodification of previous Article XI entitled "Standards of Conduct.

⁴⁰ 2022 recodification and edit of previous Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

⁴¹ 2022 recodification and edit of previous Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

official duties or which may tend to impair the independence of judgment in the performance of the Town ~~officer's~~Official's, employee's, or RTM member's official duties⁴².

C. Disclosure of Interest⁴³. Any ~~elected or appointed~~ Town ~~officer or employee~~Official, RTM member, or ~~member of any board, commission, authority, or committee~~employee who possesses or who acquires such private interest as might reasonably tend to create a conflict with the public interest shall make disclosure thereof to such ~~board, commission, authority, committee,~~Board, Commission or body and such person shall be disqualified from action on any matter involving the private interest.

G.D. Fair and Equal Treatment⁴⁴. No ~~elected or appointed~~ Town ~~officer or employee~~Official, RTM member, or ~~member of any board, commission, authority, or committee~~employee shall use an official position to secure or grant special consideration, treatment, advantage, privilege, or exemption to himself or herself or to any person beyond that which is available to every other person.⁴⁵ This provision is not intended to prevent an RTM member from properly representing the people of the member's district.

D.E. Penalties and Disciplinary Action for Violations⁴⁶. The failure to comply with, or any violation of, the standards of conduct established by this Charter shall be grounds for the removal from office ~~or~~, discharge from employment of the offending Town ~~officer, employee~~Official, RTM member, or ~~member of any board, commission, authority, or committee~~employee, and the Board of ~~Selectmen~~Selectpersons in its discretion may void any contract entered into or adopted in violation of this Charter. The Board of ~~Selectmen~~Selectpersons or the Ethics Commission may recommend disciplinary measures for RTM members who fail to comply with, or who violate, these standards, but the RTM retains the final authority to discipline its members.

§1.6. Rules of Order and Civility⁴⁷.

Town Officials and employees shall treat members of the public with respect and expect the same in return in official in-person or virtual/electronic interactions. The Town is

⁴² Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

⁴³ 2022 recodification and edit of previous Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the 1997 Charter.

⁴⁴ 2022 recodification and edit of current Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

⁴⁵ NEW (2022). **Comment of the 2022 Charter Revision Commission:** In the model ethics code of the State of Florida this provision usually includes the following presumption language: "If an official or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same forum the accusations were made. A failure to so apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional."

⁴⁶ 2022 recodification and edit of previous Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.

⁴⁷ NEW (2022).

committed to maintaining orderly administrative processes and in keeping Town administrative offices free from disruption.

A. The Workplace and Town Operations. In the workplace and other official interactions this Charter promotes mutual respect, civility and orderly conduct among Town employees, Town Officials, Members of the RTM and the public. This section is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for Town staff and a safe and non-threatening environment for the public. The Town encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

B. Public Meeting Decorum. The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness and decreased reactivity. The Town's elected and appointed Boards and Commissions, the RTM and other public bodies and various community groups all convene public meetings to address, from time to time, controversial issues that may engender passionate and often conflicting opinions. An atmosphere of incivility and disrespect at these meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process.

C. Rules of Order. In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings in accordance with this Charter.

(1) Parliamentary Guidance: The General Rule⁴⁸. **8.1.B(4)** Robert's Rules of Order shall, as a general rule, regulate the conduct of all meetings of the RTM^[S16] and all elected boards and commissions and appointed Boards and Commissions of the Town, unless at the RTM or particular board Board or commission Commission otherwise specifies.

10.1.B(4) Robert's Rules of^[S17] Order shall, as a general rule, regulate the conduct of all meetings of boardsthe RTM and commissionsall elected and appointed Boards and Commissions of the Town, unless at the RTM or particular board Board or commission Commission otherwise stipulatesspecifies.

(2) Adoption of Rules. Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission may adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment. The rules shall be adopted by a vote of two-thirds (2/3rd) of the members of the Board or Commission, following review by the Town Attorney to

⁴⁸ Recodification and edit of previous Article VIII, §8.1.B(4)[Elected Boards and Commissions]; and, Article X, §10.1.B(4)[Appointed Boards and Commissions] (2006). Derived from Article VIII, §8.1.B and Article X, §10.1.B of the 1997 Charter.

ensure that the rules are based on best practices in parliamentary procedure and consistent with the open meeting requirements of the General Statutes and this Charter.

D. The Role of the Presiding Officer. The Presiding Officer of the RTM and each elected and appointed Board and Commission shall be responsible for maintaining the decorum at public meeting and for the uniform enforcement of rules of order.

E. Compliance with Rules of Order and Decorum. Likewise, all persons who attend a public meeting shall comply with any lawful order of the Presiding Officer to enforce rules of order and decorum. In all circumstance, members of the public and all public officials shall be expected to follow the rules of the body and shall not engage in disorderly conduct, uncivil language or actions as may be defined by Ordinance, Regulation or rules of order of the body.

F. Breach of Rules. In the event any person breaches the rules of order pertaining to civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the Meeting, the Presiding Officer shall order that person to cease such conduct. The Presiding Officer has the authority to order a member of the public, public official or member of the body to leave the public meeting in the event of continued violations following an initial order from the presiding officer. If said initial order to cease the offending conduct is not obeyed and said conduct continues in spite of an escalation of additional orders from the Presiding Officer, the party may be removed from the Meeting. Removal of a person at an in-person event may be facilitated by a Sergeant at Arms or law enforcement officer. At a virtual or hybrid meeting the presiding officer may block the person from participation. Members of appointed Boards or Commissions may be subject to removal in accordance with the provisions of §6.7.A of this Charter.

§1.7. Open Meetings and Public Records⁴⁹.

A. Records⁵⁰. **8.1.B(2)** Each ~~elected board~~Elected and ~~commission~~Appointed Board and Commission shall keep ~~an a complete and~~ accurate record of ~~all~~-its official acts, votes, meetings, and proceedings and shall ~~have custody of its correspondence, files and other records and shall~~ designate one of its members or its clerk to keep such record. The minutes and ~~records~~recordings of ~~boards~~Boards and ~~commissions~~Commissions shall be public records, ~~in accordance with the General Statutes,~~ and shall be open for public inspection (A) at the office of the Town Clerk, ~~or in the office, if any, of the department involved,~~ during regular business hours; and, (B) on the Town website in compliance with the requirements of Law.

10.1.B(2) Each ~~appointed board~~Elected and ~~commission~~Appointed Board and Commission shall keep ~~an a complete and~~ accurate record of ~~all~~-its official acts, votes,

⁴⁹ NEW (2022).

⁵⁰ 2022 recodification and edits of previous Article VIII, §8.1.B (2) and Article X, §10.1.B(2), derived from Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 1975 Charter.

meetings, and proceedings and shall have custody of its correspondence, files and other records and shall designate one of its members or its clerk to keep such record. The minutes and ~~records~~recordings of ~~such boards~~Boards and ~~commissions~~Commissions shall be public records, in accordance with the General Statutes, and shall be open for public inspection (A) at the office of the Town Clerk ~~or of the department involved~~, during regular business hours; and, (B) on the Town website in compliance with the requirements of Law^[S18].

B. Open and Public Meetings⁵¹. **8.1.B(3)** All Meetings of Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all ~~elected boards~~appointed Boards and ~~commissions~~Commissions, and all committees, task forces or other like entities shall comply with state freedom of information laws unless otherwise provided by the General Statutes or Law.

10.1.B(3) ~~All regular meetings of boards and commissions~~ All Meetings of Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed ~~boards~~Boards and ~~commissions~~Commissions, and all committees, task forces or other like entities shall comply with state freedom of information laws unless otherwise provided by ~~statute~~the General Statutes or Law^[S19].

⁵¹ 2022 recodification and edits of previous Article VIII, §8.1.B(3) and Article X, §10.1.B(3), derived from Chapter II, §6 of the 1947 and 1956 Acts; and, Chapter II, §5 of the 1975 Charter.

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ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

§2.1. Application of General Statutes⁵².

Unless otherwise, specifically set forth in this Charter, the General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes and as further set forth in this Charter.

§2.2. Rules Pertaining to Electors.

A. Eligibility to Vote⁵³. Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town.

B. Eligibility to serve as an Elected Town Official⁵⁴. No person ~~not an elector of the Town at the time of election~~ shall be eligible for ~~election to any Town office~~ nomination or election to office as an Elected Town Official who is not an Elector of the Town, in accordance with the General Statutes.

C. Prepared Lists of Electors⁵⁵. The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

C.D. Effect of ceasing to be an Elector or Resident of a District: Vacancy; Exception.

(1) General Rule⁵⁶. If any ~~elected~~Elected Town ~~official~~Official ceases to be ~~an elector~~Elector of the Town, the office shall become vacant, including the position of district representative on the Representative Town Meeting.

⁵² NEW (2022)

⁵³ NEW (2022).

⁵⁴ 2022 recodification and non-substantive edit of previous Article II, §2.1.A (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.A of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

⁵⁵ NEW (2022).

⁵⁶ 2022 modification and recodification of previous Article II, §2.1.B (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.B of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission:** The final clause is a recodification and consolidation of previous Article IV, §4.2.D (2006).

(2) **Exception: Change of Residence**⁵⁷. In the event a member who moves from of the Representative Town shall cease to be Meeting remains an RTM member, but an RTM member who Elector of the Town yet moves from the district from which the member was elected to another district may serve, said member may continue to serve until the next election of RTM members.

§2.3. Date of Elections and Terms of Office for Elected Offices.

A. Elected Town Officials⁵⁸_[S20]. The Elected Town Officials are:

- (1) The First Selectperson;
- (2) Two (2) additional members of the Board of Selectpersons;
- (3) Town Clerk;
- (4) Nine (9) members of the Board of Finance;
- (5) Nine (9) members of the Board of Education;
- (6) Seven (7) members of the Town Plan and Zoning Commission;
- (7) Three (3) alternate members of the Town Plan and Zoning Commission;
- (8) Five (5) members of the Zoning Board of Appeals;
- (9) Three (3) alternate members of the Zoning Board of Appeals;
- (10) Five (5) members of the Board of Assessment Appeals; and,

The Registrars of Voters are also considered to be Elected Officials. Justices of the Peace are also recognized by this Charter as Elected Officials⁵⁹.

B. Representative Town Meeting⁶⁰. There shall be thirty (30) members of the Representative Town Meeting divided amongst ten (10) districts by the RTM as set forth in §3.2.A(1) of this Charter_[S21]. RTM members shall be eligible for reelection_[S22]⁶¹.

C. Date of Town Elections and Term of Office⁶². A meeting of the Electors of

⁵⁷ 2022 recodification and consolidation of previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

⁵⁸ 2022 recodification and alteration of previous Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The provision pertaining to elected Constables was repealed. Constables will be appointed by the Board of Selectpersons in accordance with Article VII, §7.17.

⁵⁹ 2022 recodification of current Article VII, §7.2.A (2006)(Establishment Clause).

⁶⁰ 2022 recodification and modification of current Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The Charter eliminates the shifting size of the RTM, determined by its members to a fixed number established by the Electors.

⁶¹ 2022 recodification of previous Article II, §2.6.H (2006).

⁶² 2022 recodification and structural modification of previous Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission:** This provision replaces the charter that was included in Article I, §1.4.A and Article II, §2.3.B and C

the Town for the election of Elected Town Officials shall be held on the first (1st) Tuesday after the first (1st) Monday in November in each odd numbered year, as follows:

(1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) **First Selectperson** for a term of four (4) years⁶³;
- (b) Two (2) additional member of the **Board of Selectpersons** for a term of four (4) years⁶⁴;
- (c) **Thirty (30) members** of the **Representative Town Meeting**, for a term of two (2) years, as further set forth in §3.2.A of this Charter⁶⁵;
- (d) **Town Clerk**, for a term of four (4) years⁶⁶;
- (e) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 of this Charter⁶⁷;
- (f) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4 of this Charter⁶⁸;
- (g) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §5.3.A and §5.7 of this Charter⁶⁹;
- (h) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §5.3.A and §5.7 of this Charter⁷⁰;
- (i) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁷¹;
- (j) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §5.3.A and §5.8 of this Charter⁷²; and,
- (k) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6 of

⁶³ 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

⁶⁴ 2022 recodification of current §1.4.A and §2.3.C (2006). Note: The four-year term commenced in 2007.

⁶⁵ 2022 recodification of current §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

⁶⁶ 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

⁶⁷ 2022 recodification of current §1.4.A and §2.3.B (2006).

⁶⁸ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁶⁹ 2022 recodification of current §1.4.A and §2.3.B (2006).

⁷⁰ 2022 recodification of current §1.4.A and §2.3.B (2006).

⁷¹ 2022 recodification of current §1.4.A and §2.3.C (2006)

⁷² 2022 recodification of current §1.4.A and §2.3.C (2006).

this Charter⁷³.

(2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 A of this Charter⁷⁴.
- (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4 of this Charter⁷⁵.
- (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years as further set forth in §5.3.A and §5.7 of this Charter⁷⁶.
- (d) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in §5.3.A and §5.7 of this Charter⁷⁷.
- (e) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁷⁸.
- (f) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁷⁹.
- (g) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁸⁰; and,
- (h) All Elected Town Officials and members of the RTM, for a term of two (2) years, as further set forth in §3.2.C(1)(c), (h) and (j) of this Charter⁸¹.

(3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §6.3.A of this Charter⁸²; and,

⁷³ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷⁴ 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

⁷⁵ 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

⁷⁶ 2022 recodification of current §1.4.A and §2.3.B (2006).

⁷⁷ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷⁸ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷⁹ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁸⁰ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁸¹ NEW (2022).

⁸² 2022 recodification and clarification of current §1.4.A and §2.3.A.

(b) All Elected Town Officials and members of the RTM as set forth in §2.3.C(1) of this Charter, who serve for a term of two (2) or four (4) years, as the case may be⁸³.

(4)(4) Terms of Justices of the Peace⁸⁴. The forty-five (45) Justices of the Peace shall be nominated⁸⁵, selected as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.) and by ordinance and shall serve a four- (4) year term beginning on the first Monday. They shall have such powers as set forth in January after their nomination the General Statutes⁸⁶.

(2)(5) State Election – Registrar of Voters⁸⁷. The Registrars of Voters shall be elected at state elections every four (4) years beginning in 2008⁸⁸, as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.) and shall serve a four-year term beginning on have such powers duties as set forth in the Wednesday after the first Monday in January after their election General Statutes⁸⁹.

D. Commencement Date of Terms of Elected Town Officials. Terms of office of all Elected Town Officials declared elected and qualified hereunder shall commence:

(3)(1) Elected Town Officials, including the RTM⁹⁰: The terms of office of elected Town officials, except the Registrars of Voters, and the RTM shall commence on⁹¹: On the third (3rd) Monday in November after their election and qualification and shall continue until their successors have been elected or otherwise chosen and qualified.

(2) State Office - Terms of Justices of the Peace⁹². Forty-five Justices of the Peace shall be nominated as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.) and by ordinance and shall serve a four-year term beginning on⁹³. On the first Monday in January after their nomination.

⁸³ NEW (2022).

⁸⁴ 2022 recodification and edits of previous Article II, §2.3.E (2006); see also current Article VII 7.2.A (2006)(Establishment Clause). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace. **Comment of the 2022 Charter Revision Commission.** At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.

⁸⁵ Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

⁸⁶ 2022 recodification and edit of previous Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

⁸⁷ 2022 modification and edit of previous Article II, §2.3.F (2006)(first clause).

⁸⁸ **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.

⁸⁹ **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)

⁹⁰ 2022 recodification and edit of previous Article II, §2.3.D (2006).

⁹¹ 2022 recodification and edit of previous Article II, §2.3.D (2006).

⁹² 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

⁹³ 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

~~(4)(3) Terms of Registrars of Voters⁹⁴. Election and terms of Registrars of Voters. The Registrars of Voters shall be elected at state elections every four years beginning in 2008 as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.) and shall serve a four-year term beginning on On the Wednesday after the first Monday in January after their election.~~

§2.4. Minority representation on elected Boards and Commissions.

A. Even number requirements⁹⁵. Except as provided below with respect to the Board of Education, when an even number of members of a ~~board~~Board or ~~commission~~Commission is to be elected, no political party shall nominate, and no ~~elector~~Elector shall vote for, more than one-half (1/2) the number of persons to be elected.

B. Uneven number requirements⁹⁶. Except as provided below with respect to the Board of Education, when an uneven number of members of a ~~board~~Board or ~~commission~~Commission is to be elected, no political party shall nominate, and no ~~elector~~Elector shall vote for, more than a bare majority of the number of persons to be elected.

C. Board of Education⁹⁷.

~~(2)(1)~~ As
pertains to §2.3.B(1)(f). ~~Each political party may nominate, and each elector may vote for, the full number of candidates be elected. In the event that more than two candidates, in an election year when four candidates are to be elected, or more than three candidates in a year when where five (5) candidates shall be elected to the Board of Education, the Electors shall vote for up to five (5) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) ("Political Party") may nominate up to three (3) candidates. At such time as candidates are to be elected, receiving the highest number of votes belong to the same political party, the two candidates of four, or the three candidates of five, receiving the highest number of votes shall be representing one Political Party have been declared elected and the to three (3) seats, two (2) candidates not of the same political Political Party as the party receiving the highest number of votes securing said three seats, shall also be declared. Each political party may nominate, and each elector may vote for, the full number of candidates be elected. In the event that more than two candidates, in an election year when four candidates are to be elected, or more than three candidates~~

⁹⁴ 2022 recodification and edit of previous Article II, §2.3.F (2006)(second clause).

⁹⁵ 2022 recodification and edit of previous Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

⁹⁶ 2022 recodification and edit of previous Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

⁹⁷ 2022 recodification and edit of previous Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

~~in a year when where~~ five (5) candidates shall be elected to the Board of Education, the Electors shall vote for up to five (5) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) ("Political Party") may nominate up to three (3) candidates. At such time as candidates are to be elected, receiving the highest number of votes belong to the same political party, the two candidates of four, or the three candidates of five, receiving the highest number of votes shall be representing one Political Party have been declared elected and the to three (3) seats, two (2) candidates not of the same political Political Party as the party receiving the highest number of votes securing said three seats, shall also be declared elected according to their vote count.

~~(3)(2)~~

As

pertains to §2.3.B(2)(b): In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for up to four (4) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, one (1) candidate not of the same Political Party as the party securing said three seats, shall be declared elected according to his or her vote count.

§2.5. Single office requirement for Elected Town Officials⁹⁸.

~~Single office requirement for elected Town office.~~ No person shall be eligible to hold any elected serve as an Elected Town office Official, including membership on any elected board Board or commission Commission, who is at the same time an elected RTM member, an elected Town Official or appointed Town officer, an elected state official, or a member of an elected board or commission or a permanent appointed board or commission. For purposes of this paragraph, the term "Town office" does not include Justices of the Peace or Constables, but does include members of the Board of Education.

§2.6. Vacancies in elected offices.

A. Generally⁹⁹. Except as provided in ~~Section §2.6.3D, with respect to the RTM and §4.6 of this Charter with respect to the First Selectperson and Board of Selectmen, Section 2.6G with respect to the RTM, and as otherwise directed by statute~~ Selectpersons, a vacancy in any elected Town office Office¹⁰⁰, including membership on elected

⁹⁸ 2022 recodification and edit of previous Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

⁹⁹ 2022 recodification and edit of previous Article II, §2.5. Derived from Chapter II, §7 of the 1947 Act; further amended by §4 of the 1951 Act and Chapter II, §7 of the 1956 Act; Chapter II, §6 and Article II, 2.5 of the 1997 and 2006 Charters.

¹⁰⁰ 2022 recodification and edit of previous Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

~~boards~~Boards and ~~commissions~~Commissions, shall be filled by the Board of ~~Selectmen~~Selectpersons until the vacancy can be filled by election, as follows:

(1) The vacancy shall be filled at the next Town election if the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it may be filled at the next municipal general election for which nominations can be timely made, or at a special election if convened by the Board of ~~Selectmen~~Selectpersons or upon application by ~~electors~~Electors as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

(2) Vacancies shall be filled for a term ending at the same time the vacating member's term would have expired.

(3) If the person vacating the office was elected as a member of a political party, the vacancy shall be filled during the period of appointment from the membership of the same political party.

A.B. Vacancies in the Office of Justice of the Peace¹⁰¹~~[S23]~~. Vacancies in the ~~offices~~office of ~~Constable and~~ Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

B.C. Long-term illness or disability of First Selectperson¹⁰². In addition to the death or resignation of the First ~~Selectman~~Selectperson, a vacancy shall exist in the office of First ~~Selectman~~Selectperson, in the event the First ~~Selectman~~Selectperson is unable to carry out the duties of office for a period of four **(4)** consecutive months, as certified at the end of that period by the remaining ~~Selectmen~~Selectpersons to the Town Clerk. The vacancy shall exist from the date of such certification.

C.D. Method of filling vacancies on the Board of Selectpersons¹⁰³. At any time a vacancy occurs on the Board of ~~Selectmen~~Selectpersons, including First ~~Selectman~~Selectperson, a replacement, who shall be registered with the same political party as the person vacating the office, shall be designated by the remaining ~~Selectmen~~Selectpersons. If the ~~Selectmen~~Selectpersons designate one **(1)** of themselves to fill the vacancy, they shall designate another ~~elector~~Elector to fill the vacancy of ~~Selectman~~Selectperson so created. If the vacancy is not filled within thirty (30-days) Days, the vacancy shall be filled in accordance with the procedure set forth in Chapter 146 of the General Statutes for filling vacancies in the office of ~~selectman~~Selectperson.

¹⁰¹ 2022 recodification and modification of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Constables were removed from this provision.

¹⁰² 2022 recodification and edit of previous Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

¹⁰³ 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

D.E. Resignation and vacancies on the RTM¹⁰⁴.

(1) Any member may resign by filing a written notice of resignation with the Town Clerk and such resignation shall take effect upon the date specified in the notice or, if none is specified, upon the date of filing.

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30-days) Days after the vacancy occurs, in accordance with the requirements under this Charter pertaining to Meeting Notice.

(3) If the person previously occupying the office which is vacant was elected as a nominee of a political party, the vacancy shall be filled by a person registered with the same political party.

(4) The Town Clerk shall ~~cause notice of the meeting~~ provide Meeting Notice, as defined in this Charter, to be delivered to each member not less than three ~~days before~~ (3) Days prior to the time set for the meeting.

(5) Such meeting shall elect its own ~~chairman~~ chair and clerk and shall vote by ballot. The election of a member as ~~chairman~~ chair or clerk shall not disqualify the member from voting.

(6) A majority of the remaining members from such district shall constitute a quorum, and a majority vote of those present shall elect.

(7) Each of the remaining members, including the ~~chairman~~ chair and clerk of the meeting, shall have one (1) vote.

(8) If for any reason such vacancy is not filled within a thirty-day (30) period, the Town ~~Clerk~~ Clerk shall report such vacancy to the Moderator and the matter of filling such ~~vacancy~~ Vacancy shall be placed on the call of the next regular RTM meeting.

(9) A ~~majority vote of members~~ Majority Vote of the RTM ~~present and voting on such vacancy~~ shall elect a successor on such Vacancy.

(10) The successful candidate shall be deemed a duly qualified member for the remainder of the unexpired portion of the term upon filing with the Town Clerk a certificate of his * election signed by the ~~chairman~~ chair of such special

¹⁰⁴ 2022 recodification and edit of previous Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter.

E.F. Resigning from elected office¹⁰⁵. Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the Board of ~~Selectmen~~Selectpersons. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted received by the Town Clerk or the Board of Selectpersons, as the case may be.

§2.7. Composition and Election of the Board of Selectpersons and First Selectperson¹⁰⁶.

A. There shall be a Board of ~~Selectmen~~Selectpersons which shall consist of the First ~~Selectman~~Selectperson and two (2) other ~~Selectmen~~Selectpersons, no more than two (2) of whom shall be registered with the same political party¹⁰⁷.

B. Each major or minor political party, as defined by the General Statutes, and petitioning candidates (if permitted by the General Statutes) may nominate not more than one (1) candidate for First ~~Selectman~~Selectperson and not more than one (1) candidate for ~~Selectman~~Selectperson. Candidates shall be listed separately on the ballot.¹⁰⁸

C. Each ~~elector~~Elector may vote for one (1) candidate for First ~~Selectman~~Selectperson and no more than one (1) candidate for ~~Selectman~~Selectperson¹⁰⁹.

D. The candidate for First ~~Selectman~~Selectperson receiving the highest number of votes shall be elected First ~~Selectman~~Selectperson. The next two of the remaining (2) candidates, whether for First ~~Selectman~~Selectperson or ~~Selectman~~Selectperson, receiving the highest number of votes shall be elected to the two (2) remaining ~~Selectmen~~Selectperson positions¹¹⁰.

E. If the ~~minority party~~ candidate receiving the second or third most votes does not take office, then the ~~other minority party~~next highest ranking candidate shall be deemed elected to the office. taking into consideration the provisions of §2.7.A of this Charter

¹⁰⁵ 2022 recodification and edit of previous Article II, §2.4 (2006).

¹⁰⁶ 2022 recodification and edit of previous Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰⁷ 2022 recodification and edit of previous Article VI, §6.1.A(1) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰⁸ 2022 recodification and edit of previous Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰⁹ 2022 recodification and edit of previous Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹¹⁰ 2022 recodification and edit of previous Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

pertaining to minority party representation¹¹¹.

§2.8. Procedures for RTM elections¹¹².

A. Nomination¹¹³.

(1) **By a political party.** The nomination of candidates as members of the RTM shall be in the same manner as provided for the nomination of ~~Elected Town officers~~Officials in Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.). No political party shall nominate more candidates for each district than the total number of members to which a district is entitled.

(2) By petition.

(a) Nomination of a candidate for the RTM may also be made by petition signed in ink on forms approved and provided by the Town Clerk. The petition shall be signed by not less than one (1%%) percent of the ~~electors~~Electors in the district in which the candidate resides and filed with the Town Clerk not less than fifty-five (55-days) Days prior to the election.

(b) No petition shall be valid in respect to any candidate whose written acceptance is not noted on or attached to the petition when filed.

(c) No signature on a petition shall be valid or counted if the signer thereof shall have signed other petitions on file with the Town Clerk for more than the number of candidates which a political party may nominate under this Charter for the district in which such signer resides.

(d) A petition may contain more than one (1) name but not more names than the number of candidates to which the district is entitled.

(3) The Town Clerk, within the time prescribed by Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.), shall certify and transmit the names of candidates duly nominated to the Secretary of the State.

B. Election¹¹⁴.

¹¹¹ 2022 recodification and edit of previous Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹¹² Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

¹¹³ 2022 recodification and edit of previous Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

¹¹⁴ 2022 recodification and edit of previous Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply to all

(1) At each biennial election for the election of RTM members voting shall be governed by the provisions of the General Statutes as to voting by ballots and voting machines, except as modified by this Charter.

(2) ~~No elector~~Electors shall vote for ~~more than~~ the total number of RTM members to be elected in the district in which the ~~elector~~Elector resides, in accordance with the provisions of the Ordinance establishing districts¹¹⁵[S24].

(3) The number of candidates in each district equal to the number of RTM members for the district who have polled the highest number of votes shall be declared ~~elector~~[S25].

(4) The chief election moderator shall forthwith after a biennial election of RTM members, file in the Town Clerk's office a list of members elected, by districts, together with their respective addresses. The Town Clerk shall, upon receipt of such list, forthwith notify all members ~~by mail of their election, in accordance with the notice requirements of this Charter.~~

~~Term of office. The RTM members elected from each district shall hold office for two years and until their successors shall be elected and shall have~~ ~~qualified~~[S26].

C. Procedures for tied elections¹¹⁶.

(1) In case of a tie vote affecting the election of RTM members, the other newly elected and reelected members from the district in which the tie vote occurs shall by ballot determine which of the tied candidates shall serve as RTM member or members.

(2) The chief election moderator shall immediately after an election notify the Town Clerk of any and all tie votes, giving the names and addresses of the candidates affected.

(3) The Town Clerk shall forthwith call a meeting of the other newly elected and reelected members from the district or districts in which a tie vote occurs by causing a notice, in accordance with the notice requirements of this Charter, specifying the object, time and place thereof to ~~be mailed to~~ each such member not less than three ~~days~~(3) Days before the time set for the meeting.

elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

¹¹⁵ 2022 recodification and modification of previous Chapter II, 2.6.D(2) derive from §1 of the 1947 Act.

¹¹⁶ 2022 recodification of current Article II, §2.6.F (2006). Note: Tie vote procedures established in Chapter III, §3(d) of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.F of the 1997 Charter.

(4) At such meeting a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a ~~chairman~~ chair and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

(5) The ~~chairman~~ chair and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chair and clerk shall forthwith make a certificate of the choice and file the same with the Town Clerk.

(6) The member or members so chosen shall thereupon be deemed elected and qualified as an RTM member or members, subject to the right of the RTM to judge the election and qualification of members as set forth in ~~Section~~ §4.2.B of this Charter.

(7) If a tie vote occurs at such meeting the ~~chairman~~ chair and clerk shall forthwith certify same to the Town Clerk, and the matter of breaking such tie vote shall be placed on the call and voted upon by the RTM at its organizational meeting.

A. ~~Resignation and vacancies~~ [S27]

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ARTICLE III – REPRESENTATIVE TOWN MEETING

§3.1. Legislative Body¹¹⁷.

~~All~~The legislative power of the Town, including the power to enact ~~ordinances~~Ordinances, shall be vested in the RTM, subject to referendum as provided by the terms of this Charter. The RTM shall constitute a continuing body. The RTM may delegate the power to implement or carry into effect any of the powers set forth in this Charter to any Town ~~officer, board, or commission~~Official..

§3.2. Membership.

A. Districts and Basis of Representation¹¹⁸.

(1) Districts.

(a) ~~The~~ members of the RTM shall be elected by districts¹¹⁹.

(a)(b) ~~There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in §3.2.B, for the election of RTM members elected as provided in Section 2.6 of this Charter and shall be as established by Ordinance adopted by the RTM~~¹²⁰.

(b)(c) ~~The~~ RTM shall consist of thirty (30) members¹²¹.

(d) ~~A district representative on the RTM, upon election, shall be an Elector of the Town and a resident of the district from which elected, except as set forth in §3.2.A(1)(e)~~¹²²[§28].

(e)(e) ~~In the event a member of the RTM remains an Elector of the Town yet moves from the district from which the member was elected to serve,~~

¹¹⁷ 2022 recodification and edit of previous Article IV, §4.1.A (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.A of the 1997 Charter.

¹¹⁸ NEW (2022). In lieu of current Article II, §2.6.A(1) (first sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The voting districts of the Town, including the number of districts, for the election of RTM members shall be as established by ordinance adopted by the RTM." Further in lieu of current Article II, §2.6.A(3) (third sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The RTM shall consist of not more than 56 members."

¹¹⁹ 2022 recodification of previous Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

¹²⁰ 2022 recodification and modification of previous Article II, §2.6.A(1). **Comment of the 2022 Charter Revision Commission:** This provision reaffirms the ten district structure that was advocated by many at the public hearing and comment session during the revision process. The RTM has full discretion on the issue of redistricting.

¹²¹ 2022 repeal of Article II, §2.6.A(3) which permits "not more than 56 members."

¹²² 2022 recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

said member may continue to serve until the next election of RTM members¹²³[S29].

~~(d)~~(f) No ~~elected or appointed~~Elected Town ~~official~~Official, Appointed Town Officer of Board or Commission member (excluding, however, members of advisory ~~boards or commissions and building~~ committees, task forces or like entities, as referred to in §1.4.C(2) of this Charter) shall be eligible to serve as a voting member of the RTM, and no voting member of the RTM shall hold any other elected or appointed Town ~~office~~Office¹²⁴.

(2) Reapportionment of Voting Districts¹²⁵. After completion of the census of the United States and after any reapportionment of the State General Assembly Districts affecting the Town, voting districts of the Town shall be established by an ordinanceOrdinance proposed by a committee of the RTM composed of an equal number of members from each party such that the population deviation from the largest to the smallest voting district shall not exceed ten (10%-%) percent. The redistricting ordinanceOrdinance adopted by the RTM shall provide for an equal number of members from each district, and, to the extent practicable within the constraints of this Charter and State General Assembly redistricting, shall provide for districts that are located in only one State General Assembly District.

B. Ex-officio non-voting members of the RTM¹²⁶. The RTM shall consist of the elected RTM members. In addition, the ~~Selectmen~~Selectpersons[S30] the Town Clerk, the Town Attorney, any Assistant Town Attorneys, ~~the chairman (in the event they are Electors), the chair~~ of the Board of Education, and the members of the Board of Finance shall be ex officio members of the RTM without vote.

C. Right to vote¹²⁷. The right to vote at RTM meetings shall be limited to RTM members elected as provided in §2.3.B of this Charter.

¹²³ 2022 recodification and edit of previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

¹²⁴ 2022 recodification and edit of previous Article II, §2.6.B(3) and Article IV, §4.2.C(2006). Derived from Article II, §2.6.B of the 1997 Charter. and Article IV, §4.2.C (2006). Derived from Article IV, §4.2.C of the 1997 Charter. Consolidates and replaces Article II, §2.6.B(3) (2006), which is derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: "Each RTM member shall fulfill the eligibility requirements of §4.2.D at the time of election."

¹²⁵ 2022 recodification and edit of previous Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

¹²⁶ 2022 recodification and edit of previous Article IV, §4.2.A (2006) entitled "Composition." Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

¹²⁷ 2022 recodification of previous Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter.

D. Judge of qualification¹²⁸. The RTM shall be the judge of the election and qualifications of its members.

E. Compensation¹²⁹. The RTM members as such shall receive no compensation.

§3.3. Annual meetings¹³⁰, organization, and elections.

A. Date of organization meeting¹³¹. An organization meeting of the RTM members shall be held on the fourth (4th) Monday in November in each year.

B. Election of Moderator: Duties¹³². Each organization meeting shall elect ~~from among its voting members, by a moderator who vote of the Majority of the RTM, a Moderator. The Moderator~~ shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall ~~have~~:

(1) Preside over all meetings of the RTM and perform such others duties consistent with the office as may be imposed by the RTM, but such Moderator shall not vote more than once on any question;

(2) Perform such duties consistent with the office or as may be imposed by a Majority Vote of the RTM; and

~~(1)(3)~~ Have all the powers and duties of a moderator of an open town meeting, including those set forth in C.G.S. §§ 7-7 and 7-8 of Chapter 90 of the General Statutes^[S31].

B.C. Deputy Moderator¹³³. Each organization meeting shall elect by a Majority Vote of the RTM, from among its voting members a ~~deputy moderator~~Deputy Moderator

¹²⁸ 2022 recodification of previous Article IV, §4.2.B (2006). Derived from Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.B of the 1997 Charter.

¹²⁹ 2022 recodification of previous Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

¹³⁰ Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act, as reaffirmed by Chapter II, §6 of the 1956 Act.

¹³¹ 2022 recodification and edit of previous Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

¹³² 2022 recodification and modification of previous Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to “presiding officer” and “moderator”. The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.

Comment of the 2022 Charter Revision Commission: This section was modified when the Commission advanced the proposal to reduce the size and shift from the Town Meeting/RTM model to a town council-like legislative body. The “open town meeting” provision was restored as it was removed during this process and left out inadvertently.

¹³³ 2022 recodification and edit of previous Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

who shall hold office for a term of one (1) year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

G.D. Clerk¹³⁴. The Town Clerk or, in the event of the Town Clerk's absence, an Assistant Town Clerk, shall act as clerk of all RTM meetings.

D.E. Moderator Pro-tempore and Clerk Pro-tempore¹³⁵. In the absence of the Moderator and the Deputy Moderator, a ~~moderator pro-tempore~~ **Moderator Pro-Tempore** may be elected ~~from the voting members, by a Majority Vote~~ of the RTM ~~meeting~~. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore ~~offer~~ the meeting may be elected ~~by, by a Majority Vote of the RTM, at~~ the meeting.

E.F. Rules and committees~~Committees of the RTM~~¹³⁶. The RTM shall have the ~~power~~**authority** to adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall determine.

F.G. Parliamentarian¹³⁷. ~~The Moderator may appoint a parliamentarian~~

§3.4. Meetings of the RTM.

A. Quorum¹³⁸. A majority of the ~~entire membership of the~~ RTM ~~members~~ shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members. ~~All RTM meetings shall be public.~~

B. Open Meetings¹³⁹. ~~All RTM meetings shall be public.~~

B.C. Regular meetings¹⁴⁰. Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by a Majority Vote of the RTM ~~members~~. However, if there is no business to be acted upon at a regular RTM meeting, the meeting

¹³⁴ 2022 recodification of previous Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

¹³⁵ 2022 recodification and edit of previous Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

¹³⁶ 2022 recodification and edit of previous Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

¹³⁷ NEW (2022)

¹³⁸ 2022 recodification and modification of previous Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

¹³⁹ 2022 recodification of previous Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

¹⁴⁰ 2022 recodification and edit of previous Article IV, §4.3.B (2006). Regular meeting provision established in Chapter III, §4 of the 1947 and 1956 Acts. Further amended by §5 of the 1951 Special Act ("no business" provision) and Chapter III, §4 of the 1975 Charter; and, Article IV, §4.3.B of the 1997 Charter.

may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members and the public.

C.D. Special meetings. Meetings¹⁴¹[S32]. Special meetings may be held whenever the First ~~Selectman, chairman~~Selectperson, Chair of the Board of Finance, or the Moderator shall deem them necessary. In addition, a special meeting shall be held within ten (10) days after the submission to the Town Clerk of a written petition for a meeting signed by one (1%%) percent of the electors of the Town or upon written petition signed by ten (10) RTM members.

E. ~~Notice~~[S33]. Public Hearings. Notice¹⁴². At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter, if the standard is stricter.

D.F. Meeting Notice¹⁴³. The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held. ~~The notice shall be sent by mail at least five days before the meeting, and a copy of such notice shall be published before the meeting in a newspaper having a general circulation in the Town and posted as required by the Freedom of Information Act. The notice shall specify the purposes for which the meeting is to be held, which shall include any business of which the Town Clerk has been notified by the First Selectman, chairman of the Board of Finance, or the Moderator, or which may be proposed in an electors' or RTM members' petition, in accordance with the notice requirements of this Charter.~~

§3.5. Ordinances, Resolutions, Orders or Motions:

A. Public Notice of Final Action¹⁴⁴. The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an ordinanceOrdinance to be published in proper summary form within one (1) week after the adjournment of the meeting at which such action was taken ~~in a newspaper having a general circulation in the Town, in accordance with §1.4.C(17) of this Charter.~~ The effective date of the ~~ordinance adoption~~ or repeal of the Ordinance shall be fourteen (14 days) Days after the adjournment of the meeting at which it was passed or such later date as may have been set by the RTM at such meeting, unless a petition for referendum concerning the ordinancean Ordinance is filed as provided in Section 13.1 of this Charter.§ 4§3.6. of this Article.

¹⁴¹ 2022 recodification and edit of previous Article IV, §4.3.C (2006). Special meeting provision contained in Chapter III, §4 of the 1947 and 1956 Acts, and 1975 Charter; and, Article IV, §4.3.C of the 1997 Charter.

¹⁴² NEW (2022)

¹⁴³ 2022 recodification and modification of previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

¹⁴⁴ 2022 recodification and edit of previous Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

A.B. Publication and Posting of Adopted Legislation¹⁴⁵. All legislation, after final passage, shall be given a serial number by the Clerk of the RTM and be recorded by the Town Clerk and shall be properly indexed. Within five (5) Days after final passage, as provided in §3.5.A of this Charter, the Town Clerk shall transmit for publication on the Town website and notice that such legislation is on file in the Office of the Town Clerk and is available for examination in accordance with §1.4.C(17) of this Charter.

§3.6 Petition for Overrule (Referendum)¹⁴⁶.

A. Petition and time for filing¹⁴⁷.

(1) **Effective date of certain RTM votes.** Any vote of the RTM: (1) authorizing the expenditure for any specific purpose of ~~\$150,000~~ \$500,000 or more¹⁴⁸; or (2) for the issue of any bonds by the Town¹⁴⁹; or (3) the adoption, amendment, or repeal of an ~~ordinance~~ Ordinance¹⁵⁰; shall not be effective until the date for filing a referendum petition has passed. If within that time a petition for referendum is filed with the Town Clerk, the vote shall not be effective unless and until it has been approved by referendum.

(2) **Petition forms.** Upon the request of any ~~elector~~ Elector, the Town Clerk shall promptly prepare petition forms, which shall be available to any ~~elector~~ Elector at the office of the Town Clerk, setting forth the questions sought to be presented on a referendum ballot.

(3) **Required number of signatures on petitions.** To be effective, a petition for referendum must be signed by not less than five (5%%) percent of the ~~electors~~ Electors of the Town according to the most recent ~~computer printout voter enrollment list~~ available at the time of the action or vote on which a referendum is sought, and must contain the names and addresses of the signatories.

(4) **Time and place of filing petitions.** A petition requesting that a referendum be held must be filed at the office of the Town Clerk not later than the close of business on the fourteenth (14th) day after the adjournment of the meeting

¹⁴⁵ NEW (2022)

¹⁴⁶ Current Article XII.

¹⁴⁷ 2022 recodification of current Article XIII, §13.1 (2006).

¹⁴⁸ 2022 recodification and modification (raising the baseline in the referendum process from \$150,000 to \$500,000) of previous Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

¹⁴⁹ 2022 recodification and edit of previous Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

¹⁵⁰ 2022 recodification and edit of previous Article XIII, §13.1.A(3) (2006). Derived from Chapter III, §10 of the 1947 and 1957 Act and 1975 Charter; further amended by §10 of the 1951 Act; and Article XIII, §13.1.A(iii) of the 1997 Charter.

at which the vote was taken. If the fourteenth (14th) day is a day on which the Town Clerk's office is closed, the petition must be filed by the close of business on the next day that the Town Clerk's office is open

(5) Special requirements for petitions on appropriations and bond issues. All petitions for referendum on any action of the RTM with respect to any bond issue or any appropriation in the amount required for a referendum shall set forth each item as to which a vote is desired, with the amount of the item as approved by the RTM, and the amount to which the petitioners desire it to be decreased or increased. However, no increase shall be proposed in excess of the amount approved for the item in question by the Board of Finance or by the RTM on appeal from the Board of Finance.

B. Manner of holding referendum¹⁵¹.

(1) Certification of Town Clerk. Upon the filing of a petition fulfilling the requirements of Section 13.4 §3.6 of this Charter, the Town Clerk shall certify that fact promptly to the Board of Selectmen Selectpersons.

(2) Date of referendum. The Board of Selectpersons shall call a special call a special meeting of election for all electors Electors of the Town to be held not less than twenty-one (21-days) Days nor more than twenty-eight (28-days) Days after the date of certification by the Town Clerk for the sole purpose of voting approval or disapproval of the question or questions presented in the referendum petition.

(3) Voting hours and method. For any referendum, the polls shall be opened at twelve o'clock (12:00 P.M.) noon and shall be closed at eight o'clock (8:00 PM) in the evening, but the hours for voting may be increased at the discretion of the Board of Selectmen Selectpersons. Voting shall be by voting machine or printed ballot, at the discretion of the Board of Selectmen Selectpersons.

(4) Ballots for referendum on Ordinance. The ballot labels or ballots or ballots used in referenda concerning ordinances Ordinances shall state the matter to be voted on in substantially the following form: "Shall the following action of the Representative Town Meeting held on (date of the meeting) be approved?" followed by a statement of the action questioned in substantially the same language and form set forth in the records of the RTM. The voting machine or printed ballot shall provide means of voting "yes" or "no" on each question so presented.

(5) Ballots for referendum on appropriation and bond issue. Ballot labels or ballots used for referenda brought on appropriations and bond issues shall

¹⁵¹ 2022 recodification and edit of previous Article XIII, §13.2 (2006). Derived from Chapter III, §10 of the 1947 and 1956 Acts and 1975 Charter; further amended by §7 of the 1951 Act and; Article XIII, §13.2 of the 1997 Charter.

present separately each appropriation so referred in substantially one (1) of the following forms:

- (a) "Shall a special appropriation, etc. be approved?"; or
- (b) "Shall a special appropriation, etc. be (increased) (decreased) to the sum of \$_____?"; or
- (c) "Shall the following items contained in the annual town budget be approved?; or
- (d) "Shall the following items contained in the annual town budget be(increased) (decreased) to the sum of \$_____?"

(6) Vote necessary to pass referenda¹⁵². In order to reverse or modify the action taken by the RTM, the vote in favor of reversing or modifying the action must both:

- (a) Exceed twenty-five (25%%) percent of the total number of ~~electors~~Electors of the Town eligible to vote as of the close of business on the day before the election; and
- (b) Constitute a majority of votes cast on the question.

§3.7. Appeals from the Board of Finance¹⁵³.

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §9.8 of this Charter.

§3.8. Vacancies in the RTM¹⁵⁴.

Any vacancy in the RTM shall be filled as set forth in §2.6.A of this Charter.

¹⁵² 2022 recodification and edit of previous Article XIII, §13.2.F. Derived from Chapter III, §11 of the 1947 and 1956 Acts; Chapter III, 11 of the 1975 Charter; and Article XIII, §13.2.F of the 1997 Charter.

¹⁵³ 2022 recodification and edit of previous Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

¹⁵⁴ NEW (2022).

ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

§4.1. Executive Authority.

A. — The Executive Branch¹⁵⁵. The executive branch of the Town government shall consist of the First Selectperson and the Board of ~~Selectmen~~Selectpersons and the elected and appointed ~~boards, commissions, Boards and Commissions, Elected Town officers~~Officials or Appointed Town Officers, and employees set forth in ~~Article VI through Article X~~ of this Charter.

B.A. The First Selectperson¹⁵⁶. The First Selectperson shall be the chief executive officer of the Town as well as the town agent¹⁵⁷ and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First Selectperson shall devote full time to the duties of the office¹⁵⁸.

B. Election and Qualifications¹⁵⁹. The First Selectperson and Board of Selectpersons shall be chosen by the Electors of the Town, as set forth in §2.3.C(1)(a) and 2.3.C(3)(b) and (3)(b) and §2.7 of this Charter.

§4.2. The Board of Selectpersons.

A. Meetings¹⁶⁰. The ~~Selectmen~~Selectpersons shall hold their first meeting not later than the fourth (4th) Monday of November after their election. The First ~~Selectman~~Selectperson shall be ~~chairman~~chair of the Board of ~~Selectmen~~Selectpersons and shall preside over all of its meetings¹⁶¹. The ~~Selectmen~~Selectpersons shall meet at least twice each month, unless there is no business to be conducted¹⁶².

B. General powers and duties¹⁶³. The executive authority of the Town shall be

¹⁵⁵ 2022 recodification and edit of previous Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

¹⁵⁶ 2022 recodification of previous Article VI, §6.2.A (2006). Derived from Article VI, §6.2A of the 1997 Charter.

¹⁵⁷ 2022 recodification of previous Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

¹⁵⁸ 2022 recodification of previous Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

¹⁵⁹ NEW (2022)

¹⁶⁰ 2022 recodification and modification ("unless there is no business to be conducted" clause) of previous Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

¹⁶¹ Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

¹⁶² Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

¹⁶³ 2022 recodification and edit of previous Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special

vested in the Board of ~~Selectmen~~Selectpersons, except to the extent such authority is expressly granted to the First ~~Selectman~~Selectperson in this Charter. The Board of ~~Selectmen~~Selectpersons shall have the powers and duties vested in them by the General Statutes, except those expressly vested in the First ~~Selectman~~Selectperson by this Charter or by ~~ordinance~~Ordinance. In particular:

(1) Contracts¹⁶⁴.

(a) ~~All contracts~~Contracts in excess of One Hundred Thousand (\$100,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder¹⁶⁵ to which the Town ~~(including the Board of Education)~~ shall be a party shall be subject to approval of the ~~Board of Selectmen, except contracts authorized to be made by or on behalf majority vote~~ of the Board of ~~Education~~Selectpersons¹⁶⁶. ~~This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance~~¹⁶⁷[S34].

(a)(b) The ~~Selectmen~~Selectpersons shall have the power to delegate their authority to other Town ~~officers~~Officers, employees, and bodies where the contract would be for a duration of less than ~~one month~~three (3) months and would involve an expenditure by or income to the Town of less than ~~\$10,000. "Contracts" shall mean all contractual relations of the~~Twenty-five Thousand (\$25,000) Dollars and is in the line item under the jurisdiction of such Town, including, without limitation, purchase contracts, lease contracts¹⁶⁸.

(b)(c) The ~~approval~~ requirement ~~of approval~~ by the Board of ~~Selectmen~~Selectpersons, set forth in this sub-paragraph, shall not be construed to ~~eliminate~~ review by other persons or bodies where required by this Charter, by ~~ordinance, or by Ordinance~~, the General Statutes ~~or, otherwise provided by Law~~¹⁶⁹.

(2) Oversight of Appointees: Subpoena Authority¹⁷⁰. All Town ~~officers~~,

Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

¹⁶⁴ 2022 recodification and edit of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

¹⁶⁵ NEW (2022).

¹⁶⁶ 2022 recodification and modification of previous Article VI, §6.1.C(1) (2006)(first sentence).

¹⁶⁷ NEW (2022).

¹⁶⁸ 2022 recodification and modification (raising the contract threshold for delegation of authority for duration (less than three months instead of one month) and amount (\$25,000 instead of \$10,000)) of previous Article VI, §6.1.C(1) (2006)(second sentence).

¹⁶⁹ 2022 recodification and modification (The term "contract was moved to Article I) of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

¹⁷⁰ 2022 recodification and edit of previous Article VI, §6.1.C(2) (2006)(First sentence). Modification of Chapter

~~boards, commissions, Officials~~ and employees of the Town appointed by the Board of ~~Selectmen~~Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the ~~Selectmen~~Selectpersons whenever requested to do so. ~~The Selectmen~~Selectpersons shall have the power to investigate any and all Town offices, ~~departments~~ and ~~agencies~~Departments of the Town and for such purpose shall have the power to issue subpoenas.

(3) Budget Review and Recommendation¹⁷¹. The ~~Selectmen~~Board of Selectpersons shall review the budgets of all Elected Town ~~officers, commissions, boards, and departments~~Officials, Appointed Town Officers, Boards, Commissions, and Departments of the Town and make such recommendations in connection with such budgets to the Board of Finance as they deem necessary.

(4) Appointment powers. The Board of ~~Selectmen~~Selectpersons shall appoint ~~the~~:

(a) Required by Charter¹⁷²: ~~The~~ Town ~~officers, commissions, boards, Officials~~ and employees set forth in ~~Section 1.4B(2)~~this Charter, any others required by the General Statutes or by Ordinance¹⁷³ to be appointed by the Board of Selectpersons and any other ~~directors or department heads~~ for which no other appointment provision is made in the General Statutes, this Charter, or the Ordinances.

(b) Required by General Statutes or Ordinance¹⁷⁴: The ~~Board of Selectmen shall also appoint the~~ members of any other ~~board, commission, or committee for which no other appointment provision is made in this Charter, or Board or Commission~~ which is required by an ~~ordinance~~Ordinance or the General Statutes.

(c) Advisory committees, task forces or other similar entities¹⁷⁵. Such advisory ~~boards, commissions, and committees, task forces or other similar entities,~~ as they deem necessary or useful from time to time to study and advise on any Town matters which are the concern of the TownBoard.

IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter. **Please note the Special Act authority to issue subpoenas.**

¹⁷¹ 2022 recodification and edit of previous Article VI, §6.1.C(3) (2006).

¹⁷² 2022 recodification and edit of previous Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁷³ 2022 recodification and edit of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁷⁴ 2022 recodification and edit of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁷⁵ 2022 recodification and edit of previous Article VI, §6.1.E (2006). Modification of Chapter XXIV, §3 of the 1947 and 1956 Act; Chapter XXVI, 1 of the 1975 Charter; and, Article VI, §6.1.E of the 1997 Charter.

(5) **Membership on Boards, Commissions, and committees**¹⁷⁶. Except as otherwise expressly provided in ~~Section 10.13~~§8.11 of this Charter, each member of the Board of ~~Selectmen~~Selectpersons shall be an ex officio member, without vote, on all ~~town boards, commissions~~Town Boards, Commissions, and committees.

(6) **Reorganization of Departments**¹⁷⁷.

(a) Notwithstanding any provisions of this Charter, the Board of ~~Selectmen~~Selectpersons may propose to the RTM a ~~resolution~~Resolution which may alter the method of appointment to or organization of any Town office, ~~department, board, commission, or agency~~Department, Board or Commission of the Town, including combining or separating the duties of such individuals or bodies. The ~~resolution~~Resolution will effect the change when enacted by the RTM in the form of an ~~ordinance~~Ordinance.

(b) The ability to make such changes by ~~ordinance~~Ordinance shall not apply to the Police Department, the Fire Department, the Board of Library Trustees, any ~~elected~~Elected Town ~~office, elected Town officer, elected board~~Official, Elected Board or ~~commission~~Commission, and any other office or body where such change by ~~ordinance~~Ordinance is specifically prohibited by statute.

(c) If the duties of two ~~(2)~~(2) or more bodies or Town offices are combined or separated by ~~ordinance~~Ordinance, the existence, the method of appointment, the organization, powers, and duties of the prior Town offices or bodies shall cease as defined in this Charter and shall be as defined in the ~~ordinance~~Ordinance.

(d) The method of election to any Town office, ~~board, commission~~Board, Commission, or agency of the Town may be changed by ~~ordinance~~Ordinance, as set forth in ~~Section 6.1G(1)-§4.2.B(6)(a) of this Charter~~, if the method of election set forth in this Charter is or becomes improper, invalid, or ineffective because of a change in the law or an ambiguity in, or erroneous provision of, this Charter.

§4.3. Powers and Duties of the First Selectperson.

A. Executive Powers¹⁷⁸. The ~~First Selectman~~day-to-day executive and

¹⁷⁶ 2022 recodification and edit of previous Article VI, §6.1.F (2006). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.F of the 1997 Charter.

¹⁷⁷ 2022 recodification and edit of previous Article VI, §6.1.G (2006). Derived from Chapter II, 11 of the 1975 Charter and Article VI, §6.1.G of the 1997 Charter.

¹⁷⁸ 2022 recodification and minor modification of previous Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set

management authority of the Town shall be vested in the First Selectperson. The First Selectperson shall have the powers and duties vested in the office by this Charter and by the General Statutes. In particular, the First Selectman shall:by Law

B. Duties. The First Selectperson shall:

(1) Direct and supervise¹⁷⁹ the administration of all departmentsDepartments and officers¹⁸⁰ and shall be responsible for the administration of all the affairs of the Town in respect to such Departments¹⁸¹;

(2) Be responsible for the faithful execution of all laws-and ordinances, provisions of the Charter and Ordinances governing the Town¹⁸²;

(3) Make periodic reports to the RTM and may convene Special RTM Meetings, as set forth in §3.4.D, attend and participate in RTM meetings, but shall have no vote^[§35]¹⁸³;

(4) Submit annually to the Board of Finance a proposed budget, including a capital budget (including the update of the five-year capital plan set forth, below) for the next fiscal year in accordance with the provisions of Article IX of this Charter¹⁸⁴;

(5) Prepare and maintain a long-term financial and capital planning that takes into account the next five years. The annual plan and update of the five-year capital plan shall be submitted to the Board of Finance, which shall take the Plan into account during budget deliberations as set forth in Article IX of this Charter¹⁸⁵;

(6) Keep the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts¹⁸⁶;

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General

forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

¹⁷⁹ NEW (2022)

¹⁸⁰ 2022 recodification and edit of previous Article VI, §6.2.A(3).

¹⁸¹ NEW (2022).

¹⁸² 2022 recodification and minor modification of previous Article VI, §6.2.A(4).

¹⁸³ NEW (2022); although it included a reference to authority currently set forth in current Article IV, §4.2.A (2006) entitled "Composition" which permits the First Selectperson to participate in RTM meetings.

¹⁸⁴ NEW (2022).

¹⁸⁵ NEW (2022)

¹⁸⁶ NEW (2022)

Statutes¹⁸⁷.

(8) Investigate the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants, and periodically report to the RTM and Board of Finance¹⁸⁸.

(9) Act, or designate another, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters¹⁸⁹.

(4)(10) After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office¹⁹⁰;

(5)(11) Upon the request of any ~~Selectman~~Selectperson, inform the Board of ~~Selectmen~~Selectpersons of the First ~~Selectman's~~Selectperson's actions¹⁹¹;

(6)(12) Have the ability to delegate such authority as may be necessary to the ~~Selectmen~~Selectpersons or to administrative assistants whose appointment may be authorized by the RTM¹⁹²; and

(7)(13) Have the ability to convene the members of any or all ~~departments, authorities, boards, commissions, and committees~~Departments, Boards and Commissions to review and coordinate activities and to plan operations of the Town government¹⁹³.

The First Selectperson shall have such additional powers and shall perform such other duties as may from time to time be required by Ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes¹⁹⁴.

C. Appointment powers¹⁹⁵.

¹⁸⁷ NEW (2022). **Comment of the 2022 Charter Revision Commission:** This provision simply recognizes Article IX requirements of the First Selectperson.

¹⁸⁸ NEW (2022).

¹⁸⁹ NEW (2022). Note: this is pursuant to the Municipal Employee Relations Act under the General Statutes.

¹⁹⁰ 2022 recodification of previous Article VI, §6.2.A(5).

¹⁹¹ 2022 recodification and edit of previous Article VI, §6.2.A(6).

¹⁹² 2022 recodification and edit of current Article VI, §6.2.A(7).

¹⁹³ 2022 recodification and edit of previous Article VI, §6.2.A(8).

¹⁹⁴ NEW (2022).

¹⁹⁵ 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter

(1) The First ~~Selectman~~Selectperson shall appoint the Appointed Town officers, commissions, boards~~Officers, Boards and Commission members~~, and employees set forth in Section 1.4B(1), and Articles VII and VIII of the Charter, any others required by the General Statutes or by ordinance~~Ordinance~~¹⁹⁶ to be appointed by the First ~~Selectman~~Selectperson and any other for which no other appointment provision is made in this Charter¹⁹⁷~~[S36]~~.

(2) All ~~Town officers, commissions, boards~~Appointed Town Officers, Board and Commission members and employees of the Town appointed solely by the First ~~Selectman~~Selectperson shall be responsible to the First ~~Selectman~~Selectperson for the faithful performance of their respective duties and shall report to the First ~~Selectman~~Selectperson¹⁹⁸~~[S37]~~.

(3) **Mediation and Resolution of Differences**¹⁹⁹. The First Selectperson shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures.

D. Designation of Acting First Selectperson²⁰⁰. Immediately upon taking upon taking office, the First ~~Selectman~~Selectperson shall designate, in writing, to the Town Clerk the member of the Board of ~~Selectmen~~Selectpersons authorized to act as First ~~Selectman~~Selectperson during the unavailability or temporary disability of the First ~~Selectman~~Selectperson and during the period from the date a vacancy occurs until a successor First ~~Selectman~~Selectperson takes office under the provisions of Section §§2.6.3C and D of this Charter. Such designation may be changed in writing from time to time.

E. Staff²⁰¹. The First Selectperson is entitled to appoint a chief of staff and administrative assistant, or equivalent positions. All assistants and staff appointed by the First Selectperson shall serve at the pleasure of the First Selectperson.

F. Town Administrator²⁰².

IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁹⁶ 2022 recodification and modification of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁹⁷ 2022 recodification of previous Article VI, 6.2.B(1)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

¹⁹⁸ 2022 recodification and edit of previous Article VI, 6.2.B(2)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

¹⁹⁹ NEW (2022).

²⁰⁰ 2022 recodification and edit of previous Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

²⁰¹ NEW (2022).

²⁰² NEW (2022).

(1) **Appointment and Duties.** The First Selectperson shall appoint a Town Administrator, who shall be the principal advisor to the First Selectperson for the management of Town Departments, and shall perform such duties as may be assigned by the First Selectperson.

(2) **Term.** The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson.

(3) **Experience.** Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration²⁰³.

(4) **Qualifications.** Said qualifications shall be prepared by the Director of Human Resources, who shall also prequalify candidates for the position prior to interview by the First Selectperson.

G. Purchasing Authority²⁰⁴. The First ~~Selectman~~Selectperson and the Purchasing Agent, acting in conjunction, shall be the general purchasing authority of the Town. All supplies, materials, equipment, other commodities, ~~contracts~~Contracts for public works or services, other than professional services, required by any department, office, agency, board, authority, or commission of the Town, including the Board of Education, shall be purchased by the purchasing authority on a requisition, in such form as the ~~Selectmen~~Selectpersons may prescribe, signed by the head of the ~~department~~Department, office, agency, or ~~chairman~~chair of the ~~authority, board, commission~~Board or ~~committee~~Commission or other like entities. No purchase order shall be issued without the signature of the Purchasing Agent or, in the Purchasing Agent's absence, of the First ~~Selectman~~Selectperson.

§4.4. Compensation of executive branch members²⁰⁵.

The members of all ~~boards~~Boards and ~~commissions~~Commissions except the Board of ~~Selectmen~~Selectperson shall serve without compensation unless the RTM shall otherwise

²⁰³ **Comment of the 2022 Charter Revision Commission.** The following organizations meet the criteria set forth in the Charter at the time of deliberations and approval: such as the Government Finance Officers Association, the International City/County Management Association, National League of Cities, National Academy of Public Administrators, the IBM Center for the Business of Government, International Public Management Association for Human resources and other equivalent or successor organizations

²⁰⁴ Recodification and edit of previous Article XII, §12.8 (2006). Derived from Chapter XXI of the 1947 Act; and further amended by §20 of the 1951 Act and affirmed by Chapter XXI of the 1956 Act and Chapter XVIII of the 1975 Charter. Derived from Article XII, §12.8 of the 1997 Charter.

²⁰⁵ 2022 Recodification and edit of previous Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

direct. Except as provided in this Charter or otherwise by ~~law~~Law, the compensation of all Town ~~officers~~Officials shall be fixed by the Board of ~~Selectmen~~Selectpersons subject to the adoption of the Town ~~budget~~Budget as provided in Article ~~XIII~~XIX of this Charter²⁰⁶.

§4.5. Regulations²⁰⁷.

~~regulations~~Regulations under the provisions of the General Statutes or of this Charter shall hold at least one (1) public hearing before the enactment of such ~~regulations~~Regulations. Except as otherwise provided by statute, the time and place of such hearing together with a copy of the proposed ~~regulations~~Regulations shall be published at least once not more than ten (10) nor less than five ~~days~~(5) Days before the date set for such hearing.

Except as otherwise provided by statute, any such ~~regulation~~Regulation shall be superseded by an ~~ordinance~~Ordinance adopted by the RTM affecting the same subject matter.

§4.6. Absence, Disability, Vacancy in the Office of First Selectperson²⁰⁸_[S38].

Any vacancy in the Office of the First Selectperson shall be addressed as set forth in §2.6.D of this Charter.

²⁰⁶ 2022 repeal of current Article V, §5.3 (2006) ("Official Bonds"). Derived from Modification of Chapter II, §9 of the 1947 Act and 1956 Act; Chapter II, §9 of the 1975 Charter and Article V, §5.3 of the 1997 Charter.

²⁰⁷ 2022 Recodification and edit of previous Article V, §5.4 (2006). Chapter XXVI, §8 of the 1975 Charter; and, Article V, §5.4 of the 1997 Charter.

²⁰⁸ NEW (2022). Simply refers the reader to the correct section.

ARTICLE V – OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

§ 5.1. Town Clerk²⁰⁹.

A. Establishment and election²¹⁰. There shall be a ~~town clerk~~ **Town Clerk** elected at the times and for the term set forth in ~~Section §2.3C3.A(3) and §2.3.C(1)(d) of this Charter.~~

B. Powers and duties²¹¹. The Town Clerk shall have the powers and duties prescribed by this Charter, by ~~ordinance~~ **Ordinance**, and by the General Statutes. In particular, the Town Clerk shall:

(1) Devote full time to the duties of the office;

(2) Collect the fees or compensation provided by the General Statutes to be paid to the Town Clerk;

(3) Deposit all money required to be collected by the Town **Clerk with the** ~~Town Treasurer~~ **Chief Fiscal Officer**, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and

~~(4) Give~~ **Provide, as may be requested,** a receipt for all money received to the person from whom it

(4) ~~was received.~~

C. Staffing²¹². All expenses of the Town Clerk's office, including necessary clerical assistance and Assistant Town Clerks, shall be paid by the Town within the limit of the appropriation therefor.

D. Assistant Town Clerks²¹³. The Town Clerk may appoint Assistant Town Clerks. ~~Assistant Town Clerks who~~ shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

E. Compensation²¹⁴. In lieu of all fees and other compensation, the Town Clerk

²⁰⁹ Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

²¹⁰ 2022 recodification and edit of previous Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

²¹¹ 2022 recodification and edit of previous Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

²¹² 2022 recodification of previous Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

²¹³ 2022 recodification and edit of previous Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

²¹⁴ 2022 recodification of previous Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997

shall receive a salary fixed by the Board of Finance.

F. Ordinances and votes²¹⁵. The Town Clerk shall publish notice of action concerning ~~ordinances~~Ordinances in accordance with this Charter. All ~~ordinances~~Ordinances and RTM votes shall be recorded by the Town Clerk in ~~books~~records kept for the purpose.

G. Reports to Assessor and Tax Collector²¹⁶. The Town Clerk shall promptly file with the Assessor and Tax Collector a complete abstract of all deeds and conveyances of land or of personal property, or of certificates of intention to transfer personal property, placed in the custody of the Town Clerk for record.

H. Vacancy²¹⁷. A ~~vacancy~~Vacancy in the ~~office~~Office of ~~the~~ Town Clerk shall be filled ~~by the Board as set forth in §2.6.A of Selectmen from a member of the same political party until the next election where the vacancy can be filled~~this Charter.

~~§7~~§5.2. Other elected officers Justices of the Peace.

A. Establishment and election²¹⁸. There shall be ~~seven Constables and forty-five~~ (45) Justices of the Peace²¹⁹ elected or nominated in the manner and for the terms prescribed in ~~Section §2.3.A and C of this Charter~~.

B. Powers and duties~~. Constables and~~²²⁰. Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

C. Vacancies²²¹. Vacancies shall be filled as set forth in ~~the offices~~§2.6.B. of Constablethis Charter.

§5.3. Elected Boards and Commissions: In General.

Charter.

²¹⁵ 2022 recodification and edit of previous Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

²¹⁶ 2022 recodification of previous Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

²¹⁷ 2022 recodification and edit of previous Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

²¹⁸ 2022 recodification and edit of previous Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

²¹⁹ Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and them, 45 in Article VII, §7.2.A of the 1997 Charter. Note: Constables will no longer be elected officials.

²²⁰ 2022 recodification and edit (reflecting the repeal of elected Constables) of previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

²²¹ 2022 recodification and modification (repeal of elected Constables) of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

A. Establishment and election²²². There shall be a ~~board~~Board of ~~education,~~Education, Board of finance, a board of assessment appeals, a town plan~~Finance,~~Board of Assessment Appeals, Town Plan and ~~zoning commission~~Zoning Commission, and a ~~zoning board~~Zoning Board of ~~appeals~~Appeals. The members of each ~~board~~Board and ~~commission~~Commission shall be elected at the times and for the terms set forth in ~~Section §2.3.A and C~~ of this Charter.

B. Meetings

(1) All elected ~~boards~~Boards and ~~commissions~~Commissions, except the Board of ~~Assessment Appeals~~, shall hold at least ~~ten~~ (10 regular stated meetings) ~~Regular Meetings~~ a year and shall give annual notice of such meetings as required by the General Statutes. Officers of each ~~board~~Board and ~~commission~~Commission, except the ~~Board of Selectmen~~RTM, shall be elected annually at an organization meeting so noticed ~~by~~with the Town Clerk held in the month of December.²²³.

(2) All elected Boards and Commissions shall comply with the provisions of §1.5 and §1.6 of this Charter²²⁴.

C. Vacancies²²⁵. A vacancy in the membership of any elected ~~board~~Board or ~~commission~~Commission shall be filled in the manner prescribed in ~~Section §2.56~~ of this Charter

§5.4. Board of Education²²⁶.

A. Composition²²⁷. The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.A(5) and §2.3.C(1)(f) and C(2)(b) of this Charter, no more than six (6) of whom shall be registered with the same political party.

B. Powers and duties²²⁸. The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

²²² 2022 recodification and edit of previous Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

²²³ 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

²²⁴ NEW (2022).

²²⁵ 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter

²²⁶ Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

²²⁷ 2022 recodification and edits of previous Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

²²⁸ 2022 recodification of previous Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

§5.5. Board of Finance.

A. Composition²²⁹. The Board of Finance shall consist of nine (9) voting members, for staggered terms, as set forth in §2.3.A(4), §2.3.C(1)(e) and §2.3.C(2)(a) of this Charter, no more than six (6) of whom shall be registered with the same political party, and the Board of ~~Selectmen~~Selectpersons and the Fiscal Officer, ex officio, without vote.

B. Powers and duties²³⁰. The Board of Finance shall appoint the outside auditors and shall have all of the powers and duties conferred by this Charter, by ordinanceOrdinance, and upon boards of finance generally by Chapter 106 of the General Statutes.

C. Clerk of the Board of Finance²³¹. The Board of Finance shall appoint a clerk and fix the clerk's salary. The clerk shall hold office at the pleasure of the Board of Finance. The clerk may be part time. The clerk shall:

(1) Keep minutes of Board meetings and be the custodian of its ~~books~~records, papers, and data relating to the conduct of its business;

(2) Be a certified or a licensed public accountant or otherwise have credentials, licenses and or certification and experience in the financial field; and

(3) Have the right to call upon all Town ~~departments, boards, commissions, committees, authorities~~Departments, Boards and Commissions and officers for such information as the clerk may reasonably require in connection with the duties of the clerk and responsibilities of the Board of Finance.²³².

~~A. — Assessment system[S39]. The Board of Finance shall install and shall modernize from time to time a system by which equitable and just values of taxable property within the Town may be ascertained. The system shall provide, among other things, for the collection of data relating to each parcel of land and to each building within the Town and for the arrangement of such data in convenient and practical form for the use of the Assessor. The system may provide for the preparation and upkeep of tax maps and land maps, in the discretion of the Board of Finance.~~

²²⁹ 2022 recodification and edit of previous Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

²³⁰ 2022 recodification of previous Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

²³¹ 2022 recodification and edit of previous Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

²³² 2022 recodification and edit of previous Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

D. **Approval of budgets**²³³~~[S40]~~. The Board of Finance shall approve the Town budget in the manner set forth in Article ~~XIII~~ of this Charter.

E. **Bidding, requisition, and payment procedures**²³⁴. The Board of Finance shall establish and may amend from time to time procedures and guidelines for bidding on purchases and ~~contracts~~Contracts by the Town as well as procedures for departmental requisition and for payments.

§5.6. Board of Assessment Appeals.

A. **Composition**²³⁵. The Board of Assessment Appeals shall consist of five (5) members, for staggered terms as set forth in §2.3.A(10), §2.3.C(1)(k) and §2.3.C(2)(g) of this Charter, and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

B. **Powers and duties**²³⁶. The Board of Assessment Appeals shall have all the powers and duties conferred on boards of assessment appeals generally by §§12-110 to 12-117 of Chapter 203 of the General Statutes.

§5.7. Town Plan and Zoning Commission.

A. **Composition**²³⁷. The Town Plan and Zoning Commission shall consist of seven (7) voting members, for staggered terms as set forth in §2.3.A(6) and §2.3.C(1)(g) and (h); and, §2.3.C(2)(c) and (d) of this Charter, no more than five (5) of whom shall be registered with the same political party. There shall be three (3) alternate members of the Town Plan and Zoning Commission, as set forth in §2.3.A(7) of this Charter, no more than two (2) of whom shall be registered with the same political party.

B. **Powers and duties**²³⁸. The Town Plan and Zoning Commission shall have

²³³ 2022 recodification of previous Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter. **2022 Charter Revision Commission Comment:** Article VII, 8.3.D was repealed as the matter is addressed by the General Statutes.

²³⁴ 2022 recodification and edit of previous Article XII, §12.9 (2006). Derived from Chapter XVIII, §4 and §5 of the 1975 Charter and Article XII, §12.9 of the 1997 Charter.

²³⁵ 2022 recodification and edit of previous Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

²³⁶ 2022 recodification of previous Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

²³⁷ 2022 recodification and edit of previous Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the 1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

²³⁸ 2022 recodification and edit of previous Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997

all the powers and duties conferred by this Charter, by ~~ordinance~~Ordinance, and on zoning commissions and planning commissions generally by Chapter 124 and Chapter 126 of the General Statutes (C.G.S. §-8-1 et seq. and §-8-18 et seq.). In particular, the Town Plan and Zoning Commission shall:

- (1) Prepare, adopt, and amend ~~a master~~the plan for the of conservation and development of the Town, or amend any master plan previously add²³⁹;
- (2) Have control over the subdivision of land²⁴⁰;
- (3) Make studies and recommendations on matters affecting health, recreation, traffic, and other needs of the Town dependent on, or related to, the master plan;
- (4) Consider and report upon the design, location, and relation to the master plan of all new public ways, buildings, bridges, and other public places and structures²⁴¹;
- (5) Consider and report upon the layout of new developments in the Town²⁴²;
- (6) Make detailed plans for the improvement, reconditioning, or development of areas which in its judgment contain special problems or show a trend toward lower land values; and
- (7) Make such other studies, recommendations, and inclusions in the master plan as will in its judgment be beneficial to the Town²⁴³.

C. Appointment of Planning Director²⁴⁴. The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First ~~Selectman~~Selectperson

Charter.

²³⁹ 2022 recodification and minor modification of current Article VIII, §8.5.B(1). Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

²⁴⁰ Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of "subdivision" was included in Chapter XI, §7 of the 1947 Act, which was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.

²⁴¹ Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

²⁴² Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

²⁴³ Replacement of Chapter XI, §3 of the 1947 Act. §2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

²⁴⁴ 2022 recodification and edit of previous Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

D. Other employees and consultants²⁴⁵. The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all ~~laws, ordinances~~Laws, Ordinances, and ~~regulations~~Regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

§5.8. Zoning Board of Appeals²⁴⁶.

A. Composition²⁴⁷. The Zoning Board of Appeals shall consist of five (5) regular members, for staggered terms as set forth in §2.3.A(9), §2.3.C(1)(i) and (j); and, §2.3.C(2)(e) of this Charter, no more than four (4) of whom shall be registered with the same political party²⁴⁸, and three (3) alternates, as set forth in §2.3.C(2)(f) of this Charter, no more than two (2) of whom shall be registered with the same political party.

B. Powers and duties²⁴⁹. The Zoning Board of Appeals shall have the powers and duties conferred on zoning boards of appeals generally by §§ 8-5 to 8-7e of Chapter 124 of the General Statutes.

²⁴⁵ 2022 recodification and edit of previous Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

²⁴⁶ Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

²⁴⁷ 2022 recodification and edit of previous Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

²⁴⁸ The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

²⁴⁹ 2022 Recodification of previous Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

ARTICLE VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

§6.1. Eligibility for appointed Town Office²⁵⁰.

A. **Elector requirements for Certain Appointed Town Officers and Members of Boards and Commissions; Exception²⁵¹.** No person not at the time an ~~elector~~Elector of the Town shall be eligible for appointment to any appointed ~~board~~Board or ~~commission~~Commission or to the office of Town Treasurer, ~~Constable or~~ Town Attorney, ~~or Assistant Town Attorney.~~ Persons serving as Chief of Police or Fire Chief must be or become ~~an elector~~a resident of the ~~Town within six months after~~State of Connecticut, in accordance with the time they take office~~requirements of the respective appointing authorities.~~

B. **Effect of ceasing to be an Elector²⁵².** If any ~~appointed~~Appointed Town ~~officer~~Officer required to be an ~~elector~~Elector of the Town or any member of an appointed ~~board~~Board or ~~commission~~Commission ceases to be an ~~elector~~Elector of the Town, the office shall then become vacant.

C. **Single office requirement for appointed office²⁵³.** Except as otherwise provided in ~~Sections 10~~§§8.5, 8.7, 10.9, 10.10~~8.8, and 10.13~~8.11 of this Charter, no person shall be eligible to hold any appointed Town ~~office~~Office, including ~~membership on appointed members of~~ any ~~permanent appointed board~~Board or ~~commission~~Commission, who is at the same time an elected RTM member, ~~an elected or appointed~~ Town ~~officer~~Officer, an elected state official, or a member of an elected ~~board~~Board or ~~Commission~~ or ~~commission~~permanent appointed Board or ~~permanent appointed board or commission~~Commission. For purposes of this paragraph, the term "Town officer" does not include Justices of the Peace or Constables, ~~but does include members of the Board of Education.~~

D. **Eligibility for reappointment²⁵⁴.** No person shall be appointed to more than two (2) successive full terms on the same ~~permanent~~-appointed ~~board~~Board or

²⁵⁰ Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

²⁵¹ 2022 recodification and modification of previous Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The residency requirements for Assistant Town Attorney was eliminated and the residency requirement for Chief of Police and Fire Chief was modified. In addition, the residency for the appointed Constables was affirmed,

²⁵² 2022 recodification and edit of previous Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

²⁵³ 2022 recodification and modification of previous Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Board of Education was removed from the exclusion at the end of the paragraph.

²⁵⁴ 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Board of Library Board of Trustees was removed from this provision due to the change of the term of office from six to three years, at the request of the Board,

~~commission~~Commission, but such person shall be eligible for reappointment after an interval of not less than one (1) year except as otherwise provided in ~~Section 10.14 and 10.15~~§§8.14 and 8.15 of this Charter, with respect to the Ethics Commission, ~~Section 10.17 with respect to the Board of Library Trustees, Section 10.18 with respect to the~~ and Golf Commission, respectively, or by ~~ordinance~~Ordinance.

4

§6.2. Authority and Qualification of Appointed Town Officers²⁵⁵.

A. Authority of Appointed Town Officers, including department heads²⁵⁶. Once appointed as described in this Charter, Appointed Town Officers, including department heads shall, unless otherwise set forth in this Charter or Law, appoint, hire, discipline and remove all deputies, assistants and other employees of the Department and subject to (1) the authority of the First Selectperson or other appointing or supervisory authority; (2) any specific provisions of this Charter or Law pertaining to the authority of Appointed Town Officer, including department heads and the relationship with a governing Board or Commission; and, (3) any applicable collective bargaining agreements.

B. Qualifications of Appointed Town Officers, including department heads²⁵⁷. The job qualifications of all Appointed Town Officers, including department heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be prepared by the Director of Human Resources. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a Vacancy occurs in the position.

§6.3. Minority representation on Boards and Commissions²⁵⁸.

~~No~~Unless other expressly set forth in this Charter, no more than a bare majority of the members of a ~~permanent appointed board or commission~~Board or Commission shall be members of the same political party. This shall not apply to persons required to serve on a particular ~~board~~Board or ~~commission~~Commission by virtue of holding another position or office in the Town.

§6.4. Terms of office²⁵⁹.

A. General Rule: Appointed Town Officers and Board and Commission

²⁵⁵ NEW (2022).

²⁵⁶ NEW (2022).

²⁵⁷ NEW (2022).

²⁵⁸ 2022 recodification and modification (the opening clause) of previous Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

²⁵⁹ 2022 recodification and modification of current Article III, §3.3 (2006). Derived from Article III, §3.3 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The provision was broken into two sub-sections. The ethics Commission term was shifted to April 1 and the Board of Library Trustees was shifted to July 1.

Members^[S41]. Unless otherwise provided by ~~ordinance and except for members of the Ethics Commission, whose terms shall commence on July 1, and the Golf Commission, whose terms commence April 1,~~ General Statutes, this Charter or by Ordinance the terms of office of all Appointed Town Officers and ~~appointed Town officers and~~ members of ~~permanent appointed boards~~ Boards and ~~commissions~~ Commissions shall commence on the fourth (4th) Monday in November, and shall continue for the ~~term~~ terms set forth in ~~Section 1.4B. However~~ Articles VII and VIII of this Charter. Notwithstanding the foregoing, in the event that there is a vacancy and the ~~appointing Town Official which possesses the authority to make an appointment ("Appointing Authority")~~ Appointing Authority does not appoint a new Appointed ~~Town officer~~ Officer or Board or Commission member by the fourth (4th) Monday in November after ~~an the municipal general election, the former appointee of the Appointing Authority, the incumbent~~ an the municipal general election, the former appointee of the Appointing Authority, the incumbent shall serve as a continuing Appointed ~~Town officer~~ Officer or Board or Commission member until either the ~~appointing authority~~ Appointing Authority fills the vacancy or until the sixty-fifth (65th) day after the fourth (4th) Monday in November, whichever occurs first.

B. Exception: Golf Commission, Ethics Commission and Board of Library Trustees. The members of the Ethics Commission and the Golf Commission shall commence their terms on April 1 in the year of their appointment for the duration of their term and shall only remain on said Commission if reappointed. Likewise, the Board of Library Trustees shall commence their terms on July 1 of their year of appointment for the duration of their term as set forth in §8.16 of this Charter.

§6.5. Resigning from appointed office²⁶⁰.

Any ~~appointed~~ Appointed Town officer or appointed Board or Commission member ~~of a permanent appointed board or commission~~ may resign by submitting a written notice of resignation to the Town Clerk. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted.

§6.6. Vacancies in appointed office²⁶¹.

Unless otherwise set forth in the General Statutes or otherwise in this Charter, Vacancies in appointed Town offices and membership on ~~appointed boards~~ all Appointed Town Offices and ~~commissions~~ Boards and Commissions shall be filled by the ~~board, commission, or officer having the power to make the original appointment.~~ Appointing Authority. Persons so appointed shall serve for the remainder of the term of the position vacated.

²⁶⁰ 2022 recodification and edit of previous Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

²⁶¹ 2022 recodification and modification (opening clause) of previous Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

§6.7. Removal from appointed office for cause.

A. Board or Commission²⁶². Any ~~appointed~~Appointed Town ~~officer~~Officer or member of any appointed ~~board~~Board or ~~commission~~Commission may, except as otherwise provided in the General Statutes or this Charter, be removed for cause by the ~~appointing Town officer or board~~Appointing Authority (including instances where Boards and Commissions have appointment authority), unless other set forth by Law provided, notice shall first be given in writing of the specific grounds for removal and the individual shall be given an opportunity to be heard in defense, alone or with counsel of the individual's choice, at a hearing before the ~~appointing Town officer or board~~Appointing Authority, held not more than ten (10) and not less than five ~~days~~(5) Days after ~~delivery~~transmittal of such notice ~~in accordance with §1.4.C(15)~~. The hearing shall be held in accordance with the Freedom of Information Act (Chapter 14 of the General Statutes, C.G.S. §-1-200 et seq.). Appeals may be taken where provided by statute.

B. Department Head or Director²⁶³. Unless this Charter provides that a particular department head or director may be removed without cause, the Board of ~~Selectmen~~Selectpersons by unanimous vote of all of its members shall have the power to remove for cause any ~~department head~~Department Head, or any director or employee appointed by a ~~board~~Board or ~~commission~~Commission, provided notice and opportunity for a hearing before the Board of ~~Selectmen be given~~Selectpersons following the same protocols as set forth in this ~~Section 3.6.7.A of this Charter~~, and such hearing is held in accordance with the Freedom of Information Act.

§6.8. Required Cooperation²⁶⁴.

Each Town Officer, RTM members and employee of any Department of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department.

§6.9. Compliance²⁶⁵.

All appointed Boards and Commissions shall comply with the provisions of §§1.5 through 1.7 of this Charter.

²⁶² 2022 recodification and modification of previous Article III, §3.6.A (2006). Derived from Modification of Chapter II, §6 of the 1947 and 1956 Acts; Chapter II, §12 of the 1975 Charter; and, Article III, §3.6.A of the 1997 Charter.

²⁶³ 2022 recodification and edit of previous Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

²⁶⁴ NEW (2022)

²⁶⁵ NEW (2022)

§6.10. Creation of Boards and Commissions²⁶⁶.

In addition to those appointed Boards and Commissions established by this Charter, the RTM may, on its own initiative; or at the recommendation of the First Selectperson, by Ordinance, establish any additional Boards and Commissions of the Town.

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²⁶⁶ NEW (2022)

ARTICLE VII - APPOINTED TOWN OFFICERS

§7.1. Appointed Town Officers²⁶⁷.

There shall be the following Appointed Town Officers as necessary:

A. Officers Appointed by the First Selectperson²⁶⁸. The First Selectperson shall appoint the Appointed Town Officers listed in § 7.2 through 7.12 of this Charter and §§4.3.E and F of this Charter.

Town Attorney	Assistant Town Attorney
Fiscal Officer	Controller
Town Treasurer	Director of Community and Economic Development
Director of Public Works	Building Official
Director of Human and Social Services	Purchasing Agent
Director of Parks and Recreation	Director of Human Resources
<u>Town Administrator</u>	
<u>Chief of Staff</u>	

B. Officers appointed by the Board of Selectpersons²⁶⁹. The Board of Selectpersons shall appoint the Appointed Town Officers listed in §§7.13 through 7.17 of this Charter.

Internal Auditors	Assessor
Tax Collector	Tree Warden
Constables	

C. Officers appointed by other bodies²⁷⁰. The Appointed Town Officers hereunder shall be appointed by the bodies specified in §§7.18 through 7.24 of this Charter.

Director of Health	Chief of Police
Fire Chief	Planning Director
Animal Control Officer	Conservation Director
Town Librarian	

²⁶⁷ 2022 recodification of previous Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

²⁶⁸ 2022 recodification and modification of appointment authority set forth in previous Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Town Administrator and Chief of Staff were added to this provision; although their appointments are set forth in Article IV.

²⁶⁹ 2022 recodification of appointment authority set forth in previous Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

²⁷⁰ 2022 recodification of appointment authority set forth in previous Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.

Officers Appointed by the First Selectperson

§7.2. Town Attorney²⁷¹.

A. Appointment and qualifications. The Town Attorney shall be appointed by the First Selectperson and shall be an attorney admitted to practice in the State who has practiced in the State for at least five (5) years. The Town Attorney may be removed by the First ~~Selectman~~Selectperson without cause.

B. Compensation. The Town Attorney shall receive the compensation approved by the Board of ~~Selectmen~~Selectpersons within the appropriations made for the Town Attorney.

C. Duties. The Town Attorney shall:

(1) Be the legal advisor of, and counsel and attorney for, the Town and all Town ~~departments~~Departments, Town Officials and Town official~~the RTM,~~ providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the Town ~~officials~~officers and employees;

(2) Prepare or review all ~~contracts~~Contracts and other instruments to which the Town is a party or in which it has an interest;

(3) Upon the request of the Board of ~~Selectmen~~Selectpersons, or of any other Town ~~officer, board, commission,~~Officer, Board or authority~~Commission,~~ give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;

(4) Upon the direction of the Board of ~~Selectmen~~Selectpersons, appear for the Town or any ~~of its officers, boards, commissions~~Town Officers, Boards and Commissions, or ~~authorities~~Departments in any litigation or any other action brought by or against the Town or any Town ~~officials~~Officials; and

(5) Prosecute or defend, appeal from or defend appeals from, and make settlements of, litigation and claims, as the Board of ~~Selectmen~~Selectpersons direct.

§7.3. Assistant Town Attorneys²⁷².

A. Number of positions and appointment. The Board of

²⁷¹ 2022 recodification and modification (adding the RTM; although historically, the legislative body has been represented by the Town Attorney) of previous Article IX, §9.3 (2006). Modification of Chapter VI of the 1947 Act; further amended by §9 of the 1951 Special Act and reaffirmed by Chapter VI of the 1956 Act and 1975 Charter.

²⁷² 2022 recodification and edit of previous Article IX, §9.4 (2006). Derived from Article IX, §9.4 of the 1997 Charter.

~~Selectmen~~Selectpersons, with the consent of the RTM, shall determine from time to time the number of Assistant Town Attorneys necessary to effectively carry out the legal business of the Town and shall increase or reduce the number of Assistant Town Attorney positions to the number determined to be necessary. The First ~~Selectman~~Selectperson may then appoint the Assistant Town Attorneys and may remove Assistant Town Attorneys without cause.

B. Qualifications. Each Assistant Town Attorney shall be an attorney admitted to practice in the State.

C. Duties. The Assistant Town Attorneys shall have the duties assigned to them by, and shall be under the supervision of, the Town Attorney.

§7.4. Fiscal Officer and Controller²⁷³.

A. Appointment and qualifications. The Fiscal Officer shall be appointed by the First ~~Selectman~~Selectperson and shall be a certified or a licensed public accountant or otherwise have experience in the financial field, in accordance with the provisions of §6.2.B of this Charter.

B. Duties of the Fiscal Officer. The Fiscal Officer shall:

- (1) Establish and supervise a central accounting and internal auditing system;
- (2) Be responsible for, and conduct a continuously current accounting of, the financial activities of the Town, including the Board of education;
- (3) Audit, before payment, all payrolls, bills, invoices and claims drawn against the Town, including the Board of Education; and
- (4) Countersign and approve each requisition to be paid by the Town.

C. Duties of the Controller. The Controller shall have the same qualifications as the Fiscal Officer and shall have the duties assigned by, and be under the supervision of, the Fiscal Officer. The Controller may countersign requisitions in the absence of the Fiscal Officer.

§7.5. Town Treasurer²⁷⁴.

A. Appointment and eligibility. The Town Treasurer shall be appointed by

²⁷³ 2022 recodification and edit of previous Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

²⁷⁴ 2022 recodification and edit of previous Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

the First ~~Selectman~~ Selectperson and may be removed by the First ~~Selectman~~ Selectperson without cause. The Fiscal Officer may also serve as Town Treasurer. No person employed by or in the Purchasing Department may at the same time be Town Treasurer.

B. Duties. The Town Treasurer shall have the duties conferred on town treasurers by Chapter 94 of the General Statutes (C.G.S. § 7-79 et seq.) and shall serve as an ex officio member of the Board of Library Trustees. The Town Treasurer may be part-time.

§7.6. Director of Public Works²⁷⁵.

A. Appointment and qualifications. The Director of Public Works shall be appointed by the First ~~Selectman and shall be a professional engineer registered in the State~~ Selectperson in accordance with any requirements set forth in the General Statutes and in accordance with the provisions of §6.2.B of this Charter.

B. Duties. The Director of Public Works shall:

- (1) Administer and supervise the Department of Public Works;
- (2) Have charge and control of all buildings, materials, apparatus, equipment, and documents of the Department of Public Works;
- (3) Follow Town Human Resources policies and procedures to assign a Town Engineer who shall be chief technical advisor of the Town and all ~~departments~~ Departments, except the Board of Education, in all matters concerning the physical development of the Town and the design, construction, and maintenance of its physical plant²⁷⁶;
- (4) Be an ex officio member without vote of the Town Plan and Zoning Commission with respect to planning ~~and of~~ the Parks and Recreation Commission; and the Flood Prevention, Climate Resilience and Erosion Control Board or, in the alternative may appoint a designee on said Board²⁷⁷.
- (5) Have the ability to make and enforce reasonable rules and regulations

²⁷⁵ 2022 recodification and modification (Elimination of the requirement of the professional engineering registration requirement) of previous Article IX, §9.7 (2006). Modification of Chapter IX of the 1947 Act and 1956 Act. Section 1 of the Act established the powers and duties of a Town Engineer as the director of the Department. Section 3 established the position of the Superintendent of Highways and Bridges. Section 4 addressed engineering issues; see, also Chapter IX of the 1975 Charter; and, Article IX, §9.7 of the 1997 Charter.

²⁷⁶ **Comment of the 2022 Charter Revision Commission:** In lieu of the engineering requirement the Commission approved a provision that requires in-house engineering capabilities under the supervision of the Director of Public Works.

²⁷⁷ **Comment of the 2022 Charter Revision Commission:** Participation of the Director or a designee is required on the Flood Prevention, Climate Resilience, and Erosion Control Board.

not inconsistent with this Charter or the General Statutes necessary to efficiently exercise all powers and duties imposed on the Director of Public Works and the Department of Public Works;

(6) At the request of the ~~Selectmen~~Selectpersons, furnish technical advice reasonably required for the physical functioning of the Town or its government; and

(7) Perform other reasonable ~~and~~ related duties as directed by the Selectpersons.

C. Assistants. The Director of Public Works may request that the First ~~Selectman~~Selectperson engage superintendents and assistants to the Director of Public Works.

§7.7. Building Official²⁷⁸.

A. Appointment and term. The Building Official shall be appointed by the First ~~Selectmen~~Selectperson and shall serve for a term of four (4) years

B. Number of Assistant Building Officials and Building Inspectors. The First ~~Selectman~~Selectperson and the Building Official shall determine from time to time the number of Assistant Building Officials and Building Inspectors necessary to carry out the duties of the Building Department and, subject to appropriation, shall increase or decrease the number accordingly..

C. Duties.

(1) The Building Official and the Assistant Building Officials shall have the duties conferred by this Charter and on building officials generally by Chapter 541 of the General Statutes (C.G.S. § 29-250 et seq.).

(2) In particular, the Building Official and the Assistant Building Officials, under the supervision of the Building Official, shall:

(a) Inspect, supervise, regulate, and control the construction, reconstruction, altering, repairing, demolition, and removal of all structures within the Town;

(b) By diligent search and inspection, enforce all laws, ordinancesLaws, Ordinances, and regulationsRegulations governing the

²⁷⁸ 2022 recodification and edit of previous Article IX, §9.8 (2006). Modification of Chapter X, §1 of the 1947 Act which established a Board of Building Commissioner (§§1-4); the position of Building Inspector (§5); and, Article IX, §9.8 ("Building Inspectors") of the 1997 Charter.

construction of buildings and other structures;

(c) Enforce the provisions of the Town building code;

(d) Cooperate and coordinate with the Fire Marshal in inspecting structures and enforcing provisions of the Town building code where fire safety may be a factor; and

(e) Keep complete public records of all applications made to them and of all permits and certificates of approval or occupancy issued by them and any other records required under Chapter 541.

D. Building Inspectors²⁷⁹. Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted ~~law~~ Law.

§7.8. Purchasing Agent²⁸⁰.

A. Appointment and qualifications. The Purchasing Agent shall be appointed by the First ~~Selectman~~ Selectperson and shall have a background in business or purchasing and procurement.

B. Duties. The Purchasing Agent shall have the duties set forth in ~~Section §4.3.G of this Charter and such other duties as may be prescribed by the First~~ Selectperson.

§7.9. Director of Human and Social Services²⁸¹.

A. Appointment and qualifications. The Director of Human and Social Services shall be appointed by the First ~~Selectman~~ Selectperson and shall be trained in social services.

B. Duties. The Director of Human and Social Services shall:

(1) Administer and supervise a Department of Human Services;

(2) Prescribe the duties of subordinates and employees;

(3) Coordinate the work of the Department of Human Services with that of other government agencies, private social service organizations, and ~~special~~

²⁷⁹ 2022 recodification and edit of previous Article IX, §9.8.D (2006). Modification of Chapter X, §6 of the 1947 and 1956 Acts; and, Article IX, §9.8.D of the 1997 Charter.

²⁸⁰ 2022 recodification and edit of previous Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

²⁸¹ 2022 recodification and modification (updating of responsibilities in sub-paragraph (3)) of previous Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter ("Director of Human Services").

commissions for service to the aging and disabled in other entities on social services matters as authorized by the General statutes, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations of the Town

(4) Perform other duties prescribed by the Human Services Commission and the First ~~Selectman~~ Selectperson; and

(5) Report to the First ~~Selectman~~ Selectperson in on matters of administration and operation and to the Human Services Commission on matters of policy.

§7.10. Director of Parks and Recreation²⁸².

A. Appointment and qualifications. The Director of Parks and Recreation shall be appointed by the First Selectperson and shall have such qualifications as may be established by the Parks and Recreation Commission.

B. Duties. The Director of Parks and Recreation shall:

(1) Administer and supervise the Parks and Recreation Department;

(2) Recommend policy to the Parks and Recreation Commission;

(3) Submit to the Parks and Recreation Commission plans for the development and maintenance of public cemeteries, parks, playgrounds, beaches, beach facilities, marina facilities, public gardens, and other recreational areas of the Town, except for areas and facilities under the control of the Board of Education, the Golf Commission, or the Harbor Management Commission;

(4) Submit to the ~~Golf Commission, the Board of Education, Parks and the Harbor Management~~ Recreation Commission plans for ~~recreation program~~ the development and maintenance of public cemeteries, parks, playgrounds, beaches, beach facilities, marina facilities, public gardens, and other recreational areas of the Town ~~involving, except for areas and~~ facilities under the control of the ~~Golf Commission, Board of Education,~~ the Golf Commission, or the Harbor Management Commission²⁸³;

(5) Submit to the Parks and Recreation Commission plans for recreation programs in the Town, except programs run by the Board of Education or the Golf

²⁸² 2022 recodification and modification of previous Article IX, §9.11 (2006). Derived from Article IX, §9.11 of the 1997 Charter.

²⁸³ **Comment of the 2022 Charter Revision Commission:** Clarification of the scope of responsibilities requested by the Director of Parks and Recreation.

Commission;

(6) Implement the plans approved by the Parks and Recreation Commission;

(7) Coordinate the maintenance of parks and recreation facilities with the Department of Public Works ~~which shall supervise all maintenance and construction~~;

(8) Coordinate any recreational activities in Town open space areas with the Conservation Commission;

(9) Perform such other duties as directed by the Parks and Recreation Commission or the First ~~Selectman~~ Selectperson; and

(10) Report to the First ~~Selectman~~ Selectperson on matters of administration and operation and to the Parks and Recreation Commission on matters of policy.

If the Golf Commission or Harbor Management Commission ceases to exist, reference to that Commission in this ~~Section 9.11B~~ section of this Charter shall be inoperative.

§7.11. Director of Community and Economic Development²⁸⁴.

A. Appointment and supervision. The Director of Community and Economic Development shall be appointed by the First ~~Selectman~~ Selectperson and shall report to the First ~~Selectman~~ Selectperson without cause.

B. Duties. The Director of Community and Economic Development shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to economic development and affordable housing and any federal or state programs associated with such issues.

C. Liaison to Economic Development Commission and Affordable Housing Committee. The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the First Selectperson's Affordable Housing Committee.

§7.12. Director of Human Resources²⁸⁵.

A. Appointment and supervision. The Director of Human Resources shall be appointed by the First ~~Selectman~~ Selectperson and shall report to the First ~~Selectman~~ Selectperson.

²⁸⁴ 2022 recodification and edit of previous Article IX, §9.12 (2006).

²⁸⁵ 2022 recodification and edit of previous Article IX, §9.13 (2006).

B. Duties. The Director of Human Resources shall have such duties as determined by the First ~~Selectman~~Selectpersons so as to manage and supervise policies and programs relating to all Town personnel practices, policies, and functions and all risk management functions associated with such issues.

Officers Appointed by the Board of Selectpersons

§7.13. Internal Auditor or Auditors²⁸⁶.

A. Number. The Board of ~~Selectmen~~Selectpersons shall appoint at least one (1) Internal Auditor and shall determine from time to time the number of Internal Auditors necessary to carry out the duties of the office and shall accordingly increase or decrease the number of Internal Auditors appointed.

B. Duties. The Internal Auditor or Auditors shall:

- (1) Monitor ~~the departments,~~ Departments, officers, ~~employees,~~ boards, Boards and ~~commissions~~Commissions of the Town for fiscal policy compliance
- (2) Report on a regular basis to the Fiscal Officer; and
- (3) Make reports to the Board of ~~Selectmen~~Selectpersons and the Board of Finance semi-annually and at any other times requested by either board.

§7.14. Assessor²⁸⁷.

The Assessor shall be appointed by the Board of ~~Selectmen~~Selectpersons and shall have the powers and duties conferred on assessors generally by Chapter 203 of the General Statutes (C.G.S. § 12-40 et seq.), and, on request of the Board of Finance, shall report in writing concerning any matters pertaining to those duties. The Assessor shall have and maintain the certification required by § 12-40a of Chapter 203 of the General Statutes.

§7.15. Tax Collector²⁸⁸.

²⁸⁶ 2022 recodification and edit of previous Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

²⁸⁷ 2022 recodification and edit of previous Article IX, §9.16 (2006). Modification of Chapter XVII, §6 and §8 of the 1947 and 1956 Acts and Chapter XVII, §6 and §7 of the 1975 Charter; and, Derived from Article IX, §9.14 of the 1997 Charter.

²⁸⁸ 2022 recodification and modification of previous Article IX, §9.17 (2006). Modification of Chapter XVII, §7 and §8 of the 1947 and 1956 Acts and Chapter XVII, §8 of the 1975 Charter; and, Article IX, §9.15 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Article IX, §9.17. D entitled "accounting method" was repealed since these issues are government by the General Statutes.

A. Appointment and supervision. The Tax Collector shall be appointed by the Board of ~~Selectmen~~Selectpersons and shall act under the direction and control of the Fiscal Officer.

B. Duties. The Tax Collector shall have the powers and duties conferred in this Charter, by ~~ordinance~~Ordinance, and on tax collectors generally by Chapter 204 of the General Statutes (C.G.S. § 12-122 et seq.).

C. Delinquency list. The Tax Collector shall present annually, and at any other time the Board of Finance requires, a list of all amounts remaining unpaid on the rate bill for nine (9) months after becoming due. The list shall contain the name and address of each delinquent taxpayer, the amount of the tax, and, as a separate item, the interest and other charges due.

D. Special Exemption^[S42]. Subject to the continuing approval of the State Commissioner of Revenue Services, any provisions of the General Statutes or of any special act inconsistent with this ~~Section 9-17~~§7.15 shall not be applicable to the Town or the Tax Collector.

§7.16. Tree Warden²⁸⁹.

The Tree Warden shall be appointed by the Board of ~~Selectmen~~Selectpersons and shall have a term of ~~one year~~two (2) years or as otherwise provided by the General Statutes. The Tree Warden shall have the powers and duties conferred by ~~ordinance~~Ordinance and on tree wardens generally ~~by Chapter 451~~as set forth in the General Statutes.

§7.17. Constables²⁹⁰.

A. Appointment²⁹¹. There shall be four (4) Constables appointed by the Board of Selectpersons for staggered terms of four (4) years, subject to the transition provision. No more than two (2) shall be from the same political party.

Transitional Provision. On or about December 1, 2023, the Board of Selectpersons shall appoint two (2) members to a term of four (4) years and two (2) members to a term of two (2) years. On and after December 1, 2025, all Constables shall be appointed to a term of four (4) years.

²⁸⁹ 2022 recodification and modification of previous Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission.** At the time of the adoption of this Charter, C.G.S. §23-58 permits a "term of two years." The duties are set forth in C.G.S. §23-59 et seq.).

²⁹⁰ NEW (2022).

²⁹¹ 2022 recodification and substantial modification (elected to appointed status) of previous Article VII, §7.2.A and B (2006)(Establishment and Powers and Duties Clauses). Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

B. Powers and duties²⁹². Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

C. Vacancies²⁹³. Vacancies shall be addressed as set forth in Sections 9.20 through 9.26~~§6.6~~ of this Charter

Officers appointed by other bodies.

§7.18. Director of Health²⁹⁴.

A. Appointment and term. The Director of Health shall be appointed by the Board of Health with the approval of the First ~~Selectman~~Selectperson and shall serve for a term of four (4) years.

B. Qualifications. The Director of Health shall be ~~a licensed physician or otherwise shall possess~~appointed in accordance with the qualifications set forth in Chapter 368e~~requirements~~ of the General Statutes ~~(C.G.S. § 19a-200 et seq.) and in accordance with the provisions of §6.2.B of this Charter.~~

C. Powers and duties. The Director of Health shall have the powers and the duties conferred by this Charter, by ~~ordinance~~Ordinance, and by the rules and ~~regulations~~Regulations of the Board of Health, and on town directors of health generally by Chapter 368e of the General Statutes (C.G.S. § 19a-200 et seq.) and state codes and ~~regulations~~Regulations.

D. Supervision. The Director of Health shall report to the First ~~Selectman~~Selectperson on matters of administration and operation and to the Board of Health on matters of policy.

§7.19. Chief of Police²⁹⁵.

A. Appointment. The Chief of Police shall be appointed by the Police Commission, with the approval of the First ~~Selectman~~Selectperson, from among the three (3) highest scoring candidates who have passed a competitive examination for Chief of

²⁹² 2022 recodification and edit of previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

²⁹³ 2022 recodification and edit of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

²⁹⁴ 2022 recodification and modification of previous Article IX, §9.20 (2006). Derived from Chapter VIII, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Derived from Article IX, §9.18 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Charter repealed the "licensed physician" requirement and relied upon the General Statutes. At the time of adoption of this Charter the qualifications are set forth in Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.).

²⁹⁵ 2022 recodification and edit of previous Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

Police.

B. Powers and duties. The Chief of Police shall:

- (1) Be the executive officer of the Police Department;
- (2) Have authority to direct and control the conduct of all members and other employees of the Police Department; and
- (3) Keep all records required by ~~law~~Law and by the Police Commission.

C. Departmental discipline. Subject to a contrary provision of a collective bargaining agreement, disobedience to the lawful orders of the Chief of Police shall be grounds for disciplinary action by the Police Commission. The Chief of Police shall have the power without consulting the Police Commission to impose fines of not more than two ~~days~~(2) Days pay or suspension of not more than one (1) week for disobedience to the Chief's lawful orders or for violations of the rules and ~~regulations~~Regulations of the Police Department²⁹⁶. The Chief of Police may recommend to the Police Commission that it take more severe disciplinary action.

D. Supervision. The Chief of Police shall report to the First ~~Selectman~~Selectperson on matters of administration and operation and to the Police Commission on matters of policy.

§7.20. Fire Chief²⁹⁷.

A. Appointment. The Fire Chief shall be appointed by the Fire Commission, with the approval of the First ~~Selectman~~Selectperson, from the three (3) highest scoring candidates who have passed a competitive examination for Fire Chief.

B. Powers and duties. The Fire Chief shall:

- (1) Be the executive officer of the Fire Department;
- (2) Have authority to direct and control the conduct of all members of the Fire Department; and
- (3) Keep the records required by Law and by the Fire Commission.

C. Departmental discipline. Subject to a contrary provision of a collective bargaining agreement, disobedience to lawful orders of the Fire Chief shall be grounds

²⁹⁶ Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

²⁹⁷ 2022 recodification and edit of previous Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

for disciplinary action by the Fire Commission. The Fire Chief shall have power without consulting the Fire Commission to impose fines of not more than two ~~days'~~^{(2) Days'} pay or suspension for not more than one ⁽¹⁾ week for disobedience to lawful orders or for violations of the rules and ~~regulations~~^{Regulations} of the Fire Department. The Fire Chief may recommend to the Fire Commission that it take more severe disciplinary action.

D. Supervision. The Fire Chief shall report to the First ~~Selectman~~^{Selectperson} on matters of administration and operation and to the Fire Commission on matters of policy.

§7.21. Planning Director²⁹⁸.

A. Appointment. The Planning Director shall be appointed by the Town Plan and Zoning Commission with the approval of the First ~~Selectman~~^{Selectperson}.

B. Duties. The Planning Director shall have the duties prescribed by the Town Plan and Zoning Commission and the First ~~Selectman~~^{Selectperson}.

C. Supervision. The Planning Director shall report to the First ~~Selectman~~^{Selectperson} on matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

§7.22. Animal Control Officer²⁹⁹.

A. Appointment and supervision. The Animal Control Officer shall be appointed by the Police Commission and shall report to the Chief of Police.

B. Powers and duties. The Animal Control Officer shall have the powers and duties prescribed by the Police Commission and conferred on animal control officers generally by Chapter 435 of the General Statutes.

§7.23. Conservation Director³⁰⁰.

A. Appointment. The Conservation Director shall be appointed by the Conservation Commission with the approval of the First ~~Selectman~~^{Selectperson}.

B. Duties. The Conservation Director shall have the duties prescribed by the Conservation Commission and the First ~~Selectman~~^{Selectperson}.

C. Supervision. The Conservation Director shall report to the

²⁹⁸ 2022 recodification and edit of previous Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

²⁹⁹ 2022 recodification of previous Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

³⁰⁰ 2022 recodification and edit of previous Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

~~Selectman~~Selectperson on matters of administration and operation and to the Conservation Commission on matters of policy.

§7.24. Town Librarian³⁰¹.

A. Appointment and qualifications. The Town Librarian shall be appointed by the Board of Library Trustees, with the approval of the First ~~Selectman~~Selectperson, and shall have such qualifications as may be required by the Board of Library Trustees.

B. Duties. The Town Librarian shall:

(1) Report to and have such duties as are defined by the Board of Library Trustees on matters of policy, and by the First ~~Selectman~~Selectperson on matters of administration.

(2) Manage and supervise policy, programs and personnel relating to all public town libraries.

(3) Have responsibilities as set forth by the Board of Library Trustees pursuant to ~~Section 10.17C(5) and (6).~~§8.16.C.

³⁰¹ 2022 recodification of current Article IX, §9.26 (2006).

REDLINE PROJECT - 4 JULY 2022

ARTICLE VIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

§8.1. Boards and Commissions³⁰².

A. Permanent Bodies Appointed by the First Selectperson³⁰³. The First Selectperson shall appoint the members of the bodies listed in this sub-section and in §8.2 of this Charter in the numbers and for the terms set forth therein: Conservation Commission.

B. Permanent Bodies Appointed by the Board of Selectpersons³⁰⁴. The Board of Selectpersons shall appoint the members of the bodies listed in this sub-section and in §§8.3 through 8.14 of this Charter in the numbers and for the terms set forth therein:

Police Commission and Dept.
Police and Fire Retirement Board
Board of Health/Public Health
Dept.
Board of Building Appeals
Water Pollution Control Authority
Human Services Commission and
Dept.

Fire Commission and Department
Parks and Recreation Commission
Flood Prevention, Climate Resilience
and Erosion Control Board
Historic District Commission
Golf Commission

C. Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM³⁰⁵. The Board of Selectpersons shall appoint the members of the body listed in this sub-section and in §§8.15 of this Charter in the numbers and for the terms set forth therein: Ethics Commission.

D. Self-Perpetuating Boards and Commissions approved by the Board of Selectpersons³⁰⁶. The Board of Selectpersons shall approve the members of the body listed in this sub-section and in §§8.16 of this Charter in the numbers and for the terms set forth therein: Board of Library Trustees.

A-E Meetings³⁰⁷. All appointed ~~boards~~Boards and ~~commissions~~Commissions except the Ethics Commission and the Board of Building

³⁰² 2022 recodification of previous Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

³⁰³ 2022 recodification of appointment authority set forth in previous Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

³⁰⁴ 2022 recodification of appointment authority set forth in previous Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

³⁰⁵ 2022 recodification of previous Article X, §10.4 (2006).

³⁰⁶ NEW (2022).

³⁰⁷ 2022 recodification and edit of previous Article X, §10.1.B (2006). Derived from Article X, §10.1.B of the 1997 Charter.

Appeals shall hold at least ten (10) regular stated meetings a year and shall give annual notice of such meetings as required by the General Statutes. The Ethics Commission and the Board of Building Appeals shall meet when they have business to transact. Officers of each ~~board~~Board and ~~commission~~Commission shall be elected annually at an organization meeting so noticed by the Town Clerk held in the month of December; with the exception of the Ethics and Golf Commissions, shall be elected annually in the month of April. No person sitting on a ~~board~~Board or ~~commission~~Commission at the designation of another ~~board~~Board or ~~commission~~Commission may be elected an officer of the ~~board~~Board or ~~commission~~Commission to which he or she has been designated.

B.F. Vacancies³⁰⁸. ~~A vacancy in the membership of any permanent appointed authority, board, or commission. Vacancies shall be filled in the manner prescribed in Section 3.5 as set forth in §6.6 of this Charter.~~

Bodies appointed by the First Selectperson.

§8.2. Conservation Commission³⁰⁹.

A. Members and terms. The Conservation Commission shall consist of seven (7) members, not more than four (4) of whom shall be registered with the same political party, and three alternate members, not more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the First ~~Selectman~~Selectperson for a term of five (5) years. Members' terms shall be staggered so that no more than two (2) members' terms expire in one (1) year. Alternate members' terms need not be staggered.

B. Powers and duties (~~conservation~~Conservation Functions).

(1) The Conservation Commission shall have all of the powers and duties conferred by this Charter, by ~~ordinance~~Ordinance, and on conservation commissions generally by §7-131a of Chapter 97 of the General Statutes.

(2) In order to carry out its powers, the Conservation Commission shall:

(a) Conserve, develop, supervise, and regulate natural resources, including water resources and open space land in the Town;

(b) Conduct investigations into the use and possible use of land in the Town;

³⁰⁸ 2022 recodification and edit of previous Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

³⁰⁹ 2022 recodification and edit of previous Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.

(c) Keep an index of all open areas, publicly or privately owned, for the purpose of obtaining information on the proper use of such areas;

(d) Have the ability to recommend to appropriate agencies plans and programs for the development and use of open areas;

(e) Have the ability, as approved by the RTM, to acquire land and easements in the name of the Town and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes; and

(f) Have the ability to coordinate the activities of unofficial bodies organized for similar purposes.

C. Powers and duties (~~inland wetlands~~ Inland Wetland Functions). The Conservation Commission shall have the powers and duties conferred by this Charter, by ordinance, and on inland wetlands and watercourses agencies generally by §§ 22a-42 to 22-44 of Chapter 440 of the General Statutes. In particular, the Commission shall:

(1) Provide for the protection, preservation, maintenance and use of inland wetlands and watercourses, for their conservation, economic, aesthetic, recreational, and other public and private uses and values in order to provide to the citizens of the Town an orderly process to balance the need for the economic growth of the Town and the use of its land with the need to protect the environment and its natural resources;

(2) Adopt, amend and promulgate such ~~regulations~~ Regulations as are necessary to protect and define the inland wetlands and watercourses;

(3) Develop a comprehensive program in furtherance of its purposes;

(4) Advise, consult and cooperate with other agencies of the Town, State and Federal governments;

(5) Encourage and conduct studies and investigations and disseminate relevant information; and

(6) Inventory and evaluate the inland wetlands and watercourses in such form as it deems best suited to effect its purposes.

D. Director and other employees or consultants. The Commission shall appoint a Director with the approval of the First ~~Selectman~~ Selectperson. The Commission shall have the power to engage such employees or consultants as it requires to carry out its duties, including a wetlands administrator and assistants who, subject to the general supervision of the Director, shall enforce all ~~laws~~ Laws, ~~ordinance~~ Ordinances and

~~regulations~~Regulations relating to matters over which it has jurisdiction and who shall have such other duties as the Commission or the Director may prescribe.

Permanent bodies appointed by the Board of Selectpersons.

§8.3. Police Commission and Department³¹⁰.

A. Members and terms. The Police Commission shall consist of seven ~~(7)~~ members appointed by the Board of ~~Selectmen~~Selectpersons, no more than four ~~(4)~~ of whom shall be registered with the same political party. Each member shall have a term of five ~~(5)~~ years with the terms staggered so that not more than two ~~(2)~~ terms expire in one ~~(1)~~ year.

B. Powers and duties. The Police Commission shall have the powers and duties conferred on police ~~commissions~~^[§43] generally by §7-276 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Police Commission shall:

(1) Have general management supervision of the Police Department of the Town and of all property and equipment used by or in connection with the operation of the ~~department~~Department;

(2) Make rules and ~~regulations~~Regulations consistent with the General Statutes and this Charter for the governance of the Police Department and its personnel, and may prescribe penalties for violations of its rules and ~~regulations~~Regulations;

(3) Subject to the provisions in this Charter regarding appointment of the Chief of Police, have sole power to appoint and promote to all positions in the Police Department, which appointments and promotions shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Police Department; and

(5) Within the appropriations made for that purpose determine the number of officers and other employees of the Police Department and of the several ranks and grades and their compensation.

C. Appointment of Acting Chief. During the absence or disability of the Chief of Police, the Police Commission may designate a member of the ~~department~~Department

³¹⁰ 2022 recodification and edit of previous Article X, §10.5 (2006). Derived from Chapter XIV of the 1947 Act, based upon §1 of Special Act No. 186 (1945); further amended by §23 of the 1951 Act and affirmed by Chapter XIV of the 1956 Act and the 1975 Charter; and, Article X, §10.5 of the 1997 Charter.

as Acting Chief of Police to perform the duties of the Chief of Police.

D. Appointment of special officers. Special officers for the protection of specified private property and special traffic duty or for the preservation of peace may be appointed by the Commission under such rules and ~~regulations~~Regulations as the Commission shall from time to time establish. Such officers shall serve at the pleasure of the Commission and in any event for terms not to exceed one (1) year unless re-appointed.

§8.4. Fire Commission and Department³¹¹.

A. Members and terms. The Fire Commission shall consist of seven (7) members appointed by the Board of ~~Selectmen~~Selectpersons, no more than four (4) of whom shall be members of the same political party. Each member shall have a term of five (5) years with the terms staggered so that no more than two terms expire in one (1) year.

B. Powers and duties. The Fire Commission shall have all the powers and duties conferred on fire commissions generally by §7-301 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Fire Commission shall:

(1) Have general management and supervision of the Fire Department of the Town and of all property and equipment used by or in connection with the operation of the ~~department~~Department, including the hydrants used for fire purposes;

(2) Make rules and ~~regulations~~Regulations consistent with the General Statutes and this Charter for the governance of the Fire Department and its personnel, and may prescribe penalties for violations of its rules and ~~regulations~~Regulations;

(3) Subject to the provisions in this Charter regarding appointment of the Fire Chief, have sole power to appoint and promote to all positions in the ~~department~~Department, and all appointments and promotions in the Fire Department shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Fire Department; and

(5) Within the limits of the appropriations made for that purpose, determine the number of persons employed by the ~~department~~Department and of the several ranks and grades and their compensation.

³¹¹ 2022 recodification and edit of previous Article X, §10.6 (2006). Modification of Chapter XV of the 1947 and 1956 Acts and 1975 Charter. At the time the Commission membership was based upon the fire districts in town. Derived from Article X, §10.6 of the 1997 Charter.

C. Appointment of Acting Fire Chief. During the absence or disability of the Fire Chief, the Commission may designate a member of the ~~epartment~~Department as Acting Fire Chief to perform the duties of the Fire Chief.

§8.5. Police and Fire Retirement Board³¹².

A. Members and terms. The Police and Fire Retirement Board shall consist of seven (7) members: ~~the~~The First ~~Selectman~~Selectperson (who shall be ~~Chairman~~Chair), the Fiscal Officer, three (3) members appointed by the Board of ~~Selectmen~~Selectpersons for a term of three (3) years, and one (1) member ~~each~~, to serve for a period of one (1) year, to be elected by the members of the Fire Department and members of the Police Department, respectively. No more than two (2) of ~~the~~ three (3) members appointed by the Board of ~~Selectmen~~Selectpersons shall be registered with one (1) political party and their terms shall be staggered so that not more than two (2) terms expire in one (1) year.

B. Powers and duties. The Police and Fire Retirement Board shall be the trustees of the retirement fund created under the existing police and fire retirement system for regular firefighters and police officers employed by the Town and shall have full control and management of the fund, with the power to invest and reinvest the same in accordance with the General Statutes respecting the investment of trust funds. The Police and Fire Retirement Board shall be responsible for assuring that the administration of the Police and Retirement plan is in strict accordance with the plan documents.

C. Annual report. On or before January 1 of each year, the Police and Fire Retirement Board shall file an annual report with the Board of ~~Selectmen~~Selectpersons showing the financial condition of the police and fire retirement system as of the end of the last- completed fiscal year, including an actuarial evaluation of assets and liabilities, and setting forth such other facts, recommendations and data as may be of value to the members of the police and fire retirement system of the Town.

D. Changes in retirement system. Before any change in the police and fire retirement system negotiated under the General Statutes is submitted for consideration to the Board of Finance, and for action to the RTM, the ~~Selectman~~Selectperson shall secure a written actuarial evaluation and report of such change.

§8.6. Department of Public Works³¹³.

The Department of Public Works shall have all of the administrative powers and duties vested in the Town by this Charter or by the General Statutes with respect to the following functions of the Town:

³¹² 2022 recodification and edit of previous Article X, §10.7 (2006). Derived from Chapter XXI of the 1975 Charter and Article X, §10.7 of the 1997 Charter.

³¹³ 2022 recodification and minor modification of previous Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

A. The construction, reconstruction, care, maintenance, operation, altering, paving, repairing, draining, cleaning, snow clearance, lighting, and inspection of all ~~public~~Town, highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements of all buildings and equipment owned or used by the Town, except school buildings and equipment, police and fire equipment, and buildings and equipment under the control of the Board of Library Trustees;

B. The removal of encroachments and, together with the Tree Warden, the planting, preservation, care and removal of trees, shrubs and other vegetation within highways, or public places, or on Town property;

C. The maintenance, care and improvement of, and construction work required in connection with, public cemeteries, parks, playgrounds, beaches, marina facilities, and recreational areas of the Town, as requested by the ~~Selectmen~~Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by ~~ordinance~~Ordinance.

D. The custody of all maps of the Town not otherwise entrusted to any other ~~department, commission, board, authority,~~Department or Town ~~officer~~Official; and

E. The maintenance of maps or other records showing highways, building or veranda lines, street profiles, and plans and profiles of storm and sanitary sewers.

§8.7. Board of Health and Public Health Department³¹⁴.

A. **Members and terms of the Board of Health³¹⁵.** The Board of Health shall consist of seven (7) members, five (5) of them appointed by the Board of ~~Selectmen~~Selectpersons for four- (4) year terms, one (1) designated by the Board of Education from its members, and one (1) designated by the Human Services Commission from its members. At least one (1) of the members so appointed shall be a physician. At least two (2) additional members shall be licensed health care professionals. Not more than three (3) of the members appointed by the Board of ~~Selectmen~~Selectpersons shall be registered with the same political party and their terms shall be staggered so that no more than two (2) terms expire in one (1) year. The members designated by the Board of Education and by the Human Services Commission shall not serve beyond their tenure on the appointing bodies.

B. **Organization.** The Board of Health shall be the general policy-making body for the Public Health Department and shall make all necessary rules and regulations for its

³¹⁴ 2022 recodification and edit of previous Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

³¹⁵ Derived from Chapter VIII, §1 of the 1947 Act; as further amended by §10 of the 1951 Act and reaffirmed by Chapter VIII, §1 of the 1956 Act and the 1975 Charter.

administration.

C. Personnel³¹⁶. The Public Health Department shall consist of a Director of Health and such sanitarians, nurses, dental hygienists, secretaries, clerks and other personnel as may be necessary to operate the ~~epartment~~Department, including such physicians as may be temporarily engaged from time to time.

D. Powers and duties.

(1) The Board of Health may make and amend such reasonable rules for the promotion and preservation of the public health, health services in public schools, and sanitation as required, provided the same shall not be inconsistent with the General Statutes, the state public health code, other state departmental regulations, or the ordinances and public health code of the Town.

(2) The Board of Health shall advise the Director of Health in all matters relating to public health, and health services in the schools of the Town, and shall appoint the school and Well Child Clinic medical advisors.

§8.8. Parks and Recreation Commission³¹⁷.

A. Members and terms.

(1) The Parks and Recreation Commission shall consist of nine (9) voting members, eight (8) of whom shall be appointed by the Board of ~~Selectmen~~Selectpersons and one (1) of whom shall be a member of the Board of Education designated by the Board of Education to serve on the Parks and Recreation Commission. Notwithstanding ~~Section §6.3.2~~ of this Charter, no more than five (5) of the members appointed by the Board of ~~Selectman~~Selectpersons shall belong to the same political party. The Director of Parks and Recreation and the Director of Public Works shall serve on the Parks and Recreation Commission ex officio without vote.

(2) The term of office of the members appointed by the Board of ~~Selectmen~~Selectpersons shall be five (5) years with terms staggered so that no more than two (2) members are appointed in any one (1) year.

B. Powers and duties. The Parks and Recreation Commission shall be the policy-making body for the Parks and Recreation Department, shall together with the

³¹⁶ Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

³¹⁷ 2022 recodification and edit of previous Article X, §10.10 (2006). Derived from Chapter XIII of the 1947 and 1956 Acts and the Charter of 1975. At the time the Commission consisted of five members; as further amended by §17 of the 1951 Act. A Board of Recreation existed under Chapter XVI of the 1947 Act and 1975 Charter; §1 was amended and §4 was repealed by §§18 and 19 of the 1951 Act. Chapter XVI, §2 remained in effect under the 1956 Act. Derived from Article X, §10.10 of the 1997 Charter.

First ~~Selectman~~Selectperson supervise the Director of Parks and Recreation, and shall assist in establishing requirements and qualifications for personnel needed for the Department.

C. Department. The Parks and Recreation Department shall consist of a Director of Parks and Recreation and such other personnel as may be necessary to operate the ~~department~~Department.

§8.9. Board of Building Appeals³¹⁸.

A. Members and terms. The Board of Building Appeals shall consist of five (5) members appointed by the Board of ~~Selectmen~~Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that no more than one (1) term expires in one (1) year.

B. Qualifications. The members shall have the qualifications set forth in the State Building Code.

C. Powers and duties. The Board of Building Appeals shall have the powers and duties conferred on boards of building appeals generally by § 29-266 of Chapter 541 of the General Statutes, including hearing appeals from the decisions of the Building Inspector.

§8.10. Flood Prevention, Climate Resilience and Erosion Control Board ³¹⁹.

A. Members and terms. The Flood Prevention, Climate Resilience and Erosion Control Board shall consist of five (5) members appointed by the Board of ~~Selectmen~~Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that not more than one (1) term expires in one (1) year. The Director of Public Works, or a designee appointed by the Director, shall be a non-voting ex officio member of the Board.

B. Powers and duties. ~~The Flood and Erosion Control~~Said Board shall have the powers and duties conferred on flood and erosion control boards generally by §-25-84 through 25-94 of Chapter 477 of the General Statutes, as amended.

³¹⁸ 2022 recodification and edit of previous Article X, §10.11 (2006). See, §2 of Chapter X of the 1947 Act ("Board of Building Commissioners"); further amended by §11 of the 1951 Act and reaffirmed by Chapter X of the 1956 Act and the 1975 Charter; and, Article X, §10.11 of the 1997 Charter.

³¹⁹ 2022 recodification and modification (Name of Board, DPW Director membership and creation of Alternate members) of previous Article X, §10.12 (2006). Derived from Article X, §10.12 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The change in title corresponds to the legislative changes made in P.A. 21-115.

C. Alternate Members³²⁰. There shall be three (3) alternate members of the Board, no more than two (2) of whom shall be registered with the same political party. Alternate members shall have terms of three (3) years, which shall be staggered so that not more than one (1) term expires in one year. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth for such board and its members. If a regular member is absent or is disqualified, the chairman of the board shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting"

Transitional Provision. On or about the fourth (4th) Monday of November 2022, the Board of Selectpersons shall appoint an alternate to a term of three (3) years; an alternate to a term of two (2) years; and, an alternate to a term of one (1) year. On and after the fourth (4th) Monday of November 2023, as their terms expire, alternates shall be appointed to a term of three (3) years.

§8.11. Water Pollution Control Authority³²¹.

A. Members and terms. The Water Pollution Control Authority shall consist of seven (7) members, one ~~of whom shall be a member of the Board of Selectmen, and six (1)~~ of whom shall be appointed by a member of the Board of Selectmen. No more than four of the members Selectpersons, and six (6) of whom shall be appointed by the Board of Selectmen shall be registered with the same political party. The Selectpersons. No more than four (4) of the members appointed by the Board of Selectmen Selectpersons shall be registered with the same political party. The members appointed by the Board of Selectpersons shall have terms of four (4) years, which shall be staggered so that not more than two (2) terms expire in one (1) year. The Fiscal Officer shall be a member ex officio, without vote.

B. Organization and personnel. For purposes of this Charter, the Water Pollution Control Authority shall be deemed a commission except where any provision of this Charter of general application to commissions conflicts with a provision of the General Statutes concerning water pollution control authorities. The Water Pollution Control Authority may establish rules and adopt bylaws for the transaction of its business. The clerk of the Water Pollution Control Authority shall keep a record of its proceedings and shall be custodian of all books, papers and other documents of the Water Pollution Control Authority. The Water Pollution Control Authority may employ such personnel as may be required for the performance of its duties and may fix their compensation.

C. Powers and duties. The Water Pollution Control Authority shall have the power to:

³²⁰ In lieu of previous Article 10.12.C entitled "Temporary Members."

³²¹ 2022 recodification and modification of previous Article X, §10.13 (2006). Derived from Article X, §10.13 of the 1997 Charter.

(1) ~~Plan~~Operate, maintain and manage, and through the Department of Public Works, plan, lay out, acquire, construct, reconstruct, equip, repair, maintain, supervise and manage and, through the Department of Public Works, operate a sewerage system

(2) Acquire, by purchase, condemnation or otherwise, any real property or interest in real property which it shall determine to be necessary for use in connection with such sewerage system;

(3) Apportion and assess the whole or any part of the cost of acquiring, constructing or reconstructing any sewerage system or portion thereof upon the lands and buildings in the Town which, in its judgment, shall be especially benefited by the system (whether they abut on such system or not), and upon the owners of such lands and buildings and fix the time when such assessments shall be due and payable and provide that they may be paid in such number of substantially equal annual installments, not exceeding thirty (30), as it shall determine;

(4) Establish and from time to time revise just and equitable charges or rates for connection with and use of the sewerage system;

(5) Order any owner or occupant of any real estate to which the sewerage system is available to connect the drainage and sewerage thereof with the system and to disconnect, fill up and destroy any cesspool, privy vault, drain or other arrangement on such real estate for the reception of such drainage or sewerage; and

(6) Generally, to have and possess all of the powers and duties conferred upon water pollution control authorities by the General Statutes.

§8.12. Historic District Commission³²².

A. Members and terms. The Historic District Commission shall consist of five (5) members, no more than three (3) of whom shall be registered with the same political party, and three (3) alternate members, no more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the Board of ~~Selectmen~~Selectpersons, with the advice and consent of the RTM. Terms of membership shall be for five (5) years and shall be staggered so that no more than one (1) member's term and one (1) alternate member's term expires in each year.

B. Powers and duties. The Historic District Commission shall have the powers and duties conferred upon historic district commissions and historic properties

³²² 2022 recodification and edit of previous Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

commissions generally by Chapter 97a of the General Statutes (C.G.S. §7-147a et seq.).

§8.13. Human Services Commission and Department³²³.

A. Members and terms. The Human Services Commission shall consist of nine (9) members appointed by the Board of ~~Selectmen~~Selectpersons, not more than five (5) members of whom shall be registered with the same political party. Members shall have terms of four (4) years which shall be staggered so that no more than four (4) terms expire in one (1) year. The Human Services Commission shall ~~have members representing~~represent those social services matters in accordance with the interests of authority set forth under the General Statutes or otherwise by Law, including matters which relate to the aging, people with disabilities, veterans, youth and the handicapped and underserved populations; unless other committee, task force or Board or Commission has been authorized to specifically address any particular social service matter. The Commission may form its own committees with additional persons to assist and advise the Human Services Commission in matters which concern the conditions and needs of aging and of ~~handicapped persons~~people with disabilities.

B. Powers and duties. The Human Services Commission shall be the policy-making body for the Department of Human Services.

C. Department of Human Services.

(1) Powers and duties. The Department of Human Services, together with the Board of ~~Selectmen~~Selectpersons, shall have all the powers and duties relating to social services granted to and imposed upon towns by the General Statutes. The Department of Human Services shall act on behalf of the Town in all social service matters in conjunction with State and Federal agencies. Social service matters involving community health issues shall be coordinated with the Public Health Department.

(2) Acceptance and use of private donations. The Department of Human Services shall have the power to accept on behalf of the Town donations of any kind to be used generally or specifically for its purposes and to carry out any specific wishes of a donor. The power to accept donations shall not be construed to eliminate the authority any other Town ~~officer~~Official or ~~body~~the RTM may have to review specific donations. All donated monies shall be delivered to the Town Treasurer to be maintained in a special account subject to the order of the Department of Human Services, in accordance with the terms of the gift in each instance.

³²³ 2022 recodification and modification (updated member qualifications and description of commission mission) of previous Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.

§8.14. Golf Commission³²⁴.

A. Members and terms. The Golf Commission shall consist of seven (7) members appointed by the Board of ~~Selectmen~~Selectpersons, no more than four (4) of whom shall be registered with same political party. Each member shall have a term of five (5) years, commencing April 1, with the terms staggered so that no more than two (2) terms expire in the same year. No member shall be eligible for reappointment to the Golf Commission for a period of five (5) years after the end of his or her term.

B.

C. Powers and duties. The Golf Commission shall be the policy-making body for the Par 3 Golf Course and the H. Smith Richardson Golf Course. It shall have the following powers, subject to appropriation:

(1) To make, amend and repeal bylaws, rules and regulations relative to play, hours of operation, fees, charges, and all other decisions necessary for the successful operation of those courses;

(2) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any golf course facilities on behalf of the Town in an amount sufficient to maintain operating and maintenance expenses.

Appointed by Board of ~~Selectmen~~Selectpersons and Approved by RTM

§8.15. Ethics Commission³²⁵.

A. Members and terms.

(1) The Ethics Commission shall consist of five (5) members, appointed by unanimous vote of the Board of ~~Selectmen~~Selectpersons and confirmed by ~~majority vote~~Majority Vote of the RTM. No more than three (3) members shall be registered with the same political party.

(2) Notice of appointment shall be served by the Board of ~~Selectmen~~Selectpersons upon the Moderator of the RTM and the Town Clerk. A vote for approval or rejection of each person appointed shall be taken at an RTM meeting held more than ten (10-days) Days after service of the notice on the Town Clerk. Failure to vote within sixty (60-days) Days of the service on the Town Clerk shall be deemed to be approval and confirmation by the RTM. If any appointment is rejected by the RTM, the Board of ~~Selectmen~~Selectpersons shall within twenty-one

³²⁴ 2022 recodification and edit of previous Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

³²⁵ 2022 recodification and modification (change of date for commencement of term) of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.

(21-days) Days after the rejection notify the RTM Moderator and Town Clerk of further appointments to replace the rejected appointments. The RTM shall then vote on the new appointments. These too shall be deemed approved and confirmed if not voted upon within sixty (60-days) Days of the notice.

(3) The terms shall commence on ~~July~~April 1. Terms of members shall be two (2) years and shall be staggered so that no more than three (3) terms expire in one (1) year. No member may serve more than the shorter of two (2) terms or one (1) term plus a partial term created by filling a vacancy for an unexpired term.

Transitional Provision. On or about July 1, 2024, the Board of Selectpersons shall appoint two (2) members to a term ending on March 30, 2025; said vacancy shall be filled on April 1, 2025 for a term of two (2) years. On or about July 1, 2023, the Board of Selectpersons shall appoint three (3) members to a term ending on March 30, 2024; said vacancy shall be filled on April 1, 2024 for a term of two (2) years.

B. Powers and duties. The Ethics Commission shall:

(1) Receive complaints alleging violations of the Standards of Conduct or any ordinance establishing a Code of Ethics for Town ~~officials~~Officials and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of ~~elected and appointed~~ Town ~~officials~~Officials, members of the RTM, and employees of the Town to determine whether there is probable cause that a violation has occurred of the Standards of Conduct or Code of Ethics;

(3) On its own motion issue general opinions and interpretations of the Standards of Conduct or the Code of Ethics;

(4) Upon the request of a principal officer of a ~~department~~Department, or any member of a Town ~~authority, board, commission, Board~~ or ~~committee~~Commission, or any member of the RTM render an advisory opinion with respect to any specific relevant situation under the Standards of Conduct or Code of Ethics;

(5) Consider written requests for advisory opinions referred by a department head with respect to any problem submitted to the department head in writing by an employee in the ~~department~~Department (whose name need not be disclosed to the Ethics Commission) concerning that employee's duties in relationship to the Standards of Conduct or Code of Ethics where the department head elects not to decide the issue within the ~~department~~Department;

(6) Adopt such regulations as it deems advisable to assure procedures for the orderly and prompt performance of the Commission's duties;

(7) Upon a finding of probable cause initiate hearings to determine whether there has been a violation of the Standards of Conduct or Code of Ethics;

(8) Have the power to retain its own counsel, administer oaths, issue subpoenas and subpoenas *duces tecum* (enforceable upon application to the Superior Court) to compel the attendance of persons at hearings and the production of books, documents, records, and papers; and

(9) Upon finding of a violation of the Standards of Conduct or Code of Ethics, at its discretion, recommend appropriate disciplinary action to the Board of ~~Selectmen~~Selectpersons or appropriate Appointed Town Officers, including department heads.

C. Procedure.

(1) On complaints.

(a) In any investigation to determine probable cause the Ethics Commission shall honor all requests for confidentiality, consistent with the requirements of State ~~law~~Law. Unless a finding of probable cause is made or the individual against whom a complaint is filed requests it, complaints alleging a violation of the Standards of Conduct or Code of Ethics shall not be disclosed by the Ethics Commission.

(b) Any person accused of a violation shall have the right to appear and be heard by the Ethics Commission and to offer any information which may tend to show there is no probable cause to believe the person has violated any provision of the Standards of Conduct or the Code of Ethics.

(c) The Ethics Commission shall, not later than ten (10-days) Days after the termination of its probable cause investigation, notify the complaining person and the person against whom the complaint was made that the investigation has been terminated and the results.

(d) At hearings after a finding of probable cause, the Ethics Commission shall afford the person accused the protection of due process consistent with that established for state agencies under the "Connecticut Uniform Administrative Procedures Act," including but not limited to the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(e) In the absence of extraordinary circumstances, the hearing shall be held within ninety (90-days) Days of the initiation of the investigation. The Ethics Commission shall, not later than thirty (30-days) Days after the close of the hearing, publish its findings together with a memorandum of its reasons. Any recommendation for disciplinary action shall be contained in the findings.

(f) An individual directly involved or directly affected by the action taken as a result of the Ethics Commission's findings or recommendation may seek judicial review of such action and of the Ethics Commission's findings or recommendation unless the action taken was a referral of the matter to proper authorities for criminal prosecution.

(2) **On requests for advisory opinions.** Within forty-five (45) Days from the receipt of a request for an advisory opinion, the Ethics Commission shall either render the opinion or advise as to when the opinion shall be rendered.

D. Quorum. A quorum for the Ethics Commission shall be not less than four (4) members in attendance. All members who attended all hearings on the matter, and all members who certify that they have read or heard the entire transcript of the hearing they did not attend, shall be eligible to vote on the proposed Ethics Commission action. The Ethics Commission shall find no person in violation of any provision of the Standards of Conduct or Code of Ethics except upon the concurring vote of three-fourths (3/4^{ths}) of those members voting.

Self-Perpetuating Board Approved by Board of Selectpersons

§8.16. Board of Library Trustees³²⁶ [S44].

A. Members and terms. The [S45]. Commencing on July 1, 2028, the Board of Library Trustees shall consist of the Town Treasurer Chief Fiscal Officer, ex officio without vote, and six (6) trustees appointed in the following manner: Annually, by the Board of Library Trustees, with the approval of the Board of Selectmen, Selectpersons, to terms of three (3) years staggered as follows:

(1) Two (2) members to a term of three (3) years commencing on the 1st day of July 2026 through June 30, 2029; and, thereafter as the term may fall;

(2) Two (2) members to a term of three (3) years commencing on the 1st day of July 2027 through June 30, 2030; and, thereafter as the term may fall; and

³²⁶ 2022 recodification and modification (change of term length and functions) of previous Article X, §10.17 (2006). Derived from §1 of the 1949 Act and, further amended by §22 of the 1951 Act; and; Chapter XXV of the 1956 Special Act; Chapter XXII of the 1975 Charter; and, Article X, §10.17 of the 1997 Charter.

(3) Two (2) members³²⁷ to a term of three (3) years commencing on the 1st day of July 2028 through June 30, 2031; and, thereafter as the term may fall.

Transitional Provision. In the interim, the Board of Library Trustees shall appoint, subject to the approval of the Board of Selectpersons:

(1) On or about July 1, 2023³²⁸, one (1) member shall be appointed to a term of three (3) years, ending on June 30, 2026;

(2) On or about July 1, 2024³²⁹, one trustee(1) member shall be appointed to serve for a term of sixtwo (2) years, ending on June 30, 2026;

(3) On or about July 1, 2025³³⁰, one (1) member shall be appointed to a term of two (2) years, ending on June 30, 2027;

(4) On or about July 1, 2026³³¹, one (1) member shall be appointed to a term of one (1) year, ending on June 30, 2027; and

(1)(5) On or about July 1, 2027³³², one (1) member shall be appointed to a term of one (1) ending on June 30, 2028.

A.B. Vacancy and reappointment limitation. Any vacancy in the Board of Library Trustees, from any cause other than the expiration of a term, shall be filled for the remainder of the term by appointment by the remaining trustees, with the approval of the Board of ~~Selectmen. No person who has served a full six-year term as trustee shall be eligible for reappointment to the Board of Library Trustees until after the lapse of one year from the expiration of that person's term of office~~ Selectpersons^[S46].

B.C. Powers and duties. The Board of Library Trustees shall:

(1) Manage, control, maintain, and operate all property of the Town devoted to library purposes, except such property as may be under the jurisdiction of the Board of Education;

~~(2) Establish/Identify and enforce reasonable fines adopt written policies to govern the operation and penalties for the violation programs of its rulesthe Library;~~

~~(2)(3) Seek adequate funds to carry out Library operations and~~

³²⁷ A member is currently serving a term of 7/1/22-6/30/28.

³²⁸ A member is currently serving a term of 7/1/17-6/30/23.

³²⁹ A member is currently serving a term of 7/1/18-6/30/24.

³³⁰ A member is currently serving a term of 7/1/19-6/30/25.

³³¹ A member is currently serving a term of 7/1/20-6/30/26.

³³² A member is currently serving a term of 7/1/21-6/30/27.

~~regulations~~ monitor the use of those funds to provide Library services;

~~(1) In addition to its free library services, have the ability to provide for the rental of books, periodicals, motion pictures, exhibits, or other library facilities;~~

~~(3)(4)~~ Turn over money which may be collected in the enforcement of fines and penalties from revenue generating services to the Town Treasurer;

~~(4)(5)~~ Subject to appropriation, ~~(a) appoint a Town Librarian with the approval of the First Selectman, and (b) appoint such assistant librarians, clerks, and other employees as may be necessary to Selectperson and and operate the library facilities;~~ a regular performance appraisal process; and,

~~(2) Determine the duties, terms of service, and the compensation of library employees; and~~

~~(3) Purchase such books, periodicals, publications, materials and supplies as may be useful or necessary for the operation of the library facilities of the Town.~~

~~(6)~~ Ensure that the Library has a strategic plan with implementation and evaluation components.

C.D. Acceptance and use of private donations.

(1) Acceptance and use. Subject to the provisions contained in this Charter and in the General Statutes, the Board of Library Trustees may accept any gift of property of any character upon any terms and conditions which the donor may prescribe and which may be acceptable to the Board of Library Trustees, provided no gift which imposes upon the Town an obligation to incur any expense in order to keep, use or maintain the gift may be accepted by the Board of Library Trustees unless it is approved by the RTM. The Board of Library Trustees may establish one (1) or more library funds with any of such property and shall have the exclusive control and management of, may hold title to, and may manage and invest and reinvest, the property in accordance with the ~~laws~~ Laws of the State governing the investment of trust funds.

(2) Management of funds. Subject to the terms and conditions upon which any of such property or funds shall be held, the Board of Library Trustees ~~shall transfer~~ is permitted to use the gross income ~~at least quarterly for capital improvements~~ to the Town Treasurer to be expended by the Town for general library purposes library or for such special purposes as may be required to comply with the terms and conditions of any gift. ~~To the extent permitted or by state standards. The principal within the funds is not to be used for operational budgeting purposes and is governed and managed solely by the terms and conditions upon which any of the property or funds may have been received, the Board of Library Trustees may~~

~~transfer to the Town Treasurer the whole or . The use of any part of the principal of any library fund within the funds is to be expended only for capital investment improvements (outside of annual operating budgets) and thus voted on by the Town for general library purposes~~Board of Trustees. Subject to appropriation, the Board of Library Trustees may employ such agents, experts, and other personnel as it may deem advisable in connection

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ARTICLE IX - BUDGET PROCEDURE AND RELATED MATTERS

§9.1. The Budget Procedure³³³Process³³³.

A. Cooperation of Town Officials and Related Matters³³⁴Employees³³⁴. The First Selectperson, Board of Selectpersons, Board of Finance, the Board of Education and RTM are required to work together, in good faith, throughout the year in order to develop and approve a Town budget. The budget shall include a delineation of all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, detailed estimates of revenues, capital expenses and operating expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these officials and employees of the Town are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town.

B. § 12-1. Fiscal year³³⁵. The fiscal year of the Town shall commence on July 1 and conclude on June 30 unless otherwise set forth in the General Statutes.

C. Budget a public record: Public Inspection³³⁶. The entire budget, comprised of the general fund budget and capital budget, shall be a public record in the office of the Town Clerk and shall be open to public inspection at other designated public facilities including libraries and schools, as may be determined by the First Selectperson, Board of Selectpersons, Board of Education or the RTM. Moreover, the First Selectperson shall provide access on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information.

D. Public Engagement³³⁷. The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM shall develop procedures designed to encourage public participation in the budget process.

E. Budget Calendar³³⁸. Not later than the second (2nd) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer shall, in accordance with §9.1.A of this Charter, following consultation with the First Selectperson, the Chair of the Board of Finance and Moderator of the RTM, cause to be published a budget calendar in order to inform the public of the significant requirements of the budget process, including but not limited to:

³³³ NEW (2022).

³³⁴ NEW (2022).

³³⁵ NEW (2022).

³³⁶ NEW (2022).

³³⁷ NEW (2022).

³³⁸ NEW (2022).

(1) Submission of Budget Estimates by Submitting Parties, as set forth in §9.3.A of this Charter;

(2) Date(s) of the Joint Review of the First Selectperson's Initial Recommendations by the Board of Selectperson, Board of Finance and RTM, as set forth in §9.3.B of this Charter;

(3) Recommendation of the Proposed Executive Budget to the Board of Finance, as set forth in §9.4.A of this Charter;

(4) Date of the Public Hearing of the Board of Finance as set forth in §9.5.B of this Charter;

(5) Date of Adoption of the Proposed Town Budget as set forth in §9.5.C of this Charter;

(6) Date of the Annual Budget Meeting and Final RTM Action on the Approved Annual Town Budget, as set forth in §§9.2 and 9.6.B of this Chapter;

(7) Proposed date of Board of Finance, as shall be set by the Board of Finance, determination of property tax rate as set forth in §§9.5.E and 9.7 of this Charter.

§9.2. Date of annual budget meeting³³⁹.

The RTM shall hold the annual budget meeting on the ~~first~~second (2nd) Monday in May of each ~~year.~~year ("RTM Annual Budget Meeting").

§9.3. Annual Budget Estimates.

A. Submission of ~~budgets~~General Fund and Capital Budget Estimates to ~~Selectmen~~the First Selectperson³⁴⁰. All Town officers, ~~boards, commissions, authorities, Officials~~ and ~~departments~~Departments of the Town ~~entrusted with the expenditure of Town funds~~, including the Board of Education, ~~("Submitting Parties")~~, shall submit to the First ~~Selectman~~the Selectperson:

(1) such items and details of their respective general fund and capital budgets for the next fiscal year. ~~These~~³⁴¹; and,

³³⁹ 2022 recodification and edit of previous Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

³⁴⁰ 2022 recodification and edit of previous Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

³⁴¹ 2022 recodification and modification (addition of capital budget) of previous Article XII, §12.2,A (2006)(First sentence) setting forth the definition of Budget Estimate". Derived from Article XII, §12.2 of the 1997 Charter.

(2) any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which, in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter³⁴².

Said Budget Estimates shall be submitted on or prior to a date designated by the First SelectmanSelectperson, which date shall be early enough for the SelectmenFirst Selectperson to review, revise, compile and ~~submit it~~transmit recommendations to the Board of Finance as set forth in Section 12.2BSelectpersons, Board of Finance and RTM for purposes of Joint Budget Meetings with said Submitting Parties ("First Selectperson's Budget Recommendation" or "Budget Recommendation")³⁴³.

B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM³⁴⁴.

(1) First Selectperson's Budget Recommendation. Not later than second (2nd) Monday in March, the First Selectpersons' Budget Recommendation shall be submitted to the Board of Selectpersons for consideration and to the Board of Finance and RTM for initial review. At such time the First Selectperson shall address said Budget Recommendation before a joint meeting of the Board of Selectpersons, Board of Finance and RTM.

(2) Multi-Board Budget Meetings. Following submission and budget address, the First Selectperson shall convene an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation. Said testimony shall assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers.

(a) All subsequent Meetings shall be called to order by the First Selectperson and be facilitated by the Chair of the Board of Finance and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public³⁴⁵.

³⁴² NEW (2022).

³⁴³ 2022 recodification and modification (reference to Joint Budget Meetings and "First Selectperson's Budget recommendation") of previous Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

³⁴⁴ NEW (2022)

³⁴⁵ **Comment of the 2022 Charter Revision Commission:** Both the Board of Finance and RTM will have additional opportunities to discuss the budget with the First Selectperson and Submitting Parties throughout the process. The objective of this first series of meetings is to eliminate redundancy and duplication of effort where possible. We recommend the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

(b) The rules may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.

§9.4. Review and recommendation by Board of Selectpersons to the Board of Finance.

A. Proposed Executive Budget; Submission to Board of Finance. ~~The First Selectman shall~~³⁴⁶. Following the joint meetings, set forth in §9.3.B, and any other meetings it deems necessary to review the budgets of all Town officers, boards, commissions, authorities, and departments of the Town required to submit budgets, and shall submit the budgets with recommendations to First Selectperson's Budget Recommendation, the Board of ~~Selectmen~~Selectpersons shall make ~~recommendations~~recommendation of a Proposed Executive Budget to the Board of Finance ~~regarding each budget reviewed, not later than the fourth (4th) Monday of March. The Proposed Executive Budget shall be in the form, and shall contain the details, required by them. The recommendations of the Selectmen shall be submitted to the the~~ Board of Finance ~~not later than two months before the annual budget meeting~~from time to time³⁴⁷.

B. Variation of procedure³⁴⁸. The Board of ~~Selectmen~~Selectpersons, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

§9.5. Review and recommendation by Board of Finance.

A. Further examination³⁴⁹. The Board of Finance may hold meetings to review the Proposed Executive Budget as it determines necessary prior to the Public Hearing set forth in §9.5.B of this Charter.

B. Public hearing by Board of Finance³⁵⁰. The Board of Finance shall hold a public hearing on the ~~budget during the month of March in each year~~Proposed Executive Budget prior to the public meeting set forth in §9.5.C of this Charter

³⁴⁶ 2022 recodification and modification (Setting a deadline and introducing the term "Proposed Executive Budget") of previous Article XII, §12.2.B (2006). Derived from Article XII, §12.2 of the 1997 Charter.

³⁴⁷ 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³⁴⁸ 2022 Recodification and edit of previous Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

³⁴⁹ NEW (2022). **Comment of the 2022 Charter Revision Commission:** This further reaffirms that the discretion to conduct meetings and hearings remains entirely within the purview of the Board of Finance.

³⁵⁰ 2022 recodification and edit of previous Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

C. Proposed Town Budget: Submission to RTM³⁵¹. ~~Publication of final budget.~~ After the public hearing ~~referred to as set forth~~ in ~~Paragraph §9.5.B of this Charter,~~ the Board of Finance shall hold a public meeting not later than ~~one month before the annual budget meeting~~ the fourth (4th) Monday in April at which ~~time~~ it shall ~~consider and act upon~~ all matters relating to the ~~budget and shall publish the final budget in a newspaper of general circulation in Proposed Executive Budget.~~ Thereafter, the Board of Finance's Proposed Town Budget shall be submitted to the RTM.

C.D. Board of Finance Presentation of the Proposed Town Budget to RTM³⁵². The Board of Finance shall ~~make its recommendations regarding present the Proposed Town Budget to the~~ budget to the RTM for consideration at the ~~annual budget meeting~~ RTM Annual Budget Meeting.

D.E. Determination of property tax rate³⁵³. After the ~~annual budget meeting~~ RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, the Board of Finance shall determine the rate of property tax for the next fiscal year, taking into account the provisions of §9.7.

§9.6. Review and determination by the RTM: Approved Annual Town Budget.

A. RTM Deliberations and Further Examination³⁵⁴. The RTM may hold meetings ~~to review the budget~~ [§47], as it determines necessary before the ~~annual budget meeting~~ Annual Budget Meeting.

A.B. The Approved Annual Town Budget³⁵⁵. At the ~~annual budget meeting~~ Annual Meeting, the RTM shall ~~determine and act upon~~ the ~~annual appropriations~~ Annual Town Budget for the next fiscal year.:

§9.7. Effect of referendum on the budget³⁵⁶.

Any item in the ~~budget~~ Approved Annual Town Budget referred to a referendum vote as provided in ~~Article XIII §3.6~~ of this Charter and disapproved shall be amended to accord with such vote. In the event of a referendum affecting any item contained in the annual Town

³⁵¹ 2022 recodification and modification (Defines "Proposed Town Budget" as the budget proposed by the Board of Finance) of previous Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³⁵² 2022 recodification and edit of previous Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³⁵³ 2022 recodification and edit of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³⁵⁴ 2022 recodification and edit of previous Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** This is a restatement of the current standard of review. The discretion to conduct meetings and hearings remains entirely within the purview of the RTM.

³⁵⁵ 2022 recodification and edit of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

³⁵⁶ 2022 recodification and edit of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.

budget, the time within which the Board of Finance shall determine the Town tax for the year following such appropriation shall be extended to five ~~days~~(5) Days after the referendum vote.

§9.8. Appeals from the Board of Finance.

A. Appeals to RTM³⁵⁷. Any Town ~~officer, board, commission, authority, committee~~Official (where a Board or departmentCommission, by majority vote of its members) or Department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by ~~the said Town officer, board, commission, authority, committee, Official or department~~Department for an appropriation of Town funds as part of the annual budget ~~process~~ or at another time in the fiscal year, or for a budget transfer. The Town ~~officer, board, commission, authority, committee, Official (where a Board or department~~Commission, by a majority vote of its members) or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

B. Method of appeal³⁵⁸. The appeal shall be made in writing and shall be filed with the Town Clerk within ~~ten (10 days)~~ Days after written notice of the vote of the Board of Finance shall have been received by the Town ~~officer, board~~.

C. RTM hearing³⁵⁹. Not later than the ~~annual budget meeting~~date of the RTM Annual Budget Meeting if the appeal is from a budget request, or the next regular meeting of the RTM after receiving an appeal from a vote of the Board of Finance in any other case, the RTM shall:

(1) Hold a hearing on such appeal, at which both the Board of Finance and the appellant shall be entitled to be heard;

(2) At the conclusion of the hearing, put the question of sustaining the appeal to a vote.

D. Vote necessary to sustain appeal³⁶⁰. If two-thirds (2/3rds) or more of the total number of RTM members present and voting at such meeting shall vote to sustain the appeal, the requested appropriation or transfer shall be made without the recommendation of the Board of Finance, subject, with respect to the appropriation, to referendum as provided in this Charter.

³⁵⁷ 2022 recodification and modification (added the "majority vote" standard for appeals from the Board of Finance) of previous Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

³⁵⁸ Recodification and edit of previous Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

³⁵⁹ 2022 recodification and edit of previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

³⁶⁰ 2022 recodification of previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

§9.9. Expenditure in excess of appropriation forbidden³⁶¹.

No Town ~~officer, board, commission, authority, committee, Official~~ or ~~department~~Department shall expend any sum for any purpose in excess of the amount appropriated by the Town for such purpose unless such expenditure shall first be approved, and appropriate transfers in the budget made, by the Board of Finance.

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³⁶¹ 2022 recodification of previous Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter.
Comment of the 2022 Charter Revision Commission: Previous Article XII, §12.8 and §12.9 were moved to Article IV, §4.3.G and Article V, §5.5.E.

ARTICLE X - MISCELLANEOUS

§10.1. Official Seal³⁶²

The ~~official seal of the~~ Town shall ~~be as adopted at~~adopt, by Ordinance, a Town Meeting held July 1, 1935, and as certified to the Seal with such suitable inscription or design as it determines. Said seal shall be filed with the Office of the Secretary of the State in accordance with ~~by~~ the General Statutes. Town Clerk. The Town Clerk shall have custody of the seal.

§10.2. Existing ordinances³⁶³.

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

§10.3. Separate provisions³⁶⁴.

If any provision of this Charter is declared by a court of competent jurisdiction to be void or unconstitutional, such action shall not affect the validity of any other provision.

§10.4. Periodic Review of the Charter³⁶⁵.

No later than April of 2032, and no more than every ten (10) years thereafter, the Board of Selectpersons shall consider appointing a Charter Revision Commission, pursuant to the General Statutes. Nothing in this section limits the right of the Board of Selectpersons to appoint one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Board of Selectpersons from appointing a Commission as required by this section.

§10.5. Submission and effective date³⁶⁶_[S48].

This Charter shall be submitted to the ~~electors~~Electors of the Town at the general election to be held Tuesday, November 7, 2006-8, 2022. Voting shall be in accordance with the ~~laws~~Laws of the State of Connecticut and the proposed Charter may be submitted in the form of one (1) or several questions as determined by the Board of

³⁶² 2022 recodification and edit of previous Article XIV, §14.1. Derived from Chapter XXIV, §4 of the 1947 and 1956 Acts; and Chapter XXVI, §4 of the 1975 Charter. See, C.G.S. §7-101.

³⁶³ 2022 recodification of previous Article XIV, §14.2. Derived from Chapter XXIV, §5 of the 1947 and 1956 Acts; and Chapter XXVI, §5 of the 1975 Charter.

³⁶⁴ 2022 recodification of previous Article XIV, §14.3. Derived from Chapter XXIV, §6 of the 1947 and 1956 Acts; and Chapter XXVI, §6 of the 1975 Charter.

³⁶⁵ NEW (2022).

³⁶⁶ 2022 recodification and modification of previous Article XIV, §14.4. Derived from Chapter XXIV, §7 of the 1947 and 1956 Acts; and, and Chapter XXVI, §9 of the 1975 Charter.

~~Selectmen.~~Selectpersons. The Charter or such portions thereof as may be approved by the ~~electors~~Electors of the Town shall take effect on November 27, ~~2006.~~ 2022, with the exception of provisions pertaining to the term of office, composition of the entity or functions of an elected official, which shall be adjusted as set forth herein.

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ADDENDUM – ELIMINATED OR REPLACED PROVISIONS

§ 1.4. Organization of Town government.

The government of the Town shall consist of the following Town officers and bodies as well as other Town officers and bodies not described in this Charter but designated by ordinance or the General Statutes:

A. Elected positions:

Number	Body or Position	Term
56 (Max.)	Representative Town Meeting	2 years
3	Board of Selectmen	4 years
1	Town Clerk	4 years
2	Registrars of Voters	4 years
7	Constables	2 years
9	Board of Finance	6 years
5	Board of Assessment Appeals	4 years
9	Board of Education	4 years
5	Zoning Board of Appeals	4 or 2 years
3	Zoning Board of Appeals Alternates	4 years
7	Town Plan and Zoning Commission	4 or 2 years
3	Town Plan and Zoning Commission Alternates	4 years

B. Appointed positions:

(1) Appointed by the First Selectman:

Number	Body or Position	Term
1	Town Attorney	
Indefinite	Assistant Town Attorneys	
1	Fiscal Officer	
1	Controller	
1	Town Treasurer	
1	Director of Community and Economic Development	
1	Director of Human and Social Services	
1	Director of Public Works	
1	Building Official	4 years
1	Director of Parks and Recreation	
1	Purchasing Agent	
1	Director of Human Resources	
7	Conservation Commission	5 years
3	Conservation Commission Alternates	5 years

(2) Appointed by the Board of Selectmen.

Number	Body or Position	Term
1 or more	Internal Auditors	
1	Assessor	
1	Tax Collector	
1	Tree Warden	1 year
7	Police Commission	5 years (a)
7	Fire Commission	5 years (a)
7	Police and Fire Retirement Board	3 or 1 years(b)
7	Board of Health	4 years (c)
8	Parks and Recreation Commission	5 years (d)
5	Board of Building Appeals	5 years
5	Flood and Erosion Control Board	5 years
5	Ethics Commission	2 years (e)
7	Water Pollution Control Authority	4 years (f)
5	Historic District Commission	5 years
3	Historic District Commission Alternates	5 years
9	Human Services Commission	4 years
7	Golf Commission	5 years

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NOTES:

- (a) See Appendix for transition to increased membership.
 - (b) Selectmen appoint 3 members for 3 years; police and fire department members each appoint 1 member for 1 year. The final 2 members are the First Selectman and the Fiscal Officer.
 - (c) Selectmen appoint 5 members for 4 years; Board of Education and Human Services Commission each appoints 1 of its members, whose terms may not last beyond their terms on the Board of Education and Human Services Commission, respectively.
 - (d) Selectmen appoint 8 members for 5 years; Board of Education appoints 1 of its members.
 - (e) Requires RTM approval.
 - (f) 1 position is held by a member of the Board of Selectmen.
- (3) Appointed by other bodies.

Number	Position	Appointing Body	Term
1	Director of Health	Board of Health	4 years (a
1	Chief of Police	Police Commission	(a
1	Fire Chief	Fire Commission	(a
1	Planning Director	Town Plan and Zoning Commission	(a
1	Animal Control Officer	Police Commission	
1	Conservation Director	Conservation Commission	(a
7	Board of Library Trustees	Board of Library Trustees	6 years (b
1	Town Librarian	Board of Library Trustees	(a

NOTES:

- (a) With the approval of the First Selectman.
- (b) With the approval of the Board of Selectmen; 1 of the positions is held by the Town Treasurer.

4.3.D Notice (Replaced by current definition) . The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held. The notice shall be sent by mail at least five days before the meeting, and a copy of such notice shall be published before the meeting in a newspaper having a general circulation in the Town and posted as required by the Freedom of Information Act. The notice shall specify the purposes for which the meeting is to be held, which shall include any business of which the Town Clerk has been notified by the First

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Selectman, chairman of the Board of Finance, or the Moderator, or which may be proposed in an electors' or RTM members' petition.

2.3.B Officials elected at each Town election and their terms. At each Town election, all members of the RTM and the Constables shall be elected for the terms set forth in Section 1.4A. In addition, at each Town election members of elected boards and commissions shall be elected in the number and for the terms indicated:

Number	Board or Commission	Term
3	Board of Finance	6 years
3	Town Plan and Zoning Commission	4 years
1	Town Plan and Zoning Commission	2 years
1	Zoning Board of Appeals	2 years
7	Constables	3 years

2.3.C Officials elected every four years and their terms. At Town elections every four years, the Town Clerk and the number of members of elected boards and commissions to be elected shall be:

Number	Board or Commission	Term
3	Board of Selectmen	4 years (a)
1	Town Clerk	4 years (a)
5	Board of Education	4 years (b)
4	Board of Education	4 years (c)
3	Board of Assessment Appeals	4 years
2	Board of Assessment Appeals	4 years
1	Zoning Board of Appeals	4 years
3	Zoning Board of Appeals	4 years
3	Zoning Board of Appeals Alternates	4 years
3	Town Plan and Zoning Alternates	4 years

NOTES:

(a)	Every four years beginning in 2007
(b)	Every four years beginning in 2011 (See Appendix for Transition Procedures)
(c)	Every four years beginning in 2013 (See Appendix for Transition Procedures)

Article 9.1

§ 9.1. Establishment.

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There shall be the following appointed Town officers as necessary:

- A. A Town Attorney;
- B. Assistant Town Attorneys;
- C. A Fiscal Officer;
- D. A Controller;
- E. A Town Treasurer;
- F. A Director of Community and Economic Development;
- G. A Director of Public Works;
- H. A Building Official;
- I. A Director of Human and Social Services;
- J. A Purchasing Agent;
- K. A Director of Parks and Recreation;
- L. A Director of Human Resources;
- M. Internal Auditor(s);
- N. An Assessor;
- O. A Tax Collector;
- P. A Tree Warden;
- Q. A Director of Health;
- R. A Chief of Police;
- S. A Fire Chief;
- T. A Planning Director;
- U. An Animal Control Officer;
- V. A Conservation Director; and
- W. A Town Librarian.

CHARTER OF THE TOWN OF FAIRFIELD

10.1.A

A. Establishment. There shall be the following permanent appointed boards and commissions, authorities, and departments:

- (1) A conservation commission;
- (2) A police commission and department;
- (3) A fire commission and department;
- (4) A police and fire retirement board;
- (5) A department of public works;
- (6) A board of health and public health department;
- (7) A parks and recreation commission;
- (8) A board of building appeals;
- (9) A flood and erosion control board;
- (10) A water pollution control authority;
- (11) An historic district commission;
- (12) An ethics commission;
- (13) A human services commission and department;
- (14) A board of library trustees; and
- (15) A golf commission.

Emails to Board of Selectmen Re: Charter Revision Sent June 21 - Present

-----Original Message-----

From: suzannemiska (null) <suzannemiska@aol.com>
Sent: Tuesday, June 21, 2022 11:16 AM
To: Board of Selectmen <BOS@fairfieldct.org>
Subject: CRC public comment special meeting

Dear Members of the Board of Selectman:

I received the notice of the special meetings by your board in regards to the Charter Review, please do not have these meetings via WebEx, virtual only, but have them in person. Why would you hold these meetings virtual? Why is there such unwillingness to open the public into this discussion in person? This should be a Town Hall meeting so the public gets to take the podium and share either their concerns of support.
Disappointed this is the direction you have decided to go in and I hope you reconsider.
Thank you for your time,
Suzanne Miska

Suzanne Miska
Sent from my iPhone

-----Original Message-----

From: Dorothea Brennan <dorbrennan1246@gmail.com>
Sent: Tuesday, June 21, 2022 11:41 AM
To: Carpenter, Jennifer <JCarpenter@fairfieldct.org>
Cc: Olzacki Joe <jolzacki@joeo.us>; McCarthy, Denis <DMcCarthy@fairfieldct.org>; dorbrennan1246 <dorbrennan1246@gmail.com>
Subject: Charter Revision

Jen, for the Board of Selectmen. I am unlikely to make this review meeting.

The Fire Commission requested that the reference to the placing of fire hydrants being done by the Commission be removed from the Fire Commission section.

The Chief and department staff make all decisions regarding hydrants. The Fire Commission has nothing to do with fire hydrants. This is better left to the experts.

The easiest and probably best fix is to just remove the language and not add any new language.

This was requested and not acted on by the Charter Revision Commission.

The other request by the Fire Commission was to change the language that says the Fire Commission is responsible for the day to day management of the Dept. We are not. That is in the purview of the Chief supervised by the first select person.

The Charter Revision Chair assured me that this language is not troublesome because of the prevailing statutes. I am still troubled by the language.
Thank you for considering these recommendations.

Dorothea E Brennan, CMF
Cell 203-556-1774

Sent from my iPhone

From: Bud Morten <budmorten@aol.com>

Sent: Tuesday, June 21, 2022 1:25 PM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; BOF <BOF@fairfieldct.org>; RTM <RTM@fairfieldct.org>; TPZ Commission <TPZCOMMISSION@fairfieldct.org>; boemembers@fairfieldschools.org

Subject: BECAUSE YOU SAY SO . . . REALLY?

BECAUSE YOU SAY SO . . . REALLY?

In case you haven't been paying close attention, here is my personal summary of what Fairfield's Charter Revision Commission (CRC) seems to be saying to the public after nine months of work.

Listen up people!

We are the Charter Revision Commission, chosen by the First Selectwoman and approved by the Board of Selectpersons (BOS).

Here's what you need to know:

We worked really hard.

We held lots of meetings.

We talked with governance experts.

We talked with current and past local and regional public officials.

We talked with our Completely Impartial legal counselor.

We talked with the Town Attorney.

We talked with one another.

We read lots of emails.

We listened to lots of public comments.

We were Completely Open and Transparent . . . uh, even though you may not understand how we were sometimes able to completely change our minds from one meeting to the next with no further public discussion, and even though one of our seven commissioners completely vanished without explanation.

Here's what we decided:

1. You only need 30, not 40, representatives on the Representative Town Meeting (RTM). We are so sure of this that we refused at our final meeting to even discuss the possibility of leaving it at 40. Thirty is actually way more than you need. If we could, we would cut it further or, better yet, replace both the RTM and the BOS with a Town Council and a Mayor and/or Manager. Also, you really shouldn't get to elect all your RTM reps — some reps should get a seat simply because they represent a different political “party” than the others in your districts — but we had to drop that idea after certain acrimonious people unfairly distorted and politicized it at our last public hearing.
2. In the future, a Town Administrator (TA) should run the Town's operations and s/he should be appointed by and report to the First Selectperson (FS).
3. The BOS and the Board of Finance (BOF) should be required to hold some joint budget hearings.
4. There are also a bunch of less important changes about things like Constables and the Tree Warden.

That's it.

We six experts have unanimously agreed on all this, so you don't need any analysis or explanation of the expected benefits, costs, risks and tradeoffs associated with any of our major changes.

After the BOS approves our decisions, you should vote in favor of them in November.

Trust us. Everything will be better, modernized, streamlined, more efficient, more transparent, more accountable, more accessible. Nothing will go wrong. There will be no unintended consequences. We know best. Because we say so.

The most important flaw in the CRC's proceedings has been their presumption that if the six of them agree and if they think they can get public approval, there is no need for any analysis of all the expected benefits, costs, risks and tradeoffs associated with their recommendations.

However, the purpose of the CRC was not to get these six people to agree on what should be changed; the purpose was to have them analyze whether any changes in our governance system would be beneficial and if so, to explain clearly to us the rationale for any recommendations.

Here are some examples of important issues the CRC failed to analyze and explain to the public.

Size of RTM: Why will a smaller RTM be better for Fairfield; why and how will it be “more accountable” rather than less accountable, and “better able” to address the Town's many issues? What exactly are the problems being solved and how significant are they? Are any of these problems more likely attributable to a lack of adequate staff and legal support for the RTM? How should we evaluate

the performance of the RTM? What bad things have happened or will happen to Fairfield because its RTM is too big, even though some highly successful towns like Greenwich and Darien have much larger RTMs? What benefits do we obtain from a larger RTM that will be lost? For example, would a smaller RTM adversely affect the Civic Culture of our community? How should we weigh the relative importance of all these and other benefits, costs and risks? Subject to learning more, I personally believe the RTM should remain at 40 members.

Town Administrator: The objective of this change is to provide more professional operating management for our Town and allow the FS to focus more on strategic matters. The question is whether the TA should be appointed by and report to the FS, which is how things work today with the Town's Chief Administrative Officer and Chief Fiscal Officer. The FS is our Town's CEO, and both private- and public-sector CEOs (e.g., Governors and Presidents) are almost always allowed to appoint their own executive teams and cabinets. And, over time, different FS will bring different skill sets, experience, personalities and strategic priorities to the job, so they should presumably have the flexibility to choose a TA that will best complement and support their agenda rather than, in the worst case, obstruct it. On the other hand, maybe the TA should be appointed by and report to the BOS? Indeed, in other towns, the Town Manager usually reports to a Town Council rather than to the Mayor or FS. And our Superintendent of Schools is appointed by and reports to the BOE, which seems to work pretty well. Reporting to the FS definitely makes the TA role more political and would limit the candidate pool to those willing to accept what could be only a four-year term. Frequent TA turnover would also mean that we never get the full benefit of long-term professional management based on long-term institutional knowledge and relationships. I personally can't decide yet which is best and want to learn more.

Budget Process: Why should we mandate that the BOS and the BOF must hold some joint budget hearings? Why not simply encourage them to continue to adopt by mutual agreement whatever budget hearing process they feel is most constructive? Subject to learning more, I personally believe the Charter should not dictate what the BOS and BOF must do with regard to their budget hearings.

In conclusion, the CRC's recommendations will soon be voted on by the BOS, and I urge you to tell them what you think, whether you agree with me or not: bos@fairfieldct.org. This is your 383-year-old town.

Bud Morten

June 21, 2022

-----Original Message-----

From: Janine Alianiello <janine.alianiello5@icloud.com>

Sent: Wednesday, June 22, 2022 7:19 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: RTM/charter

Dear Board of Selectmen-

I believe you will be voting on the new charter and think the RTM should remain at 40 or somehow reflect the language to base the # on the growing population of the town. It's one of the only places that a new comer can find a place to be involved in town government.

Maybe the process could

work more effectively if there were co -moderators (representing both parties) to manage the meetings and keep issues grounded towards a central point of view and relevant to the everyday resident.

Thank you,
Janine Alianiello

Sent from my iPhone

From: kgriffi1@optonline.net <kgriffi1@optonline.net>

Sent: Wednesday, June 22, 2022 11:46 AM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

Cc: O'Brien, Pru <PO'Brien@fairfieldct.org>

Subject: Ten Background Documents

Dear CRC Members –

Pages 2 and 3 of your Transmittal Letter to the Board of Selectmen includes a chart of ten Background Documents. Are these documents posted on the Town website and if so where are they located? If not, could you please post them on your Files and Documents page so they are easily accessed?

This Commission relied on our own due diligence, assisted by Counsel and a wide array of speakers and practitioners who are experts in the municipal field. The following chart shows the Background Documents that were prepared by Counsel and reviewed by CRC during this process.

Number	Background Document
1.	Town Seal Provisions Connecticut Charters
2.	Budget Procedures and Related Matters
3.	Forms of government in Connecticut, including comparative data on elected boards and commissions in Greenwich, Branford, Westport, Darien, West Hartford, Hamden, Meriden, and Bristol.
4.	Governance Issues: (1) Composition, Organization and Terms of Office; (2) Legislative Body Models; (3) Chief Executive Models (New Britain, Hamden, Bristol, Manchester, and Newtown)
5.	Comparative Capital Budget Provisions in RTM Municipalities
6.	Governance Framework: Current and Proposed Powers
7.	Draft Chief Operating Officer (a/k/a Town Administrator)
8.	Minority Party Representation
9.	Comparative Municipal Reapportionment Provisions in Connecticut

Transmittal Letter - 2

CHARTER REVISION COMMISSION
TOWN OF FAIRFIELD

10.	Alternate Approaches to CAO (Stamford, Stratford, Darien, New Haven, Hartford, Bridgeport, Bristol, New Britain, Danbury, West Haven, Milford and East Hartford)
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Thank you,

Kathleen Griffin

15 Stonybrook Road

From: L <gaylordvp@aol.com>
Sent: Wednesday, June 22, 2022 3:32 PM
To: Board of Selectmen <BOS@fairfieldct.org>
Subject: CHARTER REVISION

TO: BOS

PLEASE SEE ATTACHED

Respectfully,

Gaylord Meyer

Dear BOS-

Having served 2 Terms on the RTM District 1

I strongly disagree !

To use the Town Charter to slash the RTM cap from 56 to 30 representatives would

effectively, disempower our legislative branch from managing its own size and restrict its ability to be truly representative.

NOT Scheduling a Public Hearing and assume people will somehow hear about it and, if they do, will have time, on very short notice, to study the extensive changes you are proposing in a dense, 100-page document; is short sighted & needs to be explained the Specific problem & WHY the change as well as Objective ?

CRC & BOS must explain clearly to the public why any major revisions it recommends in our Charter would, on balance, be in the best interests of our unique, successful town based on thoughtful analyses of all the related benefits, costs and risks — direct and indirect, tangible and intangible. I hope the BOS will take this into consideration.

Respectfully,

Gaylord Meyer

From: Kathryn Braun <klbesq@aol.com>
Sent: Thursday, June 23, 2022 4:43 PM
To: Board of Selectmen <BOS@fairfieldct.org>
Subject: Braun's letter to BOS 6-23-22 re Charter Revision Process

To Fairfield Board of Selectmen

Please see my attached letter re: Charter Revision process.

Kathryn L. Braun
Fairfield Resident

June 23, 2022

To: Board of Selectmen (BOS)

Re: Charter Revision- Need Adequate Notice and Opportunity for Public to be Heard

Dear First Selectwoman Kupchick, and Selectpersons Flynn and Lefkowitz:

I am a town resident and former 3-term RTM member and current commissioner on Fairfield's TPZ.

I urge you to provide adequate notice and a full opportunity for the public to be heard on the potentially government-changing decisions you will propose to our Town Charter. The process of governmental action on changing our Charter, is as important as the substantive changes being proposed.

We are now barely 2 business days away from a BOS special meeting on Charter Revision, on Monday June 27, yet I can find nothing on the Town website to inform the public. Other Town meetings appear through June but there is no Agenda or Town Meeting item for the BOS special meetings on Charter Revision. I was informed after inquiry via email from the Town, that there will be only 2 virtual BOS meetings, on Monday June 27 and Wednesday June 29, at which the BOS will vote on Charter Revision.

This goes against the clear expectation expressed by the Charter Revision Commission (CRC) itself. On June 20, the CRC transmitted its final recommendation in a 115-page packet to the BOS from the CRC's June 13 final meeting. This included a suggested schedule for the BOS for 3 dates- June 27 (CRC presentation), June 29 (Q&A and public hearing), and July 5 (final meeting and BOS vote).

The CRC emphasizes *accountability, transparency, outreach, expanded public participation, engagement, and trust* in its document. The CRC states: "*The Proposed Revised Charter is driven by the desire to achieve both a great level of accountability and, at the same time, maintain the flexibility to address public needs as they arise. We believe that public officials should be answerable to the people and that the government should be flexible enough to react, in real time, by budget or ordinance to meet the needs of the people.*"

The inadequate public notice, lack of outreach, and truncated hearing schedule thwart the mission of the CRC and if not corrected may well taint the public perception of the entire process.

To protect the process and the perception of fairness to our 60,000+ Town of Fairfield residents, and to support the CRC's mission, I respectfully suggest that the BOS publish notice of special hearings on Charter Revision at least 1 week in advance, hold more than just 2-3 hearings and have in-person hybrid hearings as other boards and commissions are doing. The importance of this undertaking requires nothing less.

Respectfully,
Kathryn L. Braun, Fairfield Resident

From: Ellen Jacob <dancingusa@optonline.net>

Sent: Friday, June 24, 2022 12:33 PM

To: Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Flynn, Thomas <TFlynn@fairfieldct.org>; Lefkowitz, Nancy <NLefkowitz@fairfieldct.org>

Subject: 6/27 Public Comment on Town Charter Revision Recommendations by CRC

June 24, 2022

To:

Fairfield Board of Selectmen

Fairfield, CT

RE: PUBLIC COMMENT ON TOWN CHARTER REVISION RECOMMENDATIONS BY CRC

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz

This is not a time to race through dangerous changes to the Town Charter in order to make the November ballot deadline. These revisions are not sufficiently vetted for a vote.

Yes, I said dangerous revisions to the Town Charter.

When power over 60,000 citizens is concentrated in the hands of a few so called experts in the name of efficiency, cost saving, modernization — or any other name -- it is not government by or of the people. When the voice of the public served is diminished by decree or intimidation, it is not government for the people.

Reduction of RTM Representation

1. As a former 2-term Republican RTM member, I've learned we need a strong and active RTM who know and reflect their neighbors' issues, and in turn get the public informed and involved in their own government. To reduce neighborhood representation to 3 per district diminishes the ONLY direct voice Fairfield residents have. As an increasingly diverse community, if anything, we should be bringing more voices to the kitchen table of town government.

Rules of Order and Civility

2. I am extremely disturbed by the addition of Section 1.6 Rules of Order and Civility. The stated intention to support rule of law and robust debate directly contradicts the vague language of the law itself: It never clearly defines open-ended offenses such as "disturbs, disrupts, and impedes," yet authorizes the use of law enforcement for implementation. The lack of clear definition of what constitutes a breach leaves the door ajar for suppression of open debate. We have Roberts Rules. In my 30 plus years here I have never seen evidence of Fairfield's need for such measures. Nor did the CRC present solid documentary evidence in support. They merely noted Connecticut cities and towns adopted similar measures.

Budget Hearing Consolidation

3. We must Keep the current Budget Hearing system of separate hearings, run by separate moderators. Each town board looks at the budget differently and each successive hearing benefits from light shed by the previous one, as does the public. It may be possible to streamline the hearings themselves, but should be up to each Board.

Public Works

4. After all the recent problems involving Public Works, and considering its vital role in town services, how can we possibly drop the requirement of a state engineering license for the Head of the Public Works Department?

As July 4, 2022 approaches, please hear what so many of your constituents are saying, and what, unfortunately the CRC did not yet hear.

Thank you,

Ellen Jacob

Cedar Rd, Fairfield

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, June 24, 2022 4:14 PM

To: CRC <CRC@fairfieldct.org>

Subject: Reduction of RTM membership

Having listened or watched almost all of the CRC meetings, I strongly disagree that the legislative body should be reduced in membership. Somewhere along the way I found Fairfield compared to Branford which seems ridiculous to me. Branford is approximately 23,000+ residents and Fairfield is approximately 63,000+ residents.

I support more not less representatives and I think that the discussions with the public should be held in person in order for the public is voice their opinions based on the findings of the CRC.

Furthermore after reading the CT Post article and having served on a non-partisan RTM in Westport, I think this town is begging for a less political RTM and going non-partisan is the right approach.

Perhaps the summer is not the time to bring this to the Board of Selectmen requesting input from the public. Maybe it should be held in the fall if it is necessary to bring it forth at all!!

Carol Waxman

Fairfield resident

From: Joy Shaw <jtsffld@gmail.com>

Sent: Sunday, June 26, 2022 3:36 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Joy Shaw letter to BOS on Charter Revision

To: Fairfield Board of Selectmen

Re: Charter Revision

Dear First Selectperson Kupchick and Selectpersons Flynn and Lefkowitz:

I am writing to oppose any changes to our Town Charter that would reduce the membership, power or authority of the Representative Town meeting, or change the balance of power between the Selectmen and the RTM, or that would reduce the professional expertise currently required of our public officials.

I have resided in Fairfield for 66 years and am the founder of the Mill River Wetland Committee and author/illustrator and developer of the River-Lab Program, which has been part of the Fairfield Public and Parochial schools' curriculums since the early 1970s.

I have a special appreciation of the diversity of this town and wish for its system of representative government to remain as explicitly provided in our Town Charter.

The Charter Revision Commission thankfully eliminated the possibility of requiring minority party representation in the RTM, which would have been blatantly undemocratic. But unfortunately the CRC still recommends cutting the maximum size of the RTM from 56 in the current charter, to only 30.

I urge the Commission to drop the proposed takeover of the RTM's power to manage its own size. This vital legislative branch of our town government manages its size according to its obligation to meet the needs of its citizens in all 10 districts of the Fairfield community. Using the charter revision process to cut the current membership from 40 to a 30 member cap would seriously reduce the representative capacity of this vital arm of our government. Representatives in nearby towns of Greenwich, Darien, and Westport average responsibility for 3-400 residents, compared to the current average for Fairfield RTM members of 1,500/rep. To cut the RTM membership limit from 40 to 30 would remove this body's ability to effectively manage its size in proportion to its ability to meet the needs of its citizens.

Being able to adjust size to meet citizen need is especially important now because of continuing state mandating of increased residential development, which increases the number of citizens to be represented.

Also, joint Budget meetings of the BOF, BOS, and RTM would not only be cumbersome and unworkable, but unnecessary as each of those independently elected bodies, with their own missions and roles, will still continue to hold their own meetings.

And, finally, we must maintain the current Charter's requirement that our Director of the Department of Public Works be a state-licensed engineer, to ensure the expertise needed to plan our infrastructure for the long term with the ability to oversee and integrate multiple town departments and outside contractors with full authority and accountability. This level of complex town-wide integrated planning cannot be done by the engineering department as that is not its function.

In short, we need more representation, not less, and more expertise, not less, as our town grows and moves forward into an increasingly complex and challenging future.

Respectfully submitted,

Jocelyn T. (Joy) Shaw

476 Old Mill Road

Fairfield, CT. 06824

Sent from my iPad

-----Original Message-----

From: Carol Ponti <carol.ponti@aol.com>

Sent: Monday, June 27, 2022 8:07 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: No cap RTM to 30

To BOS

Do not reduce the size of the RTM.

Thank you

Carol Pontrelli

287 Partridge Ln

Fairfield

Sent from my iPhone

From: Jill Vergara <jillvergara@gmail.com>

Sent: Monday, June 27, 2022 11:25 AM

To: Board of Selectmen <BOS@fairfieldct.org>; Nancy Lefkowitz <nancylefkowitz@gmail.com>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Flynn, Thomas <TFlynn@fairfieldct.org>; Flynn, Thomas <tom.flynn@tomflynn.org>

Subject: Charter Review Recommendations

To the Honorable Members of Fairfield's Board of Selectmen:

You are tasked with the incredibly important job of reviewing the Charter Revision Commission's (CRC) work and determining what changes to our Town Charter should be recommended to the public for approval in a referendum. Our Town Charter is our constitution, and the roles and structures it authorizes and delineates directly impact who we are as a town. This review process has been an opportunity to identify problems and fix those problems with structural improvements; and possibly change who we are as a town.

I am asking that you reject some of the proposals that the CRC has failed to justify; and I am also asking that due to the CRC's failure to clearly identify all of its recommended changes, that you remand the document to the CRC until it provides a table delineating all revisions made so that you—and the public—are fully informed when you vote.

EXECUTIVE SUMMARY

I. THE CRC FAILED TO PROVIDE A CLEAR BLUEPRINT OF ITS PROPOSED REVISIONS, AND ITS RECOMMENDATIONS SHOULD BE REMANDED TO THEM UNTIL THEY PROVIDE JUSTIFICATIONS FOR EVERY CHANGE MADE TO THE CHARTER.

- a. The Town Attorney and Mr. Mednick should no longer be “tweaking” the Charter. The CRC has voted and work must STOP.
- b. The CRC has not been welcoming of public input and has not heeded the public input that it has received.

II. FAIRFIELD'S RTM IS ALREADY THE SMALLEST IN THE STATE AND SHOULD NOT BE REDUCED.

- a. Reducing the number of RTM seats increases the likelihood that the parties will exercise more control over the candidates and candidate selection, which will ultimately reduce the diversity of ideas represented and independence on the Body.
- b. To fulfill its role as a check and balance to executive authority, the RTM needs more resources, not less people.

III. THE BOARD OF SELECTMEN IS THE EXECUTIVE OF THE TOWN, AND YET IT HAS BEEN SHOWN TO BE NEUTERED. CHANGES MADE SHOULD EMPOWER THE BOARD OF SELECTMEN, NOT THE FIRST SELECTPERSON, WHO ALREADY HAS EXCESSIVE POWER.

- a. Unexplained, and presumably inadvertent, changes shift power to the First Selectperson rather than the Board of Selectmen. These changes should be reversed not only because they are unexplained, undebated and not clearly voted on, but also because they create a stronger unitary executive without counterbalance with another Body, which is inconsistent with the BOS/BOF/RTM model.
- b. The Board of Selectmen should hire the Town Administrator, and that Administrator should report to the full Board of Selectmen.

IV. THE BUDGET PROCESS WORKS AND SHOULD NOT BE CHANGED. THE BOARD OF FINANCE SHOULD MAINTAIN CONTROL OVER ITS SCHEDULE AND ALL RTM MEMBERS SHOULD PARTICIPATE.

DISCUSSION

I. THE CRC FAILED TO PROVIDE A CLEAR BLUEPRINT OF ITS PROPOSED REVISIONS, AND ITS RECOMMENDATIONS SHOULD BE

REMANDED TO THEM UNTIL THEY PROVIDE JUSTIFICATIONS FOR EVERY CHANGE MADE TO THE CHARTER.

As mentioned earlier, the Town Charter is a foundational document that is similar to a constitution. Our town's regulations must be written in a way that is consistent with the Town Charter, as the Town Charter is primary. When changes are made to our town's ordinances, every change—no matter how small—must be explicitly identified and discussed. Track changes are a required submission for statutory changes; and a memorandum is required explaining and justifying every word change or addition. Despite the Town Charter being an even more important document than the Town Code, the CRC failed to provide a document explicitly and clearly documenting each change they are proposing. The CRC did not have a formal discussion and vote on each proposed change. This failure is a huge problem as it disables the public from knowing or understanding the proposed changes; there is a complete lack of clarity as to what is being proposed and how it differs from what currently exists. In addition, the Town Attorney and Mr. Mednick continued work on the revisions *after the vote* (and there is ambiguity as to whether these “tweaks” continue after the document has been transmitted to the Board of Selectmen). This post-vote tweaking seems highly inappropriate and concerning, and I ask that only what our appointed Commission of residents worked on, voted on and discussed be sent to referendum.

Track changes were only posted as of Friday, June 24th, 2022, and those changes were not accompanied by a ledger accounting for all suggested revisions and whether or not the full commission voted to approve. The revisions being offered by the CRC are the most far reaching and numerous revisions that have ever been offered by a Charter Revision Commission in Fairfield. For reference, here is the report that New Canaan's Charter Revision Commission produced to summarize its suggested revisions: <http://cms3.revize.com/revize/newcanaanct/Commissions/Charter%20Revision/Final%20Report%20of%20the%20Charter%20Revision%20Commission.pdf>. As you can see, there is a table entitled, "Major considerations, Revisions and Additions." Without such a tool provided, no body--neither the Board of Selectmen nor the people--can make informed decisions about the suggested revisions.

Also note that in the New Canaan Charter Revision Commission report, opportunities for public comment were provided at each and every New Canaan CRC meeting. Fairfield CRC's failure to provide public comment at each of their meetings, as well as its decision to meet exclusively by Web Ex, undermined public involvement in their deliberations. Their recommendations were supposed to be driven by public input. They were not. And so, some of the most substantive and important issues—like those raised by the Flood and Erosion Board—fell to the wayside. Indeed, many of the most controversial recommendations, such as reducing the RTM and increasing executive powers, were not advocated or supported by the public.

II. FAIRFIELD'S RTM IS ALREADY THE SMALLEST IN THE STATE AND SHOULD NOT BE REDUCED FROM POTENTIALLY 56 MEMBERS DOWN TO 30.

Fairfield is one of six towns in the state whose form of government is a Representative Town Meeting. RTMs are iterations of Town Meeting forms of government, in which all electors of a town vote on significant town actions. The large majority of towns in Connecticut (**110 towns**, or **65%**) are Town Meeting/Selectmen/RTM forms of government. These forms are unique to New England and prize decentralization and power sharing; and these structures are intimately intertwined with our region's patriotic history and revolt against an abusive centralized power. After examining other forms of government, the CRC decided not to recommend any change in Fairfield's basic governance structure the same--maintaining our traditional Board of Selectmen, Board of Finance and RTM model.

FAIRFIELD CURRENTLY HAS THE SMALLEST LEGISLATIVE BODY OF ALL RTMS IN THE STATE, proportionate to its population.

Fairfield--40 RTM members for a population of 62,000

Branford--30 RTM members for a population of 28,000

Darien--100 RTM members for a population of 22,000

Greenwich--230 RTM members for a population of 64,000

Groton--41 RTM members for a population of 38,000

Westport--36 RTM members for a population of 27,000

Waterford--25 RTM members for a population of 20,000

In 2015, the Fairfield RTM was reduced down from 50 RTM members to 40. This change occurred only 7 years ago, and we do not know or understand how this change may have negatively affected the RTM. Several people have noted the increased partisanship in town throughout the revision process. Partisanship is an identified problem. I supported making RTM elections non-partisan to address this problem, but we are unfortunately disabled from doing so by State law. I worry that reducing the RTM further may actually increase partisanship, because reducing the number of seats raises the stakes for each of those positions and consequently increases the likelihood that the parties will exercise more control over the candidates and candidate selection. I ended up on the RTM by chance. I was the fourth candidate added to the slate only 5 weeks before the 2015 election. I was not a member of the DTC. No one "vetted" me. I didn't have to jump through ideological hoops to be nominated. If the districts were limited to three candidates each, I would not have gotten involved in town governance. I worry that lowering the number of RTM members will eliminate the everyday Joe's on the body; and will also make it easier for parties to control. Larger bodies are unwieldy, but are also less prone to the single-handed orchestrations of party leadership. A larger RTM is more likely to embody more diverse ideas and experiences and is also more likely to engender independence.

Comparing Fairfield to other towns in Connecticut with smaller legislative bodies is a **false comparison**, as these other towns (which are all mostly cities) are categorized as very different forms of government than the Town Meeting/RTM model. Mr. Mednick has noted that he has never before worked with an RTM/town meeting town. His experience is with the other forms of government in the state, and he hails from Hamden, a large suburb of New Haven, which has a Mayor/Council model. Other notable Mayor/Council cities include Ansonia, Bridgeport, Stratford, Hartford, New Britain and Waterbury. The legislative bodies of cities such as these do have fewer members than Fairfield's RTM, but these cities' structures are very different, as are the cities themselves, from Fairfield. (29 cities in Connecticut, or 17%, are categorized as a Mayor/Council form of government.) These cities also empower their legislative bodies in stronger ways than what Fairfield's system incorporates. Nothing in the current revisions offers any correlating checks and balances to the executive and legislative branches. Notably, one problem identified that received consensus and support by the CRC—the lack of legal resources to Fairfield's legislative body—did not make its way into the proposed revisions. To fulfill its role as a check and balance to executive authority, the RTM needs more resources, not less people.

So, why make the RTM smaller? I'm not sure that the CRC has directly answered this question. The public's input suggests that the people do not want less representation. Some of the CRC's comments suggest that they think the RTM is ineffective. But again, the very real issue of a lack of resources (in comparison to other area towns) for Fairfield's RTM was identified and left unaddressed. It is also important to note that many of these criticisms of the RTM have been made in reference to meetings or by members who have served exclusively during the pandemic. For the first time in the RTM's history, meetings have been conducted virtually since March 2020. While other towns have figured out ways for their RTMs to meet in person, Fairfield has been quite slow to do so (in Massachusetts, where their legislative bodies often consist of 200+ people, they began meeting in person as early as June 2020). This decision was not in the RTM's hands. The RTM had to rely on the Executive to provide the means to meet in person. RTM Moderators were asked to mediate far too many elements of Web Ex meetings, including at one point, the public calling in. It was an impossible task to both mediate deliberations and enforce rules while also administering the technology. The failure to provide more help and to usher hybrid and/or in person meetings in a more timely way is yet another example of the lack of resources at the RTM's disposal. Meeting virtually has necessarily limited debate and limited the ways members can get to know each other and has stunted the RTM's work. None of this has anything to do with the RTM's size.

III. THE BOARD OF SELECTMEN IS THE EXECUTIVE OF THE TOWN, AND YET IT HAS BEEN SHOWN TO BE NEUTERED. CHANGES MADE SHOULD EMPOWER THE BOARD OF SELECTMEN, NOT THE FIRST SELECTPERSON, WHO ALREADY HAS EXCESSIVE POWER.

A clear problem discussed by current and former Board of Selectmen members was BOS members' inability to assert their power. This issue was raised in reference to appointments as well as the Board of Selectmen's power under the Charter to investigate any and all town offices, departments and agencies (Town Charter, Article VI, Section 6.1C(2)). So for instance, when Selectman Bateson

wanted to call Administrators before him and ask them questions about the fill pile in 2019, he could not do so.

In a Town Meeting/RTM model, executive power vests in the full Board of Selectmen. The diffusion of power amongst a Board of several people (some towns have Board of Selectmen bodies of 5) is an integral element of the Town Meeting/RTM model, which is based in concepts of power sharing. At one point during its deliberations, the CRC contemplated changing the town's governance structure to a Mayor/Council model. At that point, Mr. Mednick drafted a version of the Charter that eliminated the Board of Selectmen and vested all of its executive powers in the First Selectperson. Several of these changes have remained in the document, despite the CRC's decision to maintain Fairfield's traditional governance structure of a Board of Selectmen, Board of Finance and RTM. These changes that shift more power in the First Selectperson risk disempowering the BOS even further, leaving little to no check on the First Selectperson. To allow such a structural change to stand in the face of the fill pile and Penfield Pavilion—both stemming from excessive and unchecked executive power—flies in the face of our history and sets our town up for more costly problems.

Adding a Town Administrator position in our Town Charter is an opportunity to add professional administration to our town governance and to add a central nervous system to our system so that the many Boards and Commissions (the hands) can be connected to the brain (the Executive) and to each other. The Town Administrator can correct the “byzantine” aspects of having so many different boards and commissions in town doing important, but disparate and sometimes disconnected, work. Our town's executive is the Board of Selectmen, and so, the Board of Selectmen should be the appointing Body for this important position; and the Town Administrator should report to the full Board of Selectmen, not just to the First Selectperson. Other Fairfield County RTM towns, like Greenwich and Darien, have Town Administrators whom are appointed by their Boards of Selectmen. Like those RTM towns, Fairfield should empower its full Board of Selectmen to make this important appointment.^[1]

IV. THE BUDGET PROCESS WORKS AND SHOULD NOT BE CHANGED. THE BOARD OF FINANCE SHOULD MAINTAIN CONTROL OVER ITS SCHEDULE AND ALL RTM MEMBERS SHOULD PARTICIPATE.

The proposed budget process risks creating more inefficiencies than it purports to correct. Each body plays an essential role in vetting the annual budget—it is the most important duty that we all have. Combining the review process for all bodies will disempower us and will alter the balance of powers. The people's interests are best served when our annual budgets are thoroughly vetted by each and every town Body, and the Board of Selectmen, Board of Finance and RTM should all have their own dedicated time and schedule to review the budget.

CONCLUSION

In conclusion, the CRC has not provided a sufficient explanation for its many suggested revisions, and as it relates to one of its most radical changes—the shrinking of the Representative Town Meeting—the CRC has failed to demonstrate how this change will in any way address whatever problems they believe they have identified. They have also failed to explain why Fairfield's RTM

should be so much smaller than all other RTMs in the state; and they have failed to analyze how this change could potentially negatively impact our town. We are a uniquely charming and close-knit town. Despite our size, we feel like a small town, and an incredibly high percentage of our electorate have participated in some way in town governance. How will these intrinsic qualities be changed by reducing our RTM to a size that is no longer consistent with being an RTM but is more akin to a Council? The CRC has not answered this important question.

The resounding majority of the town does NOT want to have Fairfield become a city. The people have spoken in a variety of forums and consistently advocate for maintaining our historic downtown, our historic buildings, our historic neighborhoods. I do not believe our historic governance structures are any different. If we change them in a way that moves us in the direction towards a large city, we move in a direction that runs counter to what the people want.

RESPECTFULLY SUBMITTED,

Representative Jill Vergara

Fairfield RTM, District 7

Member since 2015

^[1] Also note that we currently have a Chief Administrative Officer appointed exclusively by the First Selectwoman, who has failed to bridge the gap between our many boards and commissions and our executive body. For this position to be effective, we need someone who is accountable to the numerous boards and commissions, not just to the First Selectperson.

From: Matthew Hallock <matthew.hallock@coro.net>

Sent: Monday, June 27, 2022 2:23 PM

To: Board of Selectmen <BOS@fairfieldct.org>; CRC <CRC@fairfieldct.org>

Subject: Charter changes

Without going back and watching the videos and reading the transcripts, here is my question. Were these changes brought forward and deliberated during the multiple meetings, or are these changes a ‘surprise’ that they are now in the final proposal. If the charter revision commission members, who graciously volunteered their time on this project, were unaware that these recommendations would be in the report until the end, than either the moderator (Steven) was inexperienced – which he’s not, as he’s done this with other towns – or he did not act in good faith and was influenced outside the meetings. If these issues were vetted and he’s reflecting the wishes and input of the commission, then a vote on the revised charter is legit. If they weren’t, then instead of a vote there should be a questioning of the process.

Thanks,

Matthew Hallock, Fairfield (203) 394-7238

SUMMARY OF CONCERNS

Thanks to overwhelming public outcry, the CRC backed down regarding proposed revisions such as RTM minimum minority representation. However, they proceeded with other troubling changes including:

- **Slashing the max size of the RTM from 56 to 30:** The RTM already has the authority to “right size” itself and has previously reduced its own body from 50 members down to the current 40. With the population of Fairfield growing, the RTM should maintain the power to decrease OR increase its own size if necessary.
- **Appointing a Town Administrator who serves "at the pleasure of the First Selectperson:"** This position should be a professional hire who serves the entire Town, not a political appointee who reports only to the FP alone. This politicizes the role and ensures frequent turnover with each administration rather than long-term professional management with the benefit of institutional knowledge to inform decision making.
- **Limiting the Board of Finance's oversight of the budget process:** The Charter will now mandate that the BOS and the BOF hold joint budget hearings overseen by the FS, thus restricting BOF control of the most important job they are elected to do.
- **Giving the First Selectperson the power to both mediate AND resolve disagreements** among boards, commissions, departments, etc. What does this even mean? What qualifies as a “disagreement?” If the RTM rejects one of the FS's requests, is that a “disagreement” that the FS can “resolve” to their liking?

From: Richard Jacobs <delaracom@aol.com>

Sent: Monday, June 27, 2022 3:24 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter revision

Board of selectmen,

The following are some of my concerns with regards to changes to the charter.

1) Any time there is reduction in representation there is also reduction in democracy. By limiting the number of voices in the RTM, board of selectmen or any other board or commission, you will limit the number of ideas that will be heard, some of which might be wonderful ideas that never see the light of day. Consolidating power is always a bad idea. Look around the world and you can see what happens when powers consolidated. There is an old saying " power corrupts and absolute power corrupts absolutely"

2) TPZ : The TPZ commission should be broken into two commissions one would be planning and the other would be zoning. TPZ should be able to hiring their own attorney to defend their cases in

court. Presently the attorney that defends the zoning cases is the town attorney who works for the first Selectmen. This situation gives the first Selectman a de facto veto effect over zoning. If the first Selectman does not like a zoning ruling and it is challenged in court, that first selectmen can tell the attorney not to rigorously defend the TPZ ruling.

3) There is no need for the town administrator. If the first Selectman is not up to the job they shouldn't run.

Our town has function very well under our charter. This charter revision exercise seems to be an answer looking for a problem.

Richard Jacobs

203 255-7900 office

203 257-7631 cell

Delaracom@aol.com

www.delara.com

From: kgriffi1@optonline.net <kgriffi1@optonline.net>

Sent: Monday, June 27, 2022 3:37 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Resolution Specifying Submission Timing of Draft Report from CRC

Dear Board of Selectmen Members –

On August 30, 2021 the BOS passed a resolution establishing a Charter Revision Commission and defining the actions the BOS needed to take within thirty days of passing the resolution. On September 20, 2021 the Board appointed its members. However, per C.G.S. §7-190, the BOS is required to pass a resolution specifying when the Commission shall submit its draft report.

Did you pass that resolution? And if so what is that date/timeframe? I couldn't find such a resolution in the BOS minutes (for either draft or final).

State Statute and BOS establishment resolution are below.

Thank you,

Kathleen Griffin

15 Stonybrook Road

State Statute

Sec. 7-190. Commission: Appointment, membership, duties, report, termination.

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

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

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

08-30-21 BOS Resolution creating the CRC

*RESOLVED, pursuant to C.G.S. §7-190, that within thirty (30) days following initiation of the charter revision process, the Board of Selectmen ***shall, by resolution***, (1) appoint a commission consisting of seven (7) electors, not more than two (2) of whom may hold public office in the Town and not more than a bare majority of whom shall be members of any one political party, which Commission shall designate a Chair, Vice-Chair and Secretary and proceed forthwith to draft any such charter amendments; and (2) ***establish the timeframe for submission of a final report by said Commission.****

From: Kevin Flynn <kevhannah1@yahoo.com>

Sent: Tuesday, June 28, 2022 10:21 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Appointed Constables

Members of the Board,

As a Constable that has been elected four times, I believe there is no need to reduce the number of Constables and to have them appointed by the Board.

The population of the town is rising meaning we have more services to deliver from the Probate Court. We cannot have hearings being delayed because

we have less Constables. Seven out of Eight Candidates are elected. The present system works very well. We do not need to change it.

Thank You

Kevin Flynn

67 Sachem Rd
Fairfield, CT 06825

From: kgriffi1@optonline.net <kgriffi1@optonline.net>
Sent: Tuesday, June 28, 2022 11:30 AM
To: Board of Selectmen <BOS@fairfieldct.org>
Cc: Mednick, Steve <smednick01@snet.net>
Subject: Conflicting Charter Language on Appointment Powers

Dear Members of the Board of Selectmen –

It appears that the proposed Charter has conflicting information on who is responsible for appointing ‘**any other for which no other appointment provision is made in this Charter**’.

Section 4.2 B. (4) (a) appears to give this authority to the Board of Selectpersons:

(4) Appointment powers. The Board of Selectpersons shall appoint:

*(a) Required by Charter: **The Town Officials and employees set forth in this Charter**, any others required by the General Statutes or by Ordinance to be appointed by the Board of Selectpersons **and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.***

*(b) Required by General Statutes or Ordinance: The **members of any other Board or Commission** which is required by an Ordinance or the General Statutes.*

Section 4.3 C. (1) appears to give this authority to the First Selectperson:

C. Appointment powers.

*(1) The First Selectperson shall appoint the **Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter**, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson **and any other for which no other appointment provision is made in this Charter***

In reconciling the language, you may want to clarify who is meant by ‘**any other**’ as well as give consideration to what terminology you use. The definition of **Town Officials** appears to encompass both **Appointed Town Officers** and **Board and Commission members** for both the Charter and the Town Code. But the appointee term used (town officer, board or commission member, town official), appears to differ depending on where the required position is named (Charter, Ordinance, or Statutes) and who is doing the appointing. And 4.2.B (a) appears to say that the BOS appoints “**the Town Officials and employees set forth in this Charter**” while 4.3.C. (1) says those “**in Articles VII and VIII**”.

Definitions

- (1) "Appointed Town Officer" means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §§6.1 through 6.2 of this Charter; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.
- (2) "Board" or "Commission". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, task forces or other like entities created by appointing authorities for limited duration, purposes or scope
- (24) "Town Office" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.
- (25) "Town Officer" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board, or Commission.
- (26) "Town Official" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.

Clearer language on who has what appointment powers, and over what appointees, would be helpful to understand the intent and minimize confusion. Thank you.

Sincerely,

Kathleen Griffin

15 Stonybrook Road

From: Richard Jacobs <delaracom@aol.com>

Sent: Tuesday, June 28, 2022 2:56 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Re: Charter revision

This is what democracy looks like:

https://www.stonington-ct.gov/home/news/special-town-meeting-june-27-2022-7pm?fbclid=IwAR2fjWf5zWMDt-tu9Gt6q_OEMH8b4OC2JwnbzToBYU-d7bfzIF6s1SbMMXE

Richard Jacobs

203 255-7900 office

203 257-7631 cell

Delaracom@aol.com

www.delara.com

1. [Home](#)

Special Town Meeting - June 27, 2022 - 7PM

POSTED ON: JUNE 9, 2022 - 2:45PM

**NOTICE OF SPECIAL TOWN MEETING
TOWN OF STONINGTON**

The Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Stonington, Connecticut, will be held at Stonington High School, 176 S Broad St., Pawcatuck, CT 06379 on **Monday, June 27, 2022 at 7:00 p.m.**

To consider, discuss, and vote upon the following:

FIRST: A resolution to revise and modify an Ordinance of the Town of Stonington, Connecticut, providing for the threshold amounts of real property and personal property tax bills to be due and payable in one installment. A copy of the complete text of the proposed revisions is on file in the Town Clerk's office during normal business hours and online at www.stonington-ct.gov.

SECOND: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, amending the Town of Stonington Retirement Plan to provide for an ad hoc COLA as outlined in Amendment 2022-1 to the Stonington Retirement Plan. A copy of the complete text of the proposed Ordinance and Amendment 2022-1 is on file in the Town Clerk's office during normal business hours and online at www.stonington-ct.gov.

THIRD: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, to provide notice of an application for a demolition permit and provide for the delay of the demolition of historical structures. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and online at www.stonington-ct.gov.

FOURTH: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, to provide for smoke free community recreation areas. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and online at www.stonington-ct.gov.

FIFTH: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, to provide hours of operation for community recreation areas. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and online at www.stonington-ct.gov.

At this hearing electors and residents may appear and be heard.

All ordinances and amendments thereto shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Stonington.

Dated at Stonington, Connecticut this 14th day of June, 2022.

/s/ **Danielle Chesebrough, First Selectman**

/s/ **June Strunk, Selectwoman**

/s/ **Debbie Motycka Downie, Selectwoman**

Attachment

 [Special Town Meeting Notice - June 27, 2022](#)

 [FIRST - Tax Ordinance](#)

 [SECOND - Amendment of Retirement Plan Ordinance/Amendment 2022-1/Resolution from Board of Selectmen](#)

 [THIRD - Demolition Delay Ordinance](#)

 [FOURTH - Smoke Free Community Recreation Areas Ordinance](#)

 [FIFTH - Hours of Operation for Community Recreation Areas Ordinance](#)

From: kgriffi1@optonline.net <kgriffi1@optonline.net>

Sent: Tuesday, June 28, 2022 3:46 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Cc: Mednick, Steve <smednick01@snet.net>

Subject: RE: Conflicting Charter Language on Appointment Powers

Also, you may want to review the newly added language in 4.3.B. (7) at the same time, as it may be in conflict with the appointment powers currently assigned to the Board of Selectpersons with regard to Appointed Town Officers in the Town Code:

§4.3. Powers and Duties of the First Selectperson.

B. Duties. The First Selectperson shall:

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes177;

Thank you,

Kathleen Griffin

15 Stonybrook Road

From: kgriffi1@optonline.net <kgriffi1@optonline.net>

Sent: Tuesday, June 28, 2022 11:30 AM

To: 'bos@fairfieldct.org' <bos@fairfieldct.org>

Cc: 'Steve Mednick' <SMednick01@snet.net>

Subject: Conflicting Charter Language on Appointment Powers

Dear Members of the Board of Selectmen –

It appears that the proposed Charter has conflicting information on who is responsible for appointing ‘any other for which no other appointment provision is made in this Charter’.

Section 4.2 B. (4) (a) appears to give this authority to the Board of Selectpersons:

(4) Appointment powers. The Board of Selectpersons shall appoint:

(a) Required by Charter: The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

(b) Required by General Statutes or Ordinance: The members of any other Board or Commission which is required by an Ordinance or the General Statutes.

Section 4.3 C. (1) appears to give this authority to the First Selectperson:

C. Appointment powers.

(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson and any other for which no other appointment provision is made in this Charter

In reconciling the language, you may want to clarify who is meant by ‘any other’ as well as give consideration to what terminology you use. The definition of Town Officials appears to encompass both Appointed Town Officers and Board and Commission members for both the Charter and the Town Code. But the appointee term used (town officer, board or commission member, town official), appears to differ depending on where the required position is named (Charter, Ordinance, or Statutes) and who is doing the appointing. And 4.2.B (a) appears to say that the BOS appoints “the Town Officials and employees set forth in this Charter” while 4.3.C. (1) says those “in Articles VII and VIII”.

Definitions

- (2) "Appointed Town Officer" means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §§6.1 through 6.2 of this Charter; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.
- (2) "Board" or "Commission". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created by appointing authorities for limited duration, purposes or scope
- (24) "Town Office" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.
- (25) "Town Officer" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board, or Commission.
- (26) "Town Official" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.

Clearer language on who has what appointment powers, and over what appointees, would be helpful to understand the intent and minimize confusion. Thank you.

Sincerely,

Kathleen Griffin

15 Stonybrook Road

From: N Halpert <nahalpert@gmail.com>

Sent: Tuesday, June 28, 2022 4:30 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter Revision

To the Board of Selectmen:

I am uncomfortable with the proposed changes to the Charter:

The BOF should not be limited in its oversight of the budget hearings. They are elected by town residents to do their job and should not be required to hold joint hearings with the BOS, much less under the leadership of the First Selectman. It would limit their responsibilities and would be a conflict of interest.

Please clarify what it means for the First Selectman to mediate and resolve disagreements with various town departments and committees. In what regard?

The Town Administrator would best serve the town and First Selectperson if they were a neutral, professional, hire, not a political appointee. Plus, they could remain in the position when a new First Selectman assumes office.

The RTM will benefit the residents of Fairfield if it remains at 56 representatives. Downsizing does little to support a town with Fairfield's increasing population. It's my understanding that the RTM has the ability to increase or decrease in size according to population changes, and has done so in the past. It is essential that we continue to have an RTM that truly represents our diverse community. Smaller is not always better. In addition, in speaking with many current representatives, both Democrats and Republicans, this will help in spreading responsibility for attending countless committee meetings. As one representative explained to me, meetings are constantly scheduled and often overlap, such that a representative has to choose and limit where they focus their time, energy, and commitment. This would be more difficult with fewer representatives.

Thanks for your consideration.

Sincerely,

Nancy and Marc Halpert

344 Autumn Ridge Rd.

From: Liam Burke <liam06824@yahoo.com>

Sent: Tuesday, June 28, 2022 5:26 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter "Reform"

The major problem with the current Charter is that when the term of the Board of Selectman was increased from 2 to 4 years, no provision was made to clarify that any replacement would only serve until the next feasible general municipal election. In fact, during the very first 4 year term, none of the 3 selectmen elected served the entire four-year term. Given that all 3 members could leave within the first year in a 4 year term, it only makes sense to let the voters have their say if there is time for the parties to nominate candidates before the next general election.

This document then goes on to further reduce the RTM. We reduced it last time and it has been fine. Candidates have run. Elections contested. Control has gone back and forth between the parties and was actually tied after one election.

Finally, when the number of residents is increasing, the proposed Charter reduces the number of process-servers (Constables) by almost half, and takes the power of choosing them from the people and gives it to the selectman. Why??

Wm Burke

-----Original Message-----

From: suzannemiska (null) <suzannemiska@aol.com>

Sent: Wednesday, June 29, 2022 10:25 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Comments on CRC items

Dear Members of the BOS:

As I will be unable to attend tonight's public comment I am submitting my comments via email. To understand that this endeavor of sitting a committee/commission to open the Charter was the outcome of surveys from the SPC of 2,000 responses is absurd. To have less than 3% of the Town driving this with the possible ramifications makes no sense. I would love the public to receive copies of these surveys and the data points that drove this response.

While I appreciate that many people wanted the Charter to reflect the clarification to the Board of Selectman section on who selects a replacement to a seat, as the taxpayers paid millions in legal fees because of a court case based on a Town Attorney and First Selectman who chose not to follow the charter or claimed ambiguity. Additionally, we have watched as our current Selectwoman had chosen that same line of interpretation with her Town Attorney with their moves on the Conservation committee role outlined in the current Charter. So clarification is definitely needed to avoid these interpretations but nothing more.

As Fairfield grows and is being taken over with over development of apartment buildings and the destruction of our neighborhoods we don't need less government but rather more so that we have greater representation.

The issue is not to change how many seats but rather term limits and increasing the ability for more people to be involved. This is not being driven by the Charter but rather the RTC and DTC that have a stranglehold on who gets to run for what positions and the strategy to only run candidates for the open slots limiting the challenge and taking away the ability of the public to have options when they vote. Term limits need to be created, no one should sit on the BOE, BOF, RTM for years. How can these parties put one person up for multiple seats on the ballot? The RTC and DTC need to open their doors and process and let the many people who want to participate get that opportunity for all board seats. The political parties in this Town need to find a way to be more inclusionary and make the process more about what is best for our Town versus political party. They need to support all their candidates under their party not just their chosen few.

I would love to know what data this commission reviewed that is driving the narrative that decreasing public involvement in government makes for a more successful one? Where is the data from these other Towns that shows smaller government is more efficient and saves the taxpayers in the long run in taxes? How is concentrated government with less representation more economic and not just a way to be less transparent and accountable? I would argue that our current government has shown what too little representation which allows for less oversight has done to create the big issues we are still paying for.

As we have no local newspaper our government is basically running free of public involvement, gone are the days where we had press attending meetings and informing the public of what's going on in a weekly newspaper. Now it takes weeks for information to find the internet if at all.

These changes to the Charter are wrong, they are not what Fairfield needs especially at a time when we are facing many challenges in running our Town. Public involvement is key to the success and these changes are contrary to that.

Accountability and transparency are what we should have been adding to the Charter not limited government involvement. We need to stop trying to emulate other Towns and focus instead of doing what is best for Fairfield and it's residents and these revisions are not it.

Thank you for your time,

Suzanne Miska

Suzanne Miska

Sent from my iPhone

From: Judith Ewing <jeewing8@outlook.com>

Sent: Wednesday, June 29, 2022 1:01 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Public Comment, June 29, 2022 (BOS Meeting)

To The Board of Selectmen:

The Charter Revision Commission is to be commended for taking on the very difficult task of making some important decisions while totally reorganizing our current document. Among the most positive contributions were the decisions to hire a professional Town Administrator to guide our Town into the future, to provide the opportunity for the RTM to hire its own attorney, to clarify certain confusing language, to provide cross-referencing, and to try to resolve the issue of the automatic election when four Board of Education seats are on the ballot.

HOW TO MAKE THE DOCUMENT MORE USER-FRIENDLY:

I was hoping that this Charter would be more user-friendly. I am absolutely appalled that the CRC thinks that a fifty-three page Charter which has ballooned to a document that has doubled in size is helpful or more user-friendly. There is a great deal of repetitiveness that could have been avoided by simply providing a Subject Index. In addition, there are far too many footnote which makes the Charter much too "wonky." Cross-references to the General Statutes and other sections are very helpful, but other information is not.

There are certain subjects which deserve to be listed in an alphabetized index which would make them a great deal easier to find. For example, the word "contract" cannot be found without reading several pages of texts and then remembering where you found it. Similarly, if you want to find "Town Administrator" you can't. On what page is "Reapportionment of Voting Districts" found? And if you want to read about "Board of Education elections" you need to look for Board of Education in Section 6 where it sends you to Section 2. Therefore, I highly recommend a helpful Subject Index.

OTHER COMMENTS ABOUT VARIOUS DECISIONS MADE BY THE CRC:

There are several points I would like to stress about some of the decisions made.

- 1) **TOWN ADMINISTRATOR:** After hearing about various forms of government, the decision to hire a Town Administrator was the right one - but I was surprised to learn that this would be someone that only the First Selectperson can hire and fire. This idea was not presented as "just another political position" like a Chief of Staff, but as a professional that serves the entire

Town. Therefore, the hiring of the person for that position needs to AT LEAST be able to be hired and fired by the Board of Selectmen. (4.3. F.) YOU can change that. In fact, the BOS should want to be in on this decision.

- 2) REDUCTION OF SIZE OF RTM: I strongly disagree with the reduction of RTM members from forty to thirty members. No one gave a compelling reason to do this. See 3.2. A. (1) (c) The number forty provides adequate representation for a town with a population of over 60,000 and 40,000 registered voters. In addition, Fairfield boasts of its very eager and capable group of volunteers. The decision has diminished the opportunity for those who wish to participate in the political process. Why did anyone think this was a good idea? Did anyone survey the current RTM members about their interests and concerns about reducing the membership? Where was the due diligence? Public sentiment seems to be to stay with 40 members. (Minutes of CRC Public Hearing, June 2, 2022; numerous email comments to the CRC.)

The fact is that it makes perfect sense to have 40 members if you compare Fairfield to other towns that have both an RTM and a BOS:

Branford	28,273	30
Darien	21,499	100
Fairfield	61,512	40
Greenwich	63,578	230
Watertown	19,571	25
Westport	27,141	36

NOTE: The reasons given by the CRC for having 30 RTM members were never substantiated and are highly speculative. More efficient? More effective? More accountable? We just don't know.

- REASONS FOR MAINTAINING 40 REPRESENTATIVES INCLUDE:

*Because the 10 districts are very large, the odds of knowing one of your four reps from your PTA, your place of worship, or your neighborhood are greatly increased.

*The odds of having a quorum present at committee meetings are even greater.

*The opportunities to create new committees are a real possibility.

*The opportunities for more discussion and more representation for our citizens are greatly increased.

*The opportunities for political and civic participation are greatly increased.

One would have to conclude that an appropriate number of representatives would be 40 for a large Town of 60,000+ citizens.

- 3) AN RTM ATTORNEY: Where is the section that allows that the RTM, by majority vote, can request to hire its own attorney under certain circumstances. This important decision is nowhere to be found in ARTICLE III - RTM. This was discussed in detail on 4/4/2022. This information needs to be in writing somewhere in the Charter so that it can be codified and evaluated over time. Otherwise, it will never be officially recognized.

FINALLY, I do hope that you will consider recommending changes to this draft report and returning it to the CRC after hearing from the public.

Judy Ewing

98 Sasco Hill Terrace

Fairfield, CT 06824

From: Christine Vitale <cvitale@optonline.net>

Sent: Wednesday, June 29, 2022 2:28 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter Review

Dear Members of the Board of Selectman,

I tuned into Monday's Board of Selectman meeting and was surprised to hear it stated that Boards of Education are agents of the town. I refer to Title 10, Chapter 180 of the General Statutes often and that chapter opens with this line: "Local boards of education are not agents of the towns but creatures of the state. 25 CS 305." I think there is definitely some gray area here and I urge you to proceed with care as you approve changes to our town charter.

I am concerned that some current and proposed charter language attempts to usurp the statutory authority of the Board of Education, something a charter, in my opinion, should not do. The Charter should respect the statutory roles and responsibilities of all boards of commissions.

Per state statute, "the money appropriated by any municipality for the maintenance of public schools shall be expended by and in the discretion of the board of education." Current and proposed charter language shifts some of the BoE's discretionary power to the First Selectperson's office and the Board of Selectman. In surveying other districts in Fairfield County, the Town does not serve as the purchasing authority for their Board of Education for the majority. Rather, the town can provide policies and assistance at the Board of Education's request. Our current charter is already an outlier in that the town serves as the purchasing authority for the Board of Education.

If one of the goals of the charter revision was to increase the efficiency of town government, I would suggest that Fairfield follow the lead of towns like New Canaan, Wilton, Ridgefield, and Darien and recognize the Board of Education as its own purchasing authority. This change would decrease redundancy, save money, and leave the decision-making about our schools in the hands of the education professionals where it belongs.

The proposed charter further pushes against the state statute by requiring all BoE contracts over \$100,000, which are exempt from competitive bid process, to be approved by the Board of Selectman. This change also challenges the Board of Education's discretion over its budget and potentially impacts the ability to provide federal and state mandated services to students in a timely

fashion. I ask the you reject this change as it could compromise student privacy, the ability of the school district to deliver goods and services, and presents a number of logistical challenges. Have you discussed the impact these charter changes would have with the Superintendent of Schools or the district's Chief Financial Officer to determine the impact? How many contracts would need to be approved, is it 5? 50? 500? Are employment contracts excluded? Are contracts associated with fulfilling students' IEP's excluded? What impact would a rejection of a contract by the BoS have on the operation of the school district? What will the procedure be if a contract can't wait until the next BOS meeting to be signed? Is the BOS prepared to meet more often, if need be, in order to approve these contracts? How much of FPS staff time will be redirected to attending BOS meetings and what impact?

I respectfully request that you reject this version of the charter and send it back to the commission for further review and clarification.

Thank you for your consideration.

Best regards,

Christine Vitale

254 Verna Hill Road

From: Judith Ewing <jeewing8@outlook.com>

Sent: Thursday, June 30, 2022 10:57 AM

To: CRC <CRC@fairfieldct.org>

Subject: Public Comment, June 29, 2022 (BOS Meeting)

I emailed my comments to the BOS prior to the meeting on 6/29/22. I thought you might be interested because I didn't read it outloud, and only summarized my points. Judy Ewing

To The Board of Selectmen:

The Charter Revision Commission is to be commended for taking on the very difficult task of making some important decisions while totally reorganizing our current document. Among the most positive contributions were the decisions to hire a professional Town Administrator to guide our Town into the future, to provide the opportunity for the RTM to hire its own attorney, to clarify certain confusing language, to provide cross-referencing, and to try to resolve the issue of the automatic election when four Board of Education seats are on the ballot.

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much too “wonky.” Cross-references to the General Statutes and other sections are very helpful, but other information is not.

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FINALLY, I do hope that you will consider recommending changes to this draft report and returning it to the CRC after hearing from the public.

Judy Ewing

98 Sasco Hill Terrace

Fairfield, CT 06824

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, July 1, 2022 1:57 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: CRC

I have watched or listened to the CRC meetings and I thank the members for their efforts.

While I understand the desire to "streamline" the meetings and the workload, I believe tampering with the budget review process of the education and the town budget will not be a plus for the residents.

My main concern is the

present membership of the RTM and the proposed change. I think consideration should have been given to possible 56 members within 10 districts. The population of Fairfield makes it a city, not a town! We need to at least maintain 40 members and even discuss 56! Do not reduce the number to 30 members. This is our community's legislative body.

I realize it is difficult to get candidates for the RTM and other town bodies but if the general population knew more about the running of Fairfield, we might get more volunteers. There needs to be a civics class taught in our middle or high schools, perhaps by the League of Women Voters. The LWV of Westport has been invited into the public schools for years and it does not cost the town any money. Education makes for a good voter!

All the best,

Carol Waxman

Fairfield

Sent from my iPhone

From: William Gerber <gerber_william@yahoo.com>

Sent: Friday, July 1, 2022 5:41 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: The BOS should be very concerned about whether items have been added, removed, or changed

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

The Board of Selectmen should be very concerned about whether items have been added, removed, or changed from the proposed charter without documentation or discussion by the Charter Revision Commission (CRC), or the Board of Selectmen (BOS). These concerns were voiced by the public at your hearing on Wednesday, June 29. If control over the editing process was lost at any point, then how and to whom? An explanation is warranted. These don't appear to be in the "errata" category that the CRC's advisor, Attorney Mednick, has referred to.

Assume it was just sloppy administration- I doubt that will make the public breathe a sigh of relief. Lawyers and business people who have worked on long, complicated documents know just how serious (what a breach of trust) it can be when those with supposed "control" over editing make additions, deletions or changes without appropriate documentation, and/or without agreement between relevant parties.

A thorough assessment of deleted, changed or added language from the current charter to the CRC's proposed one would be far too difficult for the average person to make. Why? Because most of the document was redlined – a virtual "sea of red"- early in the process just from moving paragraphs around for reorganization purposes. Redlined, substantive changes may not be distinguishable within a paragraph that was already completely redlined. "Average people" (i.e. not the CRC or the BOS) were the ones who found several instances- material things - that were added or deleted, and brought these to the attention of the BOS. On what basis would anyone trust that there are not more?

The public should not be relied upon as the last line of defense against a “runaway document”, especially a town Constitution. Now that the public has uncovered serious problems by happenstance / determination, it would be inconceivable to me that the BOS would push our town’s edited Constitution forward without an accessible, soup-to-nuts, line-by-line, word-by-word document check, that EXCLUDES reorganization-related red ink that (like an invasive species) took over the CRC’s draft early on. I am asking you to invest in bringing the redlined, annotated version up to a standard befitting of a town Constitution, especially one of a town like Fairfield. References should be real, useful, related to law or actual discussions/votes - not just "New (2022)" or "2022 recodification of current", like so many are. Only then can we feel confident we know about, and understand, the changes.

In her closing remarks on Wednesday, First Selectwoman Brenda Kupchick responded to concerns about document control and legibility deficiencies: “I heard some comments tonight about it being confusing. I personally did not find it confusing”... “I think the redline version was a little hard, but I looked at the footnotes, I looked at the changes, and I understand the reorganization”.... “I understand there are some issues that maybe, possibly didn’t clerically go through and we have updated those.”

First Selectwoman Kupchick, I am happy to give you a pass for saying these things above that do not at all compute for me, simply because I can empathize with how much you must be looking forward to putting this time-consuming charter revision exercise behind you. I will assume you were at least NOT aware of changes in language - insertions & deletions - that (a) bestows new powers over the Board of Education to the First Selectperson/ BOS; (b) was not appropriately documented; (c) was not discussed/agreed by the CRC; (d) was not submitted to the Board of Education, Superintendent or BOE counsel for review; and (e) are contrary to law in the opinion of the BOE’s outside counsel. I’m hopeful that, had you seen and understood those changes, you would have objected and not waited for the public to find them.

However, now that you know issues have been found, it is your and the BOS's obligation to get the work done to ensure there are no others, before you take action on it.

Sincerely,

Bill Gerber

RTM District 2

From: Kathryn Braun <klbesq@aol.com>

Sent: Saturday, July 2, 2022 6:25 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Braun letter to BOS on Charter Revision

July 2, 2022

To: Fairfield Board of Selectpersons

Re: Charter Revision

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz:

This Independence Day weekend we celebrate our rejection of strong centralized government run at the whim of the executive. We celebrate the power of every citizen to have a voice in our democracy. Yet Fairfield's Charter Revision process appears to be inhibiting the voice and will of our Town residents and enhancing the power of political insiders.

Many changes that have been suggested, both those included in the Charter Revision Commission's (CRC's) report and others that were dropped due to feared lack of public support, have tended to shift and concentrate power from the Legislative to the Executive branch, and from the people to political insiders.

The charter review process was unnecessarily shortened by 7 months, which per members of the CRC, did not allow sufficient time to fully explore all items. And yet, we have a proposal pending now before the Board of Selectmen (BOS), that disempowers the RTM by reducing both its size and its ability to self-regulate its size, and another change which gives the First Selectperson the power to mediate and resolve disputes among all town bodies- including those that carry out State laws, and including the RTM itself, which is a separate branch of government, not "under" the First Selectperson. (The BOS discussed this item and the 'resolve' may drop the 'resolve' component, but the "mediate" component is still troubling). Further, the First Selectperson would have sole authority over the Chief Administrative Officer.

Now it appears that the BOS will be completing its analysis on July 5, a full 30 days short of what the law allows, at a time when there are many competing demands on the public's attention, including graduations, vacations and the July 4th holiday. Many of the substantive changes being put forth to the BOS were not fully discussed or voted on by the CRC. Also not discussed is why it is necessary to compress the entire process into a shortened time period to get any changes on the 2022 November ballot. Why not take the time allowed and let any changes go on the November 2023 or on special referendum? There is no urgency or public pressure to change our Charter this year.

The RTM is truly the voice of the people. Having between 4-5 representatives in each geographic district enhances contact between representatives and residents, encourages public engagement and supports a diversity of candidates running for office. The 2-year election cycle ensures accountability at the ballot box. Cutting the RTM's maximum size by 46% from 56 to 30 makes no sense, especially considering the RTM has used its own authority to reduce its current size to 40. On a per-capita basis our RTM is already only about 1/5 the size of Greenwich, Westport and Darien's, on average. We should not disempower the RTM from regulating its size as the population, residents' desires, and complexity may require. As one CRC member pointed out, the arguments offered by the CRC are purely subjective, and not based on any compelling reasons or objective data.

The recommendation to appoint the First Selectperson as the mediator and arbiter of disputes between all town bodies, is similarly unwarranted, unneeded and actually dangerous, and I ask that the BOS reject it in its entirety. Our public bodies carry out State law or have missions that should not be interfered with by any one person, and of course the RTM is a different branch of government entirely. The Court system is the venue to interpret and decide disputes between public bodies. This would shift more power to the First Selectperson and is not supported by any public desire or objective evidence.

In another oddly unwarranted move not supported by any public desire, the CRC has recommended at this point in our Town's history, that we 'dumb down' the important Director of Public Works position by deleting the long-standing requirement that the director be a professional engineer licensed by the State. Again, there is no objective evidence or public desire to reduce the professional expertise of the person who we want accountable to lead our infrastructure into our coastal-climate-changing future. One claim is that it's hard to find one- but have we tried? It doesn't appear that we have retained a recruiting firm as is the norm to find a qualified, credentialed director since the interim (unqualified per our Charter) DPW head was hired almost 2 years ago. Our director should not have to rely on underlings for professional expertise. Proper recruitment is the answer, not charter revision to reduce qualifications.

The Town Charter is our Town's Constitution, and there is no compelling reason at this time to shift power from one branch to another, or to inhibit speech and debate or discourage public engagement. It should not be changed in ways that will lead to our Town being run by a clubby group of insiders from the 2 major political parties, especially when 42% of our voters are registered in neither party.

In our democracy we encourage vigorous debate, diversity of opinion and free speech over the desire to streamline and make government decisions fast and tidy. The Town Charter could use some clarification and organization improvements, but substantive changes are not needed, not justified and not asked for by the people the BOS represents. The time and effort of the CRC in this regard is commendable, but it has not adequately justified the need for its most significant proposed changes.

Please keep the will of the people at the forefront of your deliberations and reject those changes that would shift the balance of power, broaden the executive's power, or reduce the qualifications of those officials we rely on to run our town.

Thank you for your work on this important task.

Sincerely,

Kathryn L. Braun

Fairfield Resident

From: Gaylord gaylordmeyer <gaylordmeyer@gmail.com>

Sent: Monday, July 4, 2022 12:11 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: CHARTER REVISION

DEAR BOS-

I Appreciate your consideration.

1. BUT cutting the maximum size of RTM from 56 to 30- would not give FULL representation to Constituents in their District approximately 20,500 per Rep. ABSOLUTELY NOT

2. allowing the First Selectperson to mediate and resolve disputes among all town bodies ? YES ! BUT WHEN NECESSARY SEEK NON-

PARTISAN COUNSEL

3. granting sole authority over the Chief Administrative Officer to the First Selectperson ? NOT SURE THAT WOULD BE WISE

4. the shortened time frame for the entire Charter Revision process- TO BE shortened by as much as 8 months ? DO IT RIGHT ! DON'T

RUSH THE PROCESS !

5. Considering removing the requirement that ouP00

ABSOLUTELY ! ANY CONTROL OVER BOE INCLUDING AN

EXCEL SPREADSHEET WHERE IS THE \$\$\$ ACTUALLY GOING

Respectfully,

Gaylord Meyer

51 Spruce Street

Southport, CT 06890

From: betzojo@aol.com <betzojo@aol.com>

Sent: Tuesday, July 5, 2022 10:25 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: FAIRFIELD CHARTER REVISION - from 1 Fairfield Citizen

I have lived in Fairfield for over 30 years in 3 different neighborhoods

I have attended Commission meetings, virtually or in person.

This has been a difficult process for me to follow and to understand.

About the document as it stood last week - what I could gather from the Wednesday 6/29 meeting:

- I support Minority Representation staying out of Fairfield Charter.

I am not clear how it ever came to be included.

A democracy is founded on one person, one vote.

- I oppose stipulating the RTM Membership be reduced to 30 members.

I believe more representation is better than less, especially in a town this size, with its population and geography. Besides covering more neighborhoods, the chance to staff robust committees made sense to me, as well as having coverage for RTM members who can't attend due to pressing personal considerations.

- The RTM as a body has downsized itself from the max of 56 members - an outside mandate for this legislative branch is not necessary.

- Town Administrator position - yes.

But not politicized by any First Selectman's choice alone.

This should be a Town resource that would have continuity across elections.

I still do not understand:

- why Constable positions are recommended to be reduced in number, and appointed instead of elected.

- why filling a top job in Town Administration, such as Public Works, cannot look for Engineering and Managerial Expertise both. Surely those candidates exist.

- why given the possibility for a longer time frame (of 16 months?), there are now time constraints and pressure to complete in 9 months)? Important meetings for public inclusion are being held around the July 4th holiday and culminating in today's 2:30 pm July 5th meeting?

Not helpful.

- why changes to BOF and BOE business are being included without more dialogue and input being conducted - wording in the final document seemed to still be of concern.

I support a Town wide communication/mailed to Voters -the idea that 44,000+ people not knowing about Fairfield Charter Revision should be acceptable as a given of

people's busy lives and that they will find out about it at the polls should not be ok with Town leadership.

When I hear other people speak to partisanship concerns,

I realize I still have time to find out about that and will ask those questions separately.

I see some folks including quotes about change - I am not seeing fear of change or resistance to change.

I see residents who are asking for the reasons behind certain major changes.

No one should be for change for change sake, and especially not with something as important as a Town Charter. And show me that it's broke before you offer to fix it.

I too have volunteered countless hours in Fairfield, and I did not do so to be thanked.

I assume the Commission is like minded,

but I do appreciate the time and effort such an important task demands of its members.

Beth J. Tracosas

480 Burr Street

From: eveoo@aol.com <eveoo@aol.com>

Sent: Tuesday, July 5, 2022 11:07 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Revisions to Charter

Hi

I echo Kathy Braun's 7/2/22 observations/concerns in her letter (copy below) sent to the BOS in respect to the revisions to the charter.

Particularly:

1. cutting maximum size of RTM from 56 to 30
2. allowing the First Selectperson to mediate and resolve disputes among all town bodies
3. granting sole authority over the Chief Administrative Officer to the First Selectperson
4. the shortened timeframe for the entire Charter Revision process- shortened by as much as 8 months
5. removing the requirement that our DPW director be a state licensed engineer
6. allowing the BOS authority over BOE contracts of \$100,000

I also wanted to say I am perplexed by the need to include a section of Rules of Civility in the charter revision. Robert's Rules have been working just fine. I worry dissent will be interpreted as obstruction and thus a fallacious reaction to invoke a newly created rule.

I also very much appreciate Selectperson Leftkowitz's deep dive into the revisions to help parse what has become a rather daunting mire of redlining.

Thank you.

Eve & Patrick Burhenne

827 Riverside Drive

From: kgriffi1@optonline.net <kgriffi1@optonline.net>

Sent: Tuesday, July 5, 2022 11:19 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Comments and Requests on the Charter Revision Process

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

I was going to email you regarding the Town Administrator and ask you to recommend some changes. However, after viewing the redlined charter and without written explanation for many of the changes, I have more general comments and requests to make:

- At the start of this process, I was probably more familiar with the charter than most CRC members and perhaps even your Board. I watched all the meetings and read the backup. Despite that time and effort, I have to say I am overwhelmed by the amount of movement and change in the document. I strongly recommend you take all the time allowed by statute to ask questions, receive feedback, request written explanations of all changes, and carefully consider what you send back to the commission. Please do not rush this very important process.
- I ask you to look carefully at the number and detail of the many new definitions added and understand what impact they have on the rest of the charter. A change in definition can have a cascading effect on the meaning and intent when the term is used elsewhere in the document. Even a comma matters in law.
- I see large amounts of verbiage added to the sections that relate to the duties of the First Selectperson and the budget process and little flushed out elsewhere. How did that happen? Why were certain sections given so much attention at the expense of others? Does this additional language make things more flexible and simple? Would the language be better served as an ordinance? Is the new language necessary?
- If something is controversial, I request that you take out.
- I ask that you make sure you can explain the changes made, no matter how small. If you can't explain them, or you don't support them, I ask that you recommend they be removed or addressed at a future revision.
- I ask you to think about the issues that were most concerning to you at the beginning of this process. Were they addressed? Did you receive clarification on the Role of the Board of Selectpersons on the issues of salary increases for department heads or on the Board's role in the reorganization of government? Were diversity and equity addressed? Were the concerns around adequate and impartial legal counsel resolved?
- Did the Commission take time to review the 2006 changes to ensure they are working as intended and that they make for more accountable and balanced government?
- Did the Commission achieve the objectives you set for it and provide you with the results you were looking for?

State Statute allows a great deal of time for this process - almost three years from start to finish. I don't understand why the Commission chose to focus on the changes they did within the relatively short timeframe they set for themselves and then ran out of time to address many of the non-controversial changes that were recommended or requested. In my world that could be considered poor project planning and/or management.

It's up to you now to get the project back on track. Trying to rush approval without due diligence is a disservice to the people you serve. You are the ones who will be asking the voters to approve the changes, not the CRC. I hope you will give the process the time and consideration it deserves.

Sincerely,

Kathleen Griffin
15 Stonybrook Road

From: Pamela Iacono <pamelaiacono4fairfield@gmail.com>
Sent: Tuesday, July 5, 2022 12:43 PM
To: Board of Selectmen <BOS@fairfieldct.org>
Cc: CRC <CRC@fairfieldct.org>; Mednick, Steve <smednick01@snet.net>; Baldwin, James <jbaldwin@cbklaw.net>
Subject: Thoughts on the Charter Changes

Dear Members of the BOS,

Selectmen Flynn asked the question why a smaller RTM, I've taken the time to write out my reasoning why I voted the way that I did. For the record, there was a motion made at the Commission to keep the RTM at 40, but it did not get a second.

I also expanded a bit as to why I voted in favor of other sections of the Charter changes, namely the budget hearing process.

My memo is long, but it is detailed with citations from the Model City Charter and the National League of Cities. I hope that you find it helpful in your deliberations.

Sincerely,

Pamela Iacono

CRC Commissioner

To: Board of Selectmen
From: Pamela Iacono, CRC Commissioner
CC: CRC Commission; Jim Baldwin; Steve Mednick
Date: July 5, 2022
Re: Certain Changes in the Charter

"A Legacy of Leadership. Innovation for the Future."

The National Civic League was founded as the National Municipal League following a gathering of civic leaders in 1894. This respected group of about 100 community leaders, including Teddy Roosevelt, Louis Brandeis, and Frederick Law Olmsted, came together to address "incompetence, inefficiency, patronage and corruption in local governments." Local civic leaders needed inspiration and new models for governing and managing the nation's cities."

<https://www.nationalcivicleague.org/history/>

"The Model City Charter is used by hundreds of cities to guide their charter language and governance structure. The newly released Ninth Edition continues the National Civic League's tradition of recommending the council-manager form of government."

<https://www.nationalcivicleague.org/resources/model-city-charter-9th-edition/>

The recommended governance changes that are now before the Board are really an honest work product derived from consensus building amongst the committee members. We have maintained our traditional form of government, but we have begun the discussion and laid minor groundwork to encourage rethinking our future form of government as the Town continues to evolve.

I would like to state for the record, that none of these changes are about any one individual, personally, I did not get what I hoped for and that was a Town Council legislative body instead of an RTM, and that's ok, I don't think one of us on the commission signed on to this for personal gain. I do believe every one of us was trying to work in the best of interest of the Town. It makes me sad that such an important document has been so savagely politicized by a vocal few. The Commission's "Civility" addition to the Charter serves as a good reminder that we are all neighbors and that the best solutions come from honest and respectful dialogue.

Our last Charter Revision was in 2006. It was long overdue for a review. In that time a lot has happened in Town, especially from a technology and media standpoint, those two items alone made our Charter outdated. Under the previous Administration we spent close to \$100,000 formulating a strategic plan for the Town. This effort produced a tremendous amount of documented public feedback that deserves consideration. The stakeholders in those discussions were the electors of the Town of Fairfield and we were right to acknowledge their voice and examine their feedback as it related to the Charter.

There were two areas that emerged from the Strategic Plan public sessions that relate to the Charter, and those concepts were one of the reasons the Charter was opened for review. The first concept was "Town Governance and Administration" and the second was "Sound Fiscal Management."

On the topic of Town Governance and Administration, the strategic plan cited three components

1. Transition from Selectmen/RTM structure to Town Council/Town Manager or Town Council/Mayor
2. Realign and improve management execution of all Town Departments
3. Leverage technology for improved and more cost-effective service delivery

On the topic of Sound Fiscal Stewardship, the following components were cited:

1. Improve long-term budgeting and implement spending growth limitations
2. Improve cross department execution and process execution to reduce costs
3. Analyze and implement steps to increase revenues based on market trends and metric-based goals
4. Implement steps to improve budgeting, rigor, transparency, communication, and understanding.

Town Governance and Administration

1. Transition from Selectmen/RTM structure to Town Council-Town Manager or Town Council/Mayor

Why? To create a more ACCOUNTABLE and RESPONSIVE government. And to be PRACTICAL AND EFFICIENT. Where am I getting that from? It's not my personal feeling, it's a recommendation based on the principles of the Model City Charter that has been in existence since 1894 and is a publication of the National Civic League. *"The Model City Charter is the product of more than 100 years of interaction of thought leaders on urban governance, practitioners in city government, and scholars who conduct research on local government. In the early editions, the thought leaders guided the others on how government should be organized. In later editions and now, they work together to refine recommendations about the ideal features city governments should*

have in order to achieve the highest level of governmental performance..... The new Model continues to advocate professional, nonpartisan city governance, with mayors and legislative bodies that work together with a manager to run city departments and solve public problems.” 9th Edition

“The influence of the Model City Charter, direct and indirect, can be measured in the ever-increasing use of the form of government it advocates. When it was proposed that the National Municipal League (League) endorse the council-manager plan as its model form, fewer than 50 cities had adopted the plan; by 2002 the number exceeded 3,000. Hundreds more communities operate with essential features of the plan, particularly the provision of responsible professional management. It has always been made quite clear that the model is not an absolute. It must be tailored to fit local circumstances, traditions, and legal restraints, and features of it may be used to strengthen governments, even those that do not follow the basic council-manager form.” 8th Edition

The CRC discussed a Town Council/Town Manager structure, and the Commission was split on the matter. It was ultimately decided that it was too much of a change for Fairfield, THAT PLAYS INTO TRADITION. Even though nationally Town Council/Town Manager is how most municipalities operate (by around 2/3), AND as has been stated, Fairfield is only one of 2 municipalities of our size operating under the BOS/RTM form of government, the Commission settled on tradition, with some minor adjustments. Change is hard. We recognized that. There is data to support all this change. We did indeed hear from academics and professionals on the matter, and we were provided source documents substantiating their claims. I encourage you all to read the Model City Charter in your spare time.

Why a smaller RTM?

Ultimately, through a series of discussions, the Commission, through consensus building settled on a smaller RTM as compromise solution to maintaining the BOS/RTM structure, while laying the foundation for future consideration of a Council. But why smaller:

1. While the Model City Charter does not have a recommendation for the size of a Council it does state this, *“However, smaller city councils are more effective instruments for the development of programs and conduct of municipal business than large local legislative bodies. In the United States, it has been an exceptional situation when a large municipal council, broken into many committees handling specific subjects, has been able to discharge its responsibilities promptly and effectively. In large councils, members usually represent relatively small districts with the frequent result that parochialism and “log-rolling”—bargaining for and exchanging votes on a quid pro quo basis—distract attention from the problems of the whole city.”* Lowering the number of representatives on the RTM will therefore allow the membership to discharge their responsibilities more promptly and effectively and help avoid parochialism and “log-rolling.”
2. There was a desire by the Commission to codify in the Charter a Chief Administrative Officer or “Town Administrator” who will assist with providing professional management for the Town. The Model City Charter recommends a CAO, *“Among the mayor-council cities with a population of 10,000 or higher, 52 percent have a CAO... in 11 percent of these cities the mayor appoints the CAO.”* While I want to emphasize, we did not go with the Mayor/Council form of government, there was a desire to add

professional management, and our addition is an example of tailoring a best practice to fit our local needs.

3. Based on testimony from area officials, a professional manager will be reluctant to work with a large size Council, which is understandable if you think about it in practical terms, what professional wants to report to 40 bosses. And while this Charter does not call for the Administrator to report to the legislative body, it's not a leap of faith to draw the conclusion that a smaller RTM affords the opportunity to have a more meaningful relationships collectively with management.
4. Anecdotally, most residents do not know who their RTM representatives are, they don't know they have four of them, they don't tend to know their district number, let alone that we have 10 of them, and they therefore don't necessarily know we have a 40 member RTM or why. Most don't even know what "RTM" means. What they do tend to know is the one RTM Rep in their district that is the most vocal, the one that answered a phone call for a constituent, the one who is a leader, the one who is most engaged in the community overall. That's not 40 members, it's about a dozen or less. That small group is the one "getting the job done" which supports the Model City Charter finding that smaller legislative bodies are more "effective instruments for the development of programs and conduct of municipal business." During the June RTM committee meeting there were 14 items on the agenda, 8 representatives spoke to the items, eight. Eight out of forty. That's typical.
5. Gone are the days of needing 4 representatives to cover the work of the district, even representatives are replaced by technology. Today's Reps have email databases, social media platforms and constituents have access to the Town's Electronic Citizen Request Form and direct lines of communication to department heads. Today's RTM representatives and their constituency have modern means of re-solving constituent issues that were not in existence seven years ago when I began my first term. It doesn't require all four of us to resolve a constituent issue in our district, it only takes one of us, in the Charter proposal, the residents will have three.
6. We have one representative in the United States 4th Congressional District, Jim Himes, and when we don't like something in Washington, we know who to call and we know who is accountable. Here we spread out the accountability and dilute it with such large membership per district.
7. We have a 3 member BOS, a nine member BOF, a nine member BOE, and 7 member TPZ and ZBA, a five member BAA, and literally hundreds of citizens serving on other elected and appointed boards and commissions, most of which are 7 and 9 member bodies. We have a representative government in Fairfield in so many shapes and forms. We can't lose sight of that. The claim that a smaller RTM is undemocratic simply has no merit, that philosophy conflicts with the Model City Charter, the desire for professional management, the anecdotal experience, and when you consider all the other boards and commissions the Town has, each one of other boards has appointed citizen volunteers providing

oversight for a multitude of other Town services and functions. Overall, we have an extremely large bifurcated representative government.

What we are looking to achieve at the legislative level is better accountability which will lead to better governance as we look to be as the Model City Charter says, “practical and efficient.”

According to the National League of Cities (NLC), 55% of US municipalities have a Council/Manager government, 34% have a Mayor/Council. Only 1% of municipalities have a Representative Town Meeting, and all are almost exclusive to New England. Current trends demonstrate municipalities are moving to a blend of Mayor/Council/CAO. --<https://www.nlc.org/resource/forms-of-municipal-government/> If in the future the Town determines to move in the direction of 2/3 of the municipalities in the country, this small change is the start to getting there as the body inches closer to a size that can function in capacity. A reduction in the size of the RTM is forward thinking and meets the best needs of a municipality of our size.

Codifying the membership number in the Charter

- The Model City Charter also states, *“In determining the size of the council, charter drafters should consider the diversity of population elements to be represented and the size of the city.”* **It does NOT state that the legislative body should self-regulate its own size.**
- Right-sizing yourself is hard. The RTM tried in 2011 and ended up in court. The RTM succeeded in 2015. The RTM has yet to succeed in 2022. Human nature is not to work yourself out of a job. Who better to judge the size of the representative town body than the actual electorate? The Model City Charter seems to suggest the same.

Town Governance and Administration:

2. Realign and improve management execution of all Town Departments

- While this is more a function of the First Selectperson, there are Charter changes that help achieve this:
 - Codifying a Town Administrator position into the Charter, and detailing a description of the job that ensures best practices in hiring
 - Eliminating the engineering degree requirement for the DPW Director to have flexibility to hire a person with project management experience, while at the same time codifying the position of Town Engineer in the Charter.
 - Updating the language for the Parks and Recreation Director to reflect management of the Parks which is current practice as well as succinctly defining policy roles.

3. Leverage technology for improved and more cost-effective service delivery

- Again, this is more an operational recommendation, however, we do eliminate the requirement to use print newspaper as a means of communication and allow for the use of technology instead which is a **Modern** and more cost-effective service delivery.

Sound Fiscal Stewardship:

1. Improve long-term budgeting and implement spending growth limitations

- We incorporated a five-year capital plan into the budgeting process.
- We updated contract terms to reflect today's economy.

2. Improve cross department execution and process execution to reduce costs

- A good example of this in the Charter is codifying the Parks and Recreation Director role to include Parks management that was once a function of DPW.

3. Analyze and implement steps to increase revenues based on market trends and metric-based goals. This is not a function of the Charter

4. Implement steps to improve budgeting, rigor, transparency, communication, and understanding.

- We incorporate a five-year capital plan into the budget process.
- We improve the rigor, transparency, communication, and understanding of the budget by allowing for joint hearings between the major town bodies for budget hearings.

Why do joint meetings matter?

1. Rigor

- a. Elected Officials from the BOS and BOF (and the RTM by committee) will have the benefit of asking questions in an environment where they can hear the full Q&A and be able to piggy-back off one another, probing deeper into a department budget.

2. Transparency, Communication, and Understanding

- a. Combined Hearings will allow the public to follow the budget process much more easily, from the onset the public can follow the joint meetings for Q&A and the individual meetings for follow up and voting. Instead of having to watch multiple meetings of separate bodies, where there tends to be a tremendous amount of redundancy. Most importantly, these joint hearings do not preclude each body from hold its own meetings as necessary, and each body will continue to deliberate and vote on the budget separately as they do right now.
- b. The Board of Finance Chair will facilitate the meetings as was past practice when the BOS and BOF meet in joint meetings in the past.
- c. The budget schedule determination remains a collaborative effort between the BOS, BOF, and RTM leadership, facilitated by the CFO, but is codified to ensure effective communication and a clear understanding of the hearing schedule not only between the bodies, but for the public.
- d. The timeline for voting by the RTM is extended by a week to allow for better information to be collected at the onset and in certain years, the state.
- e. The provisions remain that the budget process may be amended as needed either through action of the BOS with the BOF, or by 2/3 vote of the RTM (which is state statute).

The Model City Charter is worth paying attention to, and it's important for the Town to deliver governance that is accountable, responsive, practical, and efficient. A smaller RTM is a step in that direction. The feedback received from residents who met with the Strategic Plan committee regarding governance and fiscal planning is also relevant. There are productive changes to the Charter to address some of that feedback. Thank you.

From: Kathryn Braun <klbesq@aol.com>
Sent: Tuesday, July 5, 2022 2:45 PM
To: Board of Selectmen <BOS@fairfieldct.org>
Subject: Braun follow up letter on Charter Revision

To: Fairfield Board of Selectmen

re: Charter Revision

This is a quick note due to the very recent receipt by me, of letters submitted to you over the past couple of weeks. I thank Jen Carpenter for forwarding these letters to me as I understand they are normally posted with the meeting minutes.

I tabulated the issues and comments from the letters: In over 30 letters received there were over a dozen questions, concerns and challenges about the entire charter revision process.

As I have said in my prior letters, the process is critically important for this entire effort to be credible to the 60,000+ residents of our Town. A fair, reasonable, transparent process focusing on public engagement and data collection, is as important as the substantive changes being proposed. The arbitrary rushing short the process, not posting deadlines for letters, and not being transparent about why the CRC or BOS significantly shortened their law-given timeframes, harms credibility. I also expressed concern last Fall when public officials were only provided 1-2 business days notice to provide input into the CRC's meetings focused on specifics to them (as a TPZ Commissioner I was one of them).

There is no reason to have rushed it 7 months early for the CRC and at least 1 month early for the BOS. There was no discussion held or vote taken from what I can see- it just happened. You can ameliorate some of the credibility issues stemming from the history of this process by taking your full statutory time now, which I hope you will do.

Further, at the 1 public hearing and from the 30 letters or so, there was no support for RTM reduced size, CAO being run by solely the First Selectperson, the First Selectperson having authority to mediate and resolve disputes among other town bodies, reducing the number of constables and making them another First Selectperson appointment, and 'dumbing down' the position of Director of DPW.

Its literally 6 hours after the July 4th holiday, during a work day, and only 3 business days after your only public hearing. That didn't have to be, and it doesn't have to be your final hearing.

I urge you to extend your hearings and the ability for public comment, to the statutory deadline for hearings, which is August 4.

Sincerely,

Kathryn L. Braun,

Fairfield Resident

From: L Obrien <ljobrien2019@gmail.com>
Sent: Tuesday, July 5, 2022 5:36 PM

To: Board of Selectmen <BOS@fairfieldct.org>
Subject: Charter revisions letter addressing concerns

Pls read attached

--

- Laurene

Laurene O'Brien
917-816-8244

Date: July 5th, 2022

To: Board of Selectman

Regarding: Shorten the time for Fairfield charter review and potential revision

From: Laurene J. O'Brien, 22-year resident and former RTM member

Dear Board of Selectman,

Happy 4th of July! This is the time we celebrate the birth of this country, born because we demanded fair representation in government. Refusing to accept the word of British politicians, who insisted representation was adequate. Fairfield's charter review and revision including representation needs to be done thoroughly, completely and if necessary, using all the time allotted. So why the rush?

I thank the Charter Revision Committee (CRC) for their many hours of work to review and reshape our town charter. Unfortunately, the committee has inaccurately stated they have run out of time to fully explore all issues. Specifically, because an additional 8 months remain to complete the work correctly and on time. It is completely understandable if committee members are personally out of time to complete the task as charged. But they need to not shortchange the process and town, but rather professionally step down. Nowhere is it stated that the CRC review needs to be conducted only until the committee no longer can, or wants, to do the job. Nor are there requirements for recommendations to be complete to facilitate inclusion on the next election ballot this November.

I thank the CRC for their honest answers to the public's inquiries. The CRC makes multiple recommendations to change Fairfield's Town Charter, including a 46% reduction in the maximum size of the Representative Town Meeting (RTM). When asked why, the CRC's perplexing answer was "... *it would allow for more intimate discussions and streamlining of the RTM...*"? While honest, that answer is extremely concerning and an ineffective attempt to legitimize pernicious changes recommended by the CRC. Most significantly because 'intimate & streamline' are in direct contrast to the basic design of Representative town meetings functioning largely the same as open town meetings.

How do the citizens of Fairfield specifically benefit from the following recommendations?

- Why would we ever want to have a less qualified DPW director?
- How does the town benefit from the recommendation to make it the sole responsibility of the First Selectperson to have complete authority over the Chief Administrative Officer or be given the deciding voice for all mediation and dispute resolution among all town bodies?
- Why recommend a 46% reduction in RTM maximum size, per the charter? When RTM size reduction has not been requested by any individual or group not in town government.

- Why further usurp a fundamental function of the RTM, by giving fiscal oversight of Board of Education contracts of \$100,000 to the Board of Selectman? It is simply not necessary and erodes the very form of government our town is based on.

While the RTM and First Selectperson roles do not specify any minimal education requirements. Why as a town would we ever want to **hire a less qualified DPW director, by removing the state licensed engineer requirement?** The DPW director is a highly specialized position that oversees the 'engineering' of our continually growing town. A temporary DPW Director, who is not a state licensed engineer has lingered in that role for 18+ months, because a qualified replacement cannot be found? **So, why haven't we used a recruiter,** as Fairfield has repeatedly and very successfully done for previous Board of Education Director searches? Surely with proper executive search assistance, Fairfield can find a qualified state licensed engineer who would find the career opportunity and living in Fairfield incredibly attractive.

Keeping town departments independent provides checks and balances required for good government. Fairfield's charter has worked well to facilitate a long-established and balanced town government, based on the time tested 'Representative Town Meeting', a New England form of town government dating back to colonial era representation needs. The design of Representative Town Meeting is to be inclusionary, not exclusionary. The CRC is recommending concerning changes and unwarranted oversight. The suggestion of merging town departments and their respective roles, shows a complete disregard for the distinct missions and procedures of each separate department. It appears the only purpose of some proposed charter changes are to reshape the role and powers of the First Selectperson. Exactly how does the town benefit from such consolidations?

Where is the town benefit in a 70% reduction in RTM maximum size? People want more accessible government representation. Given that the RTM Rep positions are unpaid and that our town is constantly growing, more citizens require more representation, not less. Especially given that RTM Reps are a benefit to the taxpayers, at no cost. Why would Fairfield want to offer 75 to 87% LESS per capita representation than the surrounding towns of Darien, Greenwich, or Westport?

- **Greenwich population 64,000**, 12 districts, 230 RTM Reps, **276 constituents/ Rep**
- **Fairfield population 62,000**, 10 districts, 30 RTM Reps, **2,065 constituents/ Rep*** (* if the 70% deduction in RTM max size, per the town charter, is adopted)

Lack of government representation led to this country's revolutionary war, ending monarchic rule and feudalism. In 1765 an assessment of the British government was that "taxation without representation is tyranny". Ridiculously and unsuccessfully the British parliament countered, stating colonists had representation even though they could not vote. To justify that rationale and the Stamp Act, Parliament created the doctrine of 'virtual representation'. That doctrine was just as deceptive and thinly veiled, as the CRC's justification that RTM size reduction by 46%, "*... will streamline the RTM and allow for smaller more intimate discussions*". Both justifications are poor and insidious. Again, the basic design of Representative Town Meetings is to function largely as open town meetings, not to be small, selective, or intimate.

Smaller equals less representation for the needs of our ever-growing town population. If the less educated and less politically aware people in 1765, did not buy the virtual representation doctrine, why would the CRC think whitewashing a 46% cut to the RTM with extremely broad strokes would work today?

CRC members have self admittedly identified that they have not reviewed everything, because they have personally **run out of time**. As such they should professionally step down, not shortchange the process and in turn our town. Fairfield is a town of 62,000, comprised of a richly diverse and

eclectic population of professional, bright, educated, smart citizens, and many very capable volunteers. I'm confident transitioning to new, fresh committee members will finish the job thoroughly, using all the allotted time available, to do so correctly, while allowing those CRC members that are out of time to return to their busy lives. I cannot imagine anyone in Fairfield wants the timeline for this committee's work to be shortened or for the work to be done in anyway less than completely or in the best interest of our town. Nor would it be acceptable for the committee's work to end prematurely, or for the work to not be thoroughly completed because project focus improperly shifted, specifically to ensure this referendum gets on the ballot this November. Those are not the charges of the CRC. The charter revision review needs to be done correctly, completely and in the best interest of the town of Fairfield. I implore those with the ability to vote on our charter revision to do the right thing for the town and its citizens. Please only vote to approve recommendations that have been completely reviewed and that result in direct benefits for the town of Fairfield and not only to benefit a single individual or group.

Respectfully submitted by,
Laurene O'Brien
20+ year Fairfield resident & former RTM member

From: Kathryn Braun <klbesq@aol.com>
Sent: Tuesday, July 5, 2022 2:45 PM
To: Board of Selectmen <BOS@fairfieldct.org>
Subject: Braun follow up letter on Charter Revision

To: Fairfield Board of Selectmen

re: Charter Revision

This is a quick note due to the very recent receipt by me, of letters submitted to you over the past couple of weeks. I thank Jen Carpenter for forwarding these letters to me as I understand they are normally posted with the meeting minutes.

I tabulated the issues and comments from the letters: In over 30 letters received there were over a dozen questions, concerns and challenges about the entire charter revision process.

As I have said in my prior letters, the process is critically important for this entire effort to be credible to the 60,000+ residents of our Town. A fair, reasonable, transparent process focusing on public engagement and data collection, is as important as the substantive changes being proposed. The arbitrary rushing short the process, not posting deadlines for letters, and not being transparent about why the CRC or BOS significantly shortened their law-given timeframes, harms credibility. I also expressed concern last Fall when public officials were only provided 1-2 business days notice to provide input into the CRC's meetings focused on specifics to them (as a TPZ Commissioner I was one of them).

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I urge you to extend your hearings and the ability for public comment, to the statutory deadline for hearings, which is August 4.

Sincerely,

Kathryn L. Braun,

Fairfield Resident

From: kgriffi1@optonline.net <kgriffi1@optonline.net>
Sent: Tuesday, July 5, 2022 3:19 PM
To: Board of Selectmen <BOS@fairfieldct.org>
Subject: Technical Questions/Concerns on Terms and Definitions

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

Please see the email below that I sent to several members of the CRC and Attorney Mednick on June 5th regarding technical questions I had and concerns on the use of terms and definitions in the draft charter. I believe one or two issues have been addressed but the majority were not in the June 13 draft you received.

Now that the document is in your hands I request that you consider addressing these concerns and questions.

Sincerely,
Kathleen Griffin
15 Stonybrook Road

From: kgriffi1@optonline.net
Date: June 5, 2022 at 9:01:57 PM CDT
To: Steve Mednick <SMednick01@snet.net>, John Wynne <Jmwyne144@gmail.com>, Chris Brogan <cbrogan5@optonline.net>
Subject: Technical Questions/Concerns on Terms and Definitions

There used to just be three definitions in the Charter (Town Office, Town Officer and Town Official). Understanding what paragraphs applied to what position or body was fairly easy.

Quite a few new terms were added during the revisions. And we have over 400 volunteers in Town and over 500 employees that these terms refer to. For most, if they read the Charter (or the Code), they will likely read to see how it relates to them specifically or the body they serve on. So I think it's

important that these terms are well-defined, make sense and are actually used with the correct intention.

Here are the terms (old and new) that I see relate to positions, bodies and/or the persons that serve on those bodies. I've highlight some of the wording that I think might be unclear or in conflict with other terms. And I listed below the chart some concerns/questions I have on the language that could maybe use clarification:

#	Term	Definition
23	Town	means the Town of Fairfield
9	Elector	shall have the meaning contained in the General Statutes.
7	Department	means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.
2	Board or Commission	For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" shall include all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created by appointing authorities for limited duration, purposes or scope.
24	Town Office	means any position in Town government which is described by this Charter except membership on the Representative Town Meeting
25	Town Officer	means an individual elected or appointed to a Town office other than as a member of a Board, or Commission
1	Appointed Town Officer	means an employee who heads any Department in the Town; has the authority and qualifications set forth in §6.1 through 6.2 of this Charter, below; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.
26	Town Official	means any Town Officer and any member of an Board or Commission
8	Elected Town Officials	means an individual who holds an elected municipal office as set forth in §2.3.A, below, and as further set forth in this Charter.
19	Representative Town Meeting	means the legislative body of the Town, as required by the General Statutes and as specifically set forth in Article III of this Charter.
3	Board of Selectpersons	means the executive authority of the Town as defined in Article IV of this Charter
10	First Selectperson	shall mean the chief executive officer of the municipality, as required by the General Statutes and as set forth in this Charter.

A few questions/conflicts:

1. #25 'Town Officer' and #1 'Appointed Town Officer' are defined quite differently and yet I would expect 'Appointed Town Officer' to be those 'Town Officers' that are not elected. I think #1, with a very separate meaning, is confusing. Is it necessary?
2. Is the definition #8 "Elected Town Officials" needed? Can't language just say 'elected Town Officials' (small 'e') as opposed to 'appointed Town Officials'?

3. 6.1 A. title is '*Elector requirement for **Appointed Town Officers***' but then goes on primarily to speak about appointed Board and Commission members which neither fit the definition of 'Town Officer' nor 'Appointed Town Officer'.
4. If "Constables" are now 'Appointed Town Officers', should they be listed in 2.3 if they are required to be electors like the Town Attorney and Town Treasurer?
5. As defined, 'Town Office' is only positions in the Charter and 'Town Officer' is derived from that. (Those terms exclude any positions defined in State Statute or Ordinance.) Since the term 'Boards and Commissions' is not defined with Charter exclusivity, does that mean that the term 'Town Official' includes members of those appointed Boards and Commissions in State Statute or defined by Ordinance? So those persons who serve on boards are 'Town Officials' but don't hold 'Town Office'? I'm not saying it's wrong. I just want to make sure it's intentional.
6. For example, Solid Waste & Recycling Director, Department and Commission are all in the Code. Is the Director a 'Town Officer' and/or do they hold 'Town Office'? Do the SWRC Board and Commission members hold 'Town Office' or are they only 'Town Officials'?
7. When 'Town office' is used, does it have the same meaning as the term 'Town Office'? In other words, must be a position in the Charter? Or does it mean something more general i.e., include positions outside of the charter, statutes, etc?
8. Standards of Conduct uses the term 'Town Officer, employee, RTM member, or member of any Board or Commission'. The Civility Section says 'among Town employees, Elected Town Officials, Members of the RTM, Appointed Town Officers and the public', so that excludes appointed B&C members?

I mention a lot of this because the start/end of terms, term limits, and especially the Single Office requirement questions come up quite often – and the language needs to be clear and easy to interpret. Also there were several boards that wanted to be added to the Charter and were not. So in fairness to them I think someone being able to easily answer them on what language does/doesn't apply to them, what ordinance creation would do for them, etc., will be helpful.

In general I think the document really needs to be proof-read with various positions in mind, and paying specific attention to the terminology used and to make sure positions are appropriately included or excluded as intended. A few to consider would be ROV, Bicycle and Pedestrian Committee members, SWRC members, Alarm Hearing Officer, Constables, RTM members.

A few other minor things:

- Footnote 10 (1.4 C. (1) says See Article VII, 7.2, below. 7.2 defines the Town Attorney. Is this correct?
- Something is wrong with these two paragraphs re: appointing authority of BOS and FS:

Board of Selectpersons: 4.2 B (4) Appointment powers. The Board of Selectpersons shall appoint: (a) Required by Charter165: The Town officers, Boards and Commission, and employees set forth in this Charter, any others required by the General Statutes or by Ordinance to be appointed by the **First Selectperson** and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

First Selectperson: 4.3 C (1). Appointment powers187. (1) The First Selectperson shall appoint the Town officers, Boards and Commission, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson **and any other for which no other appointment provision is made in this Charter189.**

Thanks,

Kathleen Griffin

15 Stonybrook Road

From: jrmitola (null) <jrmitola@aol.com>

Sent: Tuesday, July 5, 2022 10:08 PM

To: Wynne, John <jmwyne144@gmail.com>

Cc: Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Nancy Lefkowitz <Nancylefkowitz@gmail.com>; Flynn, Thomas <tom.flynn@tomflynn.org>

Subject: Re: Some thoughts in support of a streamlined RTM

John. I was for 30 members when we were leaning towards eliminating the BOS. That did not happen because we were told that if we got rid of the BOS 30 was too big. Then the BOS indicated to us it did not want to get rid of the BOS so reducing the size to 30 especially after great public pushback was not the preferred route. The compromise is to keep it at 40 which is a reduction from 56 which is in the current charter.

John M.

Sent from my iPhone

On Jul 5, 2022, at 9:11 PM, John Wynne <jmwyne144@gmail.com> wrote:

The letter I sent to BOS. Had some bounce backs in my spam that I just noticed.

Sent from my iPhone

Begin forwarded message:

From: John Wynne <jmwyne144@gmail.com>

Date: July 5, 2022 at 8:58:15 PM EDT

To: Chris Brogan <cbrogan5@optonline.net>

Subject: Fwd: Some thoughts in support of a streamlined RTM

Forgot to send this after tonight meeting. My note to BOS.

Sent from my iPhone

Begin forwarded message:

From: John Wynne <jmwyne144@gmail.com>

Date: July 5, 2022 at 3:04:02 PM EDT

To: Bryan Cafferelli <bryancaff@gmail.com>

Subject: Fwd: Some thoughts in support of a streamlined RTM

Sent from my iPhone

Begin forwarded message:

From: John Wynne <jmwynne144@gmail.com>

Date: July 5, 2022 at 9:21:00 AM EDT

To: "Kupchick, Brenda" <BKupchick@fairfieldct.org>, Nancy Lefkowitz <nlefkowitz@tribecafilm.com>, Tom Flynn <tom.flynn@tomflynn.org>

Subject: Some thoughts in support of a streamlined RTM

Members of the Board of Selectmen:

I wanted to share a perspective on the CRC deliberations and decisions from my viewpoint. Specifically, I wanted to provide a comprehensive look at why we suggested a reduction in the size of the RTM.

Some have indicated that the intent was to strip residents of representation in some way. That could not be further from the truth. The objective was to provide stronger representation by an improved, more engaged, and more capable RTM. I have summarized some details on how this came to be.

As you know, I served on the Strategic Planning Committee (SPC). The SPC was a nonpartisan group of 4 democrats, 4 republicans and 3 unaffiliated members. We were appointed by the Tetreau administration, and were asked to lend our knowledge, expertise, and time for the benefit of the entire town. No question of political intent was noted either during the course of our work or delivery of our report.

And we worked hard - for over 2 years. I am disheartened - for any volunteer on future commissions - to see the way the objectivity and integrity of the SPC has been impugned by some recently, especially related to SPC members participating on the CRC. There are ways to disagree with results without making false claims against individuals or questioning the objectivity or motives of independent committees. And when someone says "it's not personal", chances are very good that it is. Yet, that is an argument for another day.

One of the recommendations from the SPC was to explore a change in governance in Fairfield. This recommendation came from numerous sources, including:

- the many, many resident workshops the SPC conducted to glean resident attitudes, concerns, and desires;
- the input from Town leaders, Boards and Commissions and Department Heads;
- the suggestions from local academic political experts, and;
- the views of the skilled municipal consultants.

The specific reasons that this decision was reached by the SPC included:

- Some Town leaders (in confidential interviews) indicated that our governance structure and execution may not be best serving the Town. In particular, of all the government bodies, the RTM was highlighted as bloated, inefficient and not effectively representing the people in each district.
- Residents expressed a lack of understanding on what the RTM is and what it does. Many relayed that they do not even know any of their RTM reps.
- We asked many groups in town to help us conduct workshops to hear from residents. Ultimately the SPC conducted approximately 40 of these workshop sessions all across town, in many school PTAs, and various other venues. This was necessary because the RTM largely ignored repeated requests for RTM district focused meetings, and indicated that holding district meetings for residents was too much of an effort. In the end only a limited number of districts hosted workshops.
- The expert from Fairfield University concluded that a different form than the BOS/RTM structure would be more responsive to resident interests and desires and would be more effective.
- The majority and minority leaders of the RTM, in their Subject Matter Expert workshop on Governance, both agreed that the RTM was not working effectively and a change was needed.
- The SPC consultants indicated that our form of government is somewhat legacy based and is not responsive to emerging needs and trends and is less and less used both in CT and nationwide, in favor of other more accountable and responsive forms of government.

So, when I entered the work of the CRC, I did come into this effort with one critical idea - a desire to EXPLORE a change of governance. And I came with a wealth of knowledge about the town and municipal governance that I hope in the end, was helpful to my fellow Commission members.

During the CRC meetings we heard from a number of outside experts. I know you have heard about this input so I won't repeat all the people who helped. In addition, I did some of my own research about other towns in CT and neighboring states to help form a conclusion.

My personal conclusion was that we need to seriously consider a Town Manager/Council or Town Manager/Mayor form of government. This view on the part of the CRC was initially met with resistance. The idea was simply too much of a change for the CRC (and possibly the town) to accept. And while I don't necessarily agree, I understand that. Change is hard. Big change is even harder.

So, what to do? We've come to the conclusion that our current government, particularly the RTM is not working well, but we can't swallow a change that big. What do we do? Do we do nothing? In my opinion that would have been a disservice to the Town.

The next suggestion was to lower the RTM to 20 members. There was pretty strong support for this and at least at one point, I believe there were the votes to pass that. But some on the Commission (myself included) felt a unanimous vote would be better than a split one. So, we continued to talk. Commissioner Mitola then offered a compromise. He said that perhaps we could consider reducing the RTM to 30. Not remain at 40. Not go as low as 20. Compromise at 30. And that is where we landed.

I stand by that process, the reasons for that compromise, and the conclusion which at the time anyway, was unanimous.

I have heard people say that moving from 40 to 30 will cause us significant hardship in our ability to lead and represent our constituents. I am reminded of that same argument that was made when the RTM moved from 50 to 40. But, lo and behold, after the change was made, did we hear word one about how the fears came to be? I heard nothing. I would suggest that the same will be true of this change.

In conclusion, I want to restate my views on the benefits of this action:

1. It improves the accountability of this important legislative function. Let's not underestimate the benefits of accountability. Improved accountability in organizations helps:
 - a. Foster trust and therefore relationships, leading to better outcomes, and
 - b. Encourages ownership of decisions in order to avoid costly mistakes.
2. It moves the legislative body of the Town closer to one that works best with a form of government which has been recommended as the preferred and most populous form of U.S. municipal government today.
3. It lessens the proclivity of some to avoid active participation and simply vote with their party and "hide in the crowd", rather than encouraging involved impassioned people to serve.

I hope you will favorably consider this recommendation.

John Wynne

John M. Wynne

845-430-7654 (mobile)

jmwynne144@gmail.com

From: Wolfgang Klier <wklier@gmail.com>

Sent: Wednesday, July 6, 2022 9:10 AM

To: CRC <CRC@fairfieldct.org>

Subject: Ranked Choice Voting

Dear Madam or Sir,

I apologize for writing in so late in the process, we just bought a house in Fairfield and so will be Fairfield citizens soon.

I wanted to urge you to include at least the possibility of ranked choice voting <https://www.fairvote.org/rcv> in the updated town charter.

In addition I wanted to highlight that a proportional representation system https://www.fairvote.org/how_proportional_representation_elections_work would achieve better representation for the RTM without imposing artificial quotas. Even if keeping the current 10 districts with 4 representatives each or even better go to 6 districts with 5 representatives each.

Regards,

Wolfgang

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, July 8, 2022 10:56 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: CRC proposals

My dear Board of Selectmen-

Having recently attended in person the special meeting of the Board of Selectmen, I feel once again compelled to state my belief that Fairfield needs 40 and the possibility of 56 representatives in the Representative Town Meeting.

I am bothered by the simple proposal of recommending 30 reps for the ten districts. I believe that it is short changing the approximately 63,000 residents of this "city". It appears that the CRC is so confident that 30 is the correct number that they have not even added the possibility of up to 40 or up to the present possibility of 56 members.

I do not understand the reliance on the “city model” form of government which is not representational of our long-standing New England form of government. I can understand Ms. Kupchick’s desire to remove some of the “burden” of dealing with all the business and the queries of residents by having a financial manager in the executive branch.

The legislative branch is the part of our town government which concerns me as a former Westport RTM member, albeit a third the size of Fairfield. It is such an important part of our government that we need as many members as possible. A comment was made in a letter to the BOS that Fairfield residents know Representative Himes but not their district RTM reps. I might point out that Mr. Himes is a paid Congressional representative with a paid staff in DC and CT who aid him in keeping in touch with his constituents. Our RTM reps are volunteers w/o staff who keep on top of the Board of Education and Town budgets and deal with residents inquiries and I have been in touch with my district reps!

The bottom line of my email is that I believe the size of this town deserves as many RTM reps as presently possible and the number should not be reduced at all.

Perhaps the CRC needs to be replenished with new members if the present volunteer members need to leave and we can run the entire length of the time possible for a thorough study and presentation for possible Charter revisions so that the residents vote in an educated manner not in the covid climate or virtual participation.

Thank you for all you do to keep our town healthy and prosperous.

Carol Waxman
Fairfield

From: budmorten@aol.com <budmorten@aol.com>

Sent: Friday, July 8, 2022 1:13 PM

To: Board of Selectmen <BOS@fairfieldct.org>; BOF <BOF@fairfieldct.org>; RTM <RTM@fairfieldct.org>; boemembers@fairfieldschools.org; TPZ Commission <TPZCOMMISSION@fairfieldct.org>; CRC <CRC@fairfieldct.org>

Subject: Bud Morten's Response to Iacono and Wynne Memos to the Board of Selectmen

Please see attached.

To: Board of Selectmen July 8, 2022

Fr: Bud Morten

Re: Charter Revision

“One size fits all” and “Trust the experts,” says the Charter Revision Commission; So let’s cut the size of our RTM!

A week after the Charter Revision Commission (CRC) presented its conclusions to the Board of Selectmen (BOS) with no clear (let alone, “compelling”) rationale for one its most important recommendations, two of its members have tried to explain why we should reduce by 25% (from 40 to 30) the number of people who represent us on the Representative Town Meeting (RTM).

For those who don’t want to read all of this long paper (much of which provides a summary of those two explanations) the bottom line is this: The CRC has still not provided any serious analysis that explains why it thinks the real benefits (if any) of cutting the size of our RTM outweigh any related costs and risks.

The CRC’s rationale for any major changes it recommends should be presented in the following nine steps: (1) SPECIFIC PROBLEM OR OPPORTUNITY BEING ADDRESSED — WHAT IS THE OBJECTIVE? (2) PROPOSED CHANGE IN THE CHARTER. (3) EXPECTED BENEFITS. (4) ASSOCIATED COSTS AND/OR RISKS (INCLUDING POSSIBLE CUMULATIVE RISKS WHEN COMBINED WITH OTHER PROPOSED CHANGES). (5) OTHER POSSIBLE OPTIONS (INCLUDING THE STATUS QUO). (6) TRADE-OFFS. (7) RECOMMENDATION. (8) ANY KEY ASSUMPTIONS AND/OR KEY SUCCESS FACTORS UPON WHICH THE EXPECTED OUTCOME DEPENDS. (9) DISSENTING OPINION(S).

Summaries of the Iacono and Wynne Memos

Most of a six-page memo¹ from Commissioner Iacono is dedicated to advocacy for a different form of government (Council-Manager) that the CRC considered and rejected. Most of a four-page memo from Commissioner Wynne is dedicated to describing his earlier experience with the Strategic Plan Committee (SPC). Here are the reasons they offered for reducing the size of the RTM:

The Iacono Memo

1. The CRC *“settled on a smaller RTM as a compromise solution”* when it failed to agree to change our entire governance structure from ‘BOS-RTM’ to ‘Council-Manager’ as recommended by the National Civic League, an organization which for many years has produced a guide to municipal governance called the “Model City Charter.”² Reducing the size of the RTM is therefore beneficial because it lays *“a foundation for future consideration”* of the Council form of government, and because *“this small change is the start to getting there.”* *“The Model City Charter is worth paying attention to, and it’s important for the Town to deliver governance that is accountable, responsive, practical, and efficient. A smaller RTM is a step in that direction.”*

¹ For copies of the Iacono and Wynne memos, see pages 297 and 310 at this link:

[07-11-22_Backup_for_BOS_Special_Mtg.pdf \(fairfieldct.org\)](#)

² [Model City Charter - 9th Edition | icma.org](#)

2. The Model City Charter says nothing about the ideal size for an RTM or even for a city council, but it does express a preference for smaller versus larger “councils,” and based on this the CRC believes that *“lowering the number of representatives on [Fairfield’s] RTM will . . . allow the membership to discharge their responsibilities more promptly and effectively and help avoid parochialism and ‘log-rolling’.”*³ Also, although *“the Charter does not call for the [Town] Administrator to report to the legislative body, it’s not a leap of faith to draw the conclusion that a smaller RTM affords the opportunity to have a more meaningful relationships [sic] collectively with management.”*

³ Logrolling is the trading of favors, or quid pro quo, such as vote trading by legislative members to obtain passage of actions of interest to each legislative member. [en.wikipedia.org]

3. *“Most residents do not know who their RTM representatives are, they don’t know they have four of them, they don’t tend to know their district number, let alone that we have 10 of them, and they therefore don’t necessarily know we have a 40 member RTM or why. Most don’t even know what ‘RTM’ means. What they do*

tend to know is the one RTM Rep in their district that is the most vocal, the one that answered a phone call for a constituent, the one who is a leader, the one who is most engaged in the community overall. That's not 40 members, it's about a dozen or less. That small group is the one 'getting the job done' which supports the Model City Charter finding that smaller legislative bodies are more 'effective instruments for the development of programs and conduct of municipal business.' During the June RTM committee meeting there were 14 items on the agenda, 8 representatives spoke to the items, eight. Eight out of forty. That's typical." In addition, three representatives per district are now enough because better technology makes it easier to resolve constituent issues, and having more representatives is bad because it "spreads out" and "dilutes" their accountability.

4. Since there are "literally hundreds of citizens serving on other elected and appointed boards and commissions . . . we have a representative government in Fairfield in so many shapes and forms . . . [and thus] "the claim that a smaller RTM is undemocratic simply has no merit," and moreover, "that philosophy conflicts with the Model City Charter, the desire for professional management [and] the anecdotal experience."

5. Finally, "what we are looking to achieve at the legislative level is better accountability which will lead to better governance as we look to be as the Model City Charter says, 'practical and efficient,'" and "a reduction in the size of the RTM is forward thinking and meets the best needs of a municipality of our size."

The Wynne Memo

1. When the Strategic Plan Committee was gathering information, "some town leaders (in confidential interviews) indicated that our governance structure and execution may not be best serving the Town. In particular, of all government bodies, the RTM was highlighted as bloated, inefficient and not effectively representing the people in each district." Also, "the majority and minority leaders of the RTM, in their Subject Matter Expert workshop on Governance, both agreed that the RTM was not working effectively and a change was needed."

2. The CRC concluded that "our current government, particularly the RTM is not working well," and one "suggestion was to lower the RTM to 20 members," but in order to gain unanimous support we had to compromise on a lesser reduction to 30.

3. "The accountability of this important legislative function" will improve, and improved accountability will "foster trust and therefore relationships, leading to better outcomes," and it will also encourage "ownership of decisions in order to avoid costly mistakes."

4. "It moves the legislative body of the Town closer to one that works best with a form of government which has been recommended as the preferred and most populous [sic] form of U.S. municipal government today."

5. "It lessens the proclivity of some to avoid active participation and simply vote with their party and 'hide in the crowd,' rather than encouraging involved impassioned people to serve."

6. Finally, some people have said "that moving from 40 to 30 will cause us significant hardship in our ability to lead and represent our constituents." However, "the same argument was made when the RTM moved from 50 to 40 . . . but after the change was made "we did not hear word one about how the fears came to be" and "the same will be true of this change."

Critical Summary of the Iacono and Wynne Memos

In critical summary, the CRC seems to be saying that a smaller RTM will be better for us because:

- We Commissioners say so, or at least some of us say so, maybe even most of us say so.
- Some anonymous town leaders told the SPC a few years ago that the RTM is bloated and inefficient.
- National experts say so, or at least we interpret them as saying so if we pretend their comments about Town Councils also apply to RTMs, which admittedly they don't actually talk about.

- We should adopt the Council-Manager form of government like most other towns (“one size fits all,” right?) and reducing the size of the RTM is a step towards this objective, even though we couldn’t all agree that a Council-Manager form would actually be good for Fairfield.
- For some reason, more residents will now know who their reps are, how many reps they have in their district, how many RTM districts there are, how many total reps there are, and what “RTM” means, and all this is really important for some reason.
- Less than a dozen of the 40 RTM reps does all the work, so ten deadbeats won’t be missed.
- Although we can’t explain exactly how, and although we can’t offer any specific examples of bad outcomes in the past or in the future that could be directly attributed to having 40 instead of 30 RTM members, we are sure that Fairfield’s governance will be more accountable, responsive, practical, and efficient, and as everyone knows, legislative efficiency (“*able to discharge its responsibilities promptly*”) is always a good thing, right?
- Cutting the RTM’s size from 50 to 40 didn’t hurt, so another cut won’t hurt.
- Concentrating legislative power in fewer hands is also always a good thing, right?
- Our governance system is already democratic enough, so no worries about the size of the RTM.
- There are no related costs or risks that anyone should worry about. Everything will be better, modernized, streamlined, more efficient, more transparent, more accountable, more accessible. No more parochialism and logrolling (who knew?). Nothing will go wrong. We know best. Trust us.

What Questions Should the BOS Ask the CRC?

Any proposal to alter a governance system that has served Fairfield well for so many years should be subject to a very high standard of analysis and conviction that the expected benefits are real and will significantly outweigh any costs and risks, both direct and indirect, tangible and intangible.

Here are some general questions that deserve serious and thoughtful answers in writing from the CRC.

- How exactly should we evaluate the performance of our governance system – in what ways is it working well and/or poorly, and how should we decide whether any major changes are warranted?
- How confident can we be that the opinions of governance “experts” and of publications like the Model City Charter apply to Fairfield, which like every other town is unique, including for us a 383-year history?
- Irrespective of any similarities in size or location, how confident can we be that the experience of other towns with different governance structures would apply to Fairfield? And, how do we know if some if not many of the towns that have adopted the Council-Manager structure would do no worse and might do much better if they could adopt our BOS-RTM structure?
- Since you state in your transmittal letter that “*the issue of the form of government should be looked at by a multi-partisan group, outside the context of the time-frame of a Charter Revision*” that has “*sufficient time to carefully study whether there are disadvantages in the current structure [and] decide on what changes would improve the town,*” **why would we go ahead and reduce the size of the RTM before that group does its analysis?**

Here are some questions specifically about the proposed reduction in the size of the RTM:

- When in the past did Fairfield end up with a bad outcome (i.e., a “costly mistake” that is demonstrably and materially not in the best interests of the Town) that was directly attributable to the fact that we

had 40 RTM representatives instead of 30, and under what future conditions and circumstances might we have a bad outcome for the Town if we have 40 instead of 30 members?

- What benefits would a reduction in the size of the RTM provide that cannot be obtained without that reduction? For example, are any perceived problems with the RTM's performance more likely attributable to a lack of adequate staff and legal support?
- Why would ten fewer representatives be able to "manage increasing complexities and risks" better than 40 representatives?
- Why isn't it likely that having only 30 instead of 40 representatives looking over budgets, proposals and plans will increase the probability of serious mistakes?
- What compelling evidence from other towns demonstrates that more-concentrated power works better than less-concentrated power?
- What are the potential costs and risks and unintended consequences of concentrating legislative power in the hands of fewer people, including:
 - ❖ Civic Culture – Doesn't the fact that more rather than fewer elected officials are responsible for Fairfield's legislative decisions mean that there are many more citizens, both currently in office and previously in office, who are empowered and enfranchised by their knowledge of how our Town's government works to engage in and contribute to public debate on important issues than there would be otherwise?
 - ❖ Public Access – Doesn't having more elected officials provide greater access by all citizens to their government, and wouldn't having fewer elected officials result in greater general disengagement from issues important to the Town's future?
 - ❖ Transparency – Isn't it easier to restrict public knowledge when there are fewer elected officials rather than when there are more, and isn't this particularly true at a time when the quality and quantity of local news coverage have been so greatly diminished?
 - ❖ Corruption – Isn't it easier for bad things to happen when there are fewer elected officials, including backroom deals and compromises that are not in the best interests of the Town?
 - ❖ Domination – Isn't it more likely that one political party or one section of Town could dominate local government and stifle debate if we reduce the number of elected officials?
 - ❖ Tribalism and Partisanship – What effect would reducing the number of elected officials have on the tendency of some citizens to become overly partisan?

As I have stated previously:

The most important flaw in the CRC's proceedings has been their presumption that if the six of them agree and if they think they can get public approval, there is no need for any analysis of all the expected benefits, costs, risks and tradeoffs associated with their recommendations. However, the purpose of the CRC was not to get these six people to agree on what should be changed; the purpose was to have them analyze whether any changes in our governance system would be beneficial and if so, to explain clearly to us the rationale for any recommendations.

The CRC has still not provided any serious analysis that explains why it thinks the real benefits (if any) of cutting the size of our RTM outweigh any related costs and risks.

Bud Morten
July 8, 2022

From: Christine Vitale <cvitale@optonline.net>

Sent: Friday, July 1, 2022 10:09 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Guidance from Shipman

Good morning Brenda, Tom and Nancy,

I wanted to forward the guidance we received from Shipman and Goodwin. I know Attorney Maher forwarded to Attorney Mednick so you probably have already seen it, but since I referenced it in my public comment I wanted to make sure you all had the full document (it was too long too read into the record.) I apologize for not thinking to do it Wednesday. Mr. Mednick and our attorney have been in contact so hopefully some of this contract language can be further clarified. Thanks again for your consideration.

Wishing you all a fun-filled and safe 4th of July!

Best,

Christine

SHIPMAN

TO: Courtney LeBorious, Executive Director of Finance and Business
Services, Fairfield Board of Education

FROM: Peter Maher

RE: Preliminary Review of Selected Proposed Charter Revisions

DATE: June 29, 2022

Yesterday you conveyed on behalf of the Fairfield Board of Education a request for advice with respect to certain proposed revisions to the Town Charter for the Town of Fairfield drafted by the Charter Revision Commission. Specifically, the concerns as we understand them relate to proposed revisions that would subject Board of Education contracts in excess of \$100,000 to approval by the Board of Selectpersons. The concerns of the Board of Education about these proposed revisions are legitimate. Our analysis based on our preliminary review is set forth below.

Based on the information we received, two of the proposed Charter revisions would provide as follows:

(5) “Contracts” means all contractual relations of the Town (including the Board of Education), including, without limitation, purchase contracts, lease contracts, and service contracts, including but not limited to, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements. (Proposed Article I, § 1.4.C(5))

. . . .

(a) All Contracts in excess of One Hundred Thousand (\$100,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder to which the Town (including the Board of Education) shall be a party shall be subject to approval of the majority vote of the Board of Selectpersons. This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance. (Proposed Article IV, § 4.2.C(1)(a)).

These proposed revisions are problematic. Requiring Town approval of Board of Education contracts over \$100,000 could interfere with the ability of the Board of Education to operate efficiently. Moreover, it appears that the proposed Charter provision are contrary to law and, as such, would be invalid and unenforceable. Accordingly, adoption of these Charter provisions could invite wasteful litigation.

A review of A Practical Guide to Connecticut School Law, which my partner Tom Mooney wrote and updates, shows why the proposed Charter provisions are likely invalid. First, the Connecticut Supreme Court has ruled that charter provisions are enforceable against boards of education unless they are inconsistent with state law and/or inimical to the efficient operation of the school district:

The statutes give the “board of education” extensive authority independent of the town. The powers of the school board are separately set out in the statutes. Conn. Gen. Stat. § 10-220, for example, describes the basic charge of the board of education “to maintain good public elementary and secondary schools, implement the educational interests of the state as defined in Conn. Gen. Stat. § 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district”

From these provisions, we see the dual role of board of education members. On the one hand, school board members are municipal officials serving their communities. On the other hand, they act as state agents with responsibility for implementing the educational interests of the state. This divided responsibility has led to some confusion and litigation. *The Connecticut Supreme Court has ruled that charter provisions can be binding upon local boards of education when “the local charter provisions are not inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards.”* *Local #1186, AFSCME v. New Britain Board of Education*, 182 Conn. 93 (1980). It can be difficult, however, to apply this rule to specific situations.

Guide (9th Ed. 2018), at 18-19 (emphasis added).

When we consider the proposed charter provision described above, they seem clearly inconsistent with state law. The proposed Charter provision would give the Town authority to exercise oversight over Board of Education expenditures by empowering it to approve (and conversely to reject) proposed contracts the Board of Education would wish to enter into to fulfill its statutory (and constitutional) duty to implement the educational interests of the State.

Such oversight directly contradicts the independent authority of boards of education to expend their appropriation as they see fit. As the Guide further provides,

Once an appropriation [from the town] is made, the board of education has autonomy over how it expends those funds. Conn. Gen. Stat. § 10-222 expressly provides:

The money appropriated by any municipality for the maintenance of public schools shall be expended by and in the discretion of the board of education. Except as provided in this subsection, any such board may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate.

As the fiscal year progresses, a board of education may reorder its priorities, and transfer funds from one line item to another, provided that total expenditures do not exceed the amount appropriated.

Guide (9th Ed. 2018), at 101-02 (emphasis added). In short, the proposed Charter provisions described above would intrude directly into the independent authority of the Board of Education to expend funds appropriated to it as it sees fit to fulfill its statutory responsibility to educate children residing in Fairfield.

Moreover, the mechanics of any such Town approval process invites a challenge on a second basis. In the *Local #1186, AFSCME* case quoted above, a charter provision will not be binding on a board of education if it is “inimical to the efficient and proper operation of the educational system” *Local #1186, AFSCME*, 182 Conn. at 101. Subjecting contracts properly approved by the Board of Education to an additional step requiring Town approval, which could be delayed or denied, could directly disrupt the proper functioning of the Board of Education.

We hope that these preliminary comments are helpful to the Board of Education. We believe that the proposed Charter provisions would infringe on the statutory authority of the Board of Education, and the Board of Education may wish therefore to advocate for their rejection or modification. Adoption of these revisions as written would be inconsistent with state law and could invite costly and divisive litigation.

Please let us know if you have any questions or if we can be of any further assistance.

cc: Christine Vitale, Chair, Fairfield Board of Education
Nicholas Aysseh, Vice Chair, Fairfield Board of Education
Jennifer Jacobsen, Fairfield Board of Education
Thomas Mooney, Shipman & Goodwin LLP

Town of Fairfield

Charter Revision Commission



Charter Revision Summary
June 27, 2022

The Town of Fairfield Charter Review

Charter Revision BOS Review

Meeting Topics:

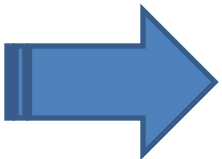
- Meeting Overview and Introductions
- Executive Summary
- Review and Discuss Executive Summary of CRC Results
- Discuss Supporting Appendices:
 - Transmittal Letter
 - Charter Overview and Charter Sections
- Questions and Answers (BOS, CRC, and Counsel)

The Town of Fairfield Charter Review

Executive Summary

Key Changes to Existing Charter:

- RTM size reduced to 30 members.
- Budget process streamlined to include shared budget meetings and improved efficiency and effectiveness.
- BOE terms altered to improve competitiveness in certain election cycles.
- Charter provides provisions for Town Administrator.
- Rules of Order and Civility were added.
- No change to Governance Structure for the Town.
- Many individual changes to improve accountability and streamline the Charter for consistency, readability and usefulness.



The following pages provide further details on the updates to each section of the Charter and approach used to update it.

The Town of Fairfield Charter Charter Review Objective

Viewpoints

- Is there a healthy balance between executive and legislative roles?
- Are there ways to increase public engagement?
- Does our budget process work?



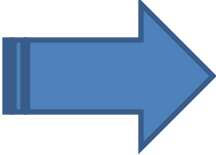
Analysis

- Objectivity
- Current situation
- Analysis
- Community Input
- New ideas
- Options / Tradeoffs

Objective

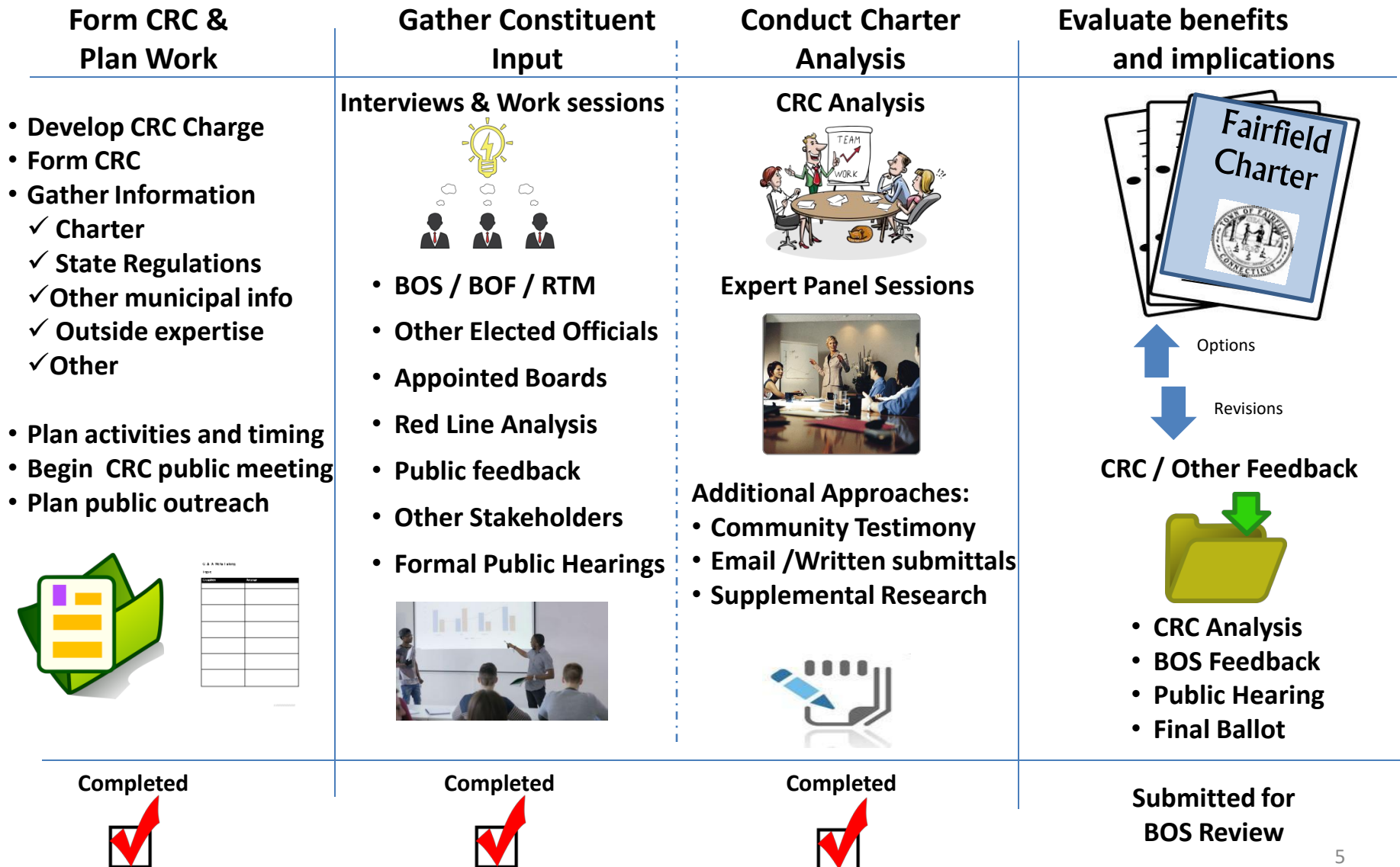


- Goals to consider:
 - Clarity
 - Flexibility
 - Accountability
 - Citizen Satisfaction
 - Avoid a Culture of Disregard or Paralysis

- 
- Charter updates utilize a Charter Revision Commission.
 - Public Input was gathered throughout the process.
 - Outside Expertise was leveraged to ensure an objective and structured process.

The Town of Fairfield Charter Review

A Comprehensive Process Was Utilized



The Town of Fairfield Charter Revision

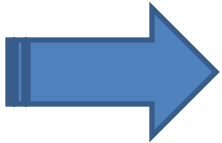
Key Deliverables

Primary Deliverables	Other Materials
BOS Presentation <ul style="list-style-type: none">• Kick Off presentation from October 2021• Current Executive presentation summarizing key changes and work completed Transmittal Letter & Revised Charter <ul style="list-style-type: none">• Formal 14 Page communication to BOS and Town Clerk• Describes details with work, supporting information, Charter Changes• Revised Charter Ballot Questions <ul style="list-style-type: none">• Developed by BOS (with counsel support as needed)	Follow up Recommendations <ul style="list-style-type: none">• Study of Town Manager structure• RTM Code of Ethics work• Other Full Open Meeting Documentation <ul style="list-style-type: none">• Agendas/minutes• Meeting Recordings• Supporting documents, files, emails, research, etc.

The Town of Fairfield Charter Revision

Charter Revisions for Each Article

Article	Key Changes or Comments
Article I – Uniform Standards	<ul style="list-style-type: none"> • Establish Charter definitions and Standards of Meeting or Notice, etc. • Eliminate Newspaper publication for certain activities. • Establish standards for all Boards and Commissions. • Existing “Standards of Conduct” included, with recommendation for RTM development of new Code of Ethics. • Added Rules of Order and Civility.
Article II – Elected Officials and Elections	<ul style="list-style-type: none"> • RTM size changed to 30 members, retaining 10 districts. • BOE election cycle modified for increased competition. • Clarification of several existing Charter provisions to better articulate aspects of election cycle activities.
Article III - RTM	<ul style="list-style-type: none"> • The various Charter adjustments improve ability of RTM to adopt rules of procedure and structure, in an effort to become a more accountable, relevant, and impactful legislative body. • Referendum provision moved to section 3.6 without change.

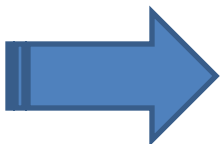


- This information is an excerpt of the major changes to the Charter. It is not intended to be all encompassing.
- Supplemental details and information is contained in the 14 page Transmittal document and appendices supporting this information.

The Town of Fairfield Charter Revision

Charter Revisions for Each Article

Article	Key Changes or Comments
Article IV – Board of Selectpersons and First Selectperson	<ul style="list-style-type: none"> • No major changes to the FSP or BOS role or significant responsibilities • Contract review threshold increased to \$100,000 or greater. • Clarified duties of FSP for various Town management activities. • Added requirement for preparation and maintenance of LT financial and capital planning. • Added a quarterly report requirement for keeping RTM and BOF informed on Town financial condition. • Ensure exploration on availability of Federal/State grants. • Recognition of FSP authority on mediation and resolution between Boards, Commissions, depts., etc. • Added requirement for hiring and supervising Town Administrator. • Included a delineation of staffing authority for FSP office.
Article V – Other Elected Officers, Boards & Commissions	<ul style="list-style-type: none"> • Consolidated Town Clerk and elected Boards/Commissions with no changes other than some references and consolidations relating to vacancies.
Article VI – Appointed Officers and Boards and Commissions	<ul style="list-style-type: none"> • Consolidated and clarified several provisions which define expectations regarding qualifications and authority of various Town officials. • Created a constitutional standard for cooperation and comity between departments, boards and commissions. • Assistant Town Attorneys, Police/Fire Chiefs are no longer required to be Electors. • Constables (4) shall now be appointed by BOS rather than being elected, as is current practice.

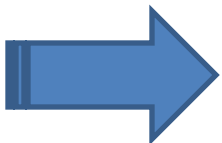


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The Town of Fairfield Charter Revision

Charter Revisions for Each Article

Article	Key Changes or Comments
Article – VII & VIII Appointed Officers, Boards, Commissions and Departments	<ul style="list-style-type: none"> • No significant changes except revision in qualifications of the Director of DPW, as well as alteration of the name of Flood Prevention, Climate Resilience and Erosion Control Board.
Article IX – Budget Procedures and Related Matters	<ul style="list-style-type: none"> • See Budget Procedure details on following page.
Article X – Miscellaneous	<ul style="list-style-type: none"> • The Town has now been given the authority to update the Town Seal. • The BOS shall consider appointing the next CRC no later than 2032 and every 10 years thereafter. This shall not preclude an earlier review if deemed appropriate by BOS. • CRC recommends that the Town engage in a thoughtful process to examine benefits and implications of modifying the structure of government prior to next Charter revision so that the then CRC can focus on implementing changes around which there has already been established, broad consensus.



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The Town of Fairfield Charter Revision

Charter Revisions for Each Article

Article	Key Changes or Comments
Article IX – Budget Procedures and Related Matters	<ul style="list-style-type: none"> Established the use of best practices in budget process and encourage cooperation amongst the participants. Clarified expectations regarding budget components and items to be included. Added several new provisions to underscore public accountability. The date of RTM annual budget meeting moved from 1st Monday in May to 2nd Monday in May. FSP budget is to be submitted to BOS no later than 2nd Monday in March. Following budget submission, FSP is required to deliver a budget address to BOS, BOF, and RTM, including question and answer period. Budget detail exploration shall be held jointly with BOS/BOF. RTM members may be permitted to participate (no greater than 10 rotating interlocutors). These meetings called to order by FSP and facilitated by BOF Chair. Joint meetings shall not undermine the individual budget activities that can be taken by either BOS/BOF or RTM. Each group shall retain opportunities to discuss budget and make requests of submitting parties after the joint meetings. The objective of the joint meetings is to eliminate redundancy and duplication wherever possible. CRC recommends that the RTM create a robust committee system to allow committee members to direct the questions to the submitting parties over which they have subject matter jurisdiction. After any supplemental meetings, the BOF shall approve budget and submit it to the RTM no later than the 4th Monday in April. BOF retains all other rights as contained in existing Charter. Charter maintains existing provisions of the BOS and BOF to agree on modifications to budget process. After any supplemental meetings, the RTM shall approve budget at the Annual Meeting on the 2nd Monday in May.

FAIRFIELD CHARTER REVISION COMMISSION

OVERVIEW OF PROPOSED 2022 CHARTER REVISIONS

PRESENTATION TO THE BOARD OF SELECT PERSONS

JUNE 27, 2022

FAIRFIELD CHARTER REVISION COMMISSION 2021 -2022

Bryan Cafferelli
Chair

Jay Gross

James Baldwin, Esq.
Town Attorney

Christopher Brogan
Vice Chair

Hon. Pamela Iacono
John Wynne

Marlene Battista
Secretary

Hon. John Mitola

Steven G. Mednick, Esq.
Counsel

WHAT IS THE FAIRFIELD TOWN CHARTER?

- **What is the Fairfield Town Charter?** Under Connecticut “home rule” law, the Town Charter serves as our local constitution. It creates the structure of our government and the rules that govern our elected officials, like the First Selectpersons, Board of Selectpersons, RTM, Board of Finance as well as other elected and appointed officials. How does a bill become a law (ordinance)? What rules govern the adoption of our annual general fund and capital budgets? Why are RTM members elected on a district basis? Those are some of the questions that can be answered in the Charter.
- **What does “home rule” mean?** “Home rule” is something of a misnomer. It sounds like a Town can establish rules that govern the community. That is not true because in Connecticut there is no inherent right of local citizens to establish governance structures as they please and there is no implied right for municipalities to create government structures on their own. Local governments can only exercise authority expressly granted by the State. “Home Rule” is the body of laws and rules granted by the state. There are also state laws which restrict municipalities, including laws that govern elections, collective bargaining and public emergencies.
- **What is a Charter Revision Commission (“CRC”)?** The CRC is a group of seven citizens who are examining the current structure of Fairfield’s government and will make recommendations for possible changes.

THE PROCESS

- 7 member commission first met on September 22, 2021;
- Held 22 meetings with innumerable public comment sessions from September 2021 – June 2022;
- Two statutory Public Hearings: October 6, 2021 and June 2, 2022;
- Conducted numerous subject-based panel discussions

SUBJECT MATTER REVIEW: BACKGROUND DOCUMENTS I

Number	Subject
1.	Town Seal Provisions in Connecticut Charters
2.	Budget Procedures and Related Matters
3.	Forms of government in Connecticut, including comparative data on elected boards and commissions in Greenwich, Branford, Westport, Darien, West Hartford, Hamden, Meriden; and, Bristol.
4.	Governance Issues: (1) Composition, Organization and Terms of Office; (2) Legislative Body Models; (3) Chief Executive Models (New Britain; Hamden; Bristol: Manchester; and Newtown)
5.	Comparative Capital Budget Provisions in RTM Municipalities
6.	Governance Framework: Current and Proposed Powers
7.	Draft Chief Operating Officer (a/k/a Town Administrator)
8.	Minority Party Representation
9.	Comparative Municipal Reapportionment Provisions in Connecticut
10.	Alternate Approaches to CAO (Stamford, Stratford, Darien, New Haven, Hartford, Bridgeport, Bristol, New Britain, Danbury, West Haven, Milford and East Hartford)

SUBJECT MATTER PANELS

Town Governance	<ul style="list-style-type: none">▪ Joe DeLong, Executive Director and CEO of CCM;▪ Professor Gary Rose, Sacred Heart University; and,▪ Professor Gayle Alberda, Fairfield University.
Local Governance Practices	<ul style="list-style-type: none">▪ Hon. James Pascarella, former Mayor and Legislative Council President, Hamden;▪ Hon. Ellen Zoppo-Sassu, former Mayor, Bristol and town Manager, Enfield;▪ Scott Shanley, former General Manager, Manchester;▪ Hon. Dan Salerno, Treasurer and former Councilmember, New Britain;▪ Hon. Dan Rosenthal, First Selectman, Newtown; and,▪ Hon. Jamie Cosgrove, First Selectman, Branford.

SHOULD THE GOVERNMENT BE RESTRUCTURED?

- The commissioners addressed a number of issues and had many questions about the forms of government that were available for their consideration: Board of Selectperson/RTM; Mayor/Council; or, Council/Manager. Our current Board of Selectpersons/RTM structure is one step removed from the historic Town Meeting.
- With this background, the Commission undertook its review of the structure of government.
- Reforming a Charter and restructuring a government are not necessarily the same thing. Obviously, in order to restructure you will need to amend the Charter. However, the time-frame for Charter Revision does not afford a Commission sufficient time to make substantial change.
- To aid our consideration of different forms of government, we reviewed comparative data on the size of legislative bodies in Connecticut and held informative discussions on the composition of other legislative bodies with representatives of those bodies.

LEGISLATIVE BODIES IN CONNECTICUT: WHERE DOES FAIRFIELD FALL?

Municipal Population	Legislative Body	Districts	At-large	Form of Government
148,656	20	10	-	Mayor/Council
135,470	40	20	--	Mayor/Council
134,023	30	30	-	Mayor/Alder
114,493	15	5 (MPR)	-	Mayor/Alder
91,164	15	5	5	Mayor/Council
85,518	21	7	7	Mayor/Council
74,135	15	5	5	Mayor/Council
64,083	9	-	9	Council/Manager
63,518	230	12	-	RTM
<u>61,512</u>	<u>40</u>	<u>10</u>	<u>-</u>	<u>RTM</u>
61,169	15	9	6	Mayor/Council
60,833	6	3	Mayor	Mayor/Council
60,850	12	4	4	Council/Manager
59,713	9	-	9	Director/Manager
55,854	13	10	3	Mayor/Council
53,355	10	10	-	Mayor/Council
51,045	15	5	-	Mayor/Alder
50,036	9	-	9	Mayor/Council
47,717	12	-	12	Mayor/Council
44,396	9	-	9	Mayor Council
43,501	9	-	9	Council/Manager
42,142	11	4	7	Council/Manager
40,869	8	4	-	Mayor/Alder

THE CONTEXT

- Clearly, Fairfield, stands out as an untypical form of government compared to its peers in population (the top twenty-three municipalities in Connecticut). Even in the world of RTMs only Greenwich (a slightly larger municipality) and Darien (a substantially smaller municipality) stand at 230 and 100 RTM members, respectively. In the top fifteen municipalities Fairfield and Greenwich are the only RTM forms of government. Ten have chosen the Mayor/Council form and three have chosen the Council Manager form of government.
- Standing alone does not, in and of itself, mandate that Fairfield's structure must change.
- Commission did and continues to believe, and we hope to the leaders and citizens of Fairfield, will agree, that a close look is warranted to assure that Fairfield's government is best structured to address the increasingly complicated challenges that face large towns (really, small cities) such as Fairfield.
- We debated whether to change the structure of the Fairfield government to either a Town Council/Town Manager or Mayor/Town Council form of government.
- We also discussed eliminating the Board of Selectman combined with a reduction in the size of the RTM.
- However, the Commission was unable to reach a consensus on any of these proposals. *In hindsight, we believe the issue of the form of government should be looked at by a multi-partisan group, outside the context of the time-frame of a Charter Revision. Such a group would have sufficient time to carefully study whether there are disadvantages in the current structure, decide on what changes would improve the town, and then gain the support for the changes from the Town political leadership and citizens. Any recommended changes can be then implemented by a charter revision commission.*
- In the end, *the Commission has not recommended any different governing bodies, has not recommended any enhancement of executive authority nor has it recommended a restructuring of the diffuse administrative system that exists under the current Charter.*

THE RTM

- The CRC held many discussions concerning the RTM.
- There was a consensus *to increase the relative power and resources of the RTM if it became a smaller, council-like, body.*
- Those considerations were abandoned when it became clear that there was not sufficient support, among stakeholders, for reducing numbers to that level.
- There was considerable support within the CRC for applying minority party representation (“MPR”) rules to the RTM districts. However, again, there was substantial objection, to MPR in the comments received by the CRC and at the Public Hearing. In the light of the unexpected controversy the CRC unanimously voted to delete MPR from the final proposal in order to obtain a unanimous vote on the full report of the Commission.
- The one substantive change that was recommended by a majority of the commission is the reduction of the RTM from forty (40) members to thirty (30) to create a legislative body that is more accountable to the people it represents and better able to address the many issues that need the attention of the Town’s legislative body. We understand that many of the same people would oppose such a change, but we feel that the entire citizenry of Fairfield should be given the chance to decide this question.
- We would like to stress that the CRC paid attention to the observations and critiques of the many stakeholders who commented throughout the process and listened carefully to private citizens, political office holders and to our panel participants to try to come to our conclusions. While we may not have been able to address all recommended changes, or make changes in a way that pleases everyone, we believe that our proposal reflects the fact that we listened.



DETAIL OF PROPOSED REVISIONS



ARTICLE 1 – UNIFORM STANDARDS

In this Article the CRC expanded the definitions that are commonly used throughout the Charter so that there is a single point of reference for those terms. Most importantly, we set forth the standards of Meeting or Hearing Notice and Public Notice, so that the Charter does not repeat those standards multiple times in the document. The most significant change is to eliminate mandatory newspaper publication for certain activities, unless required by state law or unless, as a matter of policy, it is determined to be beneficial to the Town.

- **Open Meetings and Records.** These provisions were moved from Articles VIII and X of the current Charter and now establish a standard for all Boards and Commissions in the Town, whether elected or appointed.
- **Standards of Conduct.** The Commission thought it was important to establish the high ethical standards of the Town in the first Article. As a result, we recommend that we move Article XI on “Standards and Conduct” to §1.5 in Article I. There were no significant revisions of the provision. However, the Commission recommends that the RTM enact a new ethics ordinance to incorporate a modern code of ethics and replace the very limited current version.
- **Rules of Order and Civility.** A new provision is found in §1.6 of this Article. This issue was raised by members of the Commission concerned about the volume of stories from around the country addressing civil culture and civility in general. This provision stakes out new territory by implementing reasonable guidelines that applicable in both the workplace and public meetings so that they are safe havens for those doing business with the Town and those who seek to influence the Town during public debate and deliberations.

ARTICLE II – ELECTED OFFICIALS AND ELECTIONS

- **Clarity.** Many of the provisions in the current Article remain with a couple of notable differences.
 - This provision recognizes that Title 9 of the General Statutes generally applies to the conduct of elections where not covered by the Special Act provisions incorporation in this Charter.
 - There is a clear delineation in §2.3.A and B of those offices which are elected by the voters of the Town, which is currently found in two separate Articles.
 - There is an easy to understand breakdown of the date of elections and terms of office in 2.3.C of the Charter.
- **Increased Competition.** We believe that we have brought clarity to the Board of Education election cycle in §2.4.C(2) where four candidates stand for office. The hope is that this minor adjustment will increase the participation and competition to the process.
- **RTM Size.** As noted above, it is the opinion of a majority of the CRC that a smaller RTM would better serve the objectives of accountability, transparency and effectiveness. As a result, we have recommend reducing the size of the RTM from the current standard of forty (up to fifty-six) to thirty members selected from ten districts.

ARTICLE III - RTM

- **RTM Structure and Protocols.** We have recommended the inclusion of provisions pertaining to the notice of public hearings and the publication of legislation adopted by the RTM. While the CRC did not make any recommended changes it believes in the structure of the RTM, the proposed Charter would require the RTM to adopt rules and procedures in order to move toward a more accountable, accessible and relevant legislative body for the people it represents.
- **The Referendum – The Petition for Overrule.** The content of Article XIII entitled “Referenda” has been moved to §3.6 with no change. The referenda or petition process follows legislative action on ordinances or the budget and more logically fits in Article III.

ARTICLE IV

BOARD OF SELECTPERSONS AND FIRST SEELCTPERSON

- **The Status Quo.** As noted above, the CRC considered recommending the elimination of the Board of Selectpersons and retaining the First Selectperson as the sole elected executive. Why? It is because executive authority is quite diffuse in Fairfield and the CRC wanted to move toward greater accountability; but could not reach consensus, with the various stakeholders, on any major changes. As a result, the CRC has chosen to re-structure the document at the edges, without changing any of the powers held by the various town elected officials.
- **Additional Contract Authority.** Under §4.2.B.(1)(a) the Board of Selectpersons has authority to approve contracts in excess of \$100,000 which are exempted from the competitive procurement and solicitation requirements of the Charter. This would not apply to emergency transaction permitted by Law.

ARTICLE IV

CLARIFICATION OF THE DUTIES OF THE FIRST SELECTPERSON

When the Commission proposed the modification of the form of government, we proposed a delineation of responsibilities that are common to chief elected officials in Connecticut. We include some of the provisions that are currently in the Charter:

- Direction and supervision of the administration of all Departments and officers and shall be responsible for the administration of all the affairs of the Town in respect to such Departments, a modification of current §6.2.A(3);
- Responsibility for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town, a recodification of current §6.2.A(4);
- Periodic reporting to the RTM, the ability to convene Special and Emergency RTM Meetings, as set forth in §3.4.D, above, the right to attend and participate in RTM meetings, without voting privileges, as set forth in §4.2.A entitled “Composition;”
- Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes, in accordance with current appointment authority as set forth in the Charter;
- Acting, or designating another to act, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters, in accordance with the Municipal Employee Relations Act under Title 7 of the General Statutes;
- After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office, in accordance with §6.2.A(5);
- Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions, in accordance with §6.2.A(6);
- Have the ability to (1) delegate such authority as may be necessary to the Selectpersons or to administrative assistants whose appointment may be authorized by the RTM, in accordance with §6.2.A(7); and, (2) convene the members of any or all Departments, Boards and Commissions to review and coordinate activities and to plan operations of the Town government, in accordance with §6.2.A(8).

ARTICLE IV

DUTIES OF A CHIEF EXECUTIVE OFFICER I

- Annual submission to the Board of Selectpersons and, then to the Board of Finance, a proposed budget, including a capital budget (including the update of the five-year capital plan set forth, below) for the next fiscal year in accordance with the provisions of Article IX of this Charter;
- Preparation and maintenance of the long-term financial and capital planning that takes into account the next five years. The annual plan and update of the five-year capital plan shall be submitted to the Board of Finance, which shall take the Plan into account during budget deliberations as set forth in Article IX of this Charter;
- Responsibility for keeping the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts;
- Determining the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants, and periodically report to the RTM and Board of Finance;

ARTICLE IV

DUTIES OF A CHIEF EXECUTIVE OFFICER II

- **Mediation and Resolution of Differences.** Throughout this process the CRC recognized the diffusion of executive authority between a broad segment of stakeholders from the Board of Selectmen to the Board of Finance and the other elected Boards and Commissions, as well as some appointed bodies.
 - Section §4.3.explicitly states the First Selectperson responsibility for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures.
 - While this is within the inherent authority of the chief executive, and explicit acknowledgement should be useful in resolving differences that might arise.
- **Town Administrator.** The CRC agreed upon the need for professional management and administration to assist the First Selectperson in her day-to-day functions as Chief Executive Officer.
 - The COO or CAO model, which we are calling the Town Administrator, is utilized in larger municipalities, like Hartford and New Haven and smaller communities, like Stratford and Darien.
 - While the Town Administrator serves at the pleasure of the First Selectperson, the objective is to hire an administrator on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration.
 - We hope that if this provision is accepted, the Town Administrator that is selected becomes someone who would, because of competence and impartiality, become a hold over position if a person from a different party becomes First Selectperson.
- **Staffing Model.** As in other town Charters, the CRC believes that a delineation of staff for the First Selectperson deserves to be identified and delineated in §4.3.E of the Charter.

ARTICLE V

OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

- This Article brings together the Town Clerk and the elected Boards and Commissions of the Town without any revisions, with the exception of some references and consolidations pertaining to vacancies.

ARTICLE VI

APPOINTED OFFICERS AND BOARDS AND COMMISSIONS

- **Authority, Qualifications, Professional Standards and Best Practices.** This is a transition Article that includes provisions from current Articles II and III. More significantly, this Article attempts to set the tone for the management of the government. For example, in §6.2 sets forth general statements about the authority of appointed Town Officials and establishes a higher standard in the establishment of qualifications of administrators and Department Heads.
- **Required Cooperation.** As you may recall, under §4.3 the CRC has recommended a provision that would create the authority of the chief executive officials to mediate and resolve differences between administrators, where they may arise.
 - In §6.8 we recommend requiring “each Town Officer, Town Official, RTM members and employee of any Department of the Town” to “assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section.”
 - This means that if a Board or Commission is attached to a Department, “the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department.”
 - Obviously, the objective of these provisions is to create a constitutional standard for cooperation and comity between departments, boards and commissions.
- **Alteration of Residency Requirements.** Assistant Town Attorneys, the Police Chief and Fire Chief are no longer required to be electors, in accordance with §6.1.A.

ARTICLES VII AND VIII - APPOINTED OFFICERS AND APPOINTED BOARDS, COMMISSIONS AND DEPARTMENTS

- There are no significant changes in Articles VII and VIII, with the exception of some changes in the qualifications of the Director and Departments of Public Works and Director and Departments of Parks and Recreation as well the alteration of the names of the Flood Prevention, Climate resilience and Erosion Control Board.

ARTICLE IX

BUDGET PROCEDURES AND RELATED MATTERS

- **Clarity of the Steps in the Process.** Significant reforms in the budget process are recommended for the Charter. Again, the CRC was mindful of the scattered and dispersed points of authority and wanted to clarify the steps in the process to enhance the ability of the public to engage in the process. As with the “mediation and resolution” and “cooperation” provisions in Articles IV and VI, there is an effort to ensure “cooperation” and to require the use of best practices in the budget process in §9.1.A.
- **The Budget: Defined.** This provision also defines in clear terms that the budget is “a delineation of all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, detailed estimates of revenues, capital expenses and operating expenses all as required by this Charter and any Ordinances pertaining thereto.” One hall mark of “cooperation” is the obligation of all officials to “embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town”.
- There are several new provisions that underscore **public accountability**:
 - A statement that underscores that the budget is a public record that should be widely available to the public for inspection at Town Hall, other designated public facilities and “on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information” (§9.1.C).
 - The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM are required to “develop procedures designed to encourage public participation in the budget process” (§9.1.D).
 - The Chief Fiscal Officer is responsible for publishing a budget calendar Budget Calendar “to inform the public of the significant requirements of the budget process” (§9.1.C).

ARTICLE IX

THE FIRST STEP: BUDGET ESTIMATES

- **Date of the RTM Annual Budget Meeting (§9.2): The Final Step.** The date of the RTM Annual Budget Meeting (a new defined term) is moved to the second (2nd) Monday in May of each year from the current first (1st) Monday in May.
- **Submission of General Fund and Capital Budget Estimates (§9.3.A): The First Step.** Town Officials and Departments, including the Board of Education (now called “Submitting Parties”), remain responsible for submitting to the First Selectperson:
 - such items and details of their respective general fund and capital budgets for the next fiscal year; and, any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson (“Budget Estimates”) all of which, in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter.”

ARTICLE IX

THE SECOND AND THIRD STEPS: BOS AND JOINT MEETINGS

- **Submission to the Board of Selectpersons – Budget Address (§9.3.B(1)): The Second Step.**
 - **The First Selectperson’s Budget Recommendation** will be submitted to the Board of Selectperson’s “not later than the second (2nd) Monday in March.
 - At the time of submission, the First Selectperson will be required to deliver a **budget address to the Board of Selectpersons, Board of Finance and RTM.**
- **Joint Meetings of the Board of Selectperson, Board of Finance and RTM (§9.3.B(1)): The Third Step.**
 - The First Selectperson is then responsible for convening “an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation.”
 - All subsequent Meetings shall be **called to order by the First Selectperson and be facilitated by the Chair of the Board of Finance** and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public.
 - The testimony of the Submitting Parties is expected to “assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers”.

ARTICLE IX

ADDITIONAL PROCESS POINTS AND A SIDEBAR

- **The Role of the RTM (§9.3.B(1)(b)): The Third Step Continued.** The rules established by the Boards of Selectpersons and Finance “may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.” The intent of this provision is to encourage participation without creating a group that is too large to carry on a reasonable give and take with the witnesses.
- **Sidebar I: Additional Opportunities for Questioning.** The process of Joint Meetings will not undermine the activities of the Board of Finance, RTM and, the Board of Selectpersons.
 - The proposed revisions make it clear that the Board of Selectpersons (§9.4.A), Board of Finance (§9.5.A) and RTM (§9.6.A) will all have additional opportunities to discuss the budget with the Submitting Parties throughout the process.
 - The objective of this first series of meeting is to eliminate redundancy and duplication of effort where possible.
 - The CRC recommends that the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

ARTICLE IX

THE FOURTH STEP: THE BOARD OF FINANCE AND ANOTHER SIDEBAR

- **Submission of the Proposed Executive Budget to the Board of Finance (§9.4.A): The Fourth Step.** The Board of Selectpersons, following the multi-party meetings and any additional meeting it may require, shall approve and submit the Proposed Executive Budget to the Board of Finance, “not later than the fourth (4th) Monday of March.” The Charter will retain the current authority of the Board of Finance to control the “form” and “details” of the budget submission.
- **Review of the Budget by the Board of Finance (§9.5).** As already stated the Board of Finance “may hold meetings to review the Proposed Executive Budget as it determines necessary” prior to its Public Hearing (§9.4.A). In fact, it is fair to say that the proposed revisions do not modify, alter or change any current provisions of the Charter pertaining to the authority and role of the Board of Finance. The Board will continue to:
 - conduct its Public Hearing (§9.4.B) on the Proposed Executive Budget;
 - take final action on the Proposed Town Budget (new defined term) at a public meeting where it votes to submit the budget to the RTM, not later than the fourth (4th) Monday in April) (§9.4.C);
 - present “the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting” (§9.4.D); and,
 - after the RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, determine the rate of property tax for the next fiscal year (§9.5.E).
- **Sidebar II: Variation of procedure (§9.4.B).** The Charter will also retain the provision that currently permits the “Board of Selectpersons, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances”. There are also provisions of the General Statutes that permit the revision of budget schedules.

ARTICLE IX

THE FIFTH STEP: THE RTM

- **Submission of the Proposed Town Budget to RTM (§9.5.C): The Fifth and Final Step.** The Board of Finance submits the Proposed Town Budget to RTM “not later than the fourth (4th) Monday in April”. At that time RTM “may hold meetings, as it determines necessary” (§9.6.A) before finance action on the Annual town Budget (new defined term) at the Annual Meeting (§9.6.B).
- **Additional Steps.** The remaining provisions of Article IX, “Effect of referendum on the budget” (§9.7), Appeals from the Board of Finance (§9.8). and “Expenditure in excess of appropriation forbidden ((§9.9) remain intact.

ARTICLE X - MISCELLANEOUS

- In this Article we address the Official Seal by simply indicating that the Town shall adopt and the Town Clerk will have custody of the seal. (§10.1)
- The CRC also recommended a soft mandate to require the Board of Selectpersons to “consider appointing a Charter Revision Commission” no later than April, 2032 or every ten years thereafter (§10.4). This does not preclude periodic review any time the Board of Selectpersons chooses to do so.
- As noted earlier in this letter, we believe that the Town engage in a thoughtful process to exam potential changes to the structure of Town government prior to the next Charter Revision so that commission can focus on implementing changes around which there has already been established a broad consensus.

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

June 20, 2022

Hon. Betsy P. Browne
Town Clerk
Old Town Hall
611 Old Post Road
Fairfield, CT 06824

Hon. Brenda L. Kupchick
First Selectwoman
Sullivan Independence hall
725 Old Post Road
Fairfield, CT 06824

Re: Report and Submission of the Charter Revision Commission

Dear Clerk Browne, First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz:

Pursuant to §7-191(b) of the Connecticut General Statutes we are pleased to submit to you the Report of the Charter Revision Commission in the form of a proposed revised Charter for the Town of Fairfield, that was unanimously approved on June 13, 2022 ("Proposed Revised Charter"). This report is the culmination of a Charter revision process that commenced with an organizational meeting on September 22, 2021 and continued with twenty-two additional meetings, including the first statutory public hearing on October 6, 2022, meetings with elected officials and department heads, frequent public comment sessions and correspondence, a number of fact finding meetings and the second statutory hearing on June 2, 2022. The final meeting adjourned on June 13, 2022.

At the outset, we would like to thank our fellow commissioners for their dedication, insights and collegiality throughout this intense process. We also thank Attorney Steven Mednick who expertly guided us through the process based on his vast knowledge and experience with Connecticut municipal law. Our success would not have been possible without the support of our recording secretary, Pru O'Brien, whose dedication and good humor was essential, especially because all but one of our meetings were held virtually. And lastly, we would like to thank the many, many people who provided expert advice or thoughtful comments to the commission on all aspects of the town charter. Although we were not able to accept or act on all comments, we considered them all and they were invaluable in our work.

The review of the current Charter was thorough and comprehensive. The Commission was guided by the proposition that the people of our Town deserve a government that is accountable and best able to meet the demands faced by municipal governments in our time.

Members

Bryan Cafferelli, Chair – Christopher Brogan, Vice Chair – Marlene Battista, Secretary
Jay Gross – Hon. Pamela Iacono – Hon. John Mitola – John Wynne
James Baldwin – Town Attorney Attorney Steven G. Mednick - Counsel

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

A Foundation for the Future. Fairfield and each municipality in our State has and will continue to face enormous challenges, and the strong consensus of this Commission was that a charter should enable elected officials to look forward in order to set the table for the strong future that the people of this Town deserve. From the beginning, the Commission strived to create a document that is organized, comprehensible and flexible. The Proposed Revised Charter is designed as a constitutional document, or a directory of the relative powers (and constraints) of the government of our Town. Accordingly, the Proposed Revised Charter is driven by the desire to achieve both a great level of accountability and, at the same time, maintain the flexibility to address public needs as they arise. We believe that public officials should be answerable to the people and that the government should be flexible enough to react, in real time, by budget or ordinance to meet the needs of the people.

As we proceeded in this process the Commission reviewed background documents and conducted a number of panel discussions designed to help us develop a context for the changes we debated, some of which we approved and others which were not acted upon. We all came to the task from different backgrounds and political parties with the objective of using our experiences to advance the best interests of the Town.

In order to prepare ourselves for this task, from September through December of 2021 this Commission engaged in a substantial due diligence process in order to ascertain the priority issues. Through December 2021 we received 260 written comments from residents of Fairfield and heard from members of the public at our Public Hearings and public comment sessions. Each comment was catalogued and assigned to the applicable Articles of the Charter, which Commission reviewed and considered when it approved a schedule in December 2021. The major topics that occupied our time were consistent with the information we received from the public and elected officials during our due diligence period:

Budget Process	Town Governance	Boards and Commissions
Department Issues	Procedural Issues	Structure of Charter

This Commission relied on our own due diligence, assisted by Counsel and a wide array of speakers and practitioners who are experts in the municipal field. The following chart shows the Background Documents that were prepared by Counsel and reviewed by CRC during this process.

Number	Background Document
1.	Town Seal Provisions Connecticut Charters
2.	Budget Procedures and Related Matters
3.	Forms of government in Connecticut, including comparative data on elected boards and commissions in Greenwich, Branford, Westport, Darien, West Hartford, Hamden, Meriden; and, Bristol.
4.	Governance Issues: (1) Composition, Organization and Terms of Office; (2) Legislative Body Models; (3) Chief Executive Models (New Britain; Hamden; Bristol; Manchester; and Newtown)
5.	Comparative Capital Budget Provisions in RTM Municipalities
6.	Governance Framework: Current and Proposed Powers
7.	Draft Chief Operating Officer (a/k/a Town Administrator)
8.	Minority Party Representation
9.	Comparative Municipal Reapportionment Provisions in Connecticut

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

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| 10. | Alternate Approaches to CAO (Stamford, Stratford, Darien, New Haven, Hartford, Bridgeport, Bristol, New Britain, Danbury, West Haven, Milford and East Hartford) |
|------------|--|

The Commission also held two panel discussions in order to develop the context for the changes we discussed:

Municipal Governance in Connecticut	
Town Governance	<ul style="list-style-type: none"> • Joe DeLong, Executive Director and CEO of CCM; • Professor Gary Rose, Sacred Heart University; and, • Professor Gayle Alberda, Fairfield University.
Local Practices	<ul style="list-style-type: none"> • Hon. James Pascarella, former Mayor and Legislative Council President, Hamden; • Hon. Ellen Zoppo-Sassu, former Mayor, Bristol and town Manager, Enfield; • Scott Shanley, former General Manager, Manchester; • Hon. Dan Salerno, Treasurer and former Councilmember, New Britain; • Hon. Dan Rosenthal, First Selectman, Newtown; and, • Hon. Jamie Cosgrove, First Selectman, Branford.

The commissioners addressed a number of issues and had many questions about the forms of government that were available for their consideration: Board of Selectperson/RTM; Mayor/Council; or, Council/Manager. Our current Board of Selectpersons/RTM structure is one step removed from the historic Town Meeting.

Should the Government Be Restructured? With this background, the Commission undertook its review of the structure of government. Reforming a Charter and restructuring a government are not necessarily the same thing. Obviously, in order to restructure you will need to amend the Charter. However, the time-frame for Charter Revision does not afford a Commission sufficient time to make substantial change.

To aid our consideration of different forms of government, we reviewed comparative data on the size of legislative bodies in Connecticut and held informative discussions on the composition of other legislative bodies with representatives of those bodies. The following chart shows some of the significant data that was presented to the Commission during our review.

Municipal Population	Legislative Body	Districts	At-large	Form of Government
148,656	20	10	-	Mayor/Council
135,470	40	20	--	Mayor/Council
134,023	30	30	-	Mayor/Alder
114,493	15	5 (MPR)	-	Mayor/Alder

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

Municipal Population	Legislative Body	Districts	At-large	Form of Government
91,164	15	5	5	Mayor/Council
85,518	21	7	7	Mayor/Council
74,135	15	5	5	Mayor/Council
64,083	9	-	9	Council/Manager
63,518	230	12	-	RTM
61,512	40	10	-	RTM
61,169	15	9	6	Mayor/Council
60,833	6	3	Mayor	Mayor/Council
60,850	12	4	4	Council/Manager
59,713	9	-	9	Director/Manager
55,854	13	10	3	Mayor/Council
53,355	10	10	-	Mayor/Council
51,045	15	5	-	Mayor/Alder
50,036	9	-	9	Mayor/Council
47,717	12	-	12	Mayor/Council
44,396	9	-	9	Mayor Council
43,501	9	-	9	Council/Manager
42,142	11	4	7	Council/Manager
40,869	8	4	-	Mayor/Alder

The Commission also noted that Fairfield's RTM is one of only six in the state.

Municipality	Population	Size	Districts/At-Large
Greenwich	63,518	230	12
Fairfield	61,512	40 (up to 56)	10
Branford	28,273	30	7 ¹
Westport	27,141	36	9
Darien	21,499	100	6
Waterford	19,571	25	4

Clearly, Fairfield, stands out as an untypical form of government compared to its peers. That, in and of itself, does not mandate that Fairfield's structure must change. However, it did indicate to the Commission, and we hope to the leaders and citizens of Fairfield, that a close look is warranted to assure that Fairfield's government is best structured to address the increasingly complicated challenges that face large towns (really, small cities) such as Fairfield. This was the context with which the Commission discussed potential changes to Fairfield's form of government.

We debated whether to change the structure of the Fairfield government to either a Town Council/Town Manager or Mayor/Town Council form of government. We also discussed eliminating the Board of Selectman combined with a reduction in the size of the RTM. However, the Commission was unable to reach a consensus on any of these proposals. *In hindsight, we believe the issue of the form of government should be looked at by a multi-partisan group, outside the context of the time-frame of a Charter Revision. Such a group would have sufficient time to carefully study whether there are disadvantages in the current structure, decide on what changes would improve the town,*

¹The districts are not evenly divided in Branford.

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

and then gain the support for the changes from the Town political leadership and citizens. Any recommended changes can be then implemented by a charter revision commission.

In the end, the Commission has not recommended any different governing bodies, has not recommended any enhancement of executive authority nor has it recommended a restructuring of the diffuse administrative system that exists under the current Charter.

The Commission held many discussions concerning the RTM. There was a consensus to increase the relative power and resources of the RTM if it became a smaller, council-like, body. Those considerations were abandoned when it became clear that there was not sufficient support for reducing numbers to that level. There was considerable support within the Commission for applying minority party representation ("MPR") rules to the RTM districts. However, there was substantial objection, in our comments and at the Public Hearing to the proposal. In the light of the unexpected controversy the Commission unanimously voted to delete MPR from the final proposal in order to obtain a unanimous vote on the full report of the Commission.

The one substantive change that was recommended by a majority of the commission is the reduction of the RTM from forty (40) members to thirty (30) to create a legislative body that is more accountable to the people it represents and better able to address the many issues that need the attention of the Town's legislative body. We understand that many of the same people would oppose such a change, but we feel that the entire citizenry of Fairfield should be given the chance to decide this question.

We would like to stress that the Commission paid attention to the observations and critiques of the many stakeholders who commented throughout the process and listened carefully to private citizens, political office holders and to our panel participants to try to come to our conclusions. While we may not have been able to address all recommended changes, or make changes in a way that pleases everyone, we believe that our proposal reflects the fact that we listened.

The following highlights the more significant changes that the Commission recommends.

A Proposed Revised Charter: Recommendations and Comment

We hope you will support our proposed revised Charter. It is a re-organized document that gives the citizens and office-holders alike the ability to navigate and understand how the government works. When you review the changes we hope you will agree that this documents increases accountability, accessibility and will hopeful result in a more effective government for the people of Fairfield.

Article I Incorporation, General Powers, Construction, Organization and Standards

Uniform Standards. In this Article the CRC expanded the definitions that are commonly used throughout the Charter so that there is a single point of reference for those terms. Most importantly, we set forth the standards of Meeting or Hearing Notice and Public Notice, so that the Charter does not repeat those standards multiple times in the document. The most significant change is to eliminate mandatory newspaper publication for certain activities, unless required by state law or unless, as a matter of policy, it is determined to be beneficial to the Town.

Standards of Conduct. The Commission thought it was important to establish the high ethical standards of the Town in the first Article. As a result, we recommend that we move Article XI on "Standards and Conduct" to §1.5 in Article I. There were no significant revisions of the provision. However, the Commission recommends that the RTM enact a new ethics ordinance to incorporate a modern code of ethics and replace the very limited current version.

Rules of Order and Civility. A new provision is found in §1.6 of this Article. This issue was raised by members of the Commission concerned about the volume of stories from around the country addressing civil culture and civility in general. This provision stakes out new territory by implementing reasonable guidelines that applicable in both the workplace and public meetings so that they are safe havens for those doing business with the Town and those who seek to influence to town during public debate and deliberations.

Open Meetings and Records. These provisions were moved from Articles VIII and X of the current Charter and now establish a standard for all Boards and commission in the Town, whether elected or appointed.

Article II Elected Officials and Elections

Clarity. Many of the provisions in the current Article remain with a couple of notable differences. First, the provision recognizes that Title 9 of the General Statutes generally applies to the conduct of elections where not covered by the Special Act provisions incorporation in this Charter. Second, there is a clear delineation in §2.3.A and B of those offices which are elected by the voters of the Town, which is currently found in two separate Articles. Third, there is an easy to understand breakdown of the date of elections and terms of office in 2.3.C of the Charter.

Increased Competition. We believe that we have brought clarity to the Board of Education election cycle in §2.4.C(2) where four candidates stand for office. The

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

hope is that this minor adjustment will increase the participation and competition to the process.

RTM Size. As noted above, it is the opinion of a majority of the Commission that a smaller RTM would better serve the objectives of accountability, transparency and effectiveness. As a result, we have recommend reducing the size of the RTM from the current standard of up to fifty-six to thirty members selected from ten districts.

Article III Representative Town Meeting

RTM Structure and Protocols. We have recommended the inclusion of provisions pertaining to the notice of public hearings and the publication of legislation adopted by the RTM. While the Commission did not make any recommended changes it believes that the RTM needs to adopt rules and procedures in order to move toward a more accountable, accessible and relevant legislative body for the people it represents.

The Referendum – The Petition for Overrule. The content of Article XIII entitled “Referenda” has been moved to §3.6 with no change. The referenda or petition process follows legislative action on ordinances or the budget and more logically fits in Article III.

Article IV Board of Selectpersons and the First Selectperson

The Status Quo. As noted above, the Commission considered recommending the elimination of the Board of Selectpersons and retaining the First Selectperson as the sole elected executive. Executive authority is quite diffuse in Fairfield and the Commission wanted to move toward greater accountability; but could not reach consensus on any major changes. As a result, the Commission has chosen to re-structure the document at the edges, without changing any of the powers held by the various town elected officials.

Additional Contract Authority. Under §4.2.B.(1)(a) the Board of Selectpersons has authority to approve contracts in excess of \$100,000 which are exempted from the competitive procurement and solicitation requirements of the Charter. This would not apply to emergency transaction permitted by Law.

Clarification of the Duties of the First Selectperson. When the Commission proposed the modification of the form of government, we proposed a delineation of responsibilities that are common to chief elected officials in Connecticut. We include some of the provisions that are currently in the Charter:

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

- Direction and supervision of the administration of all Departments and officers and shall be responsible for the administration of all the affairs of the Town in respect to such Departments, a modification of current §6.2.A(3);
- Responsibility for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town, a recodification of current §6.2.A(4);
- Periodic reporting to the RTM, the ability to convene Special and Emergency RTM Meetings, as set forth in §3.4.D, above, the right to attend and participate in RTM meetings, without voting privileges, as set forth in §4.2.A entitled "Composition;"
- Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes, in accordance with current appointment authority as set forth in the Charter;
- Acting, or designating another to act, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters, in accordance with the Municipal Employee Relations Act under Title 7 of the General Statutes;
- After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office, in accordance with §6.2.A(5);
- Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions, in accordance with §6.2.A(6);
- Have the ability to delegate such authority as may be necessary to the Selectpersons or to administrative assistants whose appointment may be authorized by the RTM, in accordance with §6.2.A(7); and,
- Have the ability to convene the members of any or all Departments, Boards and Commissions to review and coordinate activities and to plan operations of the Town government, in accordance with §6.2.A(8).

The Commission also added the following new provisions:

- Annual submission to the Board of Finance a proposed budget, including a capital budget (including the update of the five-year capital plan set forth, below) for the next fiscal year in accordance with the provisions of Article IX of this Charter;
- Preparation and maintenance of the long-term financial and capital planning that takes into account the next five years. The annual plan and

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

update of the five-year capital plan shall be submitted to the Board of Finance, which shall take the Plan into account during budget deliberations as set forth in Article IX of this Charter;

- Responsibility for keeping the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts;
- Determining the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants, and periodically report to the RTM and Board of Finance;

Mediation and Resolution of Differences. Throughout this process the Commission recognized the diffusion of executive authority between a broad segment of stakeholders from the Board of Selectmen to the Board of Finance and the other elected Boards and Commissions, as well as some appointed bodies. Section §4.3.explicitly states the First Selectperson responsibility for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures. While this is within the inherent authority of the chief executive, and explicit acknowledgement should be useful in resolving differences that might arise.

Town Administrator. The Commission agreed upon the need for professional management and administration to assist the First Selectperson in her day-to-day functions as Chief Executive. The COO or CAO model, which we are calling the Town Administrator, is utilized in larger municipalities, like Hartford and New Haven and smaller communities, like Stratford and Darien. While the Town Administrator serves at the pleasure of the First Selectperson, the objective is to hire an administrator on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration. We hope that if this provision is accepted, the Town Administrator that is selected becomes someone who would, because of competence and impartiality, become a held over position if a person from a different party becomes First Selectperson.

Staffing Model. As in other town Charters, the Commission believes that a delineation of staff for the First Selectperson deserves to be identified and delineated in §4.3.E of the Charter.

**CHARTER REVISION COMMISSION
TOWN OF FAIRFIELD**

**Article V
Other Elected Officers, Boards and Commissions**

This Article brings together the Town Clerk and the elected Boards and Commissions of the Town without any revisions, with the exception of some references and consolidations pertaining to vacancies.

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Authority, Qualifications, Professional Standards and Best Practices. This is a transition Article that includes provisions from current Articles II and III. More significantly, this Article attempts to set the tone for the management of the government. For example, in §6.2 sets forth general statements about the authority of appointed Town Officials and establishes a higher standard in the establishment of qualifications of administrators and Department Heads.

Required Cooperation. As you may recall, under §4.3 the Commission has recommended a provision that would create the authority of the chief executive officials to mediate and resolve differences between administrators, where they may arise. In §6.8 we recommend requiring "each Town Officer, Town Official, RTM members and employee of any Department of the Town" to "assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section." This means that if a Board or Commission is attached to a Department, "the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department." Obviously, the objective of these provisions is to create a constitutional standard for cooperation and comity between departments, boards and commissions.

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**CHARTER REVISION COMMISSION
TOWN OF FAIRFIELD**

**Article IX
Budget Procedure and Related Matters**

Significant reforms in the budget process are recommended for the Charter. Again, the Commission was mindful of the scattered and dispersed points of authority and wanted to clarify the steps in the process to enhance the ability of the public to engage in the process. As with the "mediation and resolution" and "cooperation" provisions in Articles IV and VI, there is an effort to ensure "cooperation" and to require the use of best practices in the budget process in §9.1.A.

This provision also defines in clear terms that the budget is "a delineation of all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, detailed estimates of revenues, capital expenses and operating expenses all as required by this Charter and any Ordinances pertaining thereto." One hall mark of "cooperation" is the obligation of all officials to "embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town".

There are several new provisions that underscore public accountability:

- A statement that underscores that the budget is a public record that should be widely available to the public for inspection at Town Hall, other designated public facilities and "on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information" (§9.1.C).
- The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM are required to "develop procedures designed to encourage public participation in the budget process" (§9.1.D).
- The Chief Fiscal Officer is responsible for publishing a budget calendar Budget Calendar "to inform the public of the significant requirements of the budget process" (§9.1.C).

Date of the RTM Annual Budget Meeting (§9.2). The date of the RTM Annual Budget Meeting (a new defined term) is moved to the second (2nd) Monday in May of each year from the current first (1st) Monday in May.

Submission of General Fund and Capital Budget Estimates (§9.3.A). Town Officials and Departments, including the Board of Education (now called "Submitting Parties"), remain responsible for submitting to the First Selectperson: "(a) such items and details of their respective general fund and capital budgets for the next fiscal year; and, (b) any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which,

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter.” New items are italicized.

Submission to the Board of Selectpersons – Budget Address (§9.3.B(1)). These estimates form the basis for the “First Selectperson’s Budget Recommendation” that will be submitted to the Board of Selectperson’s “not later than the second (2nd) Monday in March. At the time of submission, the First Selectperson will be required to deliver a budget address to the Board of Selectpersons, Board of Finance and RTM.

Joint Meetings of the Board of Selectperson, Board of Finance and RTM (§9.3.B(1)). Following submission and budget address, the First Selectperson is responsible for convening “an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation.” All subsequent Meetings shall be called to order by the First Selectperson and be facilitated by the Chair of the Board of Finance and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public. The testimony of the Submitting Parties is expected to “assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers”.

The Role of the RTM (§9.3.B(1)(b)). The rules established by the Boards of Selectpersons and Finance “may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.” The intent of this provision is to encourage participation without creating a group that is too large to carry on a reasonable give and take with the witnesses.

Additional Opportunities for Questioning. The process of Joint Meetings will not undermine the activities of the Board of Finance, RTM and, the Board of Selectpersons. The proposed revisions make it clear that the Board of Selectpersons (§9.4.A), Board of Finance (§9.5.A) and RTM (§9.6.A) will all have additional opportunities to discuss the budget with the Submitting Parties throughout the process. The objective of this first series of meeting is to eliminate redundancy and duplication of effort where possible. The Commission recommends that the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

Submission of the Proposed Executive Budget to the Board of Finance (§9.4.A). The Board of Selectpersons, following the multi-party meetings and any additional meeting it may require, shall approve and submit the Proposed Executive Budget to the Board of Finance, “not later than the fourth (4th) Monday of March.” The Charter will retain the current authority of the Board of Finance to control the “form” and “details” of the budget submission.

Variation of procedure (§9.4.B). The Charter will also retain the provision that currently permits the “Board of Selectpersons, with the approval of the Board of

CHARTER REVISION COMMISSION TOWN OF FAIRFIELD

Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances". There are also provisions of the General Statutes that permit the revision of budget schedules.

Review of the Budget by the Board of Finance (§9.5). As already stated the Board of Finance "may hold meetings to review the Proposed Executive Budget as it determines necessary" prior to its Public Hearing (§9.4.A). In fact, it is fair to say that the proposed revisions do not modify, alter or change any current provisions of the Charter pertaining to the authority and role of the Board of Finance. The Board will continue to:

- conduct its Public Hearing (§9.4.B) on the Proposed Executive Budget;
- take final action on the Proposed Town Budget (new defined term) at a public meeting where it votes to submit the budget to the RTM, not later than the fourth (4th) Monday in April) (§9.4.C);
- present "the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting" (§9.4.D); and,
- after the RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, determine the rate of property tax for the next fiscal year (§9.5.E).

Submission of the Proposed Town Budget to RTM (§9.5.C). The Board of Finance submits the Proposed Town Budget to RTM "not later than the fourth (4th) Monday in April". At that time RTM "may hold meetings, as it determines necessary" (§9.6.A) before finance action on the Annual town Budget (new defined term) at the Annual Meeting (§9.6.B).

The remaining provisions of Article IX, "Effect of referendum on the budget" (§9.7), Appeals from the Board of Finance (§9.8). and "Expenditure in excess of appropriation forbidden ((§9.9) remain intact.

Article X Miscellaneous

In this Article we address the Official Seal by simply indicating that the Town shall adopt and the Town Clerk will have custody of the seal. (§10.1) and we have also recommended a soft mandate to require the Board of Selectpersons to "consider appointing a Charter Revision Commission" no later than April, 2032 or every ten years thereafter (§10.4). This does not preclude periodic review any time the Board of Selectpersons chooses to do so. As noted earlier in this letter, we believe that the Town engage in a thoughtful process to exam potential changes to the structure of Town government prior to the next Charter Revision so that commission can focus on implementing changes around which there has already been established a broad consensus.

**CHARTER REVISION COMMISSION
TOWN OF FAIRFIELD**

We look forward to appearing before the Board of Selectpersons. It has been our honor to serve the Town of Fairfield.

Respectfully submitted,
FAIRFIELD CHARTER REVISION COMMISSION

By: 

Bryan Caffefelli
Chair

By: 

Christopher Brogan
Vice Chair

cc: James Baldwin, Town Attorney
Members of the Fairfield Charter Revision Commission
Steven G. Mednick, Esq., Counsel

CHARTER

OF THE

TOWN OF FAIRFIELD

Proposed Revisions to Board of Selectmen
Approved: 13 June 2022¹

Transmittal to Town Clerk: 20 June 2022

Charter Revision Commission 2021-2022

Bryan Cafferelli
Chair

Christopher Brogan
Vice Chair

Marlene Battista
Secretary

Jay Gross

Hon. Pamela Iacono

Hon. John Mitola

John Wynne

James T. Baldwin
Town Attorney

Steven G. Mednick
Counsel

¹ Please Note: This document remains a draft and will continue to undergo due diligence reviews throughout the entirety of this process. We will continue to clarify and align provisions for the duration. This draft is based upon the 11 January 2022 Reorganizational Baseline. This document remains a work in progress and will be reviewed and refined as the CRC and Board of Selectpersons progresses through the process. Please excuse any errors or inaccuracies. Internal references will continue to be addressed and aligned at the final stage in this process.

CRC TRANSMITTAL VERSION - APPROVED 13 JUNE 2022

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CHARTER OF THE TOWN OF FAIRFIELD

ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION, ORGANIZATION AND STANDARDS²

§1.1. Title³.

The Charter of the Town of Fairfield (the “Town”) shall be the organic Law of the Town in the administration of its local affairs.

§1.2. Incorporation and powers⁴.

All the inhabitants dwelling within the Town, as previously constituted, shall continue to be a body politic and corporate under the name of the Town and shall have all powers and privileges and immunities previously exercised by the Town and not inconsistent with this Charter, the additional powers and privileges conferred in this Charter, and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut as the same may be amended⁵.

§1.3. Rights and obligations⁶.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the date when this Charter shall take effect are continued in the Town, and the Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on the effective date, whether accrued or not. Nothing shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien for the construction, alteration, or repair of any public improvement.

² [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 (“2006 Charter”)]². Amendments noted where applicable.] Editor's Note: This enactment supersedes the former Charter adopted by the Representative Town Meeting 11-4-1997, effective 11-24-1997. **Comment from the 2022 Charter Revision Commission:** The annotations set forth herein are not definitive or comprehensive. The effort is a first step in the process of recreating the historical antecedents to the current provisions of the Charter as well as showing the continued impact, if any, of Special Act provision adopted prior to the adoption of the Home Rule Act and Article Tenth of the 1965 Constitution of the State of Connecticut.

³ NEW (2022).

⁴ 2022 recodification of current Article I, §1.1. Derived from Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1947) (“1947 Act”). Chapter XXIII of the 1947 Act and 1956 Acts included a Town Court; which was amended by §3 of Special Act No. 382 of the Special Act of 1949: (“1949 Act”); further amended by §21 of “An Act Amending the Charter of the Town of Fairfield” (1951) (“1951 Act”); Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1956) (“1956 Act”); Chapter I, §1 of the Charter of Town of Fairfield (1975) (“1975 Charter”); and, Article I, §1.1 of the Charter of the Town of Fairfield (1997)(“1997 Charter”).

⁵ Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

⁶ 2022 recodification of current Article I, §1.2. Derived from Chapter I, §2 and 3 of the 1947 Act; reenacted by Chapter I, §2 and 3 of the 1956 Act; Chapter I, §2 and 3 of the 1975 Charter; and modified by Article I §1.2 of the 1997 Charter. Chapter I, §4 of the 1947 and 1956 Acts and 1975 Charter included contained a provision vesting the ‘legislative power of the Town’ in the Representative Town Meeting; said provision as well as the “corporate powers” provision in Chapter I, 3 of the 1947 and 1956 Acts and 1975 Charter were abandoned by the 1997 Charter.

CHARTER OF THE TOWN OF FAIRFIELD

§1.4. Definitions.

A. Definitions and Titles Generally⁷. The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Sections are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

B. Capitalized terms⁸. The following rule has been used in determining which terms in this Charter are capitalized: All references to particular Town officials, as defined, below, and to particular Town Boards and Commissions are capitalized, while general references are not. For example: The Board of Education shall have the powers and duties conferred on boards of education by the General Statutes.

C. Defined terms⁹. The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

(1) “Appointed Town Officer¹⁰” means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §§6.1 through 6.2 of this Charter; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.

(2) “Board” or “Commission¹¹”. For the purposes of this Charter and except as otherwise provided by Law, the terms “Board” and “Commission” mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, task forces or other like entities created by appointing authorities for limited duration, purposes or scope.

(3) “Board of Selectpersons¹²” means the executive authority of the Town as defined in Article IV of this Charter.

(4) “Charter¹³” means the Charter of the Town of Fairfield.

(5) “Contracts” means all contractual relations of the Town (including the Board of Education), including, without limitation, purchase contracts, lease contracts, and service contracts, including but not limited to, agreements, memoranda of understanding, memoranda or agreement, letters of understanding,

⁷ NEW (2022)

⁸ 2022 recodification of current Article I, §1.3.A. Derived from Article I, §1.3.A of the 1997 Charter.

⁹ 2022 recodification of current Article I, §1.3.B. Derived from Article I, §1.3.B of the 1997 Charter

¹⁰ See, Articles VI and VII.

¹¹ NEW (2022).

¹² NEW (2022)

¹³ NEW (2022)

CHARTER OF THE TOWN OF FAIRFIELD

side letters and other agreements ¹⁴.

(6) “Day(s)¹⁵” means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law

(7) “Department¹⁶” means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term “Department” shall apply exclusively to the functional division referred to in that section.

(8) “Elected Town Officials” means an individual who holds an elected municipal office as set forth in §2.3.A, and as further set forth in this Charter.

(9) “Elector¹⁷” shall have the meaning contained in the General Statutes.

(10) “First Selectperson” means the chief executive officer of the municipality, as required by the General Statutes¹⁸ and as set forth in this Charter.

(11) “General Statutes” or C.G.S.¹⁹ means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated, from time to time. Where chapter references are made, they are to chapter designations as of January 1, 2006. In the event a chapter designation is changed by the publishers of the General Statutes, the new chapter references shall be substituted

¹⁴ 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(third sentence).

¹⁵ NEW (2022).

¹⁶ NEW (2022).

¹⁷ **Comment of the 2022 Charter Revision Commission.** C.G.S. §9-1. Definitions. (e) “Elector” means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town”. C.G.S. §9-12. Who may be admitted. (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector. (b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector. If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

¹⁸ Required by C.G.S. § 7-193(a)(2)(C).

¹⁹ 2022 modification and recodification of current Article I, §1.3.B(4). Derived from Article I, §1.3.B of the 1997 Charter

CHARTER OF THE TOWN OF FAIRFIELD

for the chapter references contained in this Charter.

(12) “Law” means, although is not limited to, decisions of courts and administrative bodies (or any agreements sanctioned by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

(13) “Majority Vote of the RTM²⁰” means more than half of the votes have been cast by the members at a meeting of the RTM at which a quorum is present.

(14) “Meeting²¹” shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.

(15) “Meeting (or Hearing) Notice²²” means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in §1.4.C(17) of the Charter, and as may be established by Ordinance or written rules of the RTM or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the Town may post notices on its web-site or notify Elected Town Officials, members of the RTM or members of Boards and Commissions through other electronic media and, if otherwise required by Law, said notice shall be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes²³.

(16) “Ordinances” or “Ordinances of the Town” or “Town Code” means the legislative powers of the Town to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

(17) “Public Notice” or “Publication²⁴” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any

²⁰ NEW (2022).

²¹ NEW (2022)

²² NEW (2022).

²³ The 2022 Charter revision deletes current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

²⁴ NEW (2022)

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documents or data, as may be required by this Charter. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice shall be posted (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public or other public places as may be determined by the Town Clerk; (2) on the Town web-site or through other electronic media by the Town Clerk; and, (3) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town. Unless otherwise required by Law, newspaper publication is in the discretion of the Town Clerk or the body providing the Public Notice.

(18) “Regulation²⁵” means a statement of general applicability approved by a Department or Board or Commission, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any such Department, Board or Commission or the Laws under which they operate.

(19) “Representative Town Meeting” or “RTM²⁶” means the legislative body of the Town, as required by the General Statutes and as specifically set forth in Article III of this Charter.

(20) “Special Acts” or “Special Laws” means the acts of the General Assembly pertinent to the Town.

(21) “State” or “Connecticut” means the State of Connecticut.

(22) “State Constitution” means the Constitution of the State of Connecticut.

(23) “Town” means the Town of Fairfield.

(24) “Town Office” means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting²⁷.

(25) “Town Officer” means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board, or Commission²⁸.

(26) “Town Official” means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code²⁹.

²⁵ NEW (2022). Derived from C.G.S. §4-166(16).

²⁶ NEW (2022) Required by C.G.S. §7-193(a)(1)(C).

²⁷ 2022 recodification of current Article I, §1.3.B(1). Derived from Article I, §1.3.B of the 1997 Charter

²⁸ 2022 recodification of current Article I, §1.3.B(2). Derived from Article I, §1.3.B of the 1997 Charter

²⁹ 2022 recodification of current Article I, §1.3.B(3). Derived from Article I, §1.3.B of the 1997 Charter

CHARTER OF THE TOWN OF FAIRFIELD

(27) Where reference is made to the word “shall” the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Town Code. It is recommended that to avoid any doubt the word “must” should be used in order to impose clarity on the concept of obligation³⁰.

§1.5. Standards of Conduct³¹.

A. Declaration of Policy³². Town Officials, RTM members and all employees of the Town shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. As agents of public purpose, they shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

B. Conflict of Interest³³. No Town Official, RTM member or any employee shall:

(1) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the Town Official, employee, or member in the performance of official duties; (Nothing in this paragraph shall preclude the solicitation or acceptance of lawful contributions for election campaigns).

(2) Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

(3) Knowingly have or acquire any financial interest or any personal beneficial interest, direct or indirect, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town in connection with any project, matter or thing which comes within the Town Official's, employee's, or RTM member's jurisdiction or the jurisdiction of the Board, Commission or any other body of which the person is a member (unless such interest is acquired through being the lowest responsible bidder after public advertisement); or

(4) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the official duties or which may tend to impair the independence of judgment in the

³⁰ NEW (2022)

³¹ 2022 recodification of current Article XI entitled “Standards of Conduct.

³² 2022 recodification of current Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

³³ 2022 recodification of current Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

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performance of the Town Official's, employee's, or RTM member's official duties³⁴.

C. Disclosure of Interest³⁵. Any Town Official, RTM member, or employee who possesses or who acquires such private interest as might reasonably tend to create a conflict with the public interest shall make disclosure thereof to such Board, Commission or body and such person shall be disqualified from action on any matter involving the private interest.

D. Fair and Equal Treatment³⁶. No Town Official, RTM member, or employee shall use an official position to secure or grant special consideration, treatment, advantage, privilege, or exemption to himself or herself or to any person beyond that which is available to every other person.³⁷ This provision is not intended to prevent an RTM member from properly representing the people of the member's district.

E. Penalties and Disciplinary Action for Violations³⁸. The failure to comply with, or any violation of, the standards of conduct established by this Charter shall be grounds for the removal from office, discharge from employment of the offending Town Official, RTM member, or employee, and the Board of Selectpersons in its discretion may void any contract entered into or adopted in violation of this Charter. The Board of Selectpersons or the Ethics Commission may recommend disciplinary measures for RTM members who fail to comply with, or who violate, these standards, but the RTM retains the final authority to discipline its members.

§1.6. Rules of Order and Civility³⁹.

Town Officials and employees shall treat members of the public with respect and expect the same in return in official in-person or virtual/electronic interactions. The Town is committed to maintaining orderly administrative processes and in keeping Town administrative offices free from disruption.

A. The Workplace and Town Operations. In the workplace and other official interactions this Charter promotes mutual respect, civility and orderly conduct among Town employees, Town Officials, Members of the RTM and the public. This section is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for Town staff and a safe and non-threatening environment for the public. The Town

³⁴ Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

³⁵ 2022 recodification of current Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the 1997 Charter,

³⁶ 2022 recodification of current Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

³⁷ NEW (2022). **Comment of the 2022 Charter Revision Commission:** In the model ethics code of the State of Florida this provision usually includes the following presumption language: " If an official or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same forum the accusations were made. A failure to so apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional."

³⁸ 2022 recodification of current Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.

³⁹ NEW (2022).

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encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

B. Public Meeting Decorum. The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness and decreased reactivity. The Town's elected and appointed Boards and Commissions, the RTM and other public bodies and various community groups all convene public meetings to address, from time to time, controversial issues that may engender passionate and often conflicting opinions. An atmosphere of incivility and disrespect at these meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process.

C. Rules of Order. In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings in accordance with this Charter.

(1) Parliamentary Guidance: The General Rule⁴⁰. Robert's Rules of Order shall, as a general rule, regulate the conduct of all meetings of the RTM and all elected and appointed Boards and Commissions of the Town, unless the RTM or particular Board or Commission otherwise specifies.

(2) Adoption of Rules. Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission may adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment. The rules shall be adopted by a vote of two-thirds (2/3rd) of the members of the Board or Commission, following review by the Town Attorney to ensure that the rules are based on best practices in parliamentary procedure and consistent with the open meeting requirements of the General Statutes and this Charter.

D. The Role of the Presiding Officer. The Presiding Officer of the RTM and each elected and appointed Board and Commission shall be responsible for maintaining the decorum at public meeting and for the uniform enforcement of rules of order.

E. Compliance with Rules of Order and Decorum. Likewise, all persons who attend a public meeting shall comply with any lawful order of the Presiding Officer to enforce rules of order and decorum. In all circumstance, members of the public and all public officials shall be expected to follow the rules of the body and shall not engage in disorderly conduct, uncivil language or actions as may be defined by Ordinance, Regulation or rules of order of the body.

⁴⁰ Recodification of current Article VIII, §8.1.B(4)[Elected Boards and Commissions]; and, Article X, §10.1.B(4)[Appointed Boards and Commissions] (2006). Derived from Article VIII, §8.1.B and Article X, §10.1.B of the 1997 Charter.

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F. Breach of Rules. In the event any person breaches the rules of order pertaining to civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the Meeting, the Presiding Officer shall order that person to cease such conduct. The Presiding Officer has the authority to order a member of the public, public official or member of the body to leave the public meeting in the event of continued violations following an initial order from the presiding officer. If said initial order to cease the offending conduct is not obeyed and said conduct continues in spite of an escalation of additional orders from the Presiding Officer, the party may be removed from the Meeting. Removal of a person at an in-person event may be facilitated by a Sergeant at Arms or law enforcement officer. At a virtual or hybrid meeting the presiding officer may block the person from participation. Members of appointed Boards or Commissions may be subject to removal in accordance with the provisions of §6.7.A of this Charter.

§1.7. Open Meetings and Public Records⁴¹.

A. Records⁴². Each Elected and Appointed Board and Commission shall keep a complete and accurate record of its official acts, votes, meetings, and proceedings and shall have custody of its correspondence, files and other records and shall designate one of its members or its clerk to keep such record. The minutes and recordings of Boards and Commissions shall be public records, in accordance with the General Statutes, and shall be open for public inspection (A) at the office of the Town Clerk, during regular business hours; and, (B) on the Town website in compliance with the requirements of Law.

B. Open and Public Meetings⁴³. All Meetings of Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed Boards and Commissions, and all committees, task forces or other like entities shall comply with state freedom of information laws unless otherwise provided by the General Statutes or Law.

⁴¹ NEW (2022).

⁴² 2022 recodification and modification of current Article VIII, §8.1.B (2) and Article X, §10.1.B(2), derived from Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 1975 Charter.

⁴³ 2022 recodification and modification of current Article VIII, §8.1.B(3) and Article X, §10.1.B(3), derived from Chapter II, §6 of the 1947 and 1956 Acts; and, Chapter II, §5 of the 1975 Charter.

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ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

§2.1. Application of General Statutes⁴⁴.

Unless otherwise, specifically set forth in this Charter, the General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes and as further set forth in this Charter.

§2.2. Rules Pertaining to Electors.

A. Eligibility to Vote⁴⁵. Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town.

B. Eligibility to serve as an Elected Town Official⁴⁶. No person shall be eligible for nomination or election to office as an Elected Town Official who is not an Elector of the Town, in accordance with the General Statutes⁴⁷.

C. Prepared Lists of Electors⁴⁸. The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

D. Effect of ceasing to be an Elector or Resident of a District: Vacancy; Exception.

(1) General Rule⁴⁹. If any Elected Town Official ceases to be an Elector of the Town, the office shall become vacant, including the position of district representative on the Representative Town Meeting⁵⁰.

(2) Exception: Change of Residence⁵¹. In the event a member of the

⁴⁴ NEW (2022)

⁴⁵ NEW (2022).

⁴⁶ 2022 recodification of current Article II, §2.1.A (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.A of the 1997 and 2006 Charters.

⁴⁷ **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

⁴⁸ NEW (2022).

⁴⁹ 2022 modification and recodification of current Article II, §2.1.B (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.B of the 1997 and 2006 Charters.

⁵⁰ 2022 recodification and consolidation of current Article IV, §4.2.D (2006).

⁵¹ 2022 recodification and consolidation of current Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this

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Representative Town Meeting remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members.

§2.3. Date of Elections and Terms of Office for Elected Offices.

A. Elected Town Officials⁵². The Elected Town Officials are:

- (1) The First Selectperson;
- (2) Two (2) additional members of the Board of Selectpersons;
- (3) Town Clerk;
- (4) Nine (9) members of the Board of Finance;
- (5) Nine (9) members of the Board of Education;
- (6) Seven (7) members of the Town Plan and Zoning Commission;
- (7) Three (3) alternate members of the Town Plan and Zoning Commission;
- (8) Five (5) members of the Zoning Board of Appeals;
- (9) Three (3) alternate members of the Zoning Board of Appeals;
- (10) Five (5) members of the Board of Assessment Appeals; and,

The Registrars of Voters are also considered to be Elected Officials. Justices of the Peace are also recognized by this Charter as Elected Officials⁵³.

B. Representative Town Meeting. There shall be thirty (30) members of the Representative Town Meeting divided amongst ten (10) districts by the RTM as set forth in §3.2.A(1) of this Charter.

C. Date of Town Elections and Term of Office⁵⁴. A meeting of the Electors of the Town for the election of Elected Town Officials shall be held on the first (1st) Tuesday after the first (1st) Monday in November in each odd numbered year, as follows:

- (1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:
 - (a) **First Selectperson** for a term of four (4) years⁵⁵;
 - (b) Two (2) additional member of the **Board of Selectpersons** for a term of four (4) years⁵⁶;

provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

⁵² NEW (2022).

⁵³ Recodification of current Article VII, §7.2.A (2006)(Establishment Clause.

⁵⁴ 2022 recodification of current Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters.

⁵⁵ 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

⁵⁶ 2022 recodification of current §1.4.A and §2.3.C (2006). Note: The four-year term commenced in 2007.

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- (c) Thirty (30) members of the **Representative Town Meeting**, for a term of two (2) years, as further set forth in §3.2.A of this Charter⁵⁷;
- (d) **Town Clerk**, for a term of four (4) years⁵⁸;
- (e) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 of this Charter⁵⁹;
- (f) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4 of this Charter⁶⁰;
- (g) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §5.3.A and §5.7 of this Charter⁶¹;
- (h) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §5.3.A and §5.7 of this Charter⁶²;
- (i) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁶³;
- (j) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §5.3.A and §5.8 of this Charter⁶⁴; and,
- (k) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6 of this Charter⁶⁵.

(2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 A of this Charter⁶⁶;
- (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4 of this

⁵⁷ 2022 recodification of current §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

⁵⁸ 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

⁵⁹ 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

⁶⁰ 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

⁶¹ 2022 recodification of current §1.4.A and §2.3.B (2006).

⁶² 2022 recodification of current §1.4.A and §2.3.B (2006).

⁶³ 2022 recodification of current §1.4.A and §2.3.C (2006)

⁶⁴ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁶⁵ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁶⁶ 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

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Charter⁶⁷;

- (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years as further set forth in §5.3.A and §5.7 of this Charter⁶⁸;
- (d) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in §5.3.A and §5.7 of this Charter⁶⁹;
- (e) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁷⁰;
- (f) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁷¹;
- (g) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 of this Charter⁷²; and,
- (h) All Elected Town Officials and members of the RTM, for a term of two (2) years, as further set forth in §3.2.C(1)(c), (h) and (j) of this Charter⁷³.

(3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §6.3.A of this Charter⁷⁴; and,
- (b) All Elected Town Officials and members of the RTM as set forth in §2.3.C(1) of this Charter, who serve for a term of two (2) or four (4) years, as the case may be⁷⁵.

(4) **Terms of Justices of the Peace**⁷⁶. The forty-five (45) Justices of the Peace⁷⁷, selected as provided in the General Statutes⁷⁸, shall serve a four (4) year term. They shall have such powers as set forth in the General Statutes⁷⁹.

⁶⁷ 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

⁶⁸ 2022 recodification of current §1.4.A and §2.3.B (2006).

⁶⁹ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷⁰ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷¹ 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷² 2022 recodification of current §1.4.A and §2.3.C (2006).

⁷³ NEW (2022).

⁷⁴ 2022 recodification and clarification of current §1.4.A and §2.3.A.

⁷⁵ NEW (2022).

⁷⁶ 2022 recodification of current Article II, §2.3.E (2006); see also current Article VII 7.2.A (2006)(Establishment Clause). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

⁷⁷ Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

⁷⁸ **Comment of the 2022 Charter Revision Commission.** At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.

⁷⁹ 2022 recodification of current Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

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(5) State Election – Registrar of Voters⁸⁰. The Registrars of Voters shall be elected at state elections every four (4) years⁸¹, as provided in the General Statutes and shall have such powers duties as set forth in the General Statutes⁸².

D. Commencement Date of Terms of Elected Town Officials. Terms of office of all Elected Town Officials declared elected and qualified hereunder shall commence:

(1) Elected Town Officials, including the RTM⁸³: On the third Monday in November and shall continue until their successors have been elected or otherwise chosen and qualified.

(2) State Office - Terms of Justices of the Peace⁸⁴. On the first Monday in January after their nomination.

(3) Terms of Registrars of Voters⁸⁵. On the Wednesday after the first Monday in January after their election.

§2.4. Minority representation on elected Boards and Commissions.

A. Even number requirements⁸⁶. Except as provided below with respect to the Board of Education, when an even number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than one-half (1/2) the number of persons to be elected.

B. Uneven number requirements⁸⁷. Except as provided below with respect to the Board of Education, when an uneven number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than a bare majority of the number of persons to be elected.

C. Board of Education⁸⁸.

(1) As pertains to §2.3.B(1)(f). In an election where five (5) candidates

⁸⁰ 2022 modification and recodification of current Article II, §2.3.F (2006)(first clause).

⁸¹ **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.

⁸² **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)

⁸³ 2022 recodification of current Article II, §2.3.D (2006).

⁸⁴ 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

⁸⁵ 2022 recodification of current Article II, §2.3.F (2006)(second clause).

⁸⁶ 2022 recodification of current Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

⁸⁷ 2022 recodification of current Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

⁸⁸ 2022 recodification of current Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

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shall be elected to the Board of Education, the Electors shall vote for up to five (5) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) ("Political Party") may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, two (2) candidates not of the same Political Party as the party securing said three seats, shall be declared elected according to their vote count.

(2) As pertains to §2.3.B(2)(b): In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for up to four (4) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, one (1) candidate not of the same Political Party as the party securing said three seats, shall be declared elected according to his or her vote count.

§2.5. Single office requirement for Elected Town Officials⁸⁹.

No person shall be eligible to serve as an Elected Town Official, including membership on any elected Board or Commission, who is at the same time an RTM member, Town Official or an elected state official. For purposes of this paragraph, the term "Town office" does not include Justices of the Peace, but does include members of the Board of Education.

§2.6. Vacancies in elected offices.

A. Generally⁹⁰. Except as provided in §2.6.D, with respect to the RTM and §4.6 of this Charter with respect to the First Selectperson and Board of Selectpersons, a vacancy in any elected Town Office⁹¹, including membership on elected Boards and Commissions, shall be filled by the Board of Selectpersons until the vacancy can be filled by election, as follows:

(1) The vacancy shall be filled at the next Town election if the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it may be filled at the next municipal general election for which nominations can be timely made, or at a special election if convened by the Board of Selectpersons or upon application by Electors as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

⁸⁹ 2022 recodification of current Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

⁹⁰ 2022 modification and recodification of current Article II, §2.5. Derived from Chapter II, §7 of the 1947 Act; further amended by §4 of the 1951 Act and Chapter II, §7 of the 1956 Act; Chapter II, §6 and Article II, 2.5 of the 1997 and 2006 Charters.

⁹¹ 2022 recodification of current Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

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(2) Vacancies shall be filled for a term ending at the same time the vacating member's term would have expired.

(3) If the person vacating the office was elected as a member of a political party, the vacancy shall be filled during the period of appointment from the membership of the same political party.

B. Vacancies in the Office of Justice of the Peace⁹². Vacancies in the office of Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

C. Long-term illness or disability of First Selectperson⁹³. In addition to the death or resignation of the First Selectperson, a vacancy shall exist in the office of First Selectperson, in the event the First Selectperson is unable to carry out the duties of office for a period of four (4) consecutive months, as certified at the end of that period by the remaining Selectpersons to the Town Clerk. The vacancy shall exist from the date of such certification.

D. Method of filling vacancies on the Board of Selectpersons⁹⁴. At any time a vacancy occurs on the Board of Selectpersons, including First Selectperson, a replacement, who shall be registered with the same political party as the person vacating the office, shall be designated by the remaining Selectpersons. If the Selectpersons designate one (1) of themselves to fill the vacancy, they shall designate another Elector to fill the vacancy of Selectperson so created. If the vacancy is not filled within thirty (30) Days, the vacancy shall be filled in accordance with the procedure set forth in Chapter 146 of the General Statutes for filling vacancies in the office of Selectperson.

E. Resignation and vacancies on the RTM⁹⁵.

(1) Any member may resign by filing a written notice of resignation with the Town Clerk and such resignation shall take effect upon the date specified in the notice or, if none is specified, upon the date of filing.

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30) Days after the vacancy occurs, in accordance with the requirements under this Charter pertaining to Meeting Notice.

⁹² 2022 recodification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

⁹³ 2022 recodification of current Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

⁹⁴ 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

⁹⁵ 2022 recodification of current Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter.

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(3) If the person previously occupying the office which is vacant was elected as a nominee of a political party, the vacancy shall be filled by a person registered with the same political party.

(4) The Town Clerk shall provide Meeting Notice, as defined in this Charter, to be delivered to each member not less than three (3) Days prior to the time set for the meeting.

(5) Such meeting shall elect its own chair and clerk and shall vote by ballot. The election of a member as chair or clerk shall not disqualify the member from voting.

(6) A majority of the remaining members from such district shall constitute a quorum, and a majority vote of those present shall elect.

(7) Each of the remaining members, including the chair and clerk of the meeting, shall have one (1) vote.

(8) If for any reason such vacancy is not filled within a thirty-day (30) period, the Town Clerk shall report such vacancy to the Moderator and the matter of filling such Vacancy shall be placed on the call of the next regular RTM meeting.

(9) A Majority Vote of the RTM shall elect a successor on such Vacancy.

(10) The successful candidate shall be deemed a duly qualified member for the remainder of the unexpired portion of the term upon filing with the Town Clerk a certificate of his election signed by the chair of such special meeting of the district or by the Moderator of the RTM.

F. Resigning from elected office⁹⁶. Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the Board of Selectpersons. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is received by the Town Clerk or the Board of Selectpersons, as the case may be.

§2.7. Composition and Election of the Board of Selectpersons and First Selectperson⁹⁷.

A. There shall be a Board of Selectpersons which shall consist of the First Selectperson and two (2) other Selectpersons, no more than two (2) of whom shall be registered with the same political party⁹⁸.

⁹⁶ 2022 recodification of current Article II, §2.4 (2006).

⁹⁷ 2022 recodification of current Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

⁹⁸ 2022 recodification of current Article VI, §6.1.A(1) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

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B. Each major or minor political party, as defined by the General Statutes, and petitioning candidates (if permitted by the General Statutes) may nominate not more than one (1) candidate for First Selectperson and not more than one (1) candidate for Selectperson. Candidates shall be listed separately on the ballot⁹⁹.

C. Each Elector may vote for one (1) candidate for First Selectperson and no more than one (1) candidate for Selectperson¹⁰⁰.

D. The candidate for First Selectperson receiving the highest number of votes shall be elected First Selectperson. The next two (2) candidates, whether for First Selectperson or Selectperson, receiving the highest number of votes shall be elected to the two (2) remaining Selectperson positions¹⁰¹.

E. If the candidate receiving the second or third most votes does not take office, then the next highest ranking candidate shall be deemed elected to the office taking into consideration the provisions of §2.7.A of this Charter pertaining to minority party representation¹⁰².

§2.8. Procedures for RTM elections¹⁰³.

A. Nomination¹⁰⁴.

(1) By a political party. The nomination of candidates as members of the RTM shall be in the same manner as provided for the nomination of Elected Town Officials in Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.). No political party shall nominate more candidates for each district than the total number of members to which a district is entitled.

(2) By petition.

(a) Nomination of a candidate for the RTM may also be made by petition signed in ink on forms approved and provided by the Town Clerk. The petition shall be signed by not less than one (1%) percent of the Electors in

⁹⁹ 2022 recodification of current Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰⁰ 2022 recodification of current Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰¹ 2022 recodification of current Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰² 2022 recodification of current Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹⁰³ Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

¹⁰⁴ 2022 recodification of current Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

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the district in which the candidate resides and filed with the Town Clerk not less than fifty-five (55) Days prior to the election.

(b) No petition shall be valid in respect to any candidate whose written acceptance is not noted on or attached to the petition when filed.

(c) No signature on a petition shall be valid or counted if the signer thereof shall have signed other petitions on file with the Town Clerk for more than the number of candidates which a political party may nominate under this Charter for the district in which such signer resides.

(d) A petition may contain more than one (1) name but not more names than the number of candidates to which the district is entitled.

(3) The Town Clerk, within the time prescribed by Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.), shall certify and transmit the names of candidates duly nominated to the Secretary of the State.

B. Election¹⁰⁵.

(1) At each biennial election for the election of RTM members voting shall be governed by the provisions of the General Statutes as to voting by ballots and voting machines, except as modified by this Charter.

(2) Electors shall vote for the total number of RTM members to be elected in the district in which the Elector resides in accordance with the provisions of the Ordinance establishing districts¹⁰⁶.

(3) The chief election moderator shall forthwith after a biennial election of RTM members, file in the Town Clerk's office a list of members elected, by districts, together with their respective addresses. The Town Clerk shall, upon receipt of such list, forthwith notify all members, in accordance with the notice requirements of this Charter.

C. Procedures for tied elections¹⁰⁷.

(1) In case of a tie vote affecting the election of RTM members, the other newly elected and reelected members from the district in which the tie vote occurs

¹⁰⁵ 2022 recodification of current Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

¹⁰⁶ 2022 modification and recodification of Chapter II, §1 of the 1947 Act.

¹⁰⁷ 2022 recodification of current Article II, §2.6.F (2006). Note: Tie vote procedures established in Chapter III, §3(d) of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.F of the 1997 Charter.

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shall by ballot determine which of the tied candidates shall serve as RTM member or members.

(2) The chief election moderator shall immediately after an election notify the Town Clerk of any and all tie votes, giving the names and addresses of the candidates affected.

(3) The Town Clerk shall forthwith call a meeting of the other newly elected and reelected members from the district or districts in which a tie vote occurs by causing a notice, in accordance with the notice requirements of this Charter, specifying the object, time and place thereof to each such member not less than three (3) Days before the time set for the meeting.

(4) At such meeting a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a chair and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

(5) The chair and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chair and clerk shall forthwith make a certificate of the choice and file the same with the Town Clerk.

(6) The member or members so chosen shall thereupon be deemed elected and qualified as an RTM member or members, subject to the right of the RTM to judge the election and qualification of members as set forth in §4.2.B of this Charter.

(7) If a tie vote occurs at such meeting the chair and clerk shall forthwith certify same to the Town Clerk, and the matter of breaking such tie vote shall be placed on the call and voted upon by the RTM at its organizational meeting.

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ARTICLE III – REPRESENTATIVE TOWN MEETING

§3.1. Legislative Body¹⁰⁸.

The legislative power of the Town, including the power to enact Ordinances, shall be vested in the RTM, subject to referendum as provided by the terms of this Charter. The RTM shall constitute a continuing body. The RTM may delegate the power to implement or carry into effect any of the powers set forth in this Charter to any Town Official.

§3.2. Membership.

A. Districts and Basis of Representation¹⁰⁹.

(1) Districts.

(a) The members of the RTM shall be elected by districts¹¹⁰.

(b) There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in §3.2.B, for the election of RTM members and shall be as established by Ordinance adopted by the RTM¹¹¹.

(c) The RTM shall consist of thirty (30) members¹¹².

(d) A district representative on the Representative Town Meeting, upon election, shall be an Elector of the Town and a resident of the district from which elected, subject to the provisions of §3.2.A(1)(d)¹¹³,

(e) In the event a member of the Representative Town Meeting remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members¹¹⁴.

¹⁰⁸ 2022 recodification of current Article IV, §4.1.A (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.A of the 1997 Charter.

¹⁰⁹ NEW (2022). In lieu of current Article II, §2.6.A(1) (first sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The voting districts of the Town, including the number of districts, for the election of RTM members shall be as established by ordinance adopted by the RTM." Further in lieu of current Article II, §2.6.A(3) (third sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The RTM shall consist of not more than 56 members."

¹¹⁰ 2022 recodification of current Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

¹¹¹ 2022 modification and recodification of Article II, §2 (first sentence) of the 1947 Act and the 1956 Acts.

¹¹² 2022 modification and recodification of Article II, §2.6.A(3).

¹¹³ 2022 modification and recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

¹¹⁴ 2022 recodification and consolidation of current Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

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(f) No Elected Town Official, Appointed Town Officer of Board or Commission member (excluding, however, members of advisory committees, task forces or like entities, as referred to in §1.4.C(2) of this Charter) shall be eligible to serve as a voting member of the RTM, and no voting member of the RTM shall hold any other elected or appointed Town Office¹¹⁵.

(2) **Reapportionment of Voting Districts**¹¹⁶. After completion of the census of the United States and after any reapportionment of the State General Assembly Districts affecting the Town, voting districts of the Town shall be established by an Ordinance proposed by a committee of the RTM composed of an equal number of members from each party such that the population deviation from the largest to the smallest voting district shall not exceed ten (10%) percent. The redistricting Ordinance adopted by the RTM shall provide for an equal number of members from each district, and, to the extent practicable within the constraints of this Charter and State General Assembly redistricting, shall provide for districts that are located in only one State General Assembly District.

B. Ex-officio non-voting members of the RTM¹¹⁷. The RTM shall consist of the elected RTM members. In addition, the First Selectperson, the Town Clerk, the Town Attorney, any Assistant Town Attorneys (in the event they are Electors), the chair of the Board of Education, and the members of the Board of Finance shall be ex officio members of the RTM without vote.

C. Right to vote¹¹⁸. The right to vote at RTM meetings shall be limited to RTM members elected as provided in §2.3.B of this Charter.

D. Judge of qualification¹¹⁹. The RTM shall be the judge of the election and qualifications of its members.

E. Compensation¹²⁰. The RTM members as such shall receive no

¹¹⁵ 2022 recodification and modification of current Article II, §2.6.B(3) (2006). Derived from Article II, §2.6.B of the 1997 Charter. and Article IV, §4.2.C (2006). Derived from Article IV, §4.2.C of the 1997 Charter. Consolidates and replaces Article II, §2.6.B(3) (2006), which is derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: "Each RTM member shall fulfill the eligibility requirements of 4.2.D at the time of election."

¹¹⁶ 2022 recodification of Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

¹¹⁷ 2022 recodification of current Article IV, §4.2.A (2006) entitled "Composition." Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

¹¹⁸ 2022 recodification of current Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter.

¹¹⁹ 2022 recodification of current Article IV, §4.2.B (2006). Derived from Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.B of the 1997 Charter.

¹²⁰ 2022 recodification of current Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

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compensation.

§3.3. Annual meetings¹²¹, organization, and elections.

A. Date of organization meeting¹²². An organization meeting of the RTM members shall be held on the fourth Monday in November in each year.

B. Election of Moderator: Duties¹²³. Each organization meeting shall elect, by a vote of the Majority of the RTM, a Moderator. The Moderator shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall:

(1) Preside over all meetings of the RTM and perform such others duties consistent with the office as may be imposed by the RTM, but such Moderator shall not vote more than once on any question; and,

(2) Perform such duties consistent with the office or as may be imposed by a Majority Vote of the RTM.

C. Deputy Moderator¹²⁴. Each organization meeting shall elect, by a Majority Vote of the RTM, from among its voting members a Deputy Moderator who shall hold office for a term of one year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

D. Clerk¹²⁵. The Town Clerk or, in the event of the Town Clerk's absence, an Assistant Town Clerk, shall act as clerk of all RTM meetings.

E. Moderator Pro-tempore and Clerk Pro-tempore¹²⁶. In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore for the meeting may be elected, by a Majority Vote of the RTM, at the meeting.

F. Rules and Committees of the RTM¹²⁷. The RTM shall have the authority to

¹²¹ Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act, as reaffirmed by Chapter II, §6 of the 1956 Act.

¹²² 2022 recodification of current Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

¹²³ 2022 recodification and modification of current Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to “presiding officer” and “moderator”. The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.

¹²⁴ 2022 recodification of current Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

¹²⁵ 2022 recodification of current Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

¹²⁶ 2022 recodification of current Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

¹²⁷ 2022 recodification of current Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the

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adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall determine.

G. Parliamentarian¹²⁸. The Moderator may appoint a parliamentarian.

§3.4. Meetings of the RTM.

A. Quorum¹²⁹. A majority of the entire membership of the RTM shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members.

B. Open Meetings¹³⁰. All RTM meetings shall be public.

C. Regular meetings¹³¹. Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by a Majority Vote of the RTM. However, if there is no business to be acted upon at a regular RTM meeting, the meeting may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members and the public.

D. Special and Emergency Meetings¹³². Special meetings may be held whenever the First Selectperson, Chair of the Board of Finance, or the Moderator shall deem them necessary. In addition, a special meeting shall be held within ten (10) days after the submission to the Town Clerk of a written petition for a meeting signed by one (1%) percent of the electors of the Town or upon written petition signed by ten (10) RTM members.

E. Public Hearings. Notice¹³³. At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter, if the standard is stricter.

F. Meeting Notice¹³⁴. The Town Clerk shall notify all RTM members of the time

1997 Charter.

¹²⁸ NEW (2022)

¹²⁹ 2022 recodification of current Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

¹³⁰ 2022 recodification of current Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

¹³¹ 2022 minor modification and recodification of current Article IV, §4.3.B (2006). Regular meeting provision established in Chapter III, §4 of the 1947 and 1956 Acts. Further amended by §5 of the 1951 Special Act ("no business" provision) and Chapter III, §4 of the 1975 Charter; and, Article IV, §4.3.B of the 1997 Charter.

¹³² 2022 recodification of current Article IV, §4.3.C (2006). Special meeting provision contained in Chapter III, §4 of the 1947 and 1956 Acts, and 1975 Charter; and, Article IV, §4.3.C of the 1997 Charter.

¹³³ NEW (2022)

¹³⁴ 2022 recodification of current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and

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and place at which each regular or special RTM meeting is to be held, in accordance with the notice requirements of this Charter.

§3.5. Ordinances, Resolutions, Orders or Motions:

A. Public Notice of Final Action¹³⁵. The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an Ordinance to be published in summary form within one (1) week after the adjournment of the meeting at which such action was taken, in accordance with §1.4.C(17) of this Charter. The effective date of the adoption or repeal of the Ordinance shall be fourteen (14) Days after the adjournment of the meeting at which it was passed or such later date as may have been set by the RTM at such meeting, unless a petition for referendum concerning an Ordinance is filed as provided in §3.6 of this Article.

B. Publication and Posting of Adopted Legislation¹³⁶. All legislation, after final passage, shall be given a serial number by the Clerk of the RTM and be recorded by the Town Clerk and shall be properly indexed. Within five (5) Days after final passage, as provided in §3.5.A of this Charter, the Town Clerk shall transmit for publication on the Town website and notice that such legislation is on file in the Office of the Town Clerk and is available for examination in accordance with §1.4.C(17) of this Charter.

§3.6 Petition for Overrule (Referendum)¹³⁷.

A. Petition and time for filing¹³⁸.

(1) Effective date of certain RTM votes. Any vote of the RTM: (1) authorizing the expenditure for any specific purpose of \$500,000 or more¹³⁹; or (2) for the issue of any bonds by the Town¹⁴⁰; or (3) the adoption, amendment, or repeal of an Ordinance¹⁴¹; shall not be effective until the date for filing a referendum petition has passed. If within that time a petition for referendum is filed with the Town Clerk, the vote shall not be effective unless and until it has been approved by referendum.

(2) Petition forms. Upon the request of any Elector, the Town Clerk shall

§4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

¹³⁵ 2022 recodification of current Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

¹³⁶ NEW (2022)

¹³⁷ Current Article XII.

¹³⁸ 2022 recodification of current Article XIII, §13.1 (2006).

¹³⁹ 2022 recodification of current Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

¹⁴⁰ 2022 recodification of current Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

¹⁴¹ 2022 recodification of current Article XIII, §13.1.A(3) (2006). Derived from Chapter III, §10 of the 1947 and 1957 Act and 1975 Charter; further amended by §10 of the 1951 Act; and Article XIII, §13.1.A(iii) of the 1997 Charter.

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promptly prepare petition forms, which shall be available to any Elector at the office of the Town Clerk, setting forth the questions sought to be presented on a referendum ballot.

(3) Required number of signatures on petitions. To be effective, a petition for referendum must be signed by not less than five (5%) percent of the Electors of the Town according to the most recent voter enrollment list available at the time of the action or vote on which a referendum is sought, and must contain the names and addresses of the signatories.

(4) Time and place of filing petitions. A petition requesting that a referendum be held must be filed at the office of the Town Clerk not later than the close of business on the fourteenth (14th) day after the adjournment of the meeting at which the vote was taken. If the fourteenth (14th) day is a day on which the Town Clerk's office is closed, the petition must be filed by the close of business on the next day that the Town Clerk's office is open.

(5) Special requirements for petitions on appropriations and bond issues. All petitions for referendum on any action of the RTM with respect to any bond issue or any appropriation in the amount required for a referendum shall set forth each item as to which a vote is desired, with the amount of the item as approved by the RTM, and the amount to which the petitioners desire it to be decreased or increased. However, no increase shall be proposed in excess of the amount approved for the item in question by the Board of Finance or by the RTM on appeal from the Board of Finance.

B. Manner of holding referendum¹⁴².

(1) Certification of Town Clerk. Upon the filing of a petition fulfilling the requirements of §3.6 of this Charter, the Town Clerk shall certify that fact promptly to the Board of Selectpersons.

(2) Date of referendum. The Board of Selectpersons shall call a special election for all Electors of the Town to be held not less than twenty-one (21) Days nor more than twenty-eight (28) Days after the date of certification by the Town Clerk for the sole purpose of voting approval or disapproval of the question or questions presented in the referendum petition.

(3) Voting hours and method. For any referendum, the polls shall be opened at twelve o'clock (12:00 P.M.) noon and shall be closed at eight o'clock (8:00 PM) in the evening, but the hours for voting may be increased at the discretion of the Board of Selectpersons. Voting shall be by voting machine or printed ballot, at the discretion of the Board of Selectpersons.

¹⁴² 2022 recodification of current Article XIII, §13.2 (2006). Derived from Chapter III, §10 of the 1947 and 1956 Acts and 1975 Charter; further amended by §7 of the 1951 Act and; Article XIII, §13.2 of the 1997 Charter.

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(4) Ballots for referendum on Ordinance. The ballot labels or ballots used in referenda concerning Ordinances shall state the matter to be voted on in substantially the following form: "Shall the following action of the Representative Town Meeting held on (date of the meeting) be approved?" followed by a statement of the action questioned in substantially the same language and form set forth in the records of the RTM. The voting machine or printed ballot shall provide means of voting "yes" or "no" on each question sopresented.

(5) Ballots for referendum on appropriation and bond issue. Ballot labels or ballots used for referenda brought on appropriations and bond issues shall present separately each appropriation so referred in substantially one (1) of the following forms:

- (a) "Shall a special appropriation, etc. be approved?"; or
- (b) "Shall a special appropriation, etc. be (increased) (decreased) to the sum of \$_____?"; or
- (c) "Shall the following items contained in the annual town budget be approved?; or
- (d) "Shall the following items contained in the annual town budget be(increased) (decreased) to the sum of \$_____?"

(6) Vote necessary to pass referenda¹⁴³. In order to reverse or modify the action taken by the RTM, the vote in favor of reversing or modifying the action must both:

- (a) Exceed twenty-five (25%) percent of the total number of Electors of the Town eligible tovote as of the close of business on the day before the election; and
- (b) Constitute a majority of votes cast on the question.

§3.7. Appeals from the Board of Finance¹⁴⁴.

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §9.8 of this Charter.

§3.8. Vacancies in the RTM¹⁴⁵.

Any vacancy in the RTM shall be filled as set forth in §2.6.A of this Charter.

¹⁴³ 2022 recodification of current Article XIII, §13.2.F. Derived from Chapter III, §11 of the 1947 and 1956 Acts; Chapter III, 11 of the 1975 Charter; and Article XIII, §13.2.F of the 1997 Charter.

¹⁴⁴ 2022 recodification of current Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

¹⁴⁵ NEW (2022).

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ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

§4.1. Executive Authority.

A. The Executive Branch¹⁴⁶. The executive branch of the Town government shall consist of the First Selectperson and the Board of Selectpersons and the elected and appointed Boards and Commissions, Elected Town Officials or Appointed Town Officers, and employees set forth in this Charter.

B. The First Selectperson¹⁴⁷. The First Selectperson shall be the chief executive officer of the Town as well as the town agent¹⁴⁸ and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First Selectperson shall devote full time to the duties of the office¹⁴⁹.

C. Election and Qualifications. The First Selectperson and Board of Selectpersons shall be chosen by the Electors of the Town, as set forth in §2.3.C(1)(a) and 2.3.C(3)(b) and (3)(b) and §2.7 of this Charter¹⁵⁰.

§4.2. The Board of Selectpersons.

A. Meetings¹⁵¹. The Selectpersons shall hold their first meeting not later than the fourth (4th) Monday of November after their election. The First Selectperson shall be chair of the Board of Selectpersons and shall preside over all of its meetings¹⁵². The Selectpersons shall meet at least twice each month, unless there is no business to be conducted¹⁵³.

B. General powers and duties¹⁵⁴. The executive authority of the Town shall be vested in the Board of Selectpersons, except to the extent such authority is expressly granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the

¹⁴⁶ 2022 recodification of current Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

¹⁴⁷ 2022 recodification of current Article VI, §6.2.A (2006). Derived from Article VI, §6.2.A of the 1997 Charter.

¹⁴⁸ 2022 recodification of current Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

¹⁴⁹ 2022 recodification of current Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

¹⁵⁰ NEW (2022)

¹⁵¹ 2022 recodification of current Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

¹⁵² Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

¹⁵³ Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

¹⁵⁴ 2022 recodification of current Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

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powers and duties vested in them by the General Statutes, except those expressly vested in the First Selectperson by this Charter or by Ordinance. In particular:

(1) Contracts.

(a) All Contracts in excess of One Hundred Thousand (\$100,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder¹⁵⁵ to which the Town (including the Board of Education) shall be a party shall be subject to approval of the majority vote of the Board of Selectpersons¹⁵⁶. This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance¹⁵⁷.

(b) The Selectpersons shall have the power to delegate their authority to other Town Officers, employees, and bodies where the contract would be for a duration of less than three (3) months and would involve an expenditure by or income to the Town of less than Twenty-five Thousand (\$25,000) Dollars and is in the line item under the jurisdiction of such Town Officer or employee¹⁵⁸.

(c) The approval requirement by the Board of Selectpersons, set forth in this sub-paragraph, shall not be construed to eliminate review by other persons or bodies where required by this Charter, by Ordinance, the General Statutes or, otherwise provided by Law¹⁵⁹.

(2) Oversight of Appointees: Subpoena Authority¹⁶⁰. All Town Officials and employees of the Town appointed by the Board of Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectpersons whenever requested to do so. The Selectpersons shall have the power to investigate any and all Town offices and Departments of the Town and for such purpose shall have the power to issue subpoenas.

(3) Budget Review and Recommendation¹⁶¹. The Board of Selectpersons shall review the budgets of all Elected Town Officials, Appointed Town Officers, Boards, Commissions, and Departments of the Town and make such recommendations in connection with such budgets to the Board of Finance as they deem necessary.

¹⁵⁵ NEW (2022).

¹⁵⁶ 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(first sentence).

¹⁵⁷ NEW (2022).

¹⁵⁸ 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(second sentence).

¹⁵⁹ 2022 recodification of current Article VI, §6.1.C(1) (2006)(fourth sentence).

¹⁶⁰ 2022 recodification of current Article VI, §6.1.C(2) (2006)(First sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter. **Please note the Special Act authority to issue subpoenas.**

¹⁶¹ 2022 recodification of current Article VI, §6.1.C(3) (2006).

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(4) Appointment powers. The Board of Selectpersons shall appoint:

(a) Required by Charter¹⁶²: The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance¹⁶³ to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

(b) Required by General Statutes or Ordinance¹⁶⁴: The members of any other Board or Commission which is required by an Ordinance or the General Statutes.

(c) Advisory committees, task forces or other similar entities¹⁶⁵. Such advisory committees, task forces or other similar entities, as they deem necessary or useful from time to time to study and advise on any Town matters which are the concern of the Board.

(5) Membership on Boards, Commissions, and committees¹⁶⁶. Except as otherwise expressly provided in §8.11 of this Charter, each member of the Board of Selectpersons shall be an ex officio member, without vote, on all Town Boards, Commissions, and committees.

(6) Reorganization of Departments¹⁶⁷.

(a) Notwithstanding any provisions of this Charter, the Board of Selectpersons may propose to the RTM a Resolution which may alter the method of appointment to or organization of any Town office, Department, Board or Commission of the Town, including combining or separating the duties of such individuals or bodies. The Resolution will effect the change when enacted by the RTM in the form of an Ordinance.

(b) The ability to make such changes by Ordinance shall not apply to the Police Department, the Fire Department, the Board of Library Trustees, any Elected Town Official, Elected Board or Commission, and any other office or body where such change by Ordinance is specifically prohibited by statute.

¹⁶² 2022 recodification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁶³ 2022 recodification and modification of current Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁶⁴ 2022 recodification of current Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁶⁵ 2022 recodification of current Article VI, §6.1.E (2006). Modification of Chapter XXIV, §3 of the 1947 and 1956 Act; Chapter XXVI, 1 of the 1975 Charter; and, Article VI, §6.1.E of the 1997 Charter.

¹⁶⁶ 2022 recodification of current Article VI, §6.1.F (2006). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.F of the 1997 Charter.

¹⁶⁷ 2022 recodification of current Article VI, §6.1.G (2006). Derived from Chapter II, 11 of the 1975 Charter and Article VI, §6.1.G of the 1997 Charter.

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(c) If the duties of two (2) or more bodies or Town offices are combined or separated by Ordinance, the existence, the method of appointment, the organization, powers, and duties of the prior Town offices or bodies shall cease as defined in this Charter and shall be as defined in the Ordinance.

(d) The method of election to any Town office, Board, Commission, or agency of the Town may be changed by Ordinance, as set forth in §4.2.B(6)(a) of this Charter, if the method of election set forth in this Charter is or becomes improper, invalid, or ineffective because of a change in the law or an ambiguity in, or erroneous provision of, this Charter.

§4.3. Powers and Duties of the First Selectperson.

A. Executive Powers¹⁶⁸. The day-to-day executive and management authority of the Town shall be vested in the First Selectperson. The First Selectperson shall have the powers and duties vested by Law.

B. Duties. The First Selectperson shall:

(1) Direct and supervise¹⁶⁹ the administration of all Departments and officers¹⁷⁰ and shall be responsible for the administration of all the affairs of the Town in respect to such Departments¹⁷¹;

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town¹⁷²;

(3) Make periodic reports to the RTM and may convene Special and Emergency RTM Meetings, as set forth in §3.4.D, attend and participate in RTM meetings, but shall have no vote¹⁷³;

(4) Submit annually to the Board of Finance a proposed budget, including a capital budget (including the update of the five-year capital plan set forth, below) for the next fiscal year in accordance with the provisions of Article IX of this

¹⁶⁸ 2022 recodification of current Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

¹⁶⁹ NEW (2022)

¹⁷⁰ 2022 recodification of current Article VI, §6.2.A(3).

¹⁷¹ NEW (2022).

¹⁷² 2022 recodification of current Article VI, §6.2.A(4).

¹⁷³ 2022 modification and recognition of current Article IV, §4.2.A (2006) entitled "Composition" which permits the First Selectperson to participate in RTM meetings.

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(5) Prepare and maintain a long-term financial and capital planning that takes into account the next five years. The annual plan and update of the five-year capital plan shall be submitted to the Board of Finance, which shall take the Plan into account during budget deliberations as set forth in Article IX of this Charter¹⁷⁵.

(6) Keep the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts¹⁷⁶.

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes¹⁷⁷;

(8) Investigate the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants, and periodically report to the RTM and Board of Finance¹⁷⁸;

(9) Act, or designate another, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters¹⁷⁹;

(10) After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office¹⁸⁰;

(11) Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions¹⁸¹;

(12) Have the ability to delegate such authority as may be necessary to the Selectpersons or to administrative assistants whose appointment may be authorized by the RTM¹⁸²; and

(13) Have the ability to convene the members of any or all Departments,

¹⁷⁴ NEW (2022).

¹⁷⁵ NEW (2022)

¹⁷⁶ NEW (2022)

¹⁷⁷ 2022 recognition of current Article IX requirements of the First Selectperson.

¹⁷⁸ NEW (2022).

¹⁷⁹ NEW (2022). Pursuant to the Municipal Employee Relations Act under the General Statutes.

¹⁸⁰ 2022 recodification of current Article VI, §6.2.A(5).

¹⁸¹ 2022 recodification of current Article VI, §6.2.A(6).

¹⁸² 2022 recodification and modification of current Article VI, §6.2.A(7).

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Boards and Commissions to review and coordinate activities and to plan operations of the Town government¹⁸³.

The First Selectperson shall have such additional powers and shall perform such other duties as may from time to time be required by Ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes.

C. Appointment powers¹⁸⁴.

(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance¹⁸⁵ to be appointed by the First Selectperson and any other for which no other appointment provision is made in this Charter¹⁸⁶.

(2) All Appointed Town Officers, Board and Commission members and employees of the Town appointed solely by the First Selectperson shall be responsible to the First Selectperson for the faithful performance of their respective duties and shall report to the First Selectperson¹⁸⁷.

(3) **Mediation and Resolution of Differences¹⁸⁸.** The First Selectperson shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures.

D. Designation of Acting First Selectperson¹⁸⁹. Immediately upon taking office, the First Selectperson shall designate, in writing, to the Town Clerk the member of the Board of Selectpersons authorized to act as First Selectperson during the unavailability or temporary disability of the First Selectperson and during the period from the date a vacancy occurs until a successor First Selectperson takes office under the provisions of §§2.6.C and D of this Charter. Such designation may be changed in writing from time to time.

E. Staff¹⁹⁰. The First Selectperson is entitled to appoint a chief of staff and administrative assistant, or equivalent positions. All assistants and staff appointed by the

¹⁸³ 2022 recodification of current Article VI, §6.2.A(8).

¹⁸⁴ 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁸⁵ 2022 recodification and modification of current Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹⁸⁶ 2022 recodification of current Article VI, 6.2.B(1)(2006).

¹⁸⁷ Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

¹⁸⁸ NEW (2022).

¹⁸⁹ 2022 recodification of current Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

¹⁹⁰ NEW (2022).

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First Selectperson shall serve at the pleasure of the First Selectperson.

F. Town Administrator¹⁹¹.

(1) Appointment and Duties. The First Selectperson shall appoint a Town Administrator, who shall be the principal advisor to the First Selectperson for the management of Town Departments, and shall perform such duties as may be assigned by the First Selectperson.

(2) Term. The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson.

(3) Experience. Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration¹⁹².

(4) Qualifications. Said qualifications shall be prepared by the Director of Human Resources, who shall also prequalify candidates for the position prior to interview by the First Selectperson.

G. Purchasing authority¹⁹³. The First Selectperson and the Purchasing Agent, acting in conjunction, shall be the general purchasing authority of the Town. All supplies, materials, equipment, other commodities, Contracts for public works or services, other than professional services, required by any department, office, agency, board, authority, or commission of the Town, including the Board of Education, shall be purchased by the purchasing authority on a requisition, in such form as the Selectpersons may prescribe, signed by the head of the Department, office, agency, or chair of the Board or Commission or other like entities. No purchase order shall be issued without the signature of the Purchasing Agent or, in the Purchasing Agent's absence, of the First Selectperson.

§4.4. Compensation of executive branch members¹⁹⁴.

¹⁹¹ NEW (2022).

¹⁹² **Comment of the 2022 Charter Revision Commission.** The following organizations meet the criteria set forth in the Charter at the time of deliberations and approval: such as the Government Finance Officers Association, the International City/County Management Association, National League of Cities, National Academy of Public Administrators, the IBM Center for the Business of Government, International Public Management Association for Human resources and other equivalent or successor organizations

¹⁹³ Recodification of current Article XII, §12.8 (2006). Derived from Chapter XXI of the 1947 Act; and further amended by §20 of the 1951 Act and affirmed by Chapter XXI of the 1956 Act and Chapter XVIII of the 1975 Charter. Derived from Article XII, §12.8 of the 1997 Charter.

¹⁹⁴ 2022 Recodification of current Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

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The members of all Boards and Commissions except the Board of Selectperson shall serve without compensation unless the RTM shall otherwise direct. Except as provided in this Charter or otherwise by Law, the compensation of all Town Officials shall be fixed by the Board of Selectpersons subject to the adoption of the Town Budget as provided in Article IX of this Charter¹⁹⁵.

§4.5. Regulations¹⁹⁶.

Any Town Official empowered to enact Regulations under the provisions of the General Statutes or of this Charter shall hold at least one (1) public hearing before the enactment of such Regulations. Except as otherwise provided by statute, the time and place of such hearing together with a copy of the proposed Regulations shall be published at least once not more than ten (10) nor less than five (5) Days before the date set for such hearing.

Except as otherwise provided by statute, any such Regulation shall be superseded by an Ordinance adopted by the RTM affecting the same subject matter.

§4.6. Absence, Disability, Vacancy in the Office of First Selectperson.

Any vacancy in the Office of the First Selectperson shall be addressed as set forth in §2.6.D of this Charter.

¹⁹⁵ 2022 repeal of current Article V, §5.3 (2006)(“Official Bonds”). Derived from Modification of Chapter II, §9 of the 1947 Act and 1956 Act; Chapter II, §9 of the 1975 Charter and Article V, §5.3 of the 1997 Charter.

¹⁹⁶ 2022 Recodification of current Article V, §5.4 (2006). Chapter XXVI, §8 of the 1975 Charter; and, Article V, §5.4 of the 1997 Charter.

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ARTICLE V – OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

§ 5.1. Town Clerk¹⁹⁷.

A. Establishment and election¹⁹⁸. There shall be a Town Clerk elected at the times and for the term set forth in §2.3.A(3) and §2.3.C(1)(d) of this Charter.

B. Powers and duties¹⁹⁹. The Town Clerk shall have the powers and duties prescribed by this Charter, by Ordinance, and by the General Statutes. In particular, the Town Clerk shall:

- (1) Devote full time to the duties of the office;
- (2) Collect the fees or compensation provided by the General Statutes to be paid to the Town Clerk;
- (3) Deposit all money required to be collected by the Town Clerk with the Chief Fiscal Officer, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and
- (4) Provide, as may be requested, a receipt for all money received to the person from whom it was received.

C. Staffing²⁰⁰. All expenses of the Town Clerk's office, including necessary clerical assistance and Assistant Town Clerks, shall be paid by the Town within the limit of the appropriation therefor.

D. Assistant Town Clerks²⁰¹. The Town Clerk may appoint Assistant Town Clerks who shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

E. Compensation²⁰². In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

F. Ordinances and votes²⁰³. The Town Clerk shall publish notice of action concerning Ordinances in accordance with this Charter. All Ordinances and RTM votes shall be recorded by the Town Clerk in records kept for the purpose.

¹⁹⁷ Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

¹⁹⁸ 2022 recodification of current Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

¹⁹⁹ 2022 recodification of current Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

²⁰⁰ 2022 recodification of current Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

²⁰¹ 2022 recodification of current Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

²⁰² 2022 recodification of current Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

²⁰³ 2022 recodification of current Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

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G. Reports to Assessor and Tax Collector²⁰⁴. The Town Clerk shall promptly file with the Assessor and Tax Collector a complete abstract of all deeds and conveyances of land or of personal property, or of certificates of intention to transfer personal property, placed in the custody of the Town Clerk for record.

H. Vacancy²⁰⁵. A Vacancy in the Office of the Town Clerk shall be filled as set forth in §2.6.A of this Charter.

§5.2. Justices of the Peace.

A. Establishment and election²⁰⁶. There shall be forty-five (45) Justices of the Peace²⁰⁷ elected or nominated in the manner and for the terms prescribed in §2.3.A and C of this Charter.

B. Powers and duties²⁰⁸. Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

C. Vacancies²⁰⁹. Vacancies shall be filled as set forth in §2.6.B. of this Charter.

§5.3. Elected Boards and Commissions: In General.

A. Establishment and election²¹⁰. There shall be a Board of Education, Board of Finance, Board of Assessment Appeals, Town Plan and Zoning Commission, and Zoning Board of Appeals. The members of each Board and Commission shall be elected at the times and for the terms set forth in §2.3.A and C of this Charter.

B. Meetings

(1) All elected Boards and Commissions, except the Board of Assessment Appeals, shall hold at least ten (10) Regular Meetings a year and shall give annual notice of such meetings as required by the General Statutes. Officers of each Board and Commission, except the RTM, shall be elected annually at an

²⁰⁴ 2022 recodification of current Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

²⁰⁵ 2022 recodification and modification of current Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

²⁰⁶ 2022 modification and recodification of current Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

²⁰⁷ Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and then, 45 in Article VII, §7.2.A of the 1997 Charter.

²⁰⁸ 2022 modification and recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

²⁰⁹ 2022 recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

²¹⁰ 2022 recodification of current Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

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organization meeting so noticed with the Town Clerk held in the month of December²¹¹..

(2) All elected Boards and Commissions shall comply with the provisions of §1.5 and §1.6 of this Charter²¹².

C. Vacancies. A vacancy in the membership of any elected Board or Commission shall be filled in the manner prescribed in §2.6 of this Charter.

§5.4. Board of Education²¹³.

A. Composition²¹⁴. The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.A(5) and §2.3.C(1)(f) and C(2)(b) of this Charter, no more than six (6) of whom shall be registered with the same political party.

B. Powers and duties²¹⁵. The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

§5.5. Board of Finance.

A. Composition²¹⁶. The Board of Finance shall consist of nine (9) voting members, for staggered terms, as set forth in §2.3.A(4), §2.3.C(1)(e) and §2.3.C(2)(a) of this Charter, no more than six (6) of whom shall be registered with the same political party, and the Board of Selectpersons and the Fiscal Officer, ex officio, without vote.

B. Powers and duties²¹⁷. The Board of Finance shall appoint the outside auditors and shall have all of the powers and duties conferred by this Charter, by Ordinance, and upon boards of finance generally by Chapter 106 of the General Statutes.

C. Clerk of the Board of Finance²¹⁸. The Board of Finance shall appoint a clerk and fix the clerk's salary. The clerk shall hold office at the pleasure of the Board of Finance. The clerk may be part time. The clerk shall:

²¹¹ 2022 recodification of current Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

²¹² NEW (2022)

²¹³ Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

²¹⁴ 2022 recodification and minor modification of current Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

²¹⁵ 2022 recodification of current Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

²¹⁶ 2022 recodification and minor modification of current Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

²¹⁷ 2022 recodification of current Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

²¹⁸ 2022 recodification of current Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

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(1) Keep minutes of Board meetings and be the custodian of its records, papers, and data relating to the conduct of its business;

(2) Be a certified or a licensed public accountant or otherwise have credentials, licenses and or certification and experience in the financial field; and

(3) Have the right to call upon all Town Departments, Boards and Commissions and officers for such information as the clerk may reasonably require in connection with the duties of the clerk and responsibilities of the Board of Finance²¹⁹..

D. Approval of budgets²²⁰. The Board of Finance shall approve the Town budget in the manner set forth in Article IX of this Charter.

E. Bidding, requisition, and payment procedures²²¹. The Board of Finance shall establish and may amend from time to time procedures and guidelines for bidding on purchases and Contracts by the Town as well as procedures for departmental requisition and for payments.

§5.6. Board of Assessment Appeals.

A. Composition²²². The Board of Assessment Appeals shall consist of five (5) members, for staggered terms as set forth in §2.3.A(10), §2.3.C(1)(k) and §2.3.C(2)(g) of this Charter, and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

B. Powers and duties²²³. The Board of Assessment Appeals shall have all the powers and duties conferred on boards of assessment appeals generally by §§12-110 to 12-117 of Chapter 203 of the General Statutes.

§5.7. Town Plan and Zoning Commission.

A. Composition²²⁴. The Town Plan and Zoning Commission shall consist of

²¹⁹ 2022 recodification and modification of current Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

²²⁰ 2022 recodification of current Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter.

²²¹ Recodification of current Article XII, §12.9 (2006). Derived from Chapter XVIII, §4 and §5 of the 1975 Charter and Article XII, §12.9 of the 1997 Charter.

²²² 2022 recodification and minor modification of current Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

²²³ 2022 Recodification of current Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

²²⁴ 2022 recodification and minor modification of current Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the

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seven (7) voting members, for staggered terms as set forth in §2.3.A(6) and §2.3.C(1)(g) and (h); and, §2.3.C(2)(c) and (d) of this Charter, no more than five (5) of whom shall be registered with the same political party. There shall be three (3) alternate members of the Town Plan and Zoning Commission, as set forth in §2.3.A(7) of this Charter, no more than two (2) of whom shall be registered with the same political party.

B. Powers and duties²²⁵. The Town Plan and Zoning Commission shall have all the powers and duties conferred by this Charter, by Ordinance, and on zoning commissions and planning commissions generally by Chapter 124 and Chapter 126 of the General Statutes (C.G.S. §8-1 et seq. and §8-18 et seq.). In particular, the Town Plan and Zoning Commission shall:

- (1) Prepare, adopt, and amend the plan of conservation and development of the Town, or amend any master plan previously adopted²²⁶;
- (2) Have control over the subdivision of land²²⁷;
- (3) Make studies and recommendations on matters affecting health, recreation, traffic, and other needs of the Town dependent on, or related to, the master plan;
- (4) Consider and report upon the design, location, and relation to the master plan of all new public ways, buildings, bridges, and other public places and structures²²⁸;
- (5) Consider and report upon the layout of new developments in the Town²²⁹;
- (6) Make detailed plans for the improvement, reconditioning, or development of areas which in its judgment contain special problems or show a trend toward lower land values; and
- (7) Make such other studies, recommendations, and inclusions in the

1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

²²⁵ 2022 recodification of current Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997 Charter..

²²⁶ Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

²²⁷ Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of “subdivision” was included in Chapter XI, §7 of the 1947 Act, which was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.

²²⁸ Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

²²⁹ Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

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master plan as will in its judgment be beneficial to the Town²³⁰.

C. Appointment of Planning Director²³¹. The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectperson.

D. Other employees and consultants²³². The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all Laws, Ordinances, and Regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

§5.8. Zoning Board of Appeals²³³.

A. Composition²³⁴. The Zoning Board of Appeals shall consist of five (5) regular members, for staggered terms as set forth in §2.3.A(9), §2.3.C(1)(i) and (j); and, §2.3.C(2)(e) of this Charter, no more than four (4) of whom shall be registered with the same political party²³⁵, and three (3) alternates, as set forth in §2.3.C(2)(f) of this Charter, no more than two (2) of whom shall be registered with the same political party.

B. Powers and duties²³⁶. The Zoning Board of Appeals shall have the powers and duties conferred on zoning boards of appeals generally by §§ 8-5 to 8-7e of Chapter 124 of the General Statutes.

²³⁰ Replacement of Chapter XI, §3 of the 1947 Act. §2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

²³¹ 2022 recodification of current Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

²³² 2022 recodification of current Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

²³³ Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

²³⁴ 2022 recodification and minor modification of current Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

²³⁵ The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

²³⁶ 2022 Recodification of current Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

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ARTICLE VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

§6.1. Eligibility for appointed Town Office²³⁷.

A. Elector requirements for Certain Appointed Town Officers and Members of Boards and Commissions; Exception²³⁸. No person not at the time an Elector of the Town shall be eligible for appointment to any appointed Board or Commission or to the office of Town Treasurer, Constable or Town Attorney. Persons serving as Chief of Police or Fire Chief must be or become a resident of the State of Connecticut, in accordance with the requirements of the respective appointing authorities.

B. Effect of ceasing to be an Elector²³⁹. If any Appointed Town Officer required to be an Elector of the Town or any member of an appointed Board or Commission ceases to be an Elector of the Town, the office shall then become vacant.

C. Single office requirement for appointed office²⁴⁰. Except as otherwise provided in §§8.5, 8.7, 8.8, and 8.11 of this Charter, no person shall be eligible to hold any appointed Town Office, including appointed members of any Board or Commission, who is at the same time an elected RTM member, Town Officer, an elected state official, or a member of an elected Board or Commission or permanent appointed Board or Commission. For purposes of this paragraph, the term "Town officer" does not include Justices of the Peace or Constables.

D. Eligibility for reappointment²⁴¹. No person shall be appointed to more than two successive full terms on the same appointed Board or Commission, but such person shall be eligible for reappointment after an interval of not less than one (1) year except as otherwise provided in §§8.14 and 8.15 of this Charter, with respect to the Ethics Commission and Golf Commission, respectively, or by Ordinance.

§6.2. Authority and Qualification of Appointed Town Officers²⁴².

A. Authority of Appointed Town Officers, including department heads²⁴³. Once appointed as described in this Charter, Appointed Town Officers, including department heads shall, unless otherwise set forth in this Charter or Law, appoint, hire, discipline and remove all deputies, assistants and other employees of the Department and subject to (1) the authority of the First Selectperson or other appointing or supervisory

²³⁷ Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

²³⁸ 2022 modification and recodification of current Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter.

²³⁹ 2022 recodification of current Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

²⁴⁰ 2022 recodification of current Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter.

²⁴¹ 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter.

²⁴² NEW (2022).

²⁴³ NEW (2022).

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authority; (2) any specific provisions of this Charter or Law pertaining to the authority of Appointed Town Officer, including department heads and the relationship with a governing Board or Commission; and, (3) any applicable collective bargaining agreements.

B. Qualifications of Appointed Town Officers, including department heads²⁴⁴. The job qualifications of all Appointed Town Officers, including department heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be prepared by the Director of Human Resources. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a Vacancy occurs in the position.

§6.3. Minority representation on Boards and Commissions²⁴⁵.

Unless other expressly set forth in this Charter, no more than a bare majority of the members of a Board or Commission shall be members of the same political party. This shall not apply to persons required to serve on a particular Board or Commission by virtue of holding another position or office in the Town.

§6.4. Terms of office²⁴⁶.

A. General Rule: Appointed Town Officers and Board and Commission Members. Unless otherwise provided by the General Statutes, this Charter or by Ordinance the terms of office of all Appointed Town Officers and appointed members of Boards and Commissions shall commence on the fourth (4th) Monday in November, and shall continue for the terms set forth in Articles VII and VIII of this Charter. Notwithstanding the foregoing, in the event that there is a vacancy and the Town Official which possesses the authority to make an appointment ("Appointing Authority") does not appoint a new Appointed Town Officer or Board or Commission member by the fourth (4th) Monday in November after the municipal general election of the Appointing Authority, the incumbent shall serve as a continuing Appointed Town Officer or Board or Commission member until either the Appointing Authority fills the vacancy or until the sixty-fifth (65th) day after the fourth (4th) Monday in November, whichever occurs first.

B. Exception: Golf Commission, Ethics Commission and Board of Library Trustees. The members of the Ethics Commission and the Golf Commission shall commence their terms on April 1 in the year of their appointment for the duration of their term and shall only remain on said Commission if reappointed. Likewise, the Board of Library Trustees shall commence their terms on July 1 of their year of appointment for the duration of their term as set forth in 8.16 of this Charter.

²⁴⁴ NEW (2022).

²⁴⁵ 2022 recodification of current Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

²⁴⁶ 2022 modification and recodification of current Article III, §3.3 (2006). Derived from Article III, §3.3 of the 1997 Charter.

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§6.5. Resigning from appointed office²⁴⁷.

Any Appointed Town officer or appointed Board or Commission member may resign by submitting a written notice of resignation to the Town Clerk. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted.

§6.6. Vacancies in appointed office²⁴⁸.

Unless otherwise set forth in the General Statutes or otherwise in this Charter, Vacancies in appointed Town offices and membership on all Appointed Town Offices and Boards and Commissions shall be filled by the Appointing Authority. Persons so appointed shall serve for the remainder of the term of the position vacated.

§6.7. Removal from appointed office for cause.

A. Board or Commission²⁴⁹. Any Appointed Town Officer or member of any appointed Board or Commission may, except as otherwise provided in the General Statutes or this Charter, be removed for cause by the Appointing Authority (including instances where Boards and Commissions have appointment authority), unless otherwise set forth by Law provided, notice shall first be given in writing of the specific grounds for removal and the individual shall be given an opportunity to be heard in defense, alone or with counsel of the individual's choice, at a hearing before the Appointing Authority, held not more than ten (10) and not less than five (5) Days after transmittal of such notice in accordance with §1.4.C(15). The hearing shall be held in accordance with the Freedom of Information Act (Chapter 14 of the General Statutes, C.G.S. §1-200 et seq.). Appeals may be taken where provided by statute.

B. Department Head or Director²⁵⁰. Unless this Charter provides that a particular department head or director may be removed without cause, the Board of Selectpersons by unanimous vote of all of its members shall have the power to remove for cause any Department Head, or any director or employee appointed by a Board or Commission, provided notice and opportunity for a hearing before the Board of Selectpersons following the same protocols as set forth in this §6.7.A of this Charter, and such hearing is held in accordance with the Freedom of Information Act.

§6.8. Required Cooperation²⁵¹.

Each Town Officer, RTM members and employee of any Department of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the

²⁴⁷ 2022 recodification of current Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

²⁴⁸ 2022 recodification of current Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

²⁴⁹ 2022 recodification of current Article III, §3.6.A (2006). Derived from Modification of Chapter II, §6 of the 1947 and 1956 Acts; Chapter II, §12 of the 1975 Charter; and, Article III, §3.6.A of the 1997 Charter.

²⁵⁰ 2022 recodification of current Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

²⁵¹ NEW (2022)

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provisions of this section. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department.

§6.9. Compliance²⁵².

All appointed Boards and Commissions shall comply with the provisions of §§1.5 through 1.7 of this Charter.

§6.10. Creation of Boards and Commissions²⁵³.

In addition to those appointed Boards and Commissions established by this Charter, the RTM may, on its own initiative; or at the recommendation of the First Selectperson, by Ordinance, establish any additional Boards and Commissions of the Town.

²⁵² NEW (2022)

²⁵³ NEW (2022)

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ARTICLE VII - APPOINTED TOWN OFFICERS

§7.1. Appointed Town Officers²⁵⁴.

There shall be the following Appointed Town Officers as necessary:

A. Officers Appointed by the First Selectperson²⁵⁵. The First Selectperson shall appoint the Appointed Town Officers listed in § §7.2 through 7.12 of this Charter and §§4.3.E and F of this Charter.

Town Attorney	Assistant Town Attorney
Fiscal Officer	Controller
Town Treasurer	Director of Community and
Director of Public Works	Economic Development
Director of Human and Social Services	Building Official
Director of Parks and Recreation	Purchasing Agent
Town Administrator	Director of Human Resources
Chief of Staff	

B. Officers appointed by the Board of Selectpersons²⁵⁶. The Board of Selectpersons shall appoint the Appointed Town Officers listed in § §7.13 through 7.17 of this Charter.

Internal Auditors	Assessor
Tax Collector	Tree Warden
Constables	

C. Officers appointed by other bodies²⁵⁷. The Appointed Town Officers hereunder shall be appointed by the bodies specified in § §7.18 through 7.24 of this Charter.

Director of Health	Chief of Police
Fire Chief	Planning Director
Animal Control Officer	Conservation Director
Town Librarian	

Officers Appointed by the First Selectperson

§7.2. Town Attorney²⁵⁸.

²⁵⁴ 2022 recodification of current Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

²⁵⁵ 2022 modification and recodification of current Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter.

²⁵⁶ 2022 recodification of current Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

²⁵⁷ 2022 recodification of current Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.

²⁵⁸ 2022 recodification of current Article IX, §9.3 (2006). Modification of Chapter VI of the 1947 Act; further amended by §9 of the 1951 Special Act and reaffirmed by Chapter VI of the 1956 Act and 1975 Charter.

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A. Appointment and qualifications. The Town Attorney shall be appointed by the First Selectperson and shall be an attorney admitted to practice in the State who has practiced in the State for at least five (5) years. The Town Attorney may be removed by the First Selectperson without cause.

B. Compensation. The Town Attorney shall receive the compensation approved by the Board of Selectpersons within the appropriations made for the Town Attorney.

C. Duties. The Town Attorney shall:

(1) Be the legal advisor of, and counsel and attorney for, the Town and all Town Departments, Town Officials and the RTM, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the Town officers and employees;

(2) Prepare or review all Contracts and other instruments to which the Town is a party or in which it has an interest;

(3) Upon the request of the Board of Selectpersons, or of any other Town Officer, Board or Commission, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;

(4) Upon the direction of the Board of Selectpersons, appear for the Town or any Town Officers, Boards and Commissions, or Departments in any litigation or any other action brought by or against the Town or any Town Officials; and

(5) Prosecute or defend, appeal from or defend appeals from, and make settlements of, litigation and claims, as the Board of Selectpersons direct.

§7.3. Assistant Town Attorneys²⁵⁹.

A. Number of positions and appointment. The Board of Selectpersons, with the consent of the RTM, shall determine from time to time the number of Assistant Town Attorneys necessary to effectively carry out the legal business of the Town and shall increase or reduce the number of Assistant Town Attorney positions to the number determined to be necessary. The First Selectperson may then appoint the Assistant Town Attorneys and may remove Assistant Town Attorneys without cause.

B. Qualifications. Each Assistant Town Attorney shall be an attorney admitted to practice in the State.

C. Duties. The Assistant Town Attorneys shall have the duties assigned to them by, and shall be under the supervision of, the Town Attorney.

²⁵⁹ 2022 recodification of current Article IX, §9.4 (2006). Derived from Article IX, §9.4 of the 1997 Charter.

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§7.4. Fiscal Officer and Controller²⁶⁰.

A. Appointment and qualifications. The Fiscal Officer shall be appointed by the First Selectperson and shall be a certified or a licensed public accountant or otherwise have experience in the financial field, in accordance with the provisions of §6.2.B of this Charter.

B. Duties of the Fiscal Officer. The Fiscal Officer shall:

- (1) Establish and supervise a central accounting and internal auditing system;
- (2) Be responsible for, and conduct a continuously current accounting of, the financial activities of the Town, including the Board of education;
- (3) Audit, before payment, all payrolls, bills, invoices and claims drawn against the Town, including the Board of Education; and
- (4) Countersign and approve each requisition to be paid by the Town.

C. Duties of the Controller. The Controller shall have the same qualifications as the Fiscal Officer and shall have the duties assigned by, and be under the supervision of, the Fiscal Officer. The Controller may countersign requisitions in the absence of the Fiscal Officer.

§7.5. Town Treasurer²⁶¹.

A. Appointment and eligibility. The Town Treasurer shall be appointed by the First Selectperson and may be removed by the First Selectperson without cause. The Fiscal Officer may also serve as Town Treasurer. No person employed by or in the Purchasing Department may at the same time be Town Treasurer.

B. Duties. The Town Treasurer shall have the duties conferred on town treasurers by Chapter 94 of the General Statutes (C.G.S. § 7-79 et seq.) and shall serve as an ex officio member of the Board of Library Trustees. The Town Treasurer may be part-time.

§7.6. Director of Public Works²⁶².

²⁶⁰ 2022 modification and recodification of current Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

²⁶¹ 2022 recodification of current Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

²⁶² 2022 modification and recodification of current Article IX, §9.7 (2006). Modification of Chapter IX of the 1947 Act and 1956 Act. Section 1 of the Act established the powers and duties of a Town Engineer as the director of the Department. Section 3 established the position of the Superintendent of Highways and Bridges. Section 4 addressed engineering issues; see, also Chapter IX of the 1975 Charter; and, Article IX, §9.7 of the 1997 Charter.

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A. Appointment and qualifications. The Director of Public Works shall be appointed by the First Selectperson in accordance with any requirements set forth in the General Statutes and in accordance with the provisions of §6.2.B of this Charter.

B. Duties. The Director of Public Works shall:

- (1) Administer and supervise the Department of Public Works;
- (2) Have charge and control of all buildings, materials, apparatus, equipment, and documents of the Department of Public Works;
- (3) Follow Town Human Resources policies and procedures to assign a Town Engineer who shall be chief technical advisor of the Town and all Departments, except the Board of Education, in all matters concerning the physical development of the Town and the design, construction, and maintenance of its physical plant;
- (4) Be an ex officio member without vote of the Town Plan and Zoning Commission with respect to planning, the Parks and Recreation Commission and the Flood Prevention, Climate Resilience and Erosion Control Board or, in the alternative may appoint a designee on said Board;
- (5) Have the ability to make and enforce reasonable rules and regulations not inconsistent with this Charter or the General Statutes necessary to efficiently exercise all powers and duties imposed on the Director of Public Works and the Department of Public Works;
- (6) At the request of the Selectpersons, furnish technical advice reasonably required for the physical functioning of the Town or its government; and
- (7) Perform other reasonable and related duties as directed by the Selectpersons.

C. Assistants. The Director of Public Works may request that the First Selectperson engage superintendents and assistants to the Director of Public Works.

§7.7. Building Official²⁶³.

A. Appointment and term. The Building Official shall be appointed by the First Selectpersons and shall serve for a term of four (4) years.

B. Number of Assistant Building Officials and Building Inspectors. The First Selectperson and the Building Official shall determine from time to time the number of

²⁶³ 2022 recodification of current Article IX, §9.8 (2006). Modification of Chapter X, §1 of the 1947 Act which established a Board of Building Commissioner (§§1-4); the position of Building Inspector (§5); and, Article IX, §9.8 ("Building Inspectors") of the 1997 Charter.

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Assistant Building Officials and Building Inspectors necessary to carry out the duties of the Building Department and, subject to appropriation, shall increase or decrease the number accordingly.

C. Duties.

(1) The Building Official and the Assistant Building Officials shall have the duties conferred by this Charter and on building officials generally by Chapter 541 of the General Statutes (C.G.S. § 29-250 et seq.).

(2) In particular, the Building Official and the Assistant Building Officials, under the supervision of the Building Official, shall:

(a) Inspect, supervise, regulate, and control the construction, reconstruction, altering, repairing, demolition, and removal of all structures within the Town;

(b) By diligent search and inspection, enforce all Laws, Ordinances, and Regulations governing the construction of buildings and other structures;

(c) Enforce the provisions of the Town building code;

(d) Cooperate and coordinate with the Fire Marshal in inspecting structures and enforcing provisions of the Town building code where fire safety may be a factor; and

(e) Keep complete public records of all applications made to them and of all permits and certificates of approval or occupancy issued by them and any other records required under Chapter 541.

D. Building Inspectors²⁶⁴. Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted by Law.

§7.8. Purchasing Agent²⁶⁵.

A. Appointment and qualifications. The Purchasing Agent shall be appointed by the First Selectperson and shall have a background in business or purchasing and procurement.

B. Duties. The Purchasing Agent shall have the duties set forth in §4.3.G of this Charter and such other duties as may be prescribed by the First Selectperson.

²⁶⁴ 2022 recodification of current Article IX, §9.8.D (2006). Modification of Chapter X, §6 of the 1947 and 1956 Acts; and, Article IX, §9.8.D of the 1997 Charter.

²⁶⁵ 2022 recodification of current Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

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§7.9. Director of Human and Social Services²⁶⁶.

A. Appointment and qualifications. The Director of Human and Social Services shall be appointed by the First Selectperson and shall be trained in social services.

B. Duties. The Director of Human and Social Services shall:

- (1) Administer and supervise a Department of Human Services;
- (2) Prescribe the duties of subordinates and employees;
- (3) Coordinate the work of the Department of Human Services with that of other government agencies, private social service organizations, and other entities on social services matters as authorized by the General statutes, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations of the Town;
- (4) Perform other duties prescribed by the Human Services Commission and the First Selectperson; and
- (5) Report to the First Selectperson on matters of administration and operation and to the Human Services Commission on matters of policy.

§7.10. Director of Parks and Recreation²⁶⁷.

A. Appointment and qualifications. The Director of Parks and Recreation shall be appointed by the First Selectperson and shall have such qualifications as may be established by the Parks and Recreation Commission.

B. Duties. The Director of Parks and Recreation shall:

- (1) Administer and supervise the Parks and Recreation Department;
- (2) Recommend policy to the Parks and Recreation Commission;
- (3) Submit to the Parks and Recreation Commission plans for the development and maintenance of public cemeteries, parks, playgrounds, beaches, beach facilities, marina facilities, public gardens, and other recreational areas of the Town, except for areas and facilities under the control of the Board of Education, the Golf Commission, or the Harbor Management Commission;
- (4) Submit to the Golf Commission, the Board of Education, and the Harbor Management Commission plans for the development and maintenance of

²⁶⁶ 2022 recodification of current Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter ("Director of Human Services").

²⁶⁷ 2022 recodification of current Article IX, §9.11 (2006). Derived from Article IX, §9.11 of the 1997 Charter.

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recreational areas under the control of the Golf Commission, Board of Education, or the Harbor Management Commission.

(5) Submit to the Parks and Recreation Commission plans for recreation programs in the Town, except programs run by the Board of Education or the Golf Commission;

(6) Implement the plans approved by the Parks and Recreation Commission;

(7) Coordinate the maintenance of parks and recreation facilities with the Department of Public Works;

(8) Coordinate any recreational activities in Town open space areas with the Conservation Commission;

(9) Perform such other duties as directed by the Parks and Recreation Commission or the First Selectperson; and

(10) Report to the First Selectperson on matters of administration and operation and to the Parks and Recreation Commission on matters of policy.

If the Golf Commission or Harbor Management Commission ceases to exist, reference to that Commission in this section of this Charter shall be inoperative.

§7.11. Director of Community and Economic Development²⁶⁸.

A. Appointment and supervision. The Director of Community and Economic Development shall be appointed by the First Selectperson and shall report to the First Selectperson and may be removed by the First Selectperson without cause.

B. Duties. The Director of Community and Economic Development shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to economic development and affordable housing and any federal or state programs associated with such issues.

C. Liaison to Economic Development Commission and Affordable Housing Committee. The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the First Selectperson's Affordable Housing Committee.

§7.12. Director of Human Resources²⁶⁹.

²⁶⁸ 2022 recodification of current Article IX, §9.12 (2006).

²⁶⁹ 2022 recodification of current Article IX, §9.13 (2006).

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A. Appointment and supervision. The Director of Human Resources shall be appointed by the First Selectperson and shall report to the First Selectperson.

B. Duties. The Director of Human Resources shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to all Town personnel practices, policies, and functions and all risk management functions associated with such issues.

Officers Appointed by the Board of Selectpersons

§7.13. Internal Auditor or Auditors²⁷⁰.

A. Number. The Board of Selectpersons shall appoint at least one (1) Internal Auditor and shall determine from time to time the number of Internal Auditors necessary to carry out the duties of the office and shall accordingly increase or decrease the number of Internal Auditors appointed.

B. Duties. The Internal Auditor or Auditors shall:

(1) Monitor the Departments, officers, employees, Boards and Commissions of the Town for fiscal policy compliance;

(2) Report on a regular basis to the Fiscal Officer; and

(3) Make reports to the Board of Selectpersons and the Board of Finance semi-annually and at any other times requested by either board.

§7.14. Assessor²⁷¹.

The Assessor shall be appointed by the Board of Selectpersons and shall have the powers and duties conferred on assessors generally by Chapter 203 of the General Statutes (C.G.S. § 12-40 et seq.), and, on request of the Board of Finance, shall report in writing concerning any matters pertaining to those duties. The Assessor shall have and maintain the certification required by § 12-40a of Chapter 203 of the General Statutes.

§7.15. Tax Collector²⁷².

A. Appointment and supervision. The Tax Collector shall be appointed by the Board of Selectpersons and shall act under the direction and control of the Fiscal Officer.

²⁷⁰ 2022 recodification of current Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

²⁷¹ 2022 recodification of current Article IX, §9.16 (2006). Modification of Chapter XVII, §6 and §8 of the 1947 and 1956 Acts and Chapter XVII, §6 and §7 of the 1975 Charter; and, Derived from Article IX, §9.14 of the 1997 Charter.

²⁷² 2022 recodification of current Article IX, §9.17 (2006). Modification of Chapter XVII, §7 and §8 of the 1947 and 1956 Acts and Chapter XVII, §8 of the 1975 Charter; and, Article IX, §9.15 of the 1997 Charter.

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B. Duties. The Tax Collector shall have the powers and duties conferred in this Charter, by Ordinance, and on tax collectors generally by Chapter 204 of the General Statutes (C.G.S. § 12-122 et seq.).

C. Delinquency list. The Tax Collector shall present annually, and at any other time the Board of Finance requires, a list of all amounts remaining unpaid on the rate bill for nine (9) months after becoming due. The list shall contain the name and address of each delinquent taxpayer, the amount of the tax, and, as a separate item, the interest and other charges due.

§7.16. Tree Warden²⁷³.

The Tree Warden shall be appointed by the Board of Selectpersons and shall have a term of two years or as otherwise provided by the General Statutes. The Tree Warden shall have the powers and duties conferred by Ordinance and on tree wardens generally as set forth in the General Statutes²⁷⁴.

§7.17. Constables²⁷⁵.

A. Appointment²⁷⁶. There shall be four (4) Constables appointed by the Board of Selectpersons for staggered terms of four (4) years, subject to the transition provision. No more than two (2) shall be from the same political party.

Transitional Provision. On or about December 1, 2023, the Board of Selectpersons shall appoint two (2) members to a term of four (4) years and two (2) members to a term of two (2) years. On and after December 1, 2025, all Constables shall be appointed to a term of four (4) years.

B. Powers and duties²⁷⁷. Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

C. Vacancies²⁷⁸. Vacancies shall be addressed as set forth in §6.6 of this Charter.

²⁷³ 2022 modification and recodification of current Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter.

²⁷⁴ **Comment of the 2022 Charter Revision Commission.** At the time of the adoption of this Charter, C.G.S. §23-58 permits a “term of two years.” The duties are set forth in C.G.S. §23-59 et seq.).

²⁷⁵ 2022 modification and recodification of current Article IX, §9.13 (2006).

²⁷⁶ 2022 modification and recodification of current Article VII, §7.2.A and B (2006)(Establishment and Powers and Duties Clauses). Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

²⁷⁷ 2022 modification and recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

²⁷⁸ 2022 recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

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Officers appointed by other bodies.

§7.18. Director of Health²⁷⁹.

A. Appointment and term. The Director of Health shall be appointed by the Board of Health with the approval of the First Selectperson and shall serve for a term of four (4) years.

B. Qualifications²⁸⁰. The Director of Health shall be appointed in accordance with the requirements of the General Statutes and in accordance with the provisions of §6.2.B of this Charter.

C. Powers and duties. The Director of Health shall have the powers and the duties conferred by this Charter, by Ordinance, and by the rules and Regulations of the Board of Health, and on town directors of health generally by Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.) and state codes and Regulations.

D. Supervision. The Director of Health shall report to the First Selectperson on matters of administration and operation and to the Board of Health on matters of policy.

§7.19. Chief of Police²⁸¹.

A. Appointment. The Chief of Police shall be appointed by the Police Commission, with the approval of the First Selectperson, from among the three (3) highest scoring candidates who have passed a competitive examination for Chief of Police.

B. Powers and duties. The Chief of Police shall:

(1) Be the executive officer of the Police Department;

(2) Have authority to direct and control the conduct of all members and other employees of the Police Department; and

(3) Keep all records required by Law and by the Police Commission.

C. Departmental discipline. Subject to a contrary provision of a collective bargaining agreement, disobedience to the lawful orders of the Chief of Police shall be grounds for disciplinary action by the Police Commission. The Chief of Police shall have the power without consulting the Police Commission to impose fines of not more than two (2) Days' pay or suspension of not more than one (1) week for disobedience to the Chief's

²⁷⁹ 2022 modification and recodification of current Article IX, §9.20 (2006). Derived from Chapter VIII, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Derived from Article IX, §9.18 of the 1997 Charter.

²⁸⁰ **Comment of the 2022 Charter Revision Commission:** At the time of adoption of this Charter the qualifications are set forth in Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.).

²⁸¹ 2022 recodification of current Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

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lawful orders or for violations of the rules and Regulations of the Police Department²⁸². The Chief of Police may recommend to the Police Commission that it take more severe disciplinary action.

D. Supervision. The Chief of Police shall report to the First Selectperson on matters of administration and operation and to the Police Commission on matters of policy.

§7.20. Fire Chief²⁸³.

A. Appointment. The Fire Chief shall be appointed by the Fire Commission, with the approval of the First Selectperson, from the three (3) highest scoring candidates who have passed a competitive examination for Fire Chief.

B. Powers and duties. The Fire Chief shall:

- (1) Be the executive officer of the Fire Department;
- (2) Have authority to direct and control the conduct of all members of the Fire Department; and
- (3) Keep the records required by Law and by the Fire Commission.

C. Departmental discipline. Subject to a contrary provision of a collective bargaining agreement, disobedience to lawful orders of the Fire Chief shall be grounds for disciplinary action by the Fire Commission. The Fire Chief shall have power without consulting the Fire Commission to impose fines of not more than two (2) Days' pay or suspension for not more than one (1) week for disobedience to lawful orders or for violations of the rules and Regulations of the Fire Department. The Fire Chief may recommend to the Fire Commission that it take more severe disciplinary action.

D. Supervision. The Fire Chief shall report to the First Selectperson on matters of administration and operation and to the Fire Commission on matters of policy.

§7.21. Planning Director²⁸⁴.

A. Appointment. The Planning Director shall be appointed by the Town Plan and Zoning Commission with the approval of the First Selectperson.

B. Duties. The Planning Director shall have the duties prescribed by the Town Plan and Zoning Commission and the First Selectperson.

C. Supervision. The Planning Director shall report to the First Selectperson on

²⁸² Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

²⁸³ 2022 recodification of current Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

²⁸⁴ 2022 recodification of current Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

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matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

§7.22. Animal Control Officer²⁸⁵.

A. Appointment and supervision. The Animal Control Officer shall be appointed by the Police Commission and shall report to the Chief of Police.

B. Powers and duties. The Animal Control Officer shall have the powers and duties prescribed by the Police Commission and conferred on animal control officers generally by Chapter 435 of the General Statutes.

§7.23. Conservation Director²⁸⁶.

A. Appointment. The Conservation Director shall be appointed by the Conservation Commission with the approval of the First Selectperson.

B. Duties. The Conservation Director shall have the duties prescribed by the Conservation Commission and the First Selectperson.

C. Supervision. The Conservation Director shall report to the First Selectperson on matters of administration and operation and to the Conservation Commission on matters of policy.

§7.24. Town Librarian²⁸⁷.

A. Appointment and qualifications. The Town Librarian shall be appointed by the Board of Library Trustees, with the approval of the First Selectperson, and shall have such qualifications as may be required by the Board of Library Trustees.

B. Duties. The Town Librarian shall:

(1) Report to and have such duties as are defined by the Board of Library Trustees on matters of policy, and by the First Selectperson on matters of administration.

(2) Manage and supervise policy, programs and personnel relating to all public town libraries.

(3) Have responsibilities as set forth by the Board of Library Trustees pursuant to Sections 8.17.C.

²⁸⁵ 2022 recodification of current Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

²⁸⁶ 2022 recodification of current Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

²⁸⁷ 2022 recodification of current Article IX, §9.26 (2006).

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ARTICLE VIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

§8.1. Boards and Commissions²⁸⁸.

A. Permanent Bodies Appointed by the First Selectperson²⁸⁹. The First Selectperson shall appoint the members of the bodies listed in this sub-section and in Section 8.2 of this Charter in the numbers and for the terms set forth therein: Conservation Commission.

B. Permanent Bodies Appointed by the Board of Selectpersons²⁹⁰. The Board of Selectpersons shall appoint the members of the bodies listed in this sub-section and in Sections 8.3 through 8.14 of this Charter in the numbers and for the terms set forth therein:

Police Commission and Dept.	Fire Commission and Department
Police and Fire Retirement Board	Parks and Recreation Commission
Board of Health/Public Health	Flood Prevention, Climate Resilience
Dept.	and Erosion Control Board
Board of Building Appeals	
Water Pollution Control Authority	Historic District Commission
Human Services Commission and	Golf Commission
Dept.	

C. Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM²⁹¹. The Board of Selectpersons shall appoint the members of the body listed in this sub-section and in Sections 8.15 of this Charter in the numbers and for the terms set forth therein: Ethics Commission.

D. Self-Perpetuating Boards and Commissions approved by the Board of Selectpersons²⁹². The Board of Selectpersons shall approve the members of the body listed in this sub-section and in Sections 8.16 of this Charter in the numbers and for the terms set forth therein: Board of Library Trustees.

E. Meetings²⁹³.

(1) All appointed Boards and Commissions except the Ethics Commission and the Board of Building Appeals shall hold at least ten (10) regular stated meetings

²⁸⁸ 2022 recodification of current Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

²⁸⁹ 2022 recodification of current Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

²⁹⁰ 2022 recodification of current Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

²⁹¹ NEW (2022).

²⁹² NEW (2022).

²⁹³ 2022 recodification of current Article X, §10.1.B (2006). Derived from Article X, §10.1.B of the 1997 Charter.

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a year and shall give annual notice of such meetings as required by the General Statutes. The Ethics Commission and the Board of Building Appeals shall meet when they have business to transact. Officers of each Board and Commission shall be elected annually at an organization meeting so noticed by the Town Clerk held in the month of December, with the exception of the Ethics and Golf Commissions, shall be elected annually in the month of April. No person sitting on a Board or Commission at the designation of another Board or Commission may be elected an officer of the Board or Commission to which he or she has been designated.

F. Vacancies²⁹⁴. Vacancies shall be filled as set forth in §6.6 of this Charter.

Bodies appointed by the First Selectperson.

§8.2. Conservation Commission²⁹⁵.

A. Members and terms. The Conservation Commission shall consist of seven (7) members, not more than four (4) of whom shall be registered with the same political party, and three alternate members, not more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the First Selectperson for a term of five (5) years. Members' terms shall be staggered so that no more than two (2) members' terms expire in one (1) year. Alternate members' terms need not be staggered.

B. Powers and duties (Conservation Functions).

(1) The Conservation Commission shall have all of the powers and duties conferred by this Charter, by Ordinance, and on conservation commissions generally by §7-131a of Chapter 97 of the General Statutes.

(2) In order to carry out its powers, the Conservation Commission shall:

(a) Conserve, develop, supervise, and regulate natural resources, including water resources and open space land in the Town;

(b) Conduct investigations into the use and possible use of land in the Town;

(c) Keep an index of all open areas, publicly or privately owned, for the purpose of obtaining information on the proper use of such areas;

(d) Have the ability to recommend to appropriate agencies plans

²⁹⁴ 2022 revision and recodification of current Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

²⁹⁵ 2022 recodification of current Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.

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and programs for the development and use of open areas;

(e) Have the ability, as approved by the RTM, to acquire land and easements in the name of the Town and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes; and

(f) Have the ability to coordinate the activities of unofficial bodies organized for similar purposes.

C. Powers and duties (Inland Wetland Functions). The Conservation Commission shall have the powers and duties conferred by this Charter, by ordinance, and on inland wetlands and watercourses agencies generally by §§ 22a-42 to 22-44 of Chapter 440 of the General Statutes. In particular, the Commission shall:

(1) Provide for the protection, preservation, maintenance and use of inland wetlands and watercourses, for their conservation, economic, aesthetic, recreational, and other public and private uses and values in order to provide to the citizens of the Town an orderly process to balance the need for the economic growth of the Town and the use of its land with the need to protect the environment and its natural resources;

(2) Adopt, amend and promulgate such Regulations as are necessary to protect and define the inland wetlands and watercourses;

(3) Develop a comprehensive program in furtherance of its purposes;

(4) Advise, consult and cooperate with other agencies of the Town, State and Federal governments;

(5) Encourage and conduct studies and investigations and disseminate relevant information; and

(6) Inventory and evaluate the inland wetlands and watercourses in such form as it deems best suited to effect its purposes.

D. Director and other employees or consultants. The Commission shall appoint a Director with the approval of the First Selectperson. The Commission shall have the power to engage such employees or consultants as it requires to carry out its duties, including a wetlands administrator and assistants who, subject to the general supervision of the Director, shall enforce all Laws, ordinances and Regulations relating to matters over which it has jurisdiction and who shall have such other duties as the Commission or the Director may prescribe.

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Permanent bodies appointed by the Board of Selectpersons.

§8.3. Police Commission and Department²⁹⁶.

A. Members and terms. The Police Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with the same political party. Each member shall have a term of five (5) years with the terms staggered so that not more than two (2) terms expire in one (1) year.

B. Powers and duties. The Police Commission shall have the powers and duties conferred on police commissions generally by §7-276 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Police Commission shall:

(1) Have general management supervision of the Police Department of the Town and of all property and equipment used by or in connection with the operation of the Department;

(2) Make rules and Regulations consistent with the General Statutes and this Charter for the governance of the Police Department and its personnel, and may prescribe penalties for violations of its rules and Regulations;

(3) Subject to the provisions in this Charter regarding appointment of the Chief of Police, have sole power to appoint and promote to all positions in the Police Department, which appointments and promotions shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Police Department; and

(5) Within the appropriations made for that purpose determine the number of officers and other employees of the Police Department and of the several ranks and grades and their compensation.

C. Appointment of Acting Chief. During the absence or disability of the Chief of Police, the Police Commission may designate a member of the Department as Acting Chief of Police to perform the duties of the Chief of Police.

D. Appointment of special officers. Special officers for the protection of specified private property and special traffic duty or for the preservation of peace may be appointed by the Commission under such rules and Regulations as the Commission shall from time to time establish. Such officers shall serve at the pleasure of the Commission

²⁹⁶ 2022 recodification of current Article X, §10.5 (2006). Derived from Chapter XIV of the 1947 Act, based upon §1 of Special Act No. 186 (1945); further amended by §23 of the 1951 Act and affirmed by Chapter XIV of the 1956 Act and the 1975 Charter; and, Article X, §10.5 of the 1997 Charter.

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and in any event for terms not to exceed one (1) year unless re-appointed.

§8.4. Fire Commission and Department²⁹⁷.

A. Members and terms. The Fire Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be members of the same political party. Each member shall have a term of five (5) years with the terms staggered so that no more than two terms expire in one (1) year.

B. Powers and duties. The Fire Commission shall have all the powers and duties conferred on fire commissions generally by §7-301 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Fire Commission shall:

(1) Have general management and supervision of the Fire Department of the Town and of all property and equipment used by or in connection with the operation of the Department, including the hydrants used for fire purposes;

(2) Make rules and Regulations consistent with the General Statutes and this Charter for the governance of the Fire Department and its personnel, and may prescribe penalties for violations of its rules and Regulations;

(3) Subject to the provisions in this Charter regarding appointment of the Fire Chief, have sole power to appoint and promote to all positions in the Department, and all appointments and promotions in the Fire Department shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Fire Department; and

(5) Within the limits of the appropriations made for that purpose, determine the number of persons employed by the Department and of the several ranks and grades and their compensation.

C. Appointment of Acting Fire Chief. During the absence or disability of the Fire Chief, the Commission may designate a member of the Department as Acting Fire Chief to perform the duties of the Fire Chief.

§8.5. Police and Fire Retirement Board²⁹⁸.

A. Members and terms. The Police and Fire Retirement Board shall consist of

²⁹⁷ 2022 recodification of current Article X, §10.6 (2006). Modification of Chapter XV of the 1947 and 1956 Acts and 1975 Charter. At the time the Commission membership was based upon the fire districts in town. Derived from Article X, §10.6 of the 1997 Charter.

²⁹⁸ 2022 recodification of current Article X, §10.7 (2006). Derived from Chapter XXI of the 1975 Charter and Article X, §10.7 of the 1997 Charter.

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seven (7) members: The First Selectperson (who shall be Chair), the Fiscal Officer, three (3) members appointed by the Board of Selectpersons for a term of three (3) years, and one (1) member to serve for a period of one (1) year, to be elected by the members of the Fire Department and members of the Police Department, respectively. No more than two (2) of three (3) members appointed by the Board of Selectpersons shall be registered with one (1) political party and their terms shall be staggered so that not more than two (2) terms expire in one (1) year.

B. Powers and duties. The Police and Fire Retirement Board shall be the trustees of the retirement fund created under the existing police and fire retirement system for regular firefighters and police officers employed by the Town and shall have full control and management of the fund, with the power to invest and reinvest the same in accordance with the General Statutes respecting the investment of trust funds. The Police and Fire Retirement Board shall be responsible for assuring that the administration of the Police and Retirement plan is in strict accordance with the plan documents.

C. Annual report. On or before January 1 of each year, the Police and Fire Retirement Board shall file an annual report with the Board of Selectpersons showing the financial condition of the police and fire retirement system as of the end of the last-completed fiscal year, including an actuarial evaluation of assets and liabilities, and setting forth such other facts, recommendations and data as may be of value to the members of the police and fire retirement system of the Town.

D. Changes in retirement system. Before any change in the police and fire retirement system negotiated under the General Statutes is submitted for consideration to the Board of Finance, and for action to the RTM, the First Selectperson shall secure a written actuarial evaluation and report of such change.

§8.6. Department of Public Works²⁹⁹.

The Department of Public Works shall have all of the administrative powers and duties vested in the Town by this Charter or by the General Statutes with respect to the following functions of the Town:

A. The construction, reconstruction, care, maintenance, operation, altering, paving, repairing, draining, cleaning, snow clearance, lighting, and inspection of all Town streets, highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements of all buildings and equipment owned or used by the Town, except school buildings and equipment, police and fire equipment, and buildings and equipment under the control of the Board of Library Trustees;

B. The removal of encroachments and, together with the Tree Warden, the planting, preservation, care and removal of trees, shrubs and other vegetation within

²⁹⁹ 2022 recodification of current Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

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highways, or public places, or on Town property;

C. The maintenance, care and improvement of, and construction work required in connection with, public cemeteries, parks, playgrounds, beaches, marina facilities, and recreational areas of the Town, as requested by the Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by Ordinance.

D. The custody of all maps of the Town not otherwise entrusted to any other Department or Town Official; and

E. The maintenance of maps or other records showing highways, building or veranda lines, street profiles, and plans and profiles of storm and sanitary sewers.

§8.7. Board of Health and Public Health Department³⁰⁰.

A. Members and terms of the Board of Health³⁰¹. The Board of Health shall consist of seven (7) members, five (5) of them appointed by the Board of Selectpersons for four (4) year terms, one (1) designated by the Board of Education from its members, and one (1) designated by the Human Services Commission from its members. At least one (1) of the members so appointed shall be a physician. At least two (2) additional members shall be licensed health care professionals. Not more than three (3) of the members appointed by the Board of Selectpersons shall be registered with the same political party and their terms shall be staggered so that no more than two (2) terms expire in one (1) year. The members designated by the Board of Education and by the Human Services Commission shall not serve beyond their tenure on the appointing bodies.

B. Organization. The Board of Health shall be the general policy-making body for the Public Health Department and shall make all necessary rules and regulations for its administration.

C. Personnel³⁰². The Public Health Department shall consist of a Director of Health and such sanitarians, nurses, dental hygienists, secretaries, clerks and other personnel as may be necessary to operate the Department, including such physicians as may be temporarily engaged from time to time.

D. Powers and duties.

(1) The Board of Health may make and amend such reasonable rules for the promotion and preservation of the public health, health services in public schools, and sanitation as required, provided the same shall not be inconsistent with the General Statutes, the state public health code, other state departmental regulations,

³⁰⁰ 2022 recodification of current Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

³⁰¹ Derived from Chapter VIII, §1 of the 1947 Act; as further amended by §10 of the 1951 Act and reaffirmed by Chapter VIII, §1 of the 1956 Act and the 1975 Charter.

³⁰² Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

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or the ordinances and public health code of the Town.

(2) The Board of Health shall advise the Director of Health in all matters relating to public health, and health services in the schools of the Town, and shall appoint the school and Well Child Clinic medical advisors.

§8.8. Parks and Recreation Commission³⁰³.

A. Members and terms.

(1) The Parks and Recreation Commission shall consist of nine (9) voting members, eight (8) of whom shall be appointed by the Board of Selectpersons and one (1) of whom shall be a member of the Board of Education designated by the Board of Education to serve on the Parks and Recreation Commission. Notwithstanding §6.3 of this Charter, no more than five (5) of the members appointed by the Board of Selectpersons shall belong to the same political party. The Director of Parks and Recreation and the Director of Public Works shall serve on the Parks and Recreation Commission ex officio without vote.

(2) The term of office of the members appointed by the Board of Selectpersons shall be five (5) years with terms staggered so that no more than two (2) members are appointed in any one year.

B. Powers and duties. The Parks and Recreation Commission shall be the policy-making body for the Parks and Recreation Department, shall together with the First Selectperson supervise the Director of Parks and Recreation, and shall assist in establishing requirements and qualifications for personnel needed for the Department.

C. Department. The Parks and Recreation Department shall consist of a Director of Parks and Recreation and such other personnel as may be necessary to operate the Department.

§8.9. Board of Building Appeals³⁰⁴.

A. Members and terms. The Board of Building Appeals shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that no more than one (1) term expires in one (1) year.

³⁰³ 2022 recodification of current Article X, §10.10 (2006). Derived from Chapter XIII of the 1947 and 1956 Acts and the Charter of 1975. At the time the Commission consisted of five members; as further amended by §17 of the 1951 Act. A Board of Recreation existed under Chapter XVI of the 1947 Act and 1975 Charter; §1 was amended and §4 was repealed by §§18 and 19 of the 1951 Act. Chapter XVI, §2 remained in effect under the 1956 Act. Derived from Article X, §10.10 of the 1997 Charter.

³⁰⁴ 2022 recodification of current Article X, §10.11 (2006). See, §2 of Chapter X of the 1947 Act ("Board of Building Commissioners"); further amended by §11 of the 1951 Act and reaffirmed by Chapter X of the 1956 Act and the 1975 Charter; and, Article X, §10.11 of the 1997 Charter.

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B. Qualifications. The members shall have the qualifications set forth in the State Building Code.

C. Powers and duties. The Board of Building Appeals shall have the powers and duties conferred on boards of building appeals generally by § 29-266 of Chapter 541 of the General Statutes, including hearing appeals from the decisions of the Building Inspector.

§8.10. Flood Prevention, Climate Resilience and Erosion Control Board³⁰⁵.

A. Members and terms. The Flood Prevention, Climate Resilience and Erosion Control Board shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that not more than one (1) term expires in one (1) year. The Director of Public Works, or a designee appointed by the Director, shall be a non-voting ex officio member of the Board.

B. Powers and duties. Said Board shall have the powers and duties conferred on flood and erosion control boards generally by §25-84 through 25-94 of Chapter 477 of the General Statutes, as amended.

C. Alternate Members. There shall be three (3) alternate members of the Board, no more than two (2) of whom shall be registered with the same political party. Alternate members shall have terms of three (3) years, which shall be staggered so that not more than one (1) term expires in one year. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth for such board and its members. If a regular member is absent or is disqualified, the chairman of the board shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting”

Transitional Provision. On or about the fourth (4th) Monday of November 2022, the Board of Selectpersons shall appoint an alternate to a term of three (3) years; an alternate to a term of two (2) years; and, an alternate to a term of one (1) year. On and after the fourth (4th) Monday of November 2023, as their terms expire, alternates shall be appointed to a term of three (3) years.

§8.11. Water Pollution Control Authority³⁰⁶.

A. Members and terms. The Water Pollution Control Authority shall consist of

³⁰⁵ 2022 modification and recodification of current Article X, §10.12 (2006). Derived from Article X, §10.12 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The change in title corresponds to the legislative changes made in P.A. 21-115.

³⁰⁶ 2022 modification and recodification of current Article X, §10.13 (2006). Derived from Article X, §10.13 of the 1997 Charter.

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seven (7) members, one (1) of whom shall be a member of the Board of Selectpersons, and six (6) of whom shall be appointed by the Board of Selectpersons. No more than four (4) of the members appointed by the Board of Selectpersons shall be registered with the same political party. The members appointed by the Board of Selectpersons shall have terms of four (4) years, which shall be staggered so that not more than two (2) terms expire in one (1) year. The Fiscal Officer shall be a member ex officio, without vote.

B. Organization and personnel. For purposes of this Charter, the Water Pollution Control Authority shall be deemed a commission except where any provision of this Charter of general application to commissions conflicts with a provision of the General Statutes concerning water pollution control authorities. The Water Pollution Control Authority may establish rules and adopt bylaws for the transaction of its business. The clerk of the Water Pollution Control Authority shall keep a record of its proceedings and shall be custodian of all books, papers and other documents of the Water Pollution Control Authority. The Water Pollution Control Authority may employ such personnel as may be required for the performance of its duties and may fix their compensation.

C. Powers and duties. The Water Pollution Control Authority shall have the power to:

(1) Operate, maintain and manage, and through the Department of Public Works, plan, lay out, acquire, construct, reconstruct, equip, repair, maintain, supervise and manage and, through the Department of Public Works, operate a sewerage system;

(2) Acquire, by purchase, condemnation or otherwise, any real property or interest in real property which it shall determine to be necessary for use in connection with such sewerage system;

(3) Apportion and assess the whole or any part of the cost of acquiring, constructing or reconstructing any sewerage system or portion thereof upon the lands and buildings in the Town which, in its judgment, shall be especially benefited by the system (whether they abut on such system or not), and upon the owners of such lands and buildings and fix the time when such assessments shall be due and payable and provide that they may be paid in such number of substantially equal annual installments, not exceeding thirty (30), as it shall determine;

(4) Establish and from time to time revise just and equitable charges or rates for connection with and use of the sewerage system;

(5) Order any owner or occupant of any real estate to which the sewerage system is available to connect the drainage and sewerage thereof with the system and to disconnect, fill up and destroy any cesspool, privy vault, drain or other arrangement on such real estate for the reception of such drainage or sewerage; and

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(6) Generally, to have and possess all of the powers and duties conferred upon water pollution control authorities by the General Statutes.

§8.12. Historic District Commission³⁰⁷.

A. Members and terms. The Historic District Commission shall consist of five (5) members, no more than three (3) of whom shall be registered with the same political party, and three (3) alternate members, no more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the Board of Selectpersons, with the advice and consent of the RTM. Terms of membership shall be for five (5) years and shall be staggered so that no more than one (1) member's term and one (1) alternate member's term expires in each year.

B. Powers and duties. The Historic District Commission shall have the powers and duties conferred upon historic district commissions and historic properties commissions generally by Chapter 97a of the General Statutes (C.G.S. §7-147a et seq.).

§8.13. Human Services Commission and Department³⁰⁸.

A. Members and terms. The Human Services Commission shall consist of nine (9) members appointed by the Board of Selectpersons, not more than five (5) members of whom shall be registered with the same political party. Members shall have terms of four (4) years which shall be staggered so that no more than four (4) terms expire in one (1) year. The Human Services Commission shall represent those social services matters in accordance with the authority set forth under the General Statutes or otherwise by Law, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations; unless other committee, task force or Board or Commission has been authorized to specifically address any particular social service matter. The Commission may form its own committees with additional persons to assist and advise the Human Services Commission in matters which concern the conditions and needs of aging and of people with disabilities.

B. Powers and duties. The Human Services Commission shall be the policy-making body for the Department of Human Services.

C. Department of Human Services.

(1) Powers and duties. The Department of Human Services, together with the Board of Selectpersons, shall have all the powers and duties relating to social services granted to and imposed upon towns by the General Statutes. The Department of Human Services shall act on behalf of the Town in all social service matters in conjunction with State and Federal agencies. Social service matters involving community health issues shall be coordinated with the Public Health

³⁰⁷ 2022 recodification of current Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

³⁰⁸ 2022 recodification of current Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.

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Department.

(2) Acceptance and use of private donations. The Department of Human Services shall have the power to accept on behalf of the Town donations of any kind to be used generally or specifically for its purposes and to carry out any specific wishes of a donor. The power to accept donations shall not be construed to eliminate the authority any other Town Official or the RTM may have to review specific donations. All donated monies shall be delivered to the Town Treasurer to be maintained in a special account subject to the order of the Department of Human Services, in accordance with the terms of the gift in each instance.

§8.14. Golf Commission³⁰⁹.

A. Members and terms. The Golf Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with same political party. Each member shall have a term of five (5) years, commencing April 1, with the terms staggered so that no more than two (2) terms expire in the same year. No member shall be eligible for reappointment to the Golf Commission for a period of five (5) years after the end of his or her term.

B. Powers and duties. The Golf Commission shall be the policy-making body for the Par 3 Golf Course and the H. Smith Richardson Golf Course. It shall have the following powers, subject to appropriation:

(1) To make, amend and repeal bylaws, rules and regulations relative to play, hours of operation, fees, charges, and all other decisions necessary for the successful operation of those courses;

(2) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any golf course facilities on behalf of the Town in an amount sufficient to maintain operating and maintenance expenses.

Appointed by Board of Selectpersons and Approved by RTM

§8.15. Ethics Commission³¹⁰.

A. Members and terms.

(1) The Ethics Commission shall consist of five (5) members, appointed by unanimous vote of the Board of Selectpersons and confirmed by a Majority Vote of the RTM. No more than three (3) members shall be registered with the same political party.

³⁰⁹ 2022 recodification of current Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

³¹⁰ 2022 recodification of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.

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(2) Notice of appointment shall be served by the Board of Selectpersons upon the Moderator of the RTM and the Town Clerk. A vote for approval or rejection of each person appointed shall be taken at an RTM meeting held more than ten (10) Days after service of the notice on the Town Clerk. Failure to vote within sixty (60) Days of the service on the Town Clerk shall be deemed to be approval and confirmation by the RTM. If any appointment is rejected by the RTM, the Board of Selectpersons shall within twenty-one (21) Days after the rejection notify the RTM Moderator and Town Clerk of further appointments to replace the rejected appointments. The RTM shall then vote on the new appointments. These too shall be deemed approved and confirmed if not voted upon within sixty (60) Days of the notice.

(3) The terms shall commence on April 1. Terms of members shall be two (2) years and shall be staggered so that no more than three (3) terms expire in one (1) year. No member may serve more than the shorter of two (2) terms or one (1) term plus a partial term created by filling a vacancy for an unexpired term.

Transitional Provision. On or about July 1, 2024, the Board of Selectpersons shall appoint two (2) members to a term ending on March 30, 2025; said vacancy shall be filled on April 1, 2025 for a term of two (2) years. On or about July 1, 2023, the Board of Selectpersons shall appoint three (3) members to a term ending on March 30, 2024; said vacancy shall be filled on April 1, 2024 for a term of two (2) years.

B. Powers and duties. The Ethics Commission shall:

(1) Receive complaints alleging violations of the Standards of Conduct or any ordinance establishing a Code of Ethics for Town Officials and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of Town Officials, members of the RTM, and employees of the Town to determine whether there is probable cause that a violation has occurred of the Standards of Conduct or Code of Ethics;

(3) On its own motion issue general opinions and interpretations of the Standards of Conduct or the Code of Ethics;

(4) Upon the request of a principal officer of a Department, or any member of a Town Board or Commission, or any member of the RTM render an advisory opinion with respect to any specific relevant situation under the Standards of Conduct or Code of Ethics;

(5) Consider written requests for advisory opinions referred by a department head with respect to any problem submitted to the department head in writing by an employee in the Department (whose name need not be disclosed to the Ethics Commission) concerning that employee's duties in relationship to the

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Standards of Conduct or Code of Ethics where the department head elects not to decide the issue within the Department;

(6) Adopt such regulations as it deems advisable to assure procedures for the orderly and prompt performance of the Commission's duties;

(7) Upon a finding of probable cause initiate hearings to determine whether there has been a violation of the Standards of Conduct or Code of Ethics;

(8) Have the power to retain its own counsel, administer oaths, issue subpoenas and subpoenas *duces tecum* (enforceable upon application to the Superior Court) to compel the attendance of persons at hearings and the production of books, documents, records, and papers; and

(9) Upon finding of a violation of the Standards of Conduct or Code of Ethics, at its discretion, recommend appropriate disciplinary action to the Board of Selectpersons or appropriate Appointed Town Officers, including department heads.

C. Procedure.

(1) On complaints.

(a) In any investigation to determine probable cause the Ethics Commission shall honor all requests for confidentiality, consistent with the requirements of State Law. Unless a finding of probable cause is made or the individual against whom a complaint is filed requests it, complaints alleging a violation of the Standards of Conduct or Code of Ethics shall not be disclosed by the Ethics Commission.

(b) Any person accused of a violation shall have the right to appear and be heard by the Ethics Commission and to offer any information which may tend to show there is no probable cause to believe the person has violated any provision of the Standards of Conduct or the Code of Ethics.

(c) The Ethics Commission shall, not later than ten (10) Days after the termination of its probable cause investigation, notify the complaining person and the person against whom the complaint was made that the investigation has been terminated and the results.

(d) At hearings after a finding of probable cause, the Ethics Commission shall afford the person accused the protection of due process consistent with that established for state agencies under the "Connecticut Uniform Administrative Procedures Act," including but not limited to the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

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(e) In the absence of extraordinary circumstances, the hearing shall be held within ninety (90) Days of the initiation of the investigation. The Ethics Commission shall, not later than thirty (30) Days after the close of the hearing, publish its findings together with a memorandum of its reasons. Any recommendation for disciplinary action shall be contained in the findings.

(f) An individual directly involved or directly affected by the action taken as a result of the Ethics Commission's findings or recommendation may seek judicial review of such action and of the Ethics Commission's findings or recommendation unless the action taken was a referral of the matter to proper authorities for criminal prosecution.

(2) **On requests for advisory opinions.** Within forty-five (45) Days from the receipt of a request for an advisory opinion, the Ethics Commission shall either render the opinion or advise as to when the opinion shall be rendered.

D. Quorum. A quorum for the Ethics Commission shall be not less than four (4) members in attendance. All members who attended all hearings on the matter, and all members who certify that they have read or heard the entire transcript of the hearing they did not attend, shall be eligible to vote on the proposed Ethics Commission action. The Ethics Commission shall find no person in violation of any provision of the Standards of Conduct or Code of Ethics except upon the concurring vote of three-fourths (3/4^{ths}) of those members voting.

Self-Perpetuating Board Approved by Board of Selectpersons

§8.16. Board of Library Trustees³¹¹.

A. Members and terms. Commencing on July 1, 2028, the Board of Library Trustees shall consist of the Chief Fiscal Officer, ex officio without vote, and six (6) trustees appointed by the Board of Library Trustees, with the approval of the Board of Selectpersons, to terms of three (3) years staggered as follows:

(1) Two (2) members to a term of three (3) years commencing on the 1st day of July 2026 through June 30, 2029; and, thereafter as the term may fall;

(2) Two (2) members to a term of three (3) years commencing on the 1st day of July 2027 through June 30, 2030; and, thereafter as the term may fall; and

(3) Two (2) members³¹² to a term of three (3) years commencing on the 1st day of July 2028 through June 30, 2031; and, thereafter as the term may fall.

³¹¹ 2022 recodification of current Article X, §10.17 (2006). Derived from §1 of the 1949 Act and, further amended by §22 of the 1951 Act; and; Chapter XXV of the 1956 Special Act; Chapter XXII of the 1975 Charter; and, Article X, §10.17 of the 1997 Charter.

³¹² A member is currently serving a term of 7/1/22-6/30/28.

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Transitional Provision. In the interim, the Board of Library Trustees shall appoint, subject to the approval of the Board of Selectpersons:

(1) On or about July 1, 2023³¹³, one (1) member shall be appointed to a term of three (3) years, ending on June 30, 2026;

(2) On or about July 1, 2024³¹⁴, one (1) member shall be appointed to a term of two (2) years, ending on June 30, 2026;

(3) On or about July 1, 2025³¹⁵, one (1) member shall be appointed to a term of two (2) years, ending on June 30, 2027;

(4) On or about July 1, 2026³¹⁶, one (1) member shall be appointed to a term of one (1) year, ending on June 30, 2027; and

(5) On or about July 1, 2027³¹⁷, one (1) member shall be appointed to a term of one (1) ending on June 30, 2028.

B. Vacancy and reappointment limitation. Any vacancy in the Board of Library Trustees, from any cause other than the expiration of a term, shall be filled for the remainder of the term by appointment by the remaining trustees, with the approval of the Board of Selectpersons.

C. Powers and duties. The Board of Library Trustees shall:

(1) Manage, control, maintain, and operate all property of the Town devoted to library purposes, except such property as may be under the jurisdiction of the Board of Education;

(2) Identify and adopt written policies to govern the operation and programs of the Library;

(3) Seek adequate funds to carry out Library operations and monitor the use of those funds to provide Library services;

(4) Turn over money which may be collected from revenue generating services to the Town Treasurer;

(5) Subject to appropriation appoint a Town Librarian with the approval of

³¹³ A member is currently serving a term of 7/1/17-6/30/23.

³¹⁴ A member is currently serving a term of 7/1/18-6/30/24.

³¹⁵ A member is currently serving a term of 7/1/19-6/30/25.

³¹⁶ A member is currently serving a term of 7/1/20-6/30/26.

³¹⁷ A member is currently serving a term of 7/1/21-6/30/27.

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the First Selectperson and maintain a regular performance appraisal process; and,

(6) Ensure that the Library has a strategic plan with implementation and evaluation components.

D. Acceptance and use of private donations.

(1) **Acceptance and use.** Subject to the provisions contained in this Charter and in the General Statutes, the Board of Library Trustees may accept any gift of property of any character upon any terms and conditions which the donor may prescribe and which may be acceptable to the Board of Library Trustees, provided no gift which imposes upon the Town an obligation to incur any expense in order to keep, use or maintain the gift may be accepted by the Board of Library Trustees unless it is approved by the RTM. The Board of Library Trustees may establish one (1) or more library funds with any of such property and shall have the exclusive control and management of, may hold title to, and may manage and invest and reinvest, the property in accordance with the Laws of the State governing the investment of trust funds.

(2) **Management of funds.** Subject to the terms and conditions upon which any of such property or funds shall be held, the Board of Library Trustees is permitted to use the gross income for capital improvements to the library or for such special purposes as may be required to comply with the terms and conditions of any gift or by state standards. The principal within the funds is not to be used for operational budgeting purposes and is governed and managed solely by the Board of Trustees. The use of any principal within the funds is to be used only for capital investment improvements (outside of annual operating budgets) and thus voted on by the Board of Trustees. Subject to appropriation, the Board of Library Trustees may employ such agents, experts, and other personnel as it may deem advisable in connection with the administration and management of any of such property or funds.

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ARTICLE IX - BUDGET PROCEDURE AND RELATED MATTERS

§9.1. The Budget Process³¹⁸.

A. Cooperation of Town Officials and Employees³¹⁹. The First Selectperson, Board of Selectpersons, Board of Finance, the Board of Education and RTM are required to work together, in good faith, throughout the year in order to develop and approve a Town budget. The budget shall include a delineation of all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, detailed estimates of revenues, capital expenses and operating expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these officials and employees of the Town are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town.

B. Fiscal year³²⁰. The fiscal year of the Town shall commence on July 1 and conclude on June 30 unless otherwise set forth in the General Statutes.

C. Budget a public record: Public Inspection³²¹. The entire budget, comprised of the general fund budget and capital budget, shall be a public record in the office of the Town Clerk and shall be open to public inspection at other designated public facilities including libraries and schools, as may be determined by the First Selectperson, Board of Selectpersons, Board of Education or the RTM. Moreover, the First Selectperson shall provide access on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information.

D. Public Engagement³²². The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM shall develop procedures designed to encourage public participation in the budget process.

E. Budget Calendar³²³. Not later than the second (2nd) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer shall, in accordance with §9.1.A of this Charter, following consultation with the First Selectperson, the Chair of the Board of Finance and Moderator of the RTM, cause to be published a budget calendar in order to inform the public of the significant requirements of the budget process, including but not limited to:

³¹⁸ NEW (2022).

³¹⁹ NEW (2022).

³²⁰ NEW (2022).

³²¹ NEW (2022).

³²² NEW (2022).

³²³ NEW (2022).

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(1) Submission of Budget Estimates by Submitting Parties, as set forth in §9.3.A of this Charter;

(2) Date(s) of the Joint Review of the First Selectperson's Initial Recommendations by the Board of Selectperson, Board of Finance and RTM, as set forth in §9.3.B of this Charter;

(3) Recommendation of the Proposed Executive Budget to the Board of Finance, as set forth in §9.4.A of this Charter;

(4) Date of the Public Hearing of the Board of Finance as set forth in §9.5.B of this Charter;

(5) Date of Adoption of the Proposed Town Budget as set forth in §9.5.C of this Charter;

(6) Date of the Annual Budget Meeting and Final RTM Action on the Approved Annual Town Budget, as set forth in §§9.2 and 9.6.B of this Chapter;

(7) Proposed date of Board of Finance, as shall be set by the Board of Finance, determination of property tax rate as set forth in §§9.5.E and 9.7 of this Charter.

§9.2. Date of annual budget meeting³²⁴.

The RTM shall hold the annual budget meeting on the second (2nd) Monday in May of each year ("RTM Annual Budget Meeting").

§9.3. Annual Budget Estimates.

A. Submission of General Fund and Capital Budget Estimates to the First Selectperson³²⁵. All Town Officials and Departments of the Town, including the Board of Education ("Submitting Parties"), shall submit to the First Selectperson³²⁶:

(1) such items and details of their respective general fund and capital budgets for the next fiscal year³²⁷; and,

(2) any additional information which they possess (including, but not

³²⁴ 2022 modification and recodification of current Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

³²⁵ 2022 modification and recodification of current Article XII, §12.2,A (2006). Derived from Article XII, §12.2 of the 1997 Charter.

³²⁶ 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

³²⁷ 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence) setting forth the definition of Budget Estimate". Derived from Article XII, §12.2 of the 1997 Charter.

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limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which, in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter.

Said Budget Estimates shall be submitted on or prior to a date designated by the First Selectperson, which date shall be early enough for the First Selectperson to review, revise, compile and transmit recommendations to the Board of Selectpersons, Board of Finance and RTM for purposes of Joint Budget Meetings with said Submitting Parties ("First Selectperson's Budget Recommendation" or "Budget Recommendation")³²⁸.

B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM³²⁹.

(1) First Selectperson's Budget Recommendation. Not later than second (2nd) Monday in March, the First Selectpersons' Budget Recommendation shall be submitted to the Board of Selectpersons for consideration and to the Board of Finance and RTM for initial review. At such time the First Selectperson shall address said Budget Recommendation before a joint meeting of the Board of Selectpersons, Board of Finance and RTM.

(2) Multi-Board Budget Meetings. Following submission and budget address, the First Selectperson shall convene an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation. Said testimony shall assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers.

(a) All subsequent Meetings shall be called to order by the First Selectperson and be facilitated by the Chair of the Board of Finance and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public³³⁰.

(b) The rules may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.

³²⁸ 2022 modification and recodification of current Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

³²⁹ NEW (2022)

³³⁰ **Comment of the 2022 Charter Revision Commission:** Both the Board of Finance and RTM will have additional opportunities to discuss the budget with the First Selectperson and Submitting Parties throughout the process. The objective of this first series of meetings is to eliminate redundancy and duplication of effort where possible. We recommend the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

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§9.4. Review and recommendation by Board of Selectpersons to the Board of Finance.

A. Proposed Executive Budget; Submission to Board of Finance³³¹. Following the joint meetings, set forth in §9.3.B, and any other meetings it deems necessary to review the First Selectperson's Budget Recommendation, the Board of Selectpersons shall make recommendation of a Proposed Executive Budget to the Board of Finance, not later than the fourth (4th) Monday of March. The Proposed Executive Budget shall be in the form, and shall contain the details, required by the Board of Finance from time to time³³².

B. Variation of procedure³³³. The Board of Selectpersons, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

§9.5. Review and recommendation by Board of Finance.

A. Further examination³³⁴. The Board of Finance may hold meetings to review the Proposed Executive Budget as it determines necessary prior to the Public Hearing set forth in §9.5.B of this Charter.

B. Public hearing by Board of Finance³³⁵. The Board of Finance shall hold a public hearing on the Proposed Executive Budget prior to the public meeting set forth in §9.5.C of this Charter.

C. Proposed Town Budget: Submission to RTM³³⁶. After the public hearing as set forth in §9.5.B of this Charter, the Board of Finance shall hold a public meeting not later than the fourth (4th) Monday in April at which time it shall act upon all matters relating to the Proposed Executive Budget. Thereafter, the Board of Finance's Proposed Town Budget shall be submitted to the RTM.

D. Board of Finance Presentation of the Proposed Town Budget to RTM³³⁷. The Board of Finance shall present the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting.

³³¹ 2022 modification and recodification of current Article XII, §12.2.B (2006). Derived from Article XII, §12.2 of the 1997 Charter.

³³² 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³³³ 2022 Recodification of current Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

³³⁴ NEW (2022).

³³⁵ 2022 modification and recodification of current Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³³⁶ 2022 modification and recodification of current Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³³⁷ 2022 modification and recodification of current Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

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E. Determination of property tax rate³³⁸. After the RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, the Board of Finance shall determine the rate of property tax for the next fiscal year, taking into account the provisions of §9.7.

§9.6. Review and determination by the RTM: Approved Annual Town Budget.

A. RTM Deliberations and Further Examination³³⁹. The RTM may hold meetings, as it determines necessary before the Annual Budget Meeting.

B. The Approved Annual Town Budget³⁴⁰. At the Annual Meeting, the RTM shall act upon the Annual Town Budget for the next fiscal year:

§9.7. Effect of referendum on the budget³⁴¹.

Any item in the Approved Annual Town Budget referred to a referendum vote as provided in §3.6 of this Charter and disapproved shall be amended to accord with such vote. In the event of a referendum affecting any item contained in the annual Town budget, the time within which the Board of Finance shall determine the Town tax for the year following such appropriation shall be extended to five (5) Days after the referendum vote.

§9.8. Appeals from the Board of Finance.

A. Appeals to RTM³⁴². Any Town Official (where a Board or Commission, by majority vote of its members) or Department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by said Town Official or Department for an appropriation of Town funds as part of the annual budget process or at another time in the fiscal year, or for a budget transfer. The Town Official (where a Board or Commission, by a majority vote of its members) or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

B. Method of appeal³⁴³. The appeal shall be made in writing and shall be filed with the Town Clerk within ten (10) Days after written notice of the vote of the Board of Finance shall have been received by the Town Official or Department making the appeal.

³³⁸ 2022 modification and recodification of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

³³⁹ 2022 modification and recodification of current Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter.

³⁴⁰ 2022 modification and recodification of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

³⁴¹ 2022 modification and recodification of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.

³⁴² 2022 modification and recodification of current Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

³⁴³ Recodification of current Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

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C. RTM hearing³⁴⁴. Not later than the date of the RTM Annual Budget Meeting if the appeal is from a budget request, or the next regular meeting of the RTM after receiving an appeal from a vote of the Board of Finance in any other case, the RTM shall:

(1) Hold a hearing on such appeal, at which both the Board of Finance and the appellant shall be entitled to be heard;

(2) At the conclusion of the hearing, put the question of sustaining the appeal to a vote.

D. Vote necessary to sustain appeal³⁴⁵. If two-thirds or more of the total number of RTM members present and voting at such meeting shall vote to sustain the appeal, the requested appropriation or transfer shall be made without the recommendation of the Board of Finance, subject, with respect to the appropriation, to referendum as provided in this Charter.

§9.9. Expenditure in excess of appropriation forbidden³⁴⁶.

No Town Official or Department shall expend any sum for any purpose in excess of the amount appropriated by the Town for such purpose unless such expenditure shall first be approved, and appropriate transfers in the budget made, by the Board of Finance.

³⁴⁴ 2022 modification and recodification of current Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

³⁴⁵ 2022 modification and recodification of current Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

³⁴⁶ Recodification of current Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter.

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ARTICLE X - MISCELLANEOUS

§10.1. Official Seal³⁴⁷

The Town shall adopt, by Ordinance, a Town Seal with such suitable inscription or design as it determines. Said seal shall be filed with the Office of the Secretary of the State by the Town Clerk. The Town Clerk shall have custody of the seal.

§10.2. Existing ordinances³⁴⁸

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

§10.3. Separate provisions³⁴⁹

If any provision of this Charter is declared by a court of competent jurisdiction to be void or unconstitutional, such action shall not affect the validity of any other provision.

§10.4. Periodic Review of the Charter³⁵⁰

No later than April of 2032, and no more than every ten (10) years thereafter, the Board of Selectpersons shall consider appointing a Charter Revision Commission, pursuant to the General Statutes. Nothing in this section limits the right of the Board of Selectpersons to appoint one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Board of Selectpersons from appointing a Commission as required by this section.

§10.5. Submission and effective date³⁵¹

This Charter shall be submitted to the Electors of the Town at the general election to be held Tuesday, November 8, 2022. Voting shall be in accordance with the Laws of the State of Connecticut and the proposed Charter may be submitted in the form of one (1) or several questions as determined by the Board of Selectpersons. The Charter or such portions thereof as may be approved by the Electors of the Town shall take effect on November 27, 2022, with the exception of provisions pertaining to the term of office, composition of the entity or functions of an elected official, which shall be adjusted as set forth herein.

³⁴⁷ 2022 modification and recodification of current Article XIV, §14.1. Derived from Chapter XXIV, §4 of the 1947 and 1956 Acts; and Chapter XXVI, §4 of the 1975 Charter. See, C.G.S. §7-101.

³⁴⁸ 2022 recodification of current Article XIV, §14.2. Derived from Chapter XXIV, §5 of the 1947 and 1956 Acts; and Chapter XXVI, §5 of the 1975 Charter.

³⁴⁹ 2022 recodification of current Article XIV, §14.3. Derived from Chapter XXIV, §6 of the 1947 and 1956 Acts; and Chapter XXVI, §6 of the 1975 Charter.

³⁵⁰ NEW (2022).

³⁵¹ 2022 recodification of current Article XIV, §14.4. Derived from Chapter XXIV, §7 of the 1947 and 1956 Acts; and, and Chapter XXVI, §9 of the 1975 Charter.