

**CHARTER**  
**OF THE**  
**TOWN OF FAIRFIELD**

**Report and Proposed Revisions**  
— May 2022

**Charter Revision Commission 2021-2022**

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SECOND PREHEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

Adopted 11/7/2006 Effective 11/27/2006

**DRAFTING NOTE:  
CHARTER REVISION COMMISSION WORKING VERSION 2**

Based upon 11 January 2022 Reorganizational Baseline

Note from Counsel: This is a work in progress and will be reviewed and refined as the CRC progresses through its process. Please excuse any errors or inaccuracies. Internal references have not been addressed and won't be until a later stage in this process.

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# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION AND ORGANIZATION<sup>1</sup>

### §1.1. Title<sup>2</sup>.

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 powers<sup>3</sup>.

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 (the "State") as the same may be amended<sup>4</sup>.

### §1.3. Rights and obligations<sup>5</sup>.

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

<sup>1</sup> [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 ("2006 Charter")<sup>1</sup>. 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.

<sup>2</sup> NEW (2022).

<sup>3</sup> 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"). **Alternate Language: Any special acts and ordinances or portions thereof inconsistent with the Charter shall have no further force or effect after the effective date of this Charter. Other special acts affecting the Town, and all other ordinances and resolutions duly adopted and in force before the effective date of this Charter, and not inconsistent with the provisions of this Charter, shall remain in force.**

<sup>4</sup> Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

<sup>5</sup> 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.

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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.

## §1.4. Definitions.

**A. Definitions and Titles Generally**<sup>6</sup>. 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 terms**<sup>7</sup>. 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 terms**<sup>8</sup>. The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

(1) “Appointed Town Officer<sup>9</sup>” means an employee who heads any Department in the Town; has the authority and qualifications set forth in §7.2 of this Charter, below; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.

(2) “Board” or “Commission<sup>10</sup>”. 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, task forces or other like entities created by appointing authorities for limited purposes of scope [S1][S2].

(3) “Board of Selectpersons<sup>11</sup>” means the executive authority of the Town as defined in Article IV of this Charter.

(4) “Charter<sup>12</sup>” shall mean the Charter of the Town of Fairfield.

(5) “Contracts” shall mean 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,

<sup>6</sup> NEW (2022)

<sup>7</sup> 2022 recodification of current Article I, §1.3.A. Derived from Article I, §1.3.A of the 1997 Charter.

<sup>8</sup> 2022 recodification of current Article I, §1.3.B. Derived from Article I, §1.3.B of the 1997 Charter

<sup>9</sup> See, Article VII, §7.2, below.

<sup>10</sup> NEW (2022).

<sup>11</sup> NEW (2022)

<sup>12</sup> NEW (2022)



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memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements<sup>13</sup>.

**(6)** “Day(s)<sup>14</sup>” 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)** “Department<sup>15</sup>” 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, below, and as further set forth in this Charter.

**(9)** “Elector<sup>16</sup>” shall have the meaning contained in the General Statutes.

**(10)** “First Selectperson” shall mean the chief executive officer of the municipality, as required by the General Statutes<sup>17</sup> and as set forth in this Charter.

**(11)** “General Statutes” or C.G.S.<sup>18</sup> means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated. 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)** “Law” includes, but is not limited to, decisions of courts and administrative bodies (or any agreements sanction by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

**(13)** “Majority Vote of the RTM<sup>19</sup>” 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.

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<sup>13</sup> 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(third sentence).

<sup>14</sup> NEW (2022).

<sup>15</sup> NEW (2022).

<sup>16</sup> 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".

<sup>17</sup> Required by C.G.S. § 7-193(a)(2)(C).

<sup>18</sup> 2022 modification and recodification of current Article I, §1.3.B(4). Derived from Article I, §1.3.B of the 1997 Charter

<sup>19</sup> NEW (2022).

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**(14)** “Meeting<sup>20</sup>” 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) Notice<sup>21</sup>” 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, below, 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. 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 Selectperson, Chair the Board of Finance, or the RTM Moderator, or which may be proposed in an Electors' or RTM members' petition<sup>22</sup>.

**(16)** “Ordinances” or “Ordinances of the Town” or “Town Code<sub>[S3]</sub>” shall mean 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 “Publication<sup>23</sup>” 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. It specifically includes matters where “publication” was required under the prior Charter or the General Statutes, in the event the requirement of the Charter is more stringent than the requirements of the General Statutes. 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

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<sup>20</sup> NEW (2022)

<sup>21</sup> NEW (2022).

<sup>22</sup> The last sentence is a 2022 recodification of 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.

<sup>23</sup> NEW (2022)

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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<sup>[S4]</sup>; (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.

**(18)** “Regulation<sup>24</sup>” 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<sup>[S5]</sup>.

**(19)** “Representative Town Meeting” or “RTM<sup>25</sup>” 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” shall mean the acts of the General Assembly pertinent to the Town.

**(21)** “State” or “Connecticut” shall mean the State of Connecticut.

**(22)** “State Constitution” shall mean 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 except membership on the Representative Town Meeting<sup>26</sup>.

**(25)** “Town Officer” means an individual elected or appointed to a Town office other than as a member of a Board, or Commission<sup>27</sup>.

**(26)** “Town Official” means any Town Officer and any member of an Board or Commission<sup>28</sup>.

**(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<sup>[S6]</sup>. It is recommended that to avoid any doubt the word “must” should be used in order to

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<sup>24</sup> NEW (2022). Derived from C.G.S. §4-166(16).

<sup>25</sup> NEW (2022) Required by C.G.S. §7-193(a)(1)(C).

<sup>26</sup> 2022 recodification of current Article I, §1.3.B(1). Derived from Article I, §1.3.B of the 1997 Charter

<sup>27</sup> 2022 recodification of current Article I, §1.3.B(2). Derived from Article I, §1.3.B of the 1997 Charter

<sup>28</sup> 2022 recodification of current Article I, §1.3.B(3). Derived from Article I, §1.3.B of the 1997 Charter

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impose clarity on the concept of obligation<sup>29</sup>.

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<sup>29</sup> NEW (2022)

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## ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

### §2.1. Application of General Statutes<sup>30</sup>[S7].

Unless otherwise, specifically set forth in this Charter<sup>[S8]</sup>, 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. Electors.

**A. Eligibility to Vote<sup>31</sup>.** 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<sup>[S9]</sup>.

**B. Eligibility to serve as an Elected Town Official<sup>32</sup>.** 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 Statutes<sup>33</sup>.

**C. Prepared Lists of Electors<sup>34</sup>.** 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 Rule<sup>35</sup>.** 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 Meeting<sup>36</sup>.

**(2) Exception: Change of Residence<sup>37</sup>.** In the event a member of the

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<sup>30</sup> NEW (2022)

<sup>31</sup> NEW (2022)

<sup>32</sup> 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.

<sup>33</sup> **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

<sup>34</sup> NEW (2022).

<sup>35</sup> 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.

<sup>36</sup> 2022 recodification and consolidation of current Article IV, §4.2.D (2006).

<sup>37</sup> 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 Officials<sup>38</sup>.** 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 Officials<sup>39</sup>.

**B. Representative Town Meeting.** There shall be thirty<sup>[S10]</sup> (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, below<sup>[S11]</sup>.

**C. Date of Town Elections and Term of Office<sup>40</sup>.** A meeting of the Electors of the Town for the election of Elected Town Officials shall be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) 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) years<sup>41</sup>;
  - (b) Two (2) additional member of the **Board of Selectpersons** for a term of four (4) years<sup>42</sup>;

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provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>38</sup> NEW (2022).

<sup>39</sup> Recodification of current Article VII, §7.2.A (2006)(Establishment Clause.

<sup>40</sup> 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.

<sup>41</sup> 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>42</sup> 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 Charter, below<sup>43</sup> [S12];
- (d) **Town Clerk**, for a term of four (4) years<sup>44</sup>;
- (e) 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 Charter, below<sup>45</sup>;
- (f) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §6.2.A of this Charter, below<sup>46</sup>;
- (g) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §6.5.A of this Charter, below<sup>47</sup>;
- (h) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §6.5.A of this Charter, below<sup>48</sup>;
- (i) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §6.6.A of this Charter, below<sup>49</sup>;
- (j) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §6.6.A of this Charter, below<sup>50</sup>; and,
- (k) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §6.4.A of this Charter, below<sup>51</sup> [S13]

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

- (i) 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 Charter, below<sup>52</sup>;
- (ii) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §6.2.A of this Charter, below<sup>53</sup>;
- (iii) Three (3) members of the **Town Plan and Zoning**

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<sup>43</sup> 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.

<sup>44</sup> 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>45</sup> 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

<sup>46</sup> 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

<sup>47</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>48</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>49</sup> 2022 recodification of current §1.4.A and §2.3.C (2006)

<sup>50</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>51</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>52</sup> 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

<sup>53</sup> 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

- Commission** for a term of four (4) years<sup>54</sup>;
- (iv) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in §6.5.A of this Charter, below<sup>55</sup>;
  - (v) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §6.6.A of this Charter, below<sup>56</sup>;
  - (vi) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §6.6.A of this Charter, below<sup>57</sup>;
  - (vii) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §6.4.A of this Charter, below<sup>58</sup>; and,
  - (viii) All Elected Town Officials set forth in §2.3.B(1) of this Charter, above, who serve for a term of two (2) years<sup>59</sup>.
- (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 Charter, below<sup>60</sup>; and,
  - (b) All Elected Town Officials set forth in §2.3.B(1) of this Charter, above, who serve for a term of two (2) or four (4) years<sup>61</sup>.
- (4) **Terms of Justices of the Peace**<sup>62</sup>. The forty-five (45) Justices of the Peace<sup>63</sup>, selected as provided in the General Statutes<sup>64</sup>,<sub>[S14]</sub> shall serve a four (4) year term. They shall have such powers as set forth in the General Statutes<sup>65</sup>.
- (5) **State Election – Registrar of Voters**<sup>66</sup>. The Registrars of Voters shall be elected at state elections every four (4) years<sup>67</sup>, as provided in the General

<sup>54</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>55</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>56</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>57</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>58</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>59</sup> NEW (2022).

<sup>60</sup> 2022 recodification and clarification of current §1.4.A and §2.3.A.

<sup>61</sup> NEW (2022).

<sup>62</sup> 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.

<sup>63</sup> Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>64</sup> **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.

<sup>65</sup> 2022 recodification of current Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

<sup>66</sup> 2022 modification and recodification of current Article II, §2.3.F (2006)(first clause).

<sup>67</sup> **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.



# CHARTER OF THE TOWN OF FAIRFIELD

Statutes and shall have such powers duties as set forth in the General Statutes<sup>68</sup>.

**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 RTM<sup>69</sup>:** 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 Peace<sup>70</sup>.** On the first Monday in January after their nomination.

(3) **Terms of Registrars of Voters<sup>71</sup>.** On the Wednesday after the first Monday in January after their election<sup>[S15]</sup>.

## §2.4. Minority representation on elected Boards and Commissions.

**A. Even number requirements<sup>72</sup>.** 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 requirements<sup>73</sup>.** 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 Education<sup>74</sup>.**

(1) **As pertains to §2.3.B(1)(f)<sup>[S16]</sup>.** In an election 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) may nominate up to three (3) candidates. Those three (3) candidates receiving the highest number of votes shall be elected.

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<sup>68</sup> **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.)

<sup>69</sup> 2022 recodification of current Article II, §2.3.D (2006).

<sup>70</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>71</sup> 2022 recodification of current Article II, §2.3.F (2006)(second clause).

<sup>72</sup> 2022 recodification of current Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

<sup>73</sup> 2022 recodification of current Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

<sup>74</sup> 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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**(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. Those three (3) candidates receiving the highest number of votes shall be elected. The final member shall be the candidate with the next highest number of votes, although such candidate shall not enable any party to elect more than three (3) seats in the election cycle.

## §2.5. Single office requirement for Elected Town Officials<sup>75</sup>.

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 elected RTM member, an elected 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<sup>[S17]</sup>, but does include members of the Board of Education.

## §2.6. Vacancies in elected offices.

**A. Generally<sup>76</sup>.** Except as provided in §4.6 of this Charter with respect to the First Selectperson and Board of Selectpersons, §2.6.E, below, with respect to the RTM, a vacancy in any elected Town office<sup>77</sup>, including membership on elected Boards and Commissions, shall be filled by the Board of Selectman 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.).

**(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

<sup>75</sup> 2022 recodification of current Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

<sup>76</sup> 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.

<sup>77</sup> 2022 recodification of current Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

# CHARTER OF THE TOWN OF FAIRFIELD

membership of the same political party.

**B. Vacancies in the Office of Justice of the Peace**<sup>78</sup><sub>[S18]</sub>. 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 Selectperson**<sup>79</sup>. 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 Selectpersons**<sup>80</sup>. At any time, a vacancy occurs on the Board of Selectpersons, including First Selectman, 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 Selectman 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 selectman.

**E. Resignation and vacancies on the RTM**<sup>81</sup>.

(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.

(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

<sup>78</sup> 2022 recodification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>79</sup> 2022 recodification of current Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

<sup>80</sup> 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.

<sup>81</sup> 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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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 office**<sup>82</sup>. 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<sup>[S19]</sup>. 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 Selectperson**<sup>83</sup>.

**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 party<sup>84</sup>.

**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

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<sup>82</sup> 2022 recodification of current Article II, §2.4 (2006).

<sup>83</sup> 2022 recodification of current Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>84</sup> 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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Selectperson. Candidates shall listed separately on the ballot<sup>85</sup>.

**C.** Each Elector may vote for one (1) candidate for First Selectperson and no more than one (1) candidate for Selectperson<sup>86</sup>.

**D.** The candidate for First Selectperson receiving the highest number of votes shall be elected First Selectman. 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 positions<sup>87</sup>.

**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, above, pertaining to minority party representation<sup>88</sup>[S20].

## §2.8. Procedures for RTM elections<sup>89</sup>.

### **A. Nomination<sup>90</sup>.**

**(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 Town officers 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 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.

<sup>85</sup> 2022 recodification of current Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>86</sup> 2022 recodification of current Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>87</sup> 2022 recodification of current Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>88</sup> 2022 recodification of current Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>89</sup> 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.

<sup>90</sup> 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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(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. Election<sup>91</sup>.

(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 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 districts and in compliance with the General Statutes addressing the issue of minority party representation<sup>92</sup>[S21].

(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<sup>93</sup>[S22].

## C. Procedures for tied elections<sup>93</sup>.

(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

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<sup>91</sup> 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.

<sup>92</sup> 2022 modification and recodification of Chapter II, §1 of the 1947 Act.

<sup>93</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

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<sup>[S23]</sup>.

(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 and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

(5) The chairman and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chairman 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 chairman 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<sup>[S24]</sup>.

## §2.9. Rules of Civility<sup>94</sup><sup>[S25]</sup>.

**A. General.** Elected Town Officials, Appointed Town Officers and Town employees shall treat members of the public with respect and expect the same in return in official interactions as well as in other in-person or virtual/electronic interactions. The Town is committed to maintaining orderly administrative processes and in keeping Town administrative offices free from disruption.

**B. The Workplace.** This Charter promotes mutual respect, civility and orderly conduct among Town employees, Elected Town Officials, Appointed Town Officers 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<sup>[S26]</sup>. The Town encourages all parties to engage in professional, respectful,

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<sup>94</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

**C. Public Meetings.** The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views. 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.

**D. Rules.** In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings. Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission shall adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment.

**(1) 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 conduct. Likewise, all persons who attend a public meeting shall comply with any lawful order to the presiding officer to enforce the rules of order and decorum. 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, as may be defined by Ordinance, regulation or rules of the body.

**(2) Breach of Rules.** In the event any person breaches the rules of 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 rules shall address the authority of the presiding officer to order a member of the public, public official or member of the body to leave the public meeting in the event 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, below.



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## ARTICLE III – REPRESENTATIVE TOWN MEETING

### §3.1. Legislative Body<sup>95</sup><sub>[S27]</sub>.

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 Officer, Board, or Commission.

### §3.2. Membership.

#### A. Districts and Basis of Representation<sup>96</sup>.

##### (1) Districts.

(a) The members of the RTM shall be elected by districts<sup>97</sup>.

(b) There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in 3.2.B, below, for the election of RTM members and shall be as established by Ordinance adopted by the RTM<sup>98</sup>. District representation shall be subject to the provisions of the General Statutes pertaining to minority party representation<sup>99</sup>.

(c) The RTM shall consist of thirty (30) members<sup>100</sup>.

(d) A district representative on the Representative Town Meeting, upon election, shall<sub>[S28]</sub> 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), below<sup>101</sup>,

(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 members<sup>102</sup>.

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<sup>95</sup> 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.

<sup>96</sup> 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."

<sup>97</sup> 2022 recodification of current Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>98</sup> 2022 modification and recodification of Article II, §2 (first sentence) of the 1947 Act and the 1956 Acts.

<sup>99</sup> NEW (2022)

<sup>100</sup> 2022 modification and recodification of Article II, §2.6.A(3).

<sup>101</sup> 2022 modification and recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>102</sup> 2022 recodification and consolidation of current Article IV, §4.2.D (2006). Derived from Chapter II, §3 of

# CHARTER OF THE TOWN OF FAIRFIELD

(f) No Elected Town Official or appointed Town Officer (excluding, however, members of advisory committees<sup>[S29]</sup>, task forces or like entities, as referred to in §1.4.C(2) of this Charter, above, and building committees) 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<sup>103</sup>.

(2) **Reapportionment of Voting Districts**<sup>104</sup><sub>[S30]</sub>. 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 RTM**<sup>105</sup>. 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<sub>[S31]</sub>), the chairman 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 vote**<sup>106</sup>. 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 qualification**<sup>107</sup>. The RTM shall be the judge of the election and qualifications of its members.

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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.

<sup>103</sup> 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.”

<sup>104</sup> 2022 recodification of Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

<sup>105</sup> 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.

<sup>106</sup> 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.

<sup>107</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

**E. Compensation<sup>108</sup>.** The RTM members as such shall receive no compensation.

## **§3.3. Annual meetings<sup>109</sup>, organization, and elections.**

**A. Date of organization meeting<sup>110</sup>.** An organization meeting of the RTM members shall be held on the fourth Monday in November in each year.

**B. Election of Moderator: Duties<sup>111</sup>.** 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 Moderator<sup>112</sup>.** 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. Clerk<sup>113</sup>.** 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-tempore<sup>114</sup>.** 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 of the meeting may be elected, by a Majority Vote of the RTM, by the meeting.

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<sup>108</sup> 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.

<sup>109</sup> 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.

<sup>110</sup> 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.

<sup>111</sup> 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.

<sup>112</sup> 2022 recodification of current Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

<sup>113</sup> 2022 recodification of current Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

<sup>114</sup> 2022 recodification of current Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**F. Rules and Committees of the RTM<sup>115</sup>.** The RTM shall have the power to adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall determine.

**G. Parliamentarian<sup>116</sup>.** The Moderator may appoint a parliamentarian.

## §3.4. Meetings of the RTM.

**A. Quorum<sup>117</sup>.** 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 Meetings<sup>118</sup>.** All RTM meetings shall be public.

**C. Regular meetings<sup>119</sup>.** 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 Meetings<sup>120</sup>.** The Moderator shall have the authority to call special meetings and shall further call a special or emergency meeting whenever requested to do so, in writing, by the First Selectperson, Chair of the Board of Finance, or ten (10) members of the RTM. In addition, a special or emergency 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.

**E. Public Hearings. Notice<sup>121</sup>.** 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

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<sup>115</sup> 2022 recodification of current Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>116</sup> NEW (2022)

<sup>117</sup> 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.

<sup>118</sup> 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.

<sup>119</sup> 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.

<sup>120</sup> 2022 modification and 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.

<sup>121</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

Statutes; or this Charter, if the standard is stricter.

**F. Meeting Notice**<sup>122</sup>. 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, in accordance with the notice requirements of this Charter.

## §3.5. Ordinances, Resolutions, Orders or Motions:

**A. Public Notice of Final Action**<sup>123</sup>. 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, above. 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 Legislation**<sup>124</sup>. 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, above, 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, above.

## §3.6 Petition for Overrule (Referendum)<sup>125</sup>.

### A. Petition and time for filing<sup>126</sup>.

**(1) Effective date of certain RTM votes. Any vote of the RTM:** (1) authorizing the expenditure for any specific purpose of \$500,000 or more<sup>127</sup><sub>[S32]</sub>; or (2) for the issue of any bonds by the Town<sup>128</sup>; or (3) the adoption, amendment, or repeal of an Ordinance<sup>129</sup>; 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

<sup>122</sup> 2022 recodification of 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.

<sup>123</sup> 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.

<sup>124</sup> NEW (2022)

<sup>125</sup> Current Article XII.

<sup>126</sup> 2022 recodification of current Article XIII, §13.1 (2006).

<sup>127</sup> 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).

<sup>128</sup> 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.

<sup>129</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

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 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 (14<sup>th</sup>) day after the adjournment of the meeting at which the vote was taken. If the fourteenth (14<sup>th</sup>) 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 referendum<sup>130</sup>.**

**(1) Certification of Town Clerk.** Upon the filing of a petition fulfilling the requirements of §3.7.A 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

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<sup>130</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

(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.

**(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 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 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 referenda<sup>131</sup>.** 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 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 Finance<sup>132</sup>.**

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §10.6 of this Charter.

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<sup>131</sup> 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.

<sup>132</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

## §3.8. Powers Denied to the RTM<sup>133</sup>.

The RTM shall not diminish by Ordinance, vote or otherwise, the powers and duties vested in the First Selectperson by this Charter.

## §3.9. Vacancies in the RTM<sup>134</sup>.

Any vacancy in the RTM shall be filled<sup>[§33]</sup> as set forth in §2.6.A of this Charter, above.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

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<sup>133</sup> NEW (2022).

<sup>134</sup> NEW (2022).



# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

### §4.1. Executive Authority.

**A. The Executive Branch**<sup>135</sup>. The executive branch of the Town government shall consist of the First Selectperson and the Board of Selectpersons and the elected and appointed Boards, Commissions, Elected Town Officials or Appointed Town Officers, and employees set forth in Article VI through Article IX of this Charter.

**B. The First Selectperson**<sup>136</sup>. The First Selectperson shall be the chief executive officer of the Town as well as the town agent<sup>137</sup> 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 office<sup>138</sup>.

**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.A and B(1)(a) and §2.7 of this Charter, above<sup>139</sup>.

### §4.2. The Board of Selectpersons.

**A. Meetings**<sup>140</sup>. The Selectpersons shall hold their first meeting not later than the fourth (4<sup>th</sup>) Monday of November after their election. The First Selectperson shall be chairman of the Board of Selectpersons and shall preside over all of its meetings<sup>141</sup>. The Selectpersons shall meet at least twice each month, unless there is no business to be conducted<sup>142</sup><sub>[S34]</sub>.

**B. General powers and duties**<sup>143</sup>. 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

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<sup>135</sup> 2022 recodification of current Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

<sup>136</sup> 2022 recodification of current Article VI, §6.2.A (2006). Derived from Article VI, §6.2.A of the 1997 Charter.

<sup>137</sup> 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, §6.2.A(1) and (2) of the 1997 Charter.

<sup>138</sup> 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, §6.2.A(1) and (2) of the 1997 Charter.

<sup>139</sup> NEW (2022)

<sup>140</sup> 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.

<sup>141</sup> 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.

<sup>142</sup> Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

<sup>143</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

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 hereunder<sup>144</sup> 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<sup>145</sup>. **The RTM is authorized to modify the threshold based upon the consumer price index or other like measure indexed for inflation or deflation<sup>146</sup>[S35].** This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance<sup>147</sup>[S36].

(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 employee<sup>148</sup>[S37].

(c) The approval requirement by the Board of Selectpersons, set forth in this sub-paragraph, above, 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 Law<sup>149</sup>[S38].

(2) **Oversight of Appointees: Subpoena Authority<sup>150</sup>.** All Town officers, boards, commissions, 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 Recommendation<sup>151</sup>.** The Board of

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<sup>144</sup> NEW (2022).

<sup>145</sup> 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(first sentence).

<sup>146</sup> NEW (2022).

<sup>147</sup> NEW (2022).

<sup>148</sup> 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(second sentence).

<sup>149</sup> 2022 recodification of current Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>150</sup> 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.**

<sup>151</sup> 2022 recodification of current Article VI, §6.1.C(3) (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

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.

**(4) Appointment powers**<sup>[S39]</sup>. The Board of Selectpersons shall appoint

**(a) Required by Charter**<sup>152</sup>: The Boards, Commissions, Appointed Town Officers, including, but not limited to directors or department heads as set forth herein.

**(b) Required by General Statutes or Ordinance**<sup>153</sup>: 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 entities**<sup>154</sup>. 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 committees**<sup>155</sup>. 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 Departments**<sup>156</sup>.

**(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

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<sup>152</sup> 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.

<sup>153</sup> 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.

<sup>154</sup> 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.

<sup>155</sup> 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.

<sup>156</sup> 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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or body where such change by Ordinance is specifically prohibited by statute.

(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, above, 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 Powers**<sup>157</sup>. 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 supervise<sup>158</sup> the administration of all Departments and officers<sup>159</sup> and shall be responsible for the administration of all the affairs of the Town in respect to such Departments<sup>160</sup>.

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town<sup>161</sup>;

(3) Make periodic reports to the RTM and may convene Special and Emergency RTM Meetings, as set forth in §3.4.D, above<sup>[S40]</sup>, attend and participate in RTM meetings, but shall have no vote<sup>162</sup>;

(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<sup>[S41]</sup>)

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<sup>157</sup> 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.

<sup>158</sup> NEW (2022)

<sup>159</sup> 2022 recodification of current Article VI, §6.2.A(3).

<sup>160</sup> NEW (2022).

<sup>161</sup> 2022 recodification of current Article VI, §6.2.A(4).

<sup>162</sup> 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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for the next fiscal year in accordance with the provisions of Article X of this Charter<sup>163</sup>.

(5) Prepare and maintain a long-term financial and capital planning that takes into account the next five years and shall further consider the financial effects of the Town's plan of conservation and development ("POCD") as required by the General Statutes. 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 X of this Charter<sup>164</sup>[S42].

(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 amounts<sup>165</sup>[S43].

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes<sup>166</sup>[S44];

(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 Finance<sup>167</sup>;

(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 matters<sup>168</sup>;

(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 office<sup>169</sup>;

(11) Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions<sup>170</sup>;

(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 RTM<sup>171</sup>; and

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<sup>163</sup> NEW (2022).

<sup>164</sup> NEW (2022)

<sup>165</sup> NEW (2022)

<sup>166</sup> 2022 recognition of current Article IX requirements of the First Selectperson.

<sup>167</sup> NEW (2022).

<sup>168</sup> NEW (2022). Pursuant to the Municipal Employee Relations Act under the General Statutes.

<sup>169</sup> 2022 recodification of current Article VI, §6.2.A(5).

<sup>170</sup> 2022 recodification of current Article VI, §6.2.A(6).

<sup>171</sup> 2022 recodification and modification of current Article VI, §6.2.A(7).

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**(13)** 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<sup>172</sup>.

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 powers<sup>173</sup>.**

**(1)** The First Selectperson shall appoint the Town officers, Boards and Commission, and employees set forth in this Charter, any others required by the General Statutes or by Ordinance<sup>174</sup> 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<sup>[S45]</sup>.

**(2)** All Town officers, Boards and Commissions 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 Selectperson<sup>175</sup>.

**(3) Mediation and Resolution of Differences<sup>176</sup>.** 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<sup>[S46]</sup>.

**D. Designation of Acting First Selectperson<sup>177</sup>.** 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, above. Such designation may be changed in writing from time to time.

**E. Staff<sup>178</sup>.** The First Selectperson may appoint a chief of staff and

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<sup>172</sup> 2022 recodification of current Article VI, §6.2.A(8).

<sup>173</sup> 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.

<sup>174</sup> 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.

<sup>175</sup> Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>176</sup> NEW (2022).

<sup>177</sup> 2022 recodification of current Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

<sup>178</sup> NEW (2022).

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administrative assistant, or equivalent positions for which the RTM shall appropriate sufficient funds. In addition, the First Selectperson may employ such other staff necessary for the administration of official duties as provided for in the budget. All such assistants and staff shall be appointed by the First Selectperson and shall serve at the pleasure of the First Selectperson.

**F. Town Administrator<sup>179</sup>.** The First Selectperson shall appoint, and the budget shall provide for, a Town Administrator, who shall be the principal aide to the First Selectperson for the management of Town Departments, and shall perform such duties as may be assigned by the First Selectperson. The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson. Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management<sup>[S47]</sup> 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<sup>180</sup>. 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 authority<sup>181</sup>[S48].** The First Selectman 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 chairman of the authority, board, commission or committee. No purchase order shall be issued without the signature of the Purchasing Agent or, in the Purchasing Agent's absence, of the First Selectman.

## §4.4. Compensation of executive branch members<sup>182</sup>.

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 officers shall be fixed by the Board of Selectpersons subject to the adoption of the Town Budget as provided in Article

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<sup>179</sup> NEW (2022).

<sup>180</sup> **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

<sup>181</sup> 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.

<sup>182</sup> 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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IX of this Charter, below<sup>183</sup>.

## **§4.5. Regulations<sup>184</sup>.**

Any Town Officer, Board, or Commission 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, above.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

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<sup>183</sup> 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.

<sup>184</sup> 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 Clerk<sup>185</sup>.

**A. Establishment and election<sup>186</sup>.** There shall be a Town Clerk elected at the times and for the term set forth in §2.3.A and B(1)(d) of this Charter.

**B. Powers and duties<sup>187</sup>.** 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<sup>[S49]</sup>, 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. Staffing<sup>188</sup>.** 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 Clerks<sup>189</sup>.** The Town Clerk may appoint Assistant Town Clerks. Assistant Town Clerks shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

**E. Compensation<sup>190</sup>.** In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

**F. Ordinances and votes<sup>191</sup>.** 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.

<sup>185</sup> Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

<sup>186</sup> 2022 recodification of current Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

<sup>187</sup> 2022 recodification of current Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

<sup>188</sup> 2022 recodification of current Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

<sup>189</sup> 2022 recodification of current Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

<sup>190</sup> 2022 recodification of current Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

<sup>191</sup> 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 Collector**<sup>192</sup>. 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. Vacancy**<sup>193</sup>. As set forth in §2.5.A of this Charter, above.

## §5.2. Justices of the Peace.

**A. Establishment and election**<sup>194</sup>. There shall be [1550]forty-five (45) Justices of the Peace<sup>195</sup> elected or nominated in the manner and for the terms prescribed in §2.3.A and B of this Charter, above.

**B. Powers and duties**<sup>196</sup>. Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies**<sup>197</sup>. Vacancies shall be filled as set forth in §2.5E. of this Charter, above.

## §5.3. Elected Boards and Commissions: In General.

**A. Establishment and election**<sup>198</sup>. 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 B of this Charter, above.

**B. Meetings**<sup>199</sup>.

**(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

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<sup>192</sup> 2022 recodification of current Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

<sup>193</sup> 2022 recodification and modification of current Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

<sup>194</sup> 2022 modification and recodification of current Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

<sup>195</sup> 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.

<sup>196</sup> 2022 modification and recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>197</sup> 2022 recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>198</sup> 2022 recodification of current Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

<sup>199</sup> 2022 recodification of current Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

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each Board and Commission, except the RTM, shall be elected annually at an organization meeting so noticed with the Town Clerk held in the month of December.

(2) Each elected Board and Commission shall keep an accurate record of all its official acts, votes, meetings, and proceedings and shall designate one of its members or its clerk to keep such record. The minutes and records of Boards and Commissions shall be public records, in accordance with the General Statutes<sup>[§51]</sup>, and shall be open for public inspection at the office of the Town Clerk, or in the office, if any, of the Department involved, during regular business hours<sup>200</sup>.

(3) All regular meetings of elected Boards and Commissions shall be open to the public except for executive sessions permitted by the General Statutes, and all elected Boards and Commissions shall comply with state freedom of information laws<sup>201</sup>.

(4) Robert's Rules of Order shall regulate the conduct of all meetings of elected Boards and Commissions unless a particular Board or Commission otherwise specifies.

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, above.

## §5.4. Board of Education<sup>202</sup>.

A. **Composition**<sup>203</sup>. The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.B(1) and (2) of this Charter, above, no more than six (6) of whom shall be registered with the same political party.

B. **Powers and duties**<sup>204</sup>. 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. **Composition**<sup>205</sup>. 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

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<sup>200</sup> 2022 recodification and modification of Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 19675 Charter.

<sup>201</sup> Derived from Chapter II, §6 of the 1947 and 1956 Acts; and Chapter II, §5 of the 1975 Charter.

<sup>202</sup> Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

<sup>203</sup> 2022 recodification and minor modification of current Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

<sup>204</sup> 2022 recodification of current Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

<sup>205</sup> 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.

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this Charter, above, 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 duties<sup>206</sup>.** 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 Finance<sup>207</sup>.** 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 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 Finance<sup>208</sup>[S52]..

**D. Approval of budgets<sup>209</sup>.** The Board of Finance shall approve the Town budget in the manner set forth in Article X of this Charter.

**E. Bidding, requisition, and payment procedures<sup>210</sup>[S53].** 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. Composition<sup>211</sup>.** 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, above, and to be elected in accordance with Chapter 146 of the General

<sup>206</sup> 2022 recodification of current Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

<sup>207</sup> 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.

<sup>208</sup> 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.

<sup>209</sup> 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.

<sup>210</sup> 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.

<sup>211</sup> 2022 recodification and minor modification of current Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

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Statutes (C.G.S. § 9-164 et seq.).

**B. Powers and duties<sup>212</sup>.** 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<sup>213</sup>.** 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) of this Charter, above, 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, above, no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>214</sup>.** 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 a master plan for the development of the Town, or amend any master plan previously adopted<sup>215</sup>;
- (2) Have control over the subdivision of land<sup>216</sup>;
- (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

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<sup>212</sup> 2022 Recodification of current Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

<sup>213</sup> 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 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.

<sup>214</sup> 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.

<sup>215</sup> Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

<sup>216</sup> 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.

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structures<sup>217</sup>;

(5) Consider and report upon the layout of new developments in the Town<sup>218</sup>;

(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 Town<sup>219</sup>.

**C. Appointment of Planning Director<sup>220</sup>.** The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectperson.

**D. Other employees and consultants<sup>221</sup>.** 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 Appeals<sup>222</sup>.

**A. Composition<sup>223</sup>.** 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, §2.3.C(2)(e) of this Charter, above, no more than four (4) of whom shall be registered with the same political party<sup>224</sup>, and three (3) alternates, as set forth in §2.3.C(2)(f) of this Charter, above, no more than two (2) of whom shall be registered with the same political party.

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<sup>217</sup> Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

<sup>218</sup> Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

<sup>219</sup> 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.

<sup>220</sup> 2022 recodification of current Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

<sup>221</sup> 2022 recodification of current Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

<sup>222</sup> Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

<sup>223</sup> 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

<sup>224</sup> 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.

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**B. Powers and duties**<sup>225</sup>. 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.

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<sup>225</sup> 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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SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022



# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

### §6.1. Eligibility for appointed Town office<sup>226</sup>.

**A. Elector requirement for Appointed Town Officers; Exception<sup>227</sup>.** 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 or Town Attorney<sup>[S54]</sup>. Persons serving as Chief of Police<sup>[S55]</sup> or Fire Chief must be or become an resident of the State of Connecticut, in accordance with the requirements of the respective appointing authorities<sup>[S56]</sup>.

**B. Effect of ceasing to be an Elector<sup>228</sup>.** 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 office<sup>229</sup>.** 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 membership on any permanent appointed 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 reappointment<sup>230</sup> [S57].** 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 Sections 8.14 and 8.15 of this Charter, below, with respect to the Ethics Commission and Golf Commission, respectively, or by Ordinance.

### §6.2. Authority and Qualification of Appointed Town Officers<sup>231</sup>.

**A. Authority of Appointed Town Officers, including department heads<sup>232</sup> [S58].** 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

<sup>226</sup> Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

<sup>227</sup> 2022 modification and recodification of current Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter.

<sup>228</sup> 2022 recodification of current Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

<sup>229</sup> 2022 recodification of current Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter.

<sup>230</sup> 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter.

<sup>231</sup> NEW (2022).

<sup>232</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

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 heads**<sup>233</sup><sub>[S59]</sub>. 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 established by Ordinance following the recommendation of the human resources or personnel director or as may otherwise be designated by Ordinance. 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 Commissions<sup>234</sup>.

Unless other expressly set forth in this Charter<sub>[S60]</sub>, 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 office<sup>235</sup>.

**A. General Rule: Appointed Town Officers and Board and Commission Members**<sub>[S61]</sub>. Unless otherwise provided by Ordinance the terms of office of all appointed Town officers and members of permanent appointed Boards and Commissions shall commence on the fourth (4<sup>th</sup>) Monday in November, and shall continue for the term set forth in §2.3 of this Charter, above. Notwithstanding the foregoing, in the event that there is a vacancy and the appointing authority does not appoint a new Town officer or Board or Commission member by the fourth (4<sup>th</sup>) Monday in November after the municipal general election of the appointing authority, the former appointee shall serve as a continuing Town officer or member until either the appointing authority fills the vacancy or until the sixty-fifth (65<sup>th</sup>) day after the fourth (4<sup>th</sup>) Monday in November, whichever occurs first

**B. Exception: Golf Commission and Ethics Commission**<sub>[S62]</sub>. The members of the Ethics Commission and the Golf Commission shall commence their terms on April 1 in the year of their appointment.

## §6.5. Resigning from appointed office<sup>236</sup>.

Any appointed Town officer or member of a permanent appointed board or commission may resign by submitting a written notice of resignation to the Town Clerk. The resignation shall

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<sup>233</sup> NEW (2022).

<sup>234</sup> 2022 recodification of current Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

<sup>235</sup> 2022 modification and recodification of current Article III, §3.3 (2006). Derived from Article III, §3.3 of the 1997 Charter.

<sup>236</sup> 2022 recodification of current Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

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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 office<sup>237</sup>.**

Vacancies in appointed Town offices and membership on appointed boards and commissions shall be filled by the Board, Commission, or officer having the power to make the original appointment. 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 Commission<sup>238</sup>.** 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 Town officer or Board or Commission; 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 or Commission, 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), above. 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 Director<sup>239</sup>.** 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 appointed by a Board or Commission, provided notice and opportunity for a hearing before the Board of Selectpersons be given as set forth in this §7.7.A of this Charter, above, and such hearing is held in accordance with the Freedom of Information Act.

## **§6.8. Required Cooperation<sup>240</sup><sub>[S63]</sub>.**

Each Town Officer, Town Official, 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.

<sup>237</sup> 2022 recodification of current Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

<sup>238</sup> 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.

<sup>239</sup> 2022 recodification of current Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

<sup>240</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

## §6.9. Creation of Boards and Commissions<sup>241</sup>.

In addition to those 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 the Boards and Commissions of the Town<sup>[S64]</sup>.

## §6.10. Records<sup>242</sup><sup>[S65]</sup>.

Each 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. All minutes and recordings of Meetings shall be filed with the Town Clerk. All such records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the Town website in compliance with the requirements of Law.

## §6.11. Open and Public Meetings<sup>243</sup>.

All regular meetings of 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 committees shall comply with state freedom of information laws unless otherwise provided by statute<sup>[S66]</sup>.

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<sup>241</sup> NEW (2022)

<sup>242</sup> Modification and derived from Chapter XXIV, §2 of the 1947 and 1956 Special Acts; Chapter XXVI, §2 of the 1975 Charter.

<sup>243</sup> Modification and derived from Chapter II, §6 of the 1947 and 1956 Acts.

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## ARTICLE VII - APPOINTED OFFICERS

### §7.1. Appointed Town Officers<sup>244</sup>.

There shall be the following appointed Town Officers as necessary:

**A. Officers Appointed by the First Selectperson<sup>245</sup><sub>[S67]</sub>.** The First Selectperson shall appoint the Town Officers listed in §§7.2 through 7.12 of this Charter, below and §§4.3.F and F of this Charter, above.

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
Town Administrator	
Chief of Staff	

**B. Officers appointed by the Board of Selectpersons<sup>246</sup>.** The Board of Selectpersons shall appoint the Town Officers listed in §§7.13 through 7.17 of this Charter.

Internal Auditors	Assessor
Tax Collector	Tree Warden
Constables <sub>[S68]</sub>	

**C. Officers appointed by other bodies<sup>247</sup>.** The Town Officers hereunder shall be appointed by the bodies specified in §§8.18 through 8.24 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 Attorney<sup>248</sup>.

**A. Appointment and qualifications.** The Town Attorney shall be appointed by

<sup>244</sup> 2022 recodification of current Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

<sup>245</sup> 2022 modification and recodification of current Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter.

<sup>246</sup> 2022 recodification of current Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

<sup>247</sup> 2022 recodification of current Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.

<sup>248</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

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 and Town Officers and the RTM<sup>[S69]</sup>, 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 Officers; 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 Attorneys<sup>249</sup>.

**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.

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<sup>249</sup> 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 Controller<sup>250</sup>.

**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<sup>[S70]</sup>.

**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 Treasurer<sup>251</sup><sup>[S71]</sup>.

**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 Works<sup>252</sup>.

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<sup>250</sup> 2022 modification and recodification of current Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

<sup>251</sup> 2022 recodification of current Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

<sup>252</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

**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 §7.2.B of this Charter<sup>[S72]</sup>.

**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) 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 and of the Parks and Recreation Commission;
- (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 Official<sup>253</sup>.

**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 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.

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<sup>253</sup> 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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## 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 Inspectors**<sup>254</sup>. Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted by Law.

## §7.8. Purchasing Agent<sup>255</sup>.

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 §12.8 of this Charter and such other duties as may be prescribed by the First Selectperson.

## §7.9. Director of Human and Social Services<sup>256</sup>.

<sup>254</sup> 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.

<sup>255</sup> 2022 recodification of current Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

<sup>256</sup> 2022 recodification of current Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter

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**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, disabled, veterans, youth and underserved populations of the Town<sup>[S73]</sup>;

(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 Recreation<sup>257</sup>.

**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 recreational areas under the control of the Golf Commission, Board of Education, or the Harbor Management Commission.

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("Director of Human Services").

<sup>257</sup> 2022 recodification of current Article IX, §9.11 (2006). Derived from Article IX, §9.11 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

- (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<sup>[S74]</sup>;
- (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 9.11.B** of this Charter shall be inoperative.

## **§7.11. Director of Community and Economic Development<sup>258</sup>.**

**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 Task Force.** 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 Resources<sup>259</sup>.**

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

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<sup>258</sup> 2022 recodification of current Article IX, §9.12 (2006).

<sup>259</sup> 2022 recodification of current Article IX, §9.13 (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

**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 Selectman

### §7.13. Internal Auditor or Auditors<sup>260</sup>.

**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. Assessor<sup>261</sup>.

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 Collector<sup>262</sup>.

**A. Appointment and supervision.** The Tax Collector shall be appointed by the Board of Selectman 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

<sup>260</sup> 2022 recodification of current Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

<sup>261</sup> 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.

<sup>262</sup> 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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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<sup>[S75]</sup>.

## §7.16. Tree Warden<sup>263</sup><sub>[S76]</sub>.

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 Statutes<sup>264</sup>.

## §7.17. Constables<sup>265</sup><sub>[S77]</sub>.

**A. Appointment<sup>266</sup>.** There shall be four (4) Constables appointed by the Board of Selectpersons. No more than two (2) shall be from the same political party.

**B. Powers and duties<sup>267</sup>.** Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies<sup>268</sup>.** Vacancies shall be addressed as set forth in §7.6 of this Charter.

### Officers appointed by other bodies.

## §7.18. Director of Health<sup>269</sup>.

**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

<sup>263</sup> 2022 modification and recodification of current Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter.

<sup>264</sup> **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.).

<sup>265</sup> 2022 modification and recodification of current Article IX, §9.13 (2006).

<sup>266</sup> 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.

<sup>267</sup> 2022 modification and recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>268</sup> 2022 recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>269</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

(4) years.

**B. Qualifications**<sup>270</sup>. The Director of Health shall be appointed in accordance with the requirements of the General Statutes and in accordance with the provisions of §7.2.B of this Charter[S78].

**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 Police<sup>271</sup>.

**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 lawful orders or for violations of the rules and Regulations of the Police Department<sup>272</sup>. 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.

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<sup>270</sup> **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.).

<sup>271</sup> 2022 recodification of current Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

<sup>272</sup> Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

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## §7.20. Fire Chief<sup>273</sup>.

**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 Director<sup>274</sup>.

**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 matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

## §7.22. Animal Control Officer<sup>275</sup>.

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

<sup>273</sup> 2022 recodification of current Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

<sup>274</sup> 2022 recodification of current Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

<sup>275</sup> 2022 recodification of current Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**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 Director<sup>276</sup>.

**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 Librarian<sup>277</sup>.

**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 10.17.C(5) and (6).

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<sup>276</sup> 2022 recodification of current Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

<sup>277</sup> 2022 recodification of current Article IX, §9.26 (2006).



# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

### §8.1. Boards and Commissions<sup>278</sup>.

**A. Permanent Bodies Appointed by the First Selectperson<sup>279</sup>.** 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 Selectpersons<sup>280</sup>.** 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 and Erosion Control Board
Dept.	
Board of Building Appeals	
Water Pollution Control Authority	Historic District Commission
Human Services Commission and Dept.	Golf Commission

**C. Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM<sup>281</sup>.** 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 Selectpersons<sup>282</sup>.** 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. Meetings<sup>283</sup>.**

**(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

<sup>278</sup> 2022 recodification of current Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

<sup>279</sup> 2022 recodification of current Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

<sup>280</sup> 2022 recodification of current Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

<sup>281</sup> NEW (2022).

<sup>282</sup> NEW (2022).

<sup>283</sup> 2022 recodification of current Article X, §10.1.B (2006). Derived from Article X, §10.1.B of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

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<sup>[S79]</sup>. 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<sup>[S80]</sup>.

(2) Robert's Rules of Order shall regulate the conduct of all meetings of Boards and Commissions unless a particular Board or Commission otherwise stipulates.

F. **Vacancies**<sup>284</sup>. A vacancy in the membership of any permanent appointed Board or Commission shall be filled in the manner prescribed in **§3.5 of this Charter**.

## **Bodies appointed by the First Selectperson.**

### **§8.2. Conservation Commission**<sup>285</sup>.

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;

<sup>284</sup> 2022 recodification of current Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

<sup>285</sup> 2022 recodification of current Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.

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(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 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 Department<sup>286</sup>.

**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

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<sup>286</sup> 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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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 Department<sup>287</sup>.

**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 Board<sup>288</sup>.

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<sup>287</sup> 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.

<sup>288</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

**A. Members and terms.** The Police and Fire Retirement Board shall consist of seven (7) members: The First Selectperson (who shall be Chairman), 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 tethree (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 retirementsystem 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 samein accordance with the General Statutes respecting the investment of trust funds. The Police and Fire Retirement Board shall be responsible for assuring that the administrationof 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 Works<sup>289</sup>.

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 thefollowing 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[S81], highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements, and 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

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<sup>289</sup> 2022 recodification of current Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

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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 Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by Ordinance<sup>[S82]</sup>.

**D.** The custody of all maps of the Town not otherwise entrusted to any other Department, Board, Commission, or Town Officer; 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 Department<sup>290</sup><sub>[S83]</sub>.

**A. Members and terms of the Board of Health<sup>291</sup>.** 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. Personnel<sup>292</sup>.** 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

<sup>290</sup> 2022 recodification of current Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

<sup>291</sup> 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.

<sup>292</sup> Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

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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 Commission<sup>293</sup>.

### 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 **Section 3.2 of this Charter**, no more than five (5) of the members appointed by the Board of Selectman 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 Appeals<sup>294</sup>.

**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)

<sup>293</sup> 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.

<sup>294</sup> 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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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<sup>295</sup>[S84].

**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 shall be a non-voting ex officio member of the Commission<sup>[S85]</sup>.

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

**C. Temporary members.** If any member of the Board is disqualified from participating in any appraisal of damages or assessment of benefits, the remaining members of the Board shall appoint an elector as a temporary board member. The temporary board member shall have all of the powers and duties of the disqualified member, but only with respect to the matter as to which the member is disqualified.

## §8.11. Water Pollution Control Authority<sup>296</sup>.

**A. Members and terms.** The Water Pollution Control Authority shall consist of 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

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<sup>295</sup> 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.

<sup>296</sup> 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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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<sup>[s86]</sup>;

(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 Commission<sup>297</sup>.

**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

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<sup>297</sup> 2022 recodification of current Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

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 Department<sup>298</sup>[S87].

**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, the disabled, 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 handicapped persons.

**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 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 or body may have to review specific donations. All donated monies shall be delivered to the Town Treasurer to be

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<sup>298</sup> 2022 recodification of current Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.

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maintained in a special account subject to the order of the Department of Human Services, in accordance with the terms of gift in each instance.

## §8.14. Golf Commission<sup>299</sup>.

**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 Commission<sup>300</sup>.

**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<sup>[S88]</sup>.

(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

<sup>299</sup> 2022 recodification of current Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

<sup>300</sup> 2022 recodification of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.

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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.

**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 Officers and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of elected and Appointed Town Officers, 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 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

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(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.

(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

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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<sup>ths</sup>) of those members voting.

## Self-Perpetuating Board Approved by Board of Selectpersons

### §8.16. Board of Library Trustees<sup>301</sup>[S89].

**A. Members and terms.** The Board of Library Trustees shall consist of the Chief Fiscal Officer, ex officio without vote, and six (6) trustees appointed in the following manner: Annually, the Board of Library Trustees, with the approval of the Board of Selectpersons, shall appoint one (1) trustee to serve for a term of three (3) years[S90].

**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[S91].

**C. Powers and duties.** The Board of Library Trustees shall[S92]:

- (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 the First Selectperson and maintain a regular performance appraisal process; and,

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<sup>301</sup> 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.

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(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 shall transfer the gross income (Dividends) at least quarterly to the Chief Fiscal Officer to be expended by the Town 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, it 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 Process<sup>302</sup>.

**A. Cooperation of Town Officers and Employees<sup>303</sup>.** 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 which shall include all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, include 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 year<sup>304</sup>.** 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 Inspection<sup>305</sup>.** 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 Engagement<sup>306</sup>.** 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 Calendar<sup>307</sup>.** Not later than the second (2<sup>nd</sup>) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer or equivalent official responsible for the management of the budget process shall, in accordance with §9.1.A of this Charter, 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:

(1) Submission of Budget Estimates<sup>[S93]</sup> by Submitting Parties, as set forth in §9.3.A of this Charter;

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<sup>302</sup> NEW (2022).

<sup>303</sup> NEW (2022).

<sup>304</sup> NEW (2022).

<sup>305</sup> NEW (2022).

<sup>306</sup> NEW (2022).

<sup>307</sup> NEW (2022).

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(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 meeting<sup>308</sup>.

The RTM shall hold the annual budget meeting on the second (2<sup>nd</sup>) 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 Selectperson<sup>309</sup>.** All Town Officers, Boards and Commissions and Departments of the Town, including the Board of Education ("Submitting Parties"), shall submit to the First Selectperson<sup>310</sup>:

(1) such items and details of their respective general fund and capital budgets for the next fiscal year<sup>311</sup>; and,

(2) any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and

<sup>308</sup> 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.

<sup>309</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>310</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>311</sup> 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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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 a Multi-Board Budget Workshop with said Submitting Parties (“First Selectperson’s Budget Recommendation” or “Budget Recommendation”)<sup>312</sup>.

## **B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM<sup>313</sup> [S94].**

**(1) First Selectperson’s Budget Recommendation.** Not later than second (2<sup>nd</sup>) Monday in March, the First Selectman’s 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 Workshop.** Following submission and budget address, the First Selectperson shall convene a joint budget workshop 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. The workshop shall be called to order by the First Selectperson and facilitated, in turn, by the Chair of the Board of Finance<sup>314</sup> and shall be conducted in accordance with rules of order facilitate a comprehensive review to the benefit of the participating bodies and the public. The rules may permit expansion of the workshop to include the RTM in the event RTM committees (not to exceed nine 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<sup>315</sup>.**

<sup>312</sup> 2022 modification and recodification of current Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>313</sup> NEW (2022)

<sup>314</sup> **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 session 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.

<sup>315</sup> 2022 modification and recodification of current Article XII, §12.2.B (2006). Derived from Article XII, §12.2

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Following the joint meetings, set forth in §9.3.B, the Board of Selectpersons shall make recommendation of a Proposed Executive Budget to the Board of Finance, not later than the fourth (4<sup>th</sup>) 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 time<sup>316</sup>.

**B. Variation of procedure**<sup>317</sup>. The Board of Selectpersons, with the approval of the Board of Finance<sup>[§95]</sup>, 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 examination**<sup>318</sup>. 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 Finance**<sup>319</sup>. 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 RTM**<sup>320</sup>. After the public hearing as set forth in §9.5.B of this Charter, above, the Board of Finance shall hold a public meeting not later than the fourth (4<sup>th</sup>) 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 RTM**<sup>321</sup>. The Board of Finance shall present the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting.

**E. Determination of property tax rate**<sup>322</sup>. 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, below.

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of the 1997 Charter.

<sup>316</sup> 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>317</sup> 2022 Recodification of current Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>318</sup> NEW (2022).

<sup>319</sup> 2022 modification and recodification of current Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>320</sup> 2022 modification and recodification of current Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>321</sup> 2022 modification and recodification of current Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>322</sup> 2022 modification and recodification of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

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## §9.6. Review and determination by the RTM: Approved Annual Town Budget.

**A. RTM Deliberations and Further Examination**<sup>323</sup>. The RTM may hold meetings, as it determines necessary before the Public Hearing set forth in §9.6.C of this Charter and the Annual Budget Meeting.

**B. The Approved Annual Town Budget**<sup>324</sup>. 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 budget<sup>325</sup>.

Any item in the Approved Annual Town Budget referred to a referendum vote as provided in §3.6 of this Charter, above 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 RTM**<sup>326</sup>. Any Town Officer, Board, Commission 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 Officer, Board, Commission, 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 Officer, Board, Commission, or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

**B. Method of appeal**<sup>327</sup>. 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 Officer, Board, Commission, or Department making the appeal.

**C. RTM hearing**<sup>328</sup>. 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:

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<sup>323</sup> 2022 modification and recodification of current Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>324</sup> 2022 modification and recodification of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>325</sup> 2022 modification and recodification of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.

<sup>326</sup> 2022 modification and recodification of current Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>327</sup> Recodification of current Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>328</sup> 2022 modification and recodification of current Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

(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 appeal<sup>329</sup>.** 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 forbidden<sup>330</sup>[S96].**

No Town Officer, Board, Commission, 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.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

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<sup>329</sup> 2022 modification and recodification of current Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>330</sup> Recodification of current Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter.

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## ARTICLE X – STANDARDS OF CONDUCT<sup>331</sup>

### §10.1. Declaration of Policy<sup>332</sup>.

Elected and appointed Town officers, RTM members, members of Boards and Commissions, 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.

### §10.2. Conflict of Interest<sup>333</sup>.

No Town Officer or employee or RTM member or any member of any Board or Commission shall:

**A.** 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, 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.

**B.** Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

**C.** 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, employee's, or 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

**D.** 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 performance of the Town officer's, employee's, or member's official duties<sup>334</sup>.

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<sup>331</sup> Current Article XI entitled "Standards of Conduct.

<sup>332</sup> Current Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

<sup>333</sup> Current Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

<sup>334</sup> Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

# CHARTER OF THE TOWN OF FAIRFIELD

## §10.3. Disclosure of Interest<sup>335</sup>.

Any Town Officer or employee, RTM member, or member of any Board or Commission 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.

## §10.4. Fair and Equal Treatment<sup>336</sup>.

No Town Officer or employee, RTM member, or member of any Board or Commission 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. Moreover, no town Officer or employee, RTM member, or member of any Board or Commission shall falsely impugn the reputation of a member of the public<sup>337</sup>. This provision is not intended to prevent an RTM member from properly representing the people of the member's district.

## §10.5. Penalties and Disciplinary Action for Violations<sup>338</sup>.

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 Officer, employee, RTM member, or member of any Board or Commission, 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.

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<sup>335</sup> Current Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the 1997 Charter,

<sup>336</sup> Current Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

<sup>337</sup> NEW (20220). **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."

<sup>338</sup> Current Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.



# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE XI - MISCELLANEOUS

### §11.1. Official Seal<sup>339</sup>.

The Town shall adopt 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.

### §11.2. Existing ordinances<sup>340</sup>.

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

### §11.3. Separate provisions<sup>341</sup>.

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.

### §11.4. Submission and effective date<sup>342</sup>.

This Charter shall be submitted to the electors of the Town at the general election to be held Tuesday, November 7, 2006. 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, 2006.

<sup>339</sup> 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.

<sup>340</sup> 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.

<sup>341</sup> 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.

<sup>342</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

## Addendum Organization of Town Government<sup>343</sup>.

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<sup>344</sup>.

Number	Body of Position	Term
56 (max.)	Representative Town Meeting	2 years <sup>345</sup>
3	Board of Selectpersons	4 years <sup>346</sup>
1	Town Clerk	4 years <sup>347</sup>
2	Registrars of Voters	4 years <sup>348</sup>
7	Constables	2 years <sup>349</sup>
9	Board of Finance	6 years <sup>350</sup>
5	Board of Assessment Appeals	4 years <sup>351</sup>
9	Board of Education	4 years <sup>352</sup>
5	Zoning Board of Appeals	4 or 2 years <sup>353</sup>
3	Zoning Board of Appeals Alternates	4 years
7	Town Plan and Zoning Commission	4 or 2 years <sup>354</sup>

<sup>343</sup> Recodification of current Article I, §1.4. Derived from Article I, §1.4 of the 1997 Charter

<sup>344</sup> Recodification of current Article I, §1.4.A. Derived from Article I, §1.4.A of the 1997 Charter.

<sup>345</sup> Derived from Chapter I, §4 and Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; and, Chapter I, §4 and Chapter II, §1 and §4(c) of the 1975 Charter.

<sup>346</sup> Derived from Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(c) of the 1975 Charter and Article I, §1.5.A of the 1999 Charter [3 members – two-year term]. The four-year term was adopted in the 2006 Charter.

<sup>347</sup> Derived from Chapter II, §1 and §4(b) and Chapter VII of the 1947 and 1956 Acts; as reenacted by Chapter II, §1 and §4(c) and Chapter VII of the 1975 Act; Article I, §1.4.A, Article II, §2.3.B and Article VII, §7.1 of the 1997 Charter.

<sup>348</sup> Derived from Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(c) of the 1975 Charter and Article I, §1.4.A of the 1999 Charter. Note: There were two Registrars of Voters. The four-year term was adopted in the 2006 Charter.

<sup>349</sup> Derived from Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(c) of the 1975 Charter and Article I, §1.4.A of the 1999 Charter.

<sup>350</sup> Derived from Chapter II, §1 and §4(c) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(d) of the 1975 Charter and Article I, §1.4.A of the 1997 Charter [9 members].

<sup>351</sup> Derived from Article I, §1.4.A of the 1997 Charter.

<sup>352</sup> Derived from Chapter II, §1 and 4(e) of the 1947 and 1956 Acts [six-year term]. Amended by Chapter II, §1 and §4(e) of the 1975 Charter (four-year term) and Article I, §1.4.A of the 1997 Charter [six-year term]. The current four-year term was adopted in the 2006 Charter.

<sup>353</sup> Note: The ZBA was an appointed Board; see, Chapter II, §2 of the 1947 and 1956 Acts. The elected ZBA was enacted in Chapter II, §4(g) of the 1975 Charter and Article I, §1.4.A of the 1997 and 2006 Charter.

<sup>354</sup> Derived from Chapter II, §1 and 4(e) of the 1947 and 1956 Acts [six-year term]. A two-member Board of Tax Review and an appointed Chair were included in said 1947 Charter; see also, Chapter XVIII of the 1947 and 1956 Acts and, Chapter II, §1 of the 1956 Act and Chapter XIX of the 1975 Charter. Further reenacted in Chapter II, §1 and §4(h) and (i) of the 1975 Charter and Article I, §1.4.A of the 1997 and 2006 Charters.

# CHARTER OF THE TOWN OF FAIRFIELD

3 Town Plan and Zoning Commission Alternates 4 years

## B. Appointed Positions<sup>355</sup>.

### (1) Appointed by the First Selectman:

Number	Body of Position	Term
1	Town Attorney <sup>356</sup>	
Indefinite	Assistant Town Attorneys <sup>357</sup>	
1	Fiscal Officer <sup>358</sup>	
1	Controller <sup>359</sup>	
1	Town Treasurer <sup>360</sup>	
1	Director of Community and Economic Development <sup>361</sup>	
1	Director of Human and Social Services <sup>362</sup>	
1	Director of Public Works <sup>363</sup>	
1	Building Official <sup>364</sup>	4 years
1	Director of Parks and Recreation <sup>365</sup>	
1	Purchasing Agent <sup>366</sup>	
1	Director of Human Resources <sup>367</sup>	
7	Conservation Commission <sup>368</sup>	5 years

<sup>355</sup> Current Article I, § 1.4.B (2006).

<sup>356</sup> Derived from Chapter II, § 2 of the 1947 and 1956 Acts and Chapter II, 2 of the 1975 Charter and Article I, § 1.B.i of the 1997 and 2006 Charters, respectively. The was also a Director of Welfare (see also, Chapter V of the 1947 Act and 1956 Act), Town Engineer, Dog Warden and a three-member Retirement Board, all appointed by the Board of Selectmen; a Building Inspector appointed by the Building Commission; a Highway Superintendent appointed by the Director of Public Works; and, a Town Health Officer appointed by the Board of Health. The Retirement Board was included in Chapter XX of the 1947 Act and 1956 Act.

<sup>357</sup> See, prior fn.

<sup>358</sup> Derived from Article II, 2 of the 1975 Charter and Article I, § 1.B.i of the 1997 and 2006 Charters respectively. Note: the position of Assistant Fiscal Officer was set forth in the 1997 Charter.

<sup>359</sup> Current Article I, § 1.4.B.i (2006).

<sup>360</sup> Derived from Chapter II, § 2 of the 1947 and 1956 Act. Treasurer was an elected official. The Treasurer became an appoint officer in Chapter II, § 2 of the 1997 Charter and Article I, § 1.B.i of the 2006 Charter. Note: There was an Assistant Treasurer list in the 1975 and 1997 Charters.

<sup>361</sup> Current Article I, § 1.B.i (2006).

<sup>362</sup> Current Article I, § 1.B.i (2006).

<sup>363</sup> Derived from Chapter II, § 2 of the 1947 and 1956 Acts [delineated as the “town engineer and director of public works”], reenacted as the Director of Public Works in Chapter II, § 2 of the 1975 Charter and Article I, § 4.2.B.i of the 2006 Charter.

<sup>364</sup> Derived from Chapter II, § 2 of the 1947 and 1956 Acts. Note: The Building Inspector was eliminated in the 1975 Charter yet included in Article I, § 1.4.B.i of the 1997 Charter. Note: The “Building Official” was, again, set forth in Article I, § 1.4.B.i of the 1997 and, as “Building Inspectors” in the 2006 Charter. **Note: Is this the equivalent to the Building Official?**

<sup>365</sup> Derived from Article I, § 1.4.B.i of the 1997 and 2006 Charters.

<sup>366</sup> Derived from Article I, § 1.4.B.i of the 1997 and 2006 Charters.

<sup>367</sup> Derived from Article I, § 1.4.B.i of the 1997 and 2006 Charters

<sup>368</sup> Derived from Article I, § 1.4.B.i of the 1997 and 2006 Charters.

# CHARTER OF THE TOWN OF FAIRFIELD

3	Conservation Commission Alternates <sup>369</sup>	5 years
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## (2) Appointed by the Board of Selectpersons<sup>370</sup>:

Number	Body of Position	Term
1 or more	Internal Auditors <sup>371</sup>	
1	Assessor <sup>372</sup>	
1	Tax Collector <sup>373</sup>	
1	Tree Warden <sup>374</sup>	1 year
7	Police Commission	5 years <sup>375</sup>
7	Fire Commission	5 years <sup>376</sup>
7	Police and Fire Retirement Board	3 or 1 years <sup>377</sup>
7	Board of Health	4 years <sup>378</sup>
8	Parks and Recreation Commission	5 years <sup>379</sup>
5	Board of Building Appeals	5 years <sup>380</sup>
5	Flood and Erosion Control Board	5 years <sup>381</sup>
5	Ethics Commission	2 years <sup>382</sup>
7	Water Pollution Control Authority	4 years <sup>383</sup>

<sup>369</sup> See, fn, above.

<sup>370</sup> Chapter II, §2 of the 1947 and 1956 Acts included an appointed Zoning Board of Appeals and Building commission.

<sup>371</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters

<sup>372</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts, appointed by the Board of Finance. Thereafter appointed by the Board of Selectmen in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>373</sup> Derived from Chapter II, §2 of the 1947 Act and 1956 Acts, appointed by the Board of Finance. Appointed by the Board of Selectmen in Article I, §1.4.B.ii of the 1997 and 2006 Charters,

<sup>374</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>375</sup> See Appendix for transition to increased membership. Modification of Chapter II, §2 of the 1947 and 1957 Acts and reaffirmed in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. Note: There were five Police Commissioners.

<sup>376</sup> Derived from Chapter II, §2 of the 1947 and 1957 Acts and reaffirmed in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. See Appendix for transition to increased membership.

<sup>377</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters. 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. **Note: A Retirement Board if enumerated in earlier versions of the Charter.**

<sup>378</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. 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.

<sup>379</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and 1975 Charter (Separate Parks and recreation Commissions) and Article I, §1.4.B.ii of the 1997 and 2006 Charters. Selectmen appoint 8 members for 5 years; Board of Education appoints 1 of its members. Derived from Chapter II, §2 of the 1947 Act where there were five Park Commissioners and three members of the Board of Recreation. Reenacted by Chapter II, §2 of the 1956 Act.

<sup>380</sup> Derived from Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>381</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>382</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. Requires RTM approval.

<sup>383</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters. 1 position is held by a member of the Board of Selectmen.

# CHARTER OF THE TOWN OF FAIRFIELD

5	Historic District Commission	5 years <sup>384</sup>
3	Historic District Commission Alternates	5 years
9	Human Services Commission	4 years <sup>385</sup>
7	Golf Commission	5 years <sup>386</sup>

### (3) Appointed by Other Bodies:

Number	Position	Appointing Authority	Term
1	Director of Health	Board of Health	4 years <sup>387</sup>
1	Chief of Police	Police Commission <sup>388</sup>	
1	Fire Chief	Fire Commission <sup>389</sup>	
1	Planning Director	Town Plan and Zoning Commission <sup>390</sup>	
1	Animal Control Officer	Police Commission <sup>391</sup>	
1	Conservation Director	Conservation Commission <sup>392</sup>	
7	Board of Library Trustees	Board of Library Trustees	6 years <sup>393</sup>
1	Town Librarian	Board of Library Trustees <sup>394</sup>	

<sup>384</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>385</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>386</sup> Current Article I, §1.4.B.ii (2006).

<sup>387</sup> With the approval of the First Selectman. Derived from Chapter II, §2 of the 1947 and 1956 Acts and reaffirmed in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters

<sup>388</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 1997 and 2006 Charters.

<sup>389</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 1997 and 2006 Charters.

<sup>390</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 1997 and 2006 Charters.

<sup>391</sup> Derived from Article I, §1.4.B.iii (2006 Charter).

<sup>392</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 2006 Charter.

<sup>393</sup> With the approval of the Board of Selectmen; 1 of the positions is held by the Town Treasurer. Derived from Article I, §1.4.B.iii of the 2006 Charter.

<sup>394</sup> With the approval of the First Selectman.

# CHARTER OF THE TOWN OF FAIRFIELD

## APPENDIX - TRANSITION PROCEDURES

**Board of Education.** Prior to the enactment of this Charter, the Charter provided for six (6) year terms for members of the Board of Education. Upon enactment of this Charter, the nine (9) members of the Board of Education will have four (4) year terms. Members of the Board will be elected at alternating Town elections so that five (5) members are elected at one (1) Town election and four (4) at the next. This will be phased in over the period from 2007 to 2013 then continue as follows:

Year of Election. Future:	Original Election	2007	2009	2011	2013	2015	2017
<b>BOE members</b>							
4-year term @ 11/07	2001	2011		2015		2019	
4-year term @ 11/07	2001	2011		2015		2019	
6-year term @ 11/07; 4 years from 11/13	2001	2013			2017		2021
4-year term @ 11/09	2003		2013		2017		2021
4-year term @ 11/09	2003		2013		2017		2021
4-year term @ 11/09	2003		2013		2017		2021
4-year term @ 11/11	2005			2015		2019	
4-year term @ 11/11	2005			2015		2019	
4-year term @ 11/11	2005			2015		2019	
Total per Year:		3	3	5	4	5	4

**Police and Fire Commissions.** In order to maintain these two (2) boards with an odd number of members at all times and at the same time not have more than two (2) terms expire in the same year, two (2) new members will be appointed to each of these boards in November, 2007. One new member will have a five (5) year term. The other new member will have a three (3) year term, at the expiration of which the term will become and remain five (5) years.

**CHARTER**  
**OF THE**  
**TOWN OF FAIRFIELD**

**Report and Proposed Revisions**  
— May 2022

**Charter Revision Commission 2021-2022**

**Bryan Cafferelli**  
Chair

**ChrisChristopher**  
**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

SECOND PREHEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

Adopted 11/7/2006 Effective 11/27/2006

**DRAFTING NOTE:  
CHARTER REVISION COMMISSION WORKING VERSION 2**

Based upon 11 January 2022 Reorganizational Baseline  
Note from Counsel: This is a work in progress and will be reviewed and refined as the CRC progresses through it process. Please excuse any errors or inaccuracies. Internal references have not be addressed and won't be until a later stage in this process.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022



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# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION AND ORGANIZATION<sup>1</sup>

### §1.1. Title<sup>2</sup>.

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 powers<sup>3</sup>.

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 (the "State") as the same may be amended<sup>4</sup>.

### §1.3. Rights and obligations<sup>5</sup>.

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

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<sup>1</sup> [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 ("2006 Charter")<sup>1</sup>. 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.

<sup>2</sup> NEW (2022).

<sup>3</sup> 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"). **Alternate Language: Any special acts and ordinances or portions thereof inconsistent with the Charter shall have no further force or effect after the effective date of this Charter. Other special acts affecting the Town, and all other ordinances and resolutions duly adopted and in force before the effective date of this Charter, and not inconsistent with the provisions of this Charter, shall remain in force.**

<sup>4</sup> Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

<sup>5</sup> 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

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.

## §1.4. Definitions.

**A. Definitions and Titles Generally**<sup>6</sup>. 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 terms**<sup>7</sup>. 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 terms**<sup>8</sup>. The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

(1) “Appointed Town Officer<sup>9</sup>” means an employee who heads any Department in the Town; has the authority and qualifications set forth in §7.2 of this Charter, below; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.

(2) “Board” or “Commission<sup>10</sup>”. 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~~include advisory committees, tasks ~~force~~forces or other like entities ~~of~~created by appointing authorities for limited duration and purposes or scope; although the provisions pertaining to minority party representation shall apply to their composition. [S1]--[S2].

(3) “Board of Selectpersons<sup>11</sup>” means the executive authority of the Town as defined in Article IV of this Charter.

(4) “Charter<sup>12</sup>” shall mean the Charter of the Town of Fairfield.

<sup>6</sup> NEW (2022)

<sup>7</sup> 2022 recodification of current Article I, §1.3.A. Derived from Article I, §1.3.A of the 1997 Charter.

<sup>8</sup> 2022 recodification of current Article I, §1.3.B. Derived from Article I, §1.3.B of the 1997 Charter

<sup>9</sup> See, Article VII, §7.2, below.

<sup>10</sup> NEW (2022).

<sup>11</sup> NEW (2022)

<sup>12</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

(5) "Contracts" shall mean 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<sup>13</sup>.

(6) "Day(s)<sup>14</sup>" 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) "Department<sup>15</sup>" 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, below, and as further set forth in this Charter.

(9) "Elector<sup>16</sup>" shall have the meaning contained in the General Statutes.

(10) "First Selectperson" shall mean the chief executive officer of the municipality, as required by the General Statutes<sup>17</sup> and as set forth in this Charter.

(11) "General Statutes" or C.G.S.<sup>18</sup> means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated. 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) "Law" includes, but is not limited to, decisions of courts and administrative bodies (or any agreements sanction by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

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<sup>13</sup> 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(third sentence).

<sup>14</sup> NEW (2022).

<sup>15</sup> NEW (2022).

<sup>16</sup> 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".

<sup>17</sup> Required by C.G.S. § 7-193(a)(2)(C).

<sup>18</sup> 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

**(13)** “Majority Vote of the RTM<sup>19</sup>” 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)** “Meeting<sup>20</sup>” 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) Notice<sup>21</sup>” 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, below, 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. 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 Selectperson, Chair the Board of Finance, or the RTM Moderator, or which may be proposed in an Electors' or RTM members' petition<sup>22</sup>.

**(16)** “Ordinances” or “Ordinances of the CityTown” or “MunicipalTown Code” shall mean 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 “Publication<sup>23</sup>” 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. It specifically includes matters where “publication” was required under the prior Charter or the General Statutes, in the event the requirement of the Charter is more stringent than the

<sup>19</sup> NEW (2022).

<sup>20</sup> NEW (2022)

<sup>21</sup> NEW (2022).

<sup>22</sup> The last sentence is a 2022 recodification of 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.

<sup>23</sup> NEW (2022)



# CHARTER OF THE TOWN OF FAIRFIELD

requirements of the General Statutes. 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; ~~(2) in the central Town Library (and each branch of the Town Library); (3) or other public places as may be determined by the Town Clerk~~<sup>[S4]</sup>; (2) on the Town web-site or through other electronic media by the Town Clerk; and, (43) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town.

**(18)** "Regulation<sup>24</sup>" 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. ~~The term includes the amendment or repeal of a prior Regulation, but does not include (A) statements concerning only the internal management of any Department and not affecting private rights or procedures available to the public; or (C) intra-Departmental or inter-Departmental~~<sup>[S5]-[S6]</sup>.

**(19)** "Representative Town Meeting" or "RTM<sup>25</sup>" means the legislative body of the ~~City~~Town, as required by the General Statutes and as specifically set forth in Article III of this Charter.

**(20)** "Special Acts" or "Special Laws" shall mean the acts of the General Assembly pertinent to the Town.

**(21)** "State" or "Connecticut" shall mean the State of Connecticut.

**(22)** "State Constitution" shall mean 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 except membership on the Representative Town Meeting<sup>26</sup>.

**(25)** "Town Officer" means an individual elected or appointed to a Town office other than as a member of a Board, or Commission<sup>27</sup>.

**(26)** "Town Official" means any Town Officer and any member of an Board

<sup>24</sup> NEW (2022). Derived from C.G.S. §4-166(16).

<sup>25</sup> NEW (2022) Required by C.G.S. §7-193(a)(1)(C).

<sup>26</sup> 2022 recodification of current Article I, §1.3.B(1). Derived from Article I, §1.3.B of the 1997 Charter

<sup>27</sup> 2022 recodification of current Article I, §1.3.B(2). Derived from Article I, §1.3.B of the 1997 Charter

# CHARTER OF THE TOWN OF FAIRFIELD

or Commission<sup>28</sup>.

(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 of Ordinances](#)<sup>[S7]</sup>. It is recommended that to avoid any doubt the word “must” should be used in order to impose clarity on the concept of obligation<sup>29</sup>.

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<sup>28</sup> 2022 recodification of current Article I, §1.3.B(3). Derived from Article I, §1.3.B of the 1997 Charter

<sup>29</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

### §2.1. Application of General Statutes<sup>30</sup>[S8].

— The Unless otherwise, specifically set forth in this Charter[S9], 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. Electors.

**A. Eligibility to Vote**<sup>31</sup>. 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[S10].

**B. Eligibility to serve as an Elected Town Official**<sup>32</sup>. 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 Statutes<sup>33</sup>.

**C. Prepared Lists of Electors**<sup>34</sup>. 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 Rule**<sup>35</sup>. 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 Meeting<sup>36</sup>.

**(2) Exception: Change of Residence**<sup>37</sup>. In the event a member of the

<sup>30</sup> NEW (2022)

<sup>31</sup> NEW (2022)

<sup>32</sup> 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.

<sup>33</sup> **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

<sup>34</sup> NEW (2022).

<sup>35</sup> 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.

<sup>36</sup> 2022 recodification and consolidation of current Article IV, §4.2.D (2006).

<sup>37</sup> 2022 recodification and consolidation of current Article IV, §4.2.D (2006). Derived from Chapter II, §3 of

# CHARTER OF THE TOWN OF FAIRFIELD

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 Officials<sup>38</sup>.** 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 Officials<sup>39</sup>.

**B. Representative Town Meeting.** There shall be thirty<sup>[S11]</sup> (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, below<sup>[S12]</sup>.

**C. Date of Town Elections and Term of Office<sup>40</sup>.** A meeting of the Electors of the Town for the election of Elected Town Officials shall be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) 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) years<sup>41</sup>;
  - (b) Two (2) additional member of the **Board of Selectpersons** for

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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.

<sup>38</sup> NEW (2022).

<sup>39</sup> Recodification of current Article VII, §7.2.A (2006)(Establishment Clause.

<sup>40</sup> 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.

<sup>41</sup> 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

# CHARTER OF THE TOWN OF FAIRFIELD

- a term of four (4) years<sup>42</sup>;
- (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 Charter, below<sup>43</sup>.<sup>[S13]</sup>;
  - (d) **Town Clerk**, for a term of four (4) years<sup>44</sup>;
  - (e) 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 Charter, below<sup>45</sup>;
  - (f) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §6.2.A of this Charter, below<sup>46</sup>;
  - (g) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §6.5.A of this Charter, below<sup>47</sup>;
  - (h) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §6.5.A of this Charter, below <sup>48</sup>;
  - (i) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §6.6.A of this Charter, below <sup>49</sup>;
  - (j) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §6.6.A of this Charter, below<sup>50</sup>; and,
  - (k) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §6.4.A of this Charter, below <sup>51</sup>.<sup>[S14]</sup>
- (2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:
- (i) 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 Charter, below <sup>52</sup>;
  - (ii) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §6.2.A of this Charter, below

<sup>42</sup> 2022 recodification of current §1.4.A and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>43</sup> 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.

<sup>44</sup> 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>45</sup> 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

<sup>46</sup> 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

<sup>47</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>48</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>49</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>50</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>51</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>52</sup> 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

<sup>53</sup>;

- (iii) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years<sup>54</sup>;
- (iv) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in §6.5.A of this Charter, below<sup>55</sup>;
- (v) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §6.6.A of this Charter, below<sup>56</sup>;
- (vi) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §6.6.A of this Charter, below<sup>57</sup>;
- (vii) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §6.4.A of this Charter, below<sup>58</sup>; and,
- (viii) All Elected Town Officials set forth in §2.3.B(1) of this Charter, above, who serve for a term of two (2) years<sup>59</sup>.

(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 Charter, below<sup>60</sup>; and,
- (b) All Elected Town Officials set forth in §2.3.B(1) of this Charter, above, who serve for a term of two (2) or four (4) years<sup>61</sup>.

(4) **Terms of Justices of the Peace**<sup>62</sup>. The forty-five (45) Justices of the Peace<sup>63</sup>, selected as provided in the General Statutes<sup>64</sup>,<sup>[S15]</sup> shall serve a four (4) year term. They shall have such powers as set forth in the General Statutes<sup>65</sup>.

<sup>53</sup> 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

<sup>54</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>55</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>56</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>57</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>58</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>59</sup> NEW (2022).

<sup>60</sup> 2022 recodification and clarification of current §1.4.A and §2.3.A.

<sup>61</sup> NEW (2022).

<sup>62</sup> 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.

<sup>63</sup> Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>64</sup> **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.

<sup>65</sup> 2022 recodification of current Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

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**(5) State Election – Registrar of Voters<sup>66</sup>.** The Registrars of Voters shall be elected at state elections every four (4) years<sup>67</sup>, as provided in the General Statutes and shall have such powers duties as set forth in the General Statutes<sup>68</sup>.

**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 RTM<sup>69</sup>:** 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 Peace<sup>70</sup>.** On the first Monday in January after their nomination.

**(3) Terms of Registrars of Voters<sup>71</sup>.** On the Wednesday after the first Monday in January after their election<sup>[S16]</sup>.

## §2.4. Minority representation on elected Boards and Commissions.

**A. Even number requirements<sup>72</sup>.** 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 requirements<sup>73</sup>.** 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 Education<sup>74</sup>.**

**(1) As pertains to §2.3.B(1)(f<sup>[S17]</sup>).** In an election where five (5) candidates shall be elected to the Board of Education, the Electors shall vote for up

<sup>66</sup> 2022 modification and recodification of current Article II, §2.3.F (2006)(first clause).

<sup>67</sup> **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.-  
commenced in 2008

<sup>68</sup> **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.)

<sup>69</sup> 2022 recodification of current Article II, §2.3.D (2006).

<sup>70</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>71</sup> 2022 recodification of current Article II, §2.3.F (2006)(second clause).

<sup>72</sup> 2022 recodification of current Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

<sup>73</sup> 2022 recodification of current Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

<sup>74</sup> 2022 recodification of current Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

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) may nominate up to three (3) candidates. Those three (3) candidates receiving the highest number of votes shall be elected.

**(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. Those three (3) candidates receiving the highest number of votes shall be elected. The final member shall be the candidate with the next highest number of votes, although such candidate shall not enable any party to elect more than three (3) seats in the election cycle.

## §2.5. Single office requirement for Elected Town Officials<sup>75</sup>.

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 elected RTM member, an elected 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<sup>[S18]</sup>, but does include members of the Board of Education.

## §2.6. Vacancies in elected offices.

**A. Generally<sup>76</sup>.** Except as provided in §4.6 of this Charter with respect to the First Selectperson and Board of Selectpersons, §2.6.E, below, with respect to the RTM, a vacancy in any elected Town office<sup>77</sup>, including membership on elected Boards and Commissions, shall be filled by the Board of Selectman 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.).

**(2)** Vacancies shall be filled for a term ending at the same time the

<sup>75</sup> 2022 recodification of current Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

<sup>76</sup> 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.

<sup>77</sup> 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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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 ~~for Justices~~ in the Office of Justice of the Peace<sup>78</sup>[S19].** Vacancies in the office of ~~Justices~~Justice of the Peace shall be filled in the manner ~~set forth~~ ~~in~~prescribed in Chapter 146 of the General Statutes. (C.G.S. § 9-164 et seq.).

**C. Long-term illness or disability of First Selectperson<sup>79</sup>.** 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 Selectpersons<sup>80</sup>.** At any time, a vacancy occurs on the Board of Selectpersons, including First Selectman, 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 Selectman 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 selectman.

**E. Resignation and vacancies on the RTM<sup>81</sup>.**

(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.

(3) If the person previously occupying the office which is vacant was

<sup>78</sup> ~~Recodification~~2022 recodification of current Article VII, §7.2.C (2006)(~~Vacancy Clause~~). Derived from [Article VII, §7.2.C of the 1997 Charter](#).

<sup>79</sup> 2022 recodification of current Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

<sup>80</sup> 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.

<sup>81</sup> 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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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~~Vacancy shall be placed on the call of the next regular RTM meeting.

(9) A Majority Vote of the RTM ~~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 chair of such special meeting of the district or by the Moderator of the RTM.

~~F. Vacancies in the Office of Justice of the Peace<sup>82</sup>. Vacancies in the office of Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (G.S.C. § 9-164 et seq.).~~<sup>[S20]</sup>

**G.F. Resigning from elected office<sup>83</sup>.** 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<sup>[S21]</sup>. 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.

<sup>82</sup> 2022 recodification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>83</sup> 2022 recodification of current Article II, §2.4 (2006).

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## §2.7. Composition and Election of the Board of Selectpersons and First Selectperson<sup>84</sup>.

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 party<sup>85</sup>.

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 listed separately on the ballot<sup>86</sup>.

C. Each Elector may vote for one (1) candidate for First Selectperson and no more than one (1) candidate for ~~Selectman~~ Selectperson<sup>87</sup>.

D. The candidate for First Selectperson receiving the highest number of votes shall be elected First Selectman. The ~~next~~ two (2) ~~of the remaining~~ candidates, whether for First Selectperson or Selectperson, receiving the highest number of votes shall be elected to the two (2) remaining Selectperson positions<sup>88</sup>.

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<sup>89</sup> taking into consideration the provisions of §2.7.A of this Charter, above, pertaining to minority party representation<sup>90</sup> [s22].

## §2.8. Procedures for RTM elections<sup>91</sup>.

### A. Nomination<sup>92</sup>.

<sup>84</sup> 2022 recodification of current Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>85</sup> 2022 recodification of current Article VI, §6.1.A(1) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>86</sup> 2022 recodification of current Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>87</sup> 2022 recodification of current Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>88</sup> 2022 recodification of current Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

~~<sup>89</sup> 2022 recodification of current Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.~~

<sup>90</sup> 2022 recodification of current Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>91</sup> 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.

<sup>92</sup> 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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**(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 Town officers 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 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. Election<sup>93</sup>.**

**(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 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 districts and in compliance with the General Statutes

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<sup>93</sup> 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.

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addressing the issue of minority party representation<sup>94</sup>[S23].

(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.<sup>[S24]</sup>

## C. Procedures for tied elections<sup>95</sup>.

(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 each such member not less than three (3) Days before the time set for the meeting.<sup>[S25]</sup>

(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 and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

(5) The chairman and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chairman 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 chairman 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

<sup>94</sup> 2022 modification and recodification of Chapter II, §1 of the 1947 Act.

<sup>95</sup> 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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meeting<sup>[S26]</sup>.

## §2.9. ~~Civility and Rules of Conduct~~<sup>Civility</sup><sup>96</sup><sup>[S27]</sup>.

**A. General.** Elected Town Officials, Appointed Town Officers and Town employees ~~will~~shall treat members of the public with respect and expect the same in return in official interactions as well as in other in-person or virtual/electronic interactions. The Town is committed to maintaining orderly administrative processes and in keeping Town administrative offices free from ~~disruptions. The Town is committed to maintaining a safe, productive and harassment-free work environment for all of its employees~~disruption.

**B. The Workplace.** This Charter promotes mutual respect, civility and orderly conduct among Town employees, Elected Town Officials, Appointed Town Officers 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 ~~visitors and customers~~the public<sup>[S28]</sup>. The Town encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

**C. Public Meetings: ~~Rules of Conduct~~.** The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views. The ~~town's~~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.

**D. Rules.** ~~The~~In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings, ~~and~~Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission shall adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment.

**(1) 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 conduct. Likewise, all persons who attend a public meeting shall ~~obey~~comply with any lawful order to the presiding officer to enforce the rules of order and decorum. 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, as may be defined by Ordinance, regulation or rules of the body.

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<sup>96</sup> NEW (2022).

## CHARTER OF THE TOWN OF FAIRFIELD

(2) **Breach of Rules.** In the event any person breaches the rules of ~~conduct~~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 rules shall address the authority of the presiding officer to order a member of the public, public official or member of the body to leave the public meeting in the event continued violations following an initial order from the presiding officer. If said initial order to cease the offending conduct are is not obeyed and shall allow for said conduct continues in spite of an escalation of additional orders from the presiding officer up to and including removal, the party may be removed from the room, including such assistance as may be required 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 and Commissioner Commissions may be subject to removal in accordance with the provisions of §76.7.A of this Charter, below.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER 25 MAY 2022

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE III – REPRESENTATIVE TOWN MEETING

### §3.1. Legislative Body<sup>97</sup> [S29].

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 Officer, Board, or Commission.

### §3.2. Membership.

#### A. Districts and Basis of Representation<sup>98</sup>.

##### (1) Districts.

(a) The members of the RTM shall be elected by districts<sup>99</sup>.

(b) There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in 3.2.B, below, for the election of RTM members and shall be as established by Ordinance adopted by the RTM<sup>100</sup>. District representation shall be subject to the provisions of the General Statutes pertaining to minority party representation<sup>101</sup>.

(c) The RTM shall consist of thirty (30) members<sup>102</sup>.

(d) A district representative on the Representative Town Meeting, upon election, shall [S30] 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), below<sup>103</sup>,

(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

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<sup>97</sup> 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.

<sup>98</sup> 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."

<sup>99</sup> 2022 recodification of current Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>100</sup> 2022 modification and recodification of Article II, §2 (first sentence) of the 1947 Act and the 1956 Acts.

<sup>101</sup> NEW (2022)

<sup>102</sup> 2022 modification and recodification of Article II, §2.6.A(3).

<sup>103</sup> 2022 modification and recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.



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next election of RTM members<sup>104</sup>.

(f) No Elected Town Official or appointed Town Officer (excluding, however, members of advisory committees<sup>[S31]</sup>, task forces or like entities, as referred to in §1.4.C(2) of limited duration and/or scope<sup>[S32]</sup> this Charter, above, and building committees) 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<sup>105</sup>.

(2) **Reapportionment of Voting Districts**<sup>106</sup><sup>[S33]</sup>. 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 RTM**<sup>107</sup>. 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<sup>[S34]</sup>), the chairman 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 vote**<sup>108</sup>. 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 qualification**<sup>109</sup>. The RTM shall be the judge of the election and

<sup>104</sup> 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.

<sup>105</sup> 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."

<sup>106</sup> 2022 recodification of Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

<sup>107</sup> 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.

<sup>108</sup> 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.

<sup>109</sup> 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.

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qualifications of its members.

**E. Compensation<sup>110</sup>.** The RTM members as such shall receive no compensation.

## **§3.3. Annual meetings<sup>111</sup>, organization, and elections.**

**A. Date of organization meeting<sup>112</sup>.** An organization meeting of the RTM members shall be held on the fourth Monday in November in each year.

**B. Election of Moderator: Duties<sup>113</sup>.** 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 Moderator<sup>114</sup>.** 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. Clerk<sup>115</sup>.** 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-tempore<sup>116</sup>.** In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a

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<sup>110</sup> 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.

<sup>111</sup> 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.

<sup>112</sup> 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.

<sup>113</sup> 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.

<sup>114</sup> 2022 recodification of current Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

<sup>115</sup> 2022 recodification of current Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

<sup>116</sup> 2022 recodification of current Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore of the meeting may be elected, by a Majority Vote of the RTM, by the meeting.

**F. Rules and Committees of the RTM<sup>117</sup>.** The RTM shall have the power to adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall determine.

**G. Parliamentarian<sup>118</sup>.** The Moderator may appoint a parliamentarian.

## §3.4. Meetings of the RTM.

**A. Quorum<sup>119</sup>.** 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 Meetings<sup>120</sup>.** All RTM meetings shall be public.

**C. Regular meetings<sup>121</sup>.** 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 Meetings<sup>122</sup>.** The Moderator shall have the authority to call special meetings and shall further call a special or emergency meeting whenever requested to do so, in writing, by the First Selectperson, Chair of the Board of Finance, or ten (10) members of the RTM. In addition, a special or emergency 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.

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<sup>117</sup> 2022 recodification of current Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>118</sup> NEW (2022)

<sup>119</sup> 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.

<sup>120</sup> 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.

<sup>121</sup> 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.

<sup>122</sup> 2022 modification and 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.

# CHARTER OF THE TOWN OF FAIRFIELD

**E. Public Hearings. Notice<sup>123</sup>.** 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 Notice<sup>124</sup>.** 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, in accordance with the notice requirements of this Charter.

## §3.5. Ordinances, Resolutions, Orders or Motions:

**A. Public Notice of Final Action<sup>125</sup>.** 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, above. 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 Legislation<sup>126</sup>.** 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, above, 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, above.

## §3.6 Petition for Overrule (Referendum)<sup>127</sup>.

### A. Petition and time for filing<sup>128</sup>.

**(1) Effective date of certain RTM votes. Any vote of the RTM:** (1) authorizing the expenditure for any specific purpose of \$500,000 or more<sup>129</sup>[S35]; or (2) for the issue of any bonds by the Town<sup>130</sup>; or (3) the adoption, amendment, or

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<sup>123</sup> NEW (2022)

<sup>124</sup> 2022 recodification of 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.

<sup>125</sup> 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.

<sup>126</sup> NEW (2022)

<sup>127</sup> Current Article XII.

<sup>128</sup> 2022 recodification of current Article XIII, §13.1 (2006).

<sup>129</sup> 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).

<sup>130</sup> 2022 recodification of current Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and

# CHARTER OF THE TOWN OF FAIRFIELD

repeal of an Ordinance<sup>131</sup>; 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 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 (14<sup>th</sup>) day after the adjournment of the meeting at which the vote was taken. If the fourteenth (14<sup>th</sup>) 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 referendum<sup>132</sup>.**

**(1) Certification of Town Clerk.** Upon the filing of a petition fulfilling the requirements of §3.7.A 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)

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1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

<sup>131</sup> 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.

<sup>132</sup> 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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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.

**(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 sopenred.

**(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 referenda<sup>133</sup>.** 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 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 Finance<sup>134</sup>.

<sup>133</sup> 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.

<sup>134</sup> 2022 recodification of current Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956

# CHARTER OF THE TOWN OF FAIRFIELD

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §10.6 of this Charter.

## **§3.8. Powers Denied to the RTM<sup>135</sup>.**

The RTM shall not diminish by Ordinance, vote or otherwise, the powers and duties vested in the First Selectperson by this Charter.

## **§3.9. Vacancies in the RTM<sup>136</sup>.**

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

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

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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.

<sup>135</sup> NEW (2022).

<sup>136</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

### §4.1. Executive Authority.

**A. The Executive Branch**<sup>137</sup>. The executive branch of the Town government shall consist of the First Selectperson and the Board of Selectpersons and the elected and appointed Boards, Commissions, Elected Town Officials or Appointed Town Officers, and employees set forth in Article VI through Article IX of this Charter.

**B. The First Selectperson**<sup>138</sup>. The First Selectperson shall be the chief executive officer of the Town as well as the town agent<sup>139</sup> 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 office<sup>140</sup>.

**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.A and B(1)(a) and §2.7 of this Charter, above<sup>141</sup>.

### §4.2. The Board of Selectpersons.

**A. Meetings**<sup>142</sup>. The Selectpersons shall hold their first meeting not later than the fourth (4<sup>th</sup>) Monday of November after their election. The First ~~Selectman~~ Selectperson shall be chairman of the Board of Selectpersons and shall preside over all of its meetings<sup>143</sup>. The Selectpersons shall meet at least twice each month<sup>144</sup>, unless there is no business to be conducted<sup>145</sup> [S37].

**B. General powers and duties**<sup>146</sup>. The executive authority of the Town shall be vested in the Board of Selectpersons, except to the extent such authority is expressly

<sup>137</sup> 2022 recodification of current Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

<sup>138</sup> 2022 recodification of current Article VI, §6.2.A (2006). Derived from Article VI, §6.2.A of the 1997 Charter.

<sup>139</sup> 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, §6.2.A(1) and (2) of the 1997 Charter.

<sup>140</sup> 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, §6.2.A(1) and (2) of the 1997 Charter.

<sup>141</sup> NEW (2022)

<sup>142</sup> 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.

<sup>143</sup> 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.

<sup>144</sup> ~~Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.~~

<sup>145</sup> Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

<sup>146</sup> 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.



# CHARTER OF THE TOWN OF FAIRFIELD

granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the 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 hereunder<sup>147</sup> 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<sup>148</sup>. **The RTM is authorized to modify the threshold based upon the consumer price index or other like measure indexed for inflation or deflation<sup>149</sup>[S38].** This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance<sup>150</sup>[S39].

(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 employee<sup>151</sup>[S40].

(c) The approval requirement by the Board of Selectpersons, set forth in this sub-paragraph, above, 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 Law<sup>152</sup>[S41].

(2) **Oversight of Appointees: Subpoena Authority<sup>153</sup>.** All Town officers, boards, commissions, 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.

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<sup>147</sup> NEW (2022).

<sup>148</sup> 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(first sentence).

<sup>149</sup> NEW (2022).

<sup>150</sup> NEW (2022).

<sup>151</sup> 2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(second sentence).

<sup>152</sup> 2022 recodification of current Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>153</sup> 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.**

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**(3) Budget Review and Recommendation**<sup>154</sup>. 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.

**(4) Appointment powers**<sup>[S42]</sup>. The Board of Selectpersons shall appoint

**(a) Required by Charter**<sup>155</sup>: The Boards, Commissions, Appointed Town Officers, including, but not limited to directors or department heads ~~and other employees for which no other appointment provision is made in this Charter, as set forth herein.~~

**(b) Required by General Statutes or Ordinance**<sup>156</sup>: The members of any other Board or Commission ~~for which no other appointment provision is made in this Charter,~~ or which is required by an Ordinance or the General Statutes.

**(c) Advisory Boards, Commissions, and committees**<sup>157</sup>, ~~task forces or other similar entities~~<sup>158</sup>. 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 Town Board.

**(5) Membership on Boards, Commissions, and committees**<sup>159</sup>. Except as otherwise expressly provided in §98.11 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 Departments**<sup>160</sup>.

**(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

<sup>154</sup> 2022 recodification of current Article VI, §6.1.C(3) (2006).

<sup>155</sup> 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.

<sup>156</sup> 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.

<sup>157</sup> ~~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.~~

<sup>158</sup> ~~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.~~

<sup>159</sup> 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.

<sup>160</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

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.

(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, above, 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 Powers**<sup>161</sup>. 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 supervise<sup>162</sup> the administration of all Departments and officers<sup>163</sup> and shall be responsible for the administration of all the affairs of the Town in respect to such Departments<sup>164</sup>;

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town<sup>165</sup>;

(3) Make periodic reports to the RTM and may convene [Special and Emergency RTM Meetings](#), as set forth in [§3.4.D](#), [above](#)<sup>[s43]</sup>, attend and participate

<sup>161</sup> 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.

<sup>162</sup> NEW (2022)

<sup>163</sup> 2022 recodification of current Article VI, §6.2.A(3).

<sup>164</sup> NEW (2022).

<sup>165</sup> 2022 recodification of current Article VI, §6.2.A(4).

# CHARTER OF THE TOWN OF FAIRFIELD

in RTM meetings, but shall have no vote<sup>166</sup>;

(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<sup>[S44]</sup>) for the next fiscal year in accordance with the provisions of Article X of this Charter<sup>167</sup>.

(5) Prepare and maintain a long-term financial and capital planning that takes into account the next five years ~~in the future~~ and shall further consider the financial effects of the Town's plan of conservation and development ("POCD") as required by the General Statutes. 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 X of this Charter<sup>168</sup><sup>[S45]</sup>.

(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 amounts<sup>169</sup><sup>[S46]</sup>.

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes<sup>170</sup><sup>[S47]</sup>;

(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 Finance<sup>171</sup>;

(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 matters<sup>172</sup>;

(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 office<sup>173</sup>;

(11) Upon the request of any ~~Selectman~~Selectperson, inform the Board of

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<sup>166</sup> 2022 modification and recognition of current Article IV, §4.2.A (2006) entitled "Composition" which permits the First Selectperson to participate in RTM meetings.

<sup>167</sup> NEW (2022).

<sup>168</sup> NEW (2022)

<sup>169</sup> NEW (2022)

<sup>170</sup> 2022 recognition of current Article IX requirements of the First Selectperson.

<sup>171</sup> NEW (2022).

<sup>172</sup> NEW (2022). Pursuant to the Municipal Employee Relations Act under the General Statutes.

<sup>173</sup> 2022 recodification of current Article VI, §6.2.A(5).

# CHARTER OF THE TOWN OF FAIRFIELD

Selectpersons of the First ~~Selectman's~~Selectperson's actions<sup>174</sup>;

(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 RTM<sup>175</sup>; and

(13) 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<sup>176</sup>.

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 powers<sup>177</sup>.

(1) The First Selectperson shall appoint the Town officers, Boards and Commission, and employees set forth in ~~Article VII of the~~this Charter, any others required by the General Statutes or by Ordinance<sup>178</sup> 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<sup>[S48]</sup>.

(2) All Town officers, Boards and Commissions 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 Selectperson<sup>179</sup>.

(3) **Mediation and Resolution of Differences**<sup>180</sup>. The First Selectperson shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments, ~~Departments~~ and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures<sup>[S49]</sup>.

## D. Designation of Acting First Selectperson<sup>181</sup>. Immediately upon taking

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<sup>174</sup> 2022 recodification of current Article VI, §6.2.A(6).

<sup>175</sup> 2022 recodification and modification of current Article VI, §6.2.A(7).

<sup>176</sup> 2022 recodification of current Article VI, §6.2.A(8).

<sup>177</sup> 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.

<sup>178</sup> 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.

<sup>179</sup> Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>180</sup> NEW (2022).

<sup>181</sup> 2022 recodification of current Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

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, above. Such designation may be changed in writing from time to time.

**E. Staff<sup>182</sup>.** The First Selectperson may appoint a chief of staff and administrative assistant, or equivalent positions for which the RTM shall appropriate sufficient funds. In addition, the First Selectperson may employ such other staff necessary for the administration of official duties as provided for in the budget. All such assistants and staff shall be appointed by the First Selectperson and shall serve at the pleasure of the First Selectperson.

**F. Town Administrator<sup>183</sup>.** The First Selectperson shall appoint, and the budget shall provide for, a Town Administrator, who shall be the principal aide to the First Selectperson for the management of Town Departments, and shall perform such duties as may be assigned by the First Selectperson. The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson. Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, all in the field of public management<sup>[§50]</sup> 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<sup>184</sup>. 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 authority<sup>185</sup><sup>[§51]</sup>.** The First Selectman 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 chairman of the authority, board, commission or committee. No purchase order shall be issued without the signature of the

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<sup>182</sup> NEW (2022).

<sup>183</sup> NEW (2022).

<sup>184</sup> **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

<sup>185</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

Purchasing Agent or, in the Purchasing Agent's absence, of the First Selectman.

## **§4.4. Compensation of executive branch members<sup>186</sup>.**

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 officers shall be fixed by the Board of Selectpersons subject to the adoption of the Town Budget as provided in Article XIX of this Charter, [below](#)<sup>187</sup>.

## **§4.5. Regulations<sup>188</sup>.**

Any Town Officer, Board, or Commission 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, above.

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<sup>186</sup> 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.

<sup>187</sup> 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.

<sup>188</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE V – OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

### § 5.1. Town Clerk<sup>189</sup>.

**A. Establishment and election<sup>190</sup>.** There shall be a Town Clerk elected at the times and for the term set forth in §2.3.A and B(1)(d) of this Charter.

**B. Powers and duties<sup>191</sup>.** 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 Town Treasurer, Chief Fiscal Officer<sup>[S52][S53]</sup>, 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. Staffing<sup>192</sup>.** 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 Clerks<sup>193</sup>.** The Town Clerk may appoint Assistant Town Clerks. Assistant Town Clerks shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

**E. Compensation<sup>194</sup>.** In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

**F. Ordinances and votes<sup>195</sup>.** 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.

<sup>189</sup> Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

<sup>190</sup> 2022 recodification of current Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

<sup>191</sup> 2022 recodification of current Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

<sup>192</sup> 2022 recodification of current Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

<sup>193</sup> 2022 recodification of current Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

<sup>194</sup> 2022 recodification of current Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

<sup>195</sup> 2022 recodification of current Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.



# CHARTER OF THE TOWN OF FAIRFIELD

**G. Reports to Assessor and Tax Collector**<sup>196</sup>. 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. Vacancy**<sup>197</sup>. As set forth in §2.5.A of this Charter, above.

## § 5.2. ~~Registrars~~ Justices of ~~Voter~~ the Peace.

**A. Establishment and election**<sup>198</sup>. There shall be ~~[s54]~~ forty-five (45) Justices of the Peace<sup>199</sup> elected or nominated in the manner and for the terms prescribed in §2.3.A and B of this Charter, above.

**B. Powers and duties**<sup>200</sup>. Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies**<sup>201</sup>. As Vacancies shall be filled as set forth in §2.5E. of this Charter, above.

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<sup>196</sup> 2022 recodification of current Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

<sup>197</sup> 2022 recodification and modification of current Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

<sup>198</sup> 2022 modification and recodification of current Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

<sup>199</sup> 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.

<sup>200</sup> 2022 modification and recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>201</sup> 2022 recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VI - ELECTED BOARDS AND COMMISSIONS

### ~~§6.1.~~ §5.3. Elected Boards and Commissions: In General.

**A. Establishment and election<sup>202</sup>.** 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 B of this Charter, above.

**B. Meetings<sup>203</sup>.**

(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 organization meeting so noticed with the Town Clerk held in the month of December.

(2) Each elected Board and Commission shall keep an accurate record of all its official acts, votes, meetings, and proceedings and shall designate one of its members or its clerk to keep such record. The minutes and records of Boards and Commissions shall be public records, in accordance with the General Statutes<sup>[§55]</sup>, and shall be open for public inspection at the office of the Town Clerk, or in the office, if any, of the Department involved, during regular business hours<sup>204</sup>.

(3) All regular meetings of elected Boards and Commissions shall be open to the public except for executive sessions permitted by the General Statutes, and all elected Boards and Commissions shall comply with state freedom of information laws<sup>205</sup>.

(4) Robert's Rules of Order shall regulate the conduct of all meetings of elected Boards and Commissions unless a particular Board or Commission otherwise specifies.

**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, above.

<sup>202</sup> 2022 recodification of current Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

<sup>203</sup> 2022 recodification of current Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

<sup>204</sup> 2022 recodification and modification of Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 19675 Charter.

<sup>205</sup> Derived from Chapter II, §6 of the 1947 and 1956 Acts; and Chapter II, §5 of the 1975 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## §6.25.4. Board of Education<sup>206</sup>.

**A. Composition<sup>207</sup>.** The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.B(1) and (2) of this Charter, above, no more than six (6) of whom shall be registered with the same political party.

**B. Powers and duties<sup>208</sup>.** The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

## §6.35.5. Board of Finance.

**A. Composition<sup>209</sup>.** 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, above, 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 duties<sup>210</sup>.** 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 Finance<sup>211</sup>.** 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 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

<sup>206</sup> Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

<sup>207</sup> 2022 recodification and minor modification of current Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

<sup>208</sup> 2022 recodification of current Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

<sup>209</sup> 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.

<sup>210</sup> 2022 recodification of current Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

<sup>211</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

Finance<sup>212</sup>[S56]..

**D. Approval of budgets<sup>213</sup>.** The Board of Finance shall approve the Town budget in the manner set forth in Article X of this Charter.

**E. Bidding, requisition, and payment procedures<sup>214</sup>[S57].** 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.

## **§5.6.4. Board of Assessment Appeals.**

**A. Composition<sup>215</sup>.** 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, above, and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**B. Powers and duties<sup>216</sup>.** 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.

## **§6.5.7. Town Plan and Zoning Commission.**

**A. Composition<sup>217</sup>.** 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) of this Charter, above, 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, above, no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>218</sup>.** The Town Plan and Zoning Commission shall have

<sup>212</sup> 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.

<sup>213</sup> 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.

<sup>214</sup> 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.

<sup>215</sup> 2022 recodification and minor modification of current Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

<sup>216</sup> 2022 Recodification of current Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

<sup>217</sup> 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 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.

<sup>218</sup> 2022 recodification of current Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act.

# CHARTER OF THE TOWN OF FAIRFIELD

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 a master plan for the development of the Town, or amend any master plan previously adopted<sup>219</sup>;
- (2) Have control over the subdivision of land<sup>220</sup>;
- (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 structures<sup>221</sup>;
- (5) Consider and report upon the layout of new developments in the Town<sup>222</sup>;
- (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 Town<sup>223</sup>.

**C. Appointment of Planning Director<sup>224</sup>.** The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectperson.

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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..

<sup>219</sup> Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

<sup>220</sup> 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.

<sup>221</sup> Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

<sup>222</sup> Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

<sup>223</sup> 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.

<sup>224</sup> 2022 recodification of current Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**D. Other employees and consultants<sup>225</sup>.** 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.

## **§6.65.8. Zoning Board of Appeals<sup>226</sup>.**

**A. Composition<sup>227</sup>.** 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, §2.3.C(2)(e) of this Charter, above, no more than four (4) of whom shall be registered with the same political party<sup>228</sup>, and three (3) alternates, as set forth in §2.3.C(2)(f) of this Charter, above, no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>229</sup>.** 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.

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<sup>225</sup> 2022 recodification of current Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

<sup>226</sup> Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

<sup>227</sup> 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

<sup>228</sup> 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.

<sup>229</sup> 2022 Recodification of current Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE ~~VI~~VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

### §~~76~~76.1. Eligibility for appointed Town office<sup>230</sup>.

A. **Elector requirement for Appointed Town Officers; Exception<sup>231</sup>**. 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 or Town Attorney<sup>[S58]</sup>. Persons serving as Chief of ~~Police~~<sup>[S59]</sup> or Fire Chief must be or become an resident of the State of Connecticut, in accordance with the requirements of the respective appointing authorities.

B. **Effect of ceasing to be an Elector<sup>232</sup>**. 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 office<sup>233</sup>**. Except as otherwise provided in ~~Sections 10-8.5, 8.7, 10.9, 10.10~~<sup>8.5, 8.7, 10.9, 10.10</sup>~~8.8, and 10.13~~<sup>8.8, and 10.13</sup> ~~8.11~~<sup>8.11</sup> of this Charter, no person shall be eligible to hold any appointed Town Office, including membership on any permanent appointed 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, ~~but does include members of the Board of Education.~~

D. **Eligibility for reappointment<sup>234</sup>**<sup>[S60]</sup>. No person shall be appointed to more than two successive full terms on the same ~~permanent~~ 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 Sections ~~10.15, 10.17~~<sup>10.15, 10.17</sup>~~8.14 and 10.18~~<sup>8.14 and 10.18</sup> ~~8.15~~<sup>8.15</sup> of this Charter, ~~below~~, with respect to the Ethics Commission, ~~Board of Library Trustees~~, and Golf Commission, respectively, or by Ordinance.

### §~~76~~76.2. Authority and Qualification of Appointed Town Officers<sup>235</sup>.

A. **Authority of Appointed Town Officers, including department heads<sup>236</sup>**<sup>[S61]</sup>. Once appointed as described in this Charter, Appointed Town Officers,

<sup>230</sup> Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

<sup>231</sup> 2022 modification and recodification of current Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter.

<sup>232</sup> 2022 recodification of current Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

<sup>233</sup> 2022 recodification of current Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter.

<sup>234</sup> 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter.

<sup>235</sup> NEW (2022).

<sup>236</sup> NEW (2022).



# CHARTER OF THE TOWN OF FAIRFIELD

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 heads**<sup>237</sup><sub>[S62]</sub>. 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 established by Ordinance following the recommendation of the human resources or personnel director or as may otherwise be designated by Ordinance. 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.

## **§76.3. Minority representation on Boards and Commissions**<sup>238</sup>.

~~No~~Unless other expressly set forth in this Charter<sub>[S63]</sub>, 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.

## **§76.4. Terms of office**<sup>239</sup>.

**A. General Rule: Appointed Town Officers and Board and Commission Members**<sub>[S64]</sub>. Unless otherwise provided by Ordinance the terms of office of all appointed Town officers and members of permanent appointed Boards and Commissions shall commence on the fourth (4<sup>th</sup>) Monday in November, and shall continue for the term set forth in §2.3 of this Charter, above. Notwithstanding the foregoing, in the event that there is a vacancy and the appointing authority does not appoint a new Town officer or Board or Commission member by the fourth (4<sup>th</sup>) Monday in November after the municipal general election of the appointing authority, the former appointee shall serve as a continuing Town officer or member until either the appointing authority fills the vacancy or until the sixty-fifth (65<sup>th</sup>) day after the fourth (4<sup>th</sup>) Monday in November, whichever occurs first

**B. Exception: Golf Commission and Ethics Commission**<sub>[S65]</sub>. The members of the Ethics Commission and the Golf Commission shall commence their terms on April 1 in the year of their appointment.

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<sup>237</sup> NEW (2022).

<sup>238</sup> 2022 recodification of current Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

<sup>239</sup> 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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## §76.5. Resigning from appointed office<sup>240</sup>.

Any appointed Town officer or 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.

## §76.6. Vacancies in appointed office<sup>241</sup>.

Vacancies in appointed Town offices and membership on appointed boards and commissions shall be filled by the Board, Commission, or officer having the power to make the original appointment. Persons so appointed shall serve for the remainder of the term of the position vacated.

## §76.7. Removal from appointed office for cause.

**A. Board or Commission<sup>242</sup>.** 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 Town officer or Board or Commission; 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 or Commission, 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), above. 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 Director<sup>243</sup>.** 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 appointed by a Board or Commission, provided notice and opportunity for a hearing before the Board of Selectpersons be given as set forth in this §7.7.A of this Charter, above, and such hearing is held in accordance with the Freedom of Information Act.

## §76.8. Required Cooperation<sup>244</sup><sub>[S66]</sub>.

Each Town Officer, Town Official, RTM members and employee of any Department of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying

<sup>240</sup> 2022 recodification of current Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

<sup>241</sup> 2022 recodification of current Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

<sup>242</sup> 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.

<sup>243</sup> 2022 recodification of current Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

<sup>244</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

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.

## **§76.9. Creation of Boards and Commissions<sup>245</sup>.**

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

## **§76.10. Requirements for Boards and Commissions Records<sup>246</sup>.**

~~All Boards and Commissions established by this Charter or by Ordinance are required to comply with the following requirements:-~~

~~**A. Number of Members. Terms<sup>247</sup>.** The number of Each Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes and this Charter, the number shall always be odd and the term of office shall not exceed a term of six (6) years, which may be staggered.~~

~~**B. Required Ordinance Provisions<sup>248</sup> [S67].** Any such Ordinance shall make provision for:~~

~~(1) The appointment of a chair, such officers as may be necessary for its proper function and a delineation of the responsibilities of the presiding officer and other officers;~~

~~(2) The keeping of records and posting of agendas as required by the General Statutes;~~

~~(3) Compliance with minority party representation in accordance with §7.3 of this Charter, above;~~

~~(4) Public access, comment and interaction (including, but not limited to, public speaking, comment and any applicable rules and protocols), in accordance with the requirements of §\_\_\_\_\_ of this Charter; and,~~

~~(5) Frequency of regular Meetings of all Boards and Commissions, in~~

<sup>245</sup> NEW (2022)

<sup>246</sup> ~~NEW (2022)~~ Modification and derived from Chapter XXIV, §2 of the 1947 and 1956 Special Acts; Chapter XXVI, §2 of the 1975 Charter.

<sup>247</sup> 2022 recodification of 2011 Charter section 7-1. A (1).

<sup>248</sup> 2022 modification of 2011 Charter section 7-1. A (2).

# CHARTER OF THE TOWN OF FAIRFIELD

~~compliance with § \_\_\_\_\_) of this Charter, and mandatory attendance requirements, for the purpose of establishing a standard as required by §7-1E(2) of this Charter. The agendas of Boards and Commissions shall be approved by the Chair of such entity.~~

~~(6) — Quorum. A majority of the total membership of each such Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.~~

~~(7) — Meeting Frequency and Notice. Each Board or Commission shall meet as frequently as necessary to perform its duties; however, not less than monthly. Meetings may be cancelled with notice and disclosure to the public stating the reason for such cancellation; notwithstanding the foregoing, no Board or Commission shall cancel Meetings for two (2) consecutive months. Failure to obtain a quorum shall not be deemed a cancellation of a Meeting<sup>249</sup>. The Chair, any two members or the First Selectperson may call a Meeting of any appointive Board or Commission, provided each member is given notice of not less than twenty-four (24) hours thereof, unless otherwise required by Law.~~

~~(8) — Clerk<sup>250</sup>. The Town Clerk, working with the First Selectperson, shall make certain that each Board or Commission has a clerk assigned to serve the function of said entity.~~

~~Records<sup>251</sup>. Each clerk shall keep a complete and accurate record of the resolutions and other its official acts, votes, meetings, and proceedings of the Board or Commission and shall have custody of its correspondence, files and other records. All minutes and recordings of Meetings shall be filed with the Town Clerk. All such records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the Town website in compliance with the requirements of Law.~~

## ~~§6.11. Open and Public Access, Comment and Interaction<sup>252</sup>. Meetings<sup>253</sup>.~~

~~(a) — Remote and Direct Public Access to All regular meetings of Boards and Commissions. Each Board and Commission shall have capacity to receive remote, direct electronic or digital communications from the public. Said means of communication shall include those currently in existence or those to be created in the future and shall uniformly apply to and all Boards and Commissions at any given time. Access to the such communications capacity shall be limited to the clerk and/or Chair of the Board or Commission both of whom shall be responsible for disseminating such information to the remaining members. The Town Clerk working with appropriate Town officials~~

<sup>249</sup> ~~NEW (2022).~~

<sup>250</sup> ~~NEW (2022).~~

<sup>251</sup> ~~NEW (2022).~~

<sup>252</sup> ~~NEW (2022).~~

<sup>253</sup> ~~Modification and derived from Chapter II, §6 of the 1947 and 1956 Acts.~~

# CHARTER OF THE TOWN OF FAIRFIELD

~~shall facilitate assignment of such communications technologies to Boards and Commissions.~~

~~(b) **Public Comment.** Meetings of Boards and Commissions committees, task forces or other like entities, shall be open to the public in accordance with the General Statutes. There shall be a public comment session prior to the commencement of all business on the regular and special Meeting agenda of a Board or Commission; or, at such time during the meeting as may be established by the Chair. Notwithstanding the foregoing, public comment may be limited or prohibited on agenda items covered by the Law pertaining to except for executive sessions<sup>254</sup>, or where, permitted by Law or required by legally enforceable provisions of collective bargaining agreement, if any; and/or, other agreements protective of the privacy rights, confidentiality or legal rights associated with any party before the Board or Commission. Nevertheless, Boards and Commissions should strive to permit public comment where possible in order to reach a balance between the public interest, contractual and legal obligations and avoiding prejudicial behavior in the decisions to be rendered; as may be determined by opinion of the Town Attorney.~~

~~(9) **Representation on Boards and Commissions**<sup>255</sup>. The Board of Selectpersons, First Selectperson and other appointing authorities are required to consider appointments to ensure that, to the fullest extent possible, the composition of Boards and Commissions reflect the diversity of the residents and the geographic areas of the Town. In furtherance of this provision, Boards and Commissions should reflect the diversity, including the race, color, ethnicity, religious creed, age, sex, national origin, ancestry, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability and cultural make-up of the Town in order to achieve a representative balance of its residents. Moreover, the Town is committed to ensuring fair representation of residents from all voting districts on Boards and Commissions, including balanced representation from throughout the Town. In order to advance the intent of this provision, appointing authorities shall make best efforts to avoid the appointment of more than one member from the same district; however, under no circumstance shall appoint more than two. This provision shall not apply to any committee or task force of the town of limited scope or duration or geographic orientation. Of equal weight with the foregoing requirements, the appointing authorities are obligated to take into consideration a diversity of backgrounds, life experience, expertise, as well as personal integrity and a commitment to ensuring an ethical and transparent local government, especially where there are experience-based qualifications for membership on a Board or Commission.~~

<sup>254</sup> ~~At the time of adoption of this Charter amendment the applicable provision was C.G.S. §1-200(6). See also C.G.S. §1-200(2).~~

<sup>255</sup> ~~NEW (2022)~~

# CHARTER OF THE TOWN OF FAIRFIELD

~~Restrictions Pertaining to Members of the Ethics, Police and Fire Commission<sup>256</sup>. No person who has served in the previous two (2) years in Municipal Office Official (other than a member of the the General Statutes, and all appointed Boards or Commissions set forth) or a political party officer, shall be appointed to membership on the Ethics, Police or Fire Commissions. For purposes of this section, the term "Municipal Office" means an individual who holds or has held a municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the Town and the term "political party officer" means an officer of a national committee of a political party, and Commissions and committees shall comply with state central or town committee or any person employed by such committee for compensation~~ freedom of information laws unless otherwise provided by statute<sup>S68</sup>.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

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<sup>256</sup> ~~NEW (2022)~~

# CHARTER OF THE TOWN OF FAIRFIELD

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE ~~VIII~~VII - APPOINTED OFFICERS

### §~~87~~87.1. Appointed Town Officers<sup>257</sup>.

There shall be the following appointed Town Officers as necessary:

**A. Officers Appointed by the First Selectperson<sup>258</sup><sub>[S69]</sub>.** The First Selectperson shall appoint the Town Officers listed in ~~§§87.2~~ through ~~§87.12~~ of this Charter, below and §§4.3.F and F of this Charter, above.

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
Town Administrator	
Chief of Staff	

**B. Officers appointed by the Board of Selectpersons<sup>259</sup>.** The Board of Selectpersons shall appoint the Town Officers listed in ~~Sections 8§§7.13~~ through ~~87.17~~ of this Charter.

Internal Auditors	Assessor
Tax Collector	Tree Warden
Constables <sub>[S70]</sub>	

**C. Officers appointed by other bodies<sup>260</sup>.** The Town Officers hereunder shall be appointed by the bodies specified in ~~Sections 8§§8.18~~ through ~~8.24~~ 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

### §~~87~~87.2. Town Attorney<sup>261</sup>.

<sup>257</sup> 2022 recodification of current Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

<sup>258</sup> 2022 modification and recodification of current Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter.

<sup>259</sup> 2022 recodification of current Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

<sup>260</sup> 2022 recodification of current Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.

<sup>261</sup> 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.



# CHARTER OF THE TOWN OF FAIRFIELD

**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 and Town Officers and the RTM<sup>[S71]</sup>, 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 Officers; and

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

## §87.3. Assistant Town Attorneys<sup>262</sup>.

**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.

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<sup>262</sup> 2022 recodification of current Article IX, §9.4 (2006). Derived from Article IX, §9.4 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## §87.4. Fiscal Officer and Controller<sup>263</sup>.

**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 §76.2.B of this Charter<sup>[S72]</sup>.

**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.

## §87.5. Town Treasurer<sup>264</sup><sup>[S73]</sup>.

**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.

## §87.6. Director of Public Works<sup>265</sup>.

<sup>263</sup> 2022 modification and recodification of current Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

<sup>264</sup> 2022 recodification of current Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

<sup>265</sup> 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

# CHARTER OF THE TOWN OF FAIRFIELD

**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 §7.2.B of this Charter<sup>[S74]</sup>.

**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) 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 and of the Parks and Recreation Commission;
- (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.

## §87.7. Building Official<sup>266</sup>.

**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 Assistant Building Officials and Building Inspectors necessary to carry out the duties of the

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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.

<sup>266</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

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 Inspectors**<sup>267</sup>. Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted by Law.

## §87.8. **Purchasing Agent**<sup>268</sup>.

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 §12.8 of this Charter and such other duties as may be prescribed by the First Selectperson.

<sup>267</sup> 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.

<sup>268</sup> 2022 recodification of current Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

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## §87.9. Director of Human and Social Services<sup>269</sup>.

**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, disabled, veterans, youth and underserved populations of the Town<sup>[S75]</sup>;
- (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.

## §87.10. Director of Parks and Recreation<sup>270</sup>.

**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

<sup>269</sup> 2022 recodification of current Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter (“Director of Human Services”).

<sup>270</sup> 2022 recodification of current Article IX, §9.11 (2006). Derived from Article IX, §9.11 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

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) Submit to the Golf Commission, the Board of Education, and the Harbor Management Commission plans for recreation programs of the Town involving facilities under the control of the Golf Commission, Board of Education, or the Harbor Management Commission.~~

~~(7)~~(6) Implement the plans approved by the Parks and Recreation Commission;

~~(8)~~(7) Coordinate the maintenance of parks and recreation facilities with the Department of Public Works<sup>[S76]</sup>;

~~(9)~~(8) Coordinate any recreational activities in Town open space areas with the Conservation Commission;

~~(10)~~(9) Perform such other duties as directed by the Parks and Recreation Commission or the First Selectperson; and

~~(11)~~(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 9.11.B** of this Charter shall be inoperative.

## **§87.11. Director of Community and Economic Development<sup>271</sup>.**

**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 Task Force.** The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the First Selectperson's Affordable

<sup>271</sup> 2022 recodification of current Article IX, §9.12 (2006).

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Housing ~~Task Force~~ Committee.

## §87.12. Director of Human Resources<sup>272</sup>.

**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 Selectman

## §87.13. Internal Auditor or Auditors<sup>273</sup>.

**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.

## §87.14. Assessor<sup>274</sup>.

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.

<sup>272</sup> 2022 recodification of current Article IX, §9.13 (2006).

<sup>273</sup> 2022 recodification of current Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

<sup>274</sup> 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.

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## §87.15. Tax Collector<sup>275</sup>.

**A. Appointment and supervision.** The Tax Collector shall be appointed by the Board of Selectman 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, 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<sup>[S77]</sup>.

~~**D. Accounting method.** The Tax Collector shall use the double entry system of accounting for keeping records approved by the State Commissioner of Revenue Services. However, the Tax Collector shall not be required to post collection of taxes and assessments in the tax book or tax rate bills.~~

~~**E. Special exemption.** 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 of this Charter shall not be applicable to the Town or the Tax Collector.~~

## §87.16. Tree Warden<sup>276</sup><sup>[S78]</sup>.

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 Statutes<sup>277</sup>.

## §87.17. Constables<sup>278</sup><sup>[S79]</sup>.

**A. Appointment<sup>279</sup>.** There shall be four (4) Constables appointed by the Board

<sup>275</sup> 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.

<sup>276</sup> 2022 modification and recodification of current Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter.

<sup>277</sup> **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.).

<sup>278</sup> 2022 modification and recodification of current Article IX, §9.13 (2006).

<sup>279</sup> 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.



# CHARTER OF THE TOWN OF FAIRFIELD

of Selectpersons. No more than two (2) shall be from the same political party.

**B. Powers and duties**<sup>280</sup>. Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies**<sup>281</sup>. Vacancies shall be addressed as set forth in §7.6 of this Charter.

## Officers appointed by other bodies.

### §87.18. Director of Health<sup>282</sup>.

**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. Qualifications**<sup>283</sup>. The Director of Health shall be appointed in accordance with the requirements of the General Statutes and in accordance with the provisions of §7.2.B of this Charter[S80].

**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.

### §87.19. Chief of Police<sup>284</sup>.

**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:

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<sup>280</sup> 2022 modification and recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>281</sup> 2022 recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>282</sup> 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.

<sup>283</sup> **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.).

<sup>284</sup> 2022 recodification of current Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

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- (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 lawful orders or for violations of the rules and Regulations of the Police Department<sup>285</sup>. 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.

## §87.20. Fire Chief<sup>286</sup>.

**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

<sup>285</sup> Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

<sup>286</sup> 2022 recodification of current Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

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of administration and operation and to the Fire Commission on matters of policy.

## §87.21. Planning Director<sup>287</sup>.

**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 matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

## §87.22. Animal Control Officer<sup>288</sup>.

**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.

## §87.23. \_\_\_\_\_ Conservation Director<sup>289</sup>.

**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.

## §87.24. Town Librarian<sup>290</sup>.

**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.

<sup>287</sup> 2022 recodification of current Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

<sup>288</sup> 2022 recodification of current Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

<sup>289</sup> 2022 recodification of current Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

<sup>290</sup> 2022 recodification of current Article IX, §9.26 (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

**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 10.17.C(5) and (6).

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

# CHARTER OF THE TOWN OF FAIRFIELD

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SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE ~~IX~~XVIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

### §98.1. Boards and Commissions<sup>291</sup>.

**A. Permanent Bodies Appointed by the First Selectperson<sup>292</sup>.** The First Selectperson shall appoint the members of the bodies listed in this sub-section and in Section 98.2 of this Charter in the numbers and for the terms set forth therein: Conservation Commission.

**B. Permanent Bodies Appointed by the Board of Selectpersons<sup>293</sup>.** The Board of Selectpersons shall appoint the members of the bodies listed in this sub-section and in Sections 98.3 through 98.14 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 Dept.	Flood Prevention, Climate Resilience and Erosion Control Board
Board of Building Appeals	
Water Pollution Control Authority	Historic District Commission
Human Services Commission and Dept.	Golf Commission

**C. Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM<sup>294</sup>.** The Board of Selectpersons shall appoint the members of the body listed in this sub-section and in Sections 98.15 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 Selectpersons<sup>295</sup>.** The Board of Selectpersons shall approve the members of the body listed in this sub-section and in Sections 98.16 of this Charter in the numbers and for the terms set forth therein: Board of Library Trustees.

### **E. Meetings<sup>296</sup>.**

**(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

<sup>291</sup> 2022 recodification of current Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

<sup>292</sup> 2022 recodification of current Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

<sup>293</sup> 2022 recodification of current Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

<sup>294</sup> NEW (2022).

<sup>295</sup> NEW (2022).

<sup>296</sup> 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<sup>[S81]</sup>. 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<sup>[S82]</sup>.

~~(2) — Each appointed Board and Commission shall keep an accurate record of all its official acts, votes, meetings, and proceedings and shall designate one (1) of its members or its clerk to keep such record. The minutes and records of such Boards and Commissions shall be public records and shall be open for public inspection at the office of the Town Clerk or of the department involved during regular business hours<sup>297</sup>.~~

~~(3) — All regular meetings of boards and commissions shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed Boards and Commissions, and committees shall comply with state freedom of information laws unless otherwise provided by statute<sup>298</sup>.~~

~~(4)(2)~~ Robert's Rules of Order shall regulate the conduct of all meetings of Boards and Commissions unless a particular Board or Commission otherwise stipulates.

F. **Vacancies**<sup>299</sup>. A vacancy in the membership of any permanent appointed Board or Commission shall be filled in the manner prescribed in **§3.5 of this Charter**.

## **Bodies appointed by the First Selectperson.**

### **§98.2. Conservation Commission**<sup>300</sup>.

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).**

<sup>297</sup> ~~Derived from Chapter XXIV, §2 of the 1947 and 1956 Special Acts; Chapter XXVI, §2 of the 1975 Charter.~~

<sup>298</sup> ~~Derived from Chapter II, §6 of the 1947 and 1956 Acts.~~

<sup>299</sup> 2022 recodification of current Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

<sup>300</sup> 2022 recodification of current Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.

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(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 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;



# CHARTER OF THE TOWN OF FAIRFIELD

(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.

## Permanent bodies appointed by the Board of Selectpersons.

### §98.3. Police Commission and Department<sup>301</sup>.

**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;

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<sup>301</sup> 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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(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 and in any event for terms not to exceed one (1) year unless re-appointed.

## §98.4. Fire Commission and Department<sup>302</sup>.

**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

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<sup>302</sup> 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.

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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.

## §98.5. Police and Fire Retirement Board<sup>303</sup>.

**A. Members and terms.** The Police and Fire Retirement Board shall consist of seven (7) members: The First Selectperson (who shall be Chairman), 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 the 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.

## §98.6. Department of Public Works<sup>304</sup>.

<sup>303</sup> 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.

<sup>304</sup> 2022 recodification of current Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

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<sup>[S83]</sup>, highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements, and 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 Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by Ordinance<sup>[S84]</sup>.

**D.** The custody of all maps of the Town not otherwise entrusted to any other Department, Board, Commission, or Town Officer; 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.

## **§98.7. Board of Health and Public Health Department<sup>305</sup><sup>[S85]</sup>.**

**A. Members and terms of the Board of Health<sup>306</sup>.** 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

<sup>305</sup> 2022 recodification of current Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

<sup>306</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

for the Public Health Department and shall make all necessary rules and Regulations for its administration.

**C. Personnel<sup>307</sup>.** 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, 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.

**§98.8. Parks and Recreation Commission<sup>308</sup>.**

**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 **Section 3.2 of this Charter**, no more than five (5) of the members appointed by the Board of Selectman 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

<sup>307</sup> Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

<sup>308</sup> 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.

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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.

## §98.9. Board of Building Appeals<sup>309</sup>.

**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.

**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.

## §98.10. Flood Prevention, Climate Resilience and Erosion Control Board<sup>310</sup> [S86].

**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 shall be a non-voting ex officio member of the Commission [S87].

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

**C. Temporary members.** If any member of the Board is disqualified from participating in any appraisal of damages or assessment of benefits, the remaining members of the Board shall appoint an elector as a temporary board member. The temporary board member shall have all of the powers and duties of the disqualified member, but only with respect to the matter as to which the member is disqualified.

<sup>309</sup> 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.

<sup>310</sup> 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.

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## §98.11. Water Pollution Control Authority<sup>311</sup>.

**A. Members and terms.** The Water Pollution Control Authority shall consist of 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<sup>[S88]</sup>;

(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;

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<sup>311</sup> 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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(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.

## §98.12. Historic District Commission<sup>312</sup>.

**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.).

## §98.13. Human Services Commission and Department<sup>313</sup>[S89].

**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, the disabled, 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 handicapped persons.

**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.**

<sup>312</sup> 2022 recodification of current Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

<sup>313</sup> 2022 recodification of current Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.



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(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 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 or body 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 gift in each instance.

## §98.14. Golf Commission<sup>314</sup>.

**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**

## §98.15. Ethics Commission<sup>315</sup>.

**A. Members and terms.**

<sup>314</sup> 2022 recodification of current Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

<sup>315</sup> 2022 recodification of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.

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(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<sup>[S90]</sup>.

(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.

**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 Officers and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of elected and Appointed Town Officers, 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

# CHARTER OF THE TOWN OF FAIRFIELD

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<sup>ths</sup>) of those members voting.

## Self-Perpetuating Board Approved by Board of Selectpersons

### §98.16. Board of Library Trustees<sup>316</sup> [S91].

**A. Members and terms.** 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, the Board of Library Trustees, with the approval of the Board of Selectpersons, shall appoint one (1) trustee to serve for a term of ~~six (6)~~ three (3) years [S92].

**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 [S93].

**C. Powers and duties.** The Board of Library Trustees shall [S94]:

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<sup>316</sup> 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.

# CHARTER OF THE TOWN OF FAIRFIELD

(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 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 shall transfer the gross income (Dividends) at least quarterly to the Town Treasurer/Chief Fiscal Officer to be expended by the Town for general capital improvements to the library purposes or for such special purposes as may be required to comply with the terms and conditions of any gift. To the extent permitted 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 any part of the by state standards. The principal of any library fund within the funds is not to be expended used for operational budgeting purposes, it is governed and managed solely by the Town for general library purposes 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.

## **CHARTER OF THE TOWN OF FAIRFIELD**

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.

SECOND PRE-HEARING DISCUSSION DRAFT CHARTER - 25 MAY 2022

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE XIX - BUDGET PROCEDURE AND RELATED MATTERS

### §109.1. The Budget Process<sup>317</sup>.

**A. Cooperation of Town Officers and Employees<sup>318</sup>.** 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 which shall include all expected revenues and expenditures and, for the purposes of short- and long-term financial planning, include 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 year<sup>319</sup>.** 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 Inspection<sup>320</sup>.** 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 Engagement<sup>321</sup>.** 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 Calendar<sup>322</sup>.** Not later than the second (2<sup>nd</sup>) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer or equivalent official responsible for the management of the budget process shall, in accordance with [section 40§9.1 A](#) of this Charter, 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:

- (1) Submission of Budget Estimates<sup>[S95]</sup> by Submitting Parties, as set

<sup>317</sup> NEW (2022).

<sup>318</sup> NEW (2022).

<sup>319</sup> NEW (2022).

<sup>320</sup> NEW (2022).

<sup>321</sup> NEW (2022).

<sup>322</sup> NEW (2022).

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forth in ~~section 10~~§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 ~~Section 10~~§9.3.B of this Charter;

(3) Recommendation of the Proposed Executive Budget to the Board of Finance, as set forth in ~~section 10~~§9.4.A of this Charter;

(4) Date of the Public Hearing of the Board of Finance as set forth in ~~section 10~~§9.5.B of this Charter;

(5) Date of Adoption of the Proposed Town Budget as set forth in ~~section 10~~§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 ~~sections 10~~§§9.2 and 109.6.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 ~~sections 10~~§§9.5.E and 109.7 of this Charter.

## **§109.2. Date of annual budget meeting<sup>323</sup>.**

The RTM shall hold the annual budget meeting on the second (2<sup>nd</sup>) Monday in May of each year ("RTM Annual Budget Meeting").

## **§109.3. Annual Budget Estimates.**

**A. Submission of General Fund and Capital Budget Estimates to the First Selectperson<sup>324</sup>.** All Town Officers, Boards and Commissions and Departments of the Town, including the Board of Education ("Submitting Parties"), shall submit to the First Selectperson<sup>325</sup>.

(1) such items and details of their respective general fund and capital budgets for the next fiscal year<sup>326</sup>; and,

<sup>323</sup> 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.

<sup>324</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>325</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>326</sup> 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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(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 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 a ~~joint presentation~~ Multi-Board Budget Workshop with said Submitting Parties (“First Selectperson’s Budget Recommendation” “Budget Recommendation”) <sup>327</sup>.

**B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM** <sup>328</sup> [S96]. ~~Following transmittal of the~~

(1) First Selectperson’s Recommendations Budget Recommendation. Not later than second (2<sup>nd</sup>) Monday in March, the First Selectman’s Budget Recommendation shall be submitted to the Board of Selectpersons for consideration and to the Board of Financer 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.

(1)(2) Multi-Board Budget Workshop. Following submission and budget address, the First Selectperson shall convene a joint meeting budget workshop of the Board of Selectpersons; and the Board of Finance; and, the RTM for the purpose of meeting with receiving testimony and information from all Submitting Parties, including the Board of Education, in order to conduct a comprehensive review of the said Recommendations 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. The Joint meeting workshop shall be called to the order by the First Selectperson and facilitated, in turn, by the Chair of the Board of Finance and RTM Moderator during <sup>329</sup> and shall be conducted in accordance with rules of order facilitate a comprehensive review to the benefit of the participating bodies and the public. The rules may permit expansion of the workshop to include the RTM in the event RTM committees (not to exceed nine members) would participate as a rotating group of interlocutors to participate in the questioning

<sup>327</sup> 2022 modification and recodification of current Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>328</sup> NEW (2022)

<sup>329</sup> 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 session 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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~~by their members, respectively<sup>330</sup> of the Submitting Parties.~~

## **§109.4. Review and recommendation by Board of Selectpersons to the Board of Finance.**

### **A. Proposed Executive Budget; Submission to Board of Finance<sup>331</sup>.**

Following the joint meetings, set forth in ~~section 10§9.3.B~~, the Board of Selectpersons shall make recommendation of a Proposed Executive Budget to the Board of Finance, not later than the fourth (4<sup>th</sup>) 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 time<sup>332</sup>.

**B. Variation of procedure<sup>333</sup>.** The Board of Selectpersons, **with the approval of the Board of Finance<sup>[S97]</sup>**, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

## **§109.5. Review and recommendation by Board of Finance.**

**A. Further examination<sup>334</sup>.** 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 ~~section 10§9.5.B~~ of this Charter.

**B. Public hearing by Board of Finance<sup>335</sup>.** The Board of Finance shall hold a public hearing on the Proposed Executive Budget prior to the public meeting set forth in ~~section 10§9.5.C~~ of this Charter.

**C. Proposed Town Budget; Submission to RTM<sup>336</sup>.** After the public hearing as set forth in ~~section 10§9.5.B~~ of this Charter, above, the Board of Finance shall hold a public meeting not later than the ~~third (3<sup>rd</sup>)~~ **fourth (4<sup>th</sup>)** 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.

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~~<sup>330</sup> 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 session 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.~~

<sup>331</sup> 2022 modification and recodification of current Article XII, §12.2.B (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>332</sup> 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>333</sup> 2022 Recodification of current Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>334</sup> NEW (2022).

<sup>335</sup> 2022 modification and recodification of current Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>336</sup> 2022 modification and recodification of current Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

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## **D. Board of Finance Presentation of the Proposed Town Budget to RTM<sup>337</sup>.**

The Board of Finance shall present the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting.

**E. Determination of property tax rate<sup>338</sup>.** 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 ~~section 10~~§9.7, below.

## **§109.6. Review and determination by the RTM: Approved Annual Town Budget.**

**A. RTM Deliberations and Further Examination<sup>339</sup>.** The RTM may hold meetings, as it determines necessary before the Public Hearing set forth in ~~section 10~~§9.6.C of this Charter and the Annual Budget Meeting.

**B. The Approved Annual Town Budget<sup>340</sup>.** At the Annual Meeting, the RTM shall act upon the Annual Town Budget for the next fiscal year.

## **§109.7. Effect of referendum on the budget<sup>341</sup>.**

Any item in the Approved Annual Town Budget referred to a referendum vote as provided in §3.6 of this Charter, above 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.

## **§109.8. Appeals from the Board of Finance.**

**A. Appeals to RTM<sup>342</sup>.** Any Town Officer, Board, Commission 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 Officer, Board, Commission, 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 Officer, Board, Commission, or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

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<sup>337</sup> 2022 modification and recodification of current Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>338</sup> 2022 modification and recodification of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>339</sup> 2022 modification and recodification of current Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>340</sup> 2022 modification and recodification of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>341</sup> 2022 modification and recodification of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.

<sup>342</sup> 2022 modification and recodification of current Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**B. Method of appeal**<sup>343</sup>. 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 Officer, Board, Commission, or Department making the appeal.

**C. RTM hearing**<sup>344</sup>. 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 appeal**<sup>345</sup>. 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.

## **§109.9. Expenditure in excess of appropriation forbidden**<sup>346</sup><sub>[S98]</sub>.

No Town Officer, Board, Commission, 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.

<sup>343</sup> Recodification of current Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>344</sup> 2022 modification and recodification of current Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>345</sup> 2022 modification and recodification of current Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>346</sup> Recodification of current Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE XIX – STANDARDS OF CONDUCT<sup>347</sup>

### §1110.1. Declaration of Policy<sup>348</sup>.

Elected and appointed Town officers, RTM members, members of Boards and Commissions, 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.

### §1110.2. Conflict of Interest<sup>349</sup>.

No Town Officer or employee or RTM member or any member of any Board or Commission shall:

**A.** 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, 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.

**B.** Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

**C.** 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, employee's, or 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

**D.** 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 performance of the Town officer's, employee's, or member's official duties<sup>350</sup>.

<sup>347</sup> Current Article XI entitled "Standards of Conduct.

<sup>348</sup> Current Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

<sup>349</sup> Current Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

<sup>350</sup> Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

# CHARTER OF THE TOWN OF FAIRFIELD

## §4110.3. Disclosure of Interest<sup>351</sup>.

Any Town Officer or employee, RTM member, or member of any Board or Commission 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.

## §4110.4. Fair and Equal Treatment<sup>352</sup>.

No Town Officer or employee, RTM member, or member of any Board or Commission 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. Moreover, no town Officer or employee, RTM member, or member of any Board or Commission shall falsely impugn the reputation of a member of the public<sup>353</sup>[§99]. This provision is not intended to prevent an RTM member from properly representing the people of the member's district.

## §4110.5. Penalties and Disciplinary Action for Violations<sup>354</sup>.

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 Officer, employee, RTM member, or member of any Board or Commission, 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.

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<sup>351</sup> Current Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the 1997 Charter,

<sup>352</sup> Current Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

<sup>353</sup> NEW (20220). **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."

<sup>354</sup> Current Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE ~~XIV~~XI - MISCELLANEOUS

### **§~~1211~~.1. Official Seal<sup>355</sup>**

The Town shall adopt 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.

### **§~~1211~~.2. Existing ordinances<sup>356</sup>**

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

### **§~~1211~~.3. Separate provisions<sup>357</sup>**

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.

### **§~~1211~~.4. Submission and effective date<sup>358</sup>**

This Charter shall be submitted to the electors of the Town at the general election to be held Tuesday, November 7, 2006. 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, 2006.

<sup>355</sup> 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.

<sup>356</sup> 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.

<sup>357</sup> 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.

<sup>358</sup> 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.

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## Addendum<sup>[S100]</sup>

### Organization of Town Government<sup>359</sup>.

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<sup>360</sup>.

Number	Body of Position	Term
56 (max.)	Representative Town Meeting	2 years <sup>361</sup>
3	Board of Selectpersons	4 years <sup>362</sup>
1	Town Clerk	4 years <sup>363</sup>
2	Registrars of Voters	4 years <sup>364</sup>
7	Constables	2 years <sup>365</sup>
9	Board of Finance	6 years <sup>366</sup>
5	Board of Assessment Appeals	4 years <sup>367</sup>
9	Board of Education	4 years <sup>368</sup>
5	Zoning Board of Appeals	4 or 2 years <sup>369</sup>
3	Zoning Board of Appeals Alternates	4 years
7	Town Plan and Zoning Commission	4 or 2 years <sup>370</sup>

<sup>359</sup> Recodification of current Article I, §1.4. Derived from Article I, §1.4 of the 1997 Charter

<sup>360</sup> Recodification of current Article I, §1.4.A. Derived from Article I, §1.4.A of the 1997 Charter.

<sup>361</sup> Derived from Chapter I, §4 and Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; and, Chapter I, §4 and Chapter II, §1 and §4(c) of the 1975 Charter.

<sup>362</sup> Derived from Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(c) of the 1975 Charter and Article I, §1.5.A of the 1999 Charter [3 members – two-year term]. The four-year term was adopted in the 2006 Charter.

<sup>363</sup> Derived from Chapter II, §1 and §4(b) and Chapter VII of the 1947 and 1956 Acts; as reenacted by Chapter II, §1 and §4(c) and Chapter VII of the 1975 Act; Article I, §1.4.A, Article II, §2.3.B and Article VII, §7.1 of the 1997 Charter.

<sup>364</sup> Derived from Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(c) of the 1975 Charter and Article I, §1.4.A of the 1999 Charter. Note: There were two Registrars of Voters. The four-year term was adopted in the 2006 Charter.

<sup>365</sup> Derived from Chapter II, §1 and §4(b) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(c) of the 1975 Charter and Article I, §1.4.A of the 1999 Charter.

<sup>366</sup> Derived from Chapter II, §1 and §4(c) of the 1947 and 1956 Acts; as, reenacted in Chapter II, §1 and §4(d) of the 1975 Charter and Article I, §1.4.A of the 1997 Charter [9 members].

<sup>367</sup> Derived from Article I, §1.4.A of the 1997 Charter.

<sup>368</sup> Derived from Chapter II, §1 and 4(e) of the 1947 and 1956 Acts [six-year term]. Amended by Chapter II, §1 and §4(e) of the 1975 Charter (four-year term) and Article I, §1.4.A of the 1997 Charter [six-year term]. The current four-year term was adopted in the 2006 Charter.

<sup>369</sup> Note: The ZBA was an appointed Board; see, Chapter II, §2 of the 1947 and 1956 Acts. The elected ZBA was enacted in Chapter II, §4(g) of the 1975 Charter and Article I, §1.4.A of the 1997 and 2006 Charter.

<sup>370</sup> Derived from Chapter II, §1 and 4(e) of the 1947 and 1956 Acts [six-year term]. A two-member Board of Tax Review and an appointed Chair were included in said 1947 Charter; see also, Chapter XVIII of the 1947 and 1956 Acts and, Chapter II, §1 of the 1956 Act and Chapter XIX of the 1975 Charter. Further reenacted in Chapter II, §1 and §4(h) and



# CHARTER OF THE TOWN OF FAIRFIELD

3 Town Plan and Zoning Commission Alternates 4 years

## B. Appointed Positions<sup>371</sup>.

### (1) Appointed by the First Selectman:

Number	Body of Position	Term
1	Town Attorney <sup>372</sup>	
Indefinite	Assistant Town Attorneys <sup>373</sup>	
1	Fiscal Officer <sup>374</sup>	
1	Controller <sup>375</sup>	
1	Town Treasurer <sup>376</sup>	
1	Director of Community and Economic Development <sup>377</sup>	
1	Director of Human and Social Services <sup>378</sup>	
1	Director of Public Works <sup>379</sup>	
1	Building Official <sup>380</sup>	4 years
1	Director of Parks and Recreation <sup>381</sup>	
1	Purchasing Agent <sup>382</sup>	
1	Director of Human Resources <sup>383</sup>	
7	Conservation Commission <sup>384</sup>	5 years

(i) of the 1975 Charter and Article I, §1.4.A of the 1997 and 2006 Charters.

<sup>371</sup> Current Article I, §1.4.B (2006).

<sup>372</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and Chapter II, 2 of the 1975 Charter and Article I, §1.B.i of the 1997 and 2006 Charters, respectively. The was also a Director of Welfare (see also, Chapter V of the 1947 Act and 1956 Act), Town Engineer, Dog Warden and a three-member Retirement Board, all appointed by the Board of Selectmen; a Building Inspector appointed by the Building Commission; a Highway Superintendent appointed by the Director of Public Works; and, a Town Health Officer appointed by the Board of Health. The Retirement Board was included in Chapter XX of the 1947 Act and 1956 Act.

<sup>373</sup> See, prior fn.

<sup>374</sup> Derived from Article II, 2 of the 1975 Charter and Article I, §1.B.i of the 1997 and 2006 Charters respectively. Note: the position of Assistant Fiscal Officer was set forth in the 1997 Charter.

<sup>375</sup> Current Article I, §1.4.B.i (2006).

<sup>376</sup> Derived from Chapter II, §2 of the 1947 and 1956 Act. Treasurer was an elected official. The Treasurer became an appoint officer in Chapter II, §2 of the 1997 Charter and Article I, §1.B.i of the 2006 Charter. Note: There was an Assistant Treasurer list in the 1975 and 1997 Charters.

<sup>377</sup> Current Article I, §1.B.i (2006).

<sup>378</sup> Current Article I, §1.B.i (2006).

<sup>379</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts [delineated as the “town engineer and director of public works”]; reenacted as the Director of Public Works in Chapter II, §2 of the 1975 Charter and Article I, §4.2.B.i of the 2006 Charter.

<sup>380</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts. Note: The Building Inspector was eliminated in the 1975 Charter yet included in Article I, §1.4.B.i of the 1997 Charter. Note: The “Building Official” was, again, set forth in Article I, §1.4.B.i of the 1997 and, as “Building Inspectors” in the 2006 Charter. **Note: Is this the equivalent to the Building Official?**

<sup>381</sup> Derived from Article I, §1.4.B.i of the 1997 and 2006 Charters.

<sup>382</sup> Derived from Article I, §1.4.B.i of the 1997 and 2006 Charters.

<sup>383</sup> Derived from Article I, §1.4.B.i of the 1997 and 2006 Charters

<sup>384</sup> Derived from Article I, §1.4.B.i of the 1997 and 2006 Charters.

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3	Conservation Commission Alternates <sup>385</sup>	5 years
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## (2) Appointed by the Board of Selectpersons<sup>386</sup>:

Number	Body of Position	Term
1 or more	Internal Auditors <sup>387</sup>	
1	Assessor <sup>388</sup>	
1	Tax Collector <sup>389</sup>	
1	Tree Warden <sup>390</sup>	1 year
7	Police Commission	5 years <sup>391</sup>
7	Fire Commission	5 years <sup>392</sup>
7	Police and Fire Retirement Board	3 or 1 years <sup>393</sup>
7	Board of Health	4 years <sup>394</sup>
8	Parks and Recreation Commission	5 years <sup>395</sup>
5	Board of Building Appeals	5 years <sup>396</sup>
5	Flood and Erosion Control Board	5 years <sup>397</sup>
5	Ethics Commission	2 years <sup>398</sup>
7	Water Pollution Control Authority	4 years <sup>399</sup>

<sup>385</sup> See, fn, above.

<sup>386</sup> Chapter II, §2 of the 1947 and 1956 Acts included an appointed Zoning Board of Appeals and Building commission.

<sup>387</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters

<sup>388</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts, appointed by the Board of Finance. Thereafter appointed by the Board of Selectmen in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>389</sup> Derived from Chapter II, §2 of the 1947 Act and 1956 Acts, appointed by the Board of Finance. Appointed by the Board of Selectmen in Article I, §1.4.B.ii of the 1997 and 2006 Charters,

<sup>390</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>391</sup> See Appendix for transition to increased membership. Modification of Chapter II, §2 of the 1947 and 1957 Acts and reaffirmed in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. Note: There were five Police Commissioners.

<sup>392</sup> Derived from Chapter II, §2 of the 1947 and 1957 Acts and reaffirmed in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. See Appendix for transition to increased membership.

<sup>393</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters. 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. Note: A Retirement Board if enumerated in earlier versions of the Charter.

<sup>394</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. 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.

<sup>395</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and 1975 Charter (Separate Parks and recreation Commissions) and Article I, §1.4.B.ii of the 1997 and 2006 Charters. Selectmen appoint 8 members for 5 years; Board of Education appoints 1 of its members. Derived from Chapter II, §2 of the 1947 Act where there were five Park Commissioners and three members of the Board of Recreation. Reenacted by Chapter II, §2 of the 1956 Act.

<sup>396</sup> Derived from Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>397</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>398</sup> Derived from Chapter II, §2 of the 1947 and 1956 Acts and 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters. Requires RTM approval.

<sup>399</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters. 1 position is held by a member of the Board of Selectmen.

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5	Historic District Commission	5 years <sup>400</sup>
3	Historic District Commission Alternates	5 years
9	Human Services Commission	4 years <sup>401</sup>
7	Golf Commission	5 years <sup>402</sup>

### (3) Appointed by Other Bodies:

Number	Position	Appointing Authority	Term
1	Director of Health	Board of Health	4 years <sup>403</sup>
1	Chief of Police	Police Commission <sup>404</sup>	
1	Fire Chief	Fire Commission <sup>405</sup>	
1	Planning Director	Town Plan and Zoning Commission <sup>406</sup>	
1	Animal Control Officer	Police Commission <sup>407</sup>	
1	Conservation Director	Conservation Commission <sup>408</sup>	
7	Board of Library Trustees	Board of Library Trustees	6 years <sup>409</sup>
1	Town Librarian	Board of Library Trustees <sup>410</sup>	

<sup>400</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>401</sup> Derived from Article I, §1.4.B.ii of the 1997 and 2006 Charters.

<sup>402</sup> Current Article I, §1.4.B.ii (2006).

<sup>403</sup> With the approval of the First Selectman. Derived from Chapter II, §2 of the 1947 and 1956 Acts and reaffirmed in Chapter II, §2 of the 1975 Charter and Article I, §1.4.B.ii of the 1997 and 2006 Charters

<sup>404</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 1997 and 2006 Charters.

<sup>405</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 1997 and 2006 Charters.

<sup>406</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 1997 and 2006 Charters.

<sup>407</sup> Derived from Article I, §1.4.B.iii (2006 Charter).

<sup>408</sup> With the approval of the First Selectman. Derived from Article I, §1.4.B.iii of the 2006 Charter.

<sup>409</sup> With the approval of the Board of Selectmen; 1 of the positions is held by the Town Treasurer. Derived from Article I, §1.4.B.iii of the 2006 Charter.

<sup>410</sup> With the approval of the First Selectman.

# CHARTER OF THE TOWN OF FAIRFIELD

## APPENDIX - TRANSITION PROCEDURES

**Board of Education.** Prior to the enactment of this Charter, the Charter provided for six (6) year terms for members of the Board of Education. Upon enactment of this Charter, the nine (9) members of the Board of Education will have four (4) year terms. Members of the Board will be elected at alternating Town elections so that five (5) members are elected at one (1) Town election and four (4) at the next. This will be phased in over the period from 2007 to 2013 then continue as follows:

Year of Election. Future:	Original Election	2007	2009	2011	2013	2015	2017
<b>BOE members</b>							
4-year term @ 11/07	2001	2011		2015		2019	
4-year term @ 11/07	2001	2011		2015		2019	
6-year term @ 11/07; 4 years from 11/13	2001	2013			2017		2021
4-year term @ 11/09	2003		2013		2017		2021
4-year term @ 11/09	2003		2013		2017		2021
4-year term @ 11/09	2003		2013		2017		2021
4-year term @ 11/11	2005			2015		2019	
4-year term @ 11/11	2005			2015		2019	
4-year term @ 11/11	2005			2015		2019	
Total per Year:		3	3	5	4	5	4

**Police and Fire Commissions.** In order to maintain these two (2) boards with an odd number of members at all times and at the same time not have more than two (2) terms expire in the same year, two (2) new members will be appointed to each of these boards in November, 2007. One new member will have a five (5) year term. The other new member will have a three (3) year term, at the expiration of which the term will become and remain five (5) years.