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## CHARTER

[HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27-2006.<sup>1</sup> Amendments noted where applicable.]

### ARTICLE I

#### Incorporation, General Powers, and Organization

##### § 1.1. Incorporation and powers.

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

##### § 1.2. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the date when this Charter shall take effect are continued in the Town, and the Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on the effective date, whether accrued or not. Nothing shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien for the construction, alteration, or repair of any public improvement.

##### § 1.3. Definitions.

A. Capitalized terms. 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 authorities, 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.

B. Defined terms. The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

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<sup>1</sup> Editor's Note: This enactment supersedes the former Charter adopted by the Representative Town Meeting 11-4-1997, effective 11-24-1997.

"Town office" means any position in Town government which is described by this Charter except membership on the Representative Town Meeting.

"Town officer" means an individual elected or appointed to a Town office other than as a member of an authority, board, or commission.

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

"General Statutes" 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.

#### § 1.4. Organization of Town government.

The government of the Town shall consist of the following Town officers and bodies as well as other Town officers and bodies not described in this Charter but designated by ordinance or the General Statutes:

A. Elected positions:

<b>Number</b>	<b>Body or Position</b>	<b>Term</b>
56 (Max.)	Representative Town Meeting	2 years
3	Board of Selectmen	4 years
1	Town Clerk	4 years
2	Registrars of Voters	4 years
7	Constables	2 years
9	Board of Finance	6 years
5	Board of Assessment Appeals	4 years
9	Board of Education	4 years
5	Zoning Board of Appeals	4 or 2 years
3	Zoning Board of Appeals Alternates	4 years
7	Town Plan and Zoning Commission	4 or 2 years
3	Town Plan and Zoning Commission Alternates	4 years

B. Appointed positions:

(1) Appointed by the First Selectman:

<b>Number</b>	<b>Body or Position</b>	<b>Term</b>
1	Town Attorney	
Indefinite	Assistant Town Attorneys	
1	Fiscal Officer	
1	Controller	
1	Town Treasurer	
1	Director of Community and Economic Development	
1	Director of Human and Social Services	
1	Director of Public Works	
1	Building Official	4 years
1	Director of Parks and Recreation	
1	Purchasing Agent	
1	Director of Human Resources	
7	Conservation Commission	5 years
3	Conservation Commission Alternates	5 years

(2) Appointed by the Board of Selectmen.

<b>Number</b>	<b>Body or Position</b>	<b>Term</b>
1 or more	Internal Auditors	
1	Assessor	
1	Tax Collector	
1	Tree Warden	1 year
7	Police Commission	5 years (a)
7	Fire Commission	5 years (a)
7	Police and Fire Retirement Board	3 or 1 years(b)
7	Board of Health	4 years (c)
8	Parks and Recreation Commission	5 years (d)
5	Board of Building Appeals	5 years
5	Flood and Erosion Control Board	5 years
5	Ethics Commission	2 years (e)
7	Water Pollution Control Authority	4 years (f)
5	Historic District Commission	5 years
3	Historic District Commission Alternates	5 years
9	Human Services Commission	4 years
7	Golf Commission	5 years

NOTES:

- (a) See Appendix for transition to increased membership.
  - (b) Selectmen appoint 3 members for 3 years; police and fire department members each appoint 1 member for 1 year. The final 2 members are the First Selectman and the Fiscal Officer.
  - (c) Selectmen appoint 5 members for 4 years; Board of Education and Human Services Commission each appoints 1 of its members, whose terms may not last beyond their terms on the Board of Education and Human Services Commission, respectively.
  - (d) Selectmen appoint 8 members for 5 years; Board of Education appoints 1 of its members.
  - (e) Requires RTM approval.
  - (f) 1 position is held by a member of the Board of Selectmen.
- (3) Appointed by other bodies.

<b>Number</b>	<b>Position</b>	<b>Appointing Body</b>	<b>Term</b>
1	Director of Health	Board of Health	4 years (a
1	Chief of Police	Police Commission	(a
1	Fire Chief	Fire Commission	(a
1	Planning Director	Town Plan and Zoning Commission	(a
1	Animal Control Officer	Police Commission	
1	Conservation Director	Conservation Commission	(a
7	Board of Library Trustees	Board of Library Trustees	6 years (b
1	Town Librarian	Board of Library Trustees	(a

NOTES:

- (a) With the approval of the First Selectman.
- (b) With the approval of the Board of Selectmen; 1 of the positions is held by the Town Treasurer.

ARTICLE II  
Elected Officials and Elections

§ 2.1. Eligibility for elected Town office.

A. Elector requirement for elected Town office. No person not an elector of the Town at the time of election shall be eligible for election to any Town office.

B. Effect of ceasing to be an elector. If any elected Town official ceases to be an elector of the Town, the office shall become vacant.

C. Single office requirement for elected Town office. No person shall be eligible to hold any elected Town office, 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 or Constables, but does include members of the Board of Education.

#### § 2.2. Minority representation on elected boards and commissions.

A. Even number requirements. 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 the number of persons to be elected.

B. Uneven number requirements. 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. Each political party may nominate, and each elector may vote for, the full number of candidates to be elected. In the event that more than two candidates, in an election year when four candidates are to be elected, or more than three candidates in a year when five candidates are to be elected, receiving the highest number of votes belong to the same political party, the two candidates of four, or the three candidates of five, receiving the highest number of votes shall be declared elected and the two candidates not of the same political party receiving the highest number of votes shall also be declared elected.

#### § 2.3. Town elections and terms of office.

A. Date of Town elections. A meeting of the electors of the Town for the election of elected Town officials and members of the Representative Town Meeting ("RTM") shall be held on the first Tuesday after the first Monday in November in each odd numbered year.

B. Officials elected at each Town election and their terms. At each Town election, all members of the RTM and the Constables shall be elected for the terms set



forth in Section 1.4A. In addition, at each Town election members of elected boards and commissions shall be elected in the number and for the terms indicated:

<b>Number</b>	<b>Board or Commission</b>	<b>Term</b>
3	Board of Finance	6 years
3	Town Plan and Zoning Commission	4 years
1	Town Plan and Zoning Commission	2 years
1	Zoning Board of Appeals	2 years
7	Constables	2 years

C. Officials elected every four years and their terms. At Town elections every four years, the Town Clerk and the number of members of elected boards and commissions to be elected shall be:

<b>Number</b>	<b>Board or Commission</b>	<b>Term</b>
3	Board of Selectmen	4 years (a)
1	Town Clerk	4 years (a)
5	Board of Education	4 years (b)
4	Board of Education	4 years (c)
3	Board of Assessment Appeals	4 years
2	Board of Assessment Appeals	4 years
1	Zoning Board of Appeals	4 years
3	Zoning Board of Appeals	4 years
3	Zoning Board of Appeals Alternates	4 years
3	Town Plan and Zoning Alternates	4 years

**NOTES:**

- (a) Every four years beginning in 2007
- (b) Every four years beginning in 2011 (See Appendix for Transition Procedures)
- (c) Every four years beginning in 2013 (See Appendix for Transition Procedures)

D. Commencement date of terms of elected officials and the RTM. The terms of office of elected Town officials, except the Registrars of Voters, and the RTM shall commence on the third Monday in November after their election and qualification and shall continue until their successors have been elected and qualified.

E. Nomination and terms of Justices of the Peace. Forty-five Justices of the Peace shall be nominated as provided in Chapter 146 of the General Statutes (C.G.S. § 9-

164 et seq.) and by ordinance and shall serve a four-year term beginning on the first Monday in January after their nomination.

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

#### § 2.4. Resigning from elected office.

Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the Board of Selectmen. 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.

#### § 2.5. Vacancies in elected offices.

Except as provided in Section 6.3 of this Charter with respect to the Board of Selectmen, Section 2.6G with respect to the RTM, and as otherwise directed by statute, a vacancy in any elected Town office, including membership on elected boards and commissions, shall be filled by the Board of Selectmen until the vacancy can be filled by election. 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 general election for which nominations can be timely made, or at a special election if convened by the Board of Selectmen or upon application by electors as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). Vacancies shall be filled for a term ending at the same time the vacating member's term would have expired. 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.

#### § 2.6. Procedures for RTM elections.

##### A. Districts and basis of representation.

(1) 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.

(2) 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 10%. 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.

(3) The RTM shall consist of not more than 56 members.

B. Qualification.

(1) The members of the RTM shall be elected by districts.

(2) Each RTM member shall be an elector of the Town and a resident of the district from which elected. The effect of ceasing to be a resident of the district from which the member was elected or of ceasing to be an elector is prescribed in Section 4.2D.

(3) Each RTM member shall fulfill the eligibility requirements of Section 4.2C at the time of election.

C. Nomination.

(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 1% of the electors in the district in which the candidate resides and filed with the Town Clerk not less than 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 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.

D. Election.

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

(2) No elector shall vote for more than the total number of RTM members to be elected in the district in which the elector resides.

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

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

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

F. Procedures for tied elections.

(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 specifying the object, time and place thereof to be mailed to each such member not less than three days before the time set for the meeting.

(4) At such meeting a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a

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 Section 4.2B 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.

G. Resignation and vacancies.

(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 30 days after the vacancy occurs.

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

(4) The Town Clerk shall cause notice of the meeting to be delivered to each member not less than three days before the time set for the meeting.

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

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

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

(8) If for any reason such vacancy is not filled within a thirty-day 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 members of the RTM present and voting on such vacancy shall elect.

(10) The successful candidate shall be deemed a duly qualified member for the remainder of the unexpired portion of the term upon filing with the Town Clerk a certificate of his election signed by the chairman of such special meeting of the district or by the Moderator of the RTM.

H. Eligibility for reelection. RTM members shall be eligible for reelection.

### ARTICLE III Appointed Officers and Permanent Boards and Commissions in General

#### § 3.1. Eligibility for appointed Town office.

A. Elector requirement for appointed Town officials. 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, Town Attorney, or Assistant Town Attorney. Persons serving as Chief of Police or Fire Chief must be or become an elector of the Town within six months after the time they take office.

B. Effect of ceasing to be an elector. 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. Except as otherwise provided in Sections 10.7, 10.9, 10.10, and 10.13 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, an elected or appointed 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. 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 year

except as otherwise provided in Section 10.15 of this Charter with respect to the Ethics Commission, Section 10.17 with respect to the Board of Library Trustees, Section 10.18 with respect to the Golf Commission, or by ordinance.

§ 3.2. Minority representation on permanent appointed boards and commissions.

No more than a bare majority of the members of a permanent appointed 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.

§ 3.3. Terms of office.

Unless otherwise provided by ordinance and except for members of the Ethics Commission, whose terms shall commence on July 1, and the Golf Commission, whose terms commence April 1, the terms of office of all appointed Town officers and members of permanent appointed boards and commissions shall commence on the fourth Monday in November, and shall continue for the term set forth in Section 1.4B. However, in the event that there is a vacancy and the appointing authority does not appoint a new Town officer or member by the fourth Monday in November after an election, the former appointee shall serve as a continuing Town officer or member until either the appointing authority fills the vacancy or until the 65th day after the fourth Monday in November, whichever occurs first.

§ 3.4. Resigning from appointed office.

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.

§ 3.5. Vacancies in appointed office.

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.

§ 3.6. Removal from appointed office for cause.

A. 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; 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, held not more than 10 and not less than five days after delivery of such notice. 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. Unless this Charter provides that a particular department head or director may be removed without cause, the Board of Selectmen 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 Selectmen be given as set forth in this Section 3.6 and such hearing is held in accordance with the Freedom of Information Act.

#### ARTICLE IV Legislative Branch

##### § 4.1. Representative Town Meeting.

A. Legislative power. All 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.

B. Right to vote. The right to vote at RTM meetings shall be limited to RTM members elected as provided in Section 2.6 of this Charter.

##### § 4.2. Membership.

A. Composition. The RTM shall consist of the elected RTM members. In addition, the Selectmen, the Town Clerk, the Town Attorney, any Assistant Town Attorneys, 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.

B. Judge of qualification. The RTM shall be the judge of the election and qualifications of its members.

C. Eligibility for membership on the RTM. No elected or appointed Town official (excluding, however, members of advisory boards or commissions 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 elected or appointed Town office.

D. Change of residence. An RTM member who moves from the Town shall cease to be an RTM member, but an RTM member who moves from the district from which the member was elected to another district may serve until the next election of RTM members.

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

#### § 4.3. Meetings.

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

B. Regular meetings. Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by the RTM members. 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.

C. Special meetings. Special meetings may be held whenever the First Selectman, chairman of the Board of Finance, or the Moderator shall deem them necessary. In addition a special meeting shall be held within 10 days after the submission to the Town Clerk of a written petition for a meeting signed by 1% of the electors of the Town or upon written petition signed by 10 RTM members.

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

#### § 4.4. Annual meetings, organization, and elections.

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

B. Election of Moderator. Each organization meeting shall elect from among its voting members a moderator who shall preside at all RTM meetings and shall hold office for a term of one year and until a successor is elected and has qualified. The Moderator of the RTM shall have all the powers and duties of a moderator of an open town meeting, including those set forth in C.G.S. §§ 7-7 and 7-8 of Chapter 90 of the General Statutes.

C. Deputy Moderator. Each organization meeting shall elect 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. 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. In the absence of the Moderator and the Deputy Moderator, a moderator pro-tempore may be elected from the voting members of the RTM meeting. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore of the meeting may be elected by the meeting.

F. Rules and committees. 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.

#### § 4.5. Ordinances.

The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an ordinance to be published in proper summary form within one week after the adjournment of the meeting at which such action was taken in a newspaper having a general circulation in the Town. The effective date of the ordinance or repeal shall be 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 the ordinance is filed as provided in Section 13.1 of this Charter.

#### § 4.6. Appeals from the Board of Finance.

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in Section 12.6 of this Charter.

### ARTICLE V Executive Branch in General

#### § 5.1. Composition.

The executive branch of the Town government shall consist of the Board of Selectmen and the elected and appointed boards, commissions, Town officers, and employees set forth in Article VI through Article X of this Charter.

§ 5.2. Compensation of executive branch members.

The members of all boards and commissions except the Board of Selectmen 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 Selectmen subject to the adoption of the Town budget as provided in Article XII of this Charter.

§ 5.3. Official bonds.

The Town Clerk, Town Treasurer, Tax Collector, Building Official, and such other officers or officials as may be required to do so by the Board of Selectmen shall, before entering upon their respective official duties, execute to the Town, in the form prescribed by the Town Attorney, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Selectmen, conditioned upon the faithful performance of such official duties. Premiums for such bonds shall be paid by the Town.

§ 5.4. Regulations.

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 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 10 nor less than five 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.

ARTICLE VI  
Board of Selectmen and First Selectman

§ 6.1. Board of Selectmen.

- A. Composition and election.

(1) There shall be a Board of Selectmen which shall consist of the First Selectman and two other Selectmen, no more than two of whom shall be registered with the same political party.

(2) Each political party may nominate not more than one candidate for First Selectman and not more than one candidate for Selectman. Candidates shall be listed separately on the ballot.

(3) Each elector may vote for one candidate for First Selectman and no more than one candidate for Selectman.

(4) The candidate for First Selectman receiving the highest number of votes shall be elected First Selectman. The two of the remaining candidates, whether for First Selectman or Selectman, receiving the highest number of votes shall be elected to the two remaining Selectmen positions.

(5) If the minority party candidate receiving the most votes does not take office, then the other minority party candidate shall be deemed elected to the office.

B. Meetings. The Selectmen shall hold their first meeting not later than the fourth Monday of November after their election. The First Selectman shall be chairman of the Board of Selectmen and shall preside over all of its meetings. The Selectmen shall meet at least twice each month.

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

(1) All contracts to which the Town shall be a party shall be subject to approval of the Board of Selectmen, except contracts authorized to be made by or on behalf of the Board of Education. The Selectmen 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 one month and would involve an expenditure by or income to the Town of less than \$10,000. "Contracts" shall mean all contractual relations of the Town, including, without limitation, purchase contracts, lease contracts, and service contracts. This requirement of approval by the Board of Selectmen shall not be construed to eliminate review by other persons or bodies where required by this Charter, by ordinance, or by the General Statutes.

(2) All Town officers, boards, commissions, and employees of the Town appointed by the Board of Selectmen shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectmen whenever requested to do so. The Selectmen shall have the power to investigate any and

all Town offices, departments and agencies of the Town and for such purpose shall have the power to issue subpoenas.

(3) The Selectmen shall review the budgets of all Town officers, commissions, boards, and departments of the Town and make such recommendations in connection with such budgets to the Board of Finance as they deem necessary.

D. Appointment powers. The Board of Selectmen shall appoint the Town officers, commissions, boards, and employees set forth in Section 1.4B(2) and any other directors or department heads for which no other appointment provision is made in this Charter. The Board of Selectmen shall also appoint the members of any other board, commission, or committee for which no other appointment provision is made in this Charter, or which is required by an ordinance or the General Statutes.

E. Advisory boards, commissions, and committees. The Selectmen may appoint such advisory boards, commissions, and committees as they deem necessary or useful from time to time to study and advise on any matters which are the concern of the Town.

F. Membership on boards, commissions, and committees. Except as otherwise expressly provided in Section 10.13 of this Charter, each member of the Board of Selectmen shall be an ex officio member, without vote, on all town boards, commissions, and committees.

G. Reorganization of departments.

(1) Notwithstanding any provisions of this Charter, the Board of Selectmen may propose to the RTM a resolution which may alter the method of appointment to or organization of any Town office, department, board, commission, or agency 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.

(2) 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 office, elected Town officer, elected board or commission, and any other office or body where such change by ordinance is specifically prohibited by statute.

(3) If the duties of two 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.

(4) The method of election to any Town office, board, commission, or agency of the Town may be changed by ordinance as set forth in Section 6.1G(1) 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.

§ 6.2. First Selectman.

A. Executive powers. The First Selectman shall have the powers and duties vested in the office by this Charter and by the General Statutes. In particular, the First Selectman shall:

- (1) Devote full time to the duties of the office;
- (2) Be the town agent and the chief executive officer of the Town;
- (3) Direct the administration of all departments and officers;
- (4) Be responsible for the faithful execution of all laws and ordinances governing the Town;
- (5) 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;
- (6) Upon the request of any Selectman, inform the Board of Selectmen of the First Selectman's actions;
- (7) Have the ability to delegate such authority as may be necessary to the Selectmen or to administrative assistants whose appointment may be authorized by the RTM; and
- (8) Have the ability to convene the members of any or all departments, authorities, boards, commissions, and committees to review and coordinate activities and to plan operations of the Town government.

B. Appointment powers.

(1) The First Selectman shall appoint the Town officers, commissions, boards, and employees set forth in Section 1.4B(1), and any others required by the General Statutes or by ordinance to be appointed by the First Selectman.

(2) All Town officers, commissions, boards, and employees of the Town appointed solely by the First Selectman shall be responsible to the First Selectman for the faithful performance of their respective duties and shall report to the First Selectman.

C. Designation of Acting First Selectman. Immediately upon taking office, the First Selectman shall designate in writing to the Town Clerk the member of the Board of Selectmen authorized to act as First Selectman during the unavailability or temporary disability of the First Selectman and during the period from the date a vacancy occurs until a successor First Selectman takes office under the provisions of Section 6.3 of this Charter. Such designation may be changed in writing from time to time.

#### § 6.3. Vacancies on the Board of Selectmen.

A. Long-term illness or disability of First Selectman. In addition to the death or resignation of the First Selectman, a vacancy shall exist in the office of First Selectman if the First Selectman is unable to carry out the duties of office for a period of four consecutive months, as certified at the end of that period by the remaining Selectmen to the Town Clerk. The vacancy shall exist from the date of such certification.

B. Method of filling vacancies on the Board of Selectmen. At any time a vacancy occurs on the Board of Selectmen, 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 Selectmen. If the Selectmen designate one 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 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.

### ARTICLE VII Elected Officers

#### § 7.1. Town Clerk.

A. Establishment and election. There shall be a town clerk elected at the times and for the term set forth in Section 2.3C.

B. Powers and duties. 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, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and

(4) Give a receipt for all money received to the person from whom it was received.

C. Staffing. 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. 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. 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. 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 books kept for the purpose.

G. Reports to Assessor and Tax Collector. 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. A vacancy in the office of Town Clerk shall be filled by the Board of Selectmen from a member of the same political party until the next election where the vacancy can be filled.

#### § 7.2. Other elected officers.

A. Establishment and election. There shall be seven Constables and 45 Justices of the Peace elected or nominated in the manner and for the terms prescribed in Section 2.3.

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

C. Vacancies. Vacancies in the offices of Constable and Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

## ARTICLE VIII Elected Boards and Commissions



§ 8.1. In general.

A. Establishment and election. There shall be a board of education, a board of finance, a board of assessment appeals, a town plan and zoning commission, and a zoning board of appeals. The members of each board and commission shall be elected at the times and for the terms set forth in Section 2.3 of this Charter.

B. Meetings.

(1) All elected boards and commissions, except the Board of Assessment Appeals, shall hold at least 10 regular stated 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 Board of Selectmen, shall be elected annually at an organization meeting so noticed by 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 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.

(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.

(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 Section 2.5 of this Charter.

§ 8.2. Board of Education.

A. Composition. The Board of Education shall consist of nine members, no more than six of whom shall be registered with the same political party.

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

§ 8.3. Board of Finance.

A. Composition. The Board of Finance shall consist of nine voting members, no more than six of whom shall be registered with the same political party, and the Board of Selectmen and the Fiscal Officer, ex officio, without vote.

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

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

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

(3) Have the right to call upon all Town departments, boards, commissions, committees, authorities, 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.

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

E. Approval of budgets. The Board of Finance shall approve the Town budget in the manner set forth in Article XII of this Charter.

#### § 8.4. Board of Assessment Appeals.

A. Composition. The Board of Assessment Appeals shall consist of five members, to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

B. Powers and duties. 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.

§ 8.5. Town Plan and Zoning Commission.

A. Composition. The Town Plan and Zoning Commission shall consist of seven voting members, no more than five of whom shall be registered with the same political party. There shall be three alternate members of the Town Plan and Zoning Commission, no more than two of whom shall be registered with the same political party.

B. Powers and duties. 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;

(2) Have control over the subdivision of land;

(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;

(5) Consider and report upon the layout of new developments in the Town;

(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.

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

D. Other employees and consultants. 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.

§ 8.6. Zoning Board of Appeals.

A. Composition. The Zoning Board of Appeals shall consist of five regular members, no more than four of whom shall be registered with the same political party, and three alternates, no more than two of whom shall be registered with the same political party.

B. Powers and duties. 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.

ARTICLE IX  
Appointed Officers

§ 9.1. Establishment.

There shall be the following appointed Town officers as necessary:

- A. A Town Attorney;
- B. Assistant Town Attorneys;
- C. A Fiscal Officer;
- D. A Controller;
- E. A Town Treasurer;
- F. A Director of Community and Economic Development;
- G. A Director of Public Works;
- H. A Building Official;
- I. A Director of Human and Social Services;
- J. A Purchasing Agent;
- K. A Director of Parks and Recreation;
- L. A Director of Human Resources;
- M. Internal Auditor(s);

- N. An Assessor;
- O. A Tax Collector;
- P. A Tree Warden;
- Q. A Director of Health;
- R. A Chief of Police;
- S. A Fire Chief;
- T. A Planning Director;
- U. An Animal Control Officer;
- V. A Conservation Director; and
- W. A Town Librarian.

§ 9.2. Officers appointed by the First Selectman.

The First Selectman shall appoint the Town officers listed in items A through L of Section 9.1.

§ 9.3. Town Attorney.

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

B. Compensation. The Town Attorney shall receive the compensation approved by the Board of Selectmen 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 officials, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the Town officials;

(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 Selectmen, or of any other Town officer, board, commission, or authority, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;

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

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

#### § 9.4. Assistant Town Attorneys.

A. Number of positions and appointment. The Board of Selectmen, with the consent of the RTM, shall determine from time to time the number of Assistant Town Attorneys necessary to effectively carry out the legal business of the Town and shall increase or reduce the number of Assistant Town Attorney positions to the number determined to be necessary. The First Selectman 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.

#### § 9.5. Fiscal Officer and Controller.

A. Appointment and qualifications. The Fiscal Officer shall be appointed by the First Selectman and shall be a certified or a licensed public accountant or otherwise have experience in the financial field.

B. Duties of 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.

#### § 9.6. Town Treasurer.

A. Appointment and eligibility. The Town Treasurer shall be appointed by the First Selectman and may be removed by the First Selectman 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.

#### § 9.7. Director of Public Works.

A. Appointment and qualifications. The Director of Public Works shall be appointed by the First Selectman and shall be a professional engineer registered in the State.

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 Selectmen, 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 Selectmen.

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

#### § 9.8. Building Official.

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

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

C. Duties.

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

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

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

(b) By diligent search and inspection, enforce all laws, 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. Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted by law.

#### § 9.9. Purchasing Agent.

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

B. Duties. The Purchasing Agent shall have the duties set forth in Section 12.8 of this Charter and such other duties as may be prescribed by the First Selectman.

#### § 9.10. Director of Human and Social Services.

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

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

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

(2) Prescribe the duties of subordinates and employees;

(3) Coordinate the work of the Department of Human Services with that of other government agencies, private social service organizations, and special commissions for service to the aging and disabled in the Town;

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

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

#### § 9.11. Director of Parks and Recreation.

A. Appointment and qualifications. The Director of Parks and Recreation shall be appointed by the First Selectmen 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.

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

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

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

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

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

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

§ 9.12. Director of Community and Economic Development.

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

B. Duties. The Director of Community and Economic Development shall have such duties as determined by the First Selectman 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. The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the First Selectman's Affordable Housing Task Force.

§ 9.13. Director of Human Resources.

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

B. Duties. The Director of Human Resources shall have such duties as determined by the First Selectman 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.

§ 9.14. Officers appointed by the Board of Selectmen.

The Board of Selectmen shall appoint the Town officers listed in items M through P of Section 9.1 of this Charter.

§ 9.15. Internal Auditor or Auditors.

A. Number. The Board of Selectmen shall appoint at least one 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 Selectmen and the Board of Finance semi-annually and at any other times requested by either board.

#### § 9.16. Assessor.

The Assessor shall be appointed by the Board of Selectmen 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.

#### § 9.17. Tax Collector.

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 months after becoming due. The list shall contain the name and address of each delinquent taxpayer, the amount of the tax, and, as a separate item, the interest and other charges due.

D. 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 shall not be applicable to the Town or the Tax Collector.

#### § 9.18. Tree Warden.

The Tree Warden shall be appointed by the Board of Selectmen and shall have a term of one year. The Tree Warden shall have the powers and duties conferred by ordinance and on tree wardens generally by Chapter 451 of the General Statutes (C.G.S. § 23-58 et seq.).

§ 9.19. Officers appointed by other bodies.

The Town officers listed in items Q through W of Section 9.1 shall be appointed by the bodies specified in Sections 9.20 through 9.26 of this Charter.

§ 9.20. Director of Health.

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

B. Qualifications. The Director of Health shall be a licensed physician or otherwise shall possess the qualifications set forth in Chapter 368e of the General Statutes (C.G.S. § 19a-200 et seq.).

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 Selectman on matters of administration and operation and to the Board of Health on matters of policy.

§ 9.21. Chief of Police.

A. Appointment. The Chief of Police shall be appointed by the Police Commission, with the approval of the First Selectman, from among the three 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 days' pay or suspension of not more than one week for disobedience to the Chief's lawful orders or for violations of the rules and regulations of the Police Department. The Chief of Police may recommend to the Police Commission that it take more severe disciplinary action.

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

#### § 9.22. Fire Chief.

A. Appointment. The Fire Chief shall be appointed by the Fire Commission, with the approval of the First Selectman, from the three 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 days' pay or suspension for not more than one 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 Selectman on matters of administration and operation and to the Fire Commission on matters of policy.

#### § 9.23. Planning Director.

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

B. Duties. The Planning Director shall have the duties prescribed by the Town Plan and Zoning Commission and the First Selectman.

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

§ 9.24. Animal Control Officer.

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.

§ 9.25. Conservation Director.

A. Appointment. The Conservation Director shall be appointed by the Conservation Commission with the approval of the First Selectman.

B. Duties. The Conservation Director shall have the duties prescribed by the Conservation Commission and the First Selectman.

C. Supervision. The Conservation Director shall report to the First Selectman on matters of administration and operation and to the Conservation Commission on matters of policy.

§ 9.26. Town Librarian.

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

B. Duties. The Town Librarian shall:

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

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

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

ARTICLE X  
Specific Permanent Appointed Boards,  
Authorities, Commissions, and Departments

§ 10.1. In general.

A. Establishment. There shall be the following permanent appointed boards and commissions, authorities, and departments:

- (1) A conservation commission;
- (2) A police commission and department;
- (3) A fire commission and department;
- (4) A police and fire retirement board;
- (5) A department of public works;
- (6) A board of health and public health department;
- (7) A parks and recreation commission;
- (8) A board of building appeals;
- (9) A flood and erosion control board;
- (10) A water pollution control authority;
- (11) An historic district commission;
- (12) An ethics commission;
- (13) A human services commission and department;
- (14) A board of library trustees; and
- (15) A golf commission.

B. Meetings.



(1) All appointed boards and commissions except the Ethics Commission and the Board of Building Appeals shall hold at least 10 regular stated meetings a year and shall give annual notice of such meetings as required by the General Statutes. The Ethics Commission and the Board of Building Appeals shall meet when they have business to transact. Officers of each board and commission shall be elected annually at an organization meeting so noticed by the Town Clerk held in the month of December. 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.

(2) Each appointed 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 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.

(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.

(4) Robert's Rules of Order shall regulate the conduct of all meetings of boards and commissions unless a particular board or commission otherwise stipulates.

C. Vacancies. A vacancy in the membership of any permanent appointed authority, board, or commission shall be filled in the manner prescribed in Section 3.5 of this Charter.

#### § 10.2. Bodies appointed by the First Selectman.

The First Selectman shall appoint the members of the bodies listed in item A(1) of Section 10.1 of this Charter in the numbers and for the terms set forth in Section 10.3 of this Charter.

#### § 10.3. Conservation Commission.

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

B. Powers and duties (conservation).

(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 wetlands). 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 Selectman. 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.

#### § 10.4. Permanent bodies appointed by the Board of Selectmen.

The Board of Selectmen shall appoint the members of the bodies listed in items A(2) through (15) of Section 10.1 of this Charter in the numbers and for the terms set forth in Sections 10.5 through 10.18 of this Charter.

#### § 10.5. Police Commission and Department.

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

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

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

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

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

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

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

C. Appointment of Acting Chief. During the absence or disability of the Chief of Police, the Police Commission may designate a member of the department as Acting Chief of Police to perform the duties of the Chief of Police.

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

#### § 10.6. Fire Commission and Department.

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

#### § 10.7. Police and Fire Retirement Board.

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

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

C. Annual report. On or before January 1 of each year, the Police and Fire Retirement Board shall file an annual report with the Board of Selectmen 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 Selectman shall secure a written actuarial evaluation and report of such change.

#### § 10.8. Department of Public Works.

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 public streets, 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 Selectmen, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by ordinance.

D. The custody of all maps of the Town not otherwise entrusted to any other department, commission, board, authority, 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.

#### § 10.9. Board of Health and Public Health Department.

A. Members and terms of the Board of Health. The Board of Health shall consist of seven members, five of them appointed by the Board of Selectmen for four-year terms, one designated by the Board of Education from its members, and one designated by the Human Services Commission from its members. At least one of the members so appointed shall be a physician. At least two additional members shall be licensed health care professionals. Not more than three of the members appointed by the Board of Selectmen shall be registered with the same political party and their terms shall be staggered so that no more than two terms expire in one 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. 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.

#### § 10.10. Parks and Recreation Commission.

A. Members and terms.

(1) The Parks and Recreation Commission shall consist of nine voting members, eight of whom shall be appointed by the Board of Selectmen and one 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 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 Selectmen shall be five years with terms staggered so that no more than two 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 Selectman 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.

§ 10.11. Board of Building Appeals.

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

§ 10.12. Flood and Erosion Control Board.

A. Members and terms. The Flood and Erosion Control Board shall consist of five members appointed by the Board of Selectmen, no more than three of whom shall be registered with the same political party. The members shall have terms of five years, which shall be staggered so that not more than one term expires in one year.

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.

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.

§ 10.13. Water Pollution Control Authority.

A. Members and terms. The Water Pollution Control Authority shall consist of seven members, one of whom shall be a member of the Board of Selectmen, and six of whom shall be appointed by the Board of Selectmen. No more than four of the members appointed by the Board of Selectmen shall be registered with the same political party. The members appointed by the Board of Selectmen shall have terms of four years, which shall be staggered so that not more than two terms expire in one 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) Plan, lay out, acquire, construct, reconstruct, equip, repair, maintain, supervise and manage and, through the Department of Public Works, operate a sewerage system;

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

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

#### § 10.14. Historic District Commission.

A. Members and terms. The Historic District Commission shall consist of five members, no more than three of whom shall be registered with the same political party, and three alternate members, no more than two of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the

Board of Selectmen, with the advice and consent of the RTM. Terms of membership shall be for five years and shall be staggered so that no more than one member's term and one 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.).

#### § 10.15. Ethics Commission.

##### A. Members and terms.

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

(2) Notice of appointment shall be served by the Board of Selectmen 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 10 days after service of the notice on the Town Clerk. Failure to vote within 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 Selectmen shall within 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 60 days of the notice.

(3) The terms shall commence on July 1. Terms of members shall be two years and shall be staggered so that no more than three terms expire in one year. No member may serve more than the shorter of two terms or one 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 officials and employees;

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

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

(4) Upon the request of a principal officer of a department, or any member of a Town authority, board, commission, or committee, 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

(9) Upon finding of a violation of the Standards of Conduct or Code of Ethics, at its discretion, recommend appropriate disciplinary action to the Board of Selectmen or appropriate 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 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 90 days of the initiation of the investigation. The Ethics Commission shall, not later than 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 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 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 of those members voting.

#### § 10.16. Human Services Commission and Department.

A. Members and terms. The Human Services Commission shall consist of nine members appointed by the Board of Selectmen, not more than five members of whom shall be registered with the same political party. Members shall have terms of four years which shall be staggered so that no more than four terms expire in one year. The Human Services Commission shall have members representing the interests of the aging and the handicapped and 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 Selectmen, 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.

§ 10.17. Board of Library Trustees.

A. Members and terms. The Board of Library Trustees shall consist of the Town Treasurer, ex officio without vote, and six trustees appointed in the following manner: Annually, the Board of Library Trustees, with the approval of the Board of Selectmen, shall appoint one trustee to serve for a term of six years.

B. Vacancy and reappointment limitation. Any vacancy in the Board of Library Trustees, from any cause other than the expiration of a term, shall be filled for the remainder of the term by appointment by the remaining trustees, with the approval of the Board of Selectmen. No person who has served a full six-year term as trustee shall be eligible for reappointment to the Board of Library Trustees until after the lapse of one year from the expiration of that person's term of office.

C. Powers and duties. The Board of Library Trustees shall:

(1) Manage, control, maintain, and operate all property of the Town devoted to library purposes, except such property as may be under the jurisdiction of the Board of Education;

(2) Establish and enforce reasonable fines and penalties for the violation of its rules and regulations;

(3) In addition to its free library services, have the ability to provide for the rental of books, periodicals, motion pictures, exhibits, or other library facilities;

(4) Turn over money which may be collected in the enforcement of fines and penalties to the Town Treasurer;

(5) Subject to appropriation, (a) appoint a Town Librarian with the approval of the First Selectman, and (b) appoint such assistant librarians, clerks, and other employees as may be necessary to maintain and operate the library facilities;

(6) Determine the duties, terms of service, and the compensation of library employees; and

(7) Purchase such books, periodicals, publications, materials and supplies as may be useful or necessary for the operation of the library facilities of the Town.

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 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 at least quarterly to the Town Treasurer to be expended by the Town for general 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 principal of any library fund to be expended by the Town for general library purposes. 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.

§ 10.18. Golf Commission.

A. Members and terms. The Golf Commission shall consist of seven members appointed by the Board of Selectmen, no more than four of whom shall be registered with same political party. Each member shall have a term of five years, commencing April 1, with the terms staggered so that no more than two terms expire in

the same year. No member shall be eligible for reappointment to the Golf Commission for a period of five 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.

## ARTICLE XI Standards of Conduct

### § 11.1. Declaration of policy.

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

### § 11.2. Conflicts of interest.

No elected or appointed Town officer or employee or RTM member or any member of any authority, board, commission, or committee 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, authority, committee or 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.

#### § 11.3. Disclosure of interest.

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

#### § 11.4. Fair and equal treatment.

No elected or appointed Town officer or employee, RTM member, or member of any board, commission, authority or committee 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. This provision is not intended to prevent an RTM member from properly representing the people of the member's district.

#### § 11.5. Penalties and disciplinary action for violations.

The failure to comply with, or any violation of, the standards of conduct established by this Charter shall be grounds for the removal from office or discharge from employment of the offending Town officer, employee, RTM member, or member of any board, commission, authority, or committee and the Board of Selectmen in its discretion may void any contract entered into or adopted in violation of this Charter. The Board of Selectmen 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.



## Budget Procedure and Related Matters

### § 12.1. Date of annual budget meeting.

The RTM shall hold the annual budget meeting on the first Monday in May of each year.

### § 12.2. Review and recommendation by Board of Selectmen.

A. Submission of budgets to Selectmen. All Town officers, boards, commissions, authorities, and departments of the Town entrusted with the expenditure of Town funds, including the Board of Education, shall submit to the First Selectman the items and details of their respective budgets for the next fiscal year. These shall be submitted on or prior to a date designated by the First Selectman, which date shall be early enough for the Selectmen to review, revise, compile and submit its recommendations to the Board of Finance as set forth in Section 12.2B.

B. Recommendations to Board of Finance. The First Selectman shall review the budgets of all Town officers, boards, commissions, authorities, and departments of the Town required to submit budgets, and shall submit the budgets with recommendations to the Board of Selectmen. The Selectmen shall make recommendations to the Board of Finance regarding each budget reviewed by them. The recommendations of the Selectmen shall be submitted to the Board of Finance not later than two months before the annual budget meeting.

C. Variation of procedure. The Board of Selectmen, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

### § 12.3. Review and recommendation by Board of Finance.

A. Submission of budgets to Board of Finance. Each budget shall be in the form, and shall contain the details, required by the Board of Finance from time to time.

B. Public hearing by Board of Finance. The Board of Finance shall hold a public hearing on the budget during the month of March in each year.

C. Publication of final budget. After the public hearing referred to in Paragraph B, the Board of Finance shall hold a public meeting not later than one month before the annual budget meeting at which it shall consider all matters relating to the budget and shall publish the final budget in a newspaper of general circulation in the Town not later than five days before the annual budget meeting.

D. Recommendations to RTM. The Board of Finance shall make its recommendations regarding the budget to the RTM at the annual budget meeting.

E. Determination of property tax rate. After the 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.

#### § 12.4. Review and determination by the RTM.

The RTM may hold meetings to review the budget as it determines necessary before the annual budget meeting. At the annual budget meeting, the RTM shall determine the annual appropriations for the next fiscal year.

#### § 12.5. Effect of referendum on the budget.

Any item in the budget referred to a referendum vote as provided in Article XIII of this Charter and disapproved shall be amended to accord with such vote. In the event of a referendum affecting any item contained in the annual Town budget, the time within which the Board of Finance shall determine the Town tax for the year following such appropriation shall be extended to five days after the referendum vote.

#### § 12.6. Appeals from the Board of Finance.

A. Appeals to RTM. Any Town officer, board, commission, authority, committee or department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by the Town officer, board, commission, authority, committee, or department for an appropriation of Town funds as part of the annual budget or at another time in the fiscal year, or for a budget transfer. The Town officer, board, commission, authority, committee, 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. The appeal shall be made in writing and shall be filed with the Town Clerk within 10 days after written notice of the vote of the Board of Finance shall have been received by the Town officer, board, commission, authority, committee or department making the appeal.

C. RTM hearing. Not later than the 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. 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.

#### § 12.7. Expenditure in excess of appropriation forbidden.

No Town officer, board, commission, authority, committee, 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.

#### § 12.8. Purchasing authority.

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 Selectmen 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.

#### § 12.9. Bidding, requisition, and payment procedures.

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.

### ARTICLE XIII Referenda

#### § 13.1. Petition and time for filing.

A. Effective date of certain RTM votes. Any vote of the RTM: (1) authorizing the expenditure for any specific purpose of \$150,000 or more; or (2) for the

issue of any bonds by the Town; or (3) the adoption, amendment, or repeal of an ordinance; 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.

B. 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.

C. Required number of signatures on petitions. To be effective, a petition for referendum must be signed by not less than 5% of the electors of the Town according to the most recent computer printout 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.

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

E. 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.

### § 13.2. Manner of holding referendum.

A. Certification of Town Clerk. Upon the filing of a petition fulfilling the requirements of Section 13.1, the Town Clerk shall certify that fact promptly to the Board of Selectmen.

B. Date of referendum. The Board of Selectmen shall call a special meeting of all electors of the Town to be held not less than 21 days nor more than 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.

C. Voting hours and method. For any referendum, the polls shall be opened at twelve o'clock noon and shall be closed at eight o'clock in the evening, but the hours for voting may be increased at the discretion of the Board of Selectmen. Voting shall be by voting machine or printed ballot, at the discretion of the Board of Selectmen.

D. 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.

E. 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 of the following forms:

- (1) "Shall a special appropriation, etc. be approved?"; or
- (2) "Shall a special appropriation, etc. be (increased) (decreased) to the sum of \$ ?"; or
- (3) "Shall the following items contained in the annual town budget be approved?"; or
- (4) "Shall the following items contained in the annual town budget be (increased) (decreased) to the sum of \$ ?"

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

- (1) Exceed 25% 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
- (2) Constitute a majority of votes cast on the question.

#### ARTICLE XIV Miscellaneous

##### § 14.1. Official Seal.

The official seal of the Town shall be as adopted at a Town Meeting held July 1, 1935, and as certified to the Secretary of the State in accordance with the General Statutes.

##### § 14.2. Existing ordinances.

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

§ 14.3. Separate provisions.

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.

§ 14.4. Submission and effective date.

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 or several questions as determined by the Board of Selectmen. The Charter or such portions thereof as may be approved by the electors of the Town shall take effect on November 27, 2006.

**Town of Fairfield  
Charter**

**APPENDIX  
Transition Procedures**

**Board of Education**

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

<b>Year of Election. Future:</b>	<b>Original Election</b>	<b>2007</b>	<b>2009</b>	<b>2011</b>	<b>2013</b>	<b>2015</b>	<b>2017</b>
<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 boards with an odd number of members at all times and at the same time not have more than two terms expire in the same year, two new members will be appointed to each of these boards in November, 2007. One new member will have a five-year term. The other new member will have a three-year term, at the expiration of which the term will become and remain five years.