

**FAIRFIELD CHARTER REVISION COMMISSION: BASELINE FOR ACTION ITEM #3
ARTICLES II, III, IV, V, VI AND XI (MARCH 24, 2022)**

ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

§2.1. Application of General Statutes¹.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The legislative body shall provide by Ordinance for the manner of warning (or notice) of municipal elections and such additional regulations in respect of elections, not inconsistent with the General Statutes or this Charter, as may be necessary to accomplish the intent of this chapter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes.

§2.2. Electors.

A. Eligibility to Vote². Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town. All such Electors whose names are legally registered on the list of voters shall be entitled to vote at such elections.

B. Eligibility to serve as an Elected Town Official³. No person shall be eligible for nomination or election to office as an Elected Town Official who is not an Elector of the Town, and, in the case of a district representative on the Representative Town Meeting, a resident of that particular district⁴, in accordance with the General Statutes⁵.

C. Prepared Lists of Electors⁶. The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

¹ NEW (2022)

² NEW (2022). **Alternate provision in the event you want to use state statutes for nomination and election of candidates.**

³ 2022 recodification of current Article II, §2.1.A (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.A of the 1997 and 2006 Charters.

⁴ 2022 modification and recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

⁵ **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

⁶ NEW (2022).

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

(1) General Rule⁷. If any Elected Town Official ceases to be an Elector of the Town, the office shall become vacant, including district representative on the Representative Town Meeting⁸.

(2) Exception: Change of Residence⁹. In the event a member of the Representative Town Meeting remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members.

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

A. Elected Town Officials¹⁰. The Elected Town Officials are: (1) The First Selectman; ~~(2) Two (2) additional members of the Board of Selectmen;~~ (3) Twenty-seven (27) members of the Representative Town Meeting^[S1] (“RTM”); (4) Town Clerk; (5) Nine (9) members of the Board of Finance^[S2]; (6) Nine (9) members of the Board of Education^[S3]; (7) Seven (7) members of the Town Plan and Zoning Commission^[S4]; (8) Three (3) alternate members of the Town Plan and Zoning Commission^[S5]; (9) Five (5) members of the Zoning Board of Appeals^[S6]; (10) Three (3) alternate members of the Zoning Board of Appeals^[S7]; (11) Five members of the Board of Assessment Appeals^[S8]; and, (12) Seven (7) Constables^[S9]. The Registrars of Voters are also considered to be Elected Officials.

B. Date of Town Elections and Term of Office¹¹. A meeting of the electors of the Town for the election of Elected Town Officials shall be held on the first (1st) Tuesday after the first (1st) Monday in November in each odd numbered year, as follows:

⁷ 2022 modification and recodification of current Article II, §2.1.B (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.B of the 1997 and 2006 Charters.

⁸ 2022 recodification and consolidation of current Article IV, §4.2.D (2006).

⁹ 2022 recodification and consolidation of current Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

¹⁰ NEW (2022).

¹¹ 2022 recodification of current Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters.

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- (1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:
- (a) **First Selectman** for a term of four (4) years¹²;
 - ~~(b) Two (2) additional member of the **Board of Selectmen** for a term of four (4) years¹³;~~
 - (c) Twenty-seven (27) members of the **Representative Town Meeting**, for a term of two (2) years, as further set forth in Article III, §3.2.A¹⁴;
 - (d) **Town Clerk**, for a term of four (4) years¹⁵;
 - (e) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in Article VI, §6.3.A¹⁶;
 - (f) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in Article VI 6.2.A¹⁷;
 - (g) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in Article VI, §6.5.A¹⁸;
 - (h) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in Article VI, §6.5.A¹⁹;
 - (i) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in Article VI, §6.6.A²⁰;
 - (j) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in Article VI, §6.6.A²¹;
 - (k) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further

¹² 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

¹³ 2022 recodification of current §1.4.A and §2.3.C (2006).. Note: The four-year term commenced in 2007.

¹⁴ 2022 recodification of current §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

¹⁵ 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

¹⁶ 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

¹⁷ 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

¹⁸ 2022 recodification of current §1.4.A and §2.3.B (2006).

¹⁹ 2022 recodification of current §1.4.A and §2.3.B (2006).

²⁰ 2022 recodification of current §1.4.A and §2.3.C (2006)

²¹ 2022 recodification of current §1.4.A and §2.3.C (2006).

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- set forth in Article VI, §6.4.A²²; and,
 - (l) Seven (7) **Constables**, for a term of two (2) years²³.
- (2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:
 - (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in Article VI, §6.3.A²⁴;
 - (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in Article VI 6.2.A²⁵;
 - (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years²⁶;
 - (d) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in Article VI, §6.5.A²⁷;
 - (e) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in Article VI, §6.6.A²⁸;
 - (f) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in Article VI, §6.6.A²⁹;
 - (g) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in Article VI, §6.4.A³⁰; and,
 - (h) All Elected Town Officials set forth in 2.3.B(1), above, who serve for a term of two (2) years³¹.
- (3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:
 - (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in

²² 2022 recodification of current §1.4.A and §2.3.C (2006).

²³ 2022 recodification of current §1.4.A and §2.3.B (2006).

²⁴ 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

²⁵ 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

²⁶ 2022 recodification of current §1.4.A and §2.3.B (2006).

²⁷ 2022 recodification of current §1.4.A and §2.3.C (2006).

²⁸ 2022 recodification of current §1.4.A and §2.3.C (2006).

²⁹ 2022 recodification of current §1.4.A and §2.3.C (2006).

³⁰ 2022 recodification of current §1.4.A and §2.3.C (2006).

³¹ NEW (2022).

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- Article VI, §6.3.A³²; and,
(b) All Elected Town Officials set forth in 2.3.B(1), above, who serve for a term of two (2) or four (4) years³³.

(4) Terms of Justices of the Peace³⁴. The forty-five (45) Justices of the Peace³⁵, nominated as provided in the General Statutes³⁶ **and by ordinance**^[S12], serve a four (4) year term.

(5) State Election – Registrar of Voters³⁷. The Registrars of Voters shall be elected at state elections every four (4) years beginning in 2008 as provided in the General Statutes³⁸.

C. Commencement date of terms of Elected Town Officials. Terms of office shall commence as follows:

(1) Elected Town Officials, including the RTM^[S13]³⁹: On the third Monday in November after their election and qualification and shall continue until their successors have been elected and qualified.

(2) State Office - Terms of Justices of the Peace⁴⁰. The term of office shall begin on the first Monday in January after their nomination.

(3) Terms of Registrars of Voters⁴¹. The Registrars of Voters shall serve a four (4) year term beginning on the Wednesday after the first Monday in January after their election.

³² 2022 recodification and clarification of current §1.4.A and §2.3.A.

³³ NEW (2022).

³⁴ 2022 recodification of current Article II, §2.3.E (2006). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

³⁵ Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

³⁶ **Comment of the 2022 Charter Revision Commission.** At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.

³⁷ 2022 recodification of current Article II, §2.3.F (2006)(first clause).

³⁸ **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)

³⁹ 2022 recodification of current Article II, §2.3.D (2006).

⁴⁰ 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

⁴¹ 2022 recodification of current Article II, §2.3.F (2006)(second clause).

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(4) Registrars of Voters⁴². On the Wednesday after the first Monday in January after their election.

§2.4. Minority representation on elected boards and commissions^[S14].

A. Even number requirements⁴³. Except as provided below with respect to the Board of Education, when an even number of members of a board or commission is to be elected, no political party shall nominate, and no elector shall vote for, more than one-half (1/2) the number of persons to be elected.

B. Uneven number requirements⁴⁴. 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 Education⁴⁵. 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 (2) candidates, in an election year when four (4) candidates are to be elected, or more than three (3) candidates in a year when five (5) candidates are to be elected, receiving the highest number of votes belong to the same political party, the two (2) candidates of four (4), or the three (3) candidates of five (5), receiving the highest number of votes shall be declared elected and the two (2) candidates not of the same political party receiving the highest number of votes shall also be declared elected.

§2.5. Single office requirement for Elected Town Officials⁴⁶.

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

⁴² 2022 recodification of current Article II, §2.3.F (2006)(second clause).

⁴³ 2022 recodification of current Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

⁴⁴ 2022 recodification of current Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

⁴⁵ 2022 recodification of current Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

⁴⁶ 2022 recodification of current Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

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§2.6. Vacancies in elected offices.

A. **Generally**⁴⁷. Except as provided in **§ 6.3 of this Charter** with respect to the Board of Selectmen, **§ 2.6.G with respect to the RTM**, and as otherwise directed by statute, a vacancy in any elected Town office⁴⁸, including membership on elected boards and commissions, shall be filled by the Board of Selectmen until the vacancy can be filled by election, as follows:

(1) The vacancy shall be filled at the next Town election if the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it may be filled at the next 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.).

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

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

B. **Long-term illness or disability of First Selectman**⁴⁹. 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 (4) 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.

C. **Method of filling vacancies on the Board of Selectmen**⁵⁰. At any time a vacancy occurs on the Board of

⁴⁷ 2022 recodification of current Article II, §2.5. Derived from Chapter II, §7 of the 1947 Act; further amended by §4 of the 1951 Act and Chapter II, §7 of the 1956 Act; Chapter II, §6 and Article II, 2.5 of the 1997 and 2006 Charters.

⁴⁸ 2022 recodification of current Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

⁴⁹ 2022 recodification of current Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

⁵⁰ 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

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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 (1) of themselves to fill the vacancy, they shall designate another elector to fill the vacancy of Selectman so created. If the vacancy is not filled within thirty (30) days, the vacancy shall be filled in accordance with the procedure set forth in Chapter 146 of the General Statutes for filling vacancies in the office of selectman.

D. Resignation and vacancies on the RTM⁵¹.

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

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30) days after the vacancy occurs.

(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 (3) 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 (1) vote.

⁵¹ 2022 recodification of current Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter .

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

(9) A majority vote of 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.

E. Vacancies in the Office of Constable and Justice of the Peace⁵². 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.).

F. Resigning from elected office⁵³. 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.

§2.7. Reapportionment of Voting Districts⁵⁴.

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

⁵² 2022 recodification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

⁵³ 2022 recodification of current Article II, §2.4 (2006).

⁵⁴ 2022 recodification of Article II, §2.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

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§2.8. Procedures for RTM elections⁵⁵[S15].

A. Nomination⁵⁶.

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

(2) By petition.

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

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

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

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

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

⁵⁵ Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

⁵⁶ 2022 recodification of current Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

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B. Election⁵⁷.

(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 resides⁵⁸.

(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.

C. Procedures for tied elections⁵⁹.

(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.

⁵⁷ 2022 recodification of current Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

⁵⁸ 2022 modification of Chapter II, §1 of the 1947 Act.

⁵⁹ Recodification of current Article II, §2.6.F (2006). Note: Tie vote procedures established in Chapter III, §3(d) of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.F of the 1997 Charter .

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(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 (3) days before the time set for the meeting.

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

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

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

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

D. Eligibility for reelection⁶⁰. RTM members shall be eligible for reelection.

⁶⁰ Recodification of current Article II, §2.6.H (2006). Derived from Chapter III, 3(e) of the 1947 and 1956 Acts and 1975 Charter; and Article II, §2.6.H of the 1997 Charter.

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ARTICLE III – REPRESENTATIVE TOWN MEETING

§3.1. Legislative Power⁶¹.

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.

§3.2. Membership^[S16].

A. Composition⁶². The RTM shall be comprised of twenty-seven (27) members consisting of three (3) members from each of the nine (9) RTM districts⁶³ in the Town^[S17]. The Electors shall vote for no more than two candidates in their RTM District. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to two (2) candidates two in each RTM District. Those three (3) candidates receiving the highest number of votes shall be elected.

B. Ex-officio non-voting members of the RTM⁶⁴. 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.

⁶¹ Recodification of current Article IV, §4.1.A (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.A of the 1997 Charter.

⁶² NEW (2022). In lieu of current Article II, §2.A(1) (first sentence) of the 1947 Act and the 1956 Acts, which reads as follows: “The voting districts of the Town, including the number of districts, for the election of RTM members shall be as established by ordinance adopted by the RTM.” Further in lieu of current Article II, §2.A(3) (third sentence) of the 1947 Act and the 1956 Acts, which reads as follows: “The RTM shall consist of not more than 56 members.”

⁶³ In lieu of current Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: “The members of the RTM shall be elected by district.”

⁶⁴ Recodification of current Article IV, §4.2.A (2006) entitled “Composition.” Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

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C. Right to vote⁶⁵. The right to vote at RTM meetings shall be limited to RTM members elected as provided in § 2.3.B(1)(c) of this Charter.

D. Judge of qualification⁶⁶. The RTM shall be the judge of the election and qualifications of its members.

E. Eligibility for membership on the RTM⁶⁷. 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 other elected or appointed Town office.

F. Compensation⁶⁸. The RTM members as such shall receive no compensation.

§3.3. Annual meetings⁶⁹, organization, and elections.

A. Date of organization meeting⁷⁰. An organization meeting of the RTM members shall be held on the fourth Monday in November in each year^[S18].

B. Election of Moderator: Duties⁷¹. Each organization meeting shall elect, by a vote of the Majority of the RTM,

⁶⁵ Recodification of current Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter..

⁶⁶ Recodification of current Article IV, §4.2.B (2006). Derived from Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.B of the 1997 Charter..

⁶⁷ Recodification and modification of current Article IV, §4.2.C (2006). Derived from Article IV, §4.2.C of the 1997 Charter. Consolidates and replaces Article II, §2.6.B(3) (2006), which is derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: “Each RTM member shall fulfill the eligibility requirements of 4.2.D at the time of election.”

⁶⁸ Recodification of current Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

⁶⁹ Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act, as reaffirmed by Chapter II, §6 of the 1956 Act.

⁷⁰ Recodification of current Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

⁷¹ Recodification and modification of current Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to “presiding officer” and “moderator”. The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.

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a Moderator. The Moderator shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall:

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

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

(3) Appoint the Chairs and members of all Committees of the RTM.

C. Deputy Moderator⁷². Each organization meeting shall elect, by a Majority Vote of the RTM, from among its voting members a Deputy Moderator who shall hold office for a term of one year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

D. Clerk⁷³. 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-tempore⁷⁴. In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore of the meeting may be elected, by a Majority Vote of the RTM, by the meeting.

§3.4. Procedures of the RTM.

A. Rules of Procedures and Committees of the RTM.

⁷² Recodification of current Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

⁷³ Recodification of current Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

⁷⁴ Recodification of current Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

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(1) Rules of Procedure⁷⁵. The RTM shall adopt standing rules for the conduct of RTM meetings, within forty-five (45) days of the organization meeting, which rules may be amended from time to time. The rules of the prior RTM shall apply until such rules are adopted.

(2) Quorum⁷⁶. A majority of the entire membership of the RTM shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members.

(3) Open Meetings and Public Comment Sessions⁷⁷. All RTM meetings shall be open to the public, in accordance with the General Statutes. Moreover, there shall be a public comment session prior to the commencement of all regular meetings of the Legislative Council. The time and duration of the public comment sessions shall be determined in accordance with the provisions of *Standing Rules of Order of the Fairfield RTM*, adopted in accordance with §3.4A (1) of this Charter, above. With respect to the meetings of the standing and special committees and special meetings of the RTM, the public may address any item on the agenda. With respect to the regular meetings of the RTM, the public may address any item on the agenda and any other matters concerning the Town that are within the purview of the RTM.

(4) Committees⁷⁸. The RTM shall ~~the power to create~~ such committees, including the rules and regulations for the conduct of committees in the Rules of Procedure as it shall deem necessary at any time to carry out the business of the Council. The Rules of Procedure shall require all matters before the RTM to have been reviewed and deliberated upon by Committee prior final plenary action by the RTM, unless by passed by a vote of 2/3^{rds} of the entire membership of the RTM; or if deemed a matter of public emergency as may be required by the General Statutes, this Charter or the Ordinances of the Town.

⁷⁵ Recodification of current Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

⁷⁶ Recodification of current Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

⁷⁷ Recodification and modification of current Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

⁷⁸ Recodification and modification of current Article IV, §4.4.F (2006) (Second clause). Derived from Article IV, §4.4.F of the 1997 Charter.

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(a) Appointment of Committees⁷⁹. The Moderator shall appoint the members and Chairs of RTM Committees.

(b) Required Cooperation⁸⁰. Each Official and employee of any Department of the Town shall assist the RTM and the Committees of the RTM in carrying out its legislative functions.

(5) Legal Assistance⁸¹. The Moderator may, from time-to-time, request the Town Attorney to attend to provide an Assistance Town Attorney to assist the RTM in its legislative duties. In the event the Town Attorney or an Assistant Town Attorney is not available or there is a potential conflict between the RTM and other Elected or Appointed Town Officials may a Majority Vote of the RTM, retain outside counsel for advice on such matters. Prior to such vote the Moderator shall consult with the Town Attorney to ensure there are no legal, ethical or positional conflicts between said counsel and the Town. In furtherance of this authority, the First Selectman and Board of Finance shall maintain a line in the Annual Town Budget for said purpose; or, the Council may initiate a budget transfer, without resort to the Board of Finance, during the course of a fiscal year, if such funds are required.

(6) Parliamentarian. The Moderator may appoint a parliamentarian.

B. Meetings of the RTM⁸².

(1) Regular meetings⁸³. Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by a Majority Vote of the RTM. However, if there is no business to be acted upon at a regular RTM meeting, the meeting may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members.

(2) Special and Emergency Meetings⁸⁴. The Moderator shall have the authority to call special meetings

⁷⁹ NEW (2022).

⁸⁰ NEW (2022)

⁸¹ NEW (2022).

⁸² Derived from Article III, §2 (second sentence) and §4 of the 1947 Act and 1956 Act.

⁸³ 2022 recodification of current Article IV, §4.3.B (2006). Regular meeting provision established in Chapter III, §4 of the 1947 and 1956 Acts. Further amended by §5 of the 1951 Special Act (“no business” provision) and Chapter III, §4 of the 1975 Charter; and, Article IV, §4.3.B of the 1997 Charter.

⁸⁴ 2022 recodification of current Article IV, §4.3.C (2006). Special meeting provision contained in Chapter III, §4 of the 1947 and 1956 Acts, and

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and shall further call a special or emergency meeting whenever requested to do so, in writing, by the First Selectman, **Chair of the Board of Finance**, or nine (9) members of the RTM. In addition, a special or emergency meeting shall be held within ten (10) days after the submission to the Town Clerk of a written petition for a meeting signed by one (1%) percent of the Electors of the Town. ~~or upon written petition signed by 10 RTM members.~~

(3) Public Hearings. Notice⁸⁵. At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice^[S19] of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter, if the standard is stricter.

Meeting Notice⁸⁶[S20]. 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 (5) 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.

§3.5. General Powers⁸⁷[S21].

In addition to the grant of legislative authority as set forth in the General Statutes, the RTM, by Majority Vote of the RTM (unless otherwise set forth in this Charter or General Statutes), shall have the power to:

A. Enact, amend or repeal Ordinances, Resolutions, Orders or Motions consistent with this Charter or the General Statutes;

B. Create or abolish Boards, Commissions, Departments, Offices and positions, consistent with the provisions of this Charter and taking into account the pertinent responsibilities of the Elected Town Officials and the provisions of the Town Budget, for the preservation of good order, peace, health and safety of the Town and its inhabitants, including the

1975 Charter; and, Article IV, §4.3.C of the 1997 Charter.

⁸⁵ NEW (2022)

⁸⁶ 2022 recodification of current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

⁸⁷ NEW (2022)

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power to enact a code of ethics regulating the conduct of all Officials and employees of said Town;

- C. Deliberate on the budget or any item thereof as set forth in Article X of this Charter;
- D. Approve the issuance of bonds or notes for the purpose of incurring indebtedness;
- E. Contract for legislative services, upon action by Order or Motion;

F. Reject, by an affirmative vote of eighteen (18) members of the entire membership of the RTM, within forty-five (45) days of submission, all appointments made by the First Selectman^[S22] pertaining to Boards and Commissions set forth under this Charter or established by Ordinance. All said appointments shall be deemed automatically approved if the RTM fails to approve or disapprove such appointments within forty-five (45) Days of written notice to the Clerk of the RTM of such an appointment; and,

- G. Approve leasing, sale or acquisition of real property by the Town;
- H. Approve contracts as set forth in Article IV, §4.2.B(17) of this Charter.

I. Approve or reject collective bargaining agreements and arbitration awards in the manner set forth by the General Statutes^[S23].

§3.6. Ordinances, Resolutions, Orders or Motions: The Role of the RTM and the First Selectman^[S24].

- A. Action by RTM on Legislative Enactments⁸⁸.
- B. Transmittal of Legislative Actions to the First Selectman⁸⁹.
- C. Action by the First Selectman⁹⁰.

⁸⁸ NEW (2022).

⁸⁹ NEW (2022).

⁹⁰ NEW (2022).

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- (1) Approval by the First Selectman or Failure of the First Selectman to Take Action.**
- (2) Veto by the First Selectman.**

D. RTM Action Following Veto of the First Selectman.

E. Effective Date.

- (1) Ordinances.**
- (2) Resolutions, Orders or Motions.**

F. Role of the Town Clerk:

(1) Public Notice of Final Action⁹¹. 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 (1) 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 fourteen (14) days after the adjournment of the meeting at which it was passed or such later date as may have been set by the RTM at such meeting, unless a petition for referendum concerning the ordinance is filed as provided in **§ 13.1 of this Charter**.

(2) Publication and Posting of Adopted Legislation⁹². All legislation, after final passage, shall be given a serial number by the Clerk of the RTM and be recorded by the Town Clerk and shall be properly indexed. Within five (5) days after final passage, as provided in §3.6 of this Article, the Town Clerk shall transmit for publication on the Town website and notice that such legislation is on file in the Office of the Town Clerk and is available for examination.

⁹¹ 2022 recodification of current Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

⁹² NEW (2022)

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§3.6. Emergency Legislation and Appropriations⁹³[S25].

The RTM may, by two-thirds (2/3) vote of the entire membership, designate any action as an emergency measure, specifying in detail the facts constituting such emergency. No measure creating or abolishing any office or changing the salary, term or duties of any officer or employee may constitute an emergency measure. Any legislative action designated to be a public emergency measure shall become effective immediately upon publication, but shall be subject to rejection, or approval as provided in Article XI.

to appropriate, notwithstanding the provisions of this Charter to the contrary, necessary funds for the purpose of meeting a Public Emergency as set forth in §_____ of this Charter.

§3.7 Petition for Overrule (Referendum)⁹⁴.

A. Petition and time for filing⁹⁵.

(1) **Effective date of certain RTM votes. Any vote of the RTM:** (1) authorizing the expenditure for any specific purpose of \$150,000 or more⁹⁶; or (2) for the issue of any bonds by the Town⁹⁷; or (3) the adoption, amendment, or repeal of an ordinance⁹⁸; shall not be effective until the date for filing a referendum petition has passed. If within that time a petition for referendum is filed with the Town Clerk, the vote shall not be effective unless and until it has been approved by referendum.

(2) **Petition forms.** Upon the request of any elector, the Town Clerk shall promptly prepare petition forms,

⁹³ NEW (2022).

⁹⁴ Current Article XII.

⁹⁵ Recodification of current Article XIII, §13.1 (2006).

⁹⁶ Recodification of current Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

⁹⁷ Recodification of current Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

⁹⁸ Recodification of current Article XIII, §13.1.A(3) (2006). Derived from Chapter III, §10 of the 1947 and 1957 Act and 1975 Charter; further amended by §10 of the 1951 Act; and Article XIII, §13.1.A(iii) of the 1997 Charter.

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which shall be available to any elector at the office of the Town Clerk, setting forth the questions sought to be presented on a referendum ballot.

(3) Required number of signatures on petitions. To be effective, a petition for referendum must be signed by not less than five (5%) percent of the electors of the Town according to the most recent 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.

(4) Time and place of filing petitions. A petition requesting that a referendum be held must be filed at the office of the Town Clerk not later than the close of business on the 14th day after the adjournment of the meeting at which the vote was taken. If the fourteenth (14th) day is a day on which the Town Clerk's office is closed, the petition must be filed by the close of business on the next day that the Town Clerk's office is open.

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

B. Manner of holding referendum⁹⁹.

(1) Certification of Town Clerk. Upon the filing of a petition fulfilling the requirements of §3.7.A of this Charter, the Town Clerk shall certify that fact promptly to the Board of Selectmen.

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

⁹⁹ Recodification of current Article XIII, §13.2 (2006). Derived from Chapter III, §10 of the 1947 and 1956 Acts and 1975 Charter; further amended by §7 of the 1951 Act and; Article XIII, §13.2 of the 1997 Charter.

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(3) 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 (8:00 PM) 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.

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

(5) Ballots for referendum on appropriation and bond issue. Ballot labels or ballots used for referenda brought on appropriations and bond issues shall present separately each appropriation so referred in substantially one (1) of the following forms:

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

(6) Vote necessary to pass referenda¹⁰⁰. In order to reverse or modify the action taken by the RTM, the vote in favor of reversing or modifying the action must both:

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

¹⁰⁰ Recodification of current Article XIII, §13.2.F. Derived from Chapter III, §11 of the 1947 and 1956 Acts; Chapter III, 11 of the 1975 Charter; and Article XIII, §13.2.F of the 1997 Charter.

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§3.8. Appeals from the Board of Finance¹⁰¹.

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

§3.9. Powers Denied to the RTM¹⁰².

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

§3.10. Vacancies in the RTM¹⁰³.

Any vacancy in the Council shall be as set forth in Article II, §2.6.D of this Charter.

¹⁰¹ 2022 recodification of current Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

¹⁰² NEW (2022).

¹⁰³ NEW (2022).

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ARTICLE IV - ~~BOARD OF SELECTMEN AND~~ THE FIRST SELECTMAN

§4.1. Executive Authority.

A. The First Selectman¹⁰⁴. The First Selectman shall be the chief executive officer of the Town as well as the town agent¹⁰⁵ and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First Selectman shall devote full time to the duties of the office¹⁰⁶.

B. Election and Qualifications. The First Selectman shall be chosen by the Electors of the Town, as set forth in Article II 2.3.A and B(1)(a)¹⁰⁷. Each political party may nominate not more than one (1) candidate for First Selectman¹⁰⁸ and each Elector may vote for one candidate for First Selectman¹⁰⁹. The candidate for First Selectman receiving the highest number of votes shall be elected First Selectman¹¹⁰.

C. The Executive Branch¹¹¹. The executive branch of the Town government shall consist of the First Selectman ~~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.

D. Staff¹¹². The First Selectman may appoint a chief of staff and administrative assistant, or equivalent positions for which the RTM shall appropriate sufficient funds. In addition, the First Selectman may employ such other staff necessary for the administration of official duties as the council may provide. All such assistants and staff shall be appointed by the First Selectman and shall serve at the pleasure of the First Selectman.

¹⁰⁴ 2022 recodification of current Article VI, §6.2.A (2006). Derived from Article VI, §6.2A of the 1997 Charter.

¹⁰⁵ 2022 recodification of current Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

¹⁰⁶ 2022 recodification of current Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

¹⁰⁷ NEW (2022)

¹⁰⁸ 2022 recodification of current Article VI, §6.1.A(2) (first clause) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

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

¹¹⁰ 2022 recodification of current Article VI, §6.1.A(4) (first sentence) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

¹¹¹ 2022 recodification of current Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

¹¹² NEW (2022).

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E. Chief Operating Officer¹¹³_[S26]. The budget shall provide for a Chief Operating Officer, who shall be the principal managerial aide to the First Selectman and shall perform such duties as may be assigned by the First Selectman. The chief operating officer shall be an unclassified employee of the city and shall be appointed by and serve at the pleasure of the First Selectman. Said chief operating officer shall be appointed on the basis of substantial executive and administrative experience, qualifications and knowledge and such factors including, but not limited to, education, municipal and public experience, professional training, and executive and administrative qualifications, representing best practices for such municipal and government administrators, in accordance with standard set forth by organizations such as the Government Finance Officers Association, the International City/County Management Association, National League of Cities, National Academy of Public Administrators, the IBM Center for the Business of Government, International Public Management Association for Human resources and other equivalent or successor organizations. Said qualifications shall be prepared by the Director of Human Resources,.

§4.2. Powers and Duties of the First Selectman.

A. General powers and duties¹¹⁴. The executive authority of the Town shall be vested in the ~~Board of First Selectman, except to the extent such authority is expressly granted to the First Selectman in this Charter.~~ The ~~Board of First 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) Oversight of Appointees¹¹⁵. All Town officers, boards, commissions, and employees of the Town appointed by the ~~First Board of Selectmen~~ shall be responsible to them for the faithful performance of their respective duties and shall render a report to the First Selectman 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**_[S27].

¹¹³ NEW (2022).

¹¹⁴ 2022 recodification of current Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

¹¹⁵ 2022 recodification of current Article VI, §6.1.C(2) (2006). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter . **Please note the Special Act authority to issue subpoenas.**

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(2) Budget Review and Recommendation¹¹⁶. The First Selectman 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~~ deemed necessary

~~**(3) Meetings**¹¹⁷. The Selectmen shall hold their first meeting not later than the fourth (4th) Monday of November after their election. The First Selectman shall be chairman of the Board of Selectmen and shall preside over all of its meetings¹¹⁸. The Selectmen shall meet at least twice each month¹¹⁹.~~

B. Duties. The First Selectman shall:

(1) Direct and supervise¹²⁰ the administration of all departments and officers¹²¹ and shall be responsible for the administration of all the affairs of the Town in respect to such departments¹²²;

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and ordinances governing the Town¹²³;

(3) Make periodic reports to the RTM and may attend and participate in RTM meetings, but shall have no vote;

(4) Recommend to the RTM such measures as deemed necessary, advisable or required by this Charter;

(5) Exercise such powers and duties as may be provided by Ordinance, Order or Resolution of the RTM

¹¹⁶ 2022 recodification of current Article VI, §6.1.C(3) (2006).

¹¹⁷ 2022 recodification of current Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

¹¹⁸ Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

¹¹⁹ Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

¹²⁰ NEW (2022)

¹²¹ 2022 recodification of current Article VI, §6.2.A(3).

¹²² NEW (2022).

¹²³ 2022 recodification of current Article VI, §6.2.A(4).

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which are not inconsistent with this Charter or the General Statutes;

- (6) Approve or veto acts of the RTM in the manner set forth in Article III of this Charter;
- (7) Keep the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items;
- (8) Submit annually to the Board of Finance a proposed budget, including a capital budget for the next fiscal year in accordance with the provisions of Article X of this Charter;
- (9) Prepare and cause to be printed an annual Town report within thirty (30) calendar days after the completion of the annual town audit, reflecting the growth, changes and status of the Town since the prior Annual Report;
- (10) Make nominations for the appointment to the Towns Boards and Commissions and to fill any vacancies created therein, in the manner provided in Article VIII of this Charter, subject to the provisions of Article II, §3.5.E of this Charter;
- (11) Select, appoint and hire Department Heads, except as otherwise provided for in this Charter or by the General Statutes;
- (12) Investigate the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's departments, boards and commissions with respect to obtaining said funds and grants;
- (13) Act, or designate another, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters;
- (14) 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 office¹²⁴;

¹²⁴ 2022 recodification of current Article VI, §6.2.A(5).

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~~Upon the request of any Selectman, inform the Board of Selectmen of the First Selectman's actions¹²⁵;~~

(15) 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 RTM¹²⁶; and

(16) 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 government¹²⁷.

(17) Request for approval by a Majority Vote of the RTM, of any contracts^[S28]:

(a) in excess of funds appropriated in any category of the Annual Town Budget; or,

(b) in excess of One Hundred Thousand (\$100,000.00) Dollars which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or regulations adopted hereunder. The RTM is authorized to modify the threshold based upon the consumer price index or other like measure indexed for inflation or deflation. This provision shall not apply to emergency transactions, which are addressed in §. of this Charter^[S29]

(c) which contain a term which will either fall in multiple fiscal years; or, shall continue for a period longer than twelve (12) months.

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

C. Appointment powers¹²⁸.

¹²⁵ 2022 recodification of current Article VI, §6.2.A(6).

¹²⁶ 2022 recodification and modification of current Article VI, §6.2.A(7).

¹²⁷ 2022 recodification of current Article VI, §6.2.A(8).

¹²⁸ 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification

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(1) The First Selectman shall appoint the Town officers, commissions, boards, and employees set forth in Chapter VIII of the Charter, ~~and~~ any others required by the General Statutes or by ordinance¹²⁹_[S30] to be appointed by the First Selectman and any other directors or department heads for which no other appointment provision is made in this Charter.

(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 Selectman¹³⁰.

(3) **Advisory boards, commissions, and committees**¹³¹. ~~The Selectmen may appoint~~ The First Selectman shall 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.

(4) **Membership on boards, commissions, and committees**¹³². Except as otherwise expressly provided in this Charter, ~~each member of the First Board of~~ Selectmen shall be an ex officio member, without vote, on all town boards, commissions, and committees; with the exception of the Ethics Commission_[S31].

(5) **Mediation and Resolution of Differences**¹³³. The First Selectman shall be responsible for the mediation and resolution of differences between boards, commissions, committees, agencies, authorities and other public bodies within the Town government relating to an interpretation of Town policies and procedures.

D. Reorganization of departments¹³⁴.

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

¹²⁹ 2022 recodification and modification of current Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

¹³⁰ Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

¹³¹ 2022 recodification and modification of current Article VI, §6.1.E (2006). Modification of Chapter XXIV, §3 of the 1947 and 1956 Act; Chapter XXVI, 1 of the 1975 Charter; and, Article VI, §6.1.E of the 1997 Charter. .

¹³² 2022 recodification and modification of current Article VI, §6.1.F (2006). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.F of the 1997 Charter.

¹³³ NEW (2022).

¹³⁴ 2022 recodification and modification of current Article VI, §6.1.G (2006). Derived from Chapter II, 11 of the 1975 Charter and Article VI, §6.1.G

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(1) Notwithstanding any provisions of this Charter, the ~~First Board of~~ First Selectman 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 (2) or more bodies or Town offices are combined or separated by ordinance, the existence, the method of appointment, the organization, powers, and duties of the prior Town offices or bodies shall cease as defined in this Charter and shall be as defined in the ordinance.

(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 §4.2.C(1) of this Charter if the method of election set forth in this Charter is or becomes improper, invalid, or ineffective because of a change in the law or an ambiguity in, or erroneous provision of, this Charter.

E. Designation of Acting First Selectman¹³⁵. 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^[s32]** 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 **§ __ of this Charter**. Such designation may be changed in writing from time to time.

§4.3. Compensation of executive branch members¹³⁶.

The members of all boards and commissions except the Board of Selectmen shall serve without compensation unless

of the 1997 Charter.

¹³⁵ Recodification of current Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

¹³⁶ Recodification of current Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

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the 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**.

§4.4. Official bonds¹³⁷.

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.

§4.5. Regulations¹³⁸_[S33].

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 ten (10) nor less than five (5) days before the date set for such hearing.

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

§4.6. Absence, Disability, Vacancy in the Office of First Selectman.

Any vacancy in the Council shall be as set forth in Article II, §2.6.D of this Charter.

¹³⁷ Recodification of current Article V, §5.3 (2006). Derived from Modification of Chapter II, §9 of the 1947 Act and 1956 Act; Chapter II, §9 of the 1975 Charter and Article V, §5.3 of the 1997 Charter.

¹³⁸ Recodification of current Article V, §5.4 (2006). Chapter XXVI, §8 of the 1975 Charter; and, Article V, §5.4 of the 1997 Charter.

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ARTICLE V – OTHER ELECTED OFFICERS

§ 5.1. Town Clerk¹³⁹.

A. Establishment and election¹⁴⁰. There shall be a town clerk elected at the time and for the term set forth in §2.3.A and B(1)(d) of this Charter.

B. Powers and duties¹⁴¹. 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. Staffing¹⁴². 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 Clerks¹⁴³. 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. Compensation¹⁴⁴. In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by

¹³⁹ Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

¹⁴⁰ Recodification of current Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

¹⁴¹ Recodification of current Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

¹⁴² Recodification of current Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

¹⁴³ Recodification of current Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

¹⁴⁴ Recodification of current Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

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the Board of Finance.

F. Ordinances and votes¹⁴⁵. 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 Collector¹⁴⁶. 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. Vacancy¹⁴⁷. As set forth in Article II, 2.5.A of this Charter.

§ 5.2. Other elected officers.

A. Establishment and election¹⁴⁸. There shall be seven (7) Constables¹⁴⁹ and forty-five (45) Justices of the Peace¹⁵⁰ elected or nominated in the manner and for the terms prescribed in §2.3.A and B of this Charter.

B. Powers and duties¹⁵¹. Constables and Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

C. Vacancies¹⁵². As set forth in Article II, 2.5E. of this Charter.

¹⁴⁵ Recodification of current Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

¹⁴⁶ Recodification of current Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

¹⁴⁷ Recodification and modification of current Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

¹⁴⁸ Recodification of current Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

¹⁴⁹ Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

¹⁵⁰ Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and them, 45 in Article VII, §7.2.A of the 1997 Charter.

¹⁵¹ Recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

¹⁵² Recodification and modification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

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ARTICLE VI - ELECTED BOARDS AND COMMISSIONS

§6.1. In General.

A. Establishment and election¹⁵³. There shall be a Board of Education, Board of Finance, Board of Assessment Appeals, Town Plan and Zoning Commission, and Zoning Board of Appeals. The members of each board and commission shall be elected at the times and for the terms set forth in §2.3.A and B of this Charter.

B. Meetings¹⁵⁴.

(1) All elected boards and commissions, except the Board of Assessment Appeals, shall hold at least ten (10) regular stated meetings a year and shall give annual notice of such meetings as required by the General Statutes. 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 hours¹⁵⁵.

(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 laws¹⁵⁶.

(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.

¹⁵³ Recodification of current Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

¹⁵⁴ Recodification of current Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

¹⁵⁵ Modification of Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 19675 Charter.

¹⁵⁶ Derived from Chapter II, §6 of the 1947 and 1956 Acts; and Chapter II, §5 of the 1975 Charter.

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C. **Vacancies.** A vacancy in the membership of any elected board or commission shall be filled in the manner prescribed in §2.6 of this Charter.

§6.2. Board of Education¹⁵⁷.

A. **Composition¹⁵⁸.** The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.B(1) and (2), above, no more than six (6) of whom shall be registered with the same political party^[S34].

B. **Powers and duties¹⁵⁹.** The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

§6.3. Board of Finance.

A. **Composition¹⁶⁰.** The Board of Finance shall consist of nine (9) voting members, for staggered terms, as set forth in §§2.3.B(1) through (3), above, no more than six (6) 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 duties¹⁶¹.** 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 Finance¹⁶².** 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:

¹⁵⁷ Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

¹⁵⁸ 2022 recodification and minor modification of current Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

¹⁵⁹ 2022 recodification of current Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

¹⁶⁰ 2022 recodification and minor modification of current Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

¹⁶¹ 2022 recodification of current Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

¹⁶² 2022 recodification of current Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

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- (1) Keep minutes of Board meetings and be the custodian of its 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 system¹⁶³_[S35]. The Board of Finance shall monitor and oversee the administration of and technology associated with the assessment system in the town, in accordance with the provisions of the General Statutes pertaining to the method assessment. 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 budgets¹⁶⁴. The Board of Finance shall approve the Town budget in the manner set forth in Article X of this Charter.

§6.4. Board of Assessment Appeals.

A. Composition¹⁶⁵. The Board of Assessment Appeals shall consist of five (5) members, for staggered terms as set forth in 2.3.B(1) and (2) and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq_[S36]).

B. Powers and duties¹⁶⁶. 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.

¹⁶³ 2022 recodification and modification of current Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

¹⁶⁴ 2022 recodification of current Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter.

¹⁶⁵ 2022 recodification and minor modification of current Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

¹⁶⁶ 2022 Recodification of current Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

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§6.5. Town Plan and Zoning Commission.

A. Composition¹⁶⁷. The Town Plan and Zoning Commission shall consist of seven (7) voting members, for staggered terms as set forth in §2.3.B(1) and (2), **no more than five (5) of whom shall be registered with the same political party**. There shall be three (3) alternate members of the Town Plan and Zoning Commission, **no more than two (2) of whom shall be registered with the same political party**^[S37].

B. Powers and duties¹⁶⁸. 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 adopted¹⁶⁹;
- (2) Have control over the subdivision of land¹⁷⁰;
- (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 structures¹⁷¹;

¹⁶⁷ Recodification and minor modification of current Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the 1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

¹⁶⁸ Recodification of current Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997 Charter..

¹⁶⁹ Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

¹⁷⁰ Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of “subdivision” was included in Chapter XI, §7 of the 1947 Act, which was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.

¹⁷¹ Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

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(5) Consider and report upon the layout of new developments in the Town¹⁷²;

(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 Town¹⁷³.

C. Appointment of Planning Director¹⁷⁴. The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectman.

D. Other employees and consultants¹⁷⁵. The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all laws, ordinances, and regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

§6.6. Zoning Board of Appeals¹⁷⁶.

A. Composition¹⁷⁷. The Zoning Board of Appeals shall consist of five (5) regular members, for staggered terms as set forth in 2.3.B(1) and (2), no more than four (4) of whom shall be registered with the same political party¹⁷⁸_[S38], and three (3) alternates, no more than two (2) of whom shall be registered with the same political party.

¹⁷² Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

¹⁷³ Replacement of Chapter XI, §3 of the 1947 Act. §§ 2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

¹⁷⁴ 2022 recodification of current Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

¹⁷⁵ 2022 recodification of current Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

¹⁷⁶ Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

¹⁷⁷ 2022 recodification and minor modification of current Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

¹⁷⁸ The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

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B. Powers and duties¹⁷⁹. 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.

¹⁷⁹ 2022 Recodification of current Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.