

## **Charter Revision Commission – Email(s) Received from 4/1/22 – 4/13/22**

Judith Ewing [jeewing8@outlook.com](mailto:jeewing8@outlook.com)

Friday, April 1, 2022 at 8:26 AM

Comments for further discussion prior to final decision-making by the CRC

### INTRODUCTION

It appears that the CRC has not voted on anything to date, but simply reported back that the Town Manager idea is not going to go forward. The BOS has to approve the work of the CRC. It appears that the BOS will not be in the plan, but I didn't hear definitively that the current BOS has agreed to go extinct. I really don't think that any new ideas about a radically different form of government should be proposed by the CRC at this point. This is a fairly conservative "land of steady habits" New England town. The public is not engaged in this process, and/or is not inclined to be hungry for change. We haven't the time or energy to educate them to accept a new system.

### UNFINISHED BUSINESS

1. It appears there will be a First Selectman (FS) and a CAO, and an RTM.
2. An elected FS and a strong professional administrator should manage the town.
3. The elected BOS is a relic of the past. The GOOD: It provides a good opportunity to find out about agenda items that would be coming before the BOF and/or the RTM. The BAD: It is usually a rubber stamp of the FS agenda. It meets between the hours of 4 – 7 PM which is inconvenient for families and working people. (FairTV has been helpful.) It meets in a room much too small to handle a crowd to hear controversial issues. The UGLY: Discussion has become too political from time to time when two were elected to the BOS from the opposition party. Time to remove it from the Charter!
4. I disagree with the idea that Department Heads and others would be hired for a time period. I do not think anyone would take a job under those circumstances when other more permanent jobs are available in other town. Also, we need continuity from one administration to another. Removal should be considered for cause only.
5. The proposal includes the idea that if the FS can't carry on his/her duties the RTM Moderator is next in line. I disagree with that idea for several reasons. a) The Moderator is not elected by the town. b) We cannot expect that this person has the time to do that. c) The Moderator may not want the job, or doesn't have the skills to do the job. I propose that the CAO be next in line if the situation is temporary. If it is permanent, and time allows, there should be a Special Election to fill the vacancy.

I also have an issue with the FS having veto power over the RTM, which could be overridden by a 2/3 vote of the RTM. It is not easy to get a 2/3 vote on anything these days in our divided country. There should be no veto power over a democratically elected body.

6. The RTM as a legislative body: I saw nothing in the proposal that allows the RTM to continue having the responsibility of creating a bipartisan redistricting plan. I prefer that to the ways of the past where the FS chooses the volunteers where the majority party has one more member. That is just too political! I would hope that the responsibility continues with the RTM, and that the Charter provides for a mediator or arbitrator, as was suggested by the CRC. This issue needs to be resolved so that a committee can do its work in a timely manner.
7. I was shocked to see a 9/3 plan in Atty Mednick's draft. I never heard that discussed by the CRC. As you know, my experience on an over 50 member RTM is not to be recommended. I think 10 districts with 4 reps for a total of 40 members is the right number for a town with over 40,000 registered voters and a population of over 60,000. Also keep in mind that fewer districts mean much larger districts, which would be very difficult for candidates to cover. People complain that they don't know who their representative are now. Well, larger districts will not help resolve that issue.
8. Regarding the fact that voters don't know their reps means that the voters don't make the effort. It is also difficult for reps to communicate with their voters in a timely manner between elections. There needs to be a budget for mailing re:the work done by the RTM, similar to the information that the state makes available to our reps in Hartford.
9. While I favor minority representation in general, and agree with the statutes which provide for that now on various elected and appointed Boards and Commissions, I do not think we should have that provisions for the legislative body. Persons with the highest number of votes should be elected as been provided in our Charter since the RTM was established in 1947. If a minority member rule had been in place when I first ran for the RTM, I would not have agreed to run. Running for office takes a great deal of time and energy. I was new here, running with known incumbents. I probably would have lost my seat to someone from the other party who got fewer votes. The concept of minority representation on an elected legislative body seems undemocratic. Furthermore, it would be a detriment in recruiting candidates.
10. Without a BOS, the RTM needs to assume more power, especially as related to appointments, investigations and contracts. One way would be to create new RTM committees. One that has been suggested is a committee to review all appointments – to make sure the appointees are really interested and qualified and that minority representation occurs. The RTM can amend its rules to create new committees. (On occasion, they have established a temporary committees to independently review the budget, for example.)
11. The above mentioned powers need much more Charter detail. Re: contracts, the CFO and Purchasing Agent should be consulted.
12. The RTM needs to have its own Atty because they cannot be subjected to the whims of the one that serves the party of the FS. In addition, the RTM should have it's own clerical staff and a budget for members to be able to inform its constituents by mail about the issues of the day.

13. The subject of what to do about unintentional, but more importantly, blatant, violations of statutes, Charter provisions, FOIA, and Robert's Rules of Order comes up from time to time. We all know of instances where this has occurred, some very recently. Is there any recourse that can be provided in our Charter? Our Ethics Commission seem to be incapable of functioning in a timely manner, largely due to unfilled vacancies, or failure to act.

I wish to thank you all for your continued efforts to make our Charter more user friendly , and to make our town work better.

Judy Ewing  
98 Sasco Hill Terrace  
Fairfield , CT 06824

Carol Waxman [cawaxman40@gmail.com](mailto:cawaxman40@gmail.com)  
Sunday, April 3, 2022 at 10:35 AM

Charter Revision Commission Proposal

Dear Commission Members -

I have read the minutes and the emails from the last meeting of the CRC as well as a letter from the Taxpayers Association and as a longtime resident of Fairfield as well as a past resident of Westport and a former member of Westport's nonpartisan RTM, I have a few comments or suggestions.

First of all, I generally support the positions taken in both Kathryn Braun and Judith Ewings'emails to the CRC. I strongly support a system of checks and balances which are currently represented by the Board of Selectmen, RTM and Board of Finance. I believe that the public needs more participation in the running of the town, not less. I thank Ms. Braun and Ms. Ewing for their participation in town government and their taking the time to contribute their constructive thoughts to the CRC and thus the rest of us!

In reading some of the comments from Fairfield residents, I was surprised by the lack of knowledge of how different parts of the government operate. I have not had a child within a public school system in decades but I believe the public, starting in school, needs to learn about the history of governance within New England. Ours is a strong tradition of government for and by the people starting with the town meeting which evolved into the representative town meeting held in a town hall rather than a church. This education used to be part of a civics course and now could be offered on a once a year basis by an outside group, such as the League of Women Voters, which is non-partisan. Knowledge of the runnings of the town government would encourage participation of residents to serve on boards, commissions, committees and elected

positions.

I strongly support more representation rather than less, especially in our town which happily has such a wonderfully diverse population, both socially and economically. This town represents the real world with its diversity and we should make the most of it. I do not believe the RTM membership should be reduced below minimum of 40. In a perfect RTM for me, the membership would be non-partisan but I have been advised by the CRC legal advisor that this change is not possible!

Finally, I believe the governing members and departments of our town should be reachable by the residents via their personal phone numbers, snail mail and/or email addresses. It is important that communication be open and encouraged.

Carol Waxman  
203 259 2106

Becky Bunnell [becky.bunnell@gmail.com](mailto:becky.bunnell@gmail.com)  
Monday, April 4, 2022 at 1:10 PM

I would like to thank the Charter Revision Commission for all of its hard work in reviewing and updating the Town Charter and request one additional minor edit to section 10.12 where it references the " FLOOD and EROSION CONTROL BOARD" ( page 12 and 18 on the back up for tonight as well as all other references in the revised Charter)

The NEW state name for these boards per Public Act No. 21-115; AN ACT CONCERNING CLIMATE CHANGE ADAPTATION adopted on July 6, 2021 is "Flood prevention, climate resilience and erosion control board" which we are now proposing to abbreviate as "*FERB*" for short. Can we include the full name of the board in the final revisions.

Thank you

Becky Bunnell  
Chair, FERB ( Flood Erosion, Resilience Board formerly FECB)

[whopf01@gmail.com](mailto:whopf01@gmail.com)

Monday, April 4, 2022 at 3:09 PM

Citizen comment

Here is my wish list:

- I want to see the number of districts to remain at 10 please. The town is too big for 9 districts. I also, do not see the need for minority representation within RTM districts. Elected members represent their entire district. Democracy depends on that and politicians ignore it at their peril.
- Want to see a professional COO who is not elected and remains in place from one administration to another. Fairfield is so large and complex it needs professional management.
- I am in favor of eliminating the Board of Selectmen, however I would want the powers of appointment and investigation to be shared with the RTM.

William Hopf  
285 Hemlock Hills Rd. N.  
Fairfield, CT 06824  
(475) 422-1817

Karen Wackerman [karenpwackerman@gmail.com](mailto:karenpwackerman@gmail.com)

Monday, April 4, 2022 at 6:28 PM

Governance Provisions of Charter

To the Charter Revision Commission:

I am writing to strongly urge you to revise the draft charter governance provisions to provide for a stronger legislative arm and more oversight over the First Selectman. After what the town has been through over the past 6-7 years, it is clear that Fairfield needs more checks and balances, not fewer.

I applaud the proposal to do away with the Board of Selectmen. Their duties should be transferred to the RTM, including investigative powers and confirmation of contracts. Investigative powers over town departments and the administration should by no means be a power of the First Selectman, who oversees those

entities. There needs to be a body independent of the administration investigating issues in the administration.

There must absolutely be no veto power on the part of the First Selectman; that would completely undermine the work of the RTM and be an unwarranted interference into the legislative branch. And in no event should the RTM have a minority representation requirement. The state statute exempts RTMs from that requirement for a reason - if a body is to be truly representative, the will of the voters should be paramount in determining its makeup.

I also strongly caution against setting the number of RTM representatives in the charter. You are proposing some significant changes to town government and it is not clear yet how it will all work. It may be that the RTM recognizes that it needs more members, and any change will require a charter revision. That makes no sense to me.

Our town has experienced a series of scandals over the past 6+ years. These episodes make clear that oversight of the town administration is necessary. Putting more power into the office of First Selectman without scrutiny risks further problems later.

Thank you for all of your hard work.

Karen Wackerman  
192 Shoreham Village Drive, Fairfield

**From:** Elizabeth Zezima <[lizezimartm@gmail.com](mailto:lizezimartm@gmail.com)>  
**Sent:** Monday, April 4, 2022 5:33 PM  
**To:** O'Brien, Pru <[PO'Brien@fairfieldct.org](mailto:PO'Brien@fairfieldct.org)>  
**Subject:** Charter Revision concerns

To the members of the CRC:

Thank you for your work on this Commission. I appreciate the opportunity to share my thoughts with you.

It appears that the current governance model being proposed is consolidating power in one person and putting the Town at an increased risk for unethical behavior, political favoritism, and less transparency and oversight.

This commission should be proposing the exact opposite. One of the main reasons the Board of Selectmen is ineffectual is because of its limited size and the fact that its activities and decisions are largely controlled by the First Selectman. If the Board of Selectmen is to be eliminated, it is imperative that its powers be reallocated to the RTM (appointments, subpoena power, contract approval, etc.) and not further consolidated in one person.

I would hope that this strong mayor form of government currently being proposed does not sit well with the Commission members who were in favor of a Town Manager, or even those in favor of keeping the complicated structure we have. This is worse for Fairfield, not better. If you intend to eliminate the Board of Selectmen, please ensure that the powers and responsibilities it has are transferred to the RTM. Fairfield is not a Bridgeport or a Stratford and we should not be proposing a form of mayoral government that mirrors that.

With regard to the size of the RTM, with only a maximum number of 56 mentioned, the RTM currently has the authority to decide what size it wants to be. With increased responsibilities the body may well decide that it wants to be smaller - or larger. Please leave that decision up to the body. The size should not be hamstrung by the Charter.

Also please remove the language about following Assembly District lines. Virtually no towns in CT have that language. Let the RTM decide if it wants to create districts that follow State Assembly lines or create districts that are more closely aligned with Fairfield's neighborhoods.

Thank you for your consideration,

Liz Zezima

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Elizabeth Zezima  
RTM Democratic Majority Leader  
District 4  
Cell: 203.856.4868  
[lizezimartm@gmail.com](mailto:lizezimartm@gmail.com)

Jan Carpenter [janc@144h.com](mailto:janc@144h.com)  
Friday, April 8, 2022 at 4:04 PM

Comments for the CRC

Members of the CRC,

I am submitting the following note in conjunction with comments submitted by RTM member Karen Wackerman to the CRC previously. I appreciate your taking this into consideration in your deliberations and thank you for your service.

I fully agree with Ms. Wackerman that Fairfield needs a stronger legislative body in Charter Revision. And I would add "more well functioning body" to that sentiment. I attended a Strategic Planning Committee (SPC) public meeting in 2019, where governance change was explored specifically with the then RTM leadership - Ms. Wackerman and Ms. Iacono. The SPC communicated the results of the confidential TOF interviews, community outreach, and expert input - all pointing to a need for governance change in Fairfield. This information was the result of hundreds upon hundreds of hours of community input and SPC research. The SPC should be applauded for the leg work and summary recommendations. What I heard in that meeting is that both Ms. Wackerman and Ms. Iacono agreed that the RTM was not a well functioning group. Now Ms. Wackerman appears to have changed her mind - and that is her right.

Here is an excerpt summarizing that meeting in the TOF Strategic Plan:

"The RTM participants were provided the research findings explored during the initial session so that a full understanding of the research insights and considerations would be achieved. There was also a focus on the steps associated with changing the Town Charter. There was an acknowledged need to shift the governing structure, with an understanding that change will not be easy, but the timing is good and may be well received by the residents."

And this:

"A major difference and benefit cited by participants in transitioning to the Town Council was that the number of representatives would be far less than combined RTM, Board of Selectmen, and Board of Finance. As part of the discussion it was agreed that fewer decision-making representatives actually increases a citizen's access to government which goes against what one would expect. The current form of government and the distributed method of decision-making, makes Town government a maze of un-coordinated departments instead of a strength of greater democracy. A Mayor/Town Council with tighter more efficient command and control support, essentially provides citizens with one stop shopping to decision-making authorities and quicker clearer resolution to issues/concerns. Another benefit to Mayor/Town Council was that both caucuses often struggle to fill government positions. With a smaller Council it was felt that it would be easier to find skilled individuals interested in running for the position."

After having listened to countless RTM meetings over the past 10 (or more) years, I do not believe that the body is strong and well functioning (just listen to the January 2022 RTM meeting as the latest exhibit of this disfunction). And by disfunction, I do not mean “messy”. I understand democracy is messy and I applaud earnest, thoughtful, lengthy debate. But that is not what often happens at the RTM meetings. By reducing the numbers (whether it be through reduction in number of representatives or number of districts or both), we only increase effectiveness, competence and ACCOUNTABILITY - a key component missing currently. No one loses representation and I can honestly say that a large portion of our public has very little understanding of how many districts we currently have and in many, many cases, who their reps actually are (never mind what they do). THAT in itself is a problem and we should seek to change that. Please support positive change for Fairfield and help the CRC recommend a STRONGER RTM solution.

I also think that the following items should continue to be explored:

- minority party representation. I agree with Ms. Iacono that people in single party rule districts sometimes feel disenfranchised and it would help to have more representation by different parties (not the least of which is the unaffiliated voter). This would only be a subject to explore if the number of reps per district is greater than 2.
- at large. I don't know a whole lot about this, but I know it has come up several times as a means of offering a complement for some members who represent the WHOLE town vs. a single district. I wouldn't advocate for our RTM to be comprised exclusively of at large members, but some small piece might be warranted. For example, 2 reps for 10 districts plus 5 at large members for a total of 25 RTM members.

I advocate for an RTM of less than 20, but I sense the group has already moved that number upward. If that's the case, I think the public would support 27.

Thank you for listening.

Jan Carpenter

Jan Carpenter  
[janc@144h.com](mailto:janc@144h.com)

Gouley, Aidan [agouley23@regis.org](mailto:agouley23@regis.org)  
Sunday, April 10, 2022 at 10:17 PM

Charter Revision Commission - Student Interest

To the Members of the Charter Revision Commission,

My name is Aidan Gouley, and I am a life-long Fairfield resident and, currently, a junior at Regis High School in New York City. I commute each day to and from New York.

In light of my substantial and continued interests both in government and policy as well as in the political and societal well-being of our town, I wanted to reach out to the Charter Revision Commission with several requests.

This Charter Revision, while billed by some as a minor move to streamline governance, improve accountability, and overall, bring town government into the Twenty-First century, needs to be evaluated critically and through every lens possible. Even if the Charter Revision was to bring about only relevant and, over time, beneficial changes, it is an important precedent-setting measure, particularly as it pertains to transforming the very governmental structure of our town.

Precedent-setting derives outsized impacts from seemingly minor changes, whether in the courts or policy. Perhaps that is our nation's English Common Law-based nature (as opposed to a more rigid civil code as in France or Germany). Our laws change based on determined precedent, and our government and its functions tend to as well. Therefore, any move made by the Charter Revision Commission is likely to produce a disproportionate consequence.

Thus, I believe it would be wise to receive as much feedback as possible from as many different groups in our town. One group, in particular, I wish to bring into this revision is the youth of Fairfield. The kids that grew up going to Sandcastle Park, watching *Cars* at the Community Theatre, playing baseball at Mill Hill Field, and attending our great elementary, middle, and high schools are the adults of Fairfield's future. We are the ones who will live with this new Charter and, in that regard, ought to at least play some part in its revision.

While we cannot vote—something perhaps better off for our town, state, and country—having an awareness of and voice in the process is critical. I could confidently say that a vast majority of kids—even high schoolers—likely have no idea there is a important political conversation underway. Frankly, many do not know about the RTM or Board of Selectmen, but that concern is for another time. However, there are several ways to change this.

My first suggestion is to increase awareness on a group level. It only takes an email or two to reach out to politics/government-related clubs and groups at Ludlowe, Warde, and even Prep and Notre Dame to start awareness there. School administrators would likely appreciate their students' concern for local politics and the town's well-being.

My second suggestion is to increase peer-to-peer awareness. Right now, even those interested in understanding the changes being proposed have to search hard for them. While I entirely

understand how this particular process can fluctuate rapidly, especially with a seven-person commission, some sort of document outlining proposed changes would help improve transparency and provide accountability. This may also include a mission statement that narrows the broad focus laid out on the town website. I understand the seemingly mundane or even perhaps naïveté of this subsequent request, but a social media account—ideally Twitter or Instagram—to publish the document and update changes, release minutes, notable items of business, and remind town residents of when the next meeting is, would go a long way.

My third suggestion is to add (an) additional representative(s)—in this case, a student representative—even in the role of an observer, with some special privileges afforded to the position. Fundamentally, the position ought to provide a unique perspective that would hopefully play a meaningful role in the final decision reached by the Commission.

My fourth and final suggestion is not a change or a policy proposal. Instead, it is merely a reminder. The mandate of local government, while relatively small relative to the great democratic experiment that constitutes our nation, impacts not only the daily lives of the 60,000 who call Fairfield home, but it also does genuinely impact our country as a whole. New England local government, its Boards of Selectmen, its emphasis on community participation, and its immense care for good governance has shaped America. Whatever decisions are made, neither their means nor ends ought to stray too far from our origins. Bring Fairfield's government into the modern age, but do not leave behind its care for community participation.

Sincerely,

Aidan Gouley

[kgriffi1@optonline.net](mailto:kgriffi1@optonline.net)

Monday, April 11, 2022 at 10:17 PM

Town Administrator Role

Dear CRC Members –

Thank you for all the hard work you are doing to improve professionalism, transparency, and the balance of power in our Town government. With only a few meetings remaining, I hope you will spend time focusing on those areas where you have a good chance of making real and positive change. I believe one of those areas is the professional management position that all commission members seem to be in agreement is needed.

While the proposed language does a good job of stating some standards, I don't believe it goes far enough to ensure the position is both apolitical and professional. The current language has the person appointed *solely by the First Selectperson*, with qualifications prepared by the Director of Human Resources, who is also *solely appointed by the First Selectperson*, and duties that are *assigned by the First Selectperson*.

I ask that you make changes/additions to the proposed language to ensure the selection process is transparent and public, that a few key duties are codified, and that it's clear that the person serves all Town bodies and not just the First Selectperson. I recommend you consider the following language that is in the Weston Town charter (<https://ecode360.com/29899041>):

**Section 5.3 The Town Administrator**

- *There shall be a Town Administrator who shall report directly to the First Selectman. The Town Administrator shall be hired by, and shall be subject to dismissal by, the First Selectman, in both cases with the prior approval of the Board of Selectmen.*
- *The duties of the Town Administrator shall be to:*
  - *(a) aid in recruiting and screening of personnel and to make recommendations relating thereto to the First Selectman;*
  - *(b) manage Town employees;*
  - *(c) assist in preparing the Annual Town Budget by gathering the necessary data and by compiling estimated budgets by the dates set forth in the Charter;*
  - *(d) aid the First Selectman in analyzing and reviewing programs, activities, and budgets and their short-term and long-term financial and cash flow implications;*
  - *(e) satisfy reasonable requests by Officers, Boards and Commissions to provide information; and*
  - *(f) carry out such other duties as the First Selectman shall assign to the Town Administrator.*

Additionally, I request that you title the position ‘**Town Administrator**’. It sounds professional yet approachable, and clearly reflects the primary responsibility of the job – to administer the business of the Town. Weston and Greenwich both have Town Administrators, and have a First Selectperson and an RTM like Fairfield. The proposed title of Chief Operating Officer, and the title Chief Administrative Officer, sound corporate, less defined and more appropriate for a large city. Additionally, the Town currently has a CAO. Unless you are looking to codify that position, I believe the title ‘**Town Administrator**’ would be the best and most appropriate choice for Fairfield.

Thank you for giving this new and important position the time and consideration it deserves.

Sincerely,  
Kathleen Griffin  
15 Stonybrook Road

## ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

### §2.1. Application of General Statutes<sup>1</sup>.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The 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 Vote<sup>2</sup>.** Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town. 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 Official<sup>3</sup>.** No person shall be eligible for nomination or election to office as an Elected Town Official who is not an Elector of the Town, and, in the case of a district representative on the Representative Town Meeting, a resident of that particular district<sup>4</sup>, in accordance with the General Statutes<sup>5</sup>.

**C. Prepared Lists of Electors<sup>6</sup>.** The Registrars of Voters shall prepare lists of Electors qualified to vote

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<sup>1</sup> NEW (2022)

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

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

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

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

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

**FAIRFIELD CHARTER REVISION COMMISSION: MODIFICATION OF INTEGRATED ACTION ITEM #3**  
**ARTICLES II, III, IV, V, VI AND XI (APRIL 14, 2022)**

therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

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

(1) **General Rule**<sup>7</sup>. 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 Meeting<sup>8</sup>.

(2) **Exception: Change of Residence**<sup>9</sup>. 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 Officials**<sup>10</sup>. The Elected Town Officials are<sup>[S1]</sup>:

- (1) The First SelectmanSelectperson;
- (2) ~~Two (2) additional members of the Board of Selectmen~~<sup>[S2]</sup>;
- (3) Twenty-seven (27) members of the Representative Town Meeting<sup>[S3]</sup> (“RTM<sup>[S4]</sup>”);
- (4) Town Clerk;
- (5) Nine (9) members of the Board of Finance<sup>[S5]</sup>;
- (6) Nine (9) members of the Board of Education<sup>[S6]</sup>;
- (7) Seven (7) members of the Town Plan and Zoning Commission<sup>[S7]</sup>;

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

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

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

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

# FAIRFIELD CHARTER REVISION COMMISSION: MODIFICATION OF INTEGRATED ACTION ITEM #3

ARTICLES II, III, IV, V, VI AND XI (APRIL 14, 2022)

- (8) Three (3) alternate members of the Town Plan and Zoning Commission<sup>[S8]</sup>;
- (9) Five (5) members of the Zoning Board of Appeals<sup>[S9]</sup>;
- (10) Three (3) alternate members of the Zoning Board of Appeals<sup>[S10]</sup>;
- (11) Five (~~7~~<sup>5</sup>) members of the Board of Assessment Appeals<sup>[S11]</sup>; and,
- (12) Seven (7) Constables<sup>[S12]</sup>, who shall such powers and duties as set forth in the General Statutes<sup>11</sup> <sup>[S13]</sup>.

The Registrars of Voters are also considered to be Elected Officials. Justices of the Peace are also recognized by this Charter<sup>12</sup>.

**B. Date of Town Elections and Term of Office<sup>13</sup>.** A meeting of the electors of the Town for the election of Elected Town Officials shall be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in November in each odd numbered year, as follows:

- (1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:
  - (a) **First SelectmanSelectperson** for a term of four (4) years<sup>14</sup>;
  - ~~(b) Two (2) additional member of the **Board of Selectmen** for a term of four (4) years<sup>15</sup> <sup>[S14]</sup>;~~
  - (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.A<sup>16</sup> <sup>[S15]</sup><sup>[S16]</sup>;
  - (d) **Town Clerk**, for a term of four (4) years<sup>17</sup>;

<sup>11</sup> Recodification of current Article VII, §7.2.A and B (2006)(Establishment and Powers and Duties Clauses).

<sup>12</sup> Recodification of current Article VII, §7.2.A (2006)(Establishment Clause).

<sup>13</sup> 2022 recodification of current Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters.

<sup>14</sup> 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

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

<sup>16</sup> 2022 recodification of current §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

<sup>17</sup> 2022 recodification of current §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

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- (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.A<sup>18</sup>;
  - (f) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in Article VI-§6.2.A<sup>19</sup>;
  - (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.A<sup>20</sup>;
  - (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.A<sup>21</sup>;
  - (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.A<sup>22</sup>;
  - (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.A<sup>23</sup>;
  - (k) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in Article VI, §6.4.A<sup>24</sup>; and,
  - (l) Seven (7) **Constables**, for a term of two (2) years<sup>25</sup>[S17].
- (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.A<sup>26</sup>;
  - (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in

<sup>18</sup> 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

<sup>19</sup> 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

<sup>20</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>21</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>22</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>23</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>24</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>25</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>26</sup> 2022 recodification and clarification of current §1.4.A and §2.3.B (2006).

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- in Article VI 6.2.A<sup>27</sup>;
- (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years<sup>28</sup>;
  - (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.A<sup>29</sup>;
  - (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.A<sup>30</sup>;
  - (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.A<sup>31</sup>;
  - (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.A<sup>32</sup>; and,
  - (h) All Elected Town Officials set forth in §2.3.B(1), above, who serve for a term of two (2) years<sup>33</sup>.
- (3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:
- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in Article VI, §6.3.A<sup>34</sup>; 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) years<sup>35</sup>[S18].

<sup>27</sup> 2022 recodification and clarification of current §1.4.A and §2.3.C (2006).

<sup>28</sup> 2022 recodification of current §1.4.A and §2.3.B (2006).

<sup>29</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>30</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>31</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>32</sup> 2022 recodification of current §1.4.A and §2.3.C (2006).

<sup>33</sup> NEW (2022).

<sup>34</sup> 2022 recodification and clarification of current §1.4.A and §2.3.A.

<sup>35</sup> NEW (2022).

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**(4) Terms of Justices of the Peace<sup>36</sup>.** The forty-five (45) Justices of the Peace<sup>37</sup>, nominated as provided in the General Statutes<sup>38</sup>~~[S19] and by ordinance~~[S20][S21], serve a four (4) year term. They shall have such powers as set forth in the General Statutes<sup>39</sup>.

**(5) State Election – Registrar of Voters<sup>40</sup>.** The Registrars of Voters shall be elected at state elections every four (4) years beginning in 2008 as provided in the General Statutes and shall have such powers duties as set forth in the General Statutes<sup>41</sup>.

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

**(1) Elected Town Officials, including the RTM<sup>42</sup>:** On the third Monday in November ~~after election and qualification~~[S22] and shall continue until their successors have been elected or otherwise chosen and qualified.

**(2) State Office - Terms of Justices of the Peace<sup>43</sup>.** The term of office shall begin on the first Monday in January after their nomination.

**(3) Terms of Registrars of Voters<sup>44</sup>.** The Registrars of Voters shall serve a four (4) year term beginning on the Wednesday after the first Monday in January after their election.

<sup>36</sup> 2022 recodification of current Article II, §2.3.E (2006); see also current Article VII 7.2.A (2006)(Establishment Clause). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>37</sup> Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>38</sup> **Comment of the 2022 Charter Revision Commission.** At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.

<sup>39</sup> 2022 recodification of current Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

<sup>40</sup> 2022 recodification of current Article II, §2.3.F (2006)(first clause).

<sup>41</sup> **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)

<sup>42</sup> 2022 recodification of current Article II, §2.3.D (2006).

<sup>43</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>44</sup> 2022 recodification of current Article II, §2.3.F (2006)(second clause).

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(4) **Registrars of Voters**<sup>45</sup>. On the Wednesday after the first Monday in January after their election.

**§2.4. Minority representation on elected boards and commissions**<sup>[S23][S24]</sup>.

**A. Even number requirements**<sup>46</sup>. Except as provided below with respect to the Board of Education, when an even number of members of a board or commission is to be elected, no political party shall nominate, and no elector shall vote for, more than one-half (1/2) the number of persons to be elected.

**B. Uneven number requirements**<sup>47</sup>. Except as provided below with respect to the Board of Education, when an uneven number of members of a board or commission is to be elected, no political party shall nominate, and no elector shall vote for, more than a bare majority of the number of persons to be elected.

**C. Board of Education**<sup>48</sup><sup>[S25]</sup>. ~~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.~~

(1) As pertains to 2.3.B(1)<sup>[S26]</sup>. In an election where five (5) candidates shall be elected to the Board of education, the Electors shall vote for no more than three (3) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates in each RTM District. Those three (3) candidates receiving the highest number of votes shall be elected.

<sup>45</sup> 2022 recodification of current Article II, §2.3.F (2006)(second clause).

<sup>46</sup> 2022 recodification of current Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

<sup>47</sup> 2022 recodification of current Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

<sup>48</sup> 2022 recodification of current Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

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(2) As pertains to 2.3.B(2)(b): In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for no more than three (3) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. Those three (3) candidates receiving the highest number of votes shall be elected. The final member shall be the candidate with the next highest number of votes, although such candidate shall not enable any party to elect more than three (3) seats in the election cycle.

## §2.5. Single office requirement for Elected Town Officials<sup>49</sup>.

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

## §2.6. Vacancies in elected offices.

A. **Generally**<sup>50</sup>. Except as provided in §4.6-3 of this Charter with respect to the First Selectperson ~~Board of Selectmen~~, §2.6-C3.10 with respect to the RTM, and as otherwise directed by statute, a vacancy in any elected Town office<sup>51</sup>, including membership on elected Boards and Commissions, shall be filled by the First Board of Selectman until the vacancy can be filled by election, as follows:

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

<sup>49</sup> 2022 recodification of current Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

<sup>50</sup> 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.

<sup>51</sup> 2022 recodification of current Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

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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. **Vacancies for Constables and Justices of the Peace**<sup>52</sup><sub>[S27]</sub>. Vacancies in the offices of Constable and Justices of the Peace shall be filled in the manner set forth in the General Statutes.

C. **Long-term illness or disability of First ~~Selectman~~Selectperson**<sup>53</sup>. In addition to the death or resignation of the First ~~Selectman~~Selectperson, a vacancy shall exist in the office of First ~~Selectman~~Selectperson, if the First ~~Selectman~~Selectperson is unable to carry out the duties of office for a period of four (4) consecutive months, as certified at the end of that period **by the remaining Selectmen** to the Town Clerk. The vacancy shall exist from the date of such certification.

~~D. **Method of filling vacancies on the Board of Selectmen**<sup>54</sup>. 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 (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.~~

<sup>52</sup> Recodification of current Article VII, §7.2.C (2006)(Vacancy Clause).

<sup>53</sup> 2022 recodification of current Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

<sup>54</sup> 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

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**E. Resignation and vacancies on the RTM<sup>55</sup>.**

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

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30) days after the vacancy occurs<sup>[S28]</sup>.

(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<sup>[S29]</sup>.

(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.

(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.

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<sup>55</sup> 2022 recodification of current Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter .

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(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.

**F. Vacancies in the Office of Constable and Justice of the Peace**<sup>56</sup>. 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.).

**G. Resigning from elected office**<sup>57</sup>. Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the First Selectperson Board of Selectmen<sup>[S30]</sup>. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted<sup>[S31]</sup>.

**§2.7. Reapportionment of Voting Districts**<sup>58</sup><sup>[S32]</sup>.

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

<sup>56</sup> 2022 recodification of current Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>57</sup> 2022 recodification of current Article II, §2.4 (2006).

<sup>58</sup> 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 elections<sup>59</sup><sub>[S33]</sub>.**

**A. Nomination<sup>60</sup><sub>[S34]</sub>.**

**(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.

<sup>59</sup> Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

<sup>60</sup> 2022 recodification of current Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

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

**B. Election<sup>61</sup>.**

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

(2) No elector shall vote for more than the total number of RTM members to be elected in the district in which the elector resides<sup>62</sup>.

(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 in accordance with the notice requirements of this Charter ~~by mail of their election~~<sup>[S35]</sup>.

**C. Procedures for tied elections<sup>63</sup>.**

<sup>61</sup> 2022 recodification of current Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

<sup>62</sup> 2022 modification of Chapter II, §1 of the 1947 Act.

<sup>63</sup> 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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(1) In case of a tie vote affecting the election of RTM members, the other newly elected and reelected members from the district in which the tie vote occurs shall by ballot determine which of the tied candidates shall serve as RTM member or members.

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

(3) The Town Clerk shall forthwith call a meeting of the other newly elected and reelected members from the district or districts in which a tie vote occurs by causing a notice, in accordance with the notice requirements of this Charter, specifying the object, time and place thereof ~~to be mailed~~ to each such member not less than three (3) days before the time set for the meeting.<sup>[S36]</sup>

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

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

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

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

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D. **Eligibility for reelection**<sup>64</sup>. RTM members shall be eligible for reelection.

**ARTICLE III – REPRESENTATIVE TOWN MEETING**

**§3.1. Legislative Power**<sup>65</sup>.

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**<sup>[S37]</sup>.

**A. Composition**<sup>66</sup>. The RTM shall be comprised of twenty-seven (27) members<sup>[S38]</sup> consisting of three (3) members from each of the nine (9) RTM districts<sup>67</sup><sup>[S39]</sup> in the Town<sup>[S40][S41]</sup>. The Electors shall vote for no more than two (2) 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 in each RTM District. Those three (3) candidates receiving the highest number of votes shall be elected<sup>[S42]</sup>.

<sup>64</sup> 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.

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

<sup>66</sup> 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.”

<sup>67</sup> 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.”

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**B. Ex-officio non-voting members of the RTM<sup>68</sup>.** The RTM shall consist of the elected RTM members. In addition, the First ~~Selectman~~ Selectperson, 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.

**C. Right to vote<sup>69</sup>.** 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 qualification<sup>70</sup>.** The RTM shall be the judge of the election and qualifications of its members.

**E. Eligibility for membership on the RTM<sup>71</sup>.** 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. Compensation<sup>72</sup>.** The RTM members as such shall receive no compensation.

## §3.3. Annual meetings<sup>73</sup>, organization, and elections.

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<sup>68</sup> Recodification of current Article IV, §4.2.A (2006) entitled "Composition." Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

<sup>69</sup> Recodification of current Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter..

<sup>70</sup> 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..

<sup>71</sup> 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."

<sup>72</sup> Recodification of current Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

<sup>73</sup> Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act,

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**A. Date of organization meeting**<sup>74</sup>. An organization meeting of the RTM members shall be held on the fourth Monday in November in each year<sup>[S43]</sup>.

**B. Election of Moderator: Duties**<sup>75</sup>. Each organization meeting shall elect, by a vote of the Majority of the RTM, a Moderator. The Moderator shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall:

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

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

**C. Deputy Moderator**<sup>76</sup>. Each organization meeting shall elect, by a Majority Vote of the RTM, from among its voting members a Deputy Moderator who shall hold office for a term of one year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

**D. Clerk**<sup>77</sup>. The Town Clerk or, in the event of the Town Clerk's absence, an Assistant Town Clerk, shall act as clerk of all RTM meetings.

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as reaffirmed by Chapter II, §6 of the 1956 Act.

<sup>74</sup> Recodification of current Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

<sup>75</sup> Recodification and modification of current Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to "presiding officer" and "moderator". The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.

<sup>76</sup> Recodification of current Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

<sup>77</sup> Recodification of current Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

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**E. Moderator Pro-tempore and Clerk Pro-tempore<sup>78</sup>.** In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore of the meeting may be elected, by a Majority Vote of the RTM, by the meeting.

## §3.4. Procedures of the RTM.

### A. Rules of Procedures and Committees of the RTM.

**(1) Rules of Procedure<sup>79</sup>.** The RTM shall adopt ~~standing rules, by a Majority Vote of the RTM, Standing Rules of Order of the Fairfield RTM (“Standing Rules”)~~ for the conduct of RTM meetings, within forty-five (45) days of the organization n meeting, which rules may be amended from time to time. The rules of the prior RTM shall apply until such rules are adopted.

**(2) Quorum<sup>80</sup>.** A majority of the entire membership of the RTM shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members.

**(3) Open Meetings and Public Comment Sessions<sup>81</sup><sub>[S44]</sub>.** 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 RTM. The time and duration of the public comment sessions shall be determined in accordance with the provisions of the Standing Rules of Order of the Fairfield RTM, adopted in accordance with §3.4A4.A (1) of this Charter, above. ~~With respect to the meetings of the standing and special~~

<sup>78</sup> Recodification of current Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

<sup>79</sup> Recodification of current Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>80</sup> Recodification of current Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

<sup>81</sup> 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.

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~~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) Committees<sup>82</sup>.** ~~The~~ For the purpose of facilitating the business of the RTM, the RTM shall ~~the power to create~~ such standing and special committees, including the as it shall deem necessary. The rules and regulations for the conduct of committees shall be set forth in the Standing Rules of Procedure as it shall deem necessary at any time to carry out the business of the Council. The Standing Rules of Procedure shall require all matters before the RTM to have been reviewed and deliberated upon by Committee committees of the RTM prior final plenary action by the RTM, unless by passed waived by a vote of two-thirds (2/3<sup>rds</sup>) of the entire membership of the RTM<sup>[S45]</sup>; or, if deemed a matter of public emergency as may be required by the General Statutes, this Charter or the Ordinances of the Town.

~~(a) **Appointment of Committees<sup>83</sup>**. The Moderator shall appoint the members and Chairs of RTM Committees.~~

(a) **Appointment of Committees<sup>84</sup>**. The RTM shall have the power to appoint special committees as it shall determine necessary. The membership of standing committees and special committees shall be chosen by a committee responsible for legislative management committee, as set forth in the Standing Rules, to consist of two (2) members of the minority party and three (3) members from the majority party. In the event that no majority or minority party exists as composed, the Committee on Committees shall consist of two (2) members from each of the two parties with the highest number of members and one (1) member as selected by the First Selectperson. Terms of assignment shall coincide with the members' terms of office on the RTM. Special committees shall report to the body as a whole, as appropriate.

**(b) Required Cooperation<sup>85</sup>.** Each Official and employee of any Department of the Town shall assist the RTM and the Committees of the RTM in carrying out it legislative functions.

<sup>82</sup> Recodification and modification of current Article IV, §4.4.F (2006) (Second clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>83</sup> ~~NEW (2022).~~

<sup>84</sup> NEW (2022). Note: Derived from current RTM Rule 12.

<sup>85</sup> NEW (2022)

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**(5) Legal Assistance<sup>86</sup>[S47][S48].** The Moderator may, from time-to-time, request the Town Attorney to attend to provide an AssistanceAssistant 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, the RTM may, by 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 SelectmanSelectperson and Board of Finance shall maintain a line in the Annual Town Budget for said purpose; or, the Councilin the event there are insufficient funds available for retention of counsel, the RTM may initiateimplement a budget transfer, without resort to the Town Attorney legal budget to be earmarked for the exclusive use of the RTM. The RTM shall consult with the Finance Fiscal Officer who shall within forty-eight (48) hours notify the RTM of a source of funds for said transfer. The RTM shall notify the Board of Finance, during the course of a fiscal year, if such funds are required. of said transfer.

**(6) Parliamentarian<sup>87</sup>.** The Moderator may appoint a parliamentarian.

**B. Meetings of the RTM<sup>88</sup>.**

**(1) Regular meetings<sup>89</sup>.** Regular RTM meetings shall be held at least once a month on a regular meeting[S49] day decided upon by a Majority Vote of the RTM. However, if there is no business to be acted upon at a regular RTM meeting, the meeting may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members and the public.

**(2) Special and Emergency Meetings<sup>90</sup>.** The Moderator shall have the authority to call special meetings

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<sup>86</sup> NEW (2022).

<sup>87</sup> NEW (2022)

<sup>88</sup> Derived from Article III, §2 (second sentence) and §4 of the 1947 Act and 1956 Act.

<sup>89</sup> 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.

<sup>90</sup> 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, Selectperson, 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. Notice<sup>91</sup>.** At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice<sup>[S50]</sup> of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter, if the standard is stricter.

**(3) Meeting Notice<sup>92</sup>[S51].** 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, in accordance with the notice shall be sent by mail at least five (5) days before the meeting, requirements of this Charter<sup>93</sup>[S52].~~

**“Meeting (or Hearing) Notice<sup>94</sup>”** means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and a copy of the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in § (PUBLIC NOTICE) of this Charter and as may be established by Ordinance or written rules of the RTM or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the Town may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published before the meeting in a newspaper having a general circulation in the Town and posted as required by the Freedom of Information Act at a minimum in compliance with the

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

<sup>91</sup> NEW (2022)

<sup>92</sup> ~~2022 recodification of current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.~~

<sup>93</sup> ~~2022 recodification of current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.~~

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

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General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes. The notice shall specify the purposes for which the meeting is to be held, which shall include any business of which the Town Clerk has been notified by the First ~~Selectman~~Selectperson, chairman of the Board of Finance, or the Moderator, or which may be proposed in an Electors' or RTM members' petition.<sup>95</sup>

“Public Notice” or “Publication”<sup>96</sup> means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. It specifically includes matters where “publication” was required under the prior Charter or the General Statutes. Said Public Notice shall be specifically as set forth in this Charter, may be governed by the requirements of the General Statutes, or, in the event the requirement of the Charter is more stringent than the requirements of the General Statutes, by ordinance or written rules of a Board or Commission. Public Notice may be posted (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public; (2) in the central Town Library (and each branch of the Town Library); (3) on the Town web-site or through other electronic media by the Town Clerk; and, (4) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town.

**§3.5. General Powers<sup>97</sup>.**

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

<sup>95</sup> The last sentence is a 2022 recodification of current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

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

<sup>97</sup> NEW (2022)

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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 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~~<sup>[S53]</sup>, 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~~<sup>Selectperson</sup><sub>[S54]</sub> 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 ~~Town Clerk of the RTM~~<sup>[S55]</sup> of such an ~~appointment; and,~~<sup>[S56]</sup>

G. Notwithstanding the provisions of §3.5.F of this Article, above, the RTM shall approve, by a Majority Vote of the RTM, all appointments made by the First Selectperson to the Historical District and Ethics Commissions, in accordance with Article VIII, §8.12.A and §8.16.A(1) of this Charter and any other Boards and Commission created by ordinance as at the effective date of this Charter. 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 Town Clerk of such an appointment<sup>[S57]</sup>;

~~G.H.~~ Approve leasing, sale or acquisition of real property by the ~~Town~~<sup>[S58]</sup>;

~~H.I.~~ Approve ~~and review~~ contracts as set forth in Article IV, §4.2.B(17) ~~and (18)~~ of this Charter.

~~I.J.~~ Approve or reject collective bargaining agreements and arbitration awards in the manner set forth by the General ~~Statutes~~<sup>[S59]</sup>.

~~J.K. Such legislative power of the Board of Selectmen to~~ To review, audit and investigate any and all Town

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offices, departments and agencies of the Town and for such purpose shall have the power to issue subpoenas<sup>98</sup>, in accordance with such historical legislative power of the Board of Selectmen<sup>99</sup>.

**§3.6. Ordinances, Resolutions, Orders or Motions: The Role<sup>[S62]</sup>:**

**A. Adoption of Ordinances<sup>100</sup>.** No ordinance shall be passed until it has been read at two (2) separate meetings or unless such readings are dispensed with by a vote of two-thirds (2/3<sup>rd</sup>s) of the RTM, present and voting. The final reading shall be in full, unless the First Selectman measure shall have been printed and a copy thereof furnished to each member prior to such reading.

~~**B. Action by RTM on Legislative Enactments**<sup>101</sup>.~~

~~**D. Transmittal of Legislative Actions to the First Selectman**<sup>102</sup>.~~

~~**F. Action by the First Selectman**<sup>103</sup>.~~

~~**(8) Approval by the First Selectman or Failure of the First Selectman to Take Action.**~~

~~**(10) Veto by the First Selectman.**~~

~~**L. RTM Action Following Veto of the First Selectman.**~~

<sup>98</sup> ~~2022 recodification of current Article VI, §6.1.C(2) (2006)(Second sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter . **Please note the Special Act authority to issue subpoenas.**~~

<sup>99</sup> ~~2022 recodification of current Article VI, §6.1.C(2) (2006)(Second sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter . **Please note the Special Act authority to issue subpoenas.**~~

<sup>100</sup> ~~NEW (2022).~~

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

<sup>102</sup> ~~NEW (2022).~~

<sup>103</sup> ~~NEW (2022).~~

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~~N. Effective Date.~~

~~(16) Ordinances.~~

~~(18) Resolutions, Orders or Motions.~~

**B. Voting**<sup>104</sup>. The yeas and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the record of the proceedings of the RTM, and every ordinance or resolution shall require, for final passage, the affirmative vote of a Majority of the RTM. No member shall be excused from voting, except on matters involving a conflict of interest.

**C. The Standing Rules**<sup>105</sup>. The Standing Rules may include additional procedural standards not inconsistent with the requirements of this Charter.

**S.D. Role of the Town Clerk:**

**(1) Public Notice of Final Action**<sup>106</sup><sub>[S63]</sub>. 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 accordance with the Public Notice provisions of this Charter ~~newspaper having a general circulation in the Town~~<sub>[S64]</sub>. 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 § ~~13.13.6~~ of this ~~Charter~~ Article.

**(2) Publication and Posting of Adopted Legislation**<sup>107</sup><sub>[S65]</sub>. 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.

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<sup>104</sup> NEW (2022).

<sup>105</sup> NEW (2022).

<sup>106</sup> 2022 recodification of current Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

<sup>107</sup> NEW (2022)

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Within five (5) days after final passage, as provided in §3.65 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<sup>[S66]</sup>.

## ~~§3.6.—Emergency Legislation and Appropriations~~<sup>108</sup>~~[S67]~~.

~~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)<sup>109</sup>~~[S68]~~.

### A. Petition and time for filing<sup>110</sup>.

(1) **Effective date of certain RTM votes. Any vote of the RTM:** (1) authorizing the expenditure for any specific purpose of \$150,000 or more<sup>111</sup>~~[S69]~~; or (2) for the issue of any bonds by the Town<sup>112</sup>; or (3) the adoption, amendment, or repeal of an ordinance<sup>113</sup>; shall not be effective until the date for filing a referendum petition has

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<sup>108</sup> ~~NEW (2022).~~

<sup>109</sup> Current Article XII.

<sup>110</sup> Recodification of current Article XIII, §13.1 (2006).

<sup>111</sup> Recodification of current Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

<sup>112</sup> Recodification of current Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

<sup>113</sup> 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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passed. If within that time a petition for referendum is filed with the Town Clerk, the vote shall not be effective unless and until it has been approved by referendum.

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

**(3) Required number of signatures on petitions.** To be effective, a petition for referendum must be signed by not less than five (5%) percent of the electors of the Town according to the most recent computer printout voter enrollment list <sup>[S70]</sup> available at the time of the action or vote on which a referendum is sought <sup>[S71]</sup>, and must contain the names and addresses of the signatories.

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

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

### **B. Manner of holding referendum<sup>114</sup>.**

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

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<sup>114</sup> 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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**(2) Date of referendum.** The ~~Board of Selectmen~~First Selectperson shall call a special ~~meeting of election~~meeting<sup>[s72]</sup> for all ~~electors~~Electors of the Town to be held not less than twenty-one (21) days nor more than twenty-eight (28) days after the date of certification by the ~~Town~~ Clerk for the sole purpose of voting approval or disapproval of the question or questions presented in the referendum petition.

**(3) Voting hours and method.** For any referendum, the polls shall be opened at ~~twelve o'clock~~ (12:00 P.M.) noon and shall be closed at eight o'clock (8:00 PM) in the evening, but the hours for voting may be increased at the discretion of the ~~Board of Selectmen.~~Town Clerk<sup>[s73]</sup>. 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 so presented.

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

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

**(6) Vote necessary to pass referenda<sup>115</sup>.** In order to reverse or modify the action taken by the RTM,

<sup>115</sup> 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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the vote in favor of reversing or modifying the action must both:

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

**§3.8. Appeals from the Board of Finance<sup>116</sup>.**

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

**§3.9. Powers Denied to the RTM<sup>117</sup>.**

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

**§3.10. Vacancies in the RTM<sup>118</sup>.**

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

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<sup>116</sup> 2022 recodification of current Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

<sup>117</sup> NEW (2022).

<sup>118</sup> NEW (2022).

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**ARTICLE IV - ~~BOARD OF SELECTMEN AND THE FIRST~~  
SELECTMANSELECTPERSON**

**§4.1. Executive Authority.**

**A. The First SelectmanSelectperson**<sup>119</sup>. The First SelectmanSelectperson shall be the chief executive officer of the Town as well as the town agent<sup>120</sup><sub>[S74]</sub> and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First SelectmanSelectperson shall devote full time to the duties of the office<sup>121</sup>.

**B. Election and Qualifications.** The First SelectmanSelectperson shall be chosen by the Electors of the Town, as set forth in Article II 2.3.A and B(1)(a)<sup>122</sup>. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate not more than one (1) candidate for First SelectmanSelectperson<sup>123</sup> and each Elector may vote for one candidate for First SelectmanSelectperson<sup>124</sup>. The candidate for First SelectmanSelectperson receiving the highest number of votes shall be elected First SelectmanSelectperson<sup>125</sup>.

**C. The Executive Branch**<sup>126</sup>. The executive branch of the Town government shall consist of the First SelectmanSelectperson ~~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.

<sup>119</sup> 2022 recodification of current Article VI, §6.2.A (2006). Derived from Article VI, §6.2A of the 1997 Charter.

<sup>120</sup> 2022 recodification of current Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>121</sup> 2022 recodification of current Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>122</sup> NEW (2022)

<sup>123</sup> 2022 recodification of current Article VI, §6.1.A(2) (first clause) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>124</sup> 2022 recodification of current Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>125</sup> 2022 recodification of current Article VI, §6.1.A(4) (first sentence) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>126</sup> 2022 recodification of current Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

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D. **Staff**<sup>127</sup>. The First Selectman>Selectperson may appoint a chief of staff and administrative assistant, or equivalent positions for which the RTM shall appropriate sufficient funds<sup>[S75]</sup>. In addition, the First Selectman>Selectperson may employ such other staff necessary for the administration of official duties as the RTM may provide. All such assistants and staff shall be appointed by the First Selectman>Selectperson and shall serve at the pleasure of the First Selectman>Selectperson.

E. **Chief Operating Administrative Officer**<sup>128</sup>~~[S76]~~ **or Town Administrator**<sup>129</sup>. The budget shall provide for a Chief Operating Administrative Officer or Town Administrator, who shall be the principal managerial aide to the First Selectman>Selectperson and shall perform such duties as may be assigned by the First Selectman~~[S77]~~Selectperson. The chief operating officer/administrator shall be an unclassified employee of the Town and shall be appointed by and serve at the pleasure of the First Selectman~~[S78]~~Selectperson. Said chief operating officer/administrator 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, credentials, certifications, accreditations or licenses~~[S79]~~, 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~~[S80]~~Resources and other equivalent or successor organizations. Said qualifications shall be prepared by the Director of Human Resources, who shall also prequalify candidates for the position prior to interview by the First Selectperson.

The First Selectperson shall appoint, and the budget shall provide for, a Chief Operating Officer, who shall be the principal aide to the First Selectperson for the management of Town departments and agencies, and shall perform such duties as may be assigned by the First Selectperson. The chief operating officer shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson. Said chief operating officer shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, all in the field of public administration, in accordance with the best practices recommended for local government management 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

<sup>127</sup> NEW (2022).

<sup>128</sup> ~~NEW (2022).~~

<sup>129</sup> NEW (2022).

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Management Association for Human resources and other equivalent or successor organizations<sup>[S80]</sup>.

**§4.2. Powers and Duties of the First Selectman~~Selectperson~~.**

**A. General powers and duties**<sup>130</sup>. 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 Appointees**<sup>131</sup><sup>[S81]</sup>. All Town officers, boards, commissions, and employees of the Town appointed by the ~~First Board of~~ First Selectman shall be responsible to ~~them~~ said First Selectperson for the faithful performance of their respective duties and shall render a report to the ~~First~~ Selectman~~Selectperson~~ whenever requested to do so.

**(2) Budget Review and Recommendation**<sup>132</sup>. The ~~First~~ Selectman~~Selectperson~~ 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

<sup>130</sup> 2022 recodification of current Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

<sup>131</sup> 2022 recodification of current Article VI, §6.1.C(2) (2006)(First sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1.C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter . **Please note the Special Act authority to issue subpoenas.**

<sup>132</sup> 2022 recodification of current Article VI, §6.1.C(3) (2006).

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~~(3) **Meetings**<sup>133</sup>. The Selectmen shall hold their first meeting not later than the fourth (4<sup>th</sup>) 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<sup>134</sup>. The Selectmen shall meet at least twice each month<sup>135</sup>.~~

**B. Duties.** The First ~~Selectman~~Selectperson shall:

- (1) Direct and supervise<sup>136</sup> the administration of all departments and officers<sup>137</sup> and shall be responsible for the administration of all the affairs of the Town in respect to such departments<sup>138</sup>;
- (2) Be responsible for the faithful execution of all laws, provisions of the Charter and ordinances governing the Town<sup>139</sup>;
- (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 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

<sup>133</sup> 2022 recodification of current Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>134</sup> Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>135</sup> Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

<sup>136</sup> NEW (2022)

<sup>137</sup> 2022 recodification of current Article VI, §6.2.A(3).

<sup>138</sup> NEW (2022).

<sup>139</sup> 2022 recodification of current Article VI, §6.2.A(4).

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of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts;

**(8)** Submit annually to the Board of Finance a proposed budget, including a capital budget<sup>[S82]</sup> for the next fiscal year in accordance with the provisions of Article X of this Charter;

**(9)** Prepare and cause to be printed, or otherwise made available<sup>[S83]</sup>, 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 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<sup>[S84]</sup>;

**(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 and Boards and Commissions with respect to obtaining said funds and grants, and periodically report to the RTM and Board of Finance<sup>[S85]</sup>;

**(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 office<sup>140</sup>;

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<sup>140</sup> 2022 recodification of current Article VI, §6.2.A(5).

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~~i. Upon the request of any Selectman, inform the Board of Selectmen of the First Selectman's actions<sup>141</sup>;~~

**(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 RTM<sup>142</sup><sub>[S86]</sub>; 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 government<sup>143</sup>.

**(17)** Request for approval by a Majority Vote of the RTM, of any contracts<sub>[S87]</sub>:

**(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~~ permitted by the General Statutes, this Charter or ordinance<sub>[S88]</sub>.

**(c)** which contain a term which will either fall in multiple fiscal years; or, shall continue for a period longer than twelve (12) months<sub>[S89]</sub>.

**(18)** Submit a quarterly report on all contracts (including, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements) entered into on behalf of the Town, including but not limited to, those executed within the budget limits or other authority established by the Legislative Council; however, excluding all such contracts (as defined in this subsection) as may be exempted from disclosure by federal or state law or otherwise not capable of redaction in order to protect statutory privacy rights of individuals.

<sup>141</sup> 2022 recodification of current Article VI, §6.2.A(6).

<sup>142</sup> 2022 recodification and modification of current Article VI, §6.2.A(7).

<sup>143</sup> 2022 recodification of current Article VI, §6.2.A(8).

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

**C. Appointment powers<sup>144</sup>.**

(1) The First ~~Selectman~~Selectperson shall appoint the Town officers, Boards and Commission, and employees set forth in Chapter VIII of the Charter, ~~and~~ any others required by the General Statutes or by ordinance<sup>145</sup><sub>[S90]</sub> to be appointed by the First ~~Selectman~~Selectperson and any other directors or department heads for which no other appointment provision is made in this Charter. Board and ~~OCmmission~~Commission appointments shall be subject to the right of rejection by the RTM as set forth in Article III.

(2) All Town officers, Boards and Commissions and employees of the Town appointed solely by the First ~~Selectman~~Selectperson shall be responsible to the First ~~Selectman~~Selectperson for the faithful performance of their respective duties and shall report to the First ~~Selectman~~Selectperson<sup>146</sup>.

(3) **Advisory boards, commissions, and committees<sup>147</sup>.** ~~The Selectmen may appoint~~ The First ~~Selectman~~Selectperson shall appoint such advisory ~~boards, commissions, and committees, of limited duration,~~ as they deemed necessary or useful from time to time to study and advise on any matters which are the concern of the Town.

<sup>144</sup> 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>145</sup> 2022 recodification and modification of current Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>146</sup> Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>147</sup> 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. .

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**(4) Membership on Boards and Commissions, ~~and committees~~**<sup>148</sup>. 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<sup>[S91]</sup>.

**(5) Mediation and Resolution of Differences**<sup>149</sup>. The First ~~Selectman~~Selectperson 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 departments**<sup>150</sup>.

**(1)** Notwithstanding any provisions of this Charter, the ~~First Board of 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<sup>[S92]</sup>.

**(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

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<sup>148</sup> 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.

<sup>149</sup> NEW (2022).

<sup>150</sup> 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 of the 1997 Charter.

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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 ~~Selectman~~Selectperson<sup>151</sup>.** Immediately upon taking office, the First ~~Selectman~~Selectperson shall designate in writing to the Town Clerk **the member of the Board of Selectmen authorized to act as First ~~Selectman~~Selectperson**<sup>[S93][S94]</sup> during the unavailability or temporary disability of the First ~~Selectman~~Selectperson and during the period from the date a vacancy occurs until a successor First ~~Selectman~~Selectperson takes office under the provisions of **§    of this Charter**. Such designation may be changed in writing from time to time.

**§4.3. Compensation of executive branch members<sup>152</sup>.**

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 ~~First Board of Selectmen~~ subject to the adoption of the Town Budget as provided in **Article XII of this Charter**.

**§4.4. Official bonds<sup>153</sup>**<sup>[S95]</sup>.

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~~ **First ~~Selectman~~Selectperson** 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 ~~First Board of Selectmen~~ **First ~~Selectman~~Selectperson**, conditioned upon the faithful performance of such official duties. Premiums for such bonds shall be paid by the Town.

<sup>151</sup> Recodification of current Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

<sup>152</sup> Recodification of current Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

<sup>153</sup> 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.

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**§4.5. Regulations<sup>154</sup><sub>[S96]</sub>.**

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 SelectmanSelectperson.**

Any vacancy in the CouncilOffice of the First Selectperson shall be addressed as set forth in Article II, §2.6.D of this Charter.

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<sup>154</sup> Reco

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

## ARTICLE V – **OTHER** ELECTED OFFICERS

### § 5.1. Town Clerk<sup>155</sup>.

**A. Establishment and election**<sup>156</sup>. There shall be a town clerk elected at the times<sup>[S97]</sup> and for the term set forth in §2.3.A and B(1)(d) of this Charter.

**B. Powers and duties**<sup>157</sup>. The Town Clerk shall have the powers and duties prescribed by this Charter, by ordinance, and by the General Statutes. In particular, the Town Clerk shall:

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

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

(3) Deposit all money required to be collected by the Town Clerk with the Town Treasurer<sup>[S98]</sup>, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and

(4) Give<sup>[S99]</sup> Provide, as may be requested, a receipt for all money received to the person from whom it was received.

**C. Staffing**<sup>158</sup>. All expenses of the Town Clerk's office, including necessary clerical assistance and Assistant Town Clerks, shall be paid by the Town within the limit of the appropriation therefor.

**D. Assistant Town Clerks**<sup>159</sup>. The Town Clerk may appoint Assistant Town Clerks. Assistant Town Clerks shall

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<sup>155</sup> Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

<sup>156</sup> Recodification of current Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

<sup>157</sup> Recodification of current Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

<sup>158</sup> Recodification of current Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

<sup>159</sup> Recodification of current Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

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be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

**E. Compensation<sup>160</sup>.** In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

**F. Ordinances and votes<sup>161</sup>.** The Town Clerk shall publish notice of action concerning ordinances in accordance with this Charter. All ordinances and RTM votes shall be recorded by the Town Clerk in books records<sup>[S100]</sup> kept for the purpose.

**G. Reports to Assessor and Tax Collector<sup>162</sup>.** The Town Clerk shall promptly file with the Assessor and Tax Collector a complete abstract of all deeds and conveyances of land or of personal property, or of certificates of intention to transfer personal property, placed in the custody of the Town Clerk for record.

**H. Vacancy<sup>163</sup>.** As set forth in Article II, 2.5.A of this Charter.

**§ 5.2. Other elected officers.**

**A. Establishment and election<sup>164</sup>.** There shall be seven (7) Constables<sup>165</sup><sup>[S101]</sup> and forty-five (45) Justices of the Peace<sup>166</sup> elected or nominated in the manner and for the terms prescribed in §2.3.A and B of this Charter.

**B. Powers and duties<sup>167</sup>.** Constables and Justices of the Peace shall have the powers and duties prescribed

<sup>160</sup> Recodification of current Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

<sup>161</sup> Recodification of current Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

<sup>162</sup> Recodification of current Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

<sup>163</sup> Recodification and modification of current Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

<sup>164</sup> Recodification of current Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

<sup>165</sup> Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

<sup>166</sup> Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and them, 45 in Article VII, §7.2.A of the 1997 Charter.

<sup>167</sup> Recodification of current Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

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by the General Statutes for their respective offices.

C. Vacancies<sup>168</sup>. As set forth in Article II, 2.5E. of this Charter.

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<sup>168</sup> 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 election<sup>169</sup>.** There shall be a Board of Education, Board of Finance, Board of Assessment Appeals, Town Plan and Zoning Commission, and Zoning Board of Appeals. The members of each board and commission shall be elected at the times and for the terms set forth in §2.3.A and B of this Charter.

**B. Meetings<sup>170</sup>.**

(1) All elected Boards and Commissions, except the Board of Assessment Appeals, shall hold at least ten (10) regular stated meetings a year<sup>[S102]</sup> and shall give annual notice of such meetings as required by the General Statutes. Officers of each Board and Commission, except the RTM<sup>[S103]</sup>, ~~except the Board of Selectmen~~, shall be elected annually at an organization meeting so noticed ~~by~~with<sup>[S104]</sup> 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<sup>171</sup>.

(3) All regular meetings of elected Boards and Commissions shall be open to the public except for executive sessions permitted by the General Statutes, and all elected Boards and Commissions shall comply with state freedom of information laws<sup>172</sup>.

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

<sup>169</sup> Recodification of current Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

<sup>170</sup> Recodification of current Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

<sup>171</sup> Modification of Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 19675 Charter.

<sup>172</sup> 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 Education<sup>173</sup>.**

**A. Composition<sup>174</sup>.** 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<sup>[S105][S106]</sup>.

**B. Powers and duties<sup>175</sup>.** The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

**§6.3. Board of Finance.**

**A. Composition<sup>176</sup>.** The Board of Finance shall consist of nine (9) voting members<sup>[S107]</sup>, 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 duties<sup>177</sup>.** The Board of Finance shall appoint the outside auditors and shall have all of the powers and duties conferred by this Charter, by ordinance, and upon boards of finance generally by Chapter 106 of the General Statutes.

**C. Clerk of the Board of Finance<sup>178</sup>.** The Board of Finance shall appoint a clerk and fix the clerk's salary. The

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<sup>173</sup> Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

<sup>174</sup> 2022 recodification and minor modification of current Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

<sup>175</sup> 2022 recodification of current Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

<sup>176</sup> 2022 recodification and minor modification of current Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

<sup>177</sup> 2022 recodification of current Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

<sup>178</sup> 2022 recodification of current Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

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clerk shall hold office at the pleasure of the Board of Finance. The clerk may be part time. The clerk shall:

(1) Keep minutes of Board meetings and be the custodian of its books, records<sup>[S108]</sup>, papers, and data relating to the conduct of its business;

(2) Be a certified or a licensed public accountant or otherwise have credentials, licenses and or certification<sup>[S109]</sup> and 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~~System**<sup>179</sup><sup>[S110]</sup>. 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<sup>[S111]</sup>.

**E. Approval of budgets**<sup>180</sup>. 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. Composition**<sup>181</sup>. The Board of Assessment Appeals shall consist of five (5) members<sup>[S112]</sup>, 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. §

<sup>179</sup> 2022 recodification and modification of current Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

<sup>180</sup> 2022 recodification of current Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter.

<sup>181</sup> 2022 recodification and minor modification of current Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

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9-164 et seq<sup>[S113]</sup>).

**B. Powers and duties<sup>182</sup>.** The Board of Assessment Appeals shall have all the powers and duties conferred on boards of assessment appeals generally by §§ 12-110 to 12-117 of Chapter 203 of the General Statutes.

**§6.5. Town Plan and Zoning Commission.**

**A. Composition<sup>183</sup>.** 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**<sup>[S114]</sup>.

**B. Powers and duties<sup>184</sup>.** The Town Plan and Zoning Commission shall have all the powers and duties conferred by this Charter, by ordinance, and on zoning commissions and planning commissions generally by Chapter 124 and Chapter 126 of the General Statutes (C.G.S. §8-1 et seq. and §8-18 et seq.). In particular, the Town Plan and Zoning Commission shall:

- (1) **\*Prepare, adopt, and amend a master plan for the development of the Town, or amend any master plan previously adopted<sup>185</sup>;**
- (2) **Have control over the subdivision of land<sup>186</sup>;**

<sup>182</sup> 2022 Recodification of current Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

<sup>183</sup> Recodification and minor modification of current Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the 1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

<sup>184</sup> Recodification of current Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997 Charter..

<sup>185</sup> Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

<sup>186</sup> Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of “subdivision” was included in Chapter XI, §7 of the 1947 Act, which

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- (3) Make studies and recommendations on matters affecting health, recreation, traffic, and other needs of the Town dependent on, or related to, the master plan;
- (4) Consider and report upon the design, location, and relation to the master plan of all new public ways, buildings, bridges, and other public places and structures<sup>187</sup>;
- (5) Consider and report upon the layout of new developments in the Town<sup>188</sup>;
- (6) Make detailed plans for the improvement, reconditioning, or development of areas which in its judgment contain special problems or show a trend toward lower land values; and
- (7) Make such other studies, recommendations, and inclusions in the master plan as will in its judgment be beneficial to the Town<sup>189</sup>.

**C. Appointment of Planning Director<sup>190</sup>.** The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First SelectmanSelectperson.

**D. Other employees and consultants<sup>191</sup>.** The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all laws, ordinances, and regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

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was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.

<sup>187</sup> Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

<sup>188</sup> Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

<sup>189</sup> Replacement of Chapter XI, §3 of the 1947 Act. §§ 2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

<sup>190</sup> 2022 recodification of current Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

<sup>191</sup> 2022 recodification of current Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

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## §6.6. Zoning Board of Appeals<sup>192</sup>.

**A. Composition<sup>193</sup>.** 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 party<sup>194</sup> [S115], and three (3) alternates, no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>195</sup>.** The Zoning Board of Appeals shall have the powers and duties conferred on zoning boards of appeals generally by §§ 8-5 to 8-7e of Chapter 124 of the General Statutes.

### Additional Questions:

Comm. Mitola: Current Sec. 1.4 which lists appointments – terms need to be delineated. Serve at please of FS? Do they have a term? Should these positions have terms? Which positions are subject to CBAs?

Vice Chair Brogan: there should be an annual reporting requirement from Board and Commission Chairs to the FS and RTM

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<sup>192</sup> Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

<sup>193</sup> 2022 recodification and minor modification of current Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

<sup>194</sup> The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

<sup>195</sup> 2022 Recodification of current Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

# FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS

## Legislative Body

### Fairfield Charter - §2.7. Reapportionment of Voting Districts<sup>1</sup>.

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

### Westport Charter - §C5-2. - Voting Districts; Basis of Representation; Qualifications.

A. *Establishment of voting districts.* The voting districts of the Town for the election of Representative Town Meeting members shall be as hereinafter provided or as established by ordinance.

B. *Basis of representation.* The number of members of the Representative Town Meeting from each voting district shall be determined by the following formula: Population in each voting district, based on U.S. Census Bureau population data, divided by population of the Town, multiplied by 35, rounded to the nearest whole number. After completion of the Census of the United States and after any reapportionment of the State General Assembly Districts, State Senatorial Districts and Congressional Districts affecting the Town, voting districts of the Town shall be established such that the population deviation from the largest to the smallest voting district shall not exceed ten percent. To the extent practicable, the redistricting ordinance adopted by the Representative Town Meeting shall provide for equitable representation for each voting unit 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, one State Senatorial District and one Congressional District.

C. *Qualifications for election.* Each Representative Town Meeting member shall be an elector of the Town and a resident of the voting district from which elected. No elected official of the Town, no member of any

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<sup>1</sup> 2022 recodification of Article II, §2.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

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elected or appointed board or commission of the Town and no official of the Probate or any state court shall be eligible to serve as a member of the Representative Town Meeting. Subject to the provisions of this section, the Representative Town Meeting shall be the judge of the election and qualification of its members.

### **Westport Charter - §C5-3. - Designation of Voting Districts.**

For the purpose of electing Town Meeting Representatives, the current voting districts as set forth in the ordinance, code of the Town of Westport, shall remain in effect until new districts are established by ordinance and successors shall have taken office.

**Meriden Charter, § C3-2. Composition and election. [Amended 11-3-1987]** The City Council shall be composed of 12 members, except that the 10 members of the City Council elected at the November 1987 municipal election shall serve as such until the expiration of the terms to which they were originally elected. The members of the City Council shall be elected at each biennial municipal election to be held in 1989 and thereafter, in the manner described herein. There shall be four City Council areas, the boundaries and composition of which shall be determined from time to time, but no later than 120 days preceding any municipal election, by the City Council after public hearing. At each biennial municipal election, a City Council member shall be elected from each of four City Council areas, and two City Council members shall be elected on a Citywide at-large basis, all for a term of four years, commencing on the first Monday in December following each municipal election.

### **Stratford Ord. - § 7.1.5 Creation, Powers and Duties of the Election District Revision Commission.**

[Amended 11-4-2008]

The Council shall appoint an Election District Revision Commission which shall consist of three (3) Council Members, with not more than two being members of the same political party, and two (2) registrars of voters. The Election District Revision Commission shall rearrange the boundaries of the existing ten (10) election districts of the Town where necessary, each of which shall encompass not more than ten (10%) per centum and not less than eight (8%) per centum of the total population based on population data for the Town from the most recent decennial census of the United States.

The recommendations of the Commission shall be presented to the Council within ninety (90) days after the appointment of said Commission.

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### **Stratford Ord. Sec. 7.1.6**

The Council shall by ordinance establish revised election **district** boundaries in accordance with the recommendations of the Election **District** Revision Commission, said ordinance to take effect at least ninety (90) days prior to the next regular Town election. No elected official shall have his or her office vacated by reason of a **district** boundary change until completion of his or her term of office.

### **West Haven Charter, Sec. 7: Voting Districts**

The City of West Haven shall be divided into ten voting districts, the boundaries of which shall be set by the City Council. Thereafter the City Council when mandated by statute or from time to time may divide and re-divide the City into as many voting districts as it deems necessary.

### **Bristol Charter, Sec. 5. - City council districts, voting districts and precincts.**

(a) The City of Bristol shall be divided into three (3) city council districts. Said council districts shall be defined in accordance with a certain map or plan entitled "Map Showing CT General Assembly Districts Under 2011 Redistricting Plan with Bristol City Council Districts and Bristol Precincts dated December 29, 2011, as revised January 9, 2012 and drawn by the Bristol Public Works Department, Bristol, CT 06010."

(b) The precincts established shall at all times coincide with the voting districts for the election of the general officers of the City of Bristol. The city council may increase or diminish the number of voting districts and alter voting district boundaries as allowed by state statute, provided it maintains the boundaries of the council districts established herein by the above-referenced map.

### **Bridgeport Charter, Chapter 5 - Section 2. Reapportionment Procedure and Districting.**

(a) On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the **city council shall, by ordinance, establish ten districts which shall be effective on the first day of January next succeeding.** Such districts shall be established in conformity with provisions of the general law and by making each such district as equal in population to each other such district as possible, taking into consideration senate and assembly district lines and natural boundaries and divisions.

(b) If the city council fails to adopt a plan of districting by the first day of July next following the year in which the decennial census of the United States is taken, there shall be created a commission on redistricting composed of six members, three of whom shall be appointed by the leader of the majority party on the city council

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and three of whom shall be appointed by the leader of the minority party in the city council. In the event that there is only one party on the city council, the minority party members shall be appointed by the registrar of voters whose party is not represented on the city council. Such commission shall forthwith prepare and, not later than the first day of December following its appointment, adopt a plan of districting consistent with the principles set forth in subSection (a) of this section. The affirmative votes of at least four members of such commission shall be required in order to adopt a plan of districting.

(c) A plan of districting adopted pursuant to the provisions of this Section shall remain in effect until the first day of January following the decennial census of the United States.

(d) The city council shall provide suitable polling places in such districts and shall define the boundaries of the area to be served by each polling place. The town clerk, registrar of voters and all other officers of the city shall perform the duties required of them by law with respect to elections in the voting districts.

(e) Notwithstanding the adoption of a plan of districting, council members shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

**East Hartford Charter - Sec. 2.3 Voting Districts.** Minority representation on any elective or appointive board, commission, committee or similar body of the town shall be in conformity with the appropriate minority representation provisions of the General Statutes. No political party shall nominate for any elective office a number of candidates exceeding the number it may elect. The number of voting districts and their boundaries shall be established by ordinance in conformity with provisions of the General Statutes.

### Board of Selectmen and RTM

#### Greenwich Charter - §43. – Voting Districts<sup>2</sup>.

Except as otherwise provided in Section 9-169 of the General Statutes, the number of voting districts in the Town may from time to time be increased or decreased and the boundaries of any voting district now or hereafter established may be changed or modified by the affirmative vote of a majority of the Board of Selectmen upon approval thereof by the affirmative vote of two-thirds (2/3) of the members of the Representative Town Meeting present at a meeting duly warned for such purpose and at which a quorum is present. Such districts shall be so established as to consist of compact and contiguous territory to be bounded, as far as possible, by the center line of known streets and ways or by other well-defined limits. The Town Clerk shall cause to be posted in the Town

<sup>2</sup> Greenwich: S.A. 154 § 1, 1933; as amended by S.A. 119, 1943; S.A. 298 § 1, 1953.

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Hall a map or maps or description of the districts as established or revised from time to time. The registrars of voters shall certify to the Town Clerk, prior to August 1 of each year of a Town election of Town Meeting members, the number of voters registered in each district on July 1 of such year.

### **Districting Committee**

#### **New Britain Charter - §3-3 - Composition of the Common Council.**

The Common Council shall be comprised of fifteen (15) members, consisting of two (2) members elected from each of five (5) Common Council Districts and five (5) elected at large.

#### **New Britain Charter - §3-4 - Establishment of Common Council Districts.**

(a) No later than thirty (30) days following the completion of reapportionment of the general assembly, as required by the Constitution of the State of Connecticut, as further set forth in the General Statutes the Common Council shall appoint a districting commission ("Appointment Date") consisting of four (4) to eight (8) members, no more than fifty (50) percent of whom shall be members of the same political party. The districting commission shall report to the Common Council no later than seventy (70) days following the Appointment Date, setting forth the recommended boundaries of the five (5) Common Council districts. If the districting commission fails to file its report with the City Clerk by the close of business on the seventieth (70th) day following the Appointment Date, the provisions of subsection (f) of this section shall be invoked.

(b) Common Council districts (1) shall be of substantially equal population and otherwise consistent with all federal and state constitutional and statutory requirements; (2) to the extent possible consistent with the preceding, shall maintain the integrity of recognized neighborhood planning areas; (3) shall be geographically contiguous and compact; and (4) to the extent possible consistent with the preceding, shall be consistent with existing legislative districts.

(c) The districting commission shall be supported in its work by appropriate City staff which shall have available to it the necessary support to facilitate the work of the commission as well as such other professional assistance (subject to appropriation) as it shall choose.

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(d) The districting commission shall hold a public hearing at least one week before it submits its report to the Common Council, and shall make a tentative map of its proposed districts available to the public electronically, in hard copy available at the City Clerk's office, and by causing it to be published in one or more newspapers of daily circulation in the City at least three (3) days before the public hearing. The districting commission may modify the tentative districts before submitting its report to the Common Council.

(e) The Common Council shall vote on the establishment of Common Council districts within three (3) weeks of its receipt of the districting commission's report. The Common Council may amend the district boundaries recommended by the districting commission before approving districts, but the districts approved by the Common Council must comply with the standards of subsection (b) of this section. A resolution approving districts must be affirmatively supported by a majority of the members of Common Council, and shall not be subject to veto by the Mayor.

(f) If the districting commission shall fail to file its report as set forth in subsection (a), above, or if the Common Council shall fail to approve Common Council districts within the time limit established by subsection (e), the Mayor shall appoint a three (3) member commission, no more than two (2) of whom shall belong to the same political party, which shall file a report with the City Clerk delineating Common Council District boundaries within three (3) weeks of its appointment. The report of this Commission shall establish the boundaries of Common Council Districts.

**Transition Provision.** No later than thirty (30) days following the adoption of this Charter Amendment the Common Council shall appoint a districting commission as set forth in [§3-4\(a\)](#). The date of appointment in this Transition Provision shall constitute the "Appointment Date" for purposes of apportioning the Common Council Districts for the 2003 general municipal election. In all other respects the procedures set forth in [§3-4\(b\)-\(f\)](#) pertaining to the apportionment of the Common Council Districts shall proceed from the Appointment Date established in this transition provision and shall be in full force and effect. In no event shall the apportionment exceed the time permitted in C.G.S. §9-169f1\*.

# FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS

## Hamden Charter, §3-7: Reapportionment of Voting Districts<sup>3</sup> .

**A. Nine Voting Districts and Standards Pertaining to Reapportionment.** The Town shall be divided into nine (9) voting districts, each of which shall be represented by a district representative on the Legislative Council and shall be substantially equal in population consistent with federal constitutional standards. Moreover, said voting districts shall be in as compact and contiguous a form as practicable and shall follow geographical divisions wherever practical in determining voting district boundaries.

**B. Final Action on Adoption of a Reapportionment Plan.** On or before the date set forth in the General Statutes, the Legislative Council shall adopt a reapportionment plan for such legislative body. At the time of the adoption of this Charter, the reapportionment plan shall be adopted not later than the first (1<sup>st</sup>) Day of June in the year after the first regular General Assembly election following a reapportionment of the General Assembly.

**C. Assembly of Census and State Reapportionment Information and Data.** Following the 2010 census and every ten (10) years thereafter, the Town shall commence the process of reapportioning the voting districts. Upon issuance of the reports of the applicable Federal Decennial Census, the Registrars of Voters shall assemble information and data relating to the census and the State redistricting process. Said information and data shall be transmitted at the appropriate time to the participants in the reapportionment process.

**D. First Reapportionment Commission.** No later than the 1<sup>st</sup> Day of March of the year following reapportionment of the General Assembly and every ten years thereafter, a Reapportionment Commission shall be appointed by the Legislative Council.

**(1)** The seven (7) member Commission shall be comprised of (a) the two (2) Registrars of Voters; and, (b) five (5) Electors recommended by the President of the Legislative Council and approved by the Council, no more than two (2) of whom shall be from the same political party.

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<sup>3</sup> In lieu of 1983 Charter Section 2-5. **C.G.S. § 9-169f. Reapportionment required for certain municipal legislative bodies.** Not later than June first in the year after the first regular General Assembly election following a reapportionment of the General Assembly, each municipal legislative body whose members are elected wholly or partially on the basis of a geographical division of the municipality shall adopt a reapportionment plan for such legislative body. Any such municipal reapportionment plan (1) shall be based on population data for the municipality from the most recent decennial census of the United States and (2) may provide for geographical divisions which use the same borders as General Assembly districts in the municipality.

## FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS

(2) The Commission shall conduct a public hearing on a proposed Ordinance, Report and Reapportionment Plan (the “ORRP”), at least, one week prior to approval and submission to the Council. Hearing Notice shall be provided, at least, five (5) Days prior to the public hearing or as otherwise required by Law (See, §1-4.R); said Notice shall include the contents of the ORRP as well as a copy of a map illustrating the boundary lines of each of the proposed voting districts. On the basis of information elicited at the public hearing, the Commission may thereafter alter the Report and Plan<sup>4</sup>.

(3) Approval of the ORRP shall require the affirmative votes of, at least, five (5) members of the Commission<sup>5</sup>.

(4) The Commission shall file the ORRP with the Clerk of the Council within six (6) months after appointment and may utilize demographic data (based upon census data) assembled by the Town utilizing the technological resources of the Town and such other resources, facilities and funding the Council may deem desirable to carry out the purposes of this section. Receipt of the ORRP shall be deemed to be the date upon which it is filed with the Clerk of the Council<sup>6</sup>.

(5) The ORRP shall recommend and set forth the boundaries of each of the proposed voting districts and, upon recommendation of the Registrars of Voters, include an enumeration of suitable polling places within each district<sup>7</sup>.

(6) In the event the Commission fails to submit the ORRP as set forth in §3-7.D(4) of this Charter, then a Second Reapportionment Commission shall be established as set forth in §3-7. F of this Charter<sup>8</sup>.

**E. Action by the Legislative Council on the Proposal of the First Reapportionment Commission, if any.** Within sixty (60) Days following receipt of the ORRP and after a public hearing thereon, the Legislative Council shall accept, reject, or modify the ORRP. Within thirty (30) Days following said legislative action:

(1) If the ORRP is accepted or modified, the Ordinance in conjunction with the ORRP approved by

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<sup>4</sup> 2022 recodification of Charter section 3-6.D(2).

<sup>5</sup> 2022 recodification of Charter section 3-6.D(3).

<sup>6</sup> 2022 recodification of Charter section 3-6.D(4).

<sup>7</sup> 2022 recodification of Charter section 3-6.D(5).

<sup>8</sup> 2022 recodification of Charter section 3-6.D(6).

## FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS

the Legislative Council shall be deemed adopted in compliance with the requirements of the General Statutes and have the full force of law and become effective for the next municipal general election.

(2) If the ORRP is rejected, then a Second Reapportionment Commission shall be established as set forth in §3-7.F of this Charter.

Approval of the ORRP and the Ordinance contained therein shall require an affirmative vote of, at least, two-thirds (2/3<sup>rds</sup>) of the Council, present and voting.

**F. Second Reapportionment Commission.** Within fourteen (14) Days following the failure of the Reapportionment Commission to submit the ORRP, as set forth in §3-7.D(6) of this Charter; or, the rejection of the ORRP by the Legislative Council, as set forth in §3-7.E (2) of this Charter, the Mayor shall appoint a Second Reapportionment Commission.

(1) The Commission shall be comprised of nine (9) Electors, as follows: (a) two (2) recommended by the President of the Legislative Council; (b) two (2) recommended by the Council Majority Leader; (c) two (2) recommended by the Council Minority Leader; (d) one (1) upon the Mayor's designation; and (e) the two (2) Registrars of Voters, no more than four (4) of whom shall be from the same political party.

(2) The Commission shall consider the reapportionment of districts in accordance with the standards set forth herein and shall submit a Reapportionment Plan and Ordinance ("RPO") to the Clerk of the Council within ninety (90) Days of the appointment by the Mayor.

(3) The RPO shall not be submitted to the Clerk of the Council unless it is approved by, at least, a majority vote of the entire membership of the Commission<sup>9</sup>. In such an event, the Legislative Council shall act in accordance with §3-7.G(2) of this Charter.

**G. Action by the Legislative Council on the Proposal of the Second Reapportionment Commission.** Within sixty (60) Days following receipt of the RPO and after a public hearing thereon, the Legislative Council may:

(1) Approve the RPO by an affirmative vote of at least two-thirds (2/3<sup>rds</sup>) of the Council present and

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<sup>9</sup> NEW (2022).

## **FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS**

voting, and, following said approval, the districts set forth in the accompanying Ordinance shall be deemed adopted in compliance with the requirements of the General Statutes, and have the full force of law and become effective for the next municipal general election; or,

**(2)** Reject the RPO; in which event the Council shall formulate and approve by an affirmative vote of at least two-thirds (2/3<sup>rds</sup>) of the Council present and voting a Redistricting Plan and Ordinance, in accordance with the standards set forth herein and within the statutory time-frame established by the General Statutes and as set forth in §3-7.B of this Charter. If approved, the Ordinance shall be deemed adopted in compliance with the requirements of the General Statutes and shall have the full force of law and become effective for the next municipal general election

### **H. Failure of the Legislative Council to Adopt an Ordinance Pursuant to §3-7.G(2) of this Charter.**

In the event the Legislative Council fails to approve an Ordinance in accordance with the provisions of §3-7.G (2) of this Charter, the Ordinance included in the RPO submitted by the Second Reapportionment Commission (see, §3-7.F (2) of this Charter) shall be deemed to be approved by the Legislative Council and shall be deemed adopted in compliance with the requirements of the General Statutes and shall have the full force of law and become effective for the next municipal general election. The effective date shall be deemed to be the final date permitted for enactment of municipal reapportionment by the General Statutes.

**I.** Notwithstanding the adoption of a plan of redistricting, members of the Legislative Council shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

### **Danbury Charter, Chapter II, Sec. 2-4. - Reapportionment of wards and voting districts.**

The wards and voting districts as presently established shall continue through the general city election of 1991 and through any special elections which may be held before a reapportionment plan is adopted as provided in this section.

On or before February 15, 1992, and every ten years thereafter, there shall be designated a reapportionment advisory commission which shall prepare a plan to alter the boundaries of the various wards so as to make all wards substantially equal in population consistent with federal constitutional standards.

## **FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS**

The reapportionment advisory commission shall consist of five members, all of whom shall be electors of the city. Two members shall be appointed by the majority leader of the City Council, and two members shall be appointed by the minority leader of the City Council, in the event that there are members of no more than two political parties on the City Council. In the event that there are members of more than two political parties, or members of two political parties and members unaffiliated with a political party, the members of the City Council who are not a member of the majority political party shall select one of their number, which person shall designate two members of the commission in lieu of the designation by the minority leader. The four members so designated shall within thirty days unanimously select the fifth member.

On or before the September 30 next occurring, the reapportionment advisory commission shall submit a plan of reapportionment to the City Council, which plan shall be based upon the population figures as reported in the most recent U.S. census. No plan shall be submitted to the City Council unless it is certified by at least three members of the commission. Upon receiving the plan, the City Council shall consider the plan in the same manner as an ordinance. The plan submitted to the Council is of an advisory nature only, and shall not be binding upon the Council.

If the reapportionment advisory commission fails to submit a plan by September 30, the City Council shall prepare its own plan of reapportionment.

In any event, whether or not the reapportionment advisory commission submits a plan by September 30, the City Council shall consider and adopt a plan of reapportionment by March 1 next occurring.

**Darien Charter, Chapter XIII, §48** establishes a 100-member RTM,

**Darien Charter Appendix B - Part II-Sec. 3. District Representation:** The registrars of voters shall certify to the town clerk, not less than forty (40) days before a municipal election, the number of electors registered in each voting district on the sixtieth day before such election. Each district shall elect one (1) town meeting member for each one hundred (100) electors in such district, computed to the nearest one hundred (100), as established by said certification of the registrars; provided the total number of members shall be limited to one hundred (100) by apportioning members among the several voting districts so that the members from a given district shall be the same as the percentile figure, disregarding fractions, which, as of the sixtieth day before such election, the number of electors registered in that district bears to the total number of electors of all districts. However, if as the result of applying the foregoing procedure there is a deficiency in the permitted membership of one hundred (100), one (1)

## **FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS**

additional member shall be allowed to as many districts, selected in descending order of the magnitude of the fractions disregarded above, as is necessary to make up that deficiency. The number of town meeting members to be elected from each district shall be the number of replacements necessary because of expiring terms plus or minus the number of seats necessary to make the total membership from each district equal to its allotted representation.

# FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS

Forms of Government in Connecticut 2022 <sup>10</sup>		
Municipality	Population	Form of Government
Bridgeport	148,654	M/C (4) <sup>11</sup>
Stamford	135,470	M/C (4) <sup>12</sup>
New Haven	134,023	M/C
Hartford	121,054	M/C (4) <sup>13</sup>
Waterbury	114,403	M/C (4)
Norwalk	91,184	M/C
Danbury	86,518	M/C
New Britain	74,135	M/C
West Hartford	64,083	C/TM <sup>14</sup>
Greenwich	63,518	S/RTM <sup>15</sup>
Fairfield	61,512	S/RTM
Hamden	61,169	M/C
Meriden	60,850	C/TM
Bristol	60,833	M/C
Manchester	59,713	C/TM <sup>16</sup>
West Haven	55,584	M/C
Stratford	52,355	M/C <sup>17</sup>
Milford	52,044	M/C
East Hartford	51,045	M/C
Middletown	47,717	M/C
Wallingford	44,396	M/C
Southington	43,501	C/TM
Enfield	42,142	C/TM

<sup>10</sup> This chart does not include municipalities under 10,000 in population

<sup>11</sup> Mayor/Council = M/C; 4 = Four-year term for CEO

<sup>12</sup> Mayor/Board of Representatives/At-Large Board of Finance

<sup>13</sup> Moved from City Manager

<sup>14</sup> Council/Manager = C/TM

<sup>15</sup> Selectmen/RTM = S/RTM

<sup>16</sup> General Manager/Board of Directors

<sup>17</sup> Moved from TM

## FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9 COMPARATIVE REAPPORTIONMENT PROVISIONS

Forms of Government in Connecticut 2022		
Municipality	Population	Form of Government
Shelton	40,869	M/C
Norwich	40,125	C/TM (4)
Groton	38,411	C/TM
Trumbull	36,827	S/C <sup>18</sup>
Torrington	35,515	M/C
Glastonbury	35,159	C/TM
Naugatuck	31,519	M/C
Newington	30,536	C/TM
Vernon	30,215	M/C
Windsor	29,492	C/TM
Cheshire	28,733	C/TM
Branford	28,273	S/RTM
New Milford	28,115	M/C
East Haven	27,923	M/C
New London	26,966	M/C
Wethersfield	27,298	C/TM
Newtown	27,173	S/BoS/Council
Westport	27,141	S/RTM (4)
South Windsor	26,918	C/TM
Farmington	26,712	C/TM
Mansfield	25,892	C/TM
Ridgefield	25,033	S/Town Meeting
Simsbury	24,517	S/Town Meeting
Windham	24,425	S/Town Meeting
North Haven	24,253	S/Town Meeting
Watertown	22,105	C/TM
Guilford	22,073	S/Town Meeting
Bloomfield	21,535	C/TM
Darien	21,499	S/RTM
Rocky Hill	20,845	C/RTM
New Canaan	20,622	M/C

<sup>18</sup> Selectmen/Council = S/C

**FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9  
COMPARATIVE REAPPORTIONMENT PROVISIONS**

<b>Forms of Government in Connecticut 2022</b>		
<b>Municipality</b>	<b>Population</b>	<b>Form of Government</b>
Bethel	20,358	S/Town Meeting
Berlin	20,175	C/TM
Southbury	19,879	S/Town Meeting
Waterford	19,571	S/RTM
Avon	18,032	C/TM
Ansonia	18,918	M/C
Monroe	18,825	S/Town Meeting
East Lyme	18,693	S/Town Meeting
Wilton	18,503	S/Town Meeting
Montville	18,387	M/C (4)
Stonington	18,335	S/Town Meeting
Killingly	17,742	C/TM
Madison	17,691	S/Town Meeting
Brookfield	17,528	S/Town Meeting
Plainville	17,525	C/TM
Seymour	16,748	S/Town Meeting
Ellington	16,426	S/Town Meeting
Wolcott	16,142	M/C
Suffield	15,752	S/Town Meeting
Colchester	15,555	S/Town Meeting
Ledyard	15,413	M/C (4)
Plainfield	14,973	S/Town Meeting
Tolland	14,563	C/TM
Orange	14,280	S/Town Meeting
Cromwell	14,225	C/TM
New Fairfield	13,579	S/Town Meeting
North Branford	13,544	C/TM
Clinton	13,185	S/Town Meeting
East Hampton	12,717	C/TM
Oxford	12,706	S/Town Meeting
Windsor Locks	12,613	S/Town Meeting
Derby	12,325	M/C

**FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #9  
COMPARATIVE REAPPORTIONMENT PROVISIONS**

Forms of Government in Connecticut 2022		
Municipality	Population	Form of Government
Coventry	12,235	C/TM
Plymouth	11,671	M/C
Stafford	11,472	S/Town Meeting
Griswold	11,402	S/Town Meeting
East Windsor	11,190	S/Town Meeting
Granby	10,903	
Old Saybrook	10,481	S/Town Meeting
Weston	10,354	S/Town Meeting
Somers	10,255	S/Town Meeting
Winchester	10,244	C/TM
Canton	10,124	S/Town Meeting
Prospect	9,401	M/C
Hebron	9,098	S/Town Meeting