

Note for the reader: The highlighted areas are section with changes. The current charter text is immediately preceding the highlighted section.

2015~~04~~ WETHERSFIELD TOWN CHARTER (Draft)

Chapter I Incorporation and Powers

Sec 101 Incorporation

The electors of the State of Connecticut, dwelling within the territorial limits of the Town of Wethersfield, as the same now or may hereafter be established by law, shall continue forever hereafter to be a body politic and corporate, by the name of The "Town of Wethersfield," hereinafter called the "town"; and, as such, shall have perpetual succession, be capable of suing and being sued, pleading and being impleaded and of purchasing, receiving, leasing, holding, managing and conveying any estate real or personal.

Sec 102 Rights and Obligations

By virtue of this Charter, said town shall be absolutely vested with, possess and enjoy all lands, tenements, hereditament, property and rights, choses in action and estates which at the effective date of this Charter were vested in said town.

Sec 103 Powers

There are hereby vested in the town all powers vested therein, or in any officer, board or Commission thereof, at the effective date of this Charter by the General Statutes and special acts; and all other powers relevant to the property, government and affairs of the town, whose exercise is not specifically prohibited to towns, by the Constitution and General Statutes of the state. The enumeration of specific powers in this Charter shall not be taken to be a limitation on this general grant of powers but in addition thereto.

Chapter II Elections

Sec 201 Town Elections

The town election shall take place on the first Tuesday after the first Monday in November, in each odd-numbered year.

Sec 202 Elective Offices

At each town election, there shall be chosen nine (9) members of the Town Council and members of the Board of Education, as hereinafter provided. Two (2) Registrars of Voters shall be elected as provided by the General Statutes.

Sec 203 Terms of Office

The terms of all officers elected at the town election, except members of the Board of Education and Registrars of Voters, shall be two (2) years from the first Monday following local elections in November, in each odd-numbered year. In no case shall the term of any elective officer expire until the election and qualification of his successor.

Sec 204 Minority Representation

At the town election, no political party shall nominate and no elector shall vote for more than six (6) members of the Council. No political party shall nominate and no elector shall vote for more members of the Board of Education than is provided for under the provisions of the General Statutes.

Sec 205 Vacancies in elective offices

Vacancies in elective offices, except in the Board of Education, from whatever cause arising, shall be filled by the Council. In filling any vacancy, the Town Council shall select an elector of the same political party as that of the former incumbent, unless the incumbent was not an enrolled member of a political party, in which case a successor shall not be an enrolled member of a political party. Vacancies in the Board of Education shall be filled by the Board of Education for any remaining unexpired portion of a term. In making appointments to fill such a vacancy, the Board of Education shall select an elector of the same political party as that of the former incumbent, unless the incumbent was not an enrolled member of a political party, in which case a successor shall not be an enrolled member of a political party.

Sec 206 Board of education

There shall be a Board of Education of nine (9) members. Three (3) members shall serve for terms of two (2) years from the first Tuesday following local elections in November, in each odd-numbered year, and six (6) members shall serve for terms of four (4) years from the first Tuesday following local elections in November in the odd-numbered year in which they are elected. Biennially, three (3) members shall be elected for terms of four (4) years, and three (3) members shall be elected for terms of two (2) years.

Sec 207 Nomination and election procedure

Except as otherwise specifically provided in this chapter, candidates for elective office shall be nominated and all regular and special town elections conducted as provided by the General Statutes of the state for the nomination and election of town officers and Board of Education members, respectively. Whenever under the provisions of this Charter any proposition is to be submitted to the electors, such election or referendum shall be conducted as provided in the General Statutes for the conduct of such elections or referenda. The Council shall have authority to provide by ordinance such regulations concerning nominations and elections, not inconsistent with the General Statutes and the provisions of this Charter, as may be necessary to give effect to the intent of such charter provisions.

Sec 208 Qualifications

All elective officers and, unless otherwise provided by Council, all appointed members of any board, commission or committee shall be electors of the town, and, if any such officer or member, where the Council has not otherwise provided, at any time shall cease to be an elector of the town, that office shall be ipso facto vacated.

Sec 209 Voting districts

There shall be such voting districts as the Town Council may establish.

Chapter III Council

Sec 301 Powers

The governing body of the town shall be the Council, which shall exercise and perform all the rights, powers, duties and obligations of the town, except as the same may be assigned by this Charter to some other officer, board or agency. The Council may provide by ordinance for the exercise of any of the administrative powers of the former Board of Selectmen not otherwise assigned by this Charter, by the Manager or some other officer, board or agency. The legislative power of the town and final authority concerning the budget and tax rate are vested exclusively in the Council, except as otherwise provided in this Charter. It shall have power, subject to the provisions of this Charter, to create or abolish departments and offices by ordinance. It shall also have power to authorize employment positions, fix the compensation of officers and employees of the town, except employees of the Board of Education, and the charges, if any, to be made for services rendered by the town. It shall further have power to make, alter and repeal ordinances, resolutions, enactments, motions and proclamations and to take such other action not inconsistent with this Charter and the General laws of the state for the execution of the powers vested in the town, as provided in Chapter I of this Charter, for the government of the town and the management of its business and for the preservation of the good order, peace, health and safety of the town and its inhabitants.

Sec 302 Composition

The Council shall consist of nine (9) members, who shall be chosen from the town at large, at each town election, for terms of two (2) years from the first Monday following the election in November in each odd-numbered year.

Sec 303 Compensation

The members of the Council shall serve without compensation, but shall be entitled to be reimbursed for their just and necessary expenses incurred in the performance of their duties.

Sec 304 Organization

Each newly elected Council shall hold an organizational meeting in the town hall on the first Monday following the election in November, in each odd-numbered year. The meeting shall be called to order by the Town Clerk, who shall administer the oath of office to all members, provided that in the absence of the Town Clerk, the meeting shall be called to order and the oath administered by any citizen of Wethersfield authorized by law to administer oaths. The Council shall then proceed to the election of a Chairperson and Vice-Chairperson to serve for the ensuing two (2) years, who may also be known, respectively, as the "Mayor" and the "Deputy Mayor".

Sec 305 Procedure

The Council shall fix the time and place of its regular meetings and provide by ordinance a method for the calling of special meetings; but no business shall be considered at any special meeting, notice of which has not been included in the call for such meeting. The Council shall determine its own rules of procedure not inconsistent with the provisions of this Charter. The presence of five (5) members shall constitute a quorum; but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be adopted by less than five (5) affirmative votes, and the ayes and nays on each vote shall be recorded in the journal. Actions not required to be taken by ordinance, either by this Charter or the General Laws of the state, may be made by resolution, proclamation, motion or other enactment. No action shall be taken or appointment or removal made except in a meeting of the Council open to the public.

Sec 306 Other offices

During the term for which elected, no member of the Council or Board of Education, shall hold any other office, elective or appointive, or employment in or under the town government.

No member of the Council or Board of Education shall hold any compensated appointive office or employment with the Town until one year after the cessation of duties.

Sec 307 Introduction of Ordinances and resolutions

All ordinances and resolutions shall be introduced in written form, at any regular or special meeting of Council, either by a member of Council or by the Town Clerk, who shall present those ordinances and resolutions filed with the Town Clerk's office by a member of Council at any time prior to the meeting. Upon introduction, all ordinances and resolutions shall automatically be set for public hearing at the next regular or special meeting of council, subject to the notice requirements being met. The Town Clerk shall post in a conspicuous public place designated for the posting of public notices a copy of the proposed ordinance or resolution, and shall make sufficient copies available to the general public.

Sec 308 Public Hearing and passage of ordinances and resolutions

At least one (1) public hearing, not less than five (5) days' notice of which shall be given by publication in a newspaper having general circulation in the town shall be held by the Council before any ordinance or resolution shall be acted upon. The Town Clerk shall post in a conspicuous public place designated for the posting of public notices a copy of the public hearing notice. Notice of the passage of an ordinance or resolution shall be published once in a newspaper having general circulation in the town, and an ordinance or resolution shall not become effective until ten (10) days after such notice is published. An ordinance or resolution need not be published in full but may be described by title or subject matter. The foregoing provisions of the section shall not apply to emergency ordinances. All ordinances and resolutions, when passed shall be filed with the Town Clerk and recorded in a book kept for that purpose, with sufficient copies made available to the general public.

The Council shall hold ~~At~~ at least one (1) public hearing before acting upon any ordinance or resolution, not less than five (5) days' notice of such public hearing of which shall be given by publication in a newspaper having general circulation in the town or by other alternative means established by the Council~~shall be held by the Council before any ordinance or resolution shall be acted upon~~. The Town Clerk shall post in a conspicuous public place designated for the posting of public notices a copy of the public hearing notice. Notice of the passage of an ordinance or resolution shall be published once in a newspaper having general circulation in the town, and an ordinance or resolution shall not become effective until ten (10) days after such notice is published. An ordinance or resolution need not be published in full but may be described by title or subject matter. The foregoing provisions of the section shall not apply to emergency ordinances. All ordinances and resolutions, when passed shall be filed with the Town Clerk and recorded in a book kept for that purpose, with sufficient copies made available to the general public.

Sec 309 Referendum on ordinances and resolutions

Any ordinance or resolution adopted by the Town Council, with the exception of matters relating to the annual budget, the tax rate, the removal of any person or persons, a special appropriation of less than one hundred thousand dollars (\$100,000) or an emergency ordinance as defined in this chapter, may be reversed by referendum if, during the twelve (12) day period following the adoption, there is filed with the Town Clerk, in respect of such ordinance or resolution, a petition signed by qualified electors of the town, in number equal to at least five percent (5%) of the total number of qualified electors in the town, as determined by the last final voter registration list. The Town Clerk shall certify to the Town Council, within twelve (12) days following receipt of such petition, that sufficient valid signatures are attached to the petition. The ordinance or resolution shall not take effect until the same has been submitted at a special election or referendum, which the council must call, to be held in not less than thirty (30) nor more than forty-five (45) days after the filing of such petition. Following such election or referendum, the ordinance or resolution shall not take effect if a majority voting thereon shall vote in the negative, such majority consisting of at least five percent (5%) of the total number of qualified electors in the town, as determined by the last final voter registration list. Otherwise, such ordinance or resolution shall take effect. The submission to the electors provided in this section may be at a regular election or a special election if the same occurs not more than one hundred twenty (120) or less than sixty (60) days from the certification by the Town Clerk to the Town Council.

Any ordinance or resolution adopted by the Town Council, with the exception of matters relating to the annual budget, the tax rate, the removal of any person or persons, a special appropriation of less than 0.15% of the appropriated expenditures for the current fiscal year ~~one hundred thousand dollars (\$100,000)~~ or an emergency ordinance as defined in this chapter, may be reversed by referendum if, during the twelve (12) day period following the adoption, there is filed with the Town Clerk, in respect of such ordinance or resolution, a petition signed by ~~qualified~~ electors of the town, in number equal to at least five percent (5%) of the total number of ~~qualified~~ electors in the town, as determined by the last final voter registration list. The Town Clerk shall certify to the Town Council, within twelve (12) days following receipt of such petition, that sufficient valid signatures are attached to the petition. The ordinance or resolution shall not take effect until the same has been submitted at a special election or referendum, which the council must call, to be held in not less than thirty (30) nor more than forty-five (45) days after the filing of such petition. Following such election or referendum, the ordinance or resolution shall not take effect if a majority voting thereon shall vote in the negative, such majority consisting of at least five percent (5%) of the total number of ~~qualified~~ electors in the town, as determined by the last final voter registration list. Otherwise, such ordinance or resolution shall take effect. The submission to the electors provided in this section may be at a regular election or a special election if the same occurs not more than one hundred

twenty (120) or less than sixty (60) days from the certification by the Town Clerk to the Town Council.

Sec 310 Emergency ordinances

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency and shall be adopted by not less than six (6) affirmative votes in the Council, and in no event, shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance. For the purpose of meeting an emergency, as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the town, the Council, by an affirmative vote of not less than six (6) of its members, may appropriate, notwithstanding any other provision of this Charter, a sum not to exceed one hundred thousand dollars (\$100,000).

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency and shall be adopted by not less than six (6) affirmative votes in the Council, and in no event, shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance. For the purpose of meeting an emergency, as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the town, the Council, by an affirmative vote of not less than six (6) of its members, may appropriate, notwithstanding any other provision of this Charter, a sum not to exceed 0.15% of the appropriated expenditures for the current fiscal year ~~one hundred thousand dollars (\$100,000)~~. No more than two (2) emergency ordinances may be adopted during a single fiscal year.

Sec 311 Obligatory referendum on bond issues and appropriations in excess of two hundred thousand dollars

No resolution authorizing the issuance of bonds or making a special appropriation in excess of two hundred thousand dollars (\$200,000) shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a regular election or a special election or referendum called by the Council for the purpose. To the extent any appropriation is to be funded from the proceeds of grants, gifts, insurance or other off-setting reimbursements, the amount of the appropriation to be funded from such sources may be approved by the Council in the manner provided in Section 711 of the Charter and such amount shall not be included in determining whether the approval of a majority of qualified electors is required by this section.

Sec 311 Obligatory referendum on bond issues and appropriations in excess of 0.30% of the appropriated expenditures for the current fiscal year ~~two hundred thousand dollars~~

*No resolution authorizing the issuance of bonds or making a special appropriation in excess of 0.30% of the appropriated expenditures for the current fiscal year ~~two hundred thousand dollars (\$200,000)~~ shall become effective until the same has been approved by a majority of the *qualified* electors voting thereon at a regular election or a special election or referendum called by the Council for the purpose. To the extent any appropriation is to be funded from the proceeds of grants, gifts, insurance or other off-setting reimbursements, the amount of the appropriation to be funded from such sources may be approved by the Council in the manner provided in Section 711 of the Charter and such amount shall not be included in determining whether the approval of a majority of *qualified* electors is required by this section. No more than two (2) bond issuances or special appropriations may be authorized pursuant to this section during a single fiscal year.*

Sec 312 Initiative by electors

The electors of the town may, in the manner hereinafter provided, propose and adopt ordinances, except an ordinance or resolution fixing the tax rate. No ordinance so proposed involving any increase in the expenditures of the town beyond those budgeted for the current fiscal year shall take effect until after the adoption of the next annual budget, unless the Council, subject to the limitations hereinbefore set forth, shall make a special appropriation for the purpose. The ordinance shall be proposed by a petition to the Council, requesting its adoption, setting forth the ordinance in full and shall be signed by qualified electors of the town, in number equal to at least five percent (5%) of the total number of electors in the town, as determined by the last final voter registration list. The petition shall be filed with the Town Clerk, who shall, within twelve (12) days, examine the signatures to the same and determine sufficiency. If the Town Clerk finds that the petition has been signed by the required number of electors, it shall be so certified by the Town Clerk to the Council, at its next regular meeting. The Council, shall, within sixty (60) days after such certification, either adopt the proposed ordinance, after hearing, as provided in this chapter, or submit the same to the electors at a special election or referendum to be held within ninety (90) days from the date of certification by the Town Clerk, provided that if a regular election or a town election is to occur within six (6) months of such certification, but not sooner than sixty (60) days thereof, the ordinance shall be submitted at such election. If a majority of those voting on the proposed ordinance vote in the affirmative, the ordinance shall be adopted. Such majority shall consist of at least ten percent (10%) of the total number of electors, as determined by the last final voter registration list. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended except by a vote of the electors.

The electors of the town may, in the manner hereinafter provided, propose and adopt ordinances, except an ordinance or resolution fixing the tax rate. No ordinance so proposed involving any increase in the expenditures of the town beyond those budgeted for the current fiscal year shall take effect until after the adoption of the next annual budget, unless the Council, subject to the limitations

hereinbefore set forth, shall make a special appropriation for the purpose. The ordinance shall be proposed by a petition to the Council, requesting its adoption, setting forth the ordinance in full and shall be signed by ~~qualified~~ electors of the town, in number equal to at least five percent (5%) of the total number of electors in the town, as determined by the last final voter registration list. The petition shall be filed with the Town Clerk, who shall, within twelve (12) days, examine the signatures to the same and determine sufficiency. If the Town Clerk finds that the petition has been signed by the required number of electors, it shall be so certified by the Town Clerk to the Council, at its next regular meeting. The Council, shall, within sixty (60) days after such certification, either adopt the proposed ordinance, after hearing, as provided in this chapter, or submit the same to the electors at a special election or referendum to be held within ninety (90) days from the date of certification by the Town Clerk, provided that if a regular election or a town election is to occur within six (6) months of such certification, but not sooner than sixty (60) days thereof, the ordinance shall be submitted at such election. If a majority of those voting on the proposed ordinance vote in the affirmative, the ordinance shall be adopted. Such majority shall consist of at least ten percent (10%) of the total number of electors, as determined by the last final voter registration list. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended except by a vote of the electors.

Sec 313 Removals

The Council may remove any member from any appointed board, commission, committee, or agency who serves without compensation as follows: (1) upon such member's unexcused absence from three consecutive meetings of the board, commission, committee, or agency, whether regular or special meetings, or, (2) upon such member's unexcused absence from fifty percent or more of the meetings, whether regular or special, of the board, committee, commission, or agency within a calendar year, unless otherwise provided by the General Statutes of the state.

The Council may remove any officer or employee appointed by it, provided that such officer or employee is first served with a statement of grounds for his/her removal and given an opportunity to be heard by the Council thereon. Such hearing shall be public, if the officer or employee desires, and shall be held not less than five (5) nor more than ten (10) days after service of the grounds for removal. The decision of the Council shall be final. From the service of the statement of the grounds for the removal until final action by the Council, the officer or employee shall be ineligible to perform the duties of that office or employment but shall continue to receive salary or wages, pending such final action. No further hearing shall be required for removal if a public hearing is held at the request of such officer or employee, provided that notice of such hearing is given in accordance with Section 308 and the public, as well as the officer or employee, is given opportunity to be heard.

Sec 314 Investigations

The Council shall have power to investigate any and all departments, offices, boards, commissions and agencies of the town. Its Chairperson or Acting Chairperson shall have the power, for the purposes of such investigation to issue subpoenas, and may request any Judge to issue a *capias* for the appearance of witnesses and the production of books and papers.

The Council shall have power to investigate any and all departments, offices, boards, commissions and agencies of the town. Its Chairperson or Acting Chairperson shall have the power, for the purposes of such investigation to request any individual appear before the Council and/or produce any document or other item of evidence to the Council. ~~Issue subpoenas, and may request any Judge to issue a capias for the appearance of witnesses and the production of books and papers.~~ Any such individual requested to appear before and/or to produce any document or item of evidence, who is any officer, director, elected official, member of any board or commission, or otherwise employed by the town, who refuses any request by the Council may be censured or otherwise sanctioned as deemed appropriate by the Council and as otherwise permitted by this Charter, the Connecticut General Statutes, and any applicable agreement.

Chapter IV Manager

Sec 401 Qualifications, appointment, and tenure

A Town Manager, hereinafter referred to as the "Manager," shall be appointed by the Council, solely on the basis of executive ability and knowledge of accepted practices in local government administration and shall be deemed the chief executive officer for the town. The Manager shall be responsible to the Council, serve for an indefinite term, and be subject to removal by the Council in the manner provided in Chapter III of this Charter for the removal of all officers appointed by the Council. At the time of appointment, the Manager need not be a resident of the town or the state but during tenure of office shall reside in the town. The Manager shall devote full time to the office of Manager

Sec 402 Compensation

The Manager shall receive a compensation to be fixed by the Council.

Sec 403 Duties

It shall be the duty of the Manager to attend all meetings of the Council, with the right to speak but not to vote; to keep the Council fully informed concerning the financial condition of the town and concerning all other matters affecting the welfare of the town; to prepare and submit, in the manner provided in this Charter, the annual budget of the town; to prepare, in form suitable for publication, within one hundred twenty (120) days

after the close of each fiscal year, a report of the financial transactions and accomplishments of the town government for such fiscal year; to see that the laws of the state and ordinances of the town are faithfully executed and to perform such other duties as may be assigned by law or by the ordinances or other duly adopted acts of the Town Council. At the first Council meeting in January, the Manager shall disclose the terms of all union contracts, consulting contracts and personal employment contracts in effect. This shall cover all contracts signed by either the Board of Education, the Town Council or the Library Board.

Sec 404 Powers

The Manager shall supervise and control all departments and agencies of the town, except the Board of Education, the Library Board, elected officials and their appointees, and those appointed by the Governor, the General Assembly or by the Council. The Manager shall appoint and may remove, subject to the provisions of Chapter VIII of this Charter, all officers and employees of the departments and agencies of the town and shall have the power to transfer and reassign offices, functions and responsibilities among the various departments, officers and agencies under the Manager's jurisdiction, in the interests of orderly and efficient administration, except as otherwise provided in this Charter and subject to the approval of the Council.

Sec 405 Acting Manager

The Manager shall designate by letter maintained on file with the Town Clerk, town employees or officers who shall act as Manager, except in the matter of appointments and removals, during the Manager's temporary absence or inability to serve. In the event such absence exceeds or is reasonably expected to exceed thirty (30) days, the Manager's designee shall be subject to approval by the Town Council. In the event of a vacancy in the office of Manager, from whatever cause arising, the Council shall have power to designate a person, other than a member of the Council, to act as Manager, pending the filling of such vacancy.

Chapter V Officers and Boards

Sec 501 Town Clerk

In addition to the powers and duties prescribed for Town Clerks by the General Statutes, the Clerk shall be responsible to and be the Clerk of the Council, keep a journal of its proceedings, which shall be a public record and perform such other duties as may be assigned by the Charter or by action of the Council. The Clerk shall serve for an indefinite term. The Clerk shall have and appoint such deputies, clerks and other assistants as the Council may determine, and as provided in the General Statutes. When a vacancy occurs in the position, it shall be filled by the Town Council after being posted requiring certification or prior experience and knowledge of accepted administrative practices related to the duties of the position.

In addition to the powers and duties prescribed for Town Clerks by the General Statutes, the Clerk shall be responsible to and be the Clerk of the Council, keep a journal of its proceedings, which shall be a public record and perform such other duties as may be assigned by the Charter or by action of the Council. The Clerk shall be an officer of the town and appointed by the Council, who shall serve until removed from office pursuant to this Charter, resigns or is otherwise unable to perform his or her duties~~The Clerk shall serve for an indefinite term.~~ The Clerk shall have and appoint such deputies, clerks and other assistants as the Council may determine, and as provided in the General Statutes. When a vacancy occurs in the position, it shall be filled by the Town Council after being posted requiring certification or prior experience and knowledge of accepted administrative practices related to the duties of the position.

Sec 502 Town Treasurer

There shall be a Town Treasurer, appointed by the Council for an indefinite term. It shall be the duty of the Treasurer to receive and safely keep all moneys belonging to the town by depositing the same in a bank or banks to be selected by the Treasurer, with the approval of the Council. The Treasurer may invest, from time to time, in securities of the United States or time or demand deposits, with the approval of the Council, moneys of the town not needed for immediate expenditure, invest any trust funds of the town, for which other provision has not been made by the terms of the gift creating such fund, in securities legal for the investment of trust funds in Connecticut and shall keep such accounts as shall be prescribed by law or ordinance or by the orders of the Director of Finance approved by the Manager. No money shall be drawn from any town account, except by check countersigned by the Treasurer or Deputy Treasurer or Town Manager or by wire transfer, or other electronic transfer, authorized by the Director of Finance, and none of them shall affix a signature to any such check unless satisfied that the expenditure represented thereby has been legally incurred. The Deputy of the Treasurer authorized to countersign checks shall be appointed by the Council. In addition to the Deputy Treasurer provided for in Section 601, the Treasurer shall have such other assistants as the Council may determine, by ordinance.

There shall be a Town Treasurer, appointed by the Council for an indefinite term. It shall be the duty of the Treasurer to receive and safely keep all moneys belonging to the town by depositing the same in a bank or banks to be selected by the Treasurer, with the approval of the Council. The Treasurer may invest, from time to time, in securities of the United States or time or demand deposits, with the approval of the Council, moneys of the town not needed for immediate expenditure, invest any trust funds of the town, for which other provision has not been made by the terms of the gift creating such fund, in securities legal for the investment of trust funds in Connecticut and shall keep such accounts as shall be prescribed by law or ordinance or by the orders of the Director of Finance approved by the Manager. No money shall be drawn from any town account, except by check countersigned by the Treasurer or Deputy Treasurer or Town

Manager or by wire transfer, or other electronic transfer, authorized by the Director of Finance, and none of them shall affix a signature to any such check unless satisfied that the expenditure represented thereby has been legally incurred. The Deputy ~~of the~~ Treasurer authorized to countersign checks shall be appointed by the Council. In addition to the Deputy Treasurer provided for in Section 601, the Treasurer shall have such other assistants as the Council may determine, by ordinance.

Sec 503 Town Attorney

There shall be a Town Attorney, who shall be appointed by the Council for a term of two (2) years from the third Monday in December of each odd-numbered year or until a successor is appointed. The Town Attorney position shall be filled in accordance with criteria established by a Request for Proposal (RFP) procedure. In the event of a vacancy, for whatever cause arising, in the office of the Town Attorney, the Council shall fill said vacancy for any remaining unexpired portion of the term. It shall be the duty of the Town Attorney to be the legal advisor of the Council, Manager and all departments, officers, boards, commissions and agencies of the town, to represent the town in all litigation in which the town or any department, officer, board, commission or agency thereof is a party, except as otherwise provided by the Council, and to prepare, on request of the Manager, the Council or any member thereof, ordinances and resolutions for consideration by that body. The Town Attorney shall have such clerical and other assistants as the Council may determine.

Sec 504 Planning and Zoning Commission

There shall be a Planning and Zoning Commission, consisting of nine (9) regular members and three (3) alternate members appointed by the Council, which shall have all the powers and duties formerly conferred upon the Town Plan Commission and now or hereafter conferred upon such commissions by the General Statutes. The Council shall appoint, annually, three (3) regular members and one (1) alternate member of the Planning and Zoning Commission for terms of three (3) years commencing July 1 of the year of appointment. Any vacancy shall be filled by the Council for the unexpired portion of the term. All members shall serve without compensation. The Planning and Zoning Commission shall have the authority to employ engineers, planners, consultants, and other assistants, provided that they shall not obligate the town for an amount in excess of the appropriation made by the Council for the purpose.

Sec 505 Zoning Board of Appeals

There shall be a Zoning Board of Appeals, consisting of five (5) regular members and three (3) alternate members appointed by the Council, which shall have all the powers and duties now or hereafter conferred upon such boards by the General Statutes. One (1) regular member shall be appointed each year for a term of five (5) years, and one

(1) alternate member shall be appointed each year for a term of three (3) years, commencing July 1 of the year of appointment. Any vacancy shall be filled by the Council for the unexpired portion of the term. All members shall serve without compensation. The Zoning Board of Appeals may appoint such clerical assistants as the Council may determine.

Sec 506 Library Board

There shall be a Library Board of nine (9) directors, appointed by the Council, which shall have all the powers and duties now or hereafter conferred upon such boards by the General Statutes. Three (3) directors shall be appointed annually for terms of three (3) years commencing July 1 of the year of appointment. Any vacancy shall be filled by the Council for the unexpired portion of the term. All directors shall serve without compensation.

Sec 507 Board of Assessment Appeals

There shall be a Board of Assessment Appeals consisting of three (3) members appointed by the Council, which shall have all the powers and duties now or hereafter conferred upon such boards by the General Statutes. One (1) member shall be appointed in each even-numbered year for a term of six (6) years, commencing July 1 of the year of appointment. Any vacancy shall be filled by the Council for the unexpired portion of the term. Members shall receive such per diem compensation as may be provided by ordinance.

Sec 508 Board of Building Appeals

There shall be a Board of Building Appeals, of five (5) regular members and three (3) alternate members, appointed by the Council. One (1) regular member of the Board shall be appointed, annually, for a term of five (5) years, commencing July 1 of the year of appointment, and one (1) alternate member of the Board shall be appointed, annually, for a term of three (3) years, commencing July 1 of the year of appointment. Any vacancy shall be filled by the Council for the unexpired portion of the term. It shall be the duty of the Board of Building Appeals to hear all appeals from the rulings of the Building Inspector in the enforcement of the Building Code ~~EN~~ of the town and to render its decisions approving, modifying or reversing such rulings. All members shall serve without compensation.

Sec 509 Housing Authority

The Housing Authority shall be appointed in the manner and to exercise the powers and duties prescribed by the General Statutes.

Sec 510 Parks and Recreation Board

There shall be an advisory Parks and Recreation Board, appointed by the Council for terms of three (3) years, commencing July 1 of the year of appointment. Any vacancy shall be filled by appointment by the Council for the unexpired portion of the term. The Parks and Recreation Board shall study the recreation and park facilities and program of the town and shall confer with and advise the Director of Parks and Recreation with respect to the development and use of the town's parks and its recreational program.

There shall be an advisory Parks and Recreation Board, appointed by the Council for terms of three (3) years, commencing July 1 of the year of appointment. Any vacancy shall be filled by appointment by the Council for the unexpired portion of the term. The Parks and Recreation Board shall study the recreation and park facilities and program of the town and shall confer with and advise the Director of Parks and Recreation with respect to the development and use of the town's parks and its recreational program.

Sec 511 Constables

There shall be seven (7) Constables who shall be appointed by the Council for terms of two (2) years commencing July 1 of the year of appointment, provided that terms of Constables initially appointed shall be from July 1, 1988 to June 30, 1990. No more than a simple majority of Constables shall be of the same political party. Any vacancies shall be filled by the Council for the unexpired portion of the term. Constables shall receive such compensation as provided by law. Constables shall have the powers and duties conferred on Constables by the General Statutes in respect to the execution of legal process.

Sec 512 Building Committee

The Council shall appoint an Advisory Building Committee for each capital improvement project for which a referendum is required and may appoint an Advisory Building Committee for capital improvement projects not requiring a referendum. Each committee so appointed shall consist of seven (7) members, each of whom shall have such expertise as the Council may deem necessary and appropriate. The Council shall establish the duties and obligations of each committee and the term for which such committee shall exist. The committee shall choose one (1) of its own members to serve as Chairman of such committee. All Building Committees shall have the authority to conduct public meetings, public hearings and such other powers as generally granted, by law or by Charter, to town committees or as may be specifically granted by the Council.

Sec 513 Boards and Commissions

There shall be such other boards and commissions organized in such manner as the Council shall determine, by ordinance. Unless otherwise provided by the General Statutes, all appointments to boards and commissions shall be made by the Council.

Chapter VI Administrative Departments

Sec 601 Department of Finance

There shall be a Department of Finance, consisting of the Director of Finance and such other employees as the Council may determine. In addition to other duties described below, the Director of Finance shall also have the powers of a Deputy Town Treasurer. It shall be the duty of the Director of Finance to install, maintain and operate for the town a modern municipal accounting system showing the current condition of all funds and appropriations; to file with the Manager and Council, monthly, on or before such day as the Council shall determine, a report of the financial transactions of the fiscal year to date, showing the amount of each appropriation, the charges against and credits to the same and the unencumbered balance therein at the end of the fiscal period being reported on; to prepare and file, with the Manager and Council, within one hundred twenty (120) days of the conclusion of each fiscal year, a report covering all financial transactions of the town for such fiscal year, the Council may extend the deadline for such report for up to two (2) periods of thirty (30) days per extension; to prescribe the form of accounts to be kept by each department, office, board, commission and agency of the town, except the Board of Education, and the times at which and manner in which moneys collected on the town's account, by any such department, officer, board, commission or agency, shall be paid into the town treasury; and to perform such other duties as may be prescribed by the Council, by ordinance, or by the orders of the Manager, consistent therewith (see Section 716).

There shall be a Department of Finance, consisting of the Director of Finance and such other employees as the Council may determine. In addition to other duties described below, the Director of Finance shall also have the powers of a Deputy Town Treasurer. It shall be the duty of the Director of Finance to install, maintain and operate for the town a modern municipal accounting system showing the current condition of all funds and appropriations; to file with the Manager and Council, monthly, on or before such day as the Council shall determine, a report of the financial transactions of the fiscal year to date, showing the amount of each appropriation, the charges against and credits to the same and the unassigned fund balance, or the equivalent as defined by generally accepted accounting principles, ~~unencumbered balance~~ therein at the end of the fiscal period being reported on; to prepare and file, with the Manager and Council, within one hundred twenty (120) days of the conclusion of each fiscal year, a report covering all financial transactions of the town for such fiscal year, the Council may extend the deadline for such report for up to two (2) periods of thirty (30) days per extension; to prescribe the form of accounts to be kept by each department, office, board, commission and agency of the town, except the Board of Education, and the times at which and manner in which moneys collected on the town's account, by any such department, officer, board, commission or agency, shall be paid into the town treasury; and to perform such other duties as may be prescribed by the Council, by ordinance, or by the orders of the Manager, consistent therewith (see Section 716).

Sec 602 Department of Public Safety

There shall be a Department of Public Safety, which shall consist of the Divisions of Police, Fire, and Building Inspection. The head of the Department of Public Safety shall be the Director of Public Safety, who, until the Council determines otherwise, shall be the Manager. The Director of Public Safety shall be the traffic authority, as defined in the General Statutes.

(a) Division of Police. There shall be a Division of Police, consisting of the Chief of Police and such other officers and employees of such ranks and grades as the Council may determine. The Division of Police shall be responsible for the preservation of the public peace; prevention of crime; apprehension of criminals; regulation of traffic; protection of rights of persons and property; and enforcement of the laws of the state and the ordinances of the town and all rules and regulations made in accordance therewith. All sworn officers or all police officers within the Division shall have the same powers and duties, with respect to the service of criminal process and enforcement of criminal laws, as are vested in police officers by General Statutes. The duties of the dog warden, as provided in the General Statutes, shall be assumed by the Division of Police. The Chief of Police shall be the executive officer of the Division of Police and shall assign all members of the Division to their respective posts, shifts, details and duties, shall be responsible for the care and custody of all property used by the Division and for the efficiency, discipline and good conduct of its members and shall make rules for the operation of the Division and the conduct of police work, subject to the approval of the Director of Public Safety. The violation of these rules by any member of the Division shall be punishable by appropriate disciplinary action, which may include loss of pay, suspension from duty and removal, provided that no member of the Division shall be suspended by the Chief for more than ten (10) days, without the approval of the Director of Safety, and no suspension for more than thirty (30) days or removal shall be made, except in accordance with the provisions of Chapter VIII of this Charter.

(b) Division of Fire. It is the intent of this Charter that Fire protection shall continue to be provided by the volunteer companies heretofore established. in the organization and conduct of which no change is contemplated. The town, however, by this Charter, reserves the right to establish or encourage the establishment of additional volunteer companies. There shall be a Fire Chief, who shall direct the operation of the fire companies at fires; institute and conduct suitable training programs for fire fighters, in cooperation with company officers; and perform such other duties as may be prescribed, by ordinance, or the orders of the Director of Public Safety. There shall be a Fire Marshal, who shall have all the powers and duties of fire marshals in towns, as provided in the General Statutes.

There shall be a Department of Public Safety, which shall consist of the Divisions of Police, Fire, and Building Inspection. The head of the Department of Public Safety shall be the Director of Public Safety, who, until the Council determines otherwise, shall be the Manager. The Director of Public Safety shall be the traffic authority, as defined in the General Statutes.

(a) Division of Police. There shall be a Division of Police, consisting of the Chief of Police and such other officers and employees of such ranks and grades as the

Council may determine. The Division of Police shall be responsible for the preservation of the public peace; prevention of crime; apprehension of criminals; regulation of traffic; protection of rights of persons and property; and enforcement of the laws of the state and the ordinances of the town and all rules and regulations made in accordance therewith. All sworn officers or all police officers within the Division shall have the same powers and duties, with respect to the service of criminal process and enforcement of criminal laws, as are vested in police officers by General Statutes. The duties of the Animal Control Officer ~~dog warden~~, as provided in the General Statutes, shall be assumed by the Division of Police. The Chief of Police shall be the executive officer of the Division of Police and shall assign all members of the Division to their respective posts, shifts, details and duties, shall be responsible for the care and custody of all property used by the Division and for the efficiency, discipline and good conduct of its members and shall make rules for the operation of the Division and the conduct of police work, subject to the approval of the Director of Public Safety. The violation of these rules by any member of the Division shall be punishable by appropriate disciplinary action, which may include loss of pay, suspension from duty and removal, provided that no member of the Division shall be suspended by the Chief for more than ten (10) days, without the approval of the Director of Safety, and no suspension for more than thirty (30) days or removal shall be made, except in accordance with the provisions of Chapter VIII of this Charter.

(b) Division of Fire. It is the intent of this Charter that Fire protection shall continue to be provided by the volunteer companies heretofore established. in the organization and conduct of which no change is contemplated. The town, however, by this Charter, reserves the right to establish or encourage the establishment of additional volunteer companies. There shall be a Fire Chief, who shall direct the operation of the fire companies at fires; institute and conduct suitable training programs for fire fighters, in cooperation with company officers; and perform such other duties as may be prescribed, by ordinance, or the orders of the Director of Public Safety. There shall be a Fire Marshal, who shall have all the powers and duties of fire marshals in towns, as provided in the General Statutes.

Sec 603 Department of Public Works

There shall be a Department of Public Works, consisting of the Director of Public Works, who, until the Council determines otherwise, shall be the Manager; the Town Engineer; and such other employees as the Council may determine. The Department of Public Works may have such powers and duties as are generally associated with such departments including the maintenance of public property; preparation of plans for construction of public buildings and other public structures; and shall perform such duties as may be prescribed by the Council, by ordinance or by the orders of the Manager in accordance with the Manager's powers.

There shall be a Department of Public Works, consisting of the Director of Public Works, who, until the Council determines otherwise, shall be the Manager; the Town Engineer; and such other employees as the Council may determine. The

Department of Public Works may have such powers and duties as are generally associated with such departments including the maintenance of public property; preparation of plans for construction of public buildings and other public structures; and shall perform such duties as may be prescribed by the Council, by ordinance or by the orders of the Manager in accordance with the Manager's powers.

Sec 604 Department of Parks and Recreation

There shall be a Department of Parks and Recreation, consisting of a Director of Parks and Recreation, and such other employees as the Council may determine. The Department of Parks and Recreation shall have charge of all parks, park and recreation properties and of all recreation activities of the town, except such as may be undertaken by the Board of Education, provided that the ordinary care and maintenance of park grounds and buildings shall be furnished by the Department of Public Works, as provided in Section 603. The Director of Parks and Recreation, with the approval of the Parks and Recreation Board ([see Section 510](#)), shall make rules for the use of parks, public grounds and recreation facilities consistent with the ordinances of the town and the statutes of the state, which shall have the force of law. It shall be the duty of the Division of Police to enforce these rules.

Sec 605 Department of Health

There shall be a Department of Health, consisting of a Director of Health, possessing the qualifications required by law for directors of health, who shall have all the powers and duties of directors of health, as provided in the General Statutes, and such employees as the Council may determine by ordinance, or the Council may choose to join a regional health district.

Sec 606 Department of Social and Youth Services

There shall be a Department of Social and Youth Services, consisting of a Director and such other employees as the Council may determine. The administration of all forms of human service activities shall be under the immediate direction of the Director, who shall have all the powers and duties conferred or imposed by law.

Sec 607 Other departments, divisions, offices and agencies

There shall be such other departments, divisions, offices and agencies organized in such manner as the Council shall determine by ordinance.

Chapter VII Financial Provisions

Sec 701 Fiscal Year

The fiscal year of the town shall begin the first day of July and end on the 30th day of June.

Sec 702 Department estimates

Not later than the first day of March, each department, office, board, commission and agency of the town, excepting the Board of Education, shall submit to the Manager, in such form as the Manager may prescribe, its estimates of receipts and expenditures for the ensuing fiscal year. Each such department, office, board, commission and agency shall be entitled to an opportunity to be heard by the Manager in respect of these estimates.

Sec 703 Annual town budget

It shall be the duty of the Manager to present to the Council, not later than the first Monday in April in each year, the budget for the ensuing fiscal year. The budget shall contain:

- (a) An estimate of the probable cash deficit or unencumbered cash surplus, as the case may be, at the end of the current fiscal year;
- (b) Estimates of the revenue cash receipts of the ensuing year; other than from property taxes;
- (c) Estimates of expenditures for the ensuing fiscal year; and
- (d) An estimate of the sum necessary to be raised by taxation to balance the budget, taking into consideration the surplus or deficit for the current fiscal year, as provided in (a) above.

The estimates of receipts shall be detailed by sources and the estimates of expenditures by departments and the principal subdivisions thereof, offices, boards, commissions and agencies of the town, and shall show, for each such unit, the estimated expenditures, broken down by personal service, contractual service, materials and supplies, fixed charges and capital outlays. The budget shall also contain the receipts and expenditures for each item for the last completed fiscal year; the estimated receipts and expenditures for the current fiscal year; the estimated receipts and expenditures for the ensuing fiscal year, together with such other data as the Council may prescribe. Copies of the budget shall be available for public inspection at the office of the Town Manager, Town Clerk and Town Library. The budget shall be printed or otherwise reproduced in a sufficient number of copies to furnish one (1) to each citizen who shall request the same.

It shall be the duty of the Manager to present to the Council, not later than the first Monday in April in each year, the budget for the ensuing fiscal year. The budget shall contain:

(a) An estimate of the unassigned fund balance, or the equivalent as defined by generally accepted accounting principles~~probable cash deficit or unencumbered cash surplus~~, as the case may be, at the end of the current fiscal year;

(b) Estimates of the revenue cash receipts of the ensuing year; other than from property taxes;

(c) Estimates of expenditures for the ensuing fiscal year;~~and~~

(d) An estimate of the sum necessary to be raised by taxation to balance the budget, taking into consideration the surplus or deficit for the current fiscal year, as provided in (a) above. And

~~(d)~~(e) The limitations or threshold pursuant to sections 310, 311, 713 and 714.

The estimates of receipts shall be detailed by sources and the estimates of expenditures by departments and the principal subdivisions thereof, offices, boards, commissions and agencies of the town, and shall show, for each such unit, the estimated expenditures, broken down by personal service, contractual service, materials and supplies, fixed charges and capital outlays. The budget shall also contain the receipts and expenditures for each item for the last completed fiscal year; the estimated receipts and expenditures for the current fiscal year; the estimated receipts and expenditures for the ensuing fiscal year, together with such other data as the Council may prescribe. Copies of the budget shall be available for public inspection at the office of the Town Manager, Town Clerk and Town Library. The budget shall be printed or otherwise reproduced in a sufficient number of copies to furnish one (1) to each citizen who shall request the same.

Sec 704 School budget

The school budget shall contain a detailed estimate of expenditures deemed by the Board of Education to be necessary for the proper conduct of the public schools, the anticipated receipts from sources other than the property tax and the amount required to be raised by taxation to balance the school budget. The budget shall also show an item by item comparison of the proposed budget with actual receipts and expenditures for the last completed fiscal year and the estimated receipts and expenditures for the current fiscal year. Not later than March 15, the Board of Education shall file its proposed budget for the ensuing year with the Town Clerk, and the Board of Education shall cause the same to be printed or otherwise reproduced. Copies of the budget shall be available for public inspection at the office of the Town Manager, Town Clerk and Town Library. The Council shall fix a time during the week following March 15 at which the Board of Education, or a committee thereof, shall bring before the Council, for discussion, its budget for the ensuing fiscal year. In acting upon the school budget, the Council shall have authority only to determine the total amount to be appropriated, and

the Board of Education shall have authority, in its discretion, to expend the total sum appropriated to it.

Sec 705 Budget hearing

There shall be a public hearing at 7:00 p.m. on the third Monday in April, at a place to be determined by the Council, at least five (5) days' notice of which shall be given by publication in at least one (1) which has a general circulation in the town and the Town Clerk shall post in a conspicuous public place designated for the posting of public notices a copy of the notice, and shall make sufficient copies available to the general public. At such hearing, any resident or property owner who desires it shall be entitled to be heard by the Council on the town and school budgets, and the hearing shall be recessed from day to day until all such persons have been heard.

There shall be a public hearing at 7:00 p.m. on the third Monday in April, at a place to be determined by the Council, at least five (5) days' notice of which shall be given by publication in at least one (1) newspaper which has a general circulation in the town or by other alternative means established by the Council. ~~and~~ The Town Clerk shall post in a conspicuous public place designated for the posting of public notices a copy of the notice, and shall make sufficient copies available to the general public. At such hearing, any resident or property owner who desires it shall be entitled to be heard by the Council on the town and school budgets, and the hearing shall be recessed from day to day until all such persons have been heard.

Sec 706 Council action on budget

After the completion of the hearing and, in any event, by the 15th day in May, the Council shall complete its consideration of the town budget and adopt the same, with such modifications or amendments as it may deem necessary, and shall also determine the total appropriation for school purposes for the ensuing year, provided that the Council shall, in any event, fix the amount to be raised by taxes, for town and school purposes combined, so as to preserve a balanced relation between receipts and expenditures, including any surplus or deficit from the current fiscal year. The Council shall thereupon fix the rate of taxation on property at a point sufficient, in its judgment, to produce such amount.

Sec 707 Effect of adoption of town budget

The adoption of the town budget, as amended, shall be deemed to constitute the appropriation of each department or, when so indicated in the budget, a major subdivision thereof, office, board, commission and agency separately listed in the budget, of the sum estimated in the budget to be expended by each such unit, respectively.

Sec 708 Effect of appropriation

No money shall be expended or obligation for such expenditure incurred by any department, office, board, commission or agency of the town, except in accordance with an appropriation by the Council. No contract, work order, purchase order or other authorization to spend money by any department, office, board, commission or agency, except the Board of Education, shall be valid until there has been attached thereto the certificate of the Director of Finance that there is an unexpended and unencumbered balance of an appropriation applicable thereto, sufficient to meet the estimated cost thereof, provided that the Board of Education shall set up its own system of budgetary control. It shall further be the duty of the Director of Finance, after signing such certificate, to immediately encumber the appropriation in question with such estimated cost.

No money shall be expended or obligation for such expenditure incurred by any department, office, board, commission or agency of the town, except in accordance with an appropriation by the Council. No contract, work order, purchase order or other authorization to spend money by any department, office, board, commission or agency, except the Board of Education, shall be valid until there has been attached thereto the certificate of the Director of Finance that there is an unexpended and unassigned fund balance, or the equivalent as defined by generally accepted accounting principles, ~~unencumbered balance~~ of an appropriation applicable thereto, sufficient to meet the estimated cost thereof, provided that the Board of Education shall set up its own system of budgetary control. It shall further be the duty of the Director of Finance, after signing such certificate, to immediately encumber the appropriation in question with such estimated cost.

Sec 709 Transfer of appropriations.

The Council, on the recommendation of the Manager, may transfer the whole or any part of the unencumbered balance of any appropriation, except the appropriation to the Board of Education, to any other purpose for which the Council may legally appropriate money, provided that such a transfer may be made from a contingency account at any time or from other budget appropriations only in the last three (3) months of the fiscal year, or at the end of the fiscal year but in no case later than September 30, and that there shall be attached to the resolution making the transfer the certificate of the Manager that such transfer is necessary, with the reasons therefore.

The Council, on the recommendation of the Manager, may transfer the whole or any part of the unassigned fund balance, or the equivalent as defined by generally accepted accounting principles, ~~unencumbered balance~~ of any appropriation, except the appropriation to the Board of Education, to any other purpose for which the Council may legally appropriate money, provided that such a transfer may be made from a contingency account at any time or from other budget appropriations only in the last three (3) months of the fiscal year, or at the end of the fiscal year but in no case later than September 30, and that there shall

be attached to the resolution making the transfer the certificate of the Manager that such transfer is necessary, with the reasons therefore.

Sec 710 Lapse of appropriations

Unencumbered appropriations shall lapse at the end of the fiscal year for which they were made, and any balance shall be credited to the general fund, provided that an appropriation for a capital outlay shall not lapse until the object for which the appropriation was made has been accomplished or no expenditure from or encumbrance of the appropriation has been made for three (3) consecutive fiscal years.

Sec 711 Special appropriations

The Council, on the recommendation of the Manager or the Board of Education, may, at any time, appropriate, subject to the limitations imposed in Chapter III of the Charter, any unappropriated and unencumbered surplus in the town treasury as may exist at the end of each fiscal year, provided that there shall be attached to the resolution making such appropriation the certificate of the Director of Finance that such a balance actually exists, free from encumbrance.

The Council, on the recommendation of the Manager or the Board of Education, may, at any time, appropriate, subject to the limitations imposed in Chapter III of the Charter, any unappropriated and unassigned fund balance, or the equivalent as defined by generally accepted accounting principles, ~~unencumbered surplus~~ in the town treasury as may exist at the end of each fiscal year, provided that there shall be attached to the resolution making such appropriation the certificate of the Director of Finance that such a balance actually exists, free from encumbrance.

Sec 712 Purchasing

The Town Manager shall designate a person to act as the Purchasing agent for the Town. All supplies, materials and equipment required by all departments, offices, boards, commissions and agencies of the town, hereafter referred to in this chapter as "buying units," shall be purchased by the Purchasing Agent. The Board of Education and the Library Board, the latter only in respect to purchases of materials peculiar to libraries, shall be exceptions to the above; however, either body may elect to use the services of the Purchasing Agent. All purchases shall be made on requisition describing the kind and quantity of goods or services required, provided that it shall be the duty of the Purchasing Agent, prior to the annual bid, to request requisitions and of all buying units to prepare and deliver to the purchasing agent such requisitions covering their normal requirements for the year so that wholesale purchases may be made on behalf of the town. No requisition shall be honored unless it bears the certificate provided for in Section 708.

Sec 713 Purchasing procedure

Purchases shall be made under such rules and regulations as may be established, by ordinance, provided that if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of twenty thousand dollars (\$20,000) or more, the Purchasing Agent shall invite sealed bids or proposals, giving at least ten (10) days' public notice thereof, by at least one (1) publication in a newspaper which has a general circulation in the town, and the Council shall let the purchase or contract to the lowest qualified bidder thereon or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly.

It shall not be necessary to call for sealed bids for the following supplies, materials, equipment, goods, services, commodities or construction:

- (a) That furnished by a monopoly utility.
- (b) That providing a creative product or requiring special skill and knowledge or a profession such as the following services: legal, accounting, auditing, medical, architectural, engineering, design, systems analysis, computer programming, planning, technical advice and management assistance. This section shall not apply to the Town Attorney who shall be retained in accordance with Section 503 of this Charter.

The Council shall by Ordinance establish rules, which shall apply to all town contracts for creative products or professional services. Said ordinance shall include procedures and criteria for selecting the most suitable sources for supplying such services.

- (c) That having a single source of supply.
- (d) That needed to cope with an emergency situation reported as such to the Council or declared as such by a competent authority.

Awards for items in (b) and (c) above shall be made by the Council if the amount of the contract exceeds twenty thousand dollars (\$20,000).

No transaction essentially a unit shall be divided for the purpose of evading the provisions of this section. Records of all bids, formal and informal, and of the successful bidder shall be kept in the office of the Purchasing Agent, where they shall be open to public inspection.

Purchases shall be made under such rules and regulations as may be established, by ordinance, provided that if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of 0.03% of the appropriated expenditures for the current fiscal year ~~twenty thousand dollars~~

~~(\$20,000)~~ or more, the Purchasing Agent shall invite sealed bids or proposals, giving at least ten (10) days' public notice thereof, by at least one (1) publication in a newspaper which has a general circulation in the town or by other alternative means established by the Council, and the Council shall let the purchase or contract to the lowest responsible~~qualified~~ bidder thereon or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly.

It shall not be necessary to call for sealed bids for the following supplies, materials, equipment, goods, services, commodities or construction:

(a) That furnished by a monopoly utility.

(b) That providing a creative product or requiring special skill and knowledge or a profession such as the following services: legal, accounting, auditing, medical, architectural, engineering, design, systems analysis, computer programming, planning, technical advice and management assistance. This section shall not apply to the Town Attorney who shall be retained in accordance with Section 503 of this Charter.

The Council shall by Ordinance establish rules, which shall apply to all town contracts for creative products or professional services. Said ordinance shall include procedures and criteria for selecting the most suitable sources for supplying such services.

(c) That having a single source of supply.

(d) That needed to cope with an emergency situation reported as such to the Council or declared as such by a competent authority.

Awards for items in (b) and (c) above shall be made by the Council if the amount of the contract exceeds the sum of 0.03% of the appropriated expenditures for the current fiscal year~~twenty thousand dollars (\$20,000)~~.

No transaction essentially a unit shall be divided for the purpose of evading the provisions of this section. Records of all bids, formal and informal, and of the successful bidder shall be kept in the office of the Purchasing Agent, where they shall be open to public inspection.

Sec 714 Contracts for public works

Contracts for the construction of streets, sewers, buildings and other public works shall be made under such rules and regulations as may be established, by ordinance, provided that if any such contract involves the expenditure of twenty thousand dollars (\$20,000) or more, the Purchasing Agent shall invite sealed bids or proposals, giving at least ten (10) days' public notice thereof by at least one (1) publication in a newspaper which has a general circulation in the town, and the Council shall let the purchase or

contract to the lowest responsible bidder thereon or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly. No transaction essentially a unit shall be divided for the purpose of evading the provision of this section. Records of all bids shall be open to public inspection.

Contracts for the construction of streets, sewers, buildings and other public works shall be made under such rules and regulations as may be established, by ordinance, provided that if any such contract involves the expenditure of 0.03% of the appropriated expenditures of the current fiscal year ~~twenty thousand dollars (\$20,000)~~ or more, the Purchasing Agent shall invite sealed bids or proposals, giving at least ten (10) days' public notice thereof by at least one (1) publication in a newspaper which has a general circulation in the town or by other alternative means established by the Council.; ~~and t~~The Council shall let the purchase or contract to the lowest responsible bidder thereon or shall reject all such bids and proposals. All such sealed bids or proposals shall be opened publicly. No transaction essentially a unit shall be divided for the purpose of evading the provision of this section. Records of all bids shall be open to public inspection.

Sec 715 Payment of claims

No payroll, bill or other claim against the town, except those of the Board of Education, shall be paid until the same has been audited for correctness and legality by the Director of Finance, and all payments shall be made by check, or wire transfer, (or other electronic transfer), drawn on a town bank account, authorized and signed by the Director of Finance and countersigned by the Town Treasurer, as provided in Section 502 of this Charter. All payrolls, bills or other claims against the Board of Education shall be audited as such Board may provide, and payments shall be made by check signed by the Chairperson or the Secretary of the Board of Education and countersigned by the Town Treasurer. To avoid unnecessary delay in the transaction of town business, the Manager shall designate a Deputy of the Director of Finance, and the Council shall appoint a Deputy of the Treasurer, each of whom, in lieu of the principal, may sign certificates, payrolls, bills, claims and checks.

Sec 716 Fees collected by town officers and employees

All fees collected by officers and employees of the town in their official capacities shall be paid into the town treasury, provided that this shall not apply to the fees of Constables or witness fees payable to police officers. Detailed records of such transactions must be maintained within each office and be available for auditing purposes.

Sec 717 Official bonds

The Manager, Director of Finance, Tax Collector, Treasurer and such other officers and employees of the town as the Council may determine, by ordinance, shall file with the Town Clerk a surety bond or surety bonds in such amounts as may be designated in

such ordinance, conditioned upon the faithful performance of their respective duties. The premiums of such bonds shall be paid by the town.

Sec 718 Penalties for violation of the provisions of this chapter

Any person who knowingly and intentionally makes or causes to be made any payment from town moneys in violation of the provisions of this chapter or who receives such a payment, shall be jointly and separately liable to the town for the full amount of such payment. Violation of any of the provisions of this chapter, by any officer or employee of the town, shall be grounds for removal.

Sec 719 Annual Audit

The Council shall designate, annually, an independent public accountant or firm of independent public accountants, to audit the books and accounts of the town, including the Board of Education, as provided in the General Statutes.

Chapter VIII Personnel

Sec 801 Classification system

All regular, salaried employees of the town, shall be appointed and promoted on the basis of merit, as determined by examination, except the following:

- o officers elected by the people or appointed to fill vacancies in elective offices
- o officers appointed by the Governor and General Assembly
- o officers appointed by the Council
- o employees of the Board of Education
- o employees of the Library Board.

There shall also be excluded from the classification system persons temporarily employed in a professional or scientific capacity to conduct a special inquiry, investigation, examination or installation and temporary or seasonal employees.

Sec 802 Human Resources Manager

The Manager, or, when the Council shall so determine, a person qualified by education and/or experience appointed by the Manager, shall be the Human Resources Manager of the town.

Sec 803 Appointments

Whenever a vacancy occurs in any position within the classification system, it shall be the duty of the Human Resources Manager to conduct or cause to be conducted an open competitive examination, written or oral, or both, including consideration of the

education, experience and previous record of each candidate. The Human Resources Manager shall have authority, if deemed advisable, to appoint a three (3) member board versed in the duties of the position to be filled, and who need not be residents of the town, to conduct any such examination. At least two weeks prior to the closing date for applications, the Human Resources Manager shall cause notice of the closing dates for applications for any position within the classification system to be published at least once in a newspaper of general circulation in the town, and, the Town Clerk shall post in a conspicuous public place designated for the posting of public notices the application opening and closing dates for the position. The results of the examination shall be certified by the Human Resources Manager to the appointing authority and shall be a public record in the office of the Human Resources Manager. No person shall be appointed to any position in the classification system who has not attained in the examination a passing grade representing, in the opinion of the examining authority, the minimum qualifications necessary to fill the position. When more than one (1) candidate attains such a passing grade, the names of all such persons shall be placed on an eligible list, in the order of the grades attained, and the appointing authority shall make the appointment from the three (3) highest on such list, if there be that many, and otherwise from the list as a whole.

Whenever a vacancy occurs in any position within the classification system, it shall be the duty of the Human Resources Manager to conduct or cause to be conducted an open competitive examination, written or oral, or both, including consideration of the education, experience and previous record of each candidate. The Human Resources Manager shall have authority, if deemed advisable, to appoint a three (3) member board versed in the duties of the position to be filled, and who need not be residents of the town, to conduct any such examination. At least two weeks prior to the closing date for applications, the Human Resources Manager shall cause notice of the closing dates for applications for any position within the classification system to be published at least once in a newspaper of general circulation in the town or, where applicable by law and any applicable agreement, by other alternative means established by the Council. ~~and,~~ The Town Clerk shall post in a conspicuous public place designated for the posting of public notices the application opening and closing dates for the position. The results of the examination shall be certified by the Human Resources Manager to the appointing authority and shall be a public record in the office of the Human Resources Manager. No person shall be appointed to any position in the classification system who has not attained in the examination a passing grade representing, in the opinion of the examining authority, the minimum qualifications necessary to fill the position. When more than one (1) candidate attains such a passing grade, the names of all such persons shall be placed on an eligible list, in the order of the grades attained, and the appointing authority shall make the appointment from the three (3) highest on such list, if there be that many, and otherwise from the list as a whole.

Sec 804 Personnel Appeals Board

There shall be a Personnel Appeals Board of five (5) members appointed by the Council for three (3) years and not more than three (3) of whom shall be members of the same political party. Vacancies shall be filled by the appointment of a person of the same political affiliation as the member whose place is being taken for the unexpired portion of the term. The members of the Personnel Appeals Board shall serve without compensation.

Sec 805 Removals

No employee in the classification system without contractual right of appeal under the statutes or contracts shall be removed or reduced in rank or grade or suspended for more than thirty (30) days unless that employee shall have been served with a statement of the grounds for such action and setting the time and place, not less than five (5) nor more than ten (10) days after the date of such service, at which the employee may be heard by the Personnel Appeals Board, publicly if that employee so desires, and with the privilege of being represented by counsel. If the employee does not appear at the hearing, the action of the removing authority shall be final. If an employee does so appear, the Personnel Appeals Board, after hearing the employee and taking such other evidence as it may deem necessary, shall have authority to affirm, modify or reverse the action appealed from. The action of the Personnel Appeals Board shall be final.

Sec 806 Rules

Rules relating to the advertising and conduct of examinations, the certification of eligibles, the records to be kept by the several departments, offices and agencies of the town of the efficiency and behavior of employees, lines of promotion and generally to carry out the purposes of this chapter shall be made by the Human Resources Manager and, when approved, by the Council, shall be binding on all persons, employees, departments, offices and agencies concerned.

Sec 807 Pensions

The town shall continue to maintain or to participate in a retirement or pension system. Any change in such system shall require the affirmative vote of not less than seven (7) members of the Council and shall not diminish or eliminate the rights or benefits granted to any individual under the existing retirement or pension system.

Chapter IX Miscellaneous Provisions

Sec 901 Amendment

Amendments to this Charter, consistent with the Constitution and General Statutes, may be adopted by the electors of the town. Each amendment to the Charter shall become effective upon the date of its approval by the electors.

Sec 902 Powers and duties of Board of Education

The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes upon boards of education in the several towns, which statutes shall prevail over any provision of this Charter, in event of conflict.

Sec 903 Local ordinances, rules and regulations continued in effect

All bylaws and ordinances of the town and all rules and regulations of the several departments, boards, commissions and agencies thereof legally in force on the 30th day of June 1954, shall continue in force, until amended or repealed by the appropriate authority, under this Charter.

Sec 904 Petitions as public records

Whenever, by this Charter, the filing of a petition is required, such petition shall be a public record in the office of the Town Clerk and shall be retained in accordance with the provisions of the Connecticut General Statutes.

Sec 905 Constitutionality

In case any portion of this Charter shall at any time be found to be unconstitutional, such findings shall not affect the remainder thereof, but as to such remainder, this Charter shall remain in full force and effect, until amended or repealed.

Sec 906 Meetings and votes in public

Meetings and votes of all boards, commissions, agencies and committees shall be open to the public, except where otherwise provided by the General Statutes.

Sec 907 Mandatory review of Charter

The Town Council shall appoint a Charter Revision Commission to review this Charter at least once every ten (10) years, in accordance with the provisions of the General Statutes of the State of Connecticut.

Charter revised and approved at referendum vote November 2, 2004.

Other changes made by 2014 Charter Revision Commission

- On September 4, 2014, the Commission voted to accept Atty. Chappell's Proposal 3 in regards to Ethics. There is currently not a Chapter or Section on Ethics, therefore this would be an addition to the Charter.

- § Board of Ethics

- (a) There shall be a Board of Ethics, consisting of five (5) resident electors and three (3) alternates, appointed by the Council, pursuant to §7-148h of the Connecticut General Statutes. Each member of the Board of Ethics who was appointed prior to the adoption of this provision and in accordance with the Code of Ethics shall remain a member of the Board of Ethics and fulfill the remainder of his term. The composition of the Board of Ethics, appointment, term and term limit of members of the Board of Ethics shall otherwise be governed by the Code of Ethics.

- (b) The Board of Ethics shall have all the powers and duties now or hereafter conferred by the General Statutes, this Charter, the Code of Ethics of the Town of Wethersfield, as amended, or otherwise conferred by the Council, including but not limited to the investigation of allegations of unethical conduct or the existence of a conflict of interest, the issuance of an advisory opinion upon request regarding potential violations of the Code of Ethics, receipt of complaints, holding hearings as necessary, and the determination whether a violation of the Code of Ethics occurred.

- (c) If the Board of Ethics determines an individual has violated the Code of Ethics or an applicable provision of this Charter, such individual shall be publically censured and encouraged by the Board of Ethics, the Council, Board of Education or Library Board, as applicable, to resign from his or her position. This section shall not be construed to supersede or otherwise impact any provisions of an individual's collective bargaining agreement.

- § Conflict of Interest

- In addition to the provisions of the Code of Ethics of the Town of Wethersfield, as amended, any elected or appointed officer, any member or individual appointed by the Council including the Manager and any individual appointed to any board, commission, committee or agency, who has a financial interest in any matter to be acted upon or coming before his board, commission, committee or agency, shall make full record disclosure in writing of that interest, which shall be incorporated into the minutes of such board, commission, committee or agency, and a full copy of such minutes shall be filed on the office of the Town Clerk, and he or she shall be disqualified to act in any way upon such matter.

- The Board of Ethics shall have the authority to determine the existence of a conflict of interest pursuant to this section or the Code of Ethics.