

TOWN OF MANSFIELD

Mansfield Town Charter

Approved by Voters November 6, 2007
Effective February 4, 2008

HISTORY: Approved by the Town Council of the Town of Mansfield 11-3-1970 and revised 11-2-1993. Subsequent amendments noted where applicable.

PREAMBLE

We the people of the Town of Mansfield, under the constitution and laws of the State of Connecticut, in order to secure the benefits of local self-government and to provide for an accessible and accountable government, do hereby adopt this charter and confer upon the town the following powers, subject to the following restrictions, and as prescribed by the following procedures and government structure. By this action, we wish to secure the benefits of home rule and provide for local government that is responsive to the will and values of the residents of our town, and strongly affirms resident participation, representative democracy, and professional management

ARTICLE 1, Incorporation and General Powers

§ C101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Mansfield shall continue to be a body politic and corporate under the name of "The Town of Mansfield," hereinafter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town and not inconsistent with the provisions of this charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the Connecticut General Statutes, hereinafter called "C.G.S."

§ C102. Rights and obligations.

All rights of action and rights of every description, including rights of ownership of all property, both real and personal, and all securities and liens in said town are continued. The town is liable for its debts and obligations. Nothing herein shall be construed to affect the right of the town to collect any assessment, charge, debt or lien.

§ C103. General grant of powers.

In addition to all powers granted to towns under the constitution and general law, the town shall have all powers specifically granted by this charter and all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the town, including the power

to enter into contracts with any federal agency or the State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and the C.G.S. The enumeration of particular powers in this and any other Article of this charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

§ C104. Freedom of information.

All activities of elected and appointed officials and municipal employees shall conform to the Freedom of Information Act, as embodied in the C.G.S.

ARTICLE II, Elections

§ C201. Regular town elections.

Regular town elections shall be on the first Tuesday after the first Monday in November in each odd-numbered year. Except in cases specifically provided by statute, all officers duly elected at such town elections shall, upon qualification, take office on the third Monday of November, except as provided in § C302A, and shall hold office until their successors have been chosen and have qualified.

§ C202. Elective officers.

- A. At each biennial town election there shall be elected, in accordance with the provisions of the general statutes, the following officers:
- (1) Nine (9) Council members elected at large for terms of two (2) years.
 - (2) Three (3) members of the nine-member Board of Education for terms of six (6) years.
 - (3) Three (3) members of the Board of Assessment Appeals for terms of two (2) years.
 - (4) Three (3) members of the nine-member Planning and Zoning Commission for terms of six (6) years.
 - (5) Two (2) or three (3) members of the five-member Zoning Board for terms of four (4) years to replace members whose terms will expire.
- B. At every other biennial town election there shall be elected, in accordance with the provisions of the general statutes, the following officers:
- (1) Three (3) alternate members of the Planning and Zoning Commission for terms of four (4) years.
 - (2) Three (3) alternate members of the Zoning Board of Appeals for terms of four (4) years.
- C. At the biennial state election held on the first Tuesday after the first Monday of November in each even-numbered year there shall be elected, in accordance with the provisions of the general statutes, the following officers: at least two (2) Registrars of Voters. No two shall be from the same political party.

§ C203. Minority representation.

Except as otherwise provided in this charter, minority representation on any elective or appointive board, commission, committee or similar body of the town shall be determined in accordance with the provisions of the C.G.S. As provided in said statutes, the maximum number of any such body who may be members of the same political party shall be as specified in the following table:

Column I	Column II
Total Membership	Maximum From One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	2/3 of total membership

§ C204. Voting districts.

The Town Council may establish voting districts or change the boundaries of voting districts, but any change in boundaries made less than ninety (90) days before any election or primary shall not apply with respect to such election or primary. A suitable polling place shall be provided in each voting district.

§ C205. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of the C.G.S. to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election shall be held on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates or issues. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

§ C206. Vacancies.

Except as otherwise provided by statute, any vacancy in any elective office, except in the Board of Education and Planning and Zoning Commission, for whatever cause arising, shall be filled by appointment by the Town Council for the unexpired portion of the term or until the next biennial town election, whichever shall be sooner. The Board of Education shall fill its own vacancies in the same manner. Vacancies in the Planning and Zoning Commission shall be filled in such manner as the Town Council may determine. If the person vacating the office shall have been elected as a member of a political party, the vacancy shall be filled by the appointment of a member of the same political party. If there shall be a biennial election before the expiration of the term of office in which a vacancy occurs, such vacancy shall be filled by appointment as provided herein until said election and thereafter by the person elected to fill the office for the remaining portion of the term. Except as otherwise provided by statute, such person shall take office on the third Monday following the election.

§ C207. Qualifications.

Each nominee for elective office shall be an elector of the town. If at any time any holder of an elective office shall cease to be a resident of the town, such office shall thereupon become vacant.

§ C208. Nomination of candidates.

- A. The name of any elector of the town who has been nominated by a political party in accordance with the provisions of Chapter 153 of the C.G.S. shall be placed on the voting ballot at the municipal election as a candidate for any office to be filled. In order to ensure compliance with the C.G.S., at each municipal election each political party may nominate and each voter may vote for six (6) candidates for the Town Council; two (2) candidates for the Board of Education; two (2) candidates for the Board of Assessment Appeals; two (2) candidates for the Zoning Board of Appeals; two (2) candidates for the Planning and Zoning Commission. At municipal elections every four (4) years, each political party may nominate and each elector may vote for two (2) candidates for alternates on the Planning and Zoning Commission and two (2) candidates for alternates on the Zoning Board of Appeals.
- B. The name of any elector of the town shall also be placed on the voting ballot at the municipal election as a candidate if that person has been nominated by petitions filed in accordance with Chapter 153, C.G.S.

§ C209. Board for Admission of Electors.

The Board for Admission of Electors required by the C.G.S. shall consist of the registrars of voters and the Town Clerk, who shall serve as Chairman.

§ C210. Justices of the Peace. [Amended 4-4-1996, effective 5-4-1996]

Thirty (30) Justices of the Peace shall be nominated and appointed in accordance with C.G.S. §§ 9-183b through 9-184c.

ARTICLE III, The Town Council

§ C301. The Council.

There shall be a Town Council consisting of nine (9) members, herein referred to as the Council. The members shall serve without compensation except for the reimbursement of expenses incurred in the performance of official duties. No member of the Council shall simultaneously hold any other elected municipal office or paid position of the town.

§ C302. Organization and procedure.

- A. At the next regular meeting of the Town Council following the municipal election, the Town Council members shall elect, by a majority vote of all Council members, one (1) of their number to serve as Mayor, who shall preside at Council meetings, and one (1) of their number to serve as Deputy mayor, who shall serve in the Mayor's temporary absence. If both are absent, the Council may designate from its membership a temporary presiding officer. At this meeting the Council shall fix the time and place of its regular meetings, which shall be at least once each month, and

shall provide methods for calling special meetings. If the position of the Mayor is vacated, the Council shall elect a new Mayor in the same manner as prescribed in this section. The Mayor shall be recognized as the official head of the town for all ceremonial purposes.

- B. The Council shall keep for public inspection a journal of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. The journal shall be maintained by the Town Clerk and shall be authenticated for each meeting by the signature of the Mayor or other presiding officer and the Town Clerk.

§ C303. Powers.

- A. The Council shall be the governing body of the town. It shall exercise and perform all the rights, powers, duties and obligations of the town except as the same may be assigned by the C.G.S. or this charter to some other officer, board, agency or to the Town Meeting. These powers include, in addition to all other powers, all the powers and duties now or hereafter conferred or imposed by the general statutes, special acts or otherwise upon Town Meetings, boards of finance, and boards of selectmen. The Council shall provide by ordinance the procedure for administration and fiduciary oversight of the Town finances. The Council may provide by ordinance for the exercise by the Manager or some other officer, board or agency of any of the administrative powers not otherwise assigned by this Charter. The legislative power of the town and final authority concerning the tax rate are vested exclusively in the Council except as otherwise provided in this Charter.
- B. The Council shall have power, subject to the provisions of the C.G.S. and this Charter, to create or abolish departments, offices, agencies and employments; adopt regulations for the operation of departments, agencies and offices; and fix the compensation of officers and employees of the town, except the 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 or resolutions not inconsistent with this Charter and the general statutes of the state for the execution of the powers vested in the town as provided in Article I of this Charter, for the government of the town and the management of its business and for the preservation of good order, peace, health, safety and the general welfare of the town and its inhabitants.

§ C304. Ethical standards.

The Town Council shall adopt an ordinance setting standards of ethical behavior, including conflict of interest standards, expected from elected officials, appointed officials and public employees and shall establish mechanisms for the enforcement of ethical standards.

§ C305. Town Attorney.

- A. The Town Council shall, by resolution adopted at a meeting to be held not later than one (1) month after the town election, appoint a Town Attorney to serve at the pleasure of the Council. The term shall commence one (1) month after such election. The Town Attorney shall be an attorney-at-law admitted to practice in this state.

B. The Town Attorney shall:

- (1) Appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions;
- (2) Be the legal advisor of the Town Council, the Town Manager and all town officers, boards and commissions in all matters affecting the town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties;
- (3) Prepare, on written request of the Manager, the Council or any member thereof, ordinances and resolutions for consideration by the Council.
- (4) Prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest.
- (5) Have power, with approval of the Council, to appeal from orders, decisions and judgments and, subject to approval of the Council, to compromise or settle any claims by or against the town.

C. If in special circumstances the Council deems it advisable, it may provide for the temporary employment of counsel other than the Town Attorney.

D. The Town Attorney shall receive such compensation and shall have such clerical and other assistants, as the Council may determine, who shall be appointed and removed subject to such rules and regulations as may be adopted pursuant to this Charter.

§ C306. Committees, commissions and boards.

The Council shall appoint, oversee and terminate all boards, commissions and committees except as otherwise provided by law. Each board, commission or committee will be assigned specific tasks and responsibilities and shall remain in existence until its tasks are accomplished or the Council shall assign its duties to another board, commission or administrative department or shall determine that it is no longer needed.

§ C307. Introduction of ordinances.

All ordinances introduced by a member of the Council shall be in written form and shall be limited to one (1) subject which shall be clearly stated in the title. A copy of such proposed ordinance shall be filed with the Town Clerk. It shall be the duty of the Town Clerk immediately upon receipt of such proposed ordinance to prepare at least fifteen (15) copies of it, widely distribute it as soon as possible by ensuring that a copy appears on the Town website, if available, and that notice of the proposed ordinance and the availability to the public of copies is placed on the Town's cable TV channel, if it is available, and on the public signposts. One (1) copy of which shall be retained in the Town Clerk's office for public inspection, one (1) copy shall be posted on the town bulletin board and one (1) copy shall be distributed to each member of the Council and to the Town Manager.

§ C308. Public hearing on and publication of ordinance.

At least one (1) public hearing shall be held by the Town Council before any ordinance shall be passed. Notice of the Public Hearing shall be given at least five (5) days in advance by wide distribution including publication in a newspaper having a circulation in the town, and by posting a notice in a public place, on the Town's website, if available, Town cable TV channel, if available, and the public sign posts. Every ordinance, after passage, shall be filed with the Town Clerk and recorded. Within ten (10) days after final passage, the ordinance or a summary of the ordinance shall be published once in a newspaper having a circulation within the town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its final passage or unless referred to vote pursuant to § C309 of this Charter.

§ C309. Referral of ordinance to Town Meeting or to voters.

If within ten (10) days after the publication of the passage of an ordinance, a petition is filed with the Town Clerk requesting that the ordinance be submitted to a Town Meeting and if the Clerk certifies to the Council that such petition has been validly signed by at least two hundred (200) of the qualified voters of the town as determined by the revised registry list last completed (Sec. 9-172a, C.G.S.), then the effective date of the ordinance shall be suspended. The Council shall call a Town Meeting, to be held not less than ten (10) nor more than sixty (60) days after the filing of the petition. The Town Meeting may vote to sustain the action of the Council, vote to nullify the Council's action or vote to submit the ordinance to a referendum to be held within sixty (60) days. If the Town Meeting sustains the Council's actions or fails to act on the Council's proposal, in accordance with this section, the ordinance shall go into effect upon adjournment of the meeting. If the Town Meeting votes to nullify the Council's action, the ordinance is dead unless the Council, at its next meeting, by a favorable vote of at least six (6) members present, votes to send the ordinance to a referendum of the voters. A referendum shall be held within sixty (60) days of this action. If a majority of those voting on the issue in a referendum vote for the ordinance, it shall go into effect as soon as the vote is confirmed.

§ C310. Initiative.

- A. The voters of the town may propose and adopt ordinances and resolutions in the manner hereafter described, provided that no ordinance or resolution so proposed which would involve an 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 hereinafter set forth, shall make a special appropriation for the purpose. The ordinance or resolution shall be proposed by a petition to the Council requesting its adoption and setting it forth in full, and shall be signed by at least two hundred (200) of the qualified voters of the town as determined by the revised registry list last completed (Sec. 9-172a, C.G.S.). The petition shall be filed with the Town Clerk who shall within ten (10) days examine the signatures on the same and determine their sufficiency. If the Town Clerk finds that the petition has been signed by the required number of voters, the Town Clerk shall so certify to the Council at its next regular meeting. The Council shall submit any such proposed ordinance or resolution to the Town Attorney for examination.

- B. The Town Attorney shall have authority to correct its form for the purpose of avoiding inconsistencies, repetitions, obscurities, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clarity and precision in its phraseology. The Town Attorney shall not substantively change the meaning and effect of the petition.
- C. The Council shall call a hearing for the sole purpose of allowing a discussion of the proposal. Such hearing may advise the Council of the sense of the town on the issues raised by the proposal. Within sixty (60) days after certification by the Town Clerk, the Council shall either adopt the proposed ordinance or resolution or submit the same to the voters at a referendum to be held within ninety (90) days from the date of the Clerk's certification. If a majority of those voting, such majority consisting of at least fifteen percent (15%) of the total number of voters as determined by the revised registry list last completed (Sec. 9-172a, C.G.S.), shall vote in the affirmative, the ordinance or resolution shall go into effect as soon as the vote is confirmed.

§ C311. Form of petition for referendum or initiative.

- A. Petitions under §§ C309 and C310 shall be in the following form:

WARNING: ALL SIGNATURES SHALL BE IN INK.

We, the undersigned voters of the town of Mansfield, hereby present this petition under the provisions of Article III, §§ C309 and C310 of the Charter of said town (here insert the words "requesting the repeal of the following ordinance," or the words "initiating the following ordinance") (here insert the text of the ordinance) and we certify that we are voters of the town of Mansfield residing at the addresses set opposite our names and that we have not signed this petition more than once.

(Here follow the signatures and addresses.)

Signature

Road or Street

- B. Petitions under § C405 shall be in the following form:

WARNING: ALL SIGNATURES SHALL BE IN INK.

We, the undersigned electors of the town of Mansfield as determined by the revised registry list last completed, hereby present this petition under the provisions of Article IV, § C405 of the Charter of said town requesting the repeal of the budget adopted on (here insert date of adoption) and that such budget be replaced by a substitute budget, and we certify that we are electors of the town of Mansfield residing at the addresses set opposite our names and that we have not signed this petition more than once.

(Here follow the signatures and addresses.)

Signature

Road or Street

§ C312. Form of affidavit of circulators to accompany all petitions.

- A. The signatures to a petition for initiative or referendum under Article III, §§ C309 and C310 of this Charter need not all be appended to one (1) paper, but to each separate

petition page there must be attached an affidavit of the circulator of that paper in substantially the following form:

Tolland County, State of Connecticut (Here insert the name and residence address of the circulator of the petition), being duly sworn, deposes and says that he or she is a voter of the Town of Mansfield, and that he or she is the circulator of the foregoing petition page, that the said signatures were made in his or her presence, that each signer is known to, or satisfactorily identified to the circulator, and that all signatures were obtained not earlier than six (6) months prior to the filing of the petition.

Signed _____

Subscribed and sworn before me this ____ day of _____ 19____

Justice of the Peace, Notary Public or Commissioner of the Superior Court

- B. The signatures to a petition for initiative or referendum under Article IV, § C405 of this Charter need not all be appended to one (1) paper, but to each separate petition page there must be attached an affidavit of the circulator of that paper in substantially the following form:

Tolland County, State of Connecticut (Here insert the name and residence address of the circulator of the petition), being duly sworn, deposes and says that he or she is an elector of the Town of Mansfield as determined by the revised registry list last completed, and that he or she is the circulator of the foregoing petition page, that the said signatures were made in his or her presence, that each signer is known to, or satisfactorily identified to the circulator, and that all signatures were obtained not earlier than six (6) months prior to the filing of the petition.

Signed _____

Subscribed and sworn before me this ____ day of _____ 19____

Justice of the Peace, Notary Public or Commissioner of the Superior Court

§ C313. Annual audit.

The Council shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the town in accordance with the provisions of the C.G.S.

§ C314. Removals and suspensions.

- A. Removal of the Town Manager. The Council shall have the power, by resolution adopted by a majority vote of its entire membership, in its sole discretion, with or without cause, to remove or suspend the Manager in accord with the procedures set out in § C501.
- B. Removal of other persons appointed by the Council. The Council shall have the power, by resolution adopted by a majority vote of its entire membership, in its sole discretion, and for whatever cause it shall deem sufficient, to remove or suspend any

other person appointed to any other office or position by the Council. The Council shall act first by suspending such person and shall promptly serve such person with a copy of the resolution of suspension, together with the reasons therefore. If within ten (10) days after service of said resolution such person shall file a request in writing with the Town Clerk for a public hearing before the Council, the hearing requested shall be held, at a time and place set by the Council, not less than five (5) days nor more than fifteen (15) days after the filing of the request. At such hearing the person may be represented by counsel. If no hearing is requested, or at the conclusion of the hearing, the Council shall promptly by resolution terminate the suspension and either restore the person to, or remove from office or employment. During the period of suspension any person shall be ineligible to perform the duties of the office or employment. Compensation, if any, shall be continued during the period of suspension or for thirty (30) days from the date of suspension, whichever is longer. The decision of the Council shall be final.

ARTICLE IV, Town Appropriations and Bond Issues.

§ C401. Fiscal year.

The fiscal year of the town shall be the Uniform Fiscal Year as prescribed by the C.G.S.

§ C402. Budget Development.

Developing a budget proposal is the responsibility of the Town Manager with policy guidance from the Town Council. Participating in the process, from the presentation of the Manager's budget proposal to the Town Council to the final adoption of the budget, is the right and responsibility of the citizens of Mansfield. The town staff shall assist the council and provide information publicly throughout the budget process.

§ C403. Manager's budget Proposal.

Annually, at the time determined by the Council, the Manager shall present to the Council a budget proposal consisting of:

- A. A budget message outlining the financial situation of the town government and describing the important features of the budget plan.
- B. The budget of the Board of Education as submitted to the Manager, along with whatever analysis or comment the Manager wishes to provide.
- C. Statements of the Manager's proposed operating program and expenditures for the town functions and town-supported functions, other than those of the Board of Education, along with comparisons of amounts expended in the last completed fiscal year and estimated amounts to be expended in the current fiscal year.
- D. Information on amounts of revenue other than property taxes collected, by source, in the last completed fiscal year, estimates for the current year and for the ensuing year, along with information and estimates regarding property tax revenues for the same periods.
- E. Statements of the condition and estimated condition of the town funds and of the debt

service obligations of the town, as well as a list of proposed capital improvements to be undertaken during the ensuing fiscal year or later years, and the proposed methods of financing them.

- F. Such other information as will assist the Council and the voting residents of Mansfield in deciding on an annual appropriation and a capital improvement program.

§ C404. Council budget action.

During the budget adoption process, the Town Council shall hold at least two (2) Town Budget Information Meetings. At least ten (10) days prior to each meeting, the Town Council shall widely distribute budget information and notice of the meeting. The Town Council shall adopt a proposed budget including a recommended appropriation act by May 1.

§ C405. Budget Town Meeting.

- A. An annual Town Meeting for budget consideration shall be held on the second Tuesday in May at 7 p.m. Any person who is an elector of Mansfield may vote and any citizen of the United States of the age of eighteen years or more, who jointly or severally, is liable to the town for taxes assessed against him or her on an assessment of not less than one thousand dollars on the last completed grand list of Mansfield may vote. The budget adoption vote shall be by confidential ballot. This meeting shall consider the budget presented to it by the Town Council and may approve, lower or raise the budget of any program.

If the annual Town Meeting fails to adopt a budget, the proposed budget will be returned to the Town Council for its reconsideration. The Council shall return the same or a revised budget to a Town Meeting called by the Council for a date no later than ten (10) days after the first meeting. This Town Meeting shall also approve, lower or raise the budget of any program. Should the Town Meeting fail to adopt a budget, the budget appropriation last proposed by the Town Council shall be in full effect.

- B. The budget approved by the Town Meeting or adopted by the Town Council as provided in Section A shall be subject to repeal if:
 - (1) Within twenty one (21) days after the budget is approved by Town Meeting (or adopted by the Town Council as provided for in Section A), electors as determined by the revised registry list last completed present a petition requesting that such budget be repealed and replaced by a substitute budget. The petition shall be in the form prescribed in Section C and signed by not less than two (2) percent of the electors as determined by the revised registry list last completed.
 - (2) The Town Clerk determines the petition to be sufficient. If said petition is found to be sufficient, the Town Clerk shall so certify to the Town Council within five (5) days after receipt of the petition. If the petition is found to be insufficient,

public notice of such insufficiency shall be given by placing a legal notice in a newspaper of general circulation in the town. After the Town Clerk has found any such petition to be insufficient, no further proceedings shall be had thereon.

(3) After the Town Clerk certifies the petition, the question shall be submitted to a referendum of the persons eligible to vote at the budget town meeting following the form of Section D. At least ten (10) days prior to the referendum the Town Council shall publish notice of the referendum in a newspaper having circulation in the town. Such notice shall set forth the date on which and the hours during which the referendum will be held and the text of the question as it will appear. Such referendum shall be held on a Tuesday.

(4) A majority of those voting in the referendum vote against the budget.

C. The form of the petition will follow §§ C311 and 312.

D. The referendum question provided for in Section B shall consist of one binding and two advisory questions. The binding question shall read: “Are you in favor of the budget as adopted on [here insert date of adoption]?” The two advisory questions shall read:

a. “If the budget is defeated, is the town budget portion

Too high?

Too low?”

b. “If the budget is defeated, is the school budget portion

Too high?

Too low?”

E. If the vote to repeal succeeds, the Town Council shall, not later than midnight on June 30, adopt a substitute budget and a substitute resolution establishing the tax rate, and file such budget and resolution with the Town Clerk.

(1) The budget and the resolution establishing the tax rate, or such substituted ordinance and resolution as may be adopted as provided in this section shall take effect as of the start of the ensuing fiscal year.

(2) The substitute budget enacted pursuant to this section shall not be subject to referendum.

§ C406. Appropriations not in budget and budget transfers.

A. Transfers of moneys from one (1) department to another in the annual appropriation or appropriations not in the original appropriation, in an aggregate amount not to exceed five-tenths percent (0.5%) of the annual budget in any one (1) fiscal year, may be made by the Council. Transfers or new appropriations in an amount from five-

tenths percent (0.5%) to an aggregate amount not to exceed one percent (1%) of the annual approved budget in any one (1) fiscal year, may be approved by consecutive actions of the Council and a Town Meeting which shall be called by the Council following its action on the new spending proposal.

- B. An appropriation or transfer of over one percent (1%) of the annual budget for an expenditure not provided for in the annual budget may be approved by consecutive favorable action of the Council and a referendum of the voters of the town.
- C. Notwithstanding the foregoing, the Council may approve appropriations without limitation as to amount if such appropriations are to be funded from revenues other than receipt of taxes or proceeds of borrowings authorized pursuant to §§ C406 and C407 of the Charter, unanticipated in the annual budget. The Council is authorized to establish special funds with respect to such appropriations.

§ C407. Issuance of bonds.

Notwithstanding the provisions of § C406, the Council, after approval of consecutive actions of the Council and a Town Meeting, may authorize, in any one (1) fiscal year, the issuance of bonds and borrowing in anticipation of bonds, and the appropriation of the proceeds thereof, in an aggregate amount not to exceed one percent (1%) of the annual budget. The authorization, in any one (1) fiscal year, of the issuance of bonds and borrowing in anticipation of bonds, and the appropriation of proceeds thereof, in an amount exceeding one percent (1%) of the annual budget may be approved by consecutive favorable action of the Council and a referendum of the voters of the town if the favorable vote is at least fifteen percent (15%) of the voters on the revised registry list last completed.

§ C408. Determination of tax rate by Council.

The Council shall set the tax rate after the annual budget has been determined and the grand list has been completed.

§ C409. Emergency appropriations.

For the purpose of meeting a public emergency or disaster threatening the lives, health or property of citizens, emergency appropriations may be made by the Town Manager. The Town Manager shall advise the Council of such actions at the earliest possible date following the declaration of an emergency or disaster by the Town Manager. The Council may affirm the Town Manager's actions and may also declare the time at which the emergency or disaster ceases to exist.

ARTICLE V, The Town Manager and Administrative Departments

§ C501. Appointment and removal of Town Manager.

- A. Appointment. The Town Council shall appoint for an indefinite term a Town Manager who shall be the chief executive officer of the town to serve at the pleasure of the Council and who shall be chosen exclusively on the basis of executive and administrative qualifications, character, education, training and experience. At the time of appointment, said Manager need not be a resident of the town or of the state

of Connecticut, but the Town Manager shall reside in the town during tenure of office. The Town Manager shall devote full working time to the duties of the office. The compensation of the Town Manager shall be fixed by the Council and shall not be decreased except at the beginning of a fiscal year of the town by a vote of the Council taken at least one (1) month prior to that date.

B. Removal.

- (1) The Town Manager may be removed by a majority vote of the entire membership of the Council as herein provided. At least thirty (30) days before the proposed removal of the Manager, the Council shall adopt a resolution stating its intention to remove the Town Manager and the reasons therefore. A copy of the resolution shall be served on the Manager who may, within ten (10) days, demand a public hearing. In this event the Manager shall not be removed until such public hearing has been held. Upon the passage of such a resolution the Council may suspend said Town Manager from duty, provided that the salary of said Manager shall continue until removal from office. Any action of the Council in removing the Town Manager shall be final.
- (2) Upon the suspension, removal or resignation of the Town Manager, the Council may appoint a temporary Manager, who shall be a qualified administrative officer of the town, to serve at the pleasure of the Council for not more than ninety (90) days. The temporary Manager shall have none of the powers of permanent appointment as are conferred upon the Manager in § C503 of this Article.

§ C502. Duties of the Town Manager.

A. The Town Manager shall be responsible to the Council for the supervision, direction and administration of all departments, agencies and offices.

B. The Town Manager shall:

- (1) Ensure that all laws and ordinances governing the town are faithfully executed.
- (2) Make periodic reports to the Council.
- (3) Attend Council meetings with full right of participation in its discussions but without a right to vote.
- (4) Submit to the Town Council and make available to the public complete reports on the finances and on the administrative activities of the Town as of the end of each fiscal year.
- (5) Make recommendations to the Town Council concerning the affairs of the Town and facilitate the work of the Town Council in developing policy.
- (6) Keep the Council fully advised as to the financial condition and anticipated future financial needs of the town.
- (7) Prepare and submit to the Council an annual budget.

- (8) At the time of an emergency or disaster, expend the necessary funds to assure the smooth operation of town business and the health, safety and well being of the town and its residents, consistent with this Charter; see § C409.
- (9) Assist the council to develop long-term goals for the Town and strategies to implement such goals.
- (10) Encourage and provide staff support for regional and intergovernmental cooperation.
- (11) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community.
- (12) Exercise such powers and perform such other duties as may be required by ordinance or resolution of the Council not inconsistent with this Charter.

§ C503. Appointments by the Manager.

The Town Manager shall appoint, and may remove, all department directors and employees of the town except as otherwise specifically provided by this Charter or the C.G.S. The Town Manager may, subject to the approval of the Council, perform the duties of any such office except those of the Town Treasurer and Town Clerk, provided that, in case the Town Treasurer is absent or unable to act, the Town Manager may countersign checks in accordance with the provisions of § C505 of this Charter. The Town Manager may designate an appointee to serve as acting Manager during the Manager's absence.

§ C504. Administrative departments.

In addition to those administrative departments, agencies and offices established by this Charter, as set forth in § C303B, the Town Council shall establish by ordinance various administrative departments, agencies and offices responsible for public services. Such departments, agencies and offices shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolution of said Council. The department directors shall have the power to appoint and remove such deputies, assistants and employees as shall be deemed necessary, with approval of the Town Manager and pursuant to the personnel provisions of Article VI of this Charter. The directors shall be responsible for the efficient discharge of the responsibilities of their departments, agencies and offices. The directors may delegate a part of the administrative duties of the department, agency or office to any appointee.

§ C505. Office of Town Clerk.

The Town Clerk shall have all powers and duties conferred or imposed by law on Town Clerks, shall serve as Clerk of the Council and shall have such other duties as are prescribed in this Charter or are assigned by the Manager or the Council. All fees collected by the Town Clerk or deputies or assistants shall be paid into the Town Treasury.

§ C506. Department of Finance.

A. The Department of Finance shall be responsible for:

- (1) The keeping of accounts and financial records.
- (2) The assessment and collection of taxes, special assessments and other revenues.
- (3) The custody and disbursement of town funds and money.
- (4) The oversight of expenditures.
- (5) Except as otherwise provided in § C406, such other powers and duties as may be required by ordinance or resolution of the Town Council.

B. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the town. Forms for such accounts shall be prescribed by the Director of Finance with the approval of the Town Manager. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Town Manager or Town Council.

- (1) Organization.
 - (a) The Director of Finance shall have direct supervision over the Department of Finance and the administration of the financial affairs of the town. Subject to the approval of the Manager, the Director of Finance may perform the duties of any office within the Finance Department except that of the Treasurer, and may consolidate one (1) or more such offices under one (1) person, provided that the Town Treasurer shall not also be the Tax Collector or the purchasing agent.
 - (b) The Tax Collector, Assessor and Treasurer shall have all powers and duties imposed by law on such officers and shall have such other powers and duties as the Director may prescribe.
 - (c) The Town Council shall establish, by ordinance, procedures regarding the procurement of goods and services.
 - (d) Nothing herein shall prevent the creation of petty cash funds in individual departments from which small expenditures may be made under rules promulgated by the Director of Finance as to amounts, audits, evidence of expenditure and system for replenishment.
- (2) Assessment and collection of taxes. Except as specifically provided in this Charter, the assessment of property for taxation, the billing and collection of taxes shall be performed as provided in the C.G.S.
- (3) Expenditures and accounting.
 - (a) No purchase shall be made by any department, board, commission or officer of the town other than the Board of Education, except through the purchasing agent.
 - (b) No vouchers, claim or charge against the town shall be paid until the same has

been audited and approved by the Director of Finance or an agent for correctness and validity. Payment of all approved claims shall be authorized by the Director of Finance which authorization shall be valid when countersigned by the Treasurer, provided that, in the absence or inability to act of either the Director of Finance or Treasurer, the Manager may be authorized to substitute temporarily for either but not both of them.

- (c) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the town shall pay the same to the Town Treasurer.
- (d) The several departments, commissions, officers and boards of the town shall not involve the town in any obligation to spend money for any purpose in excess of the amount appropriated therefore unless the matter has been approved by the Council. Each order drawn upon the Treasurer shall state the department, commission, board or officer and the appropriation against which it is to be charged.
- (e) Except as otherwise provided in § C406, additional appropriations over and above the total budget may be made from time to time by resolution of the Council, upon recommendation of the Manager and certification from the Director of Finance that there are available unappropriated general fund or other resources in excess of the proposed additional appropriations.
- (f) Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrance of the appropriation. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.
- (g) Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the town for the full amount so paid or received. If any officer or employee of the town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for removal.

§ C507. Official bonds.

- A. The Town Manager, Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, Building Official and such other officers and employees as may be required to do so by the Council shall, before entering on their respective official duties, execute to the town, in the form prescribed by the Council and

approved by the Town Attorney, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Council, conditioned upon honesty and/or the faithful performance of such official duties.

- B. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

§ C508. Salaries.

Salaries of the Town Clerk, all directors and all employees in the classified service of the town shall be determined by the Council, in conformity with a systematic pay plan for the positions involved, upon recommendation of the Manager, provided that nothing herein shall be construed to limit the power of the Board of Education to fix the compensation of the employees of the school system.

ARTICLE VI, Personnel System

§ C601. Merit Principle.

All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

§ C602. Personnel Provisions.

Consistent with all applicable federal and state laws, the Town Council shall provide by ordinance for the establishment, regulation, and maintenance of personnel policies necessary for effective administration of the Town's departments, offices and agencies, including but not limited to classification and pay plans, merit systems, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations, including collective bargaining units.

§ C603. Personnel Appeals Board.

The Council shall establish a Personnel Appeals Board as set forth in § 7-422, C.G.S.

ARTICLE VII, Miscellaneous Provisions

§ C701. Review and Amendment of Charter.

- A. The Town Council shall review the Charter at least every five (5) years to determine if a Charter Revision Commission shall be established.
- B. This Charter may be amended in the manner prescribed by law.

§ C702. Saving clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the

context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

§ C703. Effective date.

The revision of this Charter shall be in effect ninety (90) days from the date of its adoption.