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staggered as established at the date of the original appointments (*Historical Note: See, §11-15 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*)<sup>337</sup>.

(b) **Minority Party Representation**<sup>338</sup>. Notwithstanding the provisions of §7-1.F of this Charter, the minority party requirements set forth in the applicable General Statutes shall apply in the event such statutory standard is more restrictive than the Charter<sup>339</sup>.

(c) **Quorum**<sup>340</sup>. The quorum requirements shall conform to the requirements of the General Statutes<sup>341</sup>.

(3) The Board shall have such other duties and powers as may be prescribed by the Council<sup>342</sup>.

(4) **Statutory Appeal**<sup>343</sup>. The decisions of the Board may be appealed to the Superior Court as set forth in the General Statutes<sup>344</sup>.

**I. Library Board.**

(1) **Establishment**<sup>345</sup>. There shall be a Library Board<sup>346</sup> which shall have the authority to establish policies for the operation and use of all public libraries in the Town and shall exercise full supervision over all public library operations in accordance with the General Statutes, this Charter and Ordinances.

(2) **Appointment and Membership**<sup>347</sup>. The Board shall consist of five (5) Electors of the Town appointed as set forth in §7-1(B) of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term**<sup>348</sup>. The Mayor shall appoint members for a term of five (5) years, for a term commencing on the 1<sup>st</sup> Day of February of the year of appointment, which terms shall be staggered as established at the date of the original appointments (*Historical Note: See, §11-16 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*).

(b) **Minority Party Representation**. Said Commission members shall be subject to the requirements of §7-1.F of this Charter<sup>349</sup>.

(3) Such Board shall appoint and may remove the Library Director and any Assistant Directors<sup>350</sup>. Subject to the provisions of the Merit System, said Board shall appoint such other personnel as are

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necessary to administer the library system of the Town<sup>351</sup>.

**J. Inland Wetlands Commission<sup>352</sup>.**

(1) **Establishment<sup>353</sup>.** There shall be an Inland Wetlands Commission which shall promulgate such regulations, in conformity to those adopted by the State, as are necessary to protect the wetlands and watercourses within the Town (*Transition Provision E: See, §11-17 of this Charter pertaining to the repeal and/or the effect of conflicting provisions of the Code of Ordinances*).

(2) **Appointment and Membership.** The Commission shall consist of eleven (11) Electors of the Town appointed as set forth in §7-1(B) of this Charter. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term.** The Mayor shall appoint members for a term of three (3) years, for a term commencing on the 1<sup>st</sup> Day of May of the year of appointment, which terms shall be staggered as established at the date of the original appointments.

(b) **Minority Party Representation.** Said Commission members shall be subject to the requirements of §7-1.F of this Charter.

(c) **Ex-officio Members.** The Mayor, Town Planner and a member of the Legislative Council shall serve as ex-officio members of the Commission, without vote.

(3) **Duties and Appointment and Membership.** The Commission shall carry out the provisions of the General Statutes pertaining to the protection of wetlands and watercourses within the Town limits<sup>354</sup>.

**SECTION 7-4: APPOINTED BOARDS AND COMMISSIONS REQUIRED BY THE CHARTER<sup>355</sup>.**

The Legislative Council shall adopt Ordinances setting forth the organizational structure and powers of Boards and Commissions pertaining to the following matters:

- A. Economic development;
- B. Public housing;
- C. Human rights, opportunities and relations;
- D. Veterans affairs;

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- E. Parks, recreation and youth services<sup>356</sup>;
- F. Retirement, pensions and/or disabilities;
- G. Environmental policy, energy use, climate change, natural resources, open space, solid waste, recycling, litter and blight; and,
- H. Regulation and management of traffic and parking<sup>357</sup>.

**SECTION 7-5: APPOINTED BOARDS AND COMMISSIONS ESTABLISHED BY ORDINANCE<sup>358</sup>.**

The Legislative Council may establish, by Ordinance, such additional Boards and Commissions as are necessary to effectuate the powers and purposes of the Town as enumerated in the General Statutes, Special Acts and this Charter.

**SECTION 7-6: BOARDS APPOINTED BY THE LEGISLATIVE COUNCIL<sup>359</sup>.**

**A. Board of Assessment Appeals<sup>360</sup>.**

(1) **Establishment.** There shall be a Board of Assessment Appeals which shall have such powers as set forth in the General Statutes.

(2) **Appointment and Membership<sup>361</sup>.** The Board shall consist of three (3) Electors of the Town, appointed by the Legislative Council. The Commission shall choose a chair and such other officers as it may desire.

(a) **Term.** The Council shall appoint members for a term of three (3) years, for a term commencing on the 1<sup>st</sup> Day of February of the year of appointment, which terms shall be staggered as established at the date of original appointments (*Historical Note: See, §11-18 of this Charter pertaining to the historical antecedents under the Charter adopted on November 8, 1983*)<sup>362</sup>.

(b) **Minority Party Representation<sup>363</sup>.** Said Commission members shall be subject to the requirements of §7-1.F of this Charter.

(c) **Miscellaneous.** Notwithstanding the provisions of the Charter to the contrary, the Legislative Council shall set the compensation for members of the Board of Assessment Appeals and no person holding an elective, appointive or salaried office or position in the Town shall be eligible to serve<sup>364</sup>. Said Board shall have all powers and duties conferred or imposed by the General

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Statutes on boards of tax review or assessment appeals<sup>365</sup>.

**SECTION 7-7: CONTINUANCE OF BOARDS AND COMMISSIONS<sup>366</sup>**

Boards and Commissions established under the authority of prior Charters which may be modified, altered or abolished by this Charter will continue under the provisions of this Charter; unless otherwise specified.

**SECTION 7-8: MERGER OR CONSOLIDATION OF BOARDS AND COMMISSIONS<sup>367</sup>**

The functions of any Board or Commission required under this Chapter may be merged or consolidated with another by Ordinance.

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**CHAPTER VIII: THE TOWN GOVERNMENT: DEPARTMENTS AND  
DEPARTMENT HEADS<sup>368</sup>**

**SECTION 8-1: THE AUTHORITY TO ESTABLISH THE DEPARTMENTS OF TOWN  
GOVERNMENT<sup>369</sup>.**

A. **Powers and Purposes<sup>370</sup>.** In addition to the Departments specifically set forth in §§8-3 through 8-7 of this Charter, the Town, acting within the powers and duties enumerated in the General Statutes, any applicable Special Acts and this Charter may establish, by Ordinance, such Departments necessary to carry out and organize the functions of government. The express intent of this Charter is to afford the Mayor and the Legislative Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the Town consistent with the provisions herein.

B. **Creation of Departments<sup>371</sup>.** Accordingly, the Legislative Council may, by Ordinance proposed by the Mayor, establish the Departments<sup>372</sup> of the Town. Each of these Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and Ordinances. Moreover, the head of each Department established by Ordinance shall be subject to the provisions of this Charter generally applicable to Department Heads and shall serve coterminously with the term of the appointing Mayor; unless otherwise provided by the General Statutes or this Charter. All Departments shall be entitled to office space provided by the Town and shall remain open during such hours as the Mayor may direct.

C. **Reorganization Plans.**

(1) The delineation of departmental categories in this Charter is advisory and may be altered pursuant to a reorganization plan proposed by the Mayor and approved by the Legislative Council. Accordingly, any departmental categories may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by law). The reorganization plan is subject to the limitation that all governmental functions set forth in this Charter shall continue to be provided to the residents of the Town; unless such function was eliminated as the result of a repealed Federal or State mandate and not otherwise in the best interest of the Town to continue. Moreover, any reorganization plan shall include specific reference to the departmental function(s) set forth in this Charter that will be carried out in said reorganization and shall be accompanied by an opinion of the Town Attorney verifying that the reorganized function complies with the Charter requirements<sup>373</sup>.

(2) Any internal departmental reorganization plan proposed by a Department Head, pertaining to non-budgetary matters, shall be

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forwarded to the (a) Mayor and (b) Board or Commission overseeing the Department, if any, for review and recommendation, prior to announcement and implementation of the plan. Final action on the plan shall be taken by the Mayor, prior to announcement and implementation of the plan<sup>374</sup>.

**SECTION 8-2: APPOINTMENT OF DEPARTMENT HEADS AND OTHER MAYORAL DEPARTMENTAL APPOINTEES; GENERAL REQUIREMENTS<sup>375</sup>.**

A. **Appointment<sup>376</sup>.** Except as otherwise provided by law or the provisions of this Charter, all Department Heads and other Mayoral appointees shall be appointed by and subject to the authority of the Mayor, following approval by the Legislative Council.

B. **Removal.** The Department Head or appointee may be removed from office in accordance with the provisions of §3-10 of this Charter or upon the completion of the term of office for the position held as may be set forth by the Charter or Ordinances or contract, if any; subject to the Mayor's authority to remove in accordance with §3-10.A (2) of this Charter.

(1) **Vacancy.** In the event of a Vacancy in the office of any Department Head or other appointee, a successor may be appointed for a term not to exceed the term of the appointing Mayor.

(2) **Full-time Service.** The general rule is that all Department Heads and Mayoral appointees shall devote full time to the duties of office; subject to modification by Ordinance or adoption of the budget, following a written determination by either the Mayor or the Legislative Council that full-time service is not required.

(3) **Completion of Service.** Completion of service as used in this Chapter means the end of employment in the position in any manner whatsoever, including but not limited to retirement, resignation, removal, termination, whether for cause or at will, under the provisions of this Charter, collective bargaining or contract.

C. **Employment Contracts.** Except for employees of the Mayor's office and the Legal Department (unless otherwise required by law), the Mayor may, with the approval of the Council, enter into an employment contract with a Mayoral appointee not covered by the provisions of the Merit System<sup>377</sup>.

(1) The period of time served by the appointee shall not exceed the lesser of two (2) years or the remainder of the term of the appointing Mayor and shall include an initial six (6) month probationary period<sup>378</sup>.

(2) Notwithstanding the provisions of §3-10 of this Charter, the Mayor may remove the contract employee at any time<sup>379</sup>.

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(3) The Mayor may instruct the Personnel Director to prepare job descriptions, conduct searches, interviews and examinations for any position to be filled under this section<sup>380</sup>.

D. **Effect of Charter on Department Heads**<sup>381</sup>. Unless otherwise terminated pursuant to law, the status of Department Heads holding office subject to appointment on the effective date of this Charter shall continue until the end of their term. Thereafter, the provisions of this Charter shall apply.

E. **Authority of Department Heads**<sup>382</sup>. Once appointed as described in this Charter, the Department Head shall appoint, hire, discipline and remove all deputies, assistants and other employees of the Department as provided for in the budget and subject to (1) the authority of the Mayor or designee; (2) any specific provisions of this Charter or law pertaining to the authority of the Department Head and the relationship with a governing Board or Commission; (3) the rules and regulations of the Civil Service Commission; and, (4) any applicable collective bargaining agreements.

F. **Qualifications of Department Heads**<sup>383</sup>. The job qualifications of all Department Heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be established by Ordinance following the recommendation of the human resources or personnel director or as may otherwise be designated by Ordinance. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated every four (4) years and whenever a Vacancy occurs in the position.

G. **Compensation**<sup>384</sup>. The salaries and compensation of all Officials, Department Heads and employees of the Town shall be set by Ordinance or through the budget, except where otherwise fixed by the General Assembly or as otherwise covered by the Merit System and civil service rules, collective bargaining agreement(s) or contract.

H. **Residency**<sup>385</sup>. The Legislative Council may, in its discretion, establish by Ordinance a residency requirement or compensation benefit for residency in the Town for all Department Heads, to the extent permitted by law and subject to the provisions of applicable collective bargaining agreements.

I. **Liability**<sup>386</sup>. Any Public Official, any employee of any Department or member of any Board or Commission of the Town who shall, in order to provide for the payment of any bill, account or claim against the Town, knowingly instruct, or vote to instruct, or in any manner cause, the Director of Finance to draw upon any specific item of the appropriations as made by the Legislative Council other than the item against which such bill, account or claim is properly and legally chargeable, shall be personally liable to the Town for the amount of such bill, account or claim.

J. **Surety Bonds of Certain Town Officials**<sup>387</sup>. The following

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employees of the Town, shall severally give bonds, with surety, to said Town in such manner and form as the General Statutes or Ordinances shall prescribe, for the faithful performance of the duties of their respective offices: the Director of Finance, Purchasing Agent, Tax Collector, and any and all Public Officials and employees of said Town in any Department thereof, charged with the custody and control of property, monies, or goods of said Town, or the collection or disbursement of the same, as determined by the Director of Finance or otherwise required by the General Statutes, this Charter or Ordinance. The premiums for said bonds shall be paid by the Town.

All bonds, except that of the Director of Finance, shall be set by and lodged with the Director of Finance of said Town. The Director of Finance's bond shall be set by and lodged with the Mayor. In case of the refusal or neglect of any Official or employee to give the bond so required, such office shall be deemed Vacant by reason of such refusal or neglect, and, on a declaration being made to the Legislative Council by the Director of Finance to that effect, such Vacancy shall be filled in the manner provided by this Charter.

K. **Position Titles**<sup>388</sup>. The position titles of the Department Heads set forth in this Charter reflect the title at the time of the adoption of this Charter. Titles may be changed; however, the functions and fiduciary obligations specifically set forth in this Charter shall not be altered.

**SECTION 8-3: THE LEGAL DEPARTMENT<sup>389</sup> - TOWN ATTORNEY<sup>390</sup>.**

A. **Established**<sup>391</sup>. The Town Attorney shall be the head of the Legal Department of the Town. In this respect, the Town Attorney shall have the power to employ bond counsel and such other assistant Town Attorneys, and any special assistants required, all of whom shall be attorneys admitted to practice law in this State, and who shall be responsible to the Town Attorney.

B. **Appointment of the Town Attorney**<sup>392</sup>. The Mayor shall appoint the Town Attorney as set forth in §8-2.A of this Charter. The Town Attorney shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(1) The Mayor shall, subject to the approval of the Council, propose the rates of compensation to be received by the Town Attorney and assistants<sup>393</sup>.

C. **Qualifications**<sup>394</sup>. The Town Attorney shall be an attorney admitted to practice law in this State and who shall have been practicing for at least five (5) years.

D. **Powers and Duties**. The Town Attorney shall be the legal advisor of the Mayor, and all other Departments, Public Officials<sup>395</sup>, Boards, Commissions or agencies of the Town, in all matters affecting the interests of

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the Town<sup>396</sup>. In this respect, 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, Public Officials<sup>397</sup>, Boards, Commissions or agencies<sup>398</sup>.

(2) have the power, with the approval of the Mayor and subject to such rules and limitations as the Council may from time to time adopt, to appeal from orders, decisions or judgments in such cases and to compromise and settle any claims by or against the Town subject to approval of the Mayor<sup>399</sup>.

(3) prepare or approve the form of all contracts or other instruments to which the Town is a party or in which it has an interest, and shall prepare all codifications of Ordinances as may be required by the General Statutes or the Council<sup>400</sup>.

(4) assist the Legislative Council in the periodic review of the Ordinances and Statutory Resolutions of the Town as required by §4-5.H of this Charter

**E. Opinions of the Town Attorney.** Upon written request of the Mayor or a member of the Council, the Town Attorney shall furnish them with written opinions on any questions of Law with respect to any Town matter, including, but not limited to interpretations pertaining to the applicability and enforcement of the provisions of this Charter. The opinions of the Town Attorney shall be indexed and kept in the office of the Town Attorney. Said book shall be a matter of public record and the property of the Town and shall be delivered by the Town Attorney to a successor upon resignation, removal, or the expiration of the term of office. Said opinions shall be determinative with respect to interpretations of law and the Charter and the actions of the Officials, Boards and Commission of the Town<sup>401</sup>.

**SECTION 8-4: GOVERNMENT ADMINISTRATION**<sup>402</sup>.

There shall be established a system of government administration specifically designed to reduce duplication of services and efficiently foster the delivery of services to the Town. The benefits of such system shall be conferred upon the general government and, where permitted or by mutual agreement, upon the Department of Education.

**A. The Department of Finance**<sup>403</sup>.

The Department shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of Town funds and money, the control over expenditures and such other powers and duties as may be required by the General Statutes, this Charter, Ordinance or Order or Motion of

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the Council<sup>404</sup>.

**(1) The Director of Finance.** The Department Head shall be the Director of Finance who shall, under this Charter and Ordinances, be subject to the direction of the Mayor in all matters concerning the financial affairs of the Town<sup>405</sup>. The director shall be responsible for the efficiency, discipline and good conduct of the Department and have direct supervision of the members of the Department<sup>406</sup>. The Director of Finance shall have a fiduciary responsibility to the Town and shall, at all times, be required to accurately report information to the Mayor and the Legislative Council<sup>407</sup>.

**(a) Appointment<sup>408</sup>.** The Mayor shall appoint the Director of Finance as set forth in §8-2.A of this Charter. The Director of Finance shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

**(b) Qualifications.** Said Director of Finance shall be qualified by education, training and experience in public administration and public finance, including, but not limited to budget, purchasing and personnel practices as well as additional qualifications as may be established by Ordinance<sup>409</sup>. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter<sup>410</sup>.

**(c) Appointment and Removal of Employees<sup>411</sup>.** Except as provided in this chapter, the Director of Finance shall appoint and may remove, subject to the provisions of the Merit System, all other employees of this Department. Additionally, the Director of Finance shall have all the duties and powers prescribed by Law to town treasurers and shall be responsible for town deposits.

**(d) Additional Duties and Responsibilities.** The Director of Finance shall:

(i) Keep accounts showing the financial transactions for all Departments and agencies of the Town<sup>412</sup>.

(ii) Prescribe the forms of such accounts, with the approval of the Mayor<sup>413</sup>.

(iii) Prepare financial reports for each quarter and for each fiscal year and such other periods as may be required by the Mayor<sup>414</sup>.

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(iv) Prepare monthly reports to the Legislative Council on transfers as they are prescribed in §10-7.D of this Charter<sup>415</sup>.

**B. The Tax Collector.**

(1) **Appointment**<sup>416</sup>. The Mayor shall appoint the Tax Collector as set forth in §8-2.A of this Charter utilizing the recruitment provisions of the Merit System; however, the Tax Collector may be removed from office as set forth in §§3-10 and 8-2.B of this Charter or as may be required by law. The Tax Collector shall hold office until completion of service or until a successor shall be appointed and shall have qualified.

(2) **Qualifications**<sup>417</sup>. The Tax Collector<sup>418</sup> shall be required to meet the requirements, qualifications and certifications as may be set forth in the General Statutes. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

(3) **Powers and Duties.** The Tax Collector shall collect all taxes and assessments duly levied by the Town, as provided for in the General Statutes of the State of Connecticut, this Charter and the Ordinances and such other duties as the Council may prescribe<sup>419</sup>. In addition, the Tax Collector shall:

(a) be responsible to the Director of Finance, or such other official as may be designated by the Mayor, in the performance of duties<sup>420</sup>.

(b) report all tax collection information as prescribed by the Director of Finance in accordance with the policies of the Department of Finance<sup>421</sup>.

(c) pay to the accounts designated by the Director of Finance all monies collected in accordance with the policies of the Department of Finance<sup>422</sup>.

**C. The Assessor**<sup>423</sup>.

(1) **Appointment**<sup>424</sup>. The Mayor shall appoint the Assessor as set forth in §8-2.A of this Charter, utilizing the recruitment provisions of the Merit System; however, the Assessor may be removed from office as set forth in §§3-10 and 8-2.B of this Charter or as may be required by law. The Assessor shall hold office until completion of service or until a successor shall be appointed and shall have qualified.

(2) **Qualifications**<sup>425</sup>. The Assessor<sup>426</sup> shall be required to

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meet the requirements, qualifications and certifications as may be set forth in the General Statutes. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

**(3) Powers and Duties<sup>427</sup>.** The Assessor shall have the powers and shall perform all duties prescribed for assessors in the General Statutes, together with such other powers and duties as may be prescribed by this Charter, the Ordinances and such other duties as the Council may prescribe<sup>428</sup>. In addition, the Assessor shall be responsible to the Director of Finance, or such other official as may be designated by the Mayor, in the performance of duties<sup>429</sup>.

**D. The Purchasing Agent<sup>430</sup>.**

**(1) Appointment<sup>431</sup>.** The Mayor shall appoint the Purchasing Agent as set forth in §8-2.A of this Charter, utilizing the recruitment provisions of the Merit System; however, the Purchasing Agent may be removed from office as set forth in §§3-10 and 8-2.B of this Charter or as may be required by law. The Purchasing Agent shall hold office until completion of service or until a successor shall be appointed and shall have qualified.

**(2) Qualifications<sup>432</sup>.** The Purchasing Agent shall be required to meet the requirements, qualifications and certifications required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

**(3) Powers and Duties<sup>433</sup>.** The Purchasing Agent shall be responsible for managing the centralized purchasing system for the Town and shall contract for and purchase all supplies, equipment, materials and other commodities required by all Departments, offices, Boards, Commissions and other agencies of the Town, including, where practicable, the Board of Education<sup>434</sup>, in a manner consistent with this Charter and the Ordinances. The Purchasing Agent shall be responsible for the efficiency, discipline and good conduct of the system. In addition, the Purchasing Agent shall:

**(a)** In the performance of duties be responsible to the Director of Finance, or such other official as may be designated by the Mayor<sup>435</sup>.

**(b)** With respect to said Board of Education, be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for said Board to meet the curriculum and scheduling requirements of the Board,

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upon reasonable notice by the Board. The rules governing purchasing and procurement, including a definition of "reasonable notice", shall be set forth by Ordinance. The Purchasing Agent shall be responsible for the efficiency, discipline and good conduct of the system<sup>436</sup>.

(c) Facilitate, where in the best interest of the Town, participation in any joint purchasing program administered by the State of Connecticut, any Regional Council of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies<sup>437</sup>.

(4) **Centralized Purchasing System**<sup>438</sup>. There shall be a centralized purchasing system for the Town (including, where practicable, the Board of Education) covering the purchase of all supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the Legislative Council shall, upon recommendation of the Purchasing Agent, establish by Ordinance the rules and regulations<sup>439</sup> governing the operation of said central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. The rules and regulations shall include, but not be limited to, provisions governing:

(a) Additional roles and responsibilities of the Purchasing Agent;

(b) Competitive procurement<sup>440</sup> and solicitation requirements<sup>441</sup>, including local business preference<sup>442</sup>;

(c) Specifications<sup>443</sup>; requisition standards<sup>444</sup>; and, inspection and testing methodologies<sup>445</sup>, following consultation with the Mayor, Director of Finance and appropriate Town Officials; and,

(d) Storage<sup>446</sup>; recycled and recyclable products<sup>447</sup>; transfer or sale of surplus property and appropriate reporting standards<sup>448</sup>; and, inventory control<sup>449</sup>.

(5) **Repealer**<sup>450</sup>. Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed.

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**E. Personnel and Human Resources<sup>451</sup>.**

**(1) Equal Employment Opportunity<sup>452</sup>.** It shall be the policy of the Town to afford equal opportunity to all qualified applicants and to all Public Officials<sup>453</sup> and employees of the Town with respect to initial employment, advancement and general working conditions, without regard to race, religious creed, color, age, gender, marital status, sexual orientation or civil union status, ancestry, national origin, physical disability or any other persons as may be defined or otherwise protected by the General Statutes. Public Notice shall be given for all openings in Town positions, including Mayoral appointments, prior to the filling of such positions. For these purposes Public Notice shall be posted, prior to the date that final application applications may be due, as determined by the Director of Personnel.

**(2) The Merit System and Personnel and Human Resources Policy of the Town<sup>454</sup>.** It shall be the policy of the Town to establish and maintain, by Ordinance and regulation, consistent with the policies of this Charter, a Merit System and civil service rules and regulations that will assure recruitment of the best available persons to appointment to Vacant positions in the Classified Services of the Town on the basis of merit and in conformity with recognized principles of public personnel administration. Moreover, the Director of Personnel shall endeavor to train and evaluate employees and bargain fairly with the collective bargaining representatives of employees.

**(3) Director of Personnel<sup>455</sup>.**

**(a) Appointment<sup>456</sup>.** The Mayor shall appoint the Director of Personnel as set forth in §8-2.A of this Charter. The Director of Personnel shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

**(b) Qualifications<sup>457</sup>.** The Director of Personnel shall be required to meet the requirements, qualifications and certifications required by the Town in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

**(c) Powers and Duties<sup>458</sup>.** The Director of Personnel shall be the primary advisor to the Mayor and Legislative Council and the administrator of the Personnel, Human Resources and Merit System, including the civil service rules and regulations and, as set forth in §7-2A(2)(a) of this Charter, shall serve as Executive Secretary of the Civil Service Commission<sup>459</sup>. The Director shall be responsible for using best practices in the field pertaining to the

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following:

(i) Administration of up-to-date civil service lists and the competitive examinations necessary for the hiring and promotion of Town personnel (including, the Board of Education, where practicable);

(ii) Planning and implementing a system to achieve productivity improvements through training and technology;

(iii) Ensuring that job descriptions are current and reflect the skills and tasks necessary to conduct the business of the Town;

(iv) Undertaking the cost effective selection and administration of benefits for Town employees;

(v) Assisting the Civil Service Commission in its deliberations and investigations;

(vi) Establishing and maintaining timely and up-to-date eligibility lists for the various classes and positions of employees and notifying the Department Heads (including the Superintendent of Schools) of the expiration of said lists no less than six (6) months prior to said expiration and certifying eligible employees to the appropriate Departments in accordance with selection standards;

(vii) Maintaining all necessary performance records and ratings and all other records necessary for the administration of the Commission and the Department;

(viii) Consulting with Department Heads and recommending to the Commission as soon as is practicable in any year a compensation plan including a proposed schedule of compensation for all classes of positions in the classified service, not covered by a collective bargaining agreement;

(ix) Providing a system for the administration and verification of payroll;

(x) Making an annual report to the Civil Service Commission, the Legislative Council and the Mayor; and

(xi) Such other duties as set forth by Ordinance or by the Civil Service Commission in accordance with the

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provisions of this Charter and Ordinances.

**SECTION 8-5: PUBLIC SAFETY<sup>460</sup>, HEALTH AND COMMUNITY SERVICES<sup>461</sup>.**

**A. The Police Department<sup>462</sup>.**

(1) The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the 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<sup>463</sup>.

(2) All sworn members of the Department shall have powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes<sup>464</sup>.

(3) Nothing herein shall be construed to limit the power of special constables appointed in accordance with the General Statutes<sup>465</sup>.

(4) **The Chief of Police - Powers and Duties<sup>466</sup>.** The head of the Police Department shall be the Chief of Police who shall be responsible for the operation of the Police Department and shall make rules and regulations concerning the operation of said Department and the conduct of all its members<sup>467</sup>.

(a) **Appointment<sup>468</sup>.** The Mayor shall appoint the Chief of Police as set forth in §8-2.B of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes<sup>469</sup>. The Chief of Police shall hold office until completion of service or until a successor shall be appointed and shall have qualified<sup>470</sup>.

(b) **Qualifications<sup>471</sup>.** The Chief of Police shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

(c) **Additional Duties and Responsibilities.**

(i) The Chief shall be responsible for the training, efficiency, discipline and good conduct of all members of the Department and the care and custody of all property used by said Department, and shall consult with the Police Commission on departmental affairs<sup>472</sup>.

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(ii) The Chief may discipline members of the Department for violation of rules and regulations of the Department. Any such disciplinary action may be appealed by the individual to the Police Commission. The appeal of such disciplinary action shall stay the imposition of the discipline until the appeal is decided by the Commission unless the Chief finds that immediate suspension with pay is required to ensure the public safety, which finding is subject to immediate review by the Commission<sup>473 474</sup>.

**B. The Fire Department.**

(1) The Fire Department shall consist of the regular and volunteer divisions which shall be responsible for the protection of life and property in the Town from fire and other like disasters and emergencies, and for the enforcement of all Laws, Ordinances, and regulations relating to fire prevention and fire safety<sup>475</sup>.

(2) **The Fire Chief - Powers and Duties<sup>476</sup>.** The head of the Fire Department shall be the Fire Chief who shall be responsible for the operation of the Fire Department and shall make rules and regulations concerning the operation of said Department and the conduct of all its members.

(a) **Appointment<sup>477</sup>.** The Mayor shall appoint the Fire Chief as set forth in §8-2.B of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes<sup>478</sup>. The Fire Chief shall hold office until completion of service or until a successor shall be appointed and shall have qualified<sup>479</sup>.

(b) **Qualifications<sup>480</sup>.** The Fire Chief shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

(c) **Additional Duties and Responsibilities.**

(i) The Fire Chief shall assign all members of the regular divisions to their respective posts, shifts, details and duties<sup>481</sup>.

(ii) Said Fire Chief shall make rules and regulations concerning the operation of the regular and volunteer divisions and the conduct of all officers and paid employees thereof<sup>482</sup>.

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(iii) The Fire Chief shall be responsible for the training, efficiency, discipline and good conduct of the regular and volunteer divisions and for the care and custody of all property used by the Department<sup>483</sup>.

(iv) The Fire Chief shall consult with the Fire Commission on departmental affairs<sup>484</sup>.

(v) The Chief may discipline members of the Department for violation of rules and regulations of the Department, where applicable in accordance with the General Statutes<sup>485</sup>.

(vi) Any such disciplinary action may be appealed by the individual to the Fire Commission. The appeal of such disciplinary action shall stay the imposition of the discipline until the appeal is decided by the Commission unless the Chief finds that immediate suspension with pay is required to ensure the public safety, which finding is subject to immediate review by the Commission<sup>486</sup>.

(3) **The Fire Marshal.** The Fire Marshal(s) and Deputy Fire Marshal(s) shall be appointed as set forth in §7-2.D of this Charter.

(4) **Volunteer Companies<sup>487</sup>.** Nothing in this Charter shall be construed to affect the organization, status or property of the active volunteer fire companies. Whenever regular and volunteer companies are acting together, they shall be under the command of the ranking officer of the regular Fire Department present at the scene.

**C. The Health District<sup>488</sup>.**

(1) Under provisions of the General Statutes governing Health Districts, the Town is authorized to enter into such a District. Any provisions of this Charter to the contrary notwithstanding, if such a District is joined, it shall act in place of the Health Department and the District Director shall act as Health Director for the Town.

(2) At the time of the adoption of this Charter in 2011, the Town was party to an agreement utilizing the services of the Quinipiack Valley Health District. Said continued utilization of the services of the Health District is subject to the approval of the Town.

(3) Notwithstanding the foregoing, the Town may chose to provide health services to its residents in any manner as may be granted by the General Statutes.

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**D. Community Services<sup>489</sup>.**

There shall be established by Ordinance, Departments<sup>490</sup> of the Town that deal with key functions such as health, human services, recreation and other community services. Such administrative offices shall always have in place up-to-date action plans to address the health, human service and recreation needs of children, youth, adults and the elderly and shall implement these plans in close coordination with the appropriate state offices and with other pertinent private and public agencies.

**SECTION 8-6: GOVERNMENT OPERATIONS AND INFRASTRUCTURE<sup>491</sup>.**

**A. Department of Public Works and Parks<sup>492</sup>.**

(1) **Powers<sup>493</sup>.** The Department of Public Works and Parks shall, except as otherwise supplemented by the Legislative Council, have supervision and control of the planning, surveying, constructing and reconstructing, altering, paving, repaving, maintaining, cleaning, lighting and inspecting of all Town infrastructure, including, but not limited to, streets, bridges, parkways, public drains, sidewalks and curbs, sanitation, trees, buildings and grounds and fleet maintenance<sup>494</sup>. Moreover, the Department shall be responsible for controlling, maintaining, developing, operating and managing all public grounds, buildings, equipment and facilities provided by the Town for park purposes<sup>495</sup>.

(a) Any provision of this section to the contrary notwithstanding, the Department of Public Works and Parks may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the Board of Education and approved by the Council, provided the costs are charged against the Board of Education's appropriations<sup>496</sup>.

(2) **Director of Public Works and Parks<sup>497</sup>.** The head of the Department shall be the Director of Public Works and Parks, who shall exercise the powers and duties of the Department under the direction of the Mayor<sup>498</sup>.

(a) **Appointment<sup>499</sup>.** The Mayor shall appoint the Director of Public Works and Parks as set forth in §8-2.A of this Charter. The Director of Public Works and Parks shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(b) **Qualifications<sup>500</sup>.** The Director of Public Works and Parks shall be chosen on the basis of executive and administrative qualifications or experience. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this

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(c) **Appointment and Removal of Employees<sup>501</sup>.** Subject to the Merit System, except as hereinafter provided, the Director shall appoint and may remove all other employees of the Department.

(d) **Tree Warden<sup>502</sup>.** The Director of Public Works and Parks shall supervise the tree warden, with all the powers and duties provided by Law.

(e) **Additional Park functions.** The Director shall (i) perform such park duties as the Mayor may direct; (ii) consult with any Board or Commission established to address park and/ or recreational functions<sup>503</sup>; (iii) prepare regulations for the use of said park facilities for recreational programs; and, (iv) recommend, to the Department Head responsible for recreational activities, the fees to be charged for such use<sup>504 505</sup>.

**B. Engineering Department<sup>506</sup>.**

(1) **Powers<sup>507</sup>.** The Department shall be responsible for providing professional engineering services to assist in maintaining and improving the Town's infrastructure. Moreover, the Department shall provide or supervise planning, surveying, design, and construction administration and inspection services for the Town's capital improvement projects, including highway, bridge, storm drainage, and other municipal infrastructure projects.

(2) **The Town Engineer<sup>508</sup>.** The head of the Department shall be the Town Engineer who shall, under the Charter and Ordinances, be subject to the general direction of the Mayor in all matters concerning the engineering needs of the Town. The director shall be responsible for the efficiency, discipline and good conduct of the Department and have direct supervision of the members of the Department

(a) **Appointment<sup>509</sup>.** The Mayor shall appoint the Town Engineer as set forth in §8-2.A of this Charter. The Town Engineer shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter and until a successor shall be appointed and shall have qualified.

(b) **Qualifications.** Said Town Engineer shall be a professional engineer licensed or certificated by the State in accordance with the General Statutes, experienced in the active practice of the profession<sup>510</sup>. Furthermore, said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-

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2.E of this Charter<sup>511</sup>.

(c) **Appointment and Removal of Employees<sup>512</sup>**. The Town Engineer shall have charge of all engineering work of the Town and shall appoint and remove, subject to the provisions of the Merit System, such other assistants as may be required.

(d) **Responsibilities<sup>513</sup>**. The Town Engineer shall be responsible to the Mayor and shall have the duty of advising the Department of Public Works and Parks and any other Board, Commission or Department<sup>514</sup> concerning engineering problems.

**SECTION 8-7: TOWN PLANNING, ZONING ENFORCEMENT, ENVIRONMENT AND ECONOMIC DEVELOPMENT<sup>515</sup>**

**A. Town Planning and Zoning Enforcement Responsibilities<sup>516</sup>**

There shall be Department(s) established for the coordination of the planning and zoning functions, including, but not limited to the master plan or plan of development (or the successor planning requirements), building code inspection and enforcement, building zone regulations, subdivision regulation, the renewal activities and the capital planning activities of the Town. Each of these Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, Special Acts, this Charter and the Ordinances. The directors of each Department established by Ordinance shall be subject to the provisions of this Charter generally applicable to Department Heads<sup>517</sup>.

**B. Building Department<sup>518</sup>**

(1) **Powers<sup>519</sup>**. The Department shall be responsible for administering and enforcing the State of Connecticut Building Code and the provisions of the General Statutes and regulations that govern residential, commercial and industrial construction. Moreover, the Department shall assist the Fire and Police departments in emergency situations pertaining to enforcement of the provisions of the Building Code.

(2) **Building Official<sup>520</sup>**. The head of the Department shall be the Building Official who shall perform such duties as may be required by Law.

(a) **Appointment<sup>521</sup>**. The Mayor shall appoint and may remove the Building Official, subject to the provisions of the General Statutes and, if consistent therewith and applicable thereto, the Merit System<sup>522</sup>. In accordance with the provisions of the General Statutes, the Building Official shall hold office for a term, subject to reappointment, or until a successor shall be

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appointed and shall have qualified<sup>523</sup>.

**(b) Qualifications<sup>524</sup>.** Said Building Official shall meet the qualification<sup>525</sup> and license requirements<sup>526</sup> as set forth in the General Statutes<sup>527</sup> and meet such education, training and experience in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

**(c) Appointment and Removal of Employees<sup>528</sup>.** Said Building Official may appoint and may remove, subject to the provisions of the Merit System, such assistants as may be necessary.

**C. The Town Planning and Zoning Department<sup>529</sup>.**

**(1) Powers<sup>530</sup>.** The Department shall, except as otherwise supplemented by the Legislative Council, be responsible for ensuring appropriate development and adaptation to changes of the built environment; protecting the Town's natural resources; updating and enforcing zoning, inland wetland and water course, subdivision, aquifer protection, flood plain, village district regulations; processing applications for land use; providing oversight of the Planning & Zoning Commission, Zoning Board of Appeals, Inland Wetland and Water Course Commission, and other Commissions or Boards that fall within the purview of the Department; and enforcing the Anti-Blight and Property Maintenance and related Ordinances of the Town.

**(2) The Town Planner<sup>531</sup>.** The Town Planner shall be the head of Town Planning Department<sup>532</sup> and shall have the duty of advising the Mayor and the Town Planning and Zoning Commission concerning a comprehensive plan of development<sup>533</sup>. The Town Planner shall have the duty of advising the Town Planning and Zoning Commission, and any other Commission or Department<sup>534</sup> concerning the effect of any actions it may take on said comprehensive plan<sup>535</sup>. The Town Planner shall be responsible to the Mayor<sup>536</sup>.

**(a) Appointment.** The Mayor shall appoint the Town Planner as set forth in §8-2.A of this Charter<sup>537</sup>. The Town Planner shall serve a term coterminous with that of the appointing Mayor, subject to the provisions of §§3-10.A (2) and 8-2.B of this Charter of this Charter and until a successor shall be appointed and shall have qualified<sup>538</sup>.

**(b) Qualifications<sup>539</sup>.** The Town Planner shall be a graduate municipal planner or otherwise professionally qualified by training or experience, including but not limited to any certifications by professional organizations in the planning field<sup>540</sup>

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<sup>541</sup>. Said qualifications shall be in accord with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

**(c) Appointment and Removal of Employees<sup>542</sup>.** Subject to the provisions of the Merit System, the Town Planner may appoint and may remove all other employees of the Department.

**(3) Zoning Enforcement Officer<sup>543</sup>.** The Town Planner<sup>544</sup> shall appoint and may remove subject to the provisions of the Merit System a Zoning Enforcement Officer who shall be responsible for the enforcement of zoning regulations and have such other duties as the Council may prescribe.

**D. Other Departments<sup>545</sup>.**

The Town may establish other Departments to administer programs pertaining to the environmental, economic development and planning needs of the Town.

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**CHAPTER IX: EDUCATION<sup>546</sup>**

**SECTION 9-1: BOARD OF EDUCATION<sup>547</sup>.**

A. **Board of Education Established.** There shall be a Board of Education<sup>548</sup> consisting of the Mayor, ex-officio, and nine (9) Electors of the Town, elected as set forth in §3-3 of this Charter<sup>549</sup>.

B. Said Board shall have all the powers conferred and imposed by the General Statutes on boards of education in respect to the control and management of schools<sup>550</sup>.

**SECTION 9-2: BUDGET<sup>551</sup>.**

The Board of Education shall submit its budget to the Mayor at the same time as other Departments of the Town. If the Board receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure in accordance therewith and file a copy thereof with the Mayor and with the Council. The Board shall report monthly to the Mayor and to the Council a comparison of actual and estimated expenditures. The Director of Finance shall keep a full and complete record of all financial transactions of the Board of Education.

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**CHAPTER X: BUDGET<sup>552</sup>**

**SECTION 10-1: FORMULATION AND SUBMISSION OF TOWN BUDGETARY REQUESTS<sup>553</sup>.**

**A. Submission of Budgetary Request<sup>554</sup>.** Prior to the submission of the budget of the Mayor to the Council, each Department<sup>555</sup> of the Town supported wholly or in part of Town funds, including the Board of Education, shall submit to the Mayor and the Director of Finance at such time in such form and containing such information as the Director of Finance may require, a budgetary request showing services, activities and work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

**B. Contents of Budgetary Request<sup>556</sup>.** The budgetary request shall include a detailed estimate of the expenditures to be made by the Department<sup>557</sup>, and the revenue, other than tax revenues, to be collected in the ensuing fiscal year and such other information as may be required by the Council, the Mayor, or the Director of Finance.

Forms provided by the Director of Finance for the itemized estimates of income and expenditures shall require no less than the following data<sup>558</sup>:

- (1) an itemization of all proposed expenditures for services or administration to be provided, including manpower and monetary requirements<sup>559</sup>.
- (2) comparative figures for: (a) actual or estimated income, other than income from tax revenues, and expenditures for the current fiscal year; and, (b) Actual income, other than income from tax revenues, and expenditures for the preceding fiscal year, and proposed expenditures for current operations during the ensuing fiscal year<sup>560</sup>.

**SECTION 10-2: THE MAYOR, AND THE DIRECTOR OF FINANCE AND THE BUDGET<sup>561</sup>.**

**A. Mayor Transmits Proposed Town Budget to the Legislative Council<sup>562</sup>.** Annually, not later than the eighteenth (18<sup>th</sup>) Day of March ("Budget Transmittal"), the Mayor, having reviewed or revised the budgetary requests outlined in §10-1 of this Charter, shall present to the Council a budget that shall provide a listing of all Town funds for the appropriate period(s) and a budget message that shall:

- (1) explain the budget both in fiscal terms and in terms of work programs;
- (2) outline the proposed financial policies of the Town

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government for the ensuing year;

(3) describe the important features of the budget - including major changes from the current fiscal year;

(4) summarize the Town's debt position; and,

(5) include such other material as the Mayor deems desirable<sup>563</sup>.

**B. Contents of the Proposed Town Budget<sup>564</sup>.** The Proposed Town Budget shall show:

(1) estimates of revenue, presenting the itemized receipts collected in the preceding fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, and estimates of the receipts to be collected in the ensuing fiscal year; and,

(2) itemized estimates of expenditures, presenting the actual expenditures for each Department<sup>565</sup> for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, and the requests of the several Departments<sup>566</sup> for the ensuing fiscal year.

(3) The contents of the Proposed Town Budget shall also contain<sup>567</sup>:

(a) an estimate of the available surplus or deficit, at the end of the current fiscal year;

(b) proposed expenditures for debt service for the ensuing fiscal year;

(c) the proposed property tax levy for the ensuing fiscal year;

(d) the recommendations of the Mayor and the Director of Finance of the amounts to be appropriated for the ensuing fiscal year for all items, including those of the Board of Education (as outlined in §9-2 of this Charter); and,

(e) such other information as the Council may require. The Mayor shall report to the Council the reason for all such recommendations.

**C. Proposed Capital Expenditures.** As a part of the annual Proposed Town Budget or as a separate report attached thereto, the Mayor shall present a program of proposed Capital Expenditures for the ensuing fiscal year and for

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five fiscal years thereafter<sup>568</sup>. Estimates of the cost of such expenditures shall be submitted by each Department<sup>569</sup> annually in the form and manner prescribed by the Mayor and the Director of Finance<sup>570</sup>. The Mayor shall recommend to the Council those expenditures to be undertaken during the ensuing fiscal year and the method of financing the same<sup>571</sup>.

**D. Public Inspection<sup>572</sup>.** At the time of Budget Transmittal, the Mayor shall make available for public inspection in the Town Clerk's Office and the library system several copies of the Proposed Town Budget and all supportive material and supplements which are available to the Council, in accordance with the Public Notice provisions of this Charter.

**SECTION 10-3: LEGISLATIVE ACTION ON THE PROPOSED TOWN BUDGET.**

**A. Public Hearing(s) on the Proposed Town Budget<sup>573</sup>.** Annually, the Council shall hold one or more public hearings not later than the first (1<sup>st</sup>) Day of May, at which any Elector or taxpayer may have an opportunity to be heard regarding the Proposed Town Budget.

**(1) Meeting Notice<sup>574</sup>.** On or before the twenty-fifth (25<sup>th</sup>) Day of April, the Council shall cause to be issued a Meeting Notice (including a general summary of the proposed budget) for one or more Public Hearings on the Proposed Town Budget.

**(2) Public Inspection<sup>575</sup>.** In accordance with the Public Notice provisions of this Charter, the Council shall make available for general distribution to the public of the Town of Hamden, copies of the Proposed Town Budget including the Board of Education budget in detail, containing the Mayor's proposals regarding revenues and expenditures, the comparative figures for the current fiscal year, and the amount to be raised by taxation.

**(3) Modification of the Proposed Budget<sup>576</sup>.** After the Public Hearing(s) on the Proposed Town Budget, the Council may add or increase programs or amounts and may delete or decrease programs or amounts, except that no items of expenditure required by Law or for debt service may be deleted or decreased.

**B. Adoption of the Proposed Town Budget by the Legislative Council<sup>577</sup>.** Subject to the provisions of §10-4 of this Charter, the Council shall adopt the Proposed Town Budget not later than the seventeenth (17<sup>th</sup>) Day of May, and shall make the same available for public inspection in accordance with the Public Notice provisions of this Charter ("Adopted Town Budget").

**(1) Establishment of the Tax Levy<sup>578</sup>.** At the time the Council adopts said budget, it may also at said time or such later date as the General Statutes may permit, fix the tax rate in mills, which shall be levied on the taxable property in the Town for the ensuing fiscal year.

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(2) **Failure to Adopt a Town Budget**<sup>579</sup>. Should the Council not have adopted a Town Budget within the allotted time, the Proposed Town Budget, as originally submitted by the Mayor, shall be deemed to have been adopted by the Council as the Town Budget Ordinance and the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-5 of this Charter<sup>580</sup>.

(3) **Lapsed Funds**<sup>581</sup>. Any portion of an annual appropriation unexpended and unencumbered at the close of a budget year shall lapse.

**SECTION 10-4: APPROVAL, VETO, ACCEPTANCE AND VETO OVERRIDE OF THE ADOPTED TOWN BUDGET.**

**A. Transmittal of Adopted Town Budget to Mayor**<sup>582</sup>. Annually, the Adopted Town Budget shall be transmitted to the Mayor by the Clerk of the Council within five (5) Days after Council action thereon, but not later than the twenty-second (22<sup>nd</sup>) Day of May, whichever is earlier.

(1) **Mayoral Action**<sup>583</sup>. Not later than the first (1<sup>st</sup>) Day of June or within fifteen (15) Days after said transmittal (whichever is earlier), the Mayor shall (a) approve; (b) fail to take action; or (c) veto the Adopted Town Budget. Notwithstanding the foregoing, the Mayor's veto power shall not extend to appropriation items in the Town budget regarding debt service or the auditing of Town Books and accounts<sup>584</sup>. In the event the Mayor fails to take action upon the Adopted Town Budget, the Town Clerk shall endorse such fact upon the official copy of said Town Budget Ordinance<sup>585</sup>.

(2) **Legislative Override of Mayoral Veto**<sup>586</sup>. The Adopted Town Budget vetoed by the Mayor shall be returned within the same fifteen (15) Days to the Clerk of the Council with a statement of the reasons for the veto.

(a) Following receipt of the Mayor's veto, but not later than the 10<sup>th</sup> day of June, any vetoed Adopted Town Budget, again approved by an affirmative vote of at least two-thirds (2/3<sup>rd</sup>s) of the Council present and voting at a meeting, shall become effective in accordance with this section at which time the Mayor shall have the right to fix the tax rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-5 of this Charter.

(b) In the event the Mayor's veto is sustained, the Proposed Town Budget, as originally submitted by the Mayor, shall be deemed to have been adopted by the Council as the Town Budget Ordinance and the Mayor shall have the right to fix the tax

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rate and expenditures shall be made in accordance with the budget so adopted, subject to the provisions of §10-5 of this Charter.

(3) **Effective Date of Town Budget Ordinance<sup>587</sup>**. The Town Budget Ordinance shall become effective on the twenty-first (21<sup>st</sup>) Day after Public Notice of Final Action; subject to the provisions of §10-5 of this Charter.

(4) **Public Notice<sup>588</sup>**. Public Notice of Final Action shall be provided within twenty-four (24) hours of Final Action.

**SECTION 10-5: PETITION FOR BUDGET OVERRULE.**

A. The Town Budget Ordinance, except for fixing the tax rate, shall be subject to overrule. If within twenty (20) Days after Final Action on the budget as provided in §10-4 of this Charter, a petition signed by not less than fifteen (15%) percent of the Electors of the Town, as determined from the last official voting list, is filed with the Town Clerk requesting a referendum, the Council shall, at its next regular meeting, fix a time not more than thirty (30) days after such meeting for such election, which shall be called and held in the manner provided by the General Statutes<sup>589</sup>.

(1) The Council may by a two-thirds (2/3<sup>ths</sup>) vote of those present and voting, add non binding referenda to be on the ballot of such election<sup>590</sup>.

(2) The budget so referred to the Electors of the Town shall stand approved unless a majority of those voting thereon at such election shall have voted "no" and at least twenty-five (25%) percent of the Electors entitled to vote on the question shall have voted<sup>591</sup>.

B. Temporary financing and spending shall be in accordance with the provisions of the General Statutes<sup>592</sup>.

C. Failure of the Overrule. In the event the conditions set forth in §10-5.A (2) of this Charter are not achieved, the Final Action on the Adopted Town Budget shall be effective immediately as the Town Budget Ordinance, upon the certification of the election results.

D. Success of the Overrule. In the event the conditions set forth in §10-5.A (2) of this Charter are achieved, the Final Action on the Adopted Town Budget shall be null and void. Within fifteen (15) Days thereafter, the Legislative Council and the Mayor shall enact a Town Budget Ordinance in accordance with procedures which shall be established by Ordinance. The procedures shall include, at least one public hearing and, to the extent practicable, follow the process set forth in §§10-3 and 10-4 of this Charter along a compressed time-line; however, preserving the veto and override

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authority as herein set forth. Moreover, in formulating the Town Budget Ordinance, the Legislative Council and the Mayor shall take cognizance of the results of the budget overrule.

**SECTION 10-6: FISCAL YEAR<sup>593</sup>.**

The fiscal year of the Town shall begin on the first (1<sup>st</sup>) Day of July and end on the thirtieth (30<sup>th</sup>) Day of June next following.

**SECTION 10-7: EXPENDITURES AND ACCOUNTING.**

**A. Purchases, Payments, Authorization, Receipt of Funds. The Role of the Director of Finance.**

(1) No purchase shall be made on account of the Town except as prescribed by this Charter. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid<sup>594</sup>.

(2) No voucher, claim or charge against the Town shall be paid until the same has been audited and approved by the Director of Finance or the Director's agent for correctness and legality<sup>595</sup>. Checks shall be drawn by the Director of Finance for the payment of approved claims.

(3) 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<sup>596</sup>.

(4) In the absence or inability of the Director of Finance to act with regard to the provisions of §10-7.A of this Charter, the Mayor may designate a person to temporarily act in place of the Director of Finance<sup>597</sup>.

B. The several Departments<sup>598</sup>, Commissions and Boards of the Town, including the Board of Education, shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefore until the matter has been approved and voted by the Council<sup>599</sup>

C. Each order drawn shall state the Department<sup>600</sup>, Board or Commission or the appropriation against which it is to be charged<sup>601</sup>.

**D. Transfers.**

(1) **Intradepartmental Transfers<sup>602</sup>.** On or before the first day of July each year, the Legislative Council shall establish, by Ordinance, an amount of appropriation under the approved budget which the Mayor or any Public Official<sup>603</sup> of any Department, Commission, Board (except the

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Board of Education) designated by the Mayor, shall be authorized to transfer between line items within any Department, Commission or Board. Said transfers under this section shall not require approval by the Legislative Council unless the provisions of §10-7.D (1)(b) of this Charter shall apply.

(a) Said Ordinance may establish individual and/or aggregate transfer limitations<sup>604</sup>.

(b) No such transfer in excess of such authorized amount shall be implemented unless it shall be (i) by Order proposed by the Mayor or any Public Official<sup>605</sup> of any Department, Commission or Board designated by the Mayor; and, (ii) approved by majority vote of the Legislative Council<sup>606</sup>.

**(2) Interdepartmental Transfers.**

(a) **Pertaining to the End of Fiscal Year.** The Legislative Council, by Order, may authorize the Director of Finance to make during the last ninety (90) Days of a fiscal year, interdepartmental transfers in an amount that shall be established by the Legislative Council on or before the first day of July each year, by Ordinance<sup>607</sup>.

(b) **Transfers of Unencumbered Appropriations<sup>608</sup>.** The Council may by Order, upon the approval of the Mayor, transfer any unencumbered appropriations balance or portion thereof from one Department<sup>609</sup>, Board or Commission to another.

(3) **Approved Transfers<sup>610</sup>.** Each approved transfer shall be described in the monthly financial report prepared in accordance with §8-4.A(1)(d)(iv) of this Charter.

(4) **Prohibited Transfers<sup>611</sup>.** No transfer shall be made from any appropriations for debt service and other statutory charges.

**E. Additional Appropriations<sup>612</sup>.** Additional appropriations over and above the total budget may be made from time to time by amendment of the Budget Ordinance by the Council, upon recommendation of the Mayor and certification from the Director of Finance that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations.

**F. Liability of Officials or Employees<sup>613</sup>.** If any Official or employee of the Town or the Board of Education shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, such action may be cause for removal as set forth in §3-10 of this Charter, civil action or both. In addition, the Town may, by vote

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of the Legislative Council, undertake to recover from such Official or employee, an amount equal to such obligation or expenditure so made.

**SECTION 10-8: PUBLIC FUNDS AND FINANCE<sup>614</sup>.**

**A. Issuance Authorized.** The Town shall have the power to incur indebtedness by authorizing the issuance of its bonds and notes for such purposes, upon such terms and to such extent as is authorized by the General Statutes and any applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, emergency bond issues, revenue anticipation notes, tax anticipation notes and other issuances permitted by the General Statutes and applicable Special Acts.

**B. Procedures.** The Legislative Council shall, by Ordinance, adopt procedures for the authorization, structure and timing of the issuance of bonds and notes for the purposes authorized by the General Statutes, applicable Special Acts and this Charter.

**(5) Capital Project Bonds.** The vote of the Legislative Council to approve the issuance of Capital Project Bonds shall be by an affirmative vote of two-thirds (2/3) of all the members of the Council.

**(6) Non-Capital Project Bonds.** The vote of the Legislative Council to approve the issuance of Non-Capital Project Bonds shall be by an affirmative vote of two-thirds (2/3) of all the members of the Council.

**C. Approval of Mayor.** Such bonds shall not be authorized unless in accordance with the provisions of §10-8.B (1) or (2), whichever is applicable and approved by the Mayor in accordance with the provisions of this Charter.

**SECTION 10-9: REFERENDUM ON BORROWING OF FUNDS.**

**A.** Borrowing for any reason that will cause the debt service of the Town to exceed ten (10%) percent of the current fiscal year's budget shall be submitted to binding referendum<sup>615 616</sup>.

**B.** The referendum shall take place at the next general election or at a special election called for and held in the manner provided by the General Statutes<sup>617</sup>.

**C.** Approval of the borrowing by the Council shall take place not less than sixty (60) Days prior to such election<sup>618</sup>.

**D.** Any project that would cause the debt service of the Town to exceed ten (10%) percent of the current fiscal year's budget shall not be allowed to proceed past the design stage, and borrowing of funds shall not be allowed to proceed unless a majority of those voting thereof at such election shall have voted in favor thereof<sup>619</sup>.

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**CHAPTER XI: TRANSITION AND MISCELLANEOUS PROVISIONS<sup>620</sup>**

**SECTION 11-1: LEGAL PROCEEDINGS<sup>621</sup>.**

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the Town, or any Commission, Board or Department<sup>622</sup> thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any Commission, Board or Department<sup>623</sup> which is a party thereto may by or under this Charter be assigned or transferred to another Commission, Board or Department<sup>624</sup>, but in that event the same may be prosecuted or defended by the head of the Commission, Board or Department<sup>625</sup> to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

**SECTION 11-2: PERIODIC REVIEW OF THE CHARTER<sup>626</sup>.**

No later than April of 2020, and no more than every ten (10) years thereafter, the Council shall appoint a Charter Revision Commission, pursuant to the General Statutes. Nothing in this section limits the right of the Council to appoint one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Council from appointing a Commission as required by this section.

**SECTION 11-3: EXISTING LAWS AND ORDINANCES<sup>627</sup>.**

All special acts of the legislature and Ordinances of the Town, except as the same are in conflict with this Charter, shall continue in full force and effect until amended or repealed.

**SECTION 11-4: AMENDMENT OF CHARTER<sup>628</sup>.**

This Charter may be amended in the manner prescribed by Law.

**SECTION 11-5: SAVING CLAUSE<sup>629</sup>.**

If 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 a section or part of a section 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.

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**SECTION 11-6: EFFECTIVE DATE<sup>630</sup>.**

The provisions of this Charter and amendments thereto, as to the administration of the Town, shall become effective upon adoption by the voters of the Town of Hamden; unless otherwise set forth in the Charter.

**SECTION 11-7: "TRANSITION PROVISION A" PERTAINING TO §3-3.B (1) OF THIS CHARTER AND MUNICIPAL GENERAL ELECTION OF 2013<sup>631</sup>.**

**The Municipal General Election Scheduled For 2013 For The Mayor, Town Clerk And Members Of The Legislative Council Elected In The Municipal General Election Of 2011 And The Six Member Positions On The Board Of Education Which Terms Commenced Following The Municipal General Election Of 2009.** Except as hereinafter provided, on the first Tuesday after the first Monday in November 2013, the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, the following officers: (a) Mayor; (b) Town Clerk; (c) Members of the Legislative Council (six (6) At-Large and nine (9) District Representatives); and (d) six members of the Board of Education for a term of four (4) years. The Electors shall vote for no more than four (4) of candidates for the Board of Education and no more than four (4) of those elected shall be members of the same political party<sup>632</sup>. The six (6) candidates for Board of Education receiving the highest number of votes shall be elected<sup>633</sup>.

**SECTION 11-8: "TRANSITION PROVISION B" PERTAINING TO §3-3.B (1) OF THIS CHARTER AND THE MUNICIPAL GENERAL ELECTION OF 2015<sup>634</sup>.**

**The Municipal General Election Scheduled For 2015 For The Three Members Of The Board Of Education Whose Term Commenced Following The Municipal General Election Of 2011. Two Year Term During Transition.** On the first Tuesday after the first Monday in November 2015, the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, three member positions on the Board of Education which terms commenced following the Municipal General election of 2011 (as their term may fall under the Charter then in effect), for the term of two (2) years. The Electors shall vote for no more than two (2) of candidates for the Board of Education and no more than two (2) of those elected shall be members of the same political party<sup>635</sup>. The three (3) candidates for Board of Education receiving the highest number of votes shall be elected<sup>636</sup>.

**SECTION 11-9: "TRANSITION PROVISION C" PERTAINING TO §3-3.B (3) OF THIS CHARTER --- THE GENERAL ELECTION SCHEDULED FOR 2012.**

On the first Tuesday after the first Monday in November 2012, the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, Registrars of Voters for

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the term two years as set forth in "Transition Provision D" applicable to § 3-3.C (2) of this Charter.

**SECTION 11-10: "TRANSITION PROVISION D" PERTAINING TO §3-3.B (3) OF THIS CHARTER --- THE TERM OF OFFICE FOR THE REGISTRARS OF VOTER ELECTED IN THE GENERAL ELECTION SCHEDULED FOR 2012.**

Commencing at twelve midnight on the Wednesday following the first Monday of the January next succeeding their election, the Registrars of Voters, elected in November 2012, pursuant to the transition provision applicable to § 3-3.B (3) of this Charter, shall hold their offices for a term of two (2) years, until the Wednesday following the first Monday of the third January succeeding their election.

**SECTION 11-11: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR REGULAR MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the regular members of the Board of Ethics is derived from the appointments by the Mayor on or about January 1, 1984 at which time the Mayor appointed one (1) member for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years and one (1) member for a term of one (1) year. Thereafter, the members were appointed annually for five year terms. It should be further noted that at some time, based upon custom and practice, the commencement date of the term shifted from January the 1<sup>st</sup> to February the 1<sup>st</sup>.

**SECTION 11-12: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF BOARD OF ETHICS DERIVED FROM §19-5.A OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the alternate members of the Board of Ethics is derived from the appointments by the Mayor on or about January 1, 1984 at which time the Mayor appointed one (1) alternate member for a term of two (2) years and one (1) alternate member for a term of one (1) year. Annually thereafter, during the month of January, one (1) alternate member shall be appointed for a term of two years. Thereafter, the members were appointed annually for two year terms. It should be further noted that at some time, based upon custom and practice, the commencement date of the term shifted from January the 1<sup>st</sup> to February the 1<sup>st</sup>.

**SECTION 11-13: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR REGULAR MEMBERS OF PLANNING AND ZONING COMMISSION DERIVED**

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**FROM §13-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the Regular Members of the Planning and Zoning Commission is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed three (3) members for a term of one (1) year; three (3) for a term of two (2) years; and, three (3) for a term of three years, all to take office February 1, 1966. Thereafter, three (3) members were to be appointed, annually, during the month of January, for three (3) year terms.

**SECTION 11-14: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR ALTERNATE MEMBERS OF PLANNING AND ZONING COMMISSION DERIVED FROM §13-2 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the Alternate Members of the Planning and Zoning Commission is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed one (1) alternate member for a term of one (1) year; one (1) alternate member for a term of two (2) years; and, one (1) alternate member for a term of three (3) years. Thereafter, each member was to be appointed, annually, during the month of January, for one (1) year term.

**SECTION 11-15: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE PERSONNEL APPEALS BOARD DERIVED FROM §17-5 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the members of the Personnel Appeals Board is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed one (1) member for a term of five (5) years; one (1) member for a term of four (4) years; one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) for a term of one year. Thereafter, members were to be appointed, annually, during the month of January, for five (5) year terms.

**SECTION 11-16: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE LIBRARY BOARD DERIVED FROM §14-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office for the members of the Library Board is derived from the appointments by the Mayor on or about February 1, 1966 at which time the Mayor appointed one (1) member for a term of five (5) years; one (1) member for a term of four (4) years; one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) for a term of one year. Thereafter, members were to be appointed, annually, during the month of January, for five (5) year terms.

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**SECTION 11-17: "TRANSITION PROVISION E" PERTAINING TO §7-3.J OF THIS CHARTER --- THE INLAND WETLANDS COMMISSION.**

The Legislative Council shall repeal §§33.104 through 33.106 of the Code of Ordinances, within thirty (30) Days following the effective date of this Charter. Notwithstanding the foregoing, the provisions of this Charter shall be determinative and dispositive of all matters under the jurisdiction of the Inland Wetlands Commission, in the event conflicting Ordinance provisions have not been repealed.

**SECTION 11-18: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR MEMBERS OF THE BOARD OF TAX REVIEW DERIVED FROM §4-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office of the members of the Board of Tax Review (which has been renamed the Board of Assessment Appeals) is derived from the appointments by the Legislative Council on or about February 1, 1966 at which time the Legislative Council appointed one (1) member for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) for a term of one year. Thereafter, members were to be appointed, annually, during the month of January, for three (3) year terms.

**SECTION 11-19: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR THE SIX MEMBERS OF THE BOARD OF EDUCATION DERIVED FROM §12-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office of the six members of the Board of Education is derived from the elections in November of 1985 and 1989<sup>637</sup>.

**SECTION 11-20: HISTORICAL NOTE REGARDING THE TERM OF OFFICE FOR THE THREE MEMBERS OF THE BOARD OF EDUCATION DERIVED FROM §12-1 OF THE PRIOR REVISION OF THE CHARTER (REV. NOVEMBER 8, 1983).**

The baseline for the terms of office of the three members of the Board of Education is derived from the elections in November of 1983<sup>638</sup>.

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**CHAPTER XII: SUNSET PROVISIONS**

**SECTION 12-1: Generally<sup>639</sup>.**

The provisions of this section shall expire and be of no force and effect following any transition provisions in the Charter or upon enactment of provisions to establish the Boards and Commissions as set forth in this Charter. Upon the effective date of the enactment, the applicable provision may be removed from the Charter and shall be replaced with the following: "This provision is intentionally left blank in accordance with this Chapter of the Charter and the enactment of the Ordinance dated \_\_\_\_\_".

**SECTION 12-2: Ethics Commission.**

The following provisions pertaining to the Board of Ethics shall remain in full force and effect until such time as the Code of Ethics Ordinance is enacted.

**A. Duties and Powers: Advisory Opinions<sup>640</sup>.**

The Board shall render advisory opinions concerning the application of this Charter and/or any Code of Ethics adopted by the Town to any Public Official<sup>641</sup> or employee upon his or her request. Such advisory opinions shall be published and filed with the Town Clerk with such deletions as may be necessary to prevent disclosures of the identity of the Public Official<sup>642</sup> or employee involved.

**A. Duties and Powers: Investigations.**

(1) **Probable Cause<sup>643</sup>.** Upon the written complaint of any person, signed under penalty of false statement, or upon its own complaint, the Board shall investigate any alleged violation of the Charter and/or any such Code of Ethics. Any investigation whether or not there is probable cause to believe that a violation of this Charter and/or any such Code of Ethics has occurred shall be confidential and not open to the public unless the respondent requests otherwise. If such probable cause is found, the Board shall initiate hearings to determine whether there has been such violation.

(2) **Hearings<sup>644</sup>.** All hearings pursuant to this subsection shall be open to the public. The Town Attorney or the designated representative of the Town Attorney, who shall also be an attorney, shall attend such hearings and rule on all matters concerning the application of the rules of evidence, which shall be the same as in judicial proceedings. At such hearings, the respondent shall have the right to be represented by legal counsel, the right to compel the attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. The Board may administer

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oaths and issue subpoenas to compel the attendance of witnesses and the production of books, documents, records and papers. At the request of the Board, any judge may issue a *capias* for the appearance of the respondent, witnesses, and the production of books, documents, records and papers. The Board shall find no person in violation of the provisions of this Charter and/or any such Code of Ethics except upon the concurring vote of four (4) of its members.

**SECTION 12-3: Parks and Recreation Commission<sup>645</sup>.**

The following provisions pertaining to the Parks and Recreation Commission shall remain in full, force and effect, until such time as the replacement enabling Ordinance(s) is or are enacted.

A. The Mayor shall appoint, subject to the provisions of § 6-5 of this Charter, a Parks and Recreation Commission consisting of five (5) Electors of the Town, not more than three (3) of whom shall be from the same political party. Annually during the month of January the Mayor shall appoint one (1) member for a term of five (5) years. The members of said Commission shall serve until their successors have been appointed and qualified.

B. The Parks and Recreation Commission shall study the recreation facilities and programs of the Town, shall develop proposals as to the improvement of the facilities and programs, make recommendations to the Director and Mayor concerning the activities of the Department, and aid the Director in carrying out the program of the Department. The Parks and Recreation Commission shall set the fees for the use of the Town's recreation facilities and programs subject to the approval of the Council.

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**CHAPTER XIII: HISTORICAL PROVISIONS**

**SECTION 13-1: Status of Present Employees.**

**A. Members of the Classified Services<sup>646</sup>.** All persons holding permanent positions in the service of the Town (at the effective date of January 1, 1966 under the 1966 Charter, hereinafter "1966 Charter Effective Date") including employees of a Board or Commission, whose positions are included in the classified positions by the terms of Chapter XVII of the 1966 Charter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced or removed in accordance with the provisions of Chapter XVII of the Charter through the Charter of November 8, 1983 and as may now be set forth in Chapter VIII of this Charter.

(1) All other employees of the Town at the 1966 Charter Effective Date, whose positions are not abolished by the provisions of said Charter, shall retain such position pending action by the Council or the appropriate officer charged by the Charter with the power of appointment and removal<sup>647</sup>.

(2) Any provision of Law in force on the effective date of the 1966 Charter, and not inconsistent with the provisions of said Charter, in relation to personnel appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, Department or agency thereof shall continue in effect, until or unless amended or repealed by the Council<sup>648</sup>.

(3) Any permanent employee presently in the classified service of the Town of Hamden whose position is abolished by the adoption of the 1966 Charter shall be relocated to other comparable employment with the Town of Hamden at a salary or wage not less than that such permanent employee is presently receiving<sup>649</sup>.

**B. Validation of Pension Rights<sup>650</sup>.** The rights of all persons, (including their eligible survivors), in the employment of the Town actually receiving or entitled to receive pensions or retirement allowances prior to the 1966 Charter Effective Date are expressly validated and preserved and the Town shall continue to pay such pensions and allowances.

**C. Retirement<sup>651</sup>.** The Hamden Employees Retirement Act adopted May 8, 1962, is not affected by the 1966 Charter, provided, wherever the words "First Selectman" or "Board of Selectman" appear, the word "Mayor" shall be substituted and further provided that where the words "Representative Town Meeting" are used, the words "Legislative Council" shall be substituted and further provided that where the words "Treasurer" or "Board of Finance" are used the words "Director of Finance" shall be substituted.