

Chapter C

CHARTER

[HISTORY: Adopted by referendum on November 3, 2009.¹ Amendments noted where applicable.]

HISTORY and PREAMBLE

The Charter is the organic law of the Town of Wilton that provides the rules for administration of the Town's operations. Any official matters not specifically addressed in the Charter related to the administration of the Town's business and not covered by local ordinance are governed by the General Statutes of the State of Connecticut and any Special Acts that might be applicable.

The 1957 "Home Rule Law" gave authority to Connecticut Towns to create their own Town Charters. Wilton's first Town Charter became effective November 4, 1962. Subsequent Town Charter amendments were adopted in November 1969, November 1981, and November 1992.

The Charter sets forth the structure of the Town of Wilton's governing bodies. These bodies include the Town Meeting, which constitutes the primary legislative body, and leadership by a Board of Selectmen, including a salaried First Selectman.

The Charter is broken down into "Articles" that outline how the Town is governed and the responsibilities and roles played by its elected leaders and citizens. The "Articles" provide the rules for the Town Meeting, the First Selectman and Board of Selectman, Ordinances, Finance, Appointed Officials, Elected Officials, Elections and other miscellaneous subjects related to Town governance. Ordinances provide additional laws that govern the Town as well as the creation of local boards that are made up of Town residents who serve as volunteers.

The Charter and Ordinances together make up the Town Code. Detailed information on these documents can be found on the Town of Wilton website.

1. Editor's Note: This Charter supersedes the provisions of the former Charter, adopted 11-3-1992, as amended.

ARTICLE I
The Charter

§ C-1. The Charter.

- A. This Charter is the organic law of the Town of Wilton providing for the administration of its local affairs.
- B. Matters of administration of local affairs not provided for by this Charter or by lawful ordinance shall be governed by the General Statutes and any Special Acts of the State of Connecticut applicable to the Town.
- C. Definitions and explanations.

Unless the context otherwise clearly requires, the following terms used in this Charter shall have the following meanings:

ADJOURNED TOWN MEETING — A continuation of a meeting of the Town Meeting following the adjournment of such meeting at which machine voting may take place.

ANNUAL TOWN MEETING — A meeting of the Town Meeting held annually during the first seven days in May to adopt the budget and consider other business matters.

BOARD — Any board, council, authority, or commission of the Town of unlimited duration established by statute, ordinance or this Charter.

COMMITTEE — Any ad hoc (i.e., for a specific purpose and limited duration) or advisory group, task force, council or committee, etc., formed by the Board of Selectmen pursuant to § C-13C.

GENERAL STATUTES — The General Statutes of Connecticut as amended.

MACHINE VOTING — Standard procedure: Voting by machine, when specified, shall begin immediately following a meeting of the Town Meeting and shall continue for as long as is necessary, in the judgment of the Registrars of Voters, to accommodate all those seeking to cast votes at such time. Voting shall recommence on the following Saturday at such time and place as shall have been determined by the Board of Selectmen and shall end not less than eight hours later. Those persons who are qualified to vote and who are in line to vote at the time the polls are to be closed will be allowed to vote.

MEETING (of any body) — Includes any adjourned or reconvened session thereof.

OFFICIAL — Any elected or appointed officer of the Town of Wilton, or any member of a Board or Committee.

OTHER LAW — The General Statutes of the State of Connecticut (the "General Statutes"), the Special Acts of the Connecticut legislature ("Special Acts"), applicable federal law, and local ordinances.

SPECIAL TOWN MEETING — A meeting of the Town Meeting called at the discretion of the Selectmen or pursuant to § C-9.

TOWN — The Town of Wilton.

TOWN MEETING — The Town Meeting as described in § C-4.

ARTICLE II
The Town

§ C-2. The Town.

The Town shall continue, after the effective date of this Charter, as a body politic and corporate with perpetual succession within its territorial limits as they may be lawfully defined.

§ C-3. Powers and privileges.

- A. The Town shall have all powers and privileges conferred upon it by this Charter, and all powers proper, incidental or convenient to their exercise, including full power to implement this Charter and to carry out the purposes and policies thereof by ordinance and administrative action.
- B. Except to the extent otherwise lawfully provided in this Charter, the Town shall have all powers and privileges heretofore or hereafter conferred upon the Town by the Constitution of the State of Connecticut, or by the General Statutes or applicable Special Acts.
- C. The Town shall have all powers incidental to the management of its property, government and affairs, including but not limited to the capacity and power to enter into contracts with the United States or any federal agency, and the State of Connecticut or any political instrumentality thereof, for any purposes not prohibited by law.

ARTICLE III
The Town Meeting

§ C-4. The Town Meeting.

The Town Meeting shall consist of the electors of the Town and all others entitled to vote at a meeting of the Town Meeting pursuant to the General Statutes, acting as the legislative body of the Town.

§ C-5. General powers.

- A. All powers of the Town shall be vested in and exercised by the Town Meeting except:
 - (1) Powers otherwise allocated by this Charter;
 - (2) Powers otherwise allocated by the General Statutes and applicable Special Acts and not vested in the Town Meeting by this Charter; and
 - (3) Powers delegated by ordinance so long as the same shall remain in effect.
- B. The Town Meeting shall have the power pursuant to § C-9 to adopt, amend and repeal ordinances. An ordinance may be amended or repealed only by the adoption of another ordinance.
- C. Without limiting the generality of Subsections A and B of this section, the Town Meeting shall have the power by resolution to:
 - (1) Contribute financial support to organizations engaged in public health, recreation, education, safety or welfare activities within the Town, provided that organizations receiving financial support from the Town shall, unless otherwise authorized by the Town Meeting:
 - (a) Annually make public an audit of the books and accounts of the organization by an independent public accountant;
 - (b) Annually make public the proposed budgets for the ensuing fiscal year of the organization;
 - (c) Admit to their Boards of Directors as ex officio members without power to vote the First Selectman or one or more persons appointed by the First Selectman who shall be electors of the Town; and
 - (d) Enter into an agreement with the Town to insure the proper oversight of the Town's contribution.
 - (2) Take such other actions only as are appropriate to a Town Meeting.

§ C-6. Legislative body.

- A. The legislative body of the Town shall be the Town Meeting with respect to the following matters:
 - (1) The adoption of an annual budget.
 - (2) The authorization of bonds and all other forms of financing, the terms of which are in excess of one year.
 - (3) Any appropriation supplemental to those provided in the annual budget other than those which may be authorized by the Board of Finance pursuant to § C-32 or by the Board of Selectmen pursuant to § C-16.
 - (4) Authorization of any sale of real estate involving a sales price in excess of 1% of the total annual budget for the then current fiscal year.
 - (5) Real estate leases and/or lease options to which the Town is a party:

- (a) Which involve a term (including any renewal options) in excess of 10 years;
 - (b) Where the fair market sales value of the leased property is in excess of 2% of the total annual budget for the then current fiscal year; or
 - (c) Where the total lease payments called for under the entire term of the lease (including any renewal options) exceed 2% of the annual budget for the then current fiscal year.
- (6) Authorization of condemnation of real property.
 - (7) The creation, alteration or dissolution of any Board.
 - (8) Proposals for municipal improvements disapproved by the Planning and Zoning Commission pursuant to the provisions of § 8-24 of the General Statutes.
 - (9) Items which the Board of Selectmen shall have resolved to bring for consideration to a Special Town Meeting.
 - (10) Items which have been proposed to be brought to the Town Meeting by petition pursuant to § C-9.

B. In all other matters, the Board of Selectmen shall be deemed the legislative body of the Town.

§ C-7. Call and notice.

- A. All meetings of the Town Meeting shall be called by the Board of Selectmen. The Board of Selectmen shall fix the date of every meeting of the Town Meeting in conformity with this Charter and other law. The business of a meeting of the Town Meeting shall be limited to the matters contained in the notice thereof.
- B. A meeting of the Town Meeting shall be called by giving notice thereof in accordance with the provisions of this subsection. Notice of any meeting of the Town Meeting shall be given not less than 10 nor more than 20 days in advance of the date set for such meeting by publication in a newspaper having general circulation in the Town. The notice shall designate:
 - (1) In general terms the purpose or purposes of the meeting;
 - (2) The date, time and place of the meeting;
 - (3) Whether there will be machine voting following the adjournment of the meeting; and
 - (4) The date, time and place of any Adjourned Town Meeting.
- C. In the case of a Special Town Meeting called upon receipt of a petition, the Board of Selectmen shall include in the notice all matters specified in the petition as matters on which action is desired. The Board of Selectmen may, in its discretion, add other matters to such notice.
- D. A Special Town Meeting or any reconvened session thereof may be continued not more than 30 days to a time certain by majority vote of those voting. Whenever a meeting shall have been so continued, notice of such continuation shall be given in the manner provided above, except that only seven days' notice shall be required.
- E. For a Reconvened Annual Town Meeting, the Board of Selectmen shall set a place, time, and date within 25 days of the adjournment of the previous Adjourned Town Meeting. At least five days in advance of such Reconvened Meeting, a notice shall be published in the local newspaper together with the reconsidered budget, in summary form, and the reconsidered rate of taxation.

§ C-8. Annual Town Meeting.

The Annual Town Meeting shall be held during the first seven days in May on a day and at a time specified annually

no later than February 1 by the Board of Selectmen, or if, in the opinion of the Board of Selectmen, extraordinary circumstances make the meeting on such a date impracticable, as soon thereafter as, in the judgment of the Board of Selectmen, such circumstances permit. At the conclusion of the meeting, the vote on the annual budget shall be held in accordance with procedures set forth in Article VII.

§ C-9. Special Town Meeting: options and duties of Board of Selectmen; power of initiative; the petition process.

- A. The Board of Selectmen shall call a Special Town Meeting whenever:
 - (1) It is requested to do so by petition signed by at least 2% of the electors of the Town and filed with the Town Clerk pursuant to Subsection C below;
 - (2) The Board of Selectmen deems it necessary or desirable; or
 - (3) A meeting of the Town Meeting is required pursuant to Article VI or Article VII of this Charter.
- B. The electors of the Town shall have the power of initiative to call a Special Town Meeting pursuant to Subsection C below:
 - (1) To consider any item or proposal permitted under § C-6A(3) through (7);
 - (2) To consider a proposed ordinance, an amendment to an existing ordinance or a proposal to repeal an existing ordinance;
 - (3) To overrule any legislative action of the Board of Selectmen; or
 - (4) To propose any other legislative action.
- C. The power of initiative is to be implemented in the following manner:
 - (1) A petition to call a Special Town Meeting may be filed by any elector of the Town with the Town Clerk, and except as otherwise provided herein, such petition shall conform to the requirements of §§ 7-9 and 7-9a of the General Statutes.
 - (2) The petition shall contain the full text of the proposal to be considered by the Town Meeting and shall be signed in ink by at least 2% of the electors of the Town.
 - (3) The Town Clerk shall determine whether the petition contains the required number of valid signatures as prescribed by this Charter within 10 days of receipt of such petition and shall so certify to the Board of Selectmen.
 - (4) Special Town Meeting to consider proposal.
 - (a) If the Board of Selectmen fails to or does not have the power to adopt the proposal brought forth by petition without any substantive change within 35 days after a petition making such a proposal shall have been certified to the Board of Selectmen, the Board of Selectmen shall, within the time limits prescribed in Subsection E below, call a Special Town Meeting to consider the petition proposal and any modification of the proposal the Board of Selectmen deems advisable. Such proposal and proposed modification, if any, shall be included in the call of the Special Town Meeting. An Adjourned Town Meeting shall be scheduled to take place after each Special Town Meeting called to consider a petition proposal.
 - (b) Should an ordinance or an amendment to an ordinance be amended at the Special Town Meeting, the scheduled Adjourned Town Meeting shall be canceled. The Board of Selectmen shall within 21 days of such Special Town Meeting call another Special Town Meeting to consider the ordinance as amended. An Adjourned Town Meeting shall take place following this second Special

Town Meeting.

- (c) An Adjourned Town Meeting to take place after a Special Town Meeting is not mandatory unless such Special Town Meeting is called by petition pursuant to Subsection A(1) of this section.
- (5) A petition proposal initiated by electors shall be approved by a majority of those electors voting thereon, provided that the number voting on said petition proposal shall equal at least 15% of the total electors of the Town. Notwithstanding the foregoing, petition proposals which are supplemental appropriations shall be acted upon pursuant to § C-32.
- (6) No ordinance or legislative action which shall have been adopted or repealed at a Special Town Meeting called by petition may be repealed, amended or reenacted by the Board of Selectmen unless such action is necessary so that such ordinance or legislative action conforms to the General Statutes or other law.
- D. Subject to such time limitations as may appear elsewhere in this Charter, the Board of Selectmen shall determine the time, date and place of any Special Town Meeting and any Adjourned Town Meeting.
- E. Time limitations.
 - (1) Unless a petition request proposes an ordinance, requests a supplemental appropriation or involves a matter which by this Charter or other law requires referral to another Board, the Board of Selectmen, within 35 days after certification by the Town Clerk of a valid petition, shall fix the date and place of such meeting and issue and publish a legal notice calling the Special Town Meeting as provided in § C-7B.
 - (2) If the proposed action is required by this Charter or by other law to be referred to another Board, such time limit to hold a Special Town Meeting may be extended as reasonably necessary to allow for such referral, provided that not more than 120 days elapse between the request for a Special Town Meeting under this § C-9 and the date of such meeting.
- F. If a Special Town Meeting is requested by petition to authorize a supplemental appropriation, such request shall be referred to the Board of Finance by the Board of Selectmen at its next meeting following verification by the Town Clerk that a valid petition has been filed. All further action on such request, whether by petition or motion, shall be taken in accordance with § C-32 concerning supplemental appropriations.
- G. If a Special Town Meeting is requested by petition to adopt an ordinance, all further action on such proposal shall be taken in accordance with Article VI concerning ordinances.

§ C-10. Organization of the Town Meeting.

Unless otherwise provided by ordinance or other law, the members present at each meeting of the Town Meeting shall elect a Moderator, who shall be the presiding officer and a member of the Town Meeting. The Moderator shall appoint at each meeting a Parliamentarian to serve the Town Meeting.

§ C-11. Conduct of meetings of the Town Meeting.

- A. Those members present at the opening of the Annual Town Meeting shall constitute a quorum thereof. The quorum required for the opening of any other meeting of the Town Meeting shall be 50 members, the attendance to be determined by the presiding officer. Whether or not a quorum is present, a Special Town Meeting or any reconvened session thereof may be continued not more than 30 days to a time certain by majority vote of those voting. Whenever a meeting shall have been so continued, notice of such continuation shall be given in the manner provided in § C-7B, except that only seven days' notice shall be required.
- B. In the case of a Special Town Meeting called by petition, the matters specified in the petition shall be the first order of business unless the members present shall vote to change the sequence of business.

- C. The affirmative vote of a majority of those members present and voting in respect to the matter at a meeting of the Town Meeting duly opened shall be the act of the Town Meeting unless a greater vote is required in respect to such matter by this Charter or by other law.
- D. The Town Meeting may by resolution adopt or amend the procedures for the orderly and efficient conduct of any meeting of the Town Meeting. In the event that the Town Meeting shall fail to adopt or amend such procedures, such meeting shall be conducted in conformity with Robert's Rules of Order, except to the extent otherwise provided by this Charter or by other law.

ARTICLE IV
Board of Selectmen

§ C-12. Board of Selectmen.

There shall be a Board of Selectmen consisting of the First Selectman and four Selectmen, elected as provided in Article IX.

§ C-13. General powers.

- A. The Board of Selectmen shall have the powers, duties and responsibilities conferred upon it by this Charter and, except to the extent otherwise provided in this Charter, all powers, duties and responsibilities conferred upon Boards of Selectmen by the General Statutes, applicable Special Acts and ordinances of the Town. The Board of Selectmen shall have all powers, including, without limitation, administrative, appointive and legislative powers, necessary or incidental to the discharge of its duties and responsibilities except to the extent otherwise provided in this Charter.
- B. The Board of Selectmen shall have the power to adopt, amend and repeal ordinances except for the legislative powers reserved for the Town Meeting pursuant to §§ C-6 and C-9. As set forth in § C-9C(6), the Board of Selectmen shall not have the power to adopt, amend or repeal an ordinance which shall have been adopted or repealed at a Special Town Meeting called by petition unless such action is required to conform such ordinance to the General Statutes or other law.
- C. Without limiting the generality of Subsections A and B of this section, the Board of Selectmen shall have the power by ordinance or resolution to adopt an administrative code and to create, modify or dissolve ad hoc (i.e., for a specific purpose and limited duration) or advisory offices or Committees, and to set their powers, duties, numbers and terms and to provide for qualifications of office and compensation, if any, of members of any such office or Committee. However, if the office or Committee is to have anything other than advisory powers, it must be created, modified or dissolved by ordinance, and must comply with any applicable statutes.

§ C-14. Conduct of meetings.

- A. A regular meeting of the Board of Selectmen shall be held on the first and third Monday of each month at the Town Hall or at such other day or place as may from time to time be set by the Board of Selectmen by notice published in a newspaper having general circulation in the Town not less than five nor more than 15 days in advance of the meeting.
- B. A special meeting of the Board of Selectmen may be called at any time by the First Selectman or by any two Selectmen. The person or persons calling a special meeting shall give reasonable advance notice of such meeting to the other Selectmen and the Town Clerk. Notice to the Selectmen may be waived, however, by written waiver signed by all members of the Board of Selectmen and filed with the Town Clerk at or prior to the time the meeting convenes. The provisions of § 1-21 of the General Statutes² shall apply.
- C. A majority of the members of the Board of Selectmen shall constitute a quorum for the transaction of business.
- D. The affirmative vote of a majority of the votes cast in respect of a matter at a meeting at which a quorum is present at the time of the vote shall be the act of the Board of Selectmen unless a greater vote is required in respect of such matter by this Charter or other law.
- E. The Board of Selectmen may make such other rules for the conduct of its affairs as it deems advisable, which are in accordance with the provisions of this Charter and the provisions of the General Statutes, and such rules shall be made available to the public, including rules on disqualification in matters of conflicting personal

2. Editor's Note: See now § 1-225, formerly § 1-21, of the General Statutes.

interests.

§ C-15. Duties and responsibilities.

- A. The Board of Selectmen shall be responsible for:
- (1) Carrying out the acts, policies and ordinances of the Town except where responsibility is otherwise designated by this Charter, ordinance or Town Meeting resolution.
 - (2) Supervising and overseeing the affairs of the Town; maintaining the records and books of account of the Town, except those of the Board of Education; coordinating and keeping itself informed of the activities of the other officers and Boards of the Town; and counseling the First Selectman with regard to the administration of the affairs of the Town.
 - (3) Conducting a continuous review of the current and projected fiscal, administrative, governmental, physical and other needs of the Town and, on the basis of such review, assuming leadership in the development of appropriate programs to meet such needs.
 - (4) Insuring proper oversight of the funds contributed by the Town to organizations to which the Town provides financial support in compliance with § C-5C(1).
 - (5) Fixing the charges, if any, to be made for services rendered by the Town, other than those rendered by the Board of Education or the Water Pollution Control Authority.
 - (6) Contracting for services and the use of facilities with the United States government or any agency thereof, or the State of Connecticut or any agency thereof; or, by agreement, joining with any political subdivision of the State of Connecticut or any other government or private entity to provide services and facilities in accordance with the applicable provisions of the General Statutes.
 - (7) Applying for and accepting federal and state grants on behalf of the Town, subject to the approval of the Board of Finance.
- B. The Board of Selectmen shall be considered the appointing authority of the Town and shall appoint members to non-elected Boards and Committees, and shall appoint non-elected officers of the Town. The Board of Selectmen shall also be empowered to fill vacancies of both elected and appointed offices, Boards and Committees, except when a vacancy occurs on the Board of Education, the Board of Finance or the Planning and Zoning Commission. However, if the Board of Finance, Board of Education or Planning and Zoning Commission fails to fill a vacancy on their respective boards within 30 days of the vacancy arising, the Board of Selectmen shall fill such vacancy pursuant to the General Statutes. Whether created by resolution, ordinance, statute or this Charter, the Board or Committee shall select its own officers unless the resolution, ordinance, statute or this Charter creating it states otherwise.
- C. In the discharge of the duties and responsibilities placed upon it, the Board of Selectmen may request and shall be entitled to receive such information from any officer, Board or Committee, or may require such joint meetings with any officer, Board or Committee as the Board of Selectmen may find necessary at any time.
- D. Members of the Board of Selectmen shall not instruct or direct employees of the Town who are subject to the direction and supervision of the First Selectman without the First Selectman's prior authorization.

§ C-16. Miscellaneous powers.

- A. At the first meeting of a newly elected Board of Selectmen held after a regular election of the Town, the Board of Selectmen shall choose a Selectman to serve as Second Selectman. The Second Selectman shall have all the powers, duties and responsibilities of the First Selectman in the event of a vacancy in the office of First Selectman, until such vacancy is filled as prescribed by this Charter § C-47F or other law. In the event that the First Selectman is unable to perform such duties as are required and in the absence of such delegation,

the powers of the First Selectman shall be deemed to have been delegated to the Second Selectman.

- B. Except to the extent otherwise provided by this Charter or other law, the Board of Selectmen may administer in whole or in part:
- (1) The purchase of supplies, materials, equipment and other commodities required by any officer, Board or Committee, except the Board of Education.
 - (2) The maintenance or custodial work for any public building, park, playground, road or other facility under the care of any officer, Board or Committee, except any thereof under the care of the Board of Education.
 - (3) Contracting on behalf of the Town for any services required by any officer, Board or Committee, except the Board of Education.
 - (4) The disposition of any Town property, real or personal, no longer required for Town use, having a fair market value at the time of disposition not in excess of 1% of the total annual budget for the then current fiscal year provided the Board of Selectmen has provided owners of land within 500 feet reasonable notice and an opportunity to be heard prior to the disposition of any such real property.
 - (5) The acceptance of gifts of real property, personal property or any interest therein in the name of the Town for any public purpose, and the maintenance of such property for such purpose. If the Board of Selectmen determines that a gift does have a significant financial burden, it shall consult with the Board of Finance before accepting such gift.
 - (6) Action on behalf of the Board of Education in matters provided for in this section, including the maintenance of the records and books of accounts, upon the request of the Board of Education.
 - (7) The acceptance of roads on behalf of the Town as public highways conforming with the provisions of any applicable ordinance or resolution.
 - (8) The approval of the hiring, compensating and discharging of any department head of the Town or any Official.
- C. The Board of Selectmen may, without the vote of the Town Meeting or approval of the Board of Finance, expend in any fiscal year, for any purpose or purposes, an amount in excess of the amount appropriated in the annual budget of the Town for such fiscal year, up to a total in the aggregate equal to 1/4 of 1% of the total annual budget of the Town. The Board of Selectmen shall notify the Board of Finance and the Treasurer, in writing, of each such excess expenditure within 14 days of making the same.

§ C-17. Delegation.

- A. The Board of Selectmen may, except to the extent otherwise provided by ordinance or other law, create such offices and Committees, and employ such staff with such powers, duties and responsibilities as it may deem desirable to assist it in carrying out the duties and responsibilities of the Board of Selectmen.
- B. To assist in the discharge of its duties and responsibilities, the Board of Selectmen may, except to the extent otherwise provided by other law, delegate in whole or in part any of its powers and duties to the First Selectman or any other Selectman or Selectmen.

ARTICLE V
The First Selectman

§ C-18. The First Selectman.

- A. There shall be a First Selectman of the Town, elected as provided in Article IX.
- B. The First Selectman shall be the chief executive officer and chief administrative officer of the Town.
- C. To assist in the discharge of the duties and responsibilities of the First Selectman, the First Selectman, subject to the approval of the Board of Selectmen, may delegate any of the administrative powers and duties of the First Selectman to any Selectman or Selectmen or to any person responsible to the First Selectman.

§ C-19. General powers.

- A. The First Selectman shall have the powers, duties and responsibilities conferred upon the office of First Selectman by this Charter and, except to the extent otherwise provided by this Charter, all powers, duties and responsibilities conferred upon that office by other law and all powers necessary or incidental to the discharge of the duties and responsibilities of that office.
- B. The First Selectman shall, when present, preside over all meetings of the Board of Selectmen, shall be a full voting and participating member of the Board of Selectmen and shall have the power to vote to break a tie vote of the Board of Selectmen.
- C. Except as provided by ordinance or other law, the First Selectman shall be an ex officio member of all Boards and Committees of the Town, and of all organizations to which the Town provides financial support unless otherwise provided by the Town Meeting, but without the power to vote. The First Selectman may appoint, in writing, one or more electors of the Town to be the First Selectman's representative on any such Board, Committee and organization. The First Selectman shall be given reasonable advance notice of all meetings of all such Boards, Committees and organizations.
- D. Except as otherwise provided by ordinance or other law, the First Selectman or a person designated by the First Selectman may hire, fix the compensation of and discharge any employee of the Town, unless such employee is a department head of the Town or an Official. Such department heads and Officials shall be hired, compensated and discharged with the approval of the Board of Selectmen. These powers shall not extend to employees of the Board of Education or to Officials who are members of such Board.

§ C-20. General duties and responsibilities.

- A. The First Selectman shall be responsible for coordinating the activities and future planning of the offices, Boards and Committees of the Town.
- B. The First Selectman shall see that all laws, ordinances, resolutions and policies governing the Town are faithfully executed.
- C. The First Selectman shall have prepared financial and other reports for such periods as may be required by the Board of Selectmen.
- D. The First Selectman shall conduct a continuous review, under the general policy direction of the Board of Selectmen, of the financial needs and budget requirements of the Town. The First Selectman may request and shall be entitled to receive at any time a statement of the current and projected financial position and needs of any office or Board of the Town.
- E. On or prior to a date determined by the First Selectman, each officer, Board and Committee of the Town (except the Board of Education), and each agency to which the Town gives financial support, shall provide to the First Selectmen a statement of the estimated expenditures and desired appropriation for the ensuing fiscal

year for each department or agency and shall prepare and submit a proposed budget to the Board of Selectmen.

- F. The First Selectman shall exercise such other powers and perform such other duties as may be required of the First Selectman by ordinance or resolution of the Board of Selectmen or of the Town Meeting not inconsistent with this Charter.

ARTICLE VI
Ordinances

§ C-21. Creation, amendment and repeal.

Ordinances may be created, amended, repealed or overruled in accordance with the procedures of this article, Article III and Article IV. An ordinance may be amended or repealed only by another ordinance.

§ C-22. Public hearings on ordinances.

- A. No ordinance shall be voted upon by the Board of Selectmen or the Town Meeting until a public hearing shall have been held thereon.
- B. Notice of the date, time and place of the public hearing on any proposed ordinance, together with the full text of the proposed ordinance or a summary thereof, shall be published by the Board of Selectmen in a newspaper having general circulation in the Town not less than 10 nor more than 20 days in advance of the date set for such hearing.
- C. The Board of Selectmen shall set a date for a public hearing on a proposed ordinance within 60 days after one of the following events:
 - (1) The Board of Selectmen proposes the adoption of an ordinance; or
 - (2) The Board of Selectmen receives a valid petition pursuant to § C-9 requesting a Special Town Meeting to adopt an ordinance.

§ C-23. Action by the Board of Selectmen.

- A. The Board of Selectmen must act upon any proposed ordinance within 35 days following the public hearing held thereon. If the Board of Selectmen fails to act within such 35 days or if the Board of Selectmen makes substantial changes to the proposed ordinance following such public hearing, the Board of Selectmen shall call another public hearing on the proposed revised ordinance subject to the notice requirements of § C-22B before calling a meeting of the Town Meeting to consider the revised ordinance or before the Board of Selectmen may adopt the revised ordinance.
- B. If the Board of Selectmen shall reject or fail to act on or make substantive change to an ordinance proposed by petition pursuant to § C-9, the Board of Selectmen shall call a Special Town Meeting to consider action on such proposed ordinance in accordance with § C-9C(4).

§ C-24. Required publications.

- A. Upon affirmative action of the Board of Selectmen on a proposed ordinance, the Board of Selectmen shall publish a legal notice of such action and a summary of the ordinance in a newspaper having a general circulation in the Town within 20 days of such affirmative action.
- B. Not less than 10 nor more than 20 days in advance of the date set for any meeting of the Town Meeting called pursuant to § C-9 at which a proposed ordinance is set to be voted upon, the full text of such proposed ordinance or a summary of such proposed ordinance shall be published by the Board of Selectmen in a newspaper having general circulation in the Town. The Board of Selectmen shall prepare, in writing, a summary report of the issues raised by the proposed ordinance. The report shall include the opinion of Town Counsel on any substantial legal issues raised by the proposed ordinance and may, but need not, include the recommendations of the Board of Selectmen. Such reports shall be available to the public in the office of the Town Clerk not less than 10 days in advance of the date set for the meeting of the Town Meeting at which the proposed ordinance is set to be voted upon and shall be presented orally to the Town Meeting.

§ C-25. Amendments to proposed ordinances by the Town Meeting.

If an ordinance shall have been amended on the floor before passage by the Town Meeting, it shall not go into effect unless and until approved as provided in this section. The session of the meeting at which such amendment was passed shall be reconvened on a day certain not less than 10 days nor more than 25 days in the future. Not less than five days prior to the date set for such reconvened session, the amendment to the ordinance or the ordinance as amended or a summary thereof shall be published in a newspaper having general circulation in the Town.

§ C-26. Adoption of standard codes in ordinances.

An ordinance may include any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally.

§ C-27. Effective date of ordinances.

Unless otherwise provided for in the ordinance, any ordinance passed by the Town Meeting or the Board of Selectmen shall go into effect 21 days from affirmative action by the Town Meeting or the Board of Selectmen, as the case may be.

ARTICLE VII
Appropriations, Budgets and Finance

§ C-28. Board of Finance: members, election, officers.

There shall be a Board of Finance consisting of six members elected as provided in Article IX. The members of the Board of Finance shall choose one of its members to be its chairman and another to be its clerk, and may create other offices, and choose other of its members to fill them, at such time or times as it may deem necessary and appropriate.

§ C-29. Board of Finance: powers, etc., internal rules and regulations, access to Town's financial records.

Except to the extent limited by this Charter, the Board of Finance shall have all powers, duties, authorities and responsibilities conferred upon Boards of Finance by the General Statutes and other law. To the extent not inconsistent with this Charter and other law, the Board of Finance may adopt such rules and regulations governing its own procedures, and may set the places, dates and times for its meetings and its public hearings as, in its judgment, serve the best interests of the Town. The Board of Finance shall have access at all reasonable times to the books of account and relevant records of the Town in the custody of the Board of Selectmen, the Board of Education, any other agency, or any organization receiving grants or subsidies from the Town provided such access is in the agreement between the organization and the Town.

§ C-30. The procedures for setting the annual Town budget and the rate of taxation through and including the Annual Town Meeting.

A. The Board of Education's budget request.

On or prior to the 60th day preceding the date of the Annual Town Meeting, the Board of Education shall submit to the Board of Finance, in written format as prescribed by the Board of Finance, the amount the Board of Education has determined is needed during the ensuing fiscal year for the operation of the public schools and the maintenance of the school buildings and other assets of the Town entrusted to the care of such Board, together with supporting documentation therefor. At the same time, the Board of Education shall also submit estimates of the cost of anticipated capital expenditures for the ensuing fiscal year, and for the four following fiscal years in such form as may be prescribed by the Board of Finance. The Board of Education shall provide copies of its submissions to the First Selectman at the same time it submits the same to the Board of Finance.

B. The Board of Selectmen's budget request.

On or prior to the 60th day preceding the date of the Annual Town Meeting, the Board of Selectmen shall submit to the Board of Finance, in written format prescribed by the Board of Finance, the amounts the Board of Selectmen has determined is needed during the ensuing fiscal year for each of the various departments and organizations of the Town other than the public schools, together with supporting documentation therefor. At the same time, the Board of Selectmen shall also provide estimates of the cost of all anticipated capital expenditures for the ensuing fiscal year, as well as for the four following fiscal years, in such form as may be prescribed by the Board of Finance.

C. The public hearings.

On or before February 15 of each year, the Board of Finance shall schedule dates, times and places for separate public hearings on the Board of Education's and Board of Selectmen's budget requests. These hearings (hereafter, the "public hearings"), shall take place no later than the 35th day preceding the date of the Annual Town Meeting.

D. Notice of the public hearings.

At least 10 days in advance of the public hearings, the Board of Finance shall publish in a newspaper having general circulation in the Town a notice of such public hearings which shall include a summary of the budget requests of the Board of Education and Board of Selectmen; the Board of Finance's estimates for debt service, tax relief, non-tax revenues, contingencies, the Grand List, fund balance reserves, the rate of taxation, and any other relevant matters.

E. The Responsibilities of the Board of Finance following the public hearings.

- (1) Following the public hearings the Board of Finance shall consider the views expressed at the public hearings, the views expressed in other communications by voters, the financial resources available to the Town, and the extent to which, in the Board of Finance's collective judgment, the Board of Education and Board of Selectmen can find savings within their respective budget requests. The Board of Finance shall also reconsider, to the extent necessary, debt service requirements, the appropriate amount of the general fund balance, and anticipated non-tax revenues, inter alia. The Board of Finance may reduce or increase any line item in the Board of Selectmen's budget request or the Board of Education's total budget request, and at least 21 days prior to the date of the Annual Town Meeting shall recommend to the Annual Town Meeting a budget for the ensuing fiscal year of the Town (the "recommended budget") and the rate of taxation (the "recommended rate of taxation") necessary to support the same.
- (2) Notwithstanding the provisions of the preceding subsection, if the Board of Finance votes to change one or more of the line items in the Board of Selectmen's budget request, the Board of Selectmen shall have the power, with four affirmative votes to override the Board of Finance's action, provided that the Board of Selectmen shall reduce or increase other line items so that the total of their budget request shall equal the total amount of such line items as originally proposed but thereafter amended by the Board of Finance's action. The Board of Selectmen shall not have the power to reduce the employer's pension or other post-employment benefits contributions below the actuarially calculated annual required contributions. The Board of Selectmen's action in such respect shall not be subject to further amendment by subsequent action of the Board of Finance prior to the Annual Meeting. The Board of Selectmen's modified budget request shall then be submitted to the Board of Finance prior to its final determination of the recommended budget and recommended rate of taxation.
- (3) The Board of Finance shall cause the recommended budget, in summary form, and the recommended rate of taxation to be published in a newspaper having general circulation within the Town at least 10 but no more than 20 days before the date of the Annual Town Meeting.

F. The Annual Town Meeting.

- (1) The Town Meeting, at the Annual Town Meeting, shall consider the recommendations of the Board of Finance, and may, by amendment made and seconded, and approved by those in attendance, reduce (but not increase) the Board of Education's total recommended budget; individual line items in the Board of Selectmen's recommended budget; and the debt service recommended appropriation. The Town Meeting may not authorize any appropriation for any purpose which was not requested by either the Board of Education or the Board of Selectmen nor recommended by the Board of Finance. The Town Meeting may not reduce any proposed appropriation (the "proposed appropriation") below that amount equal to the legal obligation of the Town nor reduce the employer's pension or other post-employment benefits contributions below the actuarially calculated annual required contributions.
- (2) Voting on the budget shall be by machine voting. Each voter may vote (a) to approve the budget, (b) to reject the budget because it is too high, or (c) to reject the budget because it is too low.
- (3) The budget shall become the appropriation of the Town for the ensuing fiscal year unless at least 15% of the electors of the Town vote and a majority of those voting vote to reject the budget either because it is too high or because it is too low. If the budget is approved after amendment, the Board of Finance shall set the recommended rate of taxation for the ensuing fiscal year, reduced to reflect such

amendment.

§ C-31. Procedure should the budget be rejected.

A. Reconsidered budget.

The Board of Finance shall consult with the Board of Selectmen and the Board of Education and then recommend a reconsidered budget and reconsidered rate of taxation to a Reconvened Annual Town Meeting. [The Board of Finance may reduce or increase any proposed appropriation when formulating such reconsidered budget, subject, however, to the rights of the Board of Selectmen to override any reduction or increase of a proposed line item appropriation by at least four votes and while making adjustments to its overall proposed appropriation as provided in § C-30E(2) above.] For this meeting, the Board of Selectmen shall set a place, time, and date within 25 days of the previous vote. At least five days in advance of this meeting, a notice shall be published in the local newspaper together with the reconsidered budget and reconsidered rate of taxation.

B. Reconvened Annual Town Meeting.

- (1) The Town Meeting at the Reconvened Annual Town Meeting may approve the reconsidered budget or reduce (but not increase) one or more of the proposed appropriations, but may not reject the reconsidered budget. No appropriation may be reduced below the legal obligation of the Town. The employer's pension or other post-employment benefits contributions may not be reduced below the actuarially calculated annual required contributions. If there are no amendments, the reconsidered budget shall be final.
- (2) If the Reconvened Annual Town Meeting amends the reconsidered budget, machine voting shall take place, at which time voters will have two choices:
 - (a) Approve the reconsidered budget as submitted by the Board of Finance; or
 - (b) Approve the reconsidered budget as amended at the Reconvened Annual Town Meeting.
- (3) The reconsidered budget, prior to any amendment, will be the budget of the Town for the ensuing fiscal year unless at least 15% of the electors of the Town vote and a majority of those voting vote in favor of the budget as amended at the Reconvened Annual Town Meeting, in which case such amended budget will be the budget of the Town for such year. The Board of Finance shall then set the recommended rate of taxation, reduced to reflect the amendment to the reconsidered budget.

§ C-32. Procedures for supplemental appropriations from the general fund.

A. Requests for supplemental appropriations.

- (1) If any department or organization of the Town, other than the Board of Education, shall need more funds than have been appropriated to it, it shall request the additional funds from the Board of Selectmen. If the Board of Selectmen agrees that more funds are needed the Board of Selectmen may request a supplemental general fund appropriation from the Board of Finance to meet such needs. Similarly, if the Board of Education determines that it needs more funds than have been appropriated to it, the Board of Education may request that the Board of Finance authorize such a supplemental appropriation.
- (2) If a request for a supplemental appropriation is made by electors of the Town by petition pursuant to § C-9, the Board of Selectmen shall forward the same to the Board of Finance as provided in § C-9F.

B. Action of Board of Finance upon request for supplemental appropriation.

- (1) The Board of Finance shall act upon any request for a supplemental appropriation (the "supplemental appropriation") within 30 days after receipt of the same. For these purposes the Board of Finance shall

be deemed to have received such a request at its first meeting after the date a written request for the supplemental appropriation is delivered to its chairman or clerk.

- (2) The Board of Finance may authorize the supplemental appropriation provided that the amount of the supplemental appropriation shall not exceed 1% of the total annual budget for the Town for the then-current fiscal year, and the total amount of any and all supplemental appropriations authorized by such Board in respect of such budget shall not exceed 2% of such budget.

C. Referral to the Town Meeting of a request for a supplemental appropriation approved by the Board of Finance.

The Board of Selectmen shall call a Special Town Meeting by legal notice as specified in § C-7B of the time, date and place of the Special Town Meeting and the adjourned vote, and forward to the Town Meeting for its consideration any request for a supplemental appropriation that the Board of Finance endorses but which it cannot grant due to the amount requested and the amount of any previous requests it may have granted. Such Special Town Meeting shall take place within 30 days of the date the Board of Finance endorses such supplemental appropriation.

D. Referral to the Town Meeting of a request for a supplemental appropriation not approved by the Board of Finance.

The Board of Selectmen shall call a Special Town Meeting by legal notice as specified in § C-7B of the time, date and place of the Special Town Meeting and the adjourned vote, and forward to the Town Meeting any request for a supplemental appropriation that the Board of Finance does not approve in its entirety within 30 days of its receipt of the same (other than a request made by the Board of Selectmen which it subsequently decides to withdraw). Such Town Meeting shall take place within 30 days of the date the Board of Finance fails to approve such supplemental appropriation, in full or in part, or by failing to take action. The Board of Selectmen may, in its discretion, call a public hearing and may, in such case, extend such time limitation for as long as 90 days between the receipt of the original request by the Board of Finance and the subsequent Special Town Meeting. Not less than seven nor more than 15 days in advance of the date set for such a public hearing, the Board of Selectmen shall publish in a newspaper having general circulation in the Town a notice of the date, time and place of the public hearing and a summary of the request or proposal. At the public hearing the Board making the request or proposal shall report on its reasons for making the same, and the Board of Finance shall report on the reasons for its action or failure to act.

E. Actions of Town Meeting at a Special Town Meeting called to consider request for a supplemental appropriation.

- (1) The Town Meeting shall have no power to amend the amount of any supplemental appropriation, but may impose, by amendment, any modifications to the request as are not inconsistent with the call to the meeting or incompatible with the purpose of the request. After reasonable discussion and after any such amendments have been proposed and either adopted or rejected, the Special Town Meeting shall adjourn for machine voting.
- (2) As to any supplemental appropriation endorsed by the Board of Finance, a simple majority of those members of the Town Meeting voting shall be required to authorize such supplemental appropriation. As to any supplemental appropriation not endorsed by the Board of Finance, a simple majority of those members of the Town Meeting voting must cast votes approving the supplemental appropriation, and at least 15% of the electors of the Town must vote in order for such supplemental appropriation to be authorized.

§ C-33. Bonding procedures.

A. The Board of Selectmen, and only the Board of Selectmen, shall have the power to propose the issuance of bonds to the Town Meeting.

- B. The Board of Selectmen shall refer any proposal for the issuance of bonds to the Board of Finance for its review not less than 15 days in advance of the meeting of the Town Meeting at which such proposal is to be considered. Should the Board of Finance object to any aspect of said proposal, it shall report its reasons therefor to the Town Meeting. The Town Meeting may not amend any such proposal for the issuance of bonds.
- C. Immediately following the adjournment of the meeting of the Town Meeting at which the Board of Selectmen's proposal for the issuance of bonds is to be considered, the voters shall have the opportunity to vote for or against such proposal by machine voting. The resolution shall be adopted if approved by a majority of those voting and shall otherwise be rejected.
- D. Whenever the Town Meeting has authorized the issuance of bonds by the Town, the Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and Treasurer, have the seal of the Town affixed and be certified by a bank or trust company designated by the First Selectman and Treasurer, which bank or trust company may be designated as the paying agent. Any such notes shall be general obligations of the Town for which the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon.
- E. Whenever a project financed by the issuance of bonds has been completed, the First Selectman shall certify to the Board of Finance that the work for which the bonds were authorized and issued has been completed and that the Town's financial obligations as to the project have been met.
- F. Should a project financed by the issuance of bonds have been completed and all obligations met, any surplus bond proceeds shall be transferred by the Treasurer to the general fund to pay debt service on outstanding bonds, unless the Board of Selectmen requests the Board of Finance to redesignate all or part of such surplus to a project or projects for which there is authorized but unissued debt and the Board of Finance acts favorably upon such request. The amount of any such redesignation may not exceed the amount of such authorized but unissued debt.

§ C-34. General Fund appropriations.

- A. Every appropriation from the General Fund of the Town, except for an appropriation for a capital expenditure, shall lapse at the close of the fiscal year in respect of which it has first been appropriated, except to the extent it has been expended or encumbered. An appropriation from the General Fund for a capital expenditure shall continue in force until the Board of Finance determines that the purpose for which it was made has been accomplished or abandoned. These provisions shall not apply to any municipal reserve fund established pursuant to Chapter 108 of the General Statutes, as amended.
- B. Notwithstanding any other provision of this Charter to the contrary, the Board of Finance shall have the power to apportion the payment of any capital expenditure over any period of no more than five years in accordance with Connecticut General Statutes § 7-346 or corresponding successor legislation.

ARTICLE VIII
Appointed Officials

§ C-35. Required appointed officers.

There shall be the following appointed officers of the Town: Town Clerk, Treasurer, Tax Collector, Assessor, Town Counsel, Health Director, Animal Control Officer, Tree Warden, Hearing Officers and Emergency Services Director (who shall also serve as Civil Preparedness Director), and such other appointed officers as may be required by this Charter or by other law.

§ C-36. Required appointed boards and committees.

There shall be such appointed boards and committees as may be required or created by this Charter or by other law.

§ C-37. Term limits.

No member of an appointed board or committee shall serve for more than 10 consecutive years on such board or committee.

§ C-38. Appointments.

- A. All appointed officers and all members of appointed boards and committees shall be appointed by the Board of Selectmen, subject to the provisions of § C-52B.
- B. Whether created by resolution, ordinance, statute or this Charter, the board or committee shall select its own officers unless the resolution, ordinance, statute or this Charter creating it states otherwise.

§ C-39. Qualifications; minority representation.

- A. Uncompensated appointed officers and voting members of all appointed boards and committees shall be electors of the Town.
- B. The provisions of § 9-167a of the General Statutes as to minority representation shall apply to all appointments to appointed boards and committees, including appointments to fill vacancies.

§ C-40. Compensation; expenses; levies.

- A. The amount of compensation, if any, to be paid to appointed officers and members of appointed boards shall be set as provided in this Charter, by other law or by the Board of Selectmen and shall be included in the Board of Selectmen's Budget Request.
- B. The reasonable and necessary expenses of any Official actually incurred in the conduct of the duties of his or her office shall be paid by the Town upon the requisition by such Official, in writing, and approval of the First Selectman or a person designated by the First Selectman.
- C. All fees, fines and levies of every kind paid to or received by any Official, Board or Committee shall promptly be remitted to and deposited by the Treasurer in accordance with this Charter or by other law or by the Board of Selectmen and accounted for in accordance with generally accepted accounting principles.

§ C-41. Terms of office.

- A. The term of office of each official listed in § C-35 shall be two years and until a successor shall have taken office, unless the Board of Selectmen shall set a shorter term to the extent permitted by law. The terms of office of other appointed officials shall be the same unless otherwise provided in this Charter or by other law creating the same.

- B. Terms of office shall commence on the first day of December next following appointment in the case of officials listed in § C-35 and on the same date in the case of all other appointed Officials unless otherwise provided by this Charter or by other law creating the same.

§ C-42. Vacancies.

- A. Vacancies in appointed offices and boards shall be filled for the unexpired portions of the terms in the same manner as appointments are made.
- B. If, at any time after the appointment of any appointed officials but before the person shall have taken office or membership, that person shall have become unable to take the same by reason of death, disqualification or resignation, a vacancy in such office or membership shall thereupon be deemed to exist for purposes of this section.

§ C-43. Removal and resignations.

The provisions of § C-62 shall apply as to removal and resignations of appointed Officials.

§ C-44. Required appointed officers; special provisions.

- A. The Town Counsel shall be the chief legal officer of the Town. The Town Counsel shall pass upon the legality of Town actions and proposed Town actions and approve notices of meetings of the Town Meeting. The Town Counsel shall give legal counsel and advice to Officials and represent the Town in actions or contested matters before any court or governmental agency. The Town Counsel shall be a member in good standing of the bar of the State of Connecticut. While in office, the Town Counsel shall hold no other elected or appointed office or position of the Town.
- B. Except as otherwise provided in this Charter, the officers provided for in § C-35 shall have the powers, duties and responsibilities and shall perform the functions prescribed by law.

ARTICLE IX
Elected Officials and Elections

§ C-45. Required elected officers.

- A. There shall be the following elected officers of the Town: a First Selectman, who shall be a member of the Board of Selectmen; two Registrars of Voters, five Constables, and such other elected officers as may be required by this Charter or by other law enacted after the effective date of this Charter.
- B. The provisions of § 9-183 et seq. of the General Statutes shall apply for Justices of the Peace.

§ C-46. Required elected boards.

- A. There shall be the following elected Boards of the Town: Board of Selectmen; Board of Finance; Planning and Zoning Commission; Zoning Board of Appeals; Board of Assessment Appeals; and Board of Education, and such other elected Boards as may be required by this Charter or other law enacted after the effective date of this Charter.
- B. Whether created by resolution, ordinance, statute or this Charter, the Board or Committee shall select its own officers unless the Charter, resolution, ordinance, or statute creating it states otherwise.

§ C-47. Elections.

- A. There shall be a biennial election of the Town, known as the "regular Town election," on the first Tuesday after the first Monday in November of each odd-numbered calendar year. Special Town elections may be held from time to time as provided by law.
- B. All officers listed in § C-45A, except Registrars of Voters and the First Selectman, shall be elected at each regular Town election unless otherwise provided in this Charter or by other law.
- C. Effective with the state election of November 2012, the Registrars of Voters shall be elected quadrennially for a four-year term.
- D. Members of all Boards listed in § C-46A shall be elected at each regular Town election in the manner further provided in this article unless otherwise provided in this Charter or by other law.
- E. The election of the First Selectman shall be separated from that of the remaining members of the Board of Selectmen. That is, votes for the unsuccessful candidate for First Selectman shall not be counted as votes for that candidate for membership on the Board of Selectmen. Further, no person shall be a candidate for both First Selectman and for membership on the Board of Selectmen.
- F. A special election shall be held to fill a vacancy that may occur in the office of the First Selectman. The provisions of § C-51C for filling such vacancy shall apply.

§ C-48. Qualifications, term limits, minority representation.

- A. No person who is not an elector of the Town may be an elected officer or member of an elected Board of the Town.
- B. Except for the First Selectman, no individual may be elected to more than two successive full terms as a member of any Board. Notwithstanding the foregoing, those individuals who are members of the Board of Selectmen on the effective date of this Charter may be elected to as many as two successive full terms as a member of such Board after the effective date of this Charter.
- C. No member of an elected Board may hold any other elected municipal office or be appointed a municipal officer except as provided in this Charter or by other law. No Registrar of Voters shall concurrently hold the

office of Town Clerk.

- D. The provisions of § 9-167a of the General Statutes as to minority representation shall apply to all elected Boards and to the filling of vacancies. Thus, in the case of all elections to all elected Boards including the Board of Selectmen and the Board of Education, a party may nominate and an elector may vote for the full number of members to be elected for a single term, provided that the number of members from a single party to be declared elected does not exceed the number that may take office. In the case of the Board of Selectmen, the maximum number that may be of a single party shall be three.
- E. In all cases for purposes of minority representation, if an unexpired portion of a term is to be filled at the same time as a full term, the unexpired term shall be deemed to be filled before the full term.

§ C-49. Compensation, expenses, levies.

- A. The salary of the First Selectman shall be determined by the Board of Selectmen, with discussion taking place in executive session without the presence of the First Selectman, and a vote taken in open session without the First Selectman's vote. Such amount shall be included in the Board's annual request for appropriations. The amount of compensation, if any, to be paid to the Selectmen other than the First Selectmen shall be proposed by the Board of Selectmen, approved by the Board of Finance and included in the Board of Selectmen's annual request for appropriations. The amount of compensation, if any, to be paid to other elected officers or members of elected boards shall be set as provided for in this Charter or by other law, and in absence thereof, by the Board of Selectmen and shall be included in the annual request for appropriations of said Board. Compensation for an individual temporarily filling a vacancy in the office of First Selectman shall be determined by the Board of Selectmen at the time the vacancy is filled.
- B. The reasonable and necessary expenses of an elected Official actually incurred in the conduct of the duties of the office shall be paid by the Town upon the requisition by such Official, in writing, and the approval of the First Selectman or a person designated by the First Selectman.
- C. The rate of compensation of any elected Official except that of the First Selectman shall not be changed during that Official's term of office or membership.
- D. All fees, fines and levies of every kind paid to or received by any elected Official or Board shall promptly be remitted to and deposited by the Treasurer in accordance with this Charter or by other law or by resolution of the Board of Selectmen and accounted for in accordance with generally accepted accounting principles.
- E. No elected Official of the Town of Wilton shall receive any salary from the Town of Wilton except such salary as may be payable by reason of such elected office.

§ C-50. Terms of office.

- A. The term of office of the First Selectman and the Registrars of Voters shall be four years, and for each of the other elected officers listed in § C-45A shall be two years and until a successor shall have taken office. The terms of office of other elected Officials shall be as provided for in this Charter or ordinances and resolutions creating the office or Board.
- B. Terms of office shall commence on the first day of December next following election in the case of officers listed in § C-45 and of all members of Boards listed in § C-46, except Justices of the Peace and Registrars of Voters, and on the same date in the case of all other appointed officers and members of Boards unless otherwise provided in this Charter or by other law creating the same.

§ C-51. Vacancies.

- A. Vacancies on the Board of Assessment Appeals and the Zoning Board of Appeals and in elected offices (other than that of the First Selectman) shall be filled for the unexpired portions of the terms by appointments of the

Board of Selectmen, except that, where terms extend beyond the November 30 succeeding the next regular Town election, the vacancy term shall extend only until November 30 following the next regular Town election, at which election successors shall be elected for the remaining unexpired portions of the terms. The official ballot shall specify the vacancies to be filled.

- B. Vacancies on the Board of Selectmen (other than in the office of the First Selectman), the Board of Finance, the Board of Education and the Planning and Zoning Commission shall be filled by the remaining members of such Boards, except that the Board of Selectmen shall fill any vacancy on any other such Board if the remaining Board members do not fill such vacancy within 30 days of the day such vacancy occurs. The terms of those appointed to fill vacancies shall extend only through November 30 following the next regular Town election, at which election successors shall be elected for the remaining unexpired portions of the terms.
- C. A vacancy in the office of First Selectman shall be filled by the Second Selectman or, if he or she cannot serve, by another Selectman or an elector of the Town chosen by the remaining members of the Board of Selectmen until a replacement for that position is determined by a special election, to be held as soon as is reasonably possible after the vacancy occurs, to fill the unexpired term.
- D. If at any time after the election of any person to an elected office or membership on an elected Board, but before that person shall have taken office or membership, such person shall have become unable to take the same by reason of death, disqualification or resignation, a vacancy in such office or membership shall thereupon be deemed to exist for purposes of this section.

§ C-52. Board of Selectmen; special provisions.

- A. Beginning with the first regular Town election following the Transition Election, two Selectmen shall be elected at each regular Town election to serve for four-year terms and until their successors shall have taken office.
- B. The members of the Board of Selectmen elected to serve on December 1 of any year shall from the date of the immediately preceding regular Town election have all powers of the Board of Selectmen to make appointments and to fill vacancies in offices and memberships on Boards the terms of which extend beyond or commence after the next succeeding November 30.

§ C-53. Board of Finance; special provisions.

- A. The term of office of each member of the Board of Finance shall be four years and until a successor shall have taken office. Three members shall be elected at one regular Town election and three members shall be elected at the next succeeding regular Town election, and so forth alternately.
- B. The Board of Finance shall have the powers, duties and responsibilities and shall perform the functions prescribed therefor in Article VII.

§ C-54. Planning and Zoning Commission; special provisions.

- A. The Planning and Zoning Commission shall consist of nine members. The term of office of each shall be four years and until a successor shall have taken office. Five members shall be elected at one regular Town election and four members shall be elected at the next succeeding regular Town election, and so forth alternately.
- B. The Planning and Zoning Commission shall have the powers, duties and responsibilities and shall perform the functions prescribed therefor by law.
- C. No member of the Planning and Zoning Commission shall receive compensation for services as such.

§ C-55. Zoning Board of Appeals; special provisions.

- A. The Zoning Board of Appeals shall consist of five regular members and three alternate members. Each regular member and each alternate member of the Zoning Board of Appeals shall serve for a four-year term and until a successor shall have taken office. Two regular members and two alternate members shall be elected at one regular Town election, three regular members and one alternate member shall be elected at the next succeeding regular Town election, and so forth alternately. For the limited purpose of compliance with § 9-167a of the General Statutes as to minority representation, the regular members and the alternate members shall be considered as separate boards.
- B. The Zoning Board of Appeals shall have the powers, duties and responsibilities and shall perform the functions prescribed by law.

§ C-56. Board of Assessment Appeals; special provisions.

- A. The Board of Assessment Appeals shall consist of three members. The term of office of each shall be four years and until a successor shall have taken office. Two members shall be elected at one regular Town election and one member shall be elected at the next succeeding regular Town election, and so forth alternately. However the Board of Selectmen may make additional appointments to the Board of Assessment Appeals when necessary to handle the workload, subject to the minority representation provisions of § 9-167a of the General Statutes.
- B. The Board of Assessment Appeals shall have the powers, duties and responsibilities and shall perform the functions prescribed by law.

§ C-57. Board of Education; special provisions.

- A. The Board of Education shall consist of six members. The term of office of each shall be four years and until a successor shall have taken office. Three members shall be elected at one regular Town election and three members shall be elected at the next succeeding regular Town election, and so forth alternately.
- B. The Board of Education shall have the powers, duties and responsibilities and shall perform the functions prescribed by law.

§ C-58. Other elected boards; special provisions.

Elected boards shall have the powers, duties and responsibilities and shall perform the functions prescribed therefor by this Charter or by other law creating the same and shall be subject to such other provisions not inconsistent with this Charter as shall be contained therein.

ARTICLE X
Miscellaneous

§ C-59. Headings.

The text of any article or section shall be controlling. Article and section headings are intended for informational purposes only.

§ C-60. Computation of time.

In computing the period of time of any notice under this Charter, the day on which the notice is given shall be excluded and the day on which the matter noticed is to occur shall be included. The same principle shall govern other computations of time for purposes hereof.

§ C-61. Notices.

Notwithstanding any provision of this Charter to the contrary, notice by publication in a newspaper having general circulation in the Town may be dispensed with in favor of some other means of publication by the Board of Selectmen if permitted by the General Statutes.

§ C-62. Resignations and removals.

A. Any written notice of resignation by any member of the Board of Selectmen, including the First Selectman, or by any other Official which does not indicate a specific calendar date as the effective date of such resignation shall constitute a resignation effective upon receipt of such notice by the board of which such individual is a member or upon receipt of the same by the Board of Selectmen or the Town Clerk.

B. Removals.

- (1) An elected or appointed official may be removed from office by the Board of Selectmen upon its finding of good and sufficient cause for such removal and after a public hearing before the Board of Selectmen. The official affected by such removal process shall be given notice thereof and an opportunity to appear and be heard at the public hearing before the Board of Selectmen. Willful malfeasance, willful neglect of duty, inability to serve, conviction of a felony or abandonment of office, inter alia, shall constitute cause for removal. Such removal shall require an affirmative vote of four members of the Board of Selectmen.
- (2) The failure of a member of any elected or appointed board to attend three consecutively scheduled meetings of such board without having given the Chairman or another officer of such board prior notice of such absence with reasons therefor shall be deemed to constitute a cause for removal pursuant to this section.

C. Recall.

If and to the extent the General Statutes may be amended to authorize the Town to enact a provision to recall elected municipal officials, the Board of Selectmen shall call, within 120 days of the effective date of such amendment, a Special Town Meeting for the purpose of considering the adoption of an ordinance empowering the Town Meeting to recall elected officials.

§ C-63. Oaths of office, Code of Ethics.

All elected and appointed officers and members of the boards of the Town shall swear or affirm the faithful performance of their duties and shall receive a copy of the Code of Ethics, and sign acknowledgement of receipt.

§ C-64. Amendment.

This Charter may be amended in the manner prescribed in Chapter 99 of the General Statutes entitled "Municipal Charters and Special Acts," or corresponding successor legislation.

§ C-65. Rules of construction and saving clause.

- A. This Charter is intended to avail, make use of and exercise to the fullest extent home rule powers of the Town under Chapter 99 of the General Statutes and any other statutes now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, the common law or otherwise.
- B. Nothing herein shall be construed as intended to conflict with or be inconsistent with any General Statute of the State of Connecticut expressing any substantial public policy of the state. It shall be construed as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.
- C. If any provision of this Charter or the application of such provision to any person or circumstances 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 such provision so held invalid may appear, except to the extent that an entire section may be inseparably connected in meaning and effect with the provision to which such holding shall directly apply.

ARTICLE XI
Effect of Charter Transition

§ C-66. Effective date.

This Charter shall take effect on December 1, 2009, and December 1, 2009, is referred to as the "effective date of this Charter," and as used in this Charter, the words "hereafter," "henceforth," "heretofore," "remain," "continue," "now" and similar words implying a point of time shall be read to speak as of such date.

§ C-67. Transition election for First Selectman and Board of Selectmen.

- A. A transition election for the five members of the Board of Selectmen, including the First Selectman, shall take place at the first regular municipal election following the effective date of this Charter. Thereafter, the provisions of §§ C-47D and C-48D shall apply. At the transition election, a First Selectman and two other members of the Board of Selectmen shall be elected for a term of four years, and two additional members of the Board of Selectmen shall be elected for a term of two years. There shall be separate elections for First Selectman, the four-year term for two members of the Board of Selectmen and the two-year term for two members of the Board of Selectmen.
- B. For this election only, the following procedures will apply:
 - (1) No political party may nominate and no elector may vote for more than one candidate for First Selectman, two candidates for a four-year term on the Board of Selectmen, and two candidates for a two-year term on the Board of Selectmen.
 - (2) Following the election, the Town Clerk shall prepare separate lists of the candidates for First Selectman, for the four-year term on the Board of Selectmen, and for the two-year term on the Board of Selectmen, ranked on each list from top to bottom according to the number of votes each receives. On each list, the seats will be filled in following order:
 - (a) The seat of the First Selectman;
 - (b) The first seat of the four-year term;
 - (c) The first seat of the two-year term;
 - (d) The second seat of the four-year term; and
 - (e) The second seat of the two-year term.
 - (3) If during the process, any political party obtains three seats of the total Board, including the First Selectman, the names of the remaining candidates of the same party shall be stricken from the list, and the next highest ranking candidate shall be seated.

§ C-68. Special Acts and ordinances.

- A. The following Special Acts applicable to the Town remain unaffected by this Charter.
 - (1) Two Resolves of Connecticut 1196, Resolve Incorporating the Town of Wilton, passed May 1802.
 - (2) Two Resolves of Connecticut 1172, Resolve Establishing the line between the Towns of Norwalk and Wilton, passed May 1802.
 - (3) Eight Special Laws of Connecticut 85, establishing and confirming the boundary line between the Towns of Weston and Wilton, approved March 9, 1877.
 - (4) Special Acts and Resolutions of Connecticut, incorporating the GeorgeTown Fire District in Towns of

Wilton, Redding and Weston, approved January 1933.

- (5) Special Act No. 255, 1947 Session, empowering the Town of Wilton to acquire, construct, maintain and operate water supply systems and to issue bonds for such purposes, approved June 11, 1947.
- (6) Special Act No. 232, House Bill No. 2324, authorizing the Town of Wilton to establish a retirement system for Town employees, approved June 19, 1960.
- (7) Special Act 78-49, Substitute House Bill No. 5610, entitled "An Act Allowing the Town of Wilton to Pay Expenses of the Georgetown Fire District Attributable to the Wilton Section of the District," approved May 25, 1978.

B. All other Special Acts applicable to the Town:

- (1) Are amended by this Charter to the extent inconsistent herewith;
- (2) Are amended by this subsection to provide that, except to the extent incorporated in this Charter, they may henceforth be further amended or repealed by ordinance; and
- (3) Otherwise remain in full force and effect as ordinances.

C. All ordinances, resolutions, bylaws and regulations of the Town in effect at the effective date of this Charter are amended by this Charter to the extent inconsistent herewith and otherwise continue in full force and effect as ordinances and resolutions.

§ C-69. Existing rights unchanged.

- A. Nothing in this Charter shall revive or restore to effect any Special Act, ordinance, resolution, bylaw or regulation repealed or any right or liability extinguished by the Charter of the Town of Wilton which took effect on November 4, 1962.
- B. Nothing in this Charter shall affect any right, interest, claim, obligation, liability or defense by or against the Town, of whatever description and whether or not matured, existing as of the effective date of this Charter.