

# CHARTER

## OF THE

# TOWN OF FAIRFIELD

**Final Report of the Charter Revision Commission**  
**Approved: 1 August 2022<sup>1 2</sup>**

**Transmittal to Town Clerk and Board of**  
**Selectpersons: 5 August 2022**

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<sup>1</sup> **Please Note:** This document *remains a draft and will continue to undergo due diligence reviews throughout the entirety of this process.* We will continue to clarify and align provisions for the duration. This draft is based upon the 11 January 2022 Reorganizational Baseline. This document remains a work in progress and will be reviewed and refined as the CRC and Board of Selectpersons progresses through the process. Please excuse any errors or inaccuracies. Internal references will continue to be addressed and aligned at the final stage in this process.

<sup>2</sup> **Further Note re – July 4<sup>th</sup> Red-Line:** This July 4<sup>th</sup> redline edition was prepared on an Article-by-Article basis and, where necessary, on a paragraph-by-paragraph basis. This is due to the fact that the proposed revised Charter has been consolidated and various provisions have been moved and consolidated. Please continue to review this document thoroughly and provide input on any errors or inconsistencies that remain.



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# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION, ORGANIZATION AND STANDARDS<sup>3</sup>

### §1.1. Title<sup>4</sup>.

The Charter of the Town of Fairfield (the “Town”) shall be the organic Law of the Town in the administration of its local affairs.

### §1.2. Incorporation and powers<sup>5</sup>.

All the inhabitants dwelling within the Town, as previously constituted, shall continue to be a body politic and corporate under the name of the Town and shall have all powers and privileges and immunities previously exercised by the Town and not inconsistent with this Charter, the additional powers and privileges conferred in this Charter, and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut as the same may be amended<sup>6</sup>.

### §1.3. Rights and obligations<sup>7</sup>.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the date when this Charter shall take effect are continued in the Town, and the Town shall continue to be liable

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<sup>3</sup> [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 (“2006 Charter”)<sup>3</sup>. Amendments noted where applicable.] Editor’s Note: This enactment supersedes the former Charter adopted by the Representative Town Meeting 11-4-1997, effective 11-24-1997. **Comment from the 2022 Charter Revision Commission:** The annotations set forth herein are not definitive or comprehensive. The effort is a first step in the process of recreating the historical antecedents to the current provisions of the Charter as well as showing the continued impact, if any, of Special Act provision adopted prior to the adoption of the Home Rule Act and Article Tenth of the 1965 Constitution of the State of Connecticut.

**NOTE:** When the term “edit” is used in these annotations it means a minor grammatical change or conformity revision. When the term “modification” is used, it means a more substantive change, which may be described in the footnote. Where not described, we recommend a careful review of the current and previous charter in order to ascertain the difference.

<sup>4</sup> NEW (2022).

<sup>5</sup> 2022 recodification and minor edits of previous Article I, §1.1. Derived from Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1947) (“1947 Act”). Chapter XXIII of the 1947 Act and 1956 Acts included a Town Court; which was amended by §3 of Special Act No. 382 of the Special Act of 1949: (“1949 Act”); further amended by §21 of “An Act Amending the Charter of the Town of Fairfield” (1951) (“1951 Act”); Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1956) (“1956 Act”); Chapter I, §1 of the Charter of Town of Fairfield (1975) (“1975 Charter”); and, Article I, §1.1 of the Charter of the Town of Fairfield (1997)(“1997 Charter”).

<sup>6</sup> Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

<sup>7</sup> 2022 recodification of previous Article I, §1.2. Derived from Chapter I, §2 and 3 of the 1947 Act; reenacted by Chapter I, §2 and 3 of the 1956 Act; Chapter I, §2 and 3 of the 1975 Charter; and modified by Article I §1.2 of the 1997 Charter. Chapter I, §4 of the 1947 and 1956 Acts and 1975 Charter included contained a provision vesting the ‘legislative power of the Town” in the Representative Town Meeting; said provision as well as the “corporate powers” provision in Chapter I, 3 of the 1947 and 1956 Acts and 1975 Charter were abandoned by the 1997 Charter.

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for all debts and obligations of every kind for which the Town shall be liable on the effective date, whether accrued or not. Nothing shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien for the construction, alteration, or repair of any public improvement.

## §1.4. Definitions.

**A. Definitions and Titles Generally<sup>8</sup>.** The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Section Titles are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

**B. Capitalized terms<sup>9</sup>.** The following rule has been used in determining which terms in this Charter are capitalized: All references to particular Town officials, as defined, below, and to particular Town Boards and Commissions are capitalized, while general references are not. For example: The Board of Education shall have the powers and duties conferred on boards of education by the General Statutes.

**C. Defined terms<sup>10</sup>.** The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

**(1)** “Appointed Town Officer<sup>11</sup>” means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §6.1 through §6.2; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.

**(2)** “Board” or “Commission<sup>12</sup>”. For the purposes of this Charter and except as otherwise provided by Law, the terms “Board” and “Commission” mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created for limited duration, purposes or scope pursuant to §4.2.B(4)(c).

**(3)** “Board of Selectpersons<sup>13</sup>” means the executive authority of the Town as defined in Article IV.

**(4)** “Charter<sup>14</sup>” means the Charter of the Town of Fairfield.

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<sup>8</sup> NEW (2022)

<sup>9</sup> 2022 recodification and minor edits of previous Article I, §1.3.A. Derived from Article I, §1.3.A of the 1997 Charter.

<sup>10</sup> 2022 recodification of previous Article I, §1.3.B. Derived from Article I, §1.3.B of the 1997 Charter

<sup>11</sup> NEW (2022). This is a definition is derived from common usage in the previous Charter, although not defined. See generally, Articles VI and VII.

<sup>12</sup> NEW (2022).

<sup>13</sup> NEW (2022)

<sup>14</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** All internal section or provision references herein are to sections or provisions of this Charter; unless otherwise specifically set forth.



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(5) "Contract<sup>15</sup>" means all contractual relations of the Town, including, without limitation, purchase contracts, lease contracts, and service contracts, including but not limited to, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements.

(6) "Day(s)<sup>16</sup>" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law

(7) "Department<sup>17</sup>" means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

(8) "Elected Town Officials<sup>18</sup>" means an individual who holds an elected municipal office as set forth in §2.3.A, and as further set forth in this Charter.

(9) "Elector<sup>19</sup>" shall have the meaning contained in the General Statutes. When used in this Charter this term would be synonymous with the term "Elector of the Town.".\

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<sup>15</sup> 2022 recodification and significant modification of the definition of "contracts that was in previous Article VI, §6.1.C(1) (2006)(third sentence).

<sup>16</sup> NEW (2022).

<sup>17</sup> NEW (2022).

<sup>18</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission.** This is a definition derived from common usage in the previous Charter, although not defined. See, prior version of the Charter §2.1.B, §2.3.A, §2.3.D and §2.4.

<sup>19</sup> NEW (2022). A common term used throughout the previous Charter. **Comment of the 2022 Charter Revision Commission.** C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town". C.G.S. §9-12. Who may be admitted. (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector. (b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector. If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

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(10) “First Selectperson<sup>20</sup>” means the chief executive officer of the municipality, as required by the General Statutes and as set forth in this Charter.

(11) “General Statutes” or C.G.S.<sup>21</sup>” means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated, from time to time. Where chapter references are made, they are to chapter designations as of January 1, 2006. In the event a chapter designation is changed by the publishers of the General Statutes, the new chapter references shall be substituted for the chapter references contained in this Charter.

(12) “Law<sup>22</sup>” means, although is not limited to, decisions of courts and administrative bodies (or any agreements sanctioned by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

(13) “Majority Vote of the RTM<sup>23</sup>” means more than half of the votes have been cast by the members at a meeting of the RTM at which a quorum is present.

(14) “Meeting<sup>24</sup>” shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.

(15) “Meeting (or Hearing) Notice<sup>25</sup>” means a notice posted by the Town Clerk as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State (if required) and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in §1.4.C(17), and as may be established by Ordinance or written rules of the RTM or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the Town Clerk may post notices on its web-site or notify Elected Town Officials, members of the RTM or members of Boards and Commissions through other electronic media and, if otherwise required by Law, said notice shall be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or

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<sup>20</sup> NEW (2022). A commonly used title in the previous Charter. A provision required by C.G.S. § 7-193(a)(2)(C).

<sup>21</sup> 2022 recodification and edit of previous Article I, §1.3.B (the fourth definition). Derived from Article I, §1.3.B of the 1997 Charter

<sup>22</sup> NEW (2022).

<sup>23</sup> NEW (2022).

<sup>24</sup> NEW (2022)

<sup>25</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** The 2022 Charter revision deletes previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The previous provision in Article IV referenced the Freedom of Information Act, while the new language references the General Statutes.

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Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

**(16)** “Ordinances” or “Ordinances of the Town” or “Town Code<sup>26</sup>” means the legislative powers of the Town to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

**(17)** “Public Notice” or “Publication<sup>27</sup>” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice shall be posted by the Town Clerk (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public or other public places as may be determined by the Town Clerk; (2) on the Town website or through other electronic media by the Town Clerk; and, (3) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town. Unless otherwise required by Law, newspaper publication is in the discretion of the Town Clerk or the body providing the Public Notice.

**(18)** “Regulation<sup>28</sup>” means a statement of general applicability approved by a Department or Board or Commission, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any such Department, Board or Commission or the Laws under which they operate.

**(19)** “Representative Town Meeting” or “RTM<sup>29</sup>” means the legislative body of the Town, as required by the General Statutes and as specifically set forth in Article III.

**(20)** “Special Acts” or “Special Laws<sup>30</sup>” means the acts of the General Assembly pertinent to the Town.

**(21)** “State” or “Connecticut<sup>31</sup>” means the State of Connecticut.

**(22)** “State Constitution<sup>32</sup>” means the Constitution of the State of

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<sup>26</sup> NEW (2022). A commonly used title in the previous Charter.

<sup>27</sup> NEW (2022)

<sup>28</sup> NEW (2022). Derived from C.G.S. §4-166(16).

<sup>29</sup> NEW (2022). A commonly used title from the previous Charter and required by C.G.S. §7-193(a)(1)(C).

<sup>30</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>31</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>32</sup> NEW (2022). A commonly used title from the previous Charter.

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Connecticut.

(23) "Town<sup>33</sup>" means the Town of Fairfield.

(24) "Town Office<sup>34</sup>" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.

(25) "Town Officer<sup>35</sup>" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board or Commission.

(26) "Town Official<sup>36</sup>" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.

(27) Where reference is made to the word "shall" the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Town Code. It is recommended that to avoid any doubt the word "must" should be used in order to impose clarity on the concept of obligation<sup>37</sup>.

## §1.5. Standards of Conduct<sup>38</sup>.

**A. Declaration of Policy<sup>39</sup>.** Town Officials, RTM members and all employees of the Town shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. As agents of public purpose, they shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

**B. Conflict of Interest<sup>40</sup>.** No Town Official, RTM member or any employee

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<sup>33</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>34</sup> 2022 recodification of previous Article I, §1.3.B (first definition). Derived from Article I, §1.3.B of the 1997 Charter

<sup>35</sup> 2022 recodification and edits of previous Article I, §1.3.B (second definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term "Town Code" in the edits to make it clear that these definitions apply to the body of law of the Town.

<sup>36</sup> 2022 recodification and modification of previous Article I, §1.3.B (third definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term "Town Code" in the edits to make it clear that these definitions apply to the body of law of the Town.

<sup>37</sup> NEW (2022)

<sup>38</sup> 2022 recodification of previous Article XI entitled "Standards of Conduct.

<sup>39</sup> 2022 recodification and edit of previous Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

<sup>40</sup> 2022 recodification and edit of previous Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

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shall:

(1) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the Town Official, employee, or member in the performance of official duties; (Nothing in this paragraph shall preclude the solicitation or acceptance of lawful contributions for election campaigns).

(2) Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

(3) Knowingly have or acquire any financial interest or any personal beneficial interest, direct or indirect, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town in connection with any project, matter or thing which comes within the Town Official's, employee's, or RTM member's jurisdiction or the jurisdiction of the Board, Commission or any other body of which the person is a member (unless such interest is acquired through being the lowest responsible bidder after public advertisement); or

(4) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the official duties or which may tend to impair the independence of judgment in the performance of the Town Official's, employee's, or RTM member's official duties<sup>41</sup>.

**C. Disclosure of Interest<sup>42</sup>.** Any Town Official, RTM member, or employee who possesses or who acquires such private interest as might reasonably tend to create a conflict with the public interest shall make disclosure thereof to such Board, Commission or body and such person shall be disqualified from action on any matter involving the private interest.

**D. Fair and Equal Treatment<sup>43</sup>.** No Town Official, RTM member, or employee shall use an official position to secure or grant special consideration, treatment, advantage, privilege, or exemption to himself or herself or to any person beyond that which is available to every other person.<sup>44</sup> This provision is not intended to prevent an RTM member from

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<sup>41</sup> Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

<sup>42</sup> 2022 recodification and edit of previous Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the 1997 Charter,

<sup>43</sup> 2022 recodification and edit of previous Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

<sup>44</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** In the model ethics code of the State of Florida this provision usually includes the following presumption language: "If an official or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same forum the accusations were made. A failure to so apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional."

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properly representing the people of the member's district.

**E. Penalties and Disciplinary Action for Violations<sup>45</sup>.** The failure to comply with, or any violation of, the standards of conduct established by this Charter shall be grounds for the removal from office, discharge from employment of the offending Town Official, RTM member, or employee, and the Board of Selectpersons in its discretion may void any contract entered into or adopted in violation of this Charter. The Board of Selectpersons or the Ethics Commission may recommend disciplinary measures for RTM members who fail to comply with, or who violate, these standards, but the RTM retains the final authority to discipline its members.

## **§1.6. Rules of Order and Civility<sup>46</sup>.**

Town Officials and employees shall treat members of the public with respect and expect the same in return in official in-person or virtual/electronic interactions. The Town is committed to maintaining orderly administrative processes and in keeping Town administrative offices free from disruption.

**A. The Workplace and Town Operations.** In the workplace and other official interactions this Charter promotes mutual respect, civility and orderly conduct among Town employees, Town Officials, Members of the RTM and the public. This section is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for Town staff and a safe and non-threatening environment for the public. The Town encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

**B. Public Meeting Decorum.** The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness and decreased reactivity. The Town's elected and appointed Boards and Commissions, the RTM and other public bodies and various community groups, including, committees, task forces, or other like entities (created pursuant to §4.2.B(4)(c)) all convene public meetings to address, from time to time, controversial issues that may engender passionate and often conflicting opinions. An atmosphere of incivility and disrespect at these meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process.

**C. Rules of Order.** In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings in accordance with this Charter.

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<sup>45</sup> 2022 recodification and edit of previous Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.

<sup>46</sup> NEW (2022).

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**(1) Parliamentary Guidance: The General Rule<sup>47</sup>.** Robert's Rules of Order shall, as a general rule, regulate the conduct of all meetings of the RTM and all elected and appointed Boards and Commissions of the Town, unless the RTM or particular Board or Commission otherwise specifies.

**(2) Adoption of Rules.** Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission may adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment. The rules shall be adopted by a vote of two-thirds (2/3<sup>rd</sup>) of the members of the Board or Commission, following review by the Town Attorney to ensure that the rules are based on best practices in parliamentary procedure and consistent with the open meeting requirements of the General Statutes and this Charter.

**D. The Role of the Presiding Officer.** The presiding officer of the RTM and each elected and appointed Board and Commission shall be responsible for maintaining the decorum at public meeting and for the uniform enforcement of rules of order.

**E. Compliance with Rules of Order and Decorum.** Likewise, all persons who attend a public meeting shall comply with any lawful order of the presiding officer to enforce rules of order and decorum. In all circumstance, members of the public and all public officials shall be expected to follow the rules of the body and shall not engage in disorderly conduct, uncivil language or actions as may be defined by Ordinance, Regulation or rules of order of the body.

**F. Breach of Rules.** In the event any person breaches the rules of order pertaining to civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the Meeting, the presiding officer shall order that person to cease such conduct. The presiding officer has the authority to order a member of the public, public official or member of the body to leave the public meeting in the event of continued violations following an initial order from the presiding officer. If said initial order to cease the offending conduct is not obeyed and said conduct continues in spite of an escalation of additional orders from the presiding officer, the party may be removed from the Meeting. Removal of a person at an in-person event may be facilitated by a Sergeant at Arms or law enforcement officer. At a virtual or hybrid meeting the presiding officer may block the person from participation. Members of appointed Boards or Commissions may be subject to removal in accordance with the provisions of §6.7.A.

## §1.7. Open Meetings and Public Records<sup>48</sup>.

**A. Records<sup>49</sup>.** Each Elected and Appointed Board and Commission and

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<sup>47</sup> Recodification and edit of previous Article VIII, §8.1.B(4)[Elected Boards and Commissions]; and, Article X, §10.1.B(4)[Appointed Boards and Commissions] (2006). Derived from Article VIII, §8.1.B and Article X, §10.1.B of the 1997 Charter.

<sup>48</sup> NEW (2022).

<sup>49</sup> 2022 recodification and edits of previous Article VIII, §8.1.B (2) and Article X, §10.1.B(2), derived from

# CHARTER OF THE TOWN OF FAIRFIELD

committees, task forces, or other like entities (created pursuant to §4.2.B(4)(c)) shall keep a complete and accurate record of its official acts, votes, meetings, and proceedings and shall have custody of its correspondence, files and other records and shall designate one of its members or its clerk to keep such record. The minutes and recordings of Boards and Commissions shall be public records, in accordance with the General Statutes, and shall be open for public inspection (A) at the office of the Town Clerk, during regular business hours; and, (B) on the Town website in compliance with the requirements of Law.

**B. Open and Public Meetings<sup>50</sup>.** All Meetings of the RTM<sup>51</sup> and all other Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed Boards and Commissions, and all committees, task forces or other like entities shall comply with state freedom of information laws unless otherwise provided by the General Statutes or Law.

## **§1.8. Diversity on Boards and Commissions<sup>52</sup>.**

The active, informed, inclusive, and equitable engagement of community members, both individually and collectively, is an essential element of healthy civic life and a thriving local democracy. All Appointing Authorities (as defined in §6.4.A) should take into consideration the knowledge, expertise, experience, and, to the fullest extent possible, the diversity of residents and the geographic areas of Town when considering the composition of Boards and Commissions. Diversity on Boards and Commissions should, in its broadest sense be considered to include, but shall not be limited to<sup>53</sup>, race, color, ethnicity, religious creed, age, sex, national origin, ancestry or culture, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability.

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Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 1975 Charter.

<sup>50</sup> 2022 recodification and edits of previous Article VIII, §8.1.B(3) and Article X, §10.1.B(3), derived from Chapter II, §6 of the 1947 and 1956 Acts; and, Chapter II, §5 of the 1975 Charter.

<sup>51</sup> 2022 recodification of previous Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

<sup>52</sup> NEW (2022).

<sup>53</sup> **Comment of the 2022 Charter Revision Commission.** The listing in this Charter is not exclusive since it reflects the current state of protected classes under federal and state law. It is fully expected that as those classes are modified by Congress or the General Assembly, the new protected classes will be deemed covered as if they were specifically included in the enumeration.



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## ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

### §2.1. Application of General Statutes<sup>54</sup>.

Unless otherwise, specifically set forth in this Charter, the General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes and as further set forth in this Charter.

### §2.2. Rules Pertaining to Electors.

**A. Eligibility to Vote<sup>55</sup>.** Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town.

**B. Eligibility to serve as an Elected Town Official<sup>56</sup>.** No person shall be eligible for nomination or election to office as an Elected Town Official who is not an Elector of the Town, in accordance with the General Statutes.

**C. Prepared Lists of Electors<sup>57</sup>.** The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

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

**(1) General Rule<sup>58</sup>.** If any Elected Town Official ceases to be an Elector of the Town, the office shall become vacant, including the position of district representative on the Representative Town Meeting.

**(2) Exception: Change of Residence<sup>59</sup>.** In the event a member of the

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<sup>54</sup> NEW (2022)

<sup>55</sup> NEW (2022).

<sup>56</sup> 2022 recodification and edit of previous Article II, §2.1.A (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.A of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

<sup>57</sup> NEW (2022).

<sup>58</sup> 2022 recodification and edit of previous Article II, §2.1.B (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.B of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission:** The final clause is a recodification and consolidation of previous Article IV, §4.2.D (2006).

<sup>59</sup> 2022 recodification and consolidation of previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this

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Representative Town Meeting remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members.

## §2.3. Date of Elections and Terms of Office for Elected Offices.

### A. Elected Town Officials<sup>60</sup>. The Elected Town Officials are:

First Selectperson (Art. IV)	Board of Education (§5.4)
Board of Selectpersons (Art. IV)	Board of Finance (§5.5)
Town Clerk (§5.1)	Board of Assessment Appeals (§5.6)
Registrars of Voters (§2.3.C(5))	Town Plan and Zoning Commission (§5.7)
Justices of the Peace (§5.2) <sup>61</sup>	Zoning Board of Appeals (§5.8)

**B. Representative Town Meeting<sup>62</sup>.** There shall be forty (40) members of the Representative Town Meeting divided amongst ten (10) districts by the RTM as set forth in §3.2.A(1). RTM members shall be eligible for reelection<sup>63</sup>.

**C. Date of Town Elections and Term of Office<sup>64</sup>.** A meeting of the Electors of the Town for the election of Elected Town Officials and RTM members shall be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in November in each odd numbered year, as follows:

(1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:

(a) Three (3) members of the **Board of Selectpersons, including the First Selectperson** for a term of four (4) years<sup>65</sup>;

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provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>60</sup> 2022 recodification and alteration of previous Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The provision pertaining to elected Constables was repealed. Constables will be appointed by the Board of Selectpersons in accordance with Article VII, §7.17. The composition of the multi-members Elected Town Officials are as follows: (a) Three (3) members of the Board of Selectpersons, including the First Selectperson; (b) Nine (9) members of the Boards and Education and Finance, respectively; (c) Five (5) members of the Board of Assessment Appeals; (d) Seven (7) members of the Town Plan and Zoning Commission, plus three (3) alternate members; (e) Five (5) members of the Zoning Board of Appeals, plus three (3) alternate members;

<sup>61</sup> 2022 recodification of current Article VII, §7.2.A (2006)(Establishment Clause).

<sup>62</sup> 2022 recodification and modification of current Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The Charter eliminates the shifting size of the RTM, determined by its members to a fixed number established by the Electors.

<sup>63</sup> 2022 recodification of previous Article II, §2.6.H (2006).

<sup>64</sup> 2022 recodification and structural modification of previous Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission:** This provision replaces the charter that was included in Article I, §1.4.A and Article II, §2.3.B and C

<sup>65</sup> 2022 recodification of previous §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

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- (b) Forty (40) members of the **Representative Town Meeting**, for a term of two (2) years, as further set forth in §3.2.A<sup>66</sup>;
- (c) **Town Clerk**, for a term of four (4) years<sup>67</sup>;
- (d) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5<sup>68</sup>;
- (e) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4<sup>69</sup>;
- (f) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §5.3.A and §5.7<sup>70</sup>;
- (g) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §5.3.A and §5.7<sup>71</sup>;
- (h) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8<sup>72</sup>;
- (i) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §5.3.A and §5.8<sup>73</sup>; and,
- (j) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6<sup>74</sup>.

(2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 A<sup>75</sup>;
- (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4<sup>76</sup>;
- (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years as further set forth in §5.3.A and §5.7<sup>77</sup>;
- (d) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in

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<sup>66</sup> 2022 recodification of previous §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

<sup>67</sup> 2022 recodification of previous §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>68</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

<sup>69</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>70</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

<sup>71</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

<sup>72</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006)

<sup>73</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>74</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>75</sup> 2022 recodification and edit of previous §1.4.A and §2.3.B (2006).

<sup>76</sup> 2022 recodification and edit of previous §1.4.A and §2.3.C (2006).

<sup>77</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

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§5.3.A and §5.7<sup>78</sup>;

- (e) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8<sup>79</sup>;
- (f) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8<sup>80</sup>;
- (g) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6<sup>81</sup>; and,
- (h) All Elected Town Officials and members of the RTM, for a term of two (2) years, as further set forth in §3.2.C(1)(c), (h) and (j)<sup>82</sup>.

(3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5,<sup>83</sup>; and,
- (b) All Elected Town Officials and members of the RTM as set forth in §2.3.C(1), who serve for a term of two (2) or four (4) years, as the case may be<sup>84</sup>.

(4) **Terms of Justices of the Peace**<sup>85</sup>. The forty-five (45) Justices of the Peace<sup>86</sup>, selected as provided in the General Statutes, shall serve a four (4) year term. They shall have such powers as set forth in the General Statutes<sup>87</sup>.

(5) **State Election – Registrar of Voters**<sup>88</sup>. The Registrars of Voters shall be elected at state elections every four (4) years<sup>89</sup>, as provided in the General Statutes and shall have such powers duties as set forth in the General Statutes<sup>90</sup>.

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<sup>78</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>79</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>80</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>81</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>82</sup> NEW (2022).

<sup>83</sup> 2022 recodification and edit of previous §1.4.A and §2.3.A.

<sup>84</sup> NEW (2022).

<sup>85</sup> 2022 recodification and edits of previous Article II, §2.3.E (2006); see also current Article VII 7.2.A (2006)(Establishment Clause). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace. **Comment of the 2022 Charter Revision Commission.** At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.

<sup>86</sup> Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>87</sup> 2022 recodification and edit of previous Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

<sup>88</sup> 2022 modification and edit of previous Article II, §2.3.F (2006)(first clause).

<sup>89</sup> **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.

<sup>90</sup> **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)

# CHARTER OF THE TOWN OF FAIRFIELD

## D. Commencement Date of Terms of Elected Town Officials and RTM.

Terms of office of all Elected Town Officials and RTM members declared elected and qualified hereunder shall commence:

(1) **Elected Town Officials and members of the RTM<sup>91</sup>**: On the third (3<sup>rd</sup>) Monday in November and shall continue until their successors have been elected or otherwise chosen and qualified.

(2) **State Office - Terms of Justices of the Peace<sup>92, 93</sup>**. On the first (1<sup>st</sup>) Monday in January after their nomination.

(3) **Terms of Registrars of Voters<sup>94</sup>**. On the Wednesday after the first (1<sup>st</sup>) Monday in January after their election.

## §2.4. Minority representation on elected Boards and Commissions.

**A. Even number requirements<sup>95</sup>**. Except as provided below with respect to the Board of Education, when an even number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than one-half (1/2) the number of persons to be elected.

**B. Uneven number requirements<sup>96</sup>**. Except as provided below with respect to the Board of Education, when an uneven number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than a bare majority of the number of persons to be elected.

### C. Board of Education<sup>97</sup>.

(1) **As pertains to §2.3.C(1)(e)**. In an election where five (5) candidates shall be elected to the Board of Education, the Electors shall vote for up to five (5) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) ("Political Party") may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, two (2) candidates not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to their vote count.

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<sup>91</sup> 2022 recodification and edit of previous Article II, §2.3.D (2006).

<sup>92</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>93</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>94</sup> 2022 recodification and edit of previous Article II, §2.3.F (2006)(second clause).

<sup>95</sup> 2022 recodification and edit of previous Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

<sup>96</sup> 2022 recodification and edit of previous Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

<sup>97</sup> 2022 recodification and edit of previous Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

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**(2) As pertains to §2.3.C(2)(b):** In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for up to four (4) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, one (1) candidate not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to his or her vote count.

## **§2.5. Single office requirement for Elected Town Officials<sup>98</sup>.**

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

## **§2.6. Vacancies in elected offices.**

**A. Generally<sup>99</sup>.** Except as provided in §2.6.E, with respect to the RTM and §2.6.D with respect to the Board of Selectpersons, a vacancy in any elected Town Office<sup>100</sup>, including membership on elected Boards and Commissions, shall be filled by the Board of Selectpersons until the vacancy can be filled by election, as follows:

**(1)** The vacancy shall be filled at the next Town election if the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it may be filled at the next municipal general election for which nominations can be timely made, or at a special election if convened by the Board of Selectpersons or upon application by Electors as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**(2)** Vacancies shall be filled for a term ending at the same time the vacating member's term would have expired.

**(3)** If the person vacating the office was elected as a member of a political party, the vacancy shall be filled during the period of appointment from the membership of the same political party.

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<sup>98</sup> 2022 recodification and edit of previous Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

<sup>99</sup> 2022 recodification and edit of previous Article II, §2.5. Derived from Chapter II, §7 of the 1947 Act; further amended by §4 of the 1951 Act and Chapter II, §7 of the 1956 Act; Chapter II, §6 and Article II, 2.5 of the 1997 and 2006 Charters.

<sup>100</sup> 2022 recodification and edit of previous Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

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**B. Vacancies in the Office of Justice of the Peace<sup>101</sup>.** Vacancies in the office of Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**C. Long-term illness or disability of First Selectperson<sup>102</sup>.** In addition to the death or resignation of the First Selectperson, a vacancy shall exist in the office of First Selectperson, in the event the First Selectperson is unable to carry out the duties of office for a period of four (4) consecutive months, as certified at the end of that period by the remaining Selectpersons to the Town Clerk. The vacancy shall exist from the date of such certification.

**D. Method of filling vacancies on the Board of Selectpersons<sup>103</sup>.**

**(1) Role of the Remaining Members.** At any time a vacancy occurs on the Board of Selectpersons, including First Selectperson, a replacement, who shall be registered with the same political party as the person vacating the office, shall be designated by the remaining Selectpersons. If the Selectpersons designate one of themselves to fill the vacancy, they shall designate another Elector to fill the vacancy of Selectperson so created.

**(2) Role of the Town Clerk, Other Elected Town Officials and RTM Members.** If such a vacancy in the office of First Selectperson or of Selectperson is not so filled within thirty (30) Days after the Day of its occurrence, the Town Clerk shall, within ten (10) Days thereafter, notify the Elected Town Officials and RTM Members enrolled in the same political party as the First Selectperson or Selectperson, as the case may be, who vacated the office, or all Elected Town Officials and RTM Members, if such First Selectperson or Selectperson who vacated the office was not enrolled with a political party, and it shall be filled by such Elected Town Officials and RTM Members within sixty (60) Days after its occurrence.

**(3) Term of the Replacement Member.** Any person appointed pursuant to this section shall serve until the next general municipal election provided the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it shall be filled at the next municipal general election for which nominations can be timely made.

**E. Resignation and vacancies on the RTM<sup>104</sup>.**

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<sup>101</sup> 2022 recodification and modification of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Constables were removed from this provision.

<sup>102</sup> 2022 recodification and edit of previous Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

<sup>103</sup> 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

<sup>104</sup> 2022 recodification and edit of previous Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947

# CHARTER OF THE TOWN OF FAIRFIELD

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

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30) Days after the vacancy occurs, in accordance with the requirements under this Charter pertaining to Meeting Notice.

(3) If the person previously occupying the office which is vacant was elected as a nominee of a political party, the vacancy shall be filled by a person registered with the same political party.

(4) The Town Clerk shall provide Meeting Notice, as defined in this Charter, to be delivered to each member not less than three (3) Days prior to the time set for the meeting.

(5) Such meeting shall elect its own chair and clerk and shall vote by ballot. The election of a member as chair or clerk shall not disqualify the member from voting.

(6) A majority of the remaining members from such district shall constitute a quorum, and a majority vote of those present shall elect.

(7) Each of the remaining members, including the chair and clerk of the meeting, shall have one (1) vote.

(8) If for any reason such vacancy is not filled within a thirty-day (30) period, the Town Clerk shall report such vacancy to the Moderator and the matter of filling such vacancy shall be placed on the call of the next regular RTM meeting.

(9) A Majority Vote of the RTM shall elect a successor on such vacancy.

(10) The successful candidate shall be deemed a duly qualified member for the remainder of the unexpired portion of the term upon filing with the Town Clerk a certificate of his\* election signed by the chair of such special meeting of the district or by the Moderator of the RTM.

**F. Resigning from elected office<sup>105</sup>.** Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the Board of Selectpersons. The resignation shall become effective on the date specified in the notice

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and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter.

<sup>105</sup> 2022 recodification and edit of previous Article II, §2.4 (2006).



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of resignation or, if no date is specified, on the date the notice of resignation is received by the Town Clerk or the Board of Selectpersons, as the case may be.

## **§2.7. Composition and Election of the Board of Selectpersons and First Selectperson<sup>106</sup>.**

**A.** There shall be a Board of Selectpersons which shall consist of the First Selectperson and two (2) other Selectpersons, no more than two (2) of whom shall be registered with the same political party<sup>107</sup>.

**B.** Each major or minor political party, as defined by the General Statutes, and petitioning candidates (if permitted by the General Statutes) may nominate not more than one (1) candidate for First Selectperson and not more than one (1) candidate for Selectperson. Candidates shall be listed separately on the ballot<sup>108</sup>.

**C.** Each Elector may vote for one (1) candidate for First Selectperson and no more than one (1) candidate for Selectperson<sup>109</sup>.

**D.** The candidate for First Selectperson receiving the highest number of votes shall be elected First Selectperson. The next two (2) candidates, whether for First Selectperson or Selectperson, receiving the highest number of votes shall be elected to the two (2) remaining Selectperson positions<sup>110</sup>.

**E.** If the candidate receiving the second or third most votes does not take office, then the next highest ranking candidate shall be deemed elected to the office taking into consideration the provisions of §2.7.A pertaining to minority party representation<sup>111</sup>.

## **§2.8. Procedures for RTM elections<sup>112</sup>.**

### **A. Nomination<sup>113</sup>.**

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<sup>106</sup> 2022 recodification and edit of previous Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>107</sup> 2022 recodification and edit of previous Article VI, §6.1.A(1) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>108</sup> 2022 recodification and edit of previous Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>109</sup> 2022 recodification and edit of previous Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>110</sup> 2022 recodification and edit of previous Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>111</sup> 2022 recodification and edit of previous Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>112</sup> Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

<sup>113</sup> 2022 recodification and edit of previous Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

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**(1) By a political party.** The nomination of candidates as members of the RTM shall be in the same manner as provided for the nomination of Elected Town Officials in Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.). No political party shall nominate more candidates for each district than the total number of members to which a district is entitled.

**(2) By petition.**

**(a)** Nomination of a candidate for the RTM may also be made by petition signed in ink on forms approved and provided by the Town Clerk. The petition shall be signed by not less than one (1%) percent of the Electors in the district in which the candidate resides and filed with the Town Clerk not less than fifty-five (55) Days prior to the election.

**(b)** No petition shall be valid in respect to any candidate whose written acceptance is not noted on or attached to the petition when filed.

**(c)** No signature on a petition shall be valid or counted if the signer thereof shall have signed other petitions on file with the Town Clerk for more than the number of candidates which a political party may nominate under this Charter for the district in which such signer resides.

**(d)** A petition may contain more than one (1) name but not more names than the number of candidates to which the district is entitled.

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

**B. Election<sup>114</sup>.**

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

**(2)** No Elector shall vote for more than the total number of RTM members to be elected in the district in which the Elector resides<sup>115</sup>.

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<sup>114</sup> 2022 recodification and edit of previous Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

<sup>115</sup> 2022 recodification and modification of previous Chapter II, 2.6.D(2) derive from §1 of the 1947 Act.

# CHARTER OF THE TOWN OF FAIRFIELD

(3) The number of candidates in each district equal to the number of RTM members for the district who have polled the highest number of votes shall be declared elected.

(4) The chief election moderator shall forthwith after a biennial election of RTM members, file in the Town Clerk's office a list of members elected, by districts, together with their respective addresses. The Town Clerk shall, upon receipt of such list, forthwith notify all members, in accordance with the notice requirements of this Charter.

## C. Procedures for tied elections<sup>116</sup>.

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

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

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

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

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

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

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

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<sup>116</sup> 2022 recodification of current Article II, §2.6.F (2006). Note: Tie vote procedures established in Chapter III, §3(d) of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.F of the 1997 Charter.

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## ARTICLE III – REPRESENTATIVE TOWN MEETING

### §3.1. Legislative Body<sup>117</sup>.

The legislative power of the Town, including the power to enact Ordinances, shall be vested in the RTM, subject to referendum as provided by the terms of this Charter. The RTM shall constitute a continuing body. The RTM may delegate the power to implement or carry into effect any of the powers set forth in this Charter to any Town Official.

### §3.2. Membership.

#### A. Districts and Basis of Representation<sup>118</sup>.

##### (1) Districts.

(a) The members of the RTM shall be elected by districts<sup>119</sup>.

(b) There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in §3.2.A(2), for the election of RTM members and shall be as established by Ordinance adopted by the RTM<sup>120</sup>.

(c) The RTM shall consist of forty (40) members<sup>121</sup>.

(d) A district representative on the RTM, upon election, shall be an Elector of the Town and a resident of the district from which elected, except as set forth in §3.2.A(1)(e)<sup>122</sup>,

(e) In the event a member of the RTM remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members<sup>123</sup>.

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<sup>117</sup> 2022 recodification and edit of previous Article IV, §4.1.A (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.A of the 1997 Charter.

<sup>118</sup> NEW (2022). In lieu of current Article II, §2.6.A(1) (first sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The voting districts of the Town, including the number of districts, for the election of RTM members shall be as established by ordinance adopted by the RTM." Further in lieu of current Article II, §2.6.A(3) (third sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The RTM shall consist of not more than 56 members."

<sup>119</sup> 2022 recodification of previous Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>120</sup> 2022 recodification and modification of previous Article II, §2.6.A(1). **Comment of the 2022 Charter Revision Commission:** This provision reaffirms the ten district structure that was advocated by many at the public hearing and comment session during the revision process. The RTM has full discretion on the issue of redistricting.

<sup>121</sup> 2022 repeal of Article II, §2.6.A(3) which permits "not more than 56 members."

<sup>122</sup> 2022 recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>123</sup> 2022 recodification and edit of previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947

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(f) No Elected Town Official, Appointed Town Officer or Board or Commission member (excluding, however, members of advisory committees, task forces or like entities, as referred to in §1.4.C(2)) shall be eligible to serve as a voting member of the RTM, and no voting member of the RTM shall hold any other elected or appointed Town Office<sup>124</sup>.

(2) **Reapportionment of Voting Districts**<sup>125</sup>. After completion of the census of the United States and after any reapportionment of the State General Assembly Districts affecting the Town, voting districts of the Town shall be established by an Ordinance proposed by a committee of the RTM composed of an equal number of members from each party such that the population deviation from the largest to the smallest voting district shall not exceed ten (10%) percent. The redistricting Ordinance adopted by the RTM shall provide for an equal number of members from each district, and, to the extent practicable within the constraints of this Charter and State General Assembly redistricting, shall provide for districts that are located in only one State General Assembly District.

**B. Ex-officio non-voting members of the RTM**<sup>126</sup>. The RTM shall consist of the elected RTM members. In addition, the Selectpersons the Town Clerk, the Town Attorney, any Assistant Town Attorneys (in the event they are Electors), the chair of the Board of Education, and the members of the Board of Finance shall be ex officio members of the RTM without vote.

**C. Right to vote**<sup>127</sup>. The right to vote at RTM meetings shall be limited to RTM members elected as provided in §2.3.B.

**D. Judge of qualification**<sup>128</sup>. The RTM shall be the judge of the election and qualifications of its members.

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and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>124</sup> 2022 recodification and edit of previous Article II, §2.6.B(3) and Article IV, §4.2.C(2006). Derived from Article II, §2.6.B of the 1997 Charter. and Article IV, §4.2.C (2006). Derived from Article IV, §4.2.C of the 1997 Charter. Consolidates and replaces Article II, §2.6.B(3) (2006), which is derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: "Each RTM member shall fulfill the eligibility requirements of §4.2.D at the time of election."

<sup>125</sup> 2022 recodification and edit of previous Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

<sup>126</sup> 2022 recodification and edit of previous Article IV, §4.2.A (2006) entitled "Composition." Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

<sup>127</sup> 2022 recodification of previous Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter.

<sup>128</sup> 2022 recodification of previous Article IV, §4.2.B (2006). Derived from Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.B of the 1997 Charter.

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**E. Compensation<sup>129</sup>.** The RTM members as such shall receive no compensation.

## **§3.3. Annual meetings<sup>130</sup>, organization, and elections.**

**A. Date of organization meeting<sup>131</sup>.** An organization meeting of the RTM members shall be held on the fourth (4<sup>th</sup>) Monday in November in each year.

**B. Election of Moderator: Duties<sup>132</sup>.** Each organization meeting shall elect from among its voting members, by a vote of the Majority of the RTM, a Moderator. The Moderator shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall:

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

(2) Have all the powers and duties of a moderator of an open town meeting, including those set forth in C.G.S. 7-7 and 7-8 of Chapter 90 of the General Statutes.

**C. Deputy Moderator<sup>133</sup>.** Each organization meeting shall elect, by a Majority Vote of the RTM, from among its voting members a Deputy Moderator who shall hold office for a term of one (1) year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

**D. Clerk<sup>134</sup>.** The Town Clerk or, in the event of the Town Clerk's absence, an Assistant Town Clerk, shall act as clerk of all RTM meetings.

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<sup>129</sup> 2022 recodification of previous Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

<sup>130</sup> Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act, as reaffirmed by Chapter II, §6 of the 1956 Act.

<sup>131</sup> 2022 recodification and edit of previous Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

<sup>132</sup> 2022 recodification and modification of previous Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to “presiding officer” and “moderator”. The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.

**Comment of the 2022 Charter Revision Commission:** This section was modified when the Commission advanced the proposal to reduce the size and shift from the Town Meeting/RTM model to a town council-like legislative body. The “open town meeting” provision was restored as it was removed during this process and left out inadvertently.

<sup>133</sup> 2022 recodification and edit of previous Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

<sup>134</sup> 2022 recodification of previous Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

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**E. Moderator Pro-tempore and Clerk Pro-tempore<sup>135</sup>.** In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore for the meeting may be elected, by a Majority Vote of the RTM, at the meeting.

**F. Rules and Committees of the RTM<sup>136</sup>.** The RTM shall have the authority to adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall determine.

## §3.4. Meetings of the RTM.

**A. Quorum<sup>137</sup>.** A majority of the entire membership of the RTM shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members.

**B. Regular meetings<sup>138</sup>.** Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by a Majority Vote of the RTM. However, if there is no business to be acted upon at a regular RTM meeting, the meeting may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members and the public.

**C. Special Meetings<sup>139</sup>.** Special meetings may be held whenever the First Selectperson, Chair of the Board of Finance, or the Moderator shall deem them necessary. In addition, a special meeting shall be held within ten (10) Days after the submission to the Town Clerk of a written petition for a meeting signed by one (1%) percent of the electors of the Town or upon written petition signed by ten (10) RTM members.

**D. Public Hearings. Notice<sup>140</sup>.** At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter or rules adopted hereunder, if the standard is stricter.

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<sup>135</sup> 2022 recodification and edit of previous Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

<sup>136</sup> 2022 recodification and edit of previous Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>137</sup> 2022 recodification and modification of previous Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

<sup>138</sup> 2022 recodification and edit of previous Article IV, §4.3.B (2006). Regular meeting provision established in Chapter III, §4 of the 1947 and 1956 Acts. Further amended by §5 of the 1951 Special Act (“no business” provision) and Chapter III, §4 of the 1975 Charter; and, Article IV, §4.3.B of the 1997 Charter.

<sup>139</sup> 2022 recodification and edit of previous Article IV, §4.3.C (2006). Special meeting provision contained in Chapter III, §4 of the 1947 and 1956 Acts, and 1975 Charter; and, Article IV, §4.3.C of the 1997 Charter.

<sup>140</sup> NEW (2022)



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**E. Meeting Notice<sup>141</sup>.** The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held, in accordance with the notice requirements of the General Statutes and this Charter, or rules adopted hereunder, if the standard is stricter.

## **§3.5. Ordinances, Resolutions, Orders or Motions:**

**A. Public Notice of Final Action<sup>142</sup>.** The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an Ordinance to be published in summary form within one (1) week after the adjournment of the meeting at which such action was taken, in accordance with §1.4.C(17). The effective date of the adoption or repeal of the Ordinance shall be fourteen (14) Days after the adjournment of the meeting at which it was passed or such later date as may have been set by the RTM at such meeting, unless a petition for referendum concerning an Ordinance is filed as provided in §3.6 of this Article.

**B. Publication and Posting of Adopted Legislation<sup>143</sup>.** All legislation, after final passage, shall be given a serial number by the Clerk of the RTM and be recorded by the Town Clerk and shall be properly indexed. Within five (5) Days after final passage, as provided in §3.5.A, the Town Clerk shall transmit for publication on the Town website and notice that such legislation is on file in the Office of the Town Clerk and is available for examination in accordance with §1.4.C(17).

## **§3.6 Petition for Overrule (Referendum)<sup>144</sup>.**

### **A. Petition and time for filing<sup>145</sup>.**

**(1) Effective date of certain RTM votes.** Any vote of the RTM: (1) authorizing the expenditure for any specific purpose of \$500,000 or more<sup>146</sup>; or (2) for the issue of any bonds by the Town<sup>147</sup>; or (3) the adoption, amendment, or repeal of an Ordinance<sup>148</sup>; shall not be effective until the date for filing a referendum petition has passed. If within that time a petition for referendum is filed with the Town Clerk,

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<sup>141</sup> 2022 recodification and modification of previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

<sup>142</sup> 2022 recodification and edit of previous Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

<sup>143</sup> NEW (2022)

<sup>144</sup> Current Article XII.

<sup>145</sup> 2022 recodification of previous Article XIII, §13.1 (2006).

<sup>146</sup> 2022 recodification and modification (raising the baseline in the referendum process from \$150,000 to \$500,000) of previous Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

<sup>147</sup> 2022 recodification and edit of previous Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

<sup>148</sup> 2022 recodification and edit of previous Article XIII, §13.1.A(3) (2006). Derived from Chapter III, §10 of the 1947 and 1957 Act and 1975 Charter; further amended by §10 of the 1951 Act; and Article XIII, §13.1.A(iii) of the 1997 Charter.

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the vote shall not be effective unless and until it has been approved by referendum.

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

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

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

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

## **B. Manner of holding referendum<sup>149</sup>.**

**(1) Certification of Town Clerk.** Upon the filing of a petition fulfilling the requirements of §3.6, the Town Clerk shall certify that fact promptly to the Board of Selectpersons.

**(2) Date of referendum.** The Board of Selectpersons shall call a special election for all Electors of the Town to be held not less than twenty-one (21) Days nor more than twenty-eight (28) Days after the date of certification by the Town Clerk for the sole purpose of voting approval or disapproval of the question or questions presented in the referendum petition.

**(3) Voting hours and method.** For any referendum, the polls shall be opened at six o'clock (6:00 A.M.) and shall be closed at eight o'clock (8:00 PM), but

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<sup>149</sup> 2022 recodification and edit of previous Article XIII, §13.2 (2006). Derived from Chapter III, §10 of the 1947 and 1956 Acts and 1975 Charter; further amended by §7 of the 1951 Act and; Article XIII, §13.2 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

the hours for voting may be increased at the discretion of the Board of Selectpersons. Voting shall be by voting machine or printed ballot, at the discretion of the Board of Selectpersons.

**(4) Ballots for referendum on Ordinance.** The ballot labels or ballots used in referenda concerning Ordinances shall state the matter to be voted on in substantially the following form: "Shall the following action of the Representative Town Meeting held on (date of the meeting) be approved?" followed by a statement of the action questioned in substantially the same language and form set forth in the records of the RTM. The voting machine or printed ballot shall provide means of voting "yes" or "no" on each question so presented.

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

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

**(6) Vote necessary to pass referenda<sup>150</sup>.** In order to reverse or modify the action taken by the RTM, the vote in favor of reversing or modifying the action must both:

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

## **§3.7. Appeals from the Board of Finance<sup>151</sup>.**

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §9.8.

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<sup>150</sup> 2022 recodification and edit of previous Article XIII, §13.2.F. Derived from Chapter III, §11 of the 1947 and 1956 Acts; Chapter III, 11 of the 1975 Charter; and Article XIII, §13.2.F of the 1997 Charter.

<sup>151</sup> 2022 recodification and edit of previous Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## **§3.8. Vacancies in the RTM<sup>152</sup>.**

Any vacancy in the RTM shall be filled as set forth in §2.6.E.

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<sup>152</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

### §4.1. Executive Authority.

**A. The Executive Branch<sup>153</sup>.** The executive branch of the Town government shall consist of the Board of Selectpersons and the elected and appointed Boards and Commissions, Elected Town Officials or Appointed Town Officers, and employees set forth in this Charter.

**B. The First Selectperson<sup>154</sup>.** The First Selectperson shall be the chief executive officer of the Town as well as the town agent<sup>155</sup> and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First Selectperson shall devote full time to the duties of the office<sup>156</sup>.

**C. Election and Qualifications<sup>157</sup>.** There shall be three (3) members of the Board of Selectpersons, including the First Selectperson, who shall be chosen by the Electors of the Town, as set forth in §2.3.C(1)(a), §2.3.C(3)(b) and (3)(b) and §2.7.

### §4.2. The Board of Selectpersons.

**A. Meetings<sup>158</sup>.** The Selectpersons shall hold their first meeting not later than the fourth (4<sup>th</sup>) Monday of November. The First Selectperson shall be chair of the Board of Selectpersons and shall preside over all of its meetings<sup>159</sup>. The Selectpersons shall meet at least twice each month, unless there is no business to be conducted<sup>160</sup>.

**B. General powers and duties<sup>161</sup>.** The executive authority of the Town shall be vested in the Board of Selectpersons, except to the extent such authority is expressly

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<sup>153</sup> 2022 recodification and edit of previous Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

<sup>154</sup> 2022 recodification of previous Article VI, §6.2.A (2006). Derived from Article VI, §6.2A of the 1997 Charter.

<sup>155</sup> 2022 recodification of previous Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>156</sup> 2022 recodification of previous Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>157</sup> NEW (2022)

<sup>158</sup> 2022 recodification and modification (“unless there is no business to be conducted” clause) of previous Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>159</sup> Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>160</sup> Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

<sup>161</sup> 2022 recodification and edit of previous Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the powers and duties vested in them by the General Statutes, except those expressly vested in the First Selectperson by this Charter or by Ordinance. In particular:

**(1) Contracts**<sup>162</sup>.

**(a)** All Contracts in excess of Fifty Thousand (\$50,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder<sup>163</sup> to which the Town (with the exception of contracts authorized to be made on or on behalf of the Board of Education) shall be a party shall be subject to approval of the majority vote of the Board of Selectpersons<sup>164</sup>. This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance<sup>165</sup>.

**(b)** The approval requirement by the Board of Selectpersons, set forth in this sub-paragraph, shall not be construed to eliminate review by other persons or bodies where required by this Charter, by Ordinance, the General Statutes or, otherwise provided by Law<sup>166</sup>.

**(2) Oversight of Appointees: Subpoena Authority**<sup>167</sup>. All Town Officials and employees of the Town appointed by the Board of Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectpersons whenever requested to do so. The Selectpersons shall have the power to investigate any and all Town offices and Departments of the Town and for such purpose shall have the power to issue subpoenas.

**(3) Budget Review and Recommendation**<sup>168</sup>. The Board of Selectpersons shall review the budgets of all Elected Town Officials, Appointed Town Officers, Boards, Commissions, and Departments of the Town and make such recommendations in connection with such budgets to the Board of Finance as they deem necessary.

**(4) Appointment powers.** The Board of Selectpersons shall appoint:

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<sup>162</sup> 2022 recodification and edit of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>163</sup> NEW (2022).

<sup>164</sup> 2022 recodification and modification of previous Article VI, §6.1.C(1) (2006)(first sentence).

<sup>165</sup> NEW (2022). Previous Article VI, §6.1.C(1) (2006)(second sentence is repealed. The Commission had considered the following modification: raising the contract threshold for delegation of authority for duration (less than three months instead of one month) and amount (\$25,000 instead of \$10,000).

<sup>166</sup> 2022 recodification and modification (The term "contract was moved to Article I) of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>167</sup> 2022 recodification and edit of previous Article VI, §6.1.C(2) (2006)(First sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter. Please note the Special Act authority to issue subpoenas.

<sup>168</sup> 2022 recodification and edit of previous Article VI, §6.1.C(3) (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

**(a) Required by Charter<sup>169</sup>:** The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance<sup>170</sup> to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

**(b) Required by General Statutes or Ordinance<sup>171</sup>:** The members of any other Board or Commission which is required by an Ordinance or the General Statutes.

**(c) Advisory committees, task forces or other similar entities<sup>172</sup>.** Such advisory committees, task forces or other similar entities, as they deem necessary or useful from time to time to study and advise on any matters which are the concern of the Town.

**(5) Membership on Boards, Commissions, and committees<sup>173</sup>.** Except as otherwise expressly provided in §8.11, each member of the Board of Selectpersons shall be an ex officio member, without vote, on all Town Boards, Commissions, and committees.

**(6) Reorganization of Departments<sup>174</sup>.**

**(a)** Notwithstanding any provisions of this Charter, the Board of Selectpersons may propose to the RTM a Resolution which may alter the method of appointment to or organization of any Town office, Department, Board or Commission of the Town, including combining or separating the duties of such individuals or bodies. The Resolution will effect the change when enacted by the RTM in the form of an Ordinance.

**(b)** The ability to make such changes by Ordinance shall not apply to the Police Department, the Fire Department, the Board of Library Trustees, any Elected Town Official, Elected Board or Commission, and any other office or body where such change by Ordinance is specifically prohibited by statute.

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<sup>169</sup> 2022 recodification and edit of previous Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>170</sup> 2022 recodification and edit of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>171</sup> 2022 recodification and edit of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>172</sup> 2022 recodification and edit of previous Article VI, §6.1.E (2006). Modification of Chapter XXIV, §3 of the 1947 and 1956 Act; Chapter XXVI, 1 of the 1975 Charter; and, Article VI, §6.1.E of the 1997 Charter.

<sup>173</sup> 2022 recodification and edit of previous Article VI, §6.1.F (2006). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.F of the 1997 Charter.

<sup>174</sup> 2022 recodification and edit of previous Article VI, §6.1.G (2006). Derived from Chapter II, 11 of the 1975 Charter and Article VI, §6.1.G of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

(c) If the duties of two (2) or more bodies or Town offices are combined or separated by Ordinance, the existence, the method of appointment, the organization, powers, and duties of the prior Town offices or bodies shall cease as defined in this Charter and shall be as defined in the Ordinance.

(d) The method of election to any Town office, Board, Commission, or agency of the Town may be changed by Ordinance, as set forth in §4.2.B(6)(a), if the method of election set forth in this Charter is or becomes improper, invalid, or ineffective because of a change in the law or an ambiguity in, or erroneous provision of, this Charter.

## §4.3. Powers and Duties of the First Selectperson.

**A. Executive Powers<sup>175</sup>.** The day-to-day executive and management authority of the Town shall be vested in the First Selectperson. The First Selectperson shall have the powers and duties vested by Law

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

(1) Direct and supervise<sup>176</sup> the administration of all Departments and officers<sup>177</sup> and shall be responsible for the administration of all the affairs of the Town in respect to such Departments<sup>178</sup>;

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town<sup>179</sup>;

(3) Make periodic reports to the RTM and may convene Special RTM Meetings, as set forth in §3.4.D, attend and participate in RTM meetings, but shall have no vote<sup>180</sup>;

(4) Present, from time-to-time, to the Board of Selectpersons for disposition to the Board of Finance and RTM proposed capital project(s)<sup>181</sup>;

(5) Prepare and maintain a five (5) year capital plan, and submit annually

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<sup>175</sup> 2022 recodification and minor modification of previous Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

<sup>176</sup> NEW (2022)

<sup>177</sup> 2022 recodification and edit of previous Article VI, §6.2.A(3).

<sup>178</sup> NEW (2022).

<sup>179</sup> 2022 recodification and minor modification of previous Article VI, §6.2.A(4).

<sup>180</sup> NEW (2022); although it included a reference to authority currently set forth in current Article IV, §4.2.A (2006) entitled "Composition" which permits the First Selectperson to participate in RTM meetings.

<sup>181</sup> NEW (2022).



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to the Board of Finance an update of such plan<sup>182</sup>;

(6) Keep the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts<sup>183</sup>;

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes<sup>184</sup>;

(8) Investigate the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants<sup>185</sup>;

(9) Act, or designate another, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters<sup>186</sup>;

(10) After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office<sup>187</sup>;

(11) Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions<sup>188</sup>;

(12) Have the ability to delegate such authority as may be necessary to the Selectpersons or to administrative assistants whose appointment may be authorized by the RTM<sup>189</sup>; and

(13) Have the ability to convene the members of any or all Departments, Boards and Commissions to review and coordinate activities and to plan operations of the Town government<sup>190</sup>.

The First Selectperson shall have such additional powers and shall perform such

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<sup>182</sup> NEW (2022)

<sup>183</sup> NEW (2022)

<sup>184</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** This provision simply recognizes Article IX requirements of the First Selectperson.

<sup>185</sup> NEW (2022).

<sup>186</sup> NEW (2022). Note: this is pursuant to the Municipal Employee Relations Act under the General Statutes.

<sup>187</sup> 2022 recodification of previous Article VI, §6.2.A(5).

<sup>188</sup> 2022 recodification and edit of previous Article VI, §6.2.A(6).

<sup>189</sup> 2022 recodification and edit of current Article VI, §6.2.A(7).

<sup>190</sup> 2022 recodification and edit of previous Article VI, §6.2.A(8).

# CHARTER OF THE TOWN OF FAIRFIELD

other duties as may from time to time be required by Ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes<sup>191</sup>.

## **C. Appointment powers<sup>192</sup>.**

(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII, any others required by the General Statutes or by Ordinance<sup>193</sup> to be appointed by the First Selectperson and any other for which no other appointment provision is made in this Charter<sup>194</sup>.

(2) All Appointed Town Officers, Board and Commission members and employees of the Town appointed solely by the First Selectperson shall be responsible to the First Selectperson for the faithful performance of their respective duties and shall report to the First Selectperson<sup>195</sup>.

**D. Designation of Acting First Selectperson<sup>196</sup>.** Immediately upon taking office, the First Selectperson shall designate, in writing, to the Town Clerk the member of the Board of Selectpersons authorized to act as First Selectperson during the unavailability or temporary disability of the First Selectperson and during the period from the date a vacancy occurs until a successor First Selectperson takes office under the provisions of §2.6.C and D. Such designation may be changed in writing from time to time.

**E. Staff<sup>197</sup>.** The First Selectperson is entitled to appoint a chief of staff and administrative assistant, or equivalent positions. All assistants and staff appointed by the First Selectperson shall serve at the pleasure of the First Selectperson.

## **F. Chief Administrative Officer<sup>198</sup>.**

(1) **Appointment and Duties.** The First Selectperson shall appoint a Chief Administrative Officer, who shall be an advisor to the First Selectperson. Under the supervision of the First Selectperson, the Chief Administrative Officer (a) shall be responsible for administrative functions relative to the daily operation of

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<sup>191</sup> NEW (2022).

<sup>192</sup> 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>193</sup> 2022 recodification and modification of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>194</sup> 2022 recodification of previous Article VI, 6.2.B(1)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>195</sup> 2022 recodification and edit of previous Article VI, 6.2.B(2)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>196</sup> 2022 recodification and edit of previous Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

<sup>197</sup> NEW (2022).

<sup>198</sup> NEW (2022).

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Departments; (b) may be assigned as liaison between the First Selectperson and other Town Officials, Offices and Boards and Commissions; Boards; and (c) may be tasked by the First Selectperson with specific projects and duties. From time to time, or upon request from the Board of Selectpersons, the Chief Administrative Officer shall provide updates on town matters or special projects as assigned by the First Selectperson to the Board of Selectpersons.

**(2) Term.** The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson.

**(3) Experience.** Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration<sup>199</sup>.

**(4) Qualifications.** Said qualifications shall be prepared by the Director of Human Resources, who shall also prequalify candidates for the position prior to interview by the First Selectperson.

**G. Purchasing Authority<sup>200</sup>.** The First Selectperson and the Purchasing Agent, acting in conjunction, shall be the general purchasing authority of the Town. All supplies, materials, equipment, other commodities, Contracts for public works or services, other than professional services, required by any department, office, agency, board, authority, or commission of the Town, including the Board of Education, shall be purchased by the purchasing authority on a requisition, in such form as the Selectpersons may prescribe, signed by the head of the Department, office, agency, or chair of the Board or Commission or other like entities. No purchase order shall be issued without the signature of the Purchasing Agent or, in the Purchasing Agent's absence, of the First Selectperson.

## **§4.4. Compensation of executive branch members<sup>201</sup>.**

The members of all Boards and Commissions except the Board of Selectperson shall serve without compensation unless the RTM shall otherwise direct. Except as provided in this Charter or otherwise by Law, the compensation of all Town Officials shall be fixed by the

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<sup>199</sup> **Comment of the 2022 Charter Revision Commission.** The following organizations meet the criteria set forth in the Charter at the time of deliberations and approval: such as the Government Finance Officers Association, the International City/County Management Association, National League of Cities, National Academy of Public Administrators, the IBM Center for the Business of Government, International Public Management Association for Human resources and other equivalent or successor organizations

<sup>200</sup> Recodification and edit of previous Article XII, §12.8 (2006). Derived from Chapter XXI of the 1947 Act; and further amended by §20 of the 1951 Act and affirmed by Chapter XXI of the 1956 Act and Chapter XVIII of the 1975 Charter. Derived from Article XII, §12.8 of the 1997 Charter.

<sup>201</sup> 2022 Recodification and edit of previous Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

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Board of Selectpersons subject to the adoption of the Town Budget as provided in Article IX<sup>202</sup>.

## **§4.5. Regulations<sup>203</sup>.**

Any Town Official or Board or Commission empowered to enact Regulations under the provisions of the General Statutes or of this Charter shall hold at least one (1) public hearing before the enactment of such Regulations. Except as otherwise provided by statute, the time and place of such hearing together with a copy of the proposed Regulations shall be published at least once not more than ten (10) nor less than five (5) Days before the date set for such hearing.

Except as otherwise provided by statute, any such Regulation shall be superseded by an Ordinance adopted by the RTM affecting the same subject matter.

## **§4.6. Absence, Disability, Vacancy in the Office of First Selectperson<sup>204</sup>.**

Any vacancy in the Office of the First Selectperson shall be addressed as set forth in §2.6.D.

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<sup>202</sup> 2022 repeal of previous Article V, §5.3 (2006)(“Official Bonds”). Derived from Modification of Chapter II, §9 of the 1947 Act and 1956 Act; Chapter II, §9 of the 1975 Charter and Article V, §5.3 of the 1997 Charter.

<sup>203</sup> 2022 Recodification and edit of previous Article V, §5.4 (2006). Chapter XXVI, §8 of the 1975 Charter; and, Article V, §5.4 of the 1997 Charter.

<sup>204</sup> NEW (2022). Simply refers the reader to the correct section.

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## ARTICLE V – OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

### §5.1. Town Clerk<sup>205</sup>.

**A. Establishment and election<sup>206</sup>.** There shall be a Town Clerk elected at the times and for the term set forth in §2.3.A(3) and §2.3.C(1)(d).

**B. Powers and duties<sup>207</sup>.** The Town Clerk shall have the powers and duties prescribed by this Charter, by Ordinance, and by the General Statutes. In particular, the Town Clerk shall:

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

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

(3) Deposit all money required to be collected by the Town Clerk with the Chief Fiscal Officer, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and

(4) Provide, as may be requested, a receipt for all money received to the person from whom it was received.

**C. Staffing<sup>208</sup>.** All expenses of the Town Clerk's office, including necessary clerical assistance and Assistant Town Clerks, shall be paid by the Town within the limit of the appropriation therefor.

**D. Assistant Town Clerks<sup>209</sup>.** The Town Clerk may appoint Assistant Town Clerks who shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

**E. Compensation<sup>210</sup>.** In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

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<sup>205</sup> Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

<sup>206</sup> 2022 recodification and edit of previous Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

<sup>207</sup> 2022 recodification and edit of previous Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

<sup>208</sup> 2022 recodification of previous Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

<sup>209</sup> 2022 recodification and edit of previous Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

<sup>210</sup> 2022 recodification of previous Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

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**F. Ordinances and votes<sup>211</sup>.** The Town Clerk shall publish notice of action concerning Ordinances in accordance with this Charter. All Ordinances and RTM votes shall be recorded by the Town Clerk in records kept for the purpose.

**G. Reports to Assessor and Tax Collector<sup>212</sup>.** The Town Clerk shall promptly file with the Assessor and Tax Collector a complete abstract of all deeds and conveyances of land or of personal property, or of certificates of intention to transfer personal property, placed in the custody of the Town Clerk for record.

**H. Vacancy<sup>213</sup>.** A vacancy in the Office of the Town Clerk shall be filled as set forth in §2.6.A.

## **§5.2. Justices of the Peace.**

**A. Establishment and election<sup>214</sup>.** There shall be forty-five (45) Justices of the Peace<sup>215</sup> elected or nominated in the manner and for the terms prescribed in §2.3.A and C.

**B. Powers and duties<sup>216</sup>.** Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies<sup>217</sup>.** Vacancies shall be filled as set forth in §2.6.B.

## **§5.3. Elected Boards and Commissions: In General.**

**A. Establishment and election<sup>218</sup>.** There shall be a Board of Education, Board of Finance, Board of Assessment Appeals, Town Plan and Zoning Commission, and Zoning Board of Appeals. The members of each Board and Commission shall be elected at the times and for the terms set forth in §2.3.A and C.

### **B. Meetings**

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<sup>211</sup> 2022 recodification and edit of previous Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

<sup>212</sup> 2022 recodification of previous Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

<sup>213</sup> 2022 recodification and edit of previous Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

<sup>214</sup> 2022 recodification and edit of previous Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

<sup>215</sup> Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and then, 45 in Article VII, §7.2.A of the 1997 Charter. Note: Constables will no longer be elected officials.

<sup>216</sup> 2022 recodification and edit (reflecting the repeal of elected Constables) of previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>217</sup> 2022 recodification and modification (repeal of elected Constables) of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>218</sup> 2022 recodification and edit of previous Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**(1)** All elected Boards and Commissions, except the Board of Assessment Appeals, shall hold at least ten (10) Regular Meetings a year and shall give annual notice of such meetings as required by the General Statutes. Officers of each Board and Commission, except the RTM, shall be elected annually at an organization meeting so noticed with the Town Clerk held in the month of December<sup>219</sup>..

**(2)** All elected Boards and Commissions shall comply with the provisions of §1.5 and §1.6<sup>220</sup>.

**C. Vacancies**<sup>221</sup>. Except as provided in §2.6.D with respect to the Board of Selectpersons, vacancy in the membership of any elected Board or Commission shall be filled in the manner prescribed in §2.6.A

## **§5.4. Board of Education**<sup>222</sup>.

**A. Composition**<sup>223</sup>. The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.A(5) and §2.3.C(1)(f) and C(2)(b), no more than six (6) of whom shall be registered with the same political party.

**B. Powers and duties**<sup>224</sup>. The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

## **§5.5. Board of Finance.**

**A. Composition**<sup>225</sup>. The Board of Finance shall consist of nine (9) voting members, for staggered terms, as set forth in §2.3.A(4), §2.3.C(1)(e) and §2.3.C(2)(a), no more than six (6) of whom shall be registered with the same political party, and the Board of Selectpersons and the Fiscal Officer, ex officio, without vote.

**B. Powers and duties**<sup>226</sup>. The Board of Finance shall appoint the outside

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<sup>219</sup> 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

<sup>220</sup> NEW (2022).

<sup>221</sup> 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter

<sup>222</sup> Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

<sup>223</sup> 2022 recodification and edits of previous Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

<sup>224</sup> 2022 recodification of previous Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

<sup>225</sup> 2022 recodification and edit of previous Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

<sup>226</sup> 2022 recodification of previous Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997

# CHARTER OF THE TOWN OF FAIRFIELD

auditors and shall have all of the powers and duties conferred by this Charter, by Ordinance, and upon boards of finance generally by Chapter 106 of the General Statutes.

**C. Clerk of the Board of Finance<sup>227</sup>.** The Board of Finance shall appoint a clerk and fix the clerk's salary. The clerk shall hold office at the pleasure of the Board of Finance. The clerk may be part time. The clerk shall:

(1) Keep minutes of Board meetings and be the custodian of its records, papers, and data relating to the conduct of its business;

(2) Be a certified or a licensed public accountant or otherwise have credentials, licenses and or certification and experience in the financial field; and

(3) Have the right to call upon all Town Departments, Boards and Commissions and officers for such information as the clerk may reasonably require in connection with the duties of the clerk and responsibilities of the Board of Finance<sup>228</sup>.

**D. Approval of budgets<sup>229</sup>.** The Board of Finance shall approve the Town budget in the manner set forth in Article IX.

**E. Bidding, requisition, and payment procedures<sup>230</sup>.** The Board of Finance shall establish and may amend from time to time procedures and guidelines for bidding on purchases and Contracts by the Town as well as procedures for departmental requisition and for payments.

## §5.6. Board of Assessment Appeals.

**A. Composition<sup>231</sup>.** The Board of Assessment Appeals shall consist of five (5) members, for staggered terms as set forth in §2.3.A(10), §2.3.C(1)(k) and §2.3.C(2)(g), and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

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Charter.

<sup>227</sup> 2022 recodification and edit of previous Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

<sup>228</sup> 2022 recodification and edit of previous Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

<sup>229</sup> 2022 recodification of previous Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter. **2022 Charter Revision Commission Comment:** Article VII, 8.3.D was repealed as the matter is addressed by the General Statutes.

<sup>230</sup> 2022 recodification and edit of previous Article XII, §12.9 (2006). Derived from Chapter XVIII, §4 and §5 of the 1975 Charter and Article XII, §12.9 of the 1997 Charter.

<sup>231</sup> 2022 recodification and edit of previous Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.



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**B. Powers and duties<sup>232</sup>.** The Board of Assessment Appeals shall have all the powers and duties conferred on boards of assessment appeals generally by §§12-110 to 12-117 of Chapter 203 of the General Statutes.

## §5.7. Town Plan and Zoning Commission.

**A. Composition<sup>233</sup>.** The Town Plan and Zoning Commission shall consist of seven (7) voting members, for staggered terms as set forth in §2.3.A(6) and §2.3.C(1)(g) and (h); and, §2.3.C(2)(c) and (d), no more than five (5) of whom shall be registered with the same political party. There shall be three (3) alternate members of the Town Plan and Zoning Commission, as set forth in §2.3.A(7), no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>234</sup>.** The Town Plan and Zoning Commission shall have all the powers and duties conferred by this Charter, by Ordinance, and on zoning commissions and planning commissions generally by Chapter 124 and Chapter 126 of the General Statutes (C.G.S. §8-1 et seq. and §8-18 et seq.). In particular, the Town Plan and Zoning Commission shall:

- (1) Prepare, adopt, and amend the plan of conservation and development of the Town<sup>235</sup>;
- (2) Have control over the subdivision of land<sup>236</sup>;
- (3) Make studies and recommendations on matters affecting health, recreation, traffic, and other needs of the Town dependent on, or related to, the plan of conservation and development;
- (4) Consider and report upon the design, location, and relation to the plan of conservation and development of all new public ways, buildings, bridges, and other public places and structures<sup>237</sup>;

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<sup>232</sup> 2022 recodification of previous Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

<sup>233</sup> 2022 recodification and edit of previous Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the 1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

<sup>234</sup> 2022 recodification and edit of previous Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997 Charter.

<sup>235</sup> 2022 recodification and minor modification of current Article VIII, §8.5.B(1). Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

<sup>236</sup> Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of “subdivision” was included in Chapter XI, §7 of the 1947 Act, which was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.

<sup>237</sup> Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the

# CHARTER OF THE TOWN OF FAIRFIELD

(5) Consider and report upon the layout of new developments in the Town<sup>238</sup>;

(6) Make detailed plans for the improvement, reconditioning, or development of areas which in its judgment contain special problems or show a trend toward lower land values; and

(7) Make such other studies, recommendations, and inclusions in the plan of conservation and development as will in its judgment be beneficial to the Town<sup>239</sup>.

**C. Appointment of Planning Director<sup>240</sup>.** The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectperson

**D. Other employees and consultants<sup>241</sup>.** The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all Laws, Ordinances, and Regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

## **§5.8. Zoning Board of Appeals<sup>242</sup>.**

**A. Composition<sup>243</sup>.** The Zoning Board of Appeals shall consist of five (5) regular members, for staggered terms as set forth in §2.3.A(9), §2.3.C(1)(i) and (j); and, §2.3.C(2)(e), no more than four (4) of whom shall be registered with the same political party<sup>244</sup>, and three (3) alternates, as set forth in §2.3.C(2)(f), no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>245</sup>.** The Zoning Board of Appeals shall have the powers and duties conferred on zoning boards of appeals generally by §§ 8-5 to 8-7e of Chapter 124 of the General Statutes.

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1975 Charter.

<sup>238</sup> Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

<sup>239</sup> Replacement of Chapter XI, §3 of the 1947 Act. §2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

<sup>240</sup> 2022 recodification and edit of previous Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

<sup>241</sup> 2022 recodification and edit of previous Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

<sup>242</sup> Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

<sup>243</sup> 2022 recodification and edit of previous Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

<sup>244</sup> The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

<sup>245</sup> 2022 Recodification of previous Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

### §6.1. Eligibility for appointed Town Office<sup>246</sup>.

**A. Elector requirements for Certain Appointed Town Officers and Members of Boards and Commissions; Exception<sup>247</sup>.** No person not at the time an Elector of the Town shall be eligible for appointment to any appointed Board or Commission or to the office of Town Treasurer or Constable. Persons serving as Chief of Police or Fire Chief must be or become a resident of the State of Connecticut, in accordance with the requirements of the respective Appointing Authorities (as defined in §6.2.B).

**B. Effect of ceasing to be an Elector<sup>248</sup>.** If any Appointed Town Officer required to be an Elector of the Town or any member of an appointed Board or Commission ceases to be an Elector of the Town, the office shall then become vacant.

**C. Single office requirement for appointed office<sup>249</sup>.** Except as otherwise provided in §8.5, §8.7, §8.8, and §8.11, no person shall be eligible to hold any appointed Town Office, including appointed members of any Board or Commission, who is at the same time an elected RTM member, Town Officer, an elected state official, or a member of an elected or appointed Board or Commission. For purposes of this paragraph, the term "Town Office" does not include Justices of the Peace or Constables or committees, task forces, or other like entities created pursuant to §4.2.B(4)(c).

**D. Eligibility for reappointment<sup>250</sup>.** No person shall be appointed to more than two (2) successive full terms on the same appointed Board or Commission, but such person shall be eligible for reappointment after an interval of not less than one (1) year except as otherwise provided in §8.14 and §8.15, with respect to the Ethics Commission and Golf Commission, respectively, or by Ordinance.

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<sup>246</sup> Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

<sup>247</sup> 2022 recodification and modification of previous Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The residency requirements for Assistant Town Attorney was eliminated and the residency requirement for Chief of Police and Fire Chief was modified. In addition, the residency for the appointed Constables was affirmed,

<sup>248</sup> 2022 recodification and edit of previous Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

<sup>249</sup> 2022 recodification and modification of previous Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Board of Education was removed from the exclusion at the end of the paragraph.

<sup>250</sup> 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Board of Library Board of Trustees was removed from this provision due to the change of the term of office from six to three years, at the request of the Board,

# CHARTER OF THE TOWN OF FAIRFIELD

## §6.2. Authority and Qualification of Appointed Town Officers<sup>251</sup>.

**A. Authority of Appointed Town Officers, including department heads<sup>252</sup>.** Once appointed as described in this Charter, Appointed Town Officers, including department heads shall, unless otherwise set forth in this Charter or Law, appoint, hire, discipline and remove all deputies, assistants and other employees of the Department and subject to (1) the supervisory authority of the First Selectperson or other Appointing Authority, as defined in §6.4.A; (2) any specific provisions of this Charter or Law pertaining to the authority of a Appointed Town Officer, including department heads and the relationship with a governing Board or Commission; and, (3) any applicable collective bargaining agreements.

**B. Qualifications of Appointed Town Officers, including department heads<sup>253</sup>.** The job qualifications of all Appointed Town Officers, including department heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be prepared by the Director of Human Resources. 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, if necessary, every four (4) years and whenever a vacancy occurs in the position.

## §6.3. Minority representation on Boards and Commissions<sup>254</sup>.

Unless other expressly set forth in this Charter, no more than a bare majority of the members of a Board or Commission shall be members of the same political party. This shall not apply to persons required to serve on a particular Board or Commission by virtue of holding another position or office in the Town.

## §6.4. Terms of office<sup>255</sup>.

**A. General Rule: Appointed Town Officers and Board and Commission Members.** Unless otherwise provided by the General Statutes, this Charter or by Ordinance the terms of office of all Appointed Town Officers and appointed members of Boards and Commissions shall commence on the fourth (4<sup>th</sup>) Monday in November, and shall continue for the terms set forth in Articles VII and VIII. Notwithstanding the foregoing, in the event that there is a vacancy and the Town Official who possesses the authority to make an appointment (“Appointing Authority”) does not appoint a new Appointed Town

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<sup>251</sup> NEW (2022).

<sup>252</sup> NEW (2022).

<sup>253</sup> NEW (2022).

<sup>254</sup> 2022 recodification and modification (the opening clause) of previous Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

<sup>255</sup> 2022 recodification and modification of current Article III, §3.3 (2006). Derived from Article III, §3.3 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The provision was broken into two sub-sections. The ethics Commission term was shifted to April 1 and the Board of Library Trustees was shifted to July 1.

# CHARTER OF THE TOWN OF FAIRFIELD

Officer or Board or Commission member by the fourth (4<sup>th</sup>) Monday in November after the biennial municipal general election, the commencement of the term of office as set forth in Law or this Charter; or, within sixty-five (65) Days following a vacancy in office, the incumbent shall serve as a continuing Appointed Town Officer or Board or Commission member until either the Appointing Authority fills the vacancy or until the sixty-fifth (65<sup>th</sup>) Day after the fourth (4<sup>th</sup>) Monday in November or the date of the vacancy, whichever occurs first.

**B. Exception: Golf Commission, Ethics Commission and Board of Library Trustees.** The members of the Ethics Commission and the Golf Commission shall commence their terms on the first (1<sup>st</sup>) day of April in the year of their appointment for the duration of their term and shall only remain on said Commission if reappointed. Likewise, the Board of Library Trustees shall commence their terms on the first (1<sup>st</sup>) day of July of their year of appointment for the duration of their term as set forth in §8.16.

## **§6.5. Resigning from appointed office<sup>256</sup>.**

Any Appointed Town Officer or appointed Board or Commission member may resign by submitting a written notice of resignation to the Town Clerk. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted.

## **§6.6. Vacancies in appointed office<sup>257</sup>.**

Unless otherwise set forth in the General Statutes or otherwise in this Charter, vacancies in Appointed Town Offices and membership on all Appointed Boards and Commissions shall be filled by the Appointing Authority. Persons so appointed shall serve for the remainder of the term of the position vacated.

## **§6.7. Removal from appointed office for cause.**

**A. Board or Commission<sup>258</sup>.** Any Appointed Town Officer or member of any appointed Board or Commission may, except as otherwise provided in the General Statutes or this Charter, be removed for cause by the Appointing Authority (including instances where Boards and Commissions have appointment authority), unless other set forth by Law provided, notice shall first be given in writing of the specific grounds for removal and the individual shall be given an opportunity to be heard in defense, alone or with counsel of the individual's choice, at a hearing before the Appointing Authority, held not more than ten (10) and not less than five (5) Days after transmittal of such notice in accordance with

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<sup>256</sup> 2022 recodification and edit of previous Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

<sup>257</sup> 2022 recodification and modification (opening clause) of previous Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

<sup>258</sup> 2022 recodification and modification of previous Article III, §3.6.A (2006). Derived from Modification of Chapter II, §6 of the 1947 and 1956 Acts; Chapter II, §12 of the 1975 Charter; and, Article III, §3.6.A of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

§1.4.C(15). The hearing shall be held in accordance with the Freedom of Information Act (Chapter 14 of the General Statutes, C.G.S. §1-200 et seq.). Appeals may be taken where provided by statute.

**B. Department Head or Director<sup>259</sup>.** Unless this Charter provides that a particular department head or director may be removed without cause, the Board of Selectpersons by unanimous vote of all of its members shall have the power to remove for cause any Department Head, or any director or employee appointed by a Board or Commission, provided notice and opportunity for a hearing before the Board of Selectpersons following the same protocols as set forth in this §6.7.A, and such hearing is held in accordance with the Freedom of Information Act.

## **§6.8. Required Cooperation<sup>260</sup>.**

Each Town Officer, RTM member and employee of any Department of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this Charter. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department.

## **§6.9. Compliance<sup>261</sup>.**

All appointed Boards and Commissions shall comply with the provisions of §1.5 through §1.8.

## **§6.10. Creation of Boards and Commissions<sup>262</sup>.**

In addition to those appointed Boards and Commissions established by this Charter, the RTM may, on its own initiative or at the recommendation of the First Selectperson or Board of Selectpersons, by Ordinance, establish any additional Boards and Commissions of the Town.

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<sup>259</sup> 2022 recodification and edit of previous Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

<sup>260</sup> NEW (2022)

<sup>261</sup> NEW (2022)

<sup>262</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VII - APPOINTED TOWN OFFICERS

### §7.1. Appointed Town Officers<sup>263</sup>.

There shall be the following Appointed Town Officers as necessary:

**A. Officers Appointed by the First Selectperson<sup>264</sup>.** The First Selectperson shall appoint the Appointed Town Officers listed in § 7.2 through §7.12 Charter and §4.3.E and F.

Town Attorney (§7.2)	Purchasing Agent (§7.8)
Assistant Town Attorneys (§7.3)	Director of Human and Social Services (§7.9)
Fiscal Officer (§7.4.A and B)	Director of Parks and Recreation (§7.10)
Controller (§7.4.C)	Director of Community and Economic Development (§7.11)
Town Treasurer (§7.5)	Director of Human Resources (§7.12)
Director of Public Works (§7.6)	Chief of Staff (§4.3.E)
Building Official (§7.7)	Chief Administrative Officer (§4.3.F)

**B. Officers appointed by the Board of Selectpersons<sup>265</sup>.** The Board of Selectpersons shall appoint the Appointed Town Officers listed in §7.13 through §7.17.

Internal Auditors (§7.13)	Tree Warden (§7.16)
Assessor (§7.14)	Constables (§7.17)
Tax Collector (§7.15)	

**C. Officers appointed by other bodies<sup>266</sup>.** The Appointed Town Officers hereunder shall be appointed by the bodies specified in §7.18 through §7.24.

Director of Health (§7.18)	Planning Director (§7.21)
Chief of Police (§7.19)	Animal Control Officer (§7.22)
Fire Chief (§7.20)	Conservation Director (§7.23)
	Town Librarian (§7.24)

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<sup>263</sup> 2022 recodification of previous Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

<sup>264</sup> 2022 recodification and modification of appointment authority set forth in previous Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Chief Administrative Officer and Chief of Staff were added to this provision; although their appointments are set forth in Article IV.

<sup>265</sup> 2022 recodification of appointment authority set forth in previous Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

<sup>266</sup> 2022 recodification of appointment authority set forth in previous Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## Officers Appointed by the First Selectperson

### §7.2. Town Attorney<sup>267</sup>.

**A. Appointment and qualifications.** The Town Attorney shall be appointed by the First Selectperson and shall be an attorney admitted to practice in the State who has practiced in the State for at least five (5) years. The Town Attorney may be removed by the First Selectperson without cause.

**B. Compensation.** The Town Attorney shall receive the compensation approved by the Board of Selectpersons within the appropriations made for the Town Attorney.

**C. Duties.** The Town Attorney shall:

(1) Be the legal advisor of, and counsel and attorney for, the Town and all Town Departments, Town Officials and the RTM, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the Town officers and employees;

(2) Prepare or review all Contracts and other instruments to which the Town is a party or in which it has an interest;

(3) Upon the request of the Board of Selectpersons, or of any other Town Officer, Board or Commission, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;

(4) Upon the direction of the Board of Selectpersons, appear for the Town or any Town Officers, Boards and Commissions, or Departments in any litigation or any other action brought by or against the Town or any Town Officials; and

(5) Prosecute or defend, appeal from or defend appeals from, and make settlements of, litigation and claims, as the Board of Selectpersons direct.

### §7.3. Assistant Town Attorneys<sup>268</sup>.

**A. Number of positions and appointment.** The Board of Selectpersons, with

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<sup>267</sup> 2022 recodification and modification (adding the RTM; although historically, the legislative body has been represented by the Town Attorney) of previous Article IX, §9.3 (2006). Modification of Chapter VI of the 1947 Act; further amended by §9 of the 1951 Special Act and reaffirmed by Chapter VI of the 1956 Act and 1975 Charter.

<sup>268</sup> 2022 recodification and edit of previous Article IX, §9.4 (2006). Derived from Article IX, §9.4 of the 1997 Charter.



# CHARTER OF THE TOWN OF FAIRFIELD

the consent of the RTM, shall determine from time to time the number of Assistant Town Attorneys necessary to effectively carry out the legal business of the Town and shall increase or reduce the number of Assistant Town Attorney positions to the number determined to be necessary. The First Selectperson may then appoint the Assistant Town Attorneys and may remove Assistant Town Attorneys without cause.

**B. Qualifications.** Each Assistant Town Attorney shall be an attorney admitted to practice in the State.

**C. Duties.** The Assistant Town Attorneys shall have the duties assigned to them by, and shall be under the supervision of, the Town Attorney.

## §7.4. Fiscal Officer and Controller<sup>269</sup>.

**A. Appointment and qualifications.** The Fiscal Officer shall be appointed by the First Selectperson and shall be a certified or a licensed public accountant or otherwise have experience in the financial field, in accordance with the provisions of §6.2.B.

**B. Duties of the Fiscal Officer.** The Fiscal Officer shall:

(1) Establish and supervise a central accounting and internal auditing system;

(2) Be responsible for, and conduct a continuously current accounting of, the financial activities of the Town, including the Board of Education;

(3) Audit, before payment, all payrolls, bills, invoices and claims drawn against the Town, including the Board of Education; and

(4) Countersign and approve each requisition to be paid by the Town.

**C. Duties of the Controller.** The Controller shall have the same qualifications as the Fiscal Officer and shall have the duties assigned by, and be under the supervision of, the Fiscal Officer. The Controller may countersign requisitions in the absence of the Fiscal Officer.

## §7.5. Town Treasurer<sup>270</sup>.

**A. Appointment and eligibility.** The Town Treasurer shall be appointed by the First Selectperson and may be removed by the First Selectperson without cause. The Fiscal Officer may also serve as Town Treasurer. No person employed by or in the Purchasing Department may at the same time be Town Treasurer.

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<sup>269</sup> 2022 recodification and edit of previous Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

<sup>270</sup> 2022 recodification and edit of previous Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

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**B. Duties.** The Town Treasurer shall have the duties conferred on town treasurers by Chapter 94 of the General Statutes (C.G.S. § 7-79 et seq.). The Town Treasurer may be part-time.

## §7.6. Director of Public Works<sup>271</sup>.

**A. Appointment and qualifications.** The Director of Public Works shall be appointed by the First Selectperson in accordance with any requirements set forth in the General Statutes and in accordance with the provisions of §6.2.B.

**B. Duties.** The Director of Public Works shall:

- (1) Administer and supervise the Department of Public Works;
- (2) Have charge and control of all buildings, materials, apparatus, equipment, and documents of the Department of Public Works;
- (3) Follow Town Human Resources policies and procedures to assign a Town Engineer who shall be chief technical advisor of the Town and all Departments, except the Board of Education, in all matters concerning the physical development of the Town and the design, construction, and maintenance of its physical plant<sup>272</sup>;
- (4) Be an ex officio member without vote of the Town Plan and Zoning Commission with respect to planning, the Parks and Recreation Commission and the Flood Prevention, Climate Resilience and Erosion Control Board or, in the alternative, may appoint a designee on said Board<sup>273</sup>.
- (5) Have the ability to make and enforce reasonable Regulations and rules not inconsistent with this Charter or the General Statutes necessary to efficiently exercise all powers and duties imposed on the Director of Public Works and the Department of Public Works;
- (6) At the request of the Selectpersons, furnish technical advice reasonably required for the physical functioning of the Town or its government; and

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<sup>271</sup> 2022 recodification and modification (Elimination of the requirement of the professional engineering registration requirement) of previous Article IX, §9.7 (2006). Modification of Chapter IX of the 1947 Act and 1956 Act. Section 1 of the Act established the powers and duties of a Town Engineer as the director of the Department. Section 3 established the position of the Superintendent of Highways and Bridges. Section 4 addressed engineering issues; see, also Chapter IX of the 1975 Charter; and, Article IX, §9.7 of the 1997 Charter.

<sup>272</sup> **Comment of the 2022 Charter Revision Commission:** In lieu of the engineering requirement the Commission approved a provision that requires in-house engineering capabilities under the supervision of the Director of Public Works.

<sup>273</sup> **Comment of the 2022 Charter Revision Commission:** Participation of the Director or a designee is required on the Flood Prevention, Climate Resilience, and Erosion Control Board.

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(7) Perform other reasonable and related duties as directed by the Selectpersons.

**C. Assistants.** The Director of Public Works may request that the First Selectperson engage superintendents and assistants to the Director of Public Works.

## §7.7. Building Official<sup>274</sup>.

**A. Appointment and term.** The Building Official shall be appointed by the First Selectperson and shall serve for a term of four (4) years

**B. Number of Assistant Building Officials and Building Inspectors.** The First Selectperson and the Building Official shall determine from time to time the number of Assistant Building Officials and Building Inspectors necessary to carry out the duties of the Building Department and, subject to appropriation, shall increase or decrease the number accordingly.

### **C. Duties.**

(1) The Building Official and the Assistant Building Officials shall have the duties conferred by this Charter and on building officials generally by Chapter 541 of the General Statutes (C.G.S. § 29-250 et seq.).

(2) In particular, the Building Official and the Assistant Building Officials, under the supervision of the Building Official, shall:

(a) Inspect, supervise, regulate, and control the construction, reconstruction, altering, repairing, demolition, and removal of all structures within the Town;

(b) By diligent search and inspection, enforce all Laws, Ordinances, and Regulations governing the construction of buildings and other structures;

(c) Enforce the provisions of the Town building code;

(d) Cooperate and coordinate with the Fire Marshal in inspecting structures and enforcing provisions of the Town building code where fire safety may be a factor; and

(e) Keep complete public records of all applications made to them and of all permits and certificates of approval or occupancy issued by them

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<sup>274</sup> 2022 recodification and edit of previous Article IX, §9.8 (2006). Modification of Chapter X, §1 of the 1947 Act which established a Board of Building Commissioner (§§1-4); the position of Building Inspector (§5); and, Article IX, §9.8 ("Building Inspectors") of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

and any other records required under Chapter 541.

**D. Building Inspectors<sup>275</sup>.** Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted Law.

## **§7.8. Purchasing Agent<sup>276</sup>.**

**A. Appointment and qualifications.** The Purchasing Agent shall be appointed by the First Selectperson and shall have a background in business or purchasing and procurement.

**B. Duties.** The Purchasing Agent shall have the duties set forth in §4.3.G and such other duties as may be prescribed by the First Selectperson.

## **§7.9. Director of Human and Social Services<sup>277</sup>.**

**A. Appointment and qualifications.** The Director of Human and Social Services shall be appointed by the First Selectperson and shall be trained in social services.

**B. Duties.** The Director of Human and Social Services shall:

(1) Administer and supervise a Department of Human Services;

(2) Prescribe the duties of subordinates and employees;

(3) Coordinate the work of the Department of Human Services with that of other government agencies, private social service organizations, and other entities on social services matters as authorized by the General statutes, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations of the Town

(4) Perform other duties prescribed by the Human Services Commission and the First Selectperson; and

(5) Report to the First Selectperson in on matters of administration and operation and to the Human Services Commission on matters of policy.

## **§7.10. Director of Parks and Recreation<sup>278</sup>.**

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<sup>275</sup> 2022 recodification and edit of previous Article IX, §9.8.D (2006). Modification of Chapter X, §6 of the 1947 and 1956 Acts; and, Article IX, §9.8.D of the 1997 Charter.

<sup>276</sup> 2022 recodification and edit of previous Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

<sup>277</sup> 2022 recodification and modification (updating of responsibilities in sub-paragraph (3)) of previous Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter ("Director of Human Services").

<sup>278</sup> 2022 recodification and modification of previous Article IX, §9.11 (2006). Derived from Article IX, §9.11 of

# CHARTER OF THE TOWN OF FAIRFIELD

**A. Appointment and qualifications.** The Director of Parks and Recreation shall be appointed by the First Selectperson and shall have such qualifications as may be established by the Parks and Recreation Commission.

**B. Duties.** The Director of Parks and Recreation shall:

- (1) Administer and supervise the Parks and Recreation Department;
- (2) Recommend policy to the Parks and Recreation Commission;
- (3) Submit to the Parks and Recreation Commission plans for the development and maintenance of public cemeteries, parks, playgrounds, beaches, beach facilities, marina facilities, public gardens, and other recreational areas of the Town, except for areas and facilities under the control of the Board of Education, the Golf Commission, or the Harbor Management Commission;
- (4) Submit to the Golf Commission, the Board of Education, and the Harbor Management Commission plans for the development and maintenance of recreational areas under the control of the Golf Commission, Board of Education, or the Harbor Management Commission<sup>279</sup>;
- (5) Submit to the Parks and Recreation Commission plans for recreation programs in the Town, except programs run by the Board of Education or the Golf Commission;
- (6) Implement the plans approved by the Parks and Recreation Commission;
- (7) Coordinate the maintenance of parks and recreation facilities with the Department of Public Works;
- (8) Coordinate any recreational activities in Town open space areas with the Conservation Commission;
- (9) Perform such other duties as directed by the Parks and Recreation Commission or the First Selectperson; and
- (10) Report to the First Selectperson on matters of administration and operation and to the Parks and Recreation Commission on matters of policy.

If the Golf Commission or Harbor Management Commission ceases to exist, reference to that Commission in this section of this Charter shall be inoperative.

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the 1997 Charter.

<sup>279</sup> **Comment of the 2022 Charter Revision Commission:** Clarification of the scope of responsibilities requested by the Director of Parks and Recreation.

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## §7.11. Director of Community and Economic Development<sup>280</sup>.

**A. Appointment and supervision.** The Director of Community and Economic Development shall be appointed by the First Selectperson and shall report to the First Selectperson and may be removed by the First Selectperson without cause.

**B. Duties.** The Director of Community and Economic Development shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to economic development and affordable housing and any federal or state programs associated with such issues.

**C. Liaison to Economic Development Commission and Affordable Housing Committee.** The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the Affordable Housing Committee.

## §7.12. Director of Human Resources<sup>281</sup>.

**A. Appointment and supervision.** The Director of Human Resources shall be appointed by the First Selectperson and shall report to the First Selectperson.

**B. Duties.** The Director of Human Resources shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to all Town personnel practices, policies, and functions and all risk management functions associated with such issues.

### Officers Appointed by the Board of Selectpersons

## §7.13. Internal Auditor or Auditors<sup>282</sup>.

**A. Number.** The Board of Selectpersons shall appoint at least one (1) Internal Auditor and shall determine from time to time the number of Internal Auditors necessary to carry out the duties of the office and shall accordingly increase or decrease the number of Internal Auditors appointed.

**B. Duties.** The Internal Auditor or Auditors shall:

(1) Monitor the Departments, officers, employees, Boards and Commissions of the Town for fiscal policy compliance

(2) Report on a regular basis to the Fiscal Officer; and

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<sup>280</sup> 2022 recodification and edit of previous Article IX, §9.12 (2006).

<sup>281</sup> 2022 recodification and edit of previous Article IX, §9.13 (2006).

<sup>282</sup> 2022 recodification and edit of previous Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

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(3) Make reports to the Board of Selectpersons and the Board of Finance semi-annually and at any other times requested by either board.

## §7.14. Assessor<sup>283</sup>.

The Assessor shall be appointed by the Board of Selectpersons and shall have the powers and duties conferred on assessors generally by Chapter 203 of the General Statutes (C.G.S. § 12-40 et seq.), and, on request of the Board of Finance, shall report in writing concerning any matters pertaining to those duties. The Assessor shall have and maintain the certification required by § 12-40a of Chapter 203 of the General Statutes.

## §7.15. Tax Collector<sup>284</sup>.

**A. Appointment and supervision.** The Tax Collector shall be appointed by the Board of Selectpersons and shall act under the direction and control of the Fiscal Officer.

**B. Duties.** The Tax Collector shall have the powers and duties conferred in this Charter, by Ordinance, and on tax collectors generally by Chapter 204 of the General Statutes (C.G.S. § 12-122 et seq.).

**C. Delinquency list.** The Tax Collector shall present annually, and at any other time the Board of Finance requires, a list of all amounts remaining unpaid on the rate bill for nine (9) months after becoming due. The list shall contain the name and address of each delinquent taxpayer, the amount of the tax, and, as a separate item, the interest and other charges due.

**D. Special Exemption.** Subject to the continuing approval of the State Commissioner of Revenue Services, any provisions of the General Statutes or of any special act inconsistent with this §7.15 shall not be applicable to the Town or the Tax Collector.

## §7.16. Tree Warden<sup>285</sup>.

The Tree Warden shall be appointed by the Board of Selectpersons and shall have a term of two (2) years or as otherwise provided by the General Statutes. The Tree Warden shall

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<sup>283</sup> 2022 recodification and edit of previous Article IX, §9.16 (2006). Modification of Chapter XVII, §6 and §8 of the 1947 and 1956 Acts and Chapter XVII, §6 and §7 of the 1975 Charter; and, Derived from Article IX, §9.14 of the 1997 Charter.

<sup>284</sup> 2022 recodification and modification of previous Article IX, §9.17 (2006). Modification of Chapter XVII, §7 and §8 of the 1947 and 1956 Acts and Chapter XVII, §8 of the 1975 Charter; and, Article IX, §9.15 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Article IX, §9.17. D entitled “accounting method” was repealed since these issues are government by the General Statutes.

<sup>285</sup> 2022 recodification and modification of previous Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission.** At the time of the adoption of this Charter, C.G.S. §23-58 permits a “term of two years.” The duties are set forth in C.G.S. §23-59 et seq.).

# CHARTER OF THE TOWN OF FAIRFIELD

have the powers and duties conferred by Ordinance and on tree wardens generally as set forth in the General Statutes.

## §7.17. Constables<sup>286</sup>.

**A. Appointment<sup>287</sup>.** There shall be four (4) Constables appointed by the Board of Selectpersons for staggered terms of four (4) years, subject to the transition provision. No more than two (2) shall be from the same political party.

**Transitional Provision.** On or about the first (1<sup>st</sup>) day of December, 2023, the Board of Selectpersons shall appoint two (2) members to a term of four (4) years and two (2) members to a term of two (2) years. On and after the first (1<sup>st</sup>) day of December 1, 2025, all Constables shall be appointed to a term of four (4) years.

**B. Powers and duties<sup>288</sup>.** Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies<sup>289</sup>.** Vacancies shall be addressed as set forth in §6.6.

### Officers appointed by other bodies.

## §7.18. Director of Health<sup>290</sup>.

**A. Appointment and term.** The Director of Health shall be appointed by the Board of Health with the approval of the First Selectperson and shall serve for a term of four (4) years.

**B. Qualifications.** The Director of Health shall be appointed in accordance with the requirements of the General Statutes and in accordance with the provisions of §6.2.B.

**C. Powers and duties.** The Director of Health shall have the powers and the duties conferred by this Charter, by Ordinance, by Regulation or the rules of the Board of

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<sup>286</sup> NEW (2022).

<sup>287</sup> 2022 recodification and substantial modification (elected to appointed status) of previous Article VII, §7.2.A and B (2006)(Establishment and Powers and Duties Clauses). Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

<sup>288</sup> 2022 recodification and edit of previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>289</sup> 2022 recodification and edit of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>290</sup> 2022 recodification and modification of previous Article IX, §9.20 (2006). Derived from Chapter VIII, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Derived from Article IX, §9.18 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Charter repealed the “physician” reference and chooses to rely upon the General Statutes. At the time of adoption of this Charter the qualifications are set forth in Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.).



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Health, and on town directors of health generally by Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.) and state codes and regulations.

**D. Supervision.** The Director of Health shall report to the First Selectperson on matters of administration and operation and to the Board of Health on matters of policy.

## §7.19. Chief of Police<sup>291</sup>.

**A. Appointment.** The Chief of Police shall be appointed by the Police Commission, with the approval of the First Selectperson, from among the three (3) highest scoring candidates who have passed a competitive examination for Chief of Police.

**B. Powers and duties.** The Chief of Police shall:

- (1) Be the executive officer of the Police Department;
- (2) Have authority to direct and control the conduct of all members and other employees of the Police Department; and
- (3) Keep all records required by Law and by the Police Commission.

**C. Departmental discipline.** Subject to a contrary provision of a collective bargaining agreement, disobedience to the lawful orders of the Chief of Police shall be grounds for disciplinary action by the Police Commission. The Chief of Police shall have the power without consulting the Police Commission to impose fines of not more than two (2) Days' pay or suspension of not more than one (1) week for disobedience to the Chief's lawful orders or for violations of the Regulations and rules of the Police Department<sup>292</sup>. The Chief of Police may recommend to the Police Commission that it take more severe disciplinary action.

**D. Supervision.** The Chief of Police shall report to the First Selectperson on matters of administration and operation and to the Police Commission on matters of policy.

## §7.20. Fire Chief<sup>293</sup>.

**A. Appointment.** The Fire Chief shall be appointed by the Fire Commission, with the approval of the First Selectperson, from the three (3) highest scoring candidates who have passed a competitive examination for Fire Chief.

**B. Powers and duties.** The Fire Chief shall:

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<sup>291</sup> 2022 recodification and edit of previous Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

<sup>292</sup> Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

<sup>293</sup> 2022 recodification and edit of previous Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

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- (1) Be the executive officer of the Fire Department;
- (2) Have authority to direct and control the conduct of all members of the Fire Department; and
- (3) Keep the records required by Law and by the Fire Commission.

**C. Departmental discipline.** Subject to a contrary provision of a collective bargaining agreement, disobedience to lawful orders of the Fire Chief shall be grounds for disciplinary action by the Fire Commission. The Fire Chief shall have power without consulting the Fire Commission to impose fines of not more than two (2) Days' pay or suspension for not more than one (1) week for disobedience to lawful orders or for violations of the Regulations and rules of the Fire Department. The Fire Chief may recommend to the Fire Commission that it take more severe disciplinary action.

**D. Supervision.** The Fire Chief shall report to the First Selectperson on matters of administration and operation and to the Fire Commission on matters of policy.

## §7.21. Planning Director<sup>294</sup>.

**A. Appointment.** The Planning Director shall be appointed by the Town Plan and Zoning Commission with the approval of the First Selectperson.

**B. Duties.** The Planning Director shall have the duties prescribed by the Town Plan and Zoning Commission and the First Selectperson.

**C. Supervision.** The Planning Director shall report to the First Selectperson on matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

## §7.22. Animal Control Officer<sup>295</sup>.

**A. Appointment and supervision.** The Animal Control Officer shall be appointed by the Police Commission and shall report to the Chief of Police.

**B. Powers and duties.** The Animal Control Officer shall have the powers and duties prescribed by the Police Commission and conferred on animal control officers generally by Chapter 435 of the General Statutes.

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<sup>294</sup> 2022 recodification and edit of previous Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

<sup>295</sup> 2022 recodification of previous Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

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## §7.23. Conservation Director<sup>296</sup>.

**A. Appointment.** The Conservation Director shall be appointed by the Conservation Commission with the approval of the First Selectperson.

**B. Duties.** The Conservation Director shall have the duties prescribed by the Conservation Commission and the First Selectperson.

**C. Supervision.** The Conservation Director shall report to the Selectperson on matters of administration and operation and to the Conservation Commission on matters of policy.

## §7.24. Town Librarian<sup>297</sup>.

**A. Appointment and qualifications.** The Town Librarian shall be appointed by the Board of Library Trustees, with the approval of the First Selectperson, and shall have such qualifications as may be required by the Board of Library Trustees.

**B. Duties.** The Town Librarian shall:

**(1)** Report to and have such duties as are defined by the Board of Library Trustees on matters of policy, and by the First Selectperson on matters of administration.

**(2)** Manage and supervise policy, programs and personnel relating to all public town libraries.

**(3)** Have responsibilities as set forth by the Board of Library Trustees pursuant to §8.16.C.

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<sup>296</sup> 2022 recodification and edit of previous Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

<sup>297</sup> 2022 recodification of current Article IX, §9.26 (2006).

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## ARTICLE VIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

### §8.1. Boards and Commissions<sup>298</sup>.

**A. Permanent Bodies Appointed by the First Selectperson<sup>299</sup>.** The First Selectperson shall appoint the members of the bodies listed in this sub-section and in §8.2 in the numbers and for the terms set forth therein:

Conservation Commission (§8.2)

**B. Permanent Bodies Appointed by the Board of Selectpersons<sup>300</sup>.** The Board of Selectpersons shall appoint the members of the bodies listed in this sub-section and in §8.3 through §8.13 in the numbers and for the terms set forth therein:

Police Commission (§8.3)

Fire Commission (§8.4)

Police and Fire Retirement Board (§8.5)

Department of Public Works (§8.6)<sup>301</sup>

Board of Health (§8.7)

Parks and Recreation Commission (§8.8)

Board of Building Appeals (§8.9)

Flood Prevention, Climate Resilience and  
Erosion Control Board (§8.10)

Water Pollution Control Authority (§8.11)

Human Services Comm. and Dept. (§8.12)

Golf Commission (§8.13)

**C. Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM<sup>302</sup>.** The Board of Selectpersons shall appoint the members of the body listed in this sub-section and in §8.14 through §8.15 in the numbers and for the terms set forth therein:

Ethics Commission (§8.14)

Historic District Commission (§8.15)

**D. Self-Perpetuating Boards and Commissions approved by the Board of Selectpersons<sup>303</sup>.** The Board of Selectpersons shall approve the members of the body listed in this sub-section and in §8.16 in the numbers and for the terms set forth therein:

Board of Library Trustees (§8.16)

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<sup>298</sup> 2022 recodification of previous Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

<sup>299</sup> 2022 recodification of appointment authority set forth in previous Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

<sup>300</sup> 2022 recodification of appointment authority set forth in previous Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

<sup>301</sup> **Comment of the 2022 Charter Revision Commission:** The Department of Public Works is not a Board or Commission. Historically the department has been placed in this Article. Following some thought and consideration the Commission concluded that on the basis of the relationship of DPW to a variety of the Boards and Commissions, it should remain here. The same is true of the Department of Health.

<sup>302</sup> 2022 recodification of previous Article X, §10.4 (2006).

<sup>303</sup> NEW (2022).

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**E. Meetings<sup>304</sup>.** All appointed Boards and Commissions except the Ethics Commission and the Board of Building Appeals shall hold at least ten (10) regular stated meetings a year and shall give annual notice of such meetings as required by the General Statutes. The Ethics Commission and the Board of Building Appeals shall meet when they have business to transact. Officers of each Board and Commission shall be elected annually at an organization meeting so noticed by the Town Clerk held in the month of December, with the exception of the Ethics and Golf Commissions, shall be elected annually in the month of April. No person sitting on a Board or Commission at the designation of another Board or Commission may be elected an officer of the Board or Commission to which he or she has been designated.

**F. Vacancies<sup>305</sup>.** Vacancies shall be filled as set forth in §6.6.

## **Bodies appointed by the First Selectperson.**

### **§8.2. Conservation Commission<sup>306</sup>.**

**A. Members and terms.** The Conservation Commission shall consist of seven (7) members, not more than four (4) of whom shall be registered with the same political party, and three alternate members, not more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the First Selectperson for a term of five (5) years. Members' terms shall be staggered so that no more than two (2) members' terms expire in one (1) year. Alternate members' terms need not be staggered.

#### **B. Powers and duties (Conservation Functions).**

**(1)** The Conservation Commission shall have all of the powers and duties conferred by this Charter, by Ordinance, and on conservation commissions generally by §7-131a of Chapter 97 of the General Statutes.

**(2)** In order to carry out its powers, the Conservation Commission shall:

**(a)** Conserve, develop, supervise, and regulate natural resources, including water resources and open space land in the Town;

**(b)** Conduct investigations into the use and possible use of land in

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<sup>304</sup> 2022 recodification and edit of previous Article X, §10.1.B (2006). Derived from Article X, §10.1.B of the 1997 Charter.

<sup>305</sup> 2022 recodification and edit of previous Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

<sup>306</sup> 2022 recodification and edit of previous Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.

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the Town;

(c) Keep an index of all open areas, publicly or privately owned, for the purpose of obtaining information on the proper use of such areas;

(d) Have the ability to recommend to appropriate agencies plans and programs for the development and use of open areas;

(e) Have the ability, as approved by the RTM, to acquire land and easements in the name of the Town and promulgate Regulations and rules, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes; and

(f) Have the ability to coordinate the activities of unofficial bodies organized for similar purposes.

**C. Powers and duties (Inland Wetland Functions).** The Conservation Commission shall have the powers and duties conferred by this Charter, by ordinance, and on inland wetlands and watercourses agencies generally by §§ 22a-42 to 22-44 of Chapter 440 of the General Statutes. In particular, the Commission shall:

(1) Provide for the protection, preservation, maintenance and use of inland wetlands and watercourses, for their conservation, economic, aesthetic, recreational, and other public and private uses and values in order to provide to the citizens of the Town an orderly process to balance the need for the economic growth of the Town and the use of its land with the need to protect the environment and its natural resources;

(2) Adopt, amend and promulgate such Regulations as are necessary to protect and define the inland wetlands and watercourses;

(3) Develop a comprehensive program in furtherance of its purposes;

(4) Advise, consult and cooperate with other agencies of the Town, State and Federal governments;

(5) Encourage and conduct studies and investigations and disseminate relevant information; and

(6) Inventory and evaluate the inland wetlands and watercourses in such form as it deems best suited to effect its purposes.

**D. Director and other employees or consultants.** The Commission shall appoint a Director with the approval of the First Selectperson. The Commission shall have the power to engage such employees or consultants as it requires to carry out its duties, including a wetlands administrator and assistants who, subject to the general supervision

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of the Director, shall enforce all Laws, Ordinances and Regulations relating to matters over which it has jurisdiction and who shall have such other duties as the Commission or the Director may prescribe.

## **Permanent bodies appointed by the Board of Selectpersons.**

### **§8.3. Police Commission and Department<sup>307</sup>.**

**A. Members and terms.** The Police Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with the same political party. Each member shall have a term of five (5) years with the terms staggered so that not more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Police Commission shall have the powers and duties conferred on police commissions generally by §7-276 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Police Commission shall:

(1) Have general management supervision of the Police Department of the Town and of all property and equipment used by or in connection with the operation of the Department;

(2) Make Regulations and rules consistent with the General Statutes and this Charter for the governance of the Police Department and its personnel, and may prescribe penalties for violations of said Regulations and rules;

(3) Subject to the provisions in this Charter regarding appointment of the Chief of Police, have sole power to appoint and promote to all positions in the Police Department, which appointments and promotions shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Police Department; and

(5) Within the appropriations made for that purpose determine the number of officers and other employees of the Police Department and of the several ranks and grades and their compensation.

**C. Appointment of Acting Chief.** During the absence or disability of the Chief of Police, the Police Commission may designate a member of the Department as Acting Chief of Police to perform the duties of the Chief of Police.

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<sup>307</sup> 2022 recodification and edit of previous Article X, §10.5 (2006). Derived from Chapter XIV of the 1947 Act, based upon §1 of Special Act No. 186 (1945); further amended by §23 of the 1951 Act and affirmed by Chapter XIV of the 1956 Act and the 1975 Charter; and, Article X, §10.5 of the 1997 Charter.



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**D. Appointment of special officers.** Special officers for the protection of specified private property and special traffic duty or for the preservation of peace may be appointed by the Commission under such rules and Regulations as the Commission shall from time to time establish. Such officers shall serve at the pleasure of the Commission and in any event for terms not to exceed one (1) year unless re-appointed.

## **§8.4. Fire Commission and Department<sup>308</sup>.**

**A. Members and terms.** The Fire Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be members of the same political party. Each member shall have a term of five (5) years with the terms staggered so that no more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Fire Commission shall have all the powers and duties conferred on fire commissions generally by §7-301 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Fire Commission shall:

(1) Have general management and supervision of the Fire Department of the Town and of all property and equipment used by or in connection with the operation of the Department, including the hydrants used for fire purposes;

(2) Make Regulations and rules consistent with the General Statutes and this Charter for the governance of the Fire Department and its personnel, and may prescribe penalties for violations of its Regulations and rules;

(3) Subject to the provisions in this Charter regarding appointment of the Fire Chief, have sole power to appoint and promote to all positions in the Department, and all appointments and promotions in the Fire Department shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Fire Department; and

(5) Within the limits of the appropriations made for that purpose, determine the number of persons employed by the Department and of the several ranks and grades and their compensation.

**C. Appointment of Acting Fire Chief.** During the absence or disability of the Fire Chief, the Commission may designate a member of the Department as Acting Fire Chief to perform the duties of the Fire Chief.

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<sup>308</sup> 2022 recodification and edit of previous Article X, §10.6 (2006). Modification of Chapter XV of the 1947 and 1956 Acts and 1975 Charter. At the time the Commission membership was based upon the fire districts in town. Derived from Article X, §10.6 of the 1997 Charter.

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## §8.5. Police and Fire Retirement Board<sup>309</sup>.

**A. Members and terms.** The Police and Fire Retirement Board shall consist of seven (7) members: The First Selectperson (who shall be Chair), the Fiscal Officer, three (3) members appointed by the Board of Selectpersons for a term of three (3) years, and one (1) member to serve for a period of one (1) year, to be elected by the members of the Fire Department and members of the Police Department, respectively. No more than two (2) of three (3) members appointed by the Board of Selectpersons shall be registered with one (1) political party and their terms shall be staggered so that not more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Police and Fire Retirement Board shall be the trustees of the retirement fund created under the existing police and fire retirement system for regular firefighters and police officers employed by the Town and shall have full control and management of the fund, with the power to invest and reinvest the same in accordance with the General Statutes respecting the investment of trust funds. The Police and Fire Retirement Board shall be responsible for assuring that the administration of the Police and Retirement plan is in strict accordance with the plan documents.

**C. Annual report.** On or before the first (1<sup>st</sup>) day of January of each year, the Police and Fire Retirement Board shall file an annual report with the Board of Selectpersons showing the financial condition of the police and fire retirement system as of the end of the last- completed fiscal year, including an actuarial evaluation of assets and liabilities, and setting forth such other facts, recommendations and data as may be of value to the members of the police and fire retirement system of the Town.

**D. Changes in retirement system.** Before any change in the police and fire retirement system negotiated under the General Statutes is submitted for consideration to the Board of Finance, and for action to the RTM, the Selectperson shall secure a written actuarial evaluation and report of such change.

## §8.6. Department of Public Works<sup>310</sup>.

The Department of Public Works shall have all of the administrative powers and duties vested in the Town by this Charter or by the General Statutes with respect to the following functions of the Town:

**A.** The construction, reconstruction, care, maintenance, operation, altering, paving, repairing, draining, cleaning, snow clearance, lighting, and inspection of all Town, highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements of all buildings and

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<sup>309</sup> 2022 recodification and edit of previous Article X, §10.7 (2006). Derived from Chapter XXI of the 1975 Charter and Article X, §10.7 of the 1997 Charter.

<sup>310</sup> 2022 recodification and minor modification of previous Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

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equipment owned or used by the Town, except school buildings and equipment, police and fire equipment, and buildings and equipment under the control of the Board of Library Trustees;

**B.** The removal of encroachments and, together with the Tree Warden, the planting, preservation, care and removal of trees, shrubs and other vegetation within highways, or public places, or on Town property;

**C.** The maintenance, care and improvement of, and construction work required in connection with, public cemeteries, parks, playgrounds, beaches, marina facilities, and recreational areas of the Town, as requested by the Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by Ordinance.

**D.** The custody of all maps of the Town not otherwise entrusted to any other Department or Town Official; and

**E.** The maintenance of maps or other records showing highways, building or veranda lines, street profiles, and plans and profiles of storm and sanitary sewers.

## **§8.7. Board of Health and Public Health Department<sup>311</sup>.**

**A. Members and terms of the Board of Health<sup>312</sup>.** The Board of Health shall consist of seven (7) members, five (5) of them appointed by the Board of Selectpersons for four (4) year terms, one (1) designated by the Board of Education from its members, and one (1) designated by the Human Services Commission from its members. At least one (1) of the members so appointed shall be a physician. At least two (2) additional members shall be licensed health care professionals. Not more than three (3) of the members appointed by the Board of Selectpersons shall be registered with the same political party and their terms shall be staggered so that no more than two (2) terms expire in one (1) year. The members designated by the Board of Education and by the Human Services Commission shall not serve beyond their tenure on the appointing bodies.

**B. Organization.** The Board of Health shall be the general policy-making body for the Public Health Department and shall make all necessary Regulations and rules for its administration.

**C. Personnel<sup>313</sup>.** The Public Health Department shall consist of a Director of Health and such sanitarians, nurses, dental hygienists, secretaries, clerks and other personnel as may be necessary to operate the Department, including such physicians as may be temporarily engaged from time to time.

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<sup>311</sup> 2022 recodification and edit of previous Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

<sup>312</sup> Derived from Chapter VIII, §1 of the 1947 Act; as further amended by §10 of the 1951 Act and reaffirmed by Chapter VIII, §1 of the 1956 Act and the 1975 Charter.

<sup>313</sup> Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

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## **D. Powers and duties.**

(1) The Board of Health may make and amend such reasonable rules for the promotion and preservation of the public health, health services in public schools, and sanitation as required, provided the same shall not be inconsistent with the General Statutes, the state public health code, other state departmental regulations, or the Ordinances and public health code of the Town.

(2) The Board of Health shall advise the Director of Health in all matters relating to public health, and health services in the schools of the Town, and shall appoint the school and Well Child Clinic medical advisors.

## **§8.8. Parks and Recreation Commission<sup>314</sup>.**

### **A. Members and terms.**

(1) The Parks and Recreation Commission shall consist of nine (9) voting members, eight (8) of whom shall be appointed by the Board of Selectpersons and one (1) of whom shall be a member of the Board of Education designated by the Board of Education to serve on the Parks and Recreation Commission. Notwithstanding §6.3, no more than five (5) of the members appointed by the Board of Selectpersons shall belong to the same political party. The Director of Parks and Recreation and the Director of Public Works shall serve on the Parks and Recreation Commission ex officio without vote.

(2) The term of office of the members appointed by the Board of Selectpersons shall be five (5) years with terms staggered so that no more than two (2) members are appointed in any one (1) year.

**B. Powers and duties.** The Parks and Recreation Commission shall be the policy-making body for the Parks and Recreation Department, shall together with the First Selectperson supervise the Director of Parks and Recreation, and shall assist in establishing requirements and qualifications for personnel needed for the Department.

**C. Department.** The Parks and Recreation Department shall consist of a Director of Parks and Recreation and such other personnel as may be necessary to operate the Department.

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<sup>314</sup> 2022 recodification and edit of previous Article X, §10.10 (2006). Derived from Chapter XIII of the 1947 and 1956 Acts and the Charter of 1975. At the time the Commission consisted of five members; as further amended by §17 of the 1951 Act. A Board of Recreation existed under Chapter XVI of the 1947 Act and 1975 Charter; §1 was amended and §4 was repealed by §§18 and 19 of the 1951 Act. Chapter XVI, §2 remained in effect under the 1956 Act. Derived from Article X, §10.10 of the 1997 Charter.

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## §8.9. Board of Building Appeals<sup>315</sup>.

**A. Members and terms.** The Board of Building Appeals shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that no more than one (1) term expires in one (1) year.

**B. Qualifications.** The members shall have the qualifications set forth in the State Building Code.

**C. Powers and duties.** The Board of Building Appeals shall have the powers and duties conferred on boards of building appeals generally by § 29-266 of Chapter 541 of the General Statutes, including hearing appeals from the decisions of the Building Inspector.

## §8.10. Flood Prevention, Climate Resilience and Erosion Control Board <sup>316</sup>.

**A. Members and terms.** The Flood Prevention, Climate Resilience and Erosion Control Board shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that not more than one (1) term expires in one (1) year. The Director of Public Works, or a designee appointed by the Director, shall be a non-voting ex officio member of the Board.

**B. Powers and duties.** Said Board shall have the powers and duties conferred on flood and erosion control boards generally by §25-84 through 25-94 of Chapter 477 of the General Statutes, as amended.

**C. Alternate Members<sup>317</sup>.** There shall be three (3) alternate members of the Board, no more than two (2) of whom shall be registered with the same political party. Alternate members shall have terms of three (3) years, which shall be staggered so that not more than one (1) term expires in one year. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth for such board and its members. If a regular member is absent or is disqualified, the chairman of the board shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting”

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<sup>315</sup> 2022 recodification and edit of previous Article X, §10.11 (2006). See, §2 of Chapter X of the 1947 Act (“Board of Building Commissioners”); further amended by §11 of the 1951 Act and reaffirmed by Chapter X of the 1956 Act and the 1975 Charter; and, Article X, §10.11 of the 1997 Charter.

<sup>316</sup> 2022 recodification and modification (Name of Board, DPW Director membership and creation of Alternate members) of previous Article X, §10.12 (2006). Derived from Article X, §10.12 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The change in title corresponds to the legislative changes made in P.A. 21-115.

<sup>317</sup> In lieu of previous Article 10.12.C entitled “Temporary Members.”

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**Transitional Provision.** On or about the fourth (4<sup>th</sup>) Monday of November 2022, the Board of Selectpersons shall appoint an alternate to a term of three (3) years; an alternate to a term of two (2) years; and, an alternate to a term of one (1) year. On and after the fourth (4<sup>th</sup>) Monday of November 2023, as their terms expire, alternates shall be appointed to a term of three (3) years.

## **§8.11. Water Pollution Control Authority<sup>318</sup>.**

**A. Members and terms.** The Water Pollution Control Authority shall consist of seven (7) members, one (1) of whom shall be a member of the Board of Selectpersons, and six (6) of whom shall be appointed by the Board of Selectpersons. No more than four (4) of the members appointed by the Board of Selectpersons shall be registered with the same political party. The members appointed by the Board of Selectpersons shall have terms of four (4) years, which shall be staggered so that not more than two (2) terms expire in one (1) year. The Fiscal Officer shall be a member ex officio, without vote.

**B. Organization and personnel.** For purposes of this Charter, the Water Pollution Control Authority shall be deemed a commission except where any provision of this Charter of general application to commissions conflicts with a provision of the General Statutes concerning water pollution control authorities. The Water Pollution Control Authority may establish rules and adopt bylaws for the transaction of its business. The clerk of the Water Pollution Control Authority shall keep a record of its proceedings and shall be custodian of all books, papers and other documents of the Water Pollution Control Authority. The Water Pollution Control Authority may employ such personnel as may be required for the performance of its duties and may fix their compensation.

**C. Powers and duties.** The Water Pollution Control Authority shall have the power to:

(1) Operate, maintain and manage, and through the Department of Public Works, plan, lay out, acquire, construct, reconstruct, equip, repair, maintain, supervise and manage and, through the Department of Public Works, operate a sewerage system

(2) Acquire, by purchase, condemnation or otherwise, any real property or interest in real property which it shall determine to be necessary for use in connection with such sewerage system;

(3) Apportion and assess the whole or any part of the cost of acquiring, constructing or reconstructing any sewerage system or portion thereof upon the lands and buildings in the Town which, in its judgment, shall be especially benefited by the system (whether they abut on such system or not), and upon the owners of

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<sup>318</sup> 2022 recodification and modification of previous Article X, §10.13 (2006). Derived from Article X, §10.13 of the 1997 Charter.

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such lands and buildings and fix the time when such assessments shall be due and payable and provide that they may be paid in such number of substantially equal annual installments, not exceeding thirty (30), as it shall determine;

(4) Establish and from time to time revise just and equitable charges or rates for connection with and use of the sewerage system;

(5) Order any owner or occupant of any real estate to which the sewerage system is available to connect the drainage and sewerage thereof with the system and to disconnect, fill up and destroy any cesspool, privy vault, drain or other arrangement on such real estate for the reception of such drainage or sewerage; and

(6) Generally, to have and possess all of the powers and duties conferred upon water pollution control authorities by the General Statutes.

## **§8.12. Human Services Commission and Department<sup>319</sup>.**

**A. Members and terms.** The Human Services Commission shall consist of nine (9) members appointed by the Board of Selectpersons, not more than five (5) members of whom shall be registered with the same political party. Members shall have terms of four (4) years which shall be staggered so that no more than four (4) terms expire in one (1) year. The Human Services Commission shall represent those social services matters in accordance with the authority set forth under the General Statutes or otherwise by Law, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations; unless other committee, task force or Board or Commission has been authorized to specifically address any particular social service matter. The Commission may form its own committees with additional persons to assist and advise the Human Services Commission in matters which concern the conditions and needs of aging and of people with disabilities.

**B. Powers and duties.** The Human Services Commission shall be the policy-making body for the Department of Human Services.

### **C. Department of Human Services.**

(1) **Powers and duties.** The Department of Human Services, together with the Board of Selectpersons, shall have all the powers and duties relating to social services granted to and imposed upon towns by the General Statutes. The Department of Human Services shall act on behalf of the Town in all social service matters in conjunction with State and Federal agencies. Social service matters involving community health issues shall be coordinated with the Public Health Department.

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<sup>319</sup> 2022 recodification and modification (updated member qualifications and description of commission mission) of previous Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.

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**(2) Acceptance and use of private donations.** The Department of Human Services shall have the power to accept on behalf of the Town donations of any kind to be used generally or specifically for its purposes and to carry out any specific wishes of a donor. The power to accept donations shall not be construed to eliminate the authority any other Town Official or the RTM may have to review specific donations. All donated monies shall be delivered to the Town Treasurer to be maintained in a special account subject to the order of the Department of Human Services, in accordance with the terms of the gift in each instance.

## **§8.13. Golf Commission<sup>320</sup>.**

**A. Members and terms.** The Golf Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with same political party. Each member shall have a term of five (5) years, commencing on the first (1<sup>st</sup>) day of April in the year of appointment, with the terms staggered so that no more than two (2) terms expire in the same year. No member shall be eligible for reappointment to the Golf Commission for a period of five (5) years after the end of his or her term.

**B. Powers and duties.** The Golf Commission shall be the policy-making body for the Par 3 Golf Course and the H. Smith Richardson Golf Course. It shall have the following powers, subject to appropriation:

**(1)** To make, amend and repeal Regulations, bylaws and rules relative to play, hours of operation, fees, charges, and all other decisions necessary for the successful operation of those courses;

**(2)** To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any golf course facilities on behalf of the Town in an amount sufficient to maintain operating and maintenance expenses.

**Appointed by Board of Selectpersons and Approved by RTM**

## **§8.14. Ethics Commission<sup>321</sup>.**

**A. Members and terms.**

**(1)** The Ethics Commission shall consist of five (5) members, appointed by unanimous vote of the Board of Selectpersons and confirmed by a Majority Vote of the RTM. No more than three (3) members shall be registered with the same

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<sup>320</sup> 2022 recodification and edit of previous Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

<sup>321</sup> 2022 recodification and modification (change of date for commencement of term) of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.



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political party.

(2) Notice of appointment shall be served by the Board of Selectpersons upon the Moderator of the RTM and the Town Clerk. A vote for approval or rejection of each person appointed shall be taken at an RTM meeting held more than ten (10) Days after service of the notice on the Town Clerk. Failure to vote within sixty (60) Days of the service on the Town Clerk shall be deemed to be approval and confirmation by the RTM. If any appointment is rejected by the RTM, the Board of Selectpersons shall within twenty-one (21) Days after the rejection notify the RTM Moderator and Town Clerk of further appointments to replace the rejected appointments. The RTM shall then vote on the new appointments. These too shall be deemed approved and confirmed if not voted upon within sixty (60) Days of the notice.

(3) The terms shall commence on the first (1<sup>st</sup>) day April in the year of appointment. Terms of members shall be two (2) years and shall be staggered so that no more than three (3) terms expire in one (1) year. No member may serve more than the shorter of two (2) terms or one (1) term plus a partial term created by filling a vacancy for an unexpired term.

**Transitional Provision.** On or about the first (1<sup>st</sup>) day of July, 2024, the Board of Selectpersons shall appoint two (2) members to a term ending on the thirtieth (30<sup>th</sup>) day of March, 2025; said vacancy shall be filled on the first (1<sup>st</sup>) day of April, 2025 for a term of two (2) years. On or about the first (1<sup>st</sup>) day of July, 2023, the Board of Selectpersons shall appoint three (3) members to a term ending on the thirtieth (30<sup>th</sup>) day of March, 2024; said vacancy shall be filled on the first (1<sup>st</sup>) day of April, 2024 for a term of two (2) years.

**B. Powers and duties.** The Ethics Commission shall:

(1) Receive complaints alleging violations of the Standards of Conduct or any ordinance establishing a Code of Ethics for Town Officials and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of Town Officials, members of the RTM, and employees of the Town to determine whether there is probable cause that a violation has occurred of the Standards of Conduct or Code of Ethics;

(3) On its own motion issue general opinions and interpretations of the Standards of Conduct or the Code of Ethics;

(4) Upon the request of a principal officer of a Department, or any member of a Town Board or Commission, or any member of the RTM render an advisory opinion with respect to any specific relevant situation under the Standards of Conduct or Code of Ethics;

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(5) Consider written requests for advisory opinions referred by a department head with respect to any problem submitted to the department head in writing by an employee in the Department (whose name need not be disclosed to the Ethics Commission) concerning that employee's duties in relationship to the Standards of Conduct or Code of Ethics where the department head elects not to decide the issue within the Department;

(6) Adopt such Regulations, as permitted by Law, and rules or procedures as it deems advisable to assure procedures for the orderly and prompt performance of the Commission's duties;

(7) Upon a finding of probable cause initiate hearings to determine whether there has been a violation of the Standards of Conduct or Code of Ethics;

(8) Have the power to retain its own counsel, administer oaths, issue subpoenas and subpoenas *duces tecum* (enforceable upon application to the Superior Court) to compel the attendance of persons at hearings and the production of books, documents, records, and papers; and

(9) Upon finding of a violation of the Standards of Conduct or Code of Ethics, at its discretion, recommend appropriate disciplinary action to the Board of Selectpersons or appropriate Appointed Town Officers, including department heads.

## C. Procedure.

### (1) On complaints.

(a) In any investigation to determine probable cause the Ethics Commission shall honor all requests for confidentiality, consistent with the requirements of State Law. Unless a finding of probable cause is made or the individual against whom a complaint is filed requests it, complaints alleging a violation of the Standards of Conduct or Code of Ethics shall not be disclosed by the Ethics Commission.

(b) Any person accused of a violation shall have the right to appear and be heard by the Ethics Commission and to offer any information which may tend to show there is no probable cause to believe the person has violated any provision of the Standards of Conduct or the Code of Ethics.

(c) The Ethics Commission shall, not later than ten (10) Days after the termination of its probable cause investigation, notify the complaining person and the person against whom the complaint was made that the investigation has been terminated and the results.

(d) At hearings after a finding of probable cause, the Ethics Commission shall afford the person accused the protection of due process

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consistent with that established for state agencies under the "Connecticut Uniform Administrative Procedures Act," including but not limited to the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(e) In the absence of extraordinary circumstances, the hearing shall be held within ninety (90) Days of the initiation of the investigation. The Ethics Commission shall, not later than thirty (30) Days after the close of the hearing, publish its findings together with a memorandum of its reasons. Any recommendation for disciplinary action shall be contained in the findings.

(f) An individual directly involved or directly affected by the action taken as a result of the Ethics Commission's findings or recommendation may seek judicial review of such action and of the Ethics Commission's findings or recommendation unless the action taken was a referral of the matter to proper authorities for criminal prosecution.

(2) **On requests for advisory opinions.** Within forty-five (45) Days from the receipt of a request for an advisory opinion, the Ethics Commission shall either render the opinion or advise as to when the opinion shall be rendered.

**D. Quorum.** A quorum for the Ethics Commission shall be not less than four (4) members in attendance. All members who attended all hearings on the matter, and all members who certify that they have read or heard the entire transcript of the hearing they did not attend, shall be eligible to vote on the proposed Ethics Commission action. The Ethics Commission shall find no person in violation of any provision of the Standards of Conduct or Code of Ethics except upon the concurring vote of three-fourths (3/4<sup>ths</sup>) of those members voting.

## §8.15. Historic District Commission<sup>322</sup>.

**A. Members and terms.** The Historic District Commission shall consist of five (5) members, no more than three (3) of whom shall be registered with the same political party, and three (3) alternate members, no more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the Board of Selectpersons, with the advice and consent of the RTM. Terms of membership shall be for five (5) years and shall be staggered so that no more than one (1) member's term and one (1) alternate member's term expires in each year.

**B. Powers and duties.** The Historic District Commission shall have the powers and duties conferred upon historic district commissions and historic properties commissions generally by Chapter 97a of the General Statutes (C.G.S. §7-147a et seq.).

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<sup>322</sup> 2022 recodification and edit of previous Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## Self-Perpetuating Board Approved by Board of Selectpersons

### §8.16. Board of Library Trustees<sup>323</sup>.

**A. Members and terms.** . Commencing on the first (1<sup>st</sup>) day of July, 2028, the Board of Library Trustees shall consist of the Chief Fiscal Officer, ex officio without vote, and six (6) trustees appointed by the Board of Library Trustees, with the approval of the Board of Selectpersons, to terms of three (3) years staggered as follows:

(1) Two (2) members to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2026 through the thirtieth (30<sup>th</sup>) day of June, 2029; and, thereafter as the term may fall;

(2) Two (2) members to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2027 through thirtieth (30<sup>th</sup>) day of June, 2030; and, thereafter as the term may fall; and

(3) Two (2) members<sup>324</sup> to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2028 through thirtieth (30<sup>th</sup>) day of June, 2031; and, thereafter as the term may fall.

**Transitional Provision.** In the interim, the Board of Library Trustees shall appoint, subject to the approval of the Board of Selectpersons:

(1) On or about the first (1<sup>st</sup>) day of July, 2023<sup>325</sup>, one (1) member shall be appointed to a term of three (3) years, ending on the thirtieth (30<sup>th</sup>) day of June, 2026;

(2) On or about the first (1<sup>st</sup>) day of July, 2024<sup>326</sup>, one (1) member shall be appointed to a term of two (2) years, ending on the thirtieth (30<sup>th</sup>) day of June, 2026;

(3) On or about the first (1<sup>st</sup>) day of July, 2025<sup>327</sup>, one (1) member shall be appointed to a term of two (2) years, ending on the thirtieth (30<sup>th</sup>) day of June, 2027;

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<sup>323</sup> 2022 recodification and modification (change of term length and functions) of previous Article X, §10.17 (2006). Derived from §1 of the 1949 Act and, further amended by §22 of the 1951 Act; and; Chapter XXV of the 1956 Special Act; Chapter XXII of the 1975 Charter; and, Article X, §10.17 of the 1997 Charter.

<sup>324</sup> A member is currently serving a term of 7/1/22-6/30/28.

<sup>325</sup> A member is currently serving a term of 7/1/17-6/30/23.

<sup>326</sup> A member is currently serving a term of 7/1/18-6/30/24.

<sup>327</sup> A member is currently serving a term of 7/1/19-6/30/25.

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(4) On or about the first (1<sup>st</sup>) day of July, 2026<sup>328</sup>, one (1) member shall be appointed to a term of one (1) year, ending on the thirtieth (30<sup>th</sup>) day of June, 2027; and

(5) On or about the first (1<sup>st</sup>) day of July, 2027<sup>329</sup>, one (1) member shall be appointed to a term of one (1) ending on the thirtieth (30<sup>th</sup>) day of June, 2028.

**B. Vacancy and reappointment limitation.** Any vacancy in the Board of Library Trustees, from any cause other than the expiration of a term, shall be filled for the remainder of the term by appointment by the remaining trustees, with the approval of the Board of Selectpersons.

**C. Powers and duties.** The Board of Library Trustees shall:

(1) Manage, control, maintain, and operate all property of the Town devoted to library purposes, except such property as may be under the jurisdiction of the Board of Education;

(2) Identify and adopt written policies to govern the operation and programs of the Library;

(3) Seek adequate funds to carry out Library operations and monitor the use of those funds to provide Library services;

(4) Turn over money which may be collected from revenue generating services to the Town Treasurer;

(5) Subject to appropriation appoint a Town Librarian with the approval of the First Selectperson and a regular performance appraisal process; and,

(6) Ensure that the Library has a strategic plan with implementation and evaluation components.

**D. Acceptance and use of private donations.**

(1) **Acceptance and use.** Subject to the provisions contained in this Charter and in the General Statutes, the Board of Library Trustees may accept any gift of property of any character upon any terms and conditions which the donor may prescribe and which may be acceptable to the Board of Library Trustees, provided no gift which imposes upon the Town an obligation to incur any expense in order to keep, use or maintain the gift may be accepted by the Board of Library Trustees unless it is approved by the RTM. The Board of Library Trustees may establish one or more library funds with any of such property and shall have the exclusive control

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<sup>328</sup> A member is currently serving a term of 7/1/20-6/30/26.

<sup>329</sup> A member is currently serving a term of 7/1/21-6/30/27.

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and management of, may hold title to, and may manage and invest and reinvest the property in accordance with the laws of the State governing the investment of trust funds.

(2) **Management of Funds.** Subject to the terms and conditions upon which any of such property or funds shall be held, the Board of Library Trustees shall transfer the gross income at least quarterly to the Chief Fiscal Officer. Such transfers shall be placed in a separate, non-lapsing account to be expended on non-recurring capital improvement projects or for such special purposes as may be required to comply with the terms and conditions of any gift. Such projects shall be approved by the Board of Library Trustees, Board of Selectpersons, and by the Board of Finance. To the extent permitted by the terms and conditions upon which any of the property or funds may have been received, the Board of Library Trustees may transfer to the Chief Fiscal Officer the whole or any part of the principal of any library fund.

(3) **Defined Terms Applicable to this Provision.**

(a) “Non-recurring Capital Improvement Project” means a capital project or purchase that is designated as an extraordinary or one-time expense which the Board of Library Trustees does not expect to continue on a regular basis.

(b) “Gross Income” means realized income such as dividends and interest that is generated by bonds, money market accounts, savings accounts or other similar investment vehicles. Gross income does not include any appreciation in market value of invested assets.

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## ARTICLE IX - BUDGET PROCEDURE AND RELATED MATTERS

### §9.1. The Budget Process<sup>330</sup>.

**A. Cooperation of Town Officials and Employees<sup>331</sup>.** The First Selectperson, Board of Selectpersons, Board of Finance, the Board of Education and RTM are required to work together, in good faith, throughout the year in order to develop and approve a Town budget. The budget shall include a delineation of all expected revenues and expenditures and, for the purposes of financial planning, detailed estimates of revenues and expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these officials and employees of the Town are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town. These principles shall apply to the responsibilities of the First Selectperson to prepare capital projects and a five-year capital plan, as set forth in §4.3.B(4) and (5).

**B. Fiscal year<sup>332</sup>.** The fiscal year of the Town shall commence on first (1<sup>st</sup>) day of July and conclude on the thirtieth (30<sup>th</sup>) day of June unless otherwise set forth in the General Statutes.

**C. Budget a public record: Public Inspection<sup>333</sup>.** The general fund budget shall be a public record in the office of the Town Clerk and shall be open to public inspection at other designated public facilities including libraries and schools, as may be determined by the First Selectperson, Board of Selectpersons, Board of Education or the RTM. Moreover, the First Selectperson shall provide access on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information.

**D. Public Engagement<sup>334</sup>.** The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM shall develop procedures designed to encourage public participation in the budget process.

**E. Budget Calendar<sup>335</sup>.** Not later than the second (2<sup>nd</sup>) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer shall, in accordance with §9.1.A, following consultation with the First Selectperson, the Chair of the Board of Finance and Moderator of the RTM, cause to be published a budget calendar in order to inform the public of the significant requirements of the budget process, including but not limited to:

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<sup>330</sup> NEW (2022).

<sup>331</sup> NEW (2022).

<sup>332</sup> NEW (2022).

A<sup>333</sup> NEW (2022).

<sup>334</sup> NEW (2022).

<sup>335</sup> NEW (2022).

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- (1) Submission of Budget Estimates by Submitting Parties, as set forth in §9.3.A;
- (2) Date(s) of the Joint Review of the First Selectperson's Initial Recommendations by the Board of Selectperson, Board of Finance and RTM, as set forth in §9.3.B;
- (3) Recommendation of the Proposed Executive Budget to the Board of Finance, as set forth in §9.4.A;
- (4) Date of the Public Hearing of the Board of Finance as set forth in §9.5.B;
- (5) Date of Adoption of the Proposed Town Budget as set forth in §9.5.C;
- (6) Date of the Annual Budget Meeting and Final RTM Action on the Approved Annual Town Budget, as set forth in §§9.2 and 9.6.B of this Chapter;
- (7) Proposed date of Board of Finance, as shall be set by the Board of Finance, determination of property tax rate as set forth in §§9.5.E and 9.7.

## **§9.2. Date of annual budget meeting<sup>336</sup>.**

The RTM shall hold the annual budget meeting on the second (2<sup>nd</sup>) Monday in May of each year ("RTM Annual Budget Meeting").

## **§9.3. Annual Budget Estimates.**

**A. Submission of General Fund Budget Estimates to the First Selectperson<sup>337</sup>.** All Town Officials and Departments of the Town, including the Board of Education ("Submitting Parties"), shall submit to the First Selectperson:

- (1) such items and details of their respective general fund budgets for the next fiscal year<sup>338</sup>; and,
- (2) any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which,

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<sup>336</sup> 2022 recodification and edit of previous Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

<sup>337</sup> 2022 recodification and edit of previous Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>338</sup> 2022 recodification of previous Article XII, §12.2,A (2006)(First sentence) setting forth the definition of Budget Estimate". Derived from Article XII, §12.2 of the 1997 Charter.



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in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter<sup>339</sup>.

Said Budget Estimates shall be submitted on or prior to a date designated by the First Selectperson, which date shall be early enough for the First Selectperson to review, revise, compile and transmit recommendations to the Board of Selectpersons, Board of Finance and RTM for purposes of Joint Budget Meetings with said Submitting Parties ("First Selectperson's Budget Recommendation" or "Budget Recommendation")<sup>340</sup>.

## **B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM<sup>341</sup>.**

**(1) First Selectperson's Budget Recommendation.** Not later than the first (1<sup>st</sup>) Monday in March, the First Selectpersons' Budget Recommendation shall be submitted to the Board of Selectpersons for consideration and to the Board of Finance and RTM for initial review. At such time the First Selectperson shall address said Budget Recommendation before a joint meeting of the Board of Selectpersons, Board of Finance and RTM.

**(2) Multi-Board Budget Meetings.** Following submission and budget address, the First Selectperson shall convene an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation. Said testimony shall assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers.

**(a)** All subsequent Meetings shall be called to order by the First Selectperson and be presided over by the Chair of the Board of Finance and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public<sup>342</sup>.

**(b)** The rules may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.

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<sup>339</sup> NEW (2022).

<sup>340</sup> 2022 recodification and modification (reference to Joint Budget Meetings and "First Selectperson's Budget recommendation") of previous Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>341</sup> NEW (2022)

<sup>342</sup> **Comment of the 2022 Charter Revision Commission:** Both the Board of Finance and RTM will have additional opportunities to discuss the budget with the First Selectperson and Submitting Parties throughout the process. The objective of this first series of meetings is to eliminate redundancy and duplication of effort where possible. We recommend the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

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## **§9.4. Review and recommendation by Board of Selectpersons to the Board of Finance.**

**A. Proposed Executive Budget; Submission to Board of Finance<sup>343</sup>.** Following the joint meetings, as set forth in §9.3.B, and any other meetings it deems necessary to review the First Selectperson's Budget Recommendation, the Board of Selectpersons shall make recommendation of a Proposed Executive Budget to the Board of Finance, not later than the fourth (4<sup>th</sup>) Monday of March. The Proposed Executive Budget shall be in the form, and shall contain the details, required by the Board of Finance from time to time<sup>344</sup>.

**B. Variation of procedure<sup>345</sup>.** The Board of Selectpersons, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

## **§9.5. Review and recommendation by Board of Finance.**

**A. Further examination<sup>346</sup>.** The Board of Finance may hold meetings to review the Proposed Executive Budget as it determines necessary prior to the Public Hearing set forth in §9.5.B.

**B. Public hearing by Board of Finance<sup>347</sup>.** The Board of Finance shall hold a public hearing on the Proposed Executive Budget prior to the public meeting set forth in §9.5.C.

**C. Proposed Town Budget: Submission to RTM<sup>348</sup>.** After the public hearing as set forth in §9.5.B, the Board of Finance shall hold a public meeting not later than the fourth (4<sup>th</sup>) Monday in April at which time it shall act upon all matters relating to the Proposed Executive Budget. Thereafter, the Board of Finance's Proposed Town Budget shall be submitted to the RTM.

**D. Board of Finance Presentation of the Proposed Town Budget to RTM<sup>349</sup>.**

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<sup>343</sup> 2022 recodification and modification (Setting a deadline and introducing the term "Proposed Executive Budget") of previous Article XII, §12.2.B (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>344</sup> 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>345</sup> 2022 Recodification and edit of previous Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>346</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** This further reaffirms that the discretion to conduct meetings and hearings remains entirely within the purview of the Board of Finance.

<sup>347</sup> 2022 recodification and edit of previous Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>348</sup> 2022 recodification and modification (Defines "Proposed Town Budget" as the budget proposed by the Board of Finance) of previous Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>349</sup> 2022 recodification and edit of previous Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

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The Board of Finance shall present the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting.

**E. Determination of property tax rate<sup>350</sup>.** After the RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, the Board of Finance shall determine the rate of property tax for the next fiscal year, taking into account the provisions of §9.7.

## **§9.6. Review and determination by the RTM: Approved Annual Town Budget.**

**A. RTM Deliberations and Further Examination<sup>351</sup>.** The RTM may hold meetings to review the budget, as it determines necessary before the Annual Budget Meeting.

**B. The Approved Annual Town Budget<sup>352</sup>.** At the Annual Meeting, the RTM shall act upon the Annual Town Budget for the next fiscal year:

## **§9.7. Effect of referendum on the budget<sup>353</sup>.**

Any item in the Approved Annual Town Budget referred to a referendum vote as provided in §3.6 and disapproved shall be amended to accord with such vote. In the event of a referendum affecting any item contained in the annual Town budget, the time within which the Board of Finance shall determine the Town tax for the year following such appropriation shall be extended to five (5) Days after the referendum vote.

## **§9.8. Appeals from the Board of Finance.**

**A. Appeals to RTM<sup>354</sup>.** Any Town Official (where a Board or Commission, by majority vote of its members) or Department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by said Town Official or Department for an appropriation of Town funds as part of the annual budget process or at another time in the fiscal year, or for a budget transfer. The Town Official (where a Board or Commission, by a majority vote of its members) or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

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<sup>350</sup> 2022 recodification and edit of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>351</sup> 2022 recodification and edit of previous Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** This is a restatement of the current standard of review. The discretion to conduct meetings and hearings remains entirely within the purview of the RTM.

<sup>352</sup> 2022 recodification and edit of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>353</sup> 2022 recodification and edit of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.

<sup>354</sup> 2022 recodification and modification (added the “majority vote” standard for appeals from the Board of Finance) of previous Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

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**B. Method of appeal**<sup>355</sup>. The appeal shall be made in writing and shall be filed with the Town Clerk within ten (10) Days after written notice of the vote of the Board of Finance shall have been received by the Town.

**C. RTM hearing**<sup>356</sup>. Not later than the date of the RTM Annual Budget Meeting if the appeal is from a budget request, or the next regular meeting of the RTM after receiving an appeal from a vote of the Board of Finance in any other case, the RTM shall:

(1) Hold a hearing on such appeal, at which both the Board of Finance and the appellant shall be entitled to be heard;

(2) At the conclusion of the hearing, put the question of sustaining the appeal to a vote.

**D. Vote necessary to sustain appeal**<sup>357</sup>. If two-thirds (2/3<sup>rds</sup>) or more of the total number of RTM members present and voting at such meeting shall vote to sustain the appeal, the requested appropriation or transfer shall be made without the recommendation of the Board of Finance, subject, with respect to the appropriation, to referendum as provided in this Charter.

## **§9.9. Expenditure in excess of appropriation forbidden**<sup>358</sup>.

No Town Official or Department shall expend any sum for any purpose in excess of the amount appropriated by the Town for such purpose unless such expenditure shall first be approved, and appropriate transfers in the budget made, by the Board of Finance.

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<sup>355</sup> Recodification and edit of previous Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>356</sup> 2022 recodification and edit of previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>357</sup> 2022 recodification of previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>358</sup> 2022 recodification of previous Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter.

**Comment of the 2022 Charter Revision Commission:** Previous Article XII, §12.8 and §12.9 were moved to Article IV, §4.3.G and Article V, §5.5.E.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE X - MISCELLANEOUS

### §10.1. Official Seal<sup>359</sup>

The Town shall adopt, by Ordinance, a Town Seal with such suitable inscription or design as it determines. Said seal shall be filed with the Office of the Secretary of the State by the Town Clerk. The Town Clerk shall have custody of the seal.

### §10.2. Existing ordinances<sup>360</sup>.

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

### §10.3. Separate provisions<sup>361</sup>.

If any provision of this Charter is declared by a court of competent jurisdiction to be void or unconstitutional, such action shall not affect the validity of any other provision.

### §10.4. Periodic Review of the Charter<sup>362</sup>.

No later than April of 2032, and no more than every ten (10) years thereafter, the Board of Selectpersons shall consider appointing a Charter Revision Commission, pursuant to the General Statutes. Upon completion of a charter revision process, the ten-year cycle shall be reset accordingly. Nothing in this section limits the right of the Board of Selectpersons to appoint one or more Charter Revision Commissions other than the Commission required by this section.

### §10.5. Submission and effective date<sup>363</sup>.

This Charter shall be submitted to the Electors of the Town at the general election to be held Tuesday, November 8, 2022. Voting shall be in accordance with the Laws of the State of Connecticut and the proposed Charter may be submitted in the form of one (1) or several questions as determined by the Board of Selectpersons. The Charter or such portions thereof as may be approved by the Electors of the Town shall take effect on November 27, 2022, with the exception of provisions pertaining to the term of office, composition of the entity or functions of an elected official, which shall be adjusted as set forth herein.

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<sup>359</sup> 2022 recodification and edit of previous Article XIV, §14.1. Derived from Chapter XXIV, §4 of the 1947 and 1956 Acts; and Chapter XXVI, §4 of the 1975 Charter. See, C.G.S. §7-101.

<sup>360</sup> 2022 recodification of previous Article XIV, §14.2. Derived from Chapter XXIV, §5 of the 1947 and 1956 Acts; and Chapter XXVI, §5 of the 1975 Charter.

<sup>361</sup> 2022 recodification of previous Article XIV, §14.3. Derived from Chapter XXIV, §6 of the 1947 and 1956 Acts; and Chapter XXVI, §6 of the 1975 Charter.

<sup>362</sup> NEW (2022).

<sup>363</sup> 2022 recodification and modification of previous Article XIV, §14.4. Derived from Chapter XXIV, §7 of the 1947 and 1956 Acts; and, and Chapter XXVI, §9 of the 1975 Charter.