

## NOTICE

Pursuant to Section 7-191 of the General Statutes of the State of Connecticut, the Columbia Charter Commission presented the Board of Selectmen of the Town of Columbia the proposed Charter on Thursday, August 26, 1971.

Bruce E. Bradford, Chairman	Grace C. Pringle
Howard C. Bates	Charles Sanborn
Henry Beck	Norman Schussler
Wallace I. Lohr	Arnold Sihvonen
Paul R. Merrick	John Sullivan
T. Kenneth Moran	Irving Tannenbaum
Sam Pescetello	
Columbia Charter Commission	

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### RESOLUTION

Be it resolved that the proposed Charter as submitted to the Columbia Board of Selectmen by the duly appointed Charter Commission on August 26, 1971 be voted upon at the biennial election to be held November 2, 1971, by either a "YES" or "NO" in accordance with Section 7-191 of the General Statutes, Connecticut's Home Rule Law. Dated this 31st day of August 1971, at Columbia, Connecticut.

Joseph Szegda  
Robert C. Tuttle  
George E. Peters

Board of Selectmen  
Town of Columbia, Connecticut

### RESOLUTION

Be it resolved that the proposed Charter as submitted to the Columbia Board of Selectmen by the duly appointed Charter Commission and amended by the Board of Selectmen on August 5, 1975 be voted upon at the Town Election to be held November 4, 1975, by either a "YES" or "NO" in accordance with Section 7-191 of the General Statutes, Connecticut's Home Rule Law. Dated this ninth day of September 1975, at Columbia, Connecticut.

Joseph Szegda  
Thomas M. O'Brien  
Robert C. Tuttle

Board of Selectmen  
Town of Columbia, Connecticut

RESOLUTION

Be it resolved that the proposed Charter as submitted to the Columbia Board of Selectmen by the duly appointed Charter Commission and amended by the Board of Selectmen on July 11, 1977 and revised by the Charter Revision Commission on July 21, 1977, and approved by the Board of Selectmen on August 11, 1977, to be voted upon at the Biennial Election to be held November 8, 1977, by either a vote of "YES" or "NO" in accordance with Sec. 7-191 of the General Statutes, Connecticut's Home Rule Law. Dated this twenty-fifth day of August 1977, at Columbia, Connecticut.

Joseph Szegda  
Robert C. Tuttle  
Myron Berkowitz

Board of Selectmen  
Town of Columbia, Connecticut

RESOLUTION

Be it resolved that the proposed Charter as submitted to the Columbia Board of Selectmen by the duly appointed Charter Commission, amended by the Board of Selectmen on July 31, 1979 and further amended by the Charter Revision Commission on August 7, 1979 and with specific deletions by the Board of Selectmen on August 21, 1979, be voted upon at the Town election on November 6, 1979, by either a "YES" or "NO" vote in accordance with Sec. 7-191 of the General Statutes, Connecticut's Home Rule Law. Dated this twenty first day of August, 1979, at Columbia, Connecticut.

Joseph Szegda  
Grace C. Pringle  
Thomas E. Chowanec

Board of Selectmen  
Town of Columbia, Connecticut

RESOLUTION

Be it resolved that the proposed Charter as submitted to the Columbia Board of Selectmen by the duly appointed Charter Revision Commission on May 24, 1984, amended by the Board of Selectmen on July 1, 1984, further amended by the Charter Revision Commission on July 30, 1984 and approved by the Board of Selectmen on August 16, 1984, be voted on at the National Election to be held on November 6, 1984, by either a "yes" or "no" vote in accordance with Sec. 7-191 of the General Statutes, Connecticut's Home Rule Law.

Be it further resolved that a separate "yes" or "no" vote be taken at the National Election on November 6, 1984, as to whether Sec. 6.12 of the proposed Charter entitled

"Recall" be included in the proposed Charter. Dated this fourth day of September, 1984 at Columbia, Connecticut.

Leonard A. Couchon  
Grace C. Pringle  
Thomas E. Chowanec

Board of Selectmen  
Town of Columbia, Connecticut

### RESOLUTION

Be it resolved, in accordance with Section 7-188 of the Connecticut General Statutes, that the Board of Selectmen hereby establishes a Charter Revision Commission which shall consist of no more than nine members who shall be appointed at a Special Selectmen's Meeting to be held on January 10, 1989. Dated this 20th day of December 1988.

Adopted: Board of Selectmen 12/20/88  
Voting yes: Urban and Peters  
Voting no: Baldwin

Members appointed:

Leslie Lewis, Chairman	Gregory Vickers
Alan Giordano	Frances Malek
Caroline Schussler	Mildred Ramsey
Jerry James	Russell Inzinga
Victor Harriman	

The Board of Selectmen voted on September 5, 1989, that the Charter Revision proposals, as amended, be submitted to the ballot for November 7, 1989, as a single question.

Adella G. Urban  
George E. Peters  
Robert C. Baldwin

Board of Selectmen  
Columbia, Connecticut

RESOLUTION:

BE IT RESOLVED, in accordance with Section 7-188 of the Connecticut General Statutes, that the Board of Selectmen hereby establish a Charter Revision Commission which shall consist of no more than 5 members who shall be appointed at a Selectmen's meeting to be held on June 24, 1991.

Dated this the 17th day of June 1991.

Adopted: June 17, 1991

Voting yes: Enn Koiva, George Peters

Voting no: Adel Urban

On June 24, 1991, the following people were appointed to serve on the Charter Revision Commission:

Frances Malek  
Caroline Schussler  
Michael Juris

Leslie Lewis  
Alan Giordano

On April 8, 1992 a referendum was held on the following questions and was so voted:

Shall sections 2.5c and 8.5a of the town charter be amended to provide that the Annual Town Budget be submitted to a referendum vote following the filing of a petition in accordance with State Statutes? 572 yes - 154 no

Shall section 2.3b of the town charter be amended to require paper ballot voting on Town Meeting agenda items following a motion approved by the greater of 2 persons or 10% of those present at the meeting? 542 yes - 172 no

Effective date: May 1, 1992

The Board of Selectmen at its meeting held July 15, 2003 voted to submit the proposed revisions to the charter to the voters at the November 4, 2003 election as one ballot question to approve or defeat the entire revised charter.

Adella G. Urban  
Chick Shifrin  
Louis J. Scotti

Board of Selectmen  
Columbia, Connecticut

## RESOLUTION

The Board of Selectmen at a meeting on February 19, 2009 the following resolution was passed unanimously:

Be it resolved by the Columbia Board of Selectmen, that in accordance with Section 7-188 of the Connecticut General Statutes, the Town of Columbia hereby initiates the process of charter revision by a two-thirds vote of all of its members. Motion approved Donald Cianci, Carmen Vance, Richard Szegda, Lisa Roy and Rebecca Stearns.

Appointed to the Charter Revision Commission:

Virginia Miller, Adella Urban, Michael Robertson, Kate Haakonsen, Noreen Steele, Dean Toepfer, William Preuss, Michael Robertson resigned and Robert Baldwin was named to replace him. Henry M. Beck Jr., Esq., as Town Counsel, shall serve as an *ex officio* member.

The Board of Selectmen at its meeting held August 28, 2009 voted to submit the proposed revisions to the charter to the voters at the November 3, 2009 election as one ballot question to approve or defeat the entire revised charter.

Donald P. Cianci  
Carmen L. Vance  
Richard J. Szegda  
Lisa D. Roy  
Rebecca N. Stearns

Board of Selectmen  
Columbia, Connecticut

As validated by Special Act 10-6 of the Connecticut General Assembly, effective as of June 2, 2010.

## RESOLUTION

At a meeting of the Board of Selectmen held on September 1, 2020, the following resolution was passed unanimously:

Be it resolved by the Columbia Board of Selectmen, that in accordance with Section 7-188 of the Connecticut General Statutes, the Town of Columbia hereby initiates the process of charter revision by a two-thirds vote of all of its members.

Appointed to the Charter Revision Commission:

Judy Ortiz, Kate Haakonsen, Rick Nassiff, Lisa Napolitano, Mark Desrosiers, Norbert Blain, Paul Ramsey, Arthur Rowbotham, with Henry M. Beck, Jr., as Town Counsel, to serve as a non-voting member.

**COLUMBIA CHARTER  
TABLE OF CONTENTS**

**ARTICLE 1 - INCORPORATION AND GENERAL POWERS**

Section 1.1 Incorporation	1
Section 1.2 Rights and Obligations	1
Section 1.3 General Grant of Powers	1
<u>Section 1.4 Legislative Bodies</u>	<u>1</u>
Section <del>1.4</del> <u>1.5</u> Definitions	<del>1</del> <u>2</u>

**ARTICLE 2 - TOWN MEETING**

Section 2.1 Legislative Power	<del>23</del>
Section 2.2 Annual, Budget and Special Meetings	<del>23</del>
Section 2.3 Procedure	3
Section 2.4 When Action by Town Meeting Required	4
Section 2.5 Appropriation or Other Action Requiring Referendum	<del>45</del>
Section 2.6 Petition for Overrule of Action of Board of Selectmen	5
Section 2.7 Petition for Special Town Meeting for Enactment of Ordinances or Other Action	6

**ARTICLE 3 - BOARD OF SELECTMEN**

Section 3.1 Number of Selectmen	7
Section 3.2 Term of Office	7
Section 3.3 General Powers and Duties	7
Section 3.4 Procedure	9
Section 3.5 Public Hearing on and Publication of Ordinances	9
Section 3.6 Emergency Ordinances	<del>9</del> <u>10</u>
Section 3.7 Coordination	10
Section 3.8 Oath of Officers	10

**ARTICLE 4 - THE FIRST SELECTMAN**

Section 4.1 Chief Executive Officer	<del>10</del> <u>11</u>
Section 4.2 Duties	11
Section 4.3 Delegation of Duties	<del>11</del> <u>12</u>

**ARTICLE 5 – TOWN ADMINISTRATOR**

Section 5.1 Chief Administrative Officer	12
Section 5.2 Hiring and Discharge Process	12
Section 5.3 Supervision and Responsibilities	12
Section 5.4 General Duties	<del>12</del> <u>13</u>

## ARTICLE 6 - GENERAL ELECTIONS

Section 6.1 General	13
Section 6.2 Minority Representation	<del>13</del> <u>14</u>
Section 6.3 Eligibility for Office	<del>13</del> <u>14</u>
Section 6.4 Breaking a Tie	14
Section 6.5 Vacancies	<del>14</del> <u>15</u>

## ARTICLE 7 - ELECTIVE OFFICERS AND AGENCIES

Section 7.1 General Powers and Duties	<del>14</del> <u>15</u>
Section 7.2 Terms of Office	<del>14</del> <u>15</u>
Section 7.3 Elective Officers	<del>15</del> <u>16</u>
A. Board of Selectmen	<del>15</del> <u>16</u>
B. Board of Education	<del>15</del> <u>16</u>
C. Justices of the Peace	16
D. Board of Assessment Appeals	<del>16</del> <u>17</u>
E. Planning and Zoning Commission	<del>16</del> <u>17</u>
F. Zoning Board of Appeals	<del>16</del> <u>17</u>
G. Financial Planning and Allocation Commission (FIPAC)	<del>16</del> <u>18</u>
H. Registrars of Voters	<del>17</del> <u>18</u>
Section 7.4 Conflict of Interest	<del>17</del> <u>18</u>
Section 7.5 Compensation	<del>18</del> <u>19</u>

## ARTICLE 8 - APPOINTIVE OFFICERS AND AGENCIES

Section 8.1 General	<del>18</del> <u>19</u>
Section 8.2 Animal Control Officer	<del>18</del> <u>19</u>
Section 8.3 Building Code Appeals Board	<del>18</del> <u>20</u>
Section 8.4 Building Official	<del>18</del> <u>20</u>
Section 8.5 Burning Official	<del>19</del> <u>20</u>
Section 8.6 Commission on Aging, Municipal Agent for the Elderly	<del>19</del> <u>20</u>
Section 8.7 Conservation and <del>Agriculture</del> <u>Agriculture</u> Commission	<del>19</del> <u>20</u>
Section 8.8 Economic Development Commission	<del>19</del> <u>21</u>
Section 8.9 Emergency Management Director	<del>20</del> <u>21</u>
Section 8.10 Fire Marshal	<del>20</del> <u>21</u>
Section 8.11 Inland Wetlands Commission	<del>20</del> <u>21</u>
Section 8.12 Lake Management Advisory Commission	<del>20</del> <u>22</u>
Section 8.13 Marine Patrol Officers	<del>20</del> <u>22</u>
<del>Section 8.14 Municipal Agent for the Elderly</del>	<del>21</del>
Section <del>8.15</del> <u>8.14</u> Open Space Committee	<del>21</del> <u>22</u>
Section <del>8.16</del> <u>8.15</u> Recreation Commission	<del>21</del> <u>22</u>
Section <del>8.17</del> <u>8.16</u> Resident Trooper(s)	<del>21</del> <u>23</u>
<del>Section 8.18 Solid Waste/Recycling Advisory Commission</del>	<del>22</del>
Section <del>8.19</del> <u>8.17</u> Town Counsel	<del>22</del> <u>23</u>



Section <del>8.20</del> <u>8.18</u> Town Health Officer	<u>22</u> <u>23</u>
Section <del>8.21</del> <u>8.19</u> Town Historian	<u>23</u> <u>24</u>
Section <del>8.22</del> <u>8.20</u> Town Moderators for Town Meetings	<u>23</u> <u>24</u>
Section <del>8.23</del> <u>8.21</u> Tree Warden	<u>23</u> <u>24</u>
Section <del>8.24</del> <del>Windham Region</del> <u>8.22 Regional</u> Council of Governments and Regional	<u>23</u>
<u>Planning Organization</u>	<u>24</u>
Section <del>8.25</del> <u>8.23</u> Terms of Office	<u>23</u> <u>24</u>
<del>Section 8.26 Creation of New Offices</del>	<u>24</u>
Section <del>8.27</del> <u>8.24</u> Vacancies and Removals	<u>24</u> <u>25</u>
Section <del>8.28</del> <u>8.25</u> Compensation	<u>24</u> <u>25</u>
Section <del>8.29</del> <u>8.26</u> Fees, Fines and Levies	<u>25</u> <u>26</u>
Section <del>8.30</del> <u>8.27</u> Duties	<u>25</u> <u>26</u>

## ARTICLE 9 - FINANCE AND TAXATION

Section 9.1 Fiscal Year	<u>25</u> <u>26</u>
Section 9.2 Budget Message	<u>25</u> <u>26</u>
Section 9.3 Finance Department	<u>25</u> <u>26</u>
Section 9.4 Preliminary Budget Estimates	<u>26</u> <u>27</u>
Section 9.5 Budget Preparation	<u>26</u> <u>27</u>
Section 9.6 Budget Review	<u>27</u> <u>28</u>
Section 9.7 Public Hearings	<u>27</u> <u>28</u>
Section 9.8 Budget Meeting	<u>27</u> <u>29</u>
Section 9.9 Budget Referendum	<u>28</u> <u>29</u>
Section 9.10 Laying of Taxes	<u>29</u> <u>30</u>
Section 9.11 Appropriations	<u>29</u> <u>31</u>
Section 9.12 Issuance of Tax Bills	<u>30</u> <u>31</u>
Section 9.13 Transfer of Funds	<u>30</u> <u>31</u>
Section 9.14 Annual Town Report	<u>30</u> <u>32</u>
Section 9.15 Audit	<u>30</u> <u>32</u>
Section 9.16 Budget Monitoring	<u>31</u> <u>32</u>
Section 9.17 Final Budget Reconciliation	<u>31</u> <u>32</u>
Section 9.18 Public Emergency Expenditures	<u>31</u> <u>32</u>
Section 9.19 Expenditures Before Adoption of Budget	<u>31</u> <u>33</u>

## ARTICLE 10 - MISCELLANEOUS

Section 10.1 Existing Laws and Ordinances	<u>31</u> <u>34</u>
Section 10.2 Rules of Construction and Saving Clause	<u>32</u> <u>34</u>
Section 10.3 Amendment of Charter	<u>32</u> <u>35</u>
Section 10.4 Transfer of Powers	<u>32</u> <u>35</u>
Section 10.5 Effective Date	<u>32</u> <u>35</u>

# COLUMBIA TOWN CHARTER

## ARTICLE 1

### INCORPORATION AND GENERAL POWERS

#### Section 1.1 Incorporation

All residents of the Town of Columbia, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Columbia", in this Charter called "The Town". As such it shall have perpetual succession and may hold and exercise all powers and privileges granted to towns by the Constitution, general law of the State of Connecticut and by this Charter.

#### Section 1.2 Rights and Obligations

All property both real and personal, all rights of action and rights of every description and all securities and liens in which the Town has an interest as of the date this Charter shall take effect are continued.

All debts, obligations, contracts, or bonds shall continue until discharged by way of full payment, completion of the applicable term or by action of the Board of Selectmen of the Town.

#### Section 1.3 General Grant of Powers

In addition to all powers granted to towns under the Constitution, the Connecticut General Statutes and general law, and to the Town by this Charter, the Town shall have all powers implied or incident to the management of the property, government, and affairs of the Town, including the power to enter into contracts.

The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of power to the Town; but shall be considered as an addition thereto.

#### Section 1.4 Legislative Bodies

The legislative bodies of the Town shall be the Town Meeting and the Board of Selectmen, as authorized by Section 7-193(a)(1) of the General Statutes, as each of such bodies has heretofore been constituted. The Town Meeting and the Board of Selectmen, respectively, shall have such legislative powers as are expressly conferred by this Charter and as are allowed by the General Statutes. The legislative powers of the Town Meeting shall include, but are not limited to, those powers set

forth in Article 2 of this Charter. The legislative powers of the Board of Selectmen shall include, but are not limited to, the powers set forth in Article 3 of this Charter.

### **Section 1.5 Definitions**

As used in this Charter:

- (a) "agency" means any elective or appointive Town board, commission, officer, or committee of the Town.
- (b) "Annual Town Budget" has the meaning ascribed to it in Section 9.5 of Article 9 of this Charter.
- (c) "appropriation" means an authorization granted by a Town Meeting or the Board of Selectmen to expend Town funds and to incur obligations for specific governmental purpose in accordance with Section 9.11 of Article 9 of this Charter.
- (d) "Connecticut General Statutes" means the Connecticut General Statutes, Revised to January 1, ~~2009~~2021, as the same may be amended or supplemented from time to time.
- (e) "elector" means any person possessing the qualifications described by Article 6 of the Connecticut Constitution of 1965 and applicable Connecticut General Statutes and duly admitted to, and entitled to exercise, the privileges of an elector in the Town of Columbia.
- (f) "holiday" has the meaning ascribed to it in Section 1-4 of the Connecticut General Statutes.
- (g) "may" connotes a permissive action.
- (h) "qualified voter" means any person eligible to vote at a Town Meeting in accordance with the eligibility requirements of Section 7-6 of the Connecticut General Statutes.
- (i) "shall" connotes a mandatory action.
- (j) "Town Meeting" is ~~the~~a legislative body of the Town and shall have the power and authority provided in Article 2 of this Charter and the Connecticut General Statutes.

**ARTICLE 2**  
**TOWN MEETING**

**Section 2.1 Legislative Power**

The legislative powers of the Town, to the extent specified in this Article, shall be vested in the Town Meeting.

**Section 2.2 Annual, Budget, and Special Meetings**

The Annual Town Meeting as required under Section 7-1 of the Connecticut General Statutes shall be held at the call of the Selectmen at least once during each uniform fiscal year (July 1 through June 30) for consideration of such business as the Board of Selectmen shall state in the call of the meeting.

The Annual Budget Meeting as required under Section 7-388 of the Connecticut General Statutes shall be held annually between the second Tuesday of May and the first Tuesday of June. Said date to be set by the Board of Selectmen. Action at the Budget Meeting shall be restricted to those activities specified in Section 9.8 of Article 9 of this Charter.

Special Town Meetings shall be called by the Board of Selectmen pursuant to the terms of this Charter and ~~in the manner provided by~~ the Connecticut General Statutes.

Upon an affirmative vote of those qualified voters present and voting, any Town Meeting may be adjourned to a specific day and time.

**Section 2.3 Procedure**

(a) All Town Meetings shall be called to order by the First Selectman or if the First Selectman cannot be present his/her representative, who shall be the Deputy Selectman, unless the Deputy Selectman cannot be present, in which case it shall be another Selectman designated in writing by the First Selectman, or in absence thereof by the Deputy Selectman, and in absence thereof, by ~~any elector~~the proposed moderator present.

(ab) There shall be a panel of three (3) permanent Town Meeting Moderators, no more than two (2) of whom shall be from any one political party. The panel of moderators shall be appointed in accordance with Article 8, Section 23 of this Charter and shall serve for a term of four years. All Town Meetings shall be presided over by a member of the panel of moderators in rotational order, said rotation system to be determined by lot. In the event the moderator who is to serve at a Town Meeting is absent, the rotation shall be to the next moderator in line. Filling in for the absent moderator shall not interrupt the normal rotation schedule. In the event that none of the appointed moderators is available for a Town Meeting, the moderator shall be elected at the Town Meeting from among the qualified voters

present. In the event a Town Meeting is adjourned pursuant to Section 2.2 of this Article, the moderator of the original Town Meeting shall continue to serve as moderator of the adjourned Town Meeting. Also, in the event that a Town Meeting is adjourned to a referendum pursuant to Section 2.5 of this Article, the moderator shall continue to serve as moderator of the referendum.

(bc) The latest edition of Robert's Rules of Order shall govern the conduct of all Town Meetings. At the Budget Meeting, the vote on the budget shall be by secret ballot, by qualified voters. Any other item at Town Meeting shall be decided by secret ballot following a motion duly made and seconded on an agenda item provided at least the greater of two (2) persons or ten percent (10%) of those qualified voters present at the meeting shall vote in favor of such motion.

(ed) The Clerk of the Town Meeting shall be the Town Clerk; if absent, the Town Clerk's designated representative, and if ~~thereby~~there be no designated representative, an elector selected by the Town Meeting for such purpose. This person shall be responsible for recording all pertinent discussion and information in an accurate and detailed manner.

## **Section 2.4 When Action by Town Meeting Required**

A Town Meeting shall be required for approval of any of the following:

- (a) the Annual Town Budget;
- (b) except as otherwise provided in Article 3, Section 3.3(b)(3) of this Charter, any appropriation, OR an authorization for issuance of bonds, notes, or other borrowing not to exceed \$500,000;
- (c) the sale, lease, or other transfer of an interest in real estate of the Town, used or reserved for Town purposes, exclusive of licenses or permits for use or occupancy of Town real property for up to 180 days which may be granted pursuant to procedures endorsed by the Board of Selectmen or the Town Administrator pursuant to Articles 3 and 5 of this Charter, except when Subsection (e) of this Section may also be applicable;
- (d) the acquisition of real estate or interests in real estate, including but not limited to easements, development rights and rights-of-way, for Town purposes including, but not limited to, purchase, lease, gift, or bequest, but exclusive of conservation easements, drainage easements, access easements and other interests in real estate which may be obtained by the Town pursuant to the zoning ~~ordinance~~ and subdivision regulations of the Town, as duly enacted and amended from time to time;
- (e) any contract or agreement by the Board of Selectmen for services to or use of Town property by or with the United States, any Federal agency, the State of Connecticut, or any political subdivision thereof, except as provided in Sections 3.3 and 3.6 of Article 3 of this Charter; and
- (f) any matter the Board of Selectmen deems of sufficient importance.

## **Section 2.5 Appropriation or Other Action Requiring Referendum**

A referendum shall be required in the following instances:

- (a) after being recommended by the Board of Selectmen and after reasonable discussion at a Town Meeting, any appropriation OR any authorization for the issuance of bonds, notes, or other borrowing of more than \$500,000 with the exception of tax anticipation notes, shall be subject to referendum as follows: after other business has been completed, the moderator shall adjourn the Town Meeting to reconvene not less than seven (7) days nor more than fourteen (14) days thereafter, but that no referendum shall be held on a Monday or a day following a holiday, and such appropriation or authorization shall be submitted to the qualified voters for a "yes" or "no" vote utilizing a voting technology or methodology approved by the Connecticut Secretary of State for use in an election, as defined in Section 9-1(d) of the Connecticut General Statutes, between the hours of noon and 8 p.m., unless the Town meeting sets a longer period in accordance with the Connecticut

General Statutes. The wording of each proposition to be voted upon shall be provided by the Town Clerk following any directions given by the applicable Town Meeting. After the polls are closed, the moderator shall cause the votes to be counted and the appropriation or authorization shall, if approved by a majority of those voting thereon, be deemed adopted by the Town Meeting.

(b) any matter, except the Annual Town Budget, on the call of a Town Meeting may, at the discretion of the Board of Selectmen, be submitted to a vote utilizing a voting technology or methodology approved by the Connecticut Secretary of State for use in an election in the same manner as set forth in ~~the preceding paragraph;~~ Section 2.5(a) of this Charter.

(c) any other action that may properly be brought before a Town Meeting wherein a petition is filed, including the Annual Budget, when done in accordance with Section 7-7 of the Connecticut General Statutes.

### **Section 2.6 Petition for Overrule of Action of Board of Selectmen**

All ordinances, resolutions or other action taken by vote of the Board of Selectmen, except those making appointments or removals or regulating exclusively ~~their~~ its internal procedure, and except emergency ordinances adopted in accordance with the provisions of Section 3.6 of Article 3 of this Charter, shall be subject to overrule by a Special Town Meeting as follows:

(a) ~~if~~ if within twenty (20) days after the publication of any such ordinance or the making of such resolution or the taking of such vote, a petition conforming to the requirements of Section 7-9 and 7-9a of the Connecticut General Statutes and signed by not less than 5% of the qualified voters is filed with the Town Clerk requesting its reference to a Special Town Meeting, the effective date of such ordinance, resolution or action shall be suspended;

(b) The Town Clerk shall determine whether said petition is sufficient as prescribed by law, shall keep cumulative count of the number of signatures filed with each page of said petition and shall within five (5) days after receipt of the page of the petition bringing the number of valid signatures included in the petition to 5% shall so certify to the Board of Selectmen. If within five (5) days of the expiration of the above-referenced twenty (20) day period, the Town Clerk determines that the proper number of valid signatures has not been obtained, the Town Clerk shall so certify to the Board of Selectmen and any applicable ordinance, shall become effective after it is republished by the Board of Selectmen in accordance with Section 3.5 of Article 3 of this Charter on a new effective date selected by the Board of Selectmen, and any such resolution or vote shall be deemed effective as of the initial date of passage, unless the Board of Selectmen determines otherwise;

(c) If the Town Clerk certifies that the petition meets all applicable legal requirements, the Board of Selectmen shall fix the time and place of such Special Town Meeting, which shall be within twenty-one days (21) after such certification;

(d) notice thereof shall be given in the manner provided by law for the calling of a Special Town Meeting; and

(e) an ordinance, resolution, or action so referred shall take effect upon the conclusion of such meeting or at such later date as originally specified by the Board of Selectmen unless at least fifty (50) qualified voters constituting a majority of those present and voting thereon, shall have voted in favor of overruling.

### **Section 2.7 Petition for Special Town Meeting for Enactment of Ordinances or Other Action**

Not less than 5% of the qualified voters may, at any time, petition over their personal signature for the enactment of any proposed ordinance or other action by filing such petition, including the complete text of such ordinance, or proposed other action not inconsistent with ~~the~~this Charter or applicable law, with the Town Clerk, except ~~as provided in~~when Sections 2.4, 2.5 and 2.6 of this Article are applicable. The Town Clerk shall determine whether said petition is sufficient as prescribed by law, shall keep cumulative count of the number of signatures filed with each page of said petition and shall within five (5) days after receipt of the page of the petition bringing the number of valid signatures included in the petition to 5% shall so certify to the Board of Selectmen; no signatures submitted more than 30 days after the submission of the first page of the petition shall be counted by the Town Clerk as described herein. If upon such 30th day the petition remains insufficient, it shall have no force or effect and the Town Clerk shall so notify the Board of Selectmen.

Any such proposed ordinance or other action shall be examined by Town Counsel before being submitted to a Special Town Meeting. The Town Counsel is authorized to modify the form of such ordinance or other action for the purpose of avoiding repetition, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not to change materially its meaning and effect. The Town Counsel may also declare that such ordinance or other action would be unlawful.

The Board of Selectmen shall call a Special Town Meeting, to be held not more than twenty-one (21) days from the date of the Town Clerk's certification, unless prior to such meeting such ordinance shall have been enacted or such action taken by the Board of Selectmen, or the Town Counsel has ruled that any such ordinance or action would be unlawful.

The call for such Special Town Meeting shall state the proposed ordinance or other action in full and shall provide for a "yes" or "no" vote as to its enactment.

By a majority vote of those qualified voters present and voting, provided that there is a quorum of at least 50 qualified voters in attendance, such ordinance or other action shall pass and shall become effective on the tenth (10th) day thereafter, unless publication is required, in which event, the Board of Selectmen shall promptly provide for such publication and for the ordinance or action to take effect on the



twenty-first day thereafter in accordance with Section 3.5**(b) and (c)** of Article 3 of this Charter.

## ARTICLE 3

### BOARD OF SELECTMEN

#### Section 3.1 Number of Selectmen

There shall be a Board of Selectmen consisting of the First Selectman and four additional members each of whom shall be known as a Selectman. No more than three members of such Board shall be members of the same political party.

#### Section 3.2 Term of Office

Each Selectman shall serve for a term of four years with elections of three and two positions occurring respectively every successive election, so that there will be an element of continuity in Board membership. A vacancy occurring in the office of First Selectman or Selectman shall be filled in the manner prescribed in Section 9-222 of the Connecticut General Statutes.

#### Section 3.3 General Powers and Duties

(a) The Board of Selectmen shall have the powers which, at the effective date of this Charter, were conferred by the Connecticut Constitution and Connecticut General Statutes on Boards of Selectmen including the powers:

(1) to enact, amend and repeal ordinances or amendments adopted underin accordance with this ~~Section~~ Charter;

(2) to create ~~or abolish, by ordinance, agencies or commissions, except those provided for in this Charter or by the~~ such other Town agencies as may or shall be required from time to time by applicable Connecticut General Statutes; Unless otherwise governed by Connecticut General Statutes, the Board of Selectmen may create, with Town Meeting approval, such other Town agencies as the Board of Selectmen and the Town Meeting may determine are necessary or proper for the general welfare of the Town;

(3) by resolution, to enter into agreements with the Commissioner of Transportation of the State of Connecticut pursuant to Section 13a-175b of the Connecticut General Statutes;

(4) in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed, or any portion thereof, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be filed two copies of such code, rules or regulations in the office of the Town Clerk and the Public Library for inspection and copying by the public at reasonable hours in lieu of any other form of required publication;

(5) by resolution to regulate the internal procedure of agencies except

to the extent governed by Connecticut General Statutes;

(6) to fix the charges, if any, to be made for services rendered by the Town; ~~and~~

(7) to obtain bonds for such offices or officials as are to be bonded by applicable Connecticut General Statute or this Charter; ~~and~~

(8) to exercise legislative powers consistent with this Charter.

(b) The Board of Selectmen shall have the duties which, at the effective date of this Charter, were conferred by the Connecticut Constitution and Connecticut General Statutes on Boards of Selectmen including the following duties:

(1) The Board of Selectmen shall cause the Town Administrator and all agencies to abide by a formal bid and purchase procedure ~~in purchasing any item exceeding \$15,000~~ as may be adopted by the Board of Selectmen from time to time. (This does not include the Board of Education Budget.) The procedure for evaluation shall include other criteria in addition to cost, and including technical merit. Except when competitive bidding is required by Section 7.4 of Article 7 of this Charter, the Board of Selectmen may waive the requirement for competitive bidding, when in its opinion, the circumstances of a particular case and the best interests of the Town are best served by a waiver. To achieve this waiver, a motion must be made and unanimously passed at a regular Board of Selectmen's meeting and so recorded in the minutes of that meeting.

(2) The Board of Selectmen shall establish and maintain current personnel policies and job descriptions for all hired positions within the Town, with the exception of personnel positions under the governance of the Board of Education, and supervise the hiring and dismissal of ~~personnel for the following positions in accordance with these policies and descriptions: Town Administrator, Fiscal Manager, Assessor, Public Works Director, Public Works Employees, Sanitarian(s), Town Planner, Social Services Personnel, Tax Collector, Assistant Tax Collector, Town Clerk, Assistant Town Clerks, Assistant Registrars of Vital Statistics, Town Treasurer, Recreation Director, administrative support positions, and any other~~ all such full-time or part-time personnel needed to operate the Town in an efficient and appropriate manner.

(3) The Board of Selectmen shall be responsible for acting on behalf of the Town in applying for grants, aid, or other funds for which the Town may be eligible, provided that any application expense can be charged to an existing line item of the applicable Annual Town Budget. Prior Town Meeting approval shall be required if any application expense cannot be so charged. Town Meeting approval shall also be required for acceptance and appropriation in accordance with Section 9.11 of Article 9 of this Charter of any award granted unless the amount of the grant is less than 0.25 mills of the most recent grand list of the Town, in which event the Board of Selectmen may accept and appropriate the grant funds in accordance with

Section 9.11 of Article 9 of this Charter.

(4) The Board of Selectmen shall use their administrative and legislative powers under this Charter to maintain a constant concern for the general good and welfare of the community.

~~(c) Except as otherwise provided by the Connecticut General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority of its members present at a duly convened meeting votes in favor of such action; provided, however, that any action regarding the adoption, amendment or repeal of ordinances shall require an affirmative vote of four members of the Board of Selectmen at a duly convened meeting.~~

~~(d) The Board of Selectmen may hire and discharge the Town Administrator upon the affirmative vote of four members of the Board of Selectmen.~~

### **Section 3.4 Procedure**

(a) At its first meeting following each biennial Town Election, the Board of Selectmen shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall, by resolution, determine its own rules of procedure, except that each Selectman shall be able to make a motion or offer a proposal which shall be considered by the Board of Selectmen without the necessity of a seconding motion and all motions must be approved by a majority vote unless otherwise required by Charter or applicable law. The Board will elect a Deputy Selectman who will preside over meetings in the absence of the First Selectman. All meetings of the Board of Selectmen, for the transaction of business, other than executive sessions, shall be open to the public. The votes of each member shall be recorded at the session at which they occur and reported in the minutes of such meeting. Three members shall constitute a quorum. No action except a vote to adjourn or fix the time and place of the next meeting, shall be adopted without a quorum present.

(b) Except as otherwise provided by the Connecticut General Statutes or this Charter, no action shall be taken by the Board of Selectmen unless a majority of its members present at a duly convened meeting votes in favor of such action; provided, however, that any action regarding the adoption, amendment or repeal of ordinances shall require an affirmative vote of four members of the Board of Selectmen at a duly convened meeting.

### **Section 3.5 Public Hearing on and Publication of Ordinances**

(a) At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a general circulation in the Town or by other means approved for such purposes by any applicable Connecticut General Statute and by posting a notice in a public placeforum, shall be held by the Board of Selectmen before any ordinance shall be passed by them.

(b) Every ordinance, after passage, shall be ~~given a serial number and be~~ recorded by the Town Clerk in a manner which shall be properly indexed or codified, and available for inspection and copying by the public at reasonable hours. Within ten days after final passage, ~~the text a summary~~ of each ordinance shall, ~~except as otherwise provided in this Charter,~~ be published once in its entirety in a newspaper having circulation within the Town or by other means approved for such purposes by any applicable Connecticut General Statute, unless as provided in Section 7-157(b) of the Connecticut General Statutes. ~~the Town Meeting may provide that a summary of an ordinance be published in lieu~~ full text of such ordinance is required to be published.

(c) Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its final passage except as may otherwise be provided in Section 2.6 or 2.7 of Article 2 of this Charter.

### **Section 3.6 Emergency Ordinances**

An ordinance adopted by the Board of Selectmen as a public emergency measure and stating the facts constituting such public emergency shall become effective immediately and shall be published, unless due to the nature of any such emergency prompt publication is not possible, in a newspaper having a general circulation in the Town or by other means approved for such purposes by any applicable ~~Connecticut General Statute~~ state law, regulation or order and by posting a notice in a public ~~place~~ forum as soon as possible thereafter. No public hearing or notice of public hearing shall be required for any public emergency ordinance.

Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following passage of said ordinance. Except that if the emergency continues, the Board of Selectmen may continue said ordinance for an additional period not to exceed sixty days by timely publishing and posting notice of such extension in the manner provided above.

### **Section 3.7 Coordination**

The Board of Selectmen, through the First Selectman and/or Town Administrator, shall coordinate the activities and operations of the Town government and may convene joint meetings of Town agencies for such purposes, and may require such reports or information to be submitted by the agencies as the Board of Selectmen may deem necessary for such purposes.

### **Section 3.8 Oath of Officers**

The Board of Selectmen shall, forthwith, after the election or appointment of any Town officers of whom an oath is required by law, cause ~~them~~ such officers to be sworn to a faithful discharge of their respective duties. The Board of Selectmen shall see that notice of election or appointment of Town officers shall be in written form indicating if oath is needed, as well as the time and location of the next

regularly scheduled meeting of any appropriate agency.

## ARTICLE 4

### THE FIRST SELECTMAN

#### Section 4.1 Chief Executive Officer

The First Selectman shall be the Chief Executive Officer of the Town.

The First Selectman shall be a full voting and participating member of the Board of Selectmen. ~~He/she~~The First Selectman shall preside at meetings of the Board of Selectmen when present.

The First Selectman shall be an ex-officio member of all agencies of the Town (other than the Board of Education), but without power to vote. From time to time, the First Selectman may designate that for a specific or indefinite period, modifiable after notice from the First Selectman to the applicable designee and agency, another

Selectman or the Town Administrator shall be ~~his/her~~ the First Selectman's representative on any agency, but without power to vote.

#### **Section 4.2 Duties**

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law, which are not inconsistent with this Charter. In addition, ~~he/she~~ the First Selectman shall have all the powers necessary or incidental to the discharge of ~~his/her~~ the First Selectman's duties and responsibilities as set forth in this Charter.

Under the general policy direction of the Board of Selectmen, the First Selectman shall be responsible for:

- (a) providing guidance to the Town Administrator in the coordination and administration of the agencies of the Town, except those functions expressly reserved or delegated to such agencies by law;
- (b) the implementation of ordinances, resolutions, policies, and other action voted by the Board of Selectmen or at the Town Meeting;
- (c) a continuous review of the current and future needs of the Town and, in connection therewith, ~~he/she~~ the First Selectman may require reports and information to be submitted by the Town Administrator or any agency through the Town Administrator;
- (d) coordination and guidance of the Board of Selectmen in the discharge of all the Board of Selectmen's duties and responsibilities; and
- (e) preparing a meeting agenda, in conjunction with the Town Administrator, for each Board of Selectmen meeting.

#### **Section 4.3 Delegation of Duties**

~~The First Selectman is the Chief Executive Officer of the Town.~~ To assist in the discharge of the duties and responsibilities of ~~his/her~~ the First Selectman office, and of the Board of Selectmen, certain administrative duties have been delegated to the Town Administrator as described in Article 5 of this Charter. In addition, the First Selectman may assign and delegate duties to Selectmen and to Town officers ~~responsible to him/her~~ who report to the First Selectman, including the Town Administrator.

During the absence or disability of the First Selectman, the Deputy Selectman shall carry out the duties of the First Selectman enumerated in ~~Section~~ Sections 4.2 and 4.3 of this Article.

## ARTICLE 5

### TOWN ADMINISTRATOR

#### **Section 5.1 Chief Administrative Officer**

The Town Administrator shall be the Chief Administrative Officer of the Town. ~~He/she~~The Town Administrator shall assist the First Selectman and Board of Selectmen in conducting Town affairs by performing such responsible and high level administrative, supervisory and research duties and functions as are specified in this Charter, and as may be properly delegated to ~~him/her~~the Town Administrator by the First Selectman or ~~as may be determined by~~ the Board of Selectmen ~~and~~ consistent with this Charter and other applicable law.

#### **Section 5.2 Hiring and Discharge Process**

The Town Administrator shall be hired by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, educational background ~~and~~ training/certification and professionally related experience. Educational training shall ~~be defined as~~require a minimum of a baccalaureate degree. The Town Administrator need not be an elector. The Board of Selectmen may hire and discharge the Town Administrator with or without cause upon the affirmative vote of four members of the Board of Selectmen.

#### **Section 5.3 Supervision and Responsibilities**

The Town Administrator is responsible to and works under the general direction of the First Selectman and Board of Selectmen. ~~He/she~~The Town Administrator shall be responsible for the administration of all Town departments and agencies, except the Board of Education and Town agencies whose head or members are elected by popular vote. ~~He/she~~The Town Administrator shall coordinate the administration of the officers, boards, commissions, agencies, and authorities of the Town appointed by the Board of Selectmen except those functions reserved or delegated to such bodies by law or this Charter.

#### **Section 5.4 General Duties**

The Town Administrator shall perform those administrative duties conferred by this Charter to the Chief Administrative Officer and as determined, from time to time, by the Board of Selectmen and or First Selectman in accordance with Section 5.1 of this Article.

The Town Administrator, in conjunction with the First Selectman, shall prepare the Board of Selectmen meeting agendas, including analysis of and recommendations on pertinent issues. ~~He/she~~The Town Administrator shall develop policies for review and draft proposed regulations and ordinances. The Town Administrator shall have



the right to attend all meetings of the Board of Selectmen, except those executive sessions determined by the Board, with the full right to participate in all discussions, but without the right to vote.

**ARTICLE 6**  
**GENERAL ELECTIONS**

**Section 6.1 General**

- (a) Nomination and election of state and federal officers and such elective Town officers, boards, and commissions as are provided for in this Charter shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed ~~in~~ by applicable federal law, by the Connecticut Constitution and by the (general and special) laws of the State applicable to the Town of Columbia, except as hereinafter provided.
- (b) Regular Town Elections shall take place on the first Tuesday after the first Monday in November of each odd numbered year.
- (c) Special Town Elections may be called from time to time in accordance with the Connecticut General Statutes.

**Section 6.2 Minority Representation**

Minority representation on any board, commission, or similar body whether elective or appointive of the Town shall be determined in accordance with the table below:

Column I Total Membership	Column II Maximum from one Party
<hr/> 3	<hr/> 2
4	3
5	3
6	4
7	4
8	5
9	6

More than 9

Two-Thirds of Total Membership

Notwithstanding the foregoing, in the event that (i) a vacancy shall occur, after an election, if applicable, and continue to exist for a period of not less than ninety (90) consecutive days on any agency other than the Board of Selectmen, (ii) one party has the maximum allowable number of members on the agency and the vacancy is for one of the positions to be filled by an elector who is not enrolled in such party, and (iii) the other major party has not proposed an individual of any party to fill such vacancy, then such vacancy may be filled by the Board of Selectmen or the applicable agency, acting in accordance with Section 6.5 of this Charter, with any elector, including one who is enrolled in the party already having with the maximum number of allowable members on such agency, provided that such appointment would not cause the maximum number of members of such party to exceed the number permitted under Section 9-167a of the Connecticut General Statutes.

### **Section 6.3 Eligibility for Office**

Only a person who is, at the time of his/her election, an elector, shall be eligible for election to any Town office, and any person ceasing to be an elector shall thereupon automatically cease to hold elective office in the Town.

### **Section 6.4 Breaking a Tie**

When any regular or special Town election for a Town office ~~or a vote on a referendum question of the Town conducted pursuant to the provisions of the Charter~~ results in a tie, a special election shall be conducted to determine who shall be elected, ~~or in the case of a question at referendum, whether it shall be accepted or rejected.~~ Said special election shall be called by the Board of Selectmen and held on such date as is required by Connecticut General Statutes Section 9-332 after the election which resulted in a tie and shall be confined to the tied candidates ~~or issues~~. Any election equipment, software, voting methodology or initial records thereof, the use or results of which are not subject to legal dispute may be used in said special election. If necessary, the Board of Selectmen, or applicable court order, may direct the use of paper ballots.

### **Section 6.5 Vacancies**

Unless otherwise provided by Connecticut General Statutes, or by Section 6.4 of this Charter, any vacancy in any elective Town office from whatever cause arising, shall be filled byas provided in this Section. Any such vacancy shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term, provided that when the person vacating the office shall have been elected ~~as~~because such person was a member of a particular political party such vacancy shall be filled by a member of the same political party, subject to the provisions of Section 6.2 of this Charter. If such vacancy is not so filled by the Board of Selectmen within ninetyone hundred twenty (90120) days from the time of its occurrence it shall be filled by the agency in which the vacancy occurred in

accordance with the same criteria. When a vacancy occurs in the office of the First Selectman, or in the office of Selectman, it shall be filled within thirty (30) days after the day of its occurrence by the remaining members of the Board of Selectmen, or as otherwise provided under the provisions of Section 9-222 of the Connecticut General Statutes.

## ARTICLE 7

### ELECTIVE OFFICERS AND AGENCIES

#### Section 7.1 General Powers ~~and~~, Duties and Organization

Except as otherwise provided in this Charter, all elective agencies of the Town shall have the powers and duties prescribed by law.

All elective agencies shall hold an annual organizational meeting during each December or subsequent January at which meeting they shall elect officers and establish a regular schedule of meetings for the ensuing ~~year~~twelve-month period. Such schedule shall be filed with the Town Clerk no later than January 31, of each year. No agency shall meet at the same time a Town Meeting or a Budget Meeting is being held.

#### Section 7.2 Terms of Office

The terms of office for elective Town officers shall be four years except as may be otherwise specifically provided in this Charter. All terms of office commence on the third Monday after election and qualification, except as specified for the Registrars of Voters in Section 7.3 of this Article. As used in this Charter with reference to a person's ability to hold a Town office, "qualification" shall mean the satisfaction of any statutory or charter requirements for eligibility to hold such office and taking the oath of office. All elective officers, except in the case of death, resignation, or disqualification, shall hold office until their successors have been chosen and qualified.

#### Section 7.3 Elective Officers and Agencies

At each appropriate biennial Town election, based on the expiration of the term of an incumbent in office, the following Town offices shall be elected:

- (a) Board of Selectmen:
  - (1) A First Selectman shall be elected for a four-year term.
  - (2) Four additional Selectmen shall be elected with each having a four-year term of office.
  - (3) At each biennial Town election, sufficient Selectmen, including the First Selectman, when an election for such office is held, shall be elected to succeed

the term of those members of the Board of Selectmen whose term in office is set to expire shortly after the election. When there is an election for the office of First Selectman, the votes cast for the unsuccessful candidate or candidates for First Selectman shall be counted as votes for the same candidate or candidates as a Selectmen.

(b) Board of Education:

(1) There shall be a Board of Education that shall consist of seven (7) members each having a four-year term of office. At each biennial Town election, sufficient members shall be elected to succeed the members whose terms are set to expire shortly after the election, each for the term of four years.

(2) Any political party may nominate a number of candidates for election as members of the Board of Education equal to the number of members of said board to be elected at such election. Any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to Section 6.2 of Article 6 of this Charter, exceeds the maximum number as determined by said Section, then only the candidates of such political party with the highest number of votes, up to the limit of such maximum, shall be elected. The next ~~highest-ranking~~ highest-ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election.

(c) Justices of the Peace:

(1) There shall be fifteen (15) Justices of the Peace elected in accordance with the Connecticut General Statutes. The terms of office shall commence on the first Monday of January following their nomination and election in accordance with the Connecticut General Statutes.

(2) Any vacancy in the office of a Justice of the Peace shall be filled in accordance with applicable Connecticut General Statutes.

(d) Board of Assessment Appeals:

There shall be an elective Board of Assessment Appeals consisting of three (3) members. At each biennial Town election there shall be elected one member for a term of four years to succeed each member whose term is set to expire right after the election. (As and when provided by the Connecticut General Statutes and authorized by duly enacted Town ordinance, additional members may be added to the Board of Assessment Appeals.)

(e) Planning and Zoning Commission:

(1) There shall be an elective Planning and Zoning Commission consisting of seven (7) members. At the biennial Town election to be held in

November 2023, three members shall be elected for a four-year term commencing in November 2023 and one member shall be elected for a three-year term commencing in November 2024. At the biennial Town election to be held in November 2025, two members shall be elected for a four-year term commencing in November 2025 and one member shall be elected for a three-year term commencing in November 2026. Thereafter, at each biennial Town election there shall be elected one member for a term of four years to succeed each member whose term is set to expire.

(2) There shall be three (3) alternate members to the Planning and Zoning Commission each serving for a two-year term. At each biennial Town election, the political parties may nominate two persons as alternate members and the electors may vote for any two. The three persons who receive the most votes will be declared elected.

(3) If a regular member of the Planning and Zoning Commission is absent or is disqualified, the chairman of such Commission shall designate an alternate to so act, choosing alternates in rotation so that each 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 relevant meeting.

(f) Zoning Board of Appeals:

(1) There shall be an elective Zoning Board of Appeals consisting of five (5) members. At the biennial Town election to be held in November 2023, one member shall be elected for a four-year term commencing in November 2023 and one member shall be elected for a three-year term commencing in November 2024. At the biennial Town election to be held in November 2025, two members shall be elected for a four-year term commencing in November 2025 and one member shall be elected for a three-year term commencing in November 2026. Thereafter, at each biennial Town election there shall be elected one member for a term of four years to succeed each member whose term is set to expire ~~shortly after the election~~.

(2) There shall be three (3) alternate members of the Zoning Board of Appeals serving two-year terms with the powers and duties prescribed by the Connecticut General Statutes. At each biennial Town election there shall be elected three members for a term of two years.

(g) Financial Planning and Allocation Commission (FIPAC):

(1) There shall be a Financial Planning and Allocation Commission, which shall be the budget making authority, consisting of seven (7) members each having a four-year term of office. No member of the FIPAC shall be a member of any other agency in the Town while serving on this Commission. At each biennial Town election, there shall be elected one member to succeed each member whose term is set to expire shortly after the election.

(2) The specific duties of the Commission shall be as specified in Article 9 this Charter.

(3) The Commission shall have the power to obtain any data from the Town Administrator, or any Town agency including the Board of Education, required for the performance of its duties.

(h) Registrars of Voters

At each State election, there shall be elected in accordance with ~~Section~~Sections 9-190 and 9-190a of the Connecticut General Statutes two Registrars of Voters; ~~one from each political party shall be so elected~~, and have two-year terms commencing the Wednesday following the first Monday of the following January. In the event of any vacancy in the office of a Registrar of Voters, Section 9-192 of the Connecticut General Statutes shall govern or prevail.

#### **Section 7.4 Conflict of Interest**

No member of the Board of Selectmen, the Board of Education, or the Financial Planning and Allocation Commission shall contract with or sell materials, supplies, or services to any agency of the Town for a sum greater than \$300.00 unless such contract is the result of competitive bidding.

Any elected or appointed officer, board, agency or commission member or any employee of the Town, who has a financial interest, direct or indirect, in any contract or any transaction to which the Town is a party, or in any decision of any Town agency, shall disclose that interest to the board, agency or commission, where applicable, and to the Board of Selectmen, who shall record such disclosure upon the official record of their respective meetings. A member of a board, agency or commission who has such a direct or indirect financial interest, shall disqualify himself/herself from acting on any such matter. In the event that said person does not disqualify himself, a majority of those present and voting, excluding the member charged with conflict of interest, of the respective board, agency or commission shall have the power to disqualify such individual from acting on such matter. Violation by any such officer or employee of the provisions of this Section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction or decision shall render the same voidable by the Board of Selectmen or by a court of competent jurisdiction. Nothing in this Section shall be construed to disenfranchise any elector from voting upon any matter to be voted upon by electors or qualified voters.

#### **Section 7.5 Compensation**

All elective officers shall serve without compensation, except for the following: First Selectman; Registrars of Voters; and members of the Board of Assessment Appeals. The level of compensation shall be recommended by the Board of Selectmen and approved in accordance with Article 9.

## ARTICLE 8

### APPOINTIVE OFFICERS AND AGENCIES

#### Section 8.1 General

~~The~~ Unless otherwise specified in this Article or in the Connecticut General Statutes, ~~the~~ Board of Selectmen shall appoint the officers and the agencies of the Town identified in this Article, ~~unless.~~ Unless otherwise specified herein in this Article or in the Connecticut General Statutes. ~~These appointments shall be,~~ all appointed officers and members appointed to the specified agencies shall be electors of the Town. Unless otherwise specified in this Article or in the Connecticut General Statutes, all appointees shall serve for a term established in accordance with Section 8.23 of this Article, with all such appointments made within the first thirty (30) days of new Selectmen taking office after each biennial Town election. ~~All appointees shall serve for a term established in accordance with Section 8.25 of this Article.~~

All appointive agencies shall at the start of each year hold an annual organizational meeting called by the First Selectman, or ~~his/her~~ the First Selectman's designee, during January at which meeting they shall elect officers and establish a regular schedule of meetings for ~~the ensuing~~ such year. Such schedule shall be filed with the Town Clerk no later than January 31 of each year. No appointive agency shall meet at the same time a Town Meeting or a Budget Meeting is being held.

No agency shall conduct business unless at least a ~~bare~~ majority of the membership (after total membership is reduced by any vacancies) shall be present except as otherwise provided by the Connecticut General Statutes.

#### Section 8.2 Animal Control Officer

The Animal Control Officer shall have all the powers and duties conferred or imposed by the Connecticut General Statutes on Animal Control Officers. In addition, the First Selectman may prescribe other powers and duties germane to this office not inconsistent with law.

#### Section 8.3 Building Code Appeals Board

The Building Code Appeals Board shall consist of five members, all of whom shall meet the qualifications set forth in the State Building Code. The Building Code Appeals Board shall receive from aggrieved persons appeals from decisions made by the Town Building Official. Procedures followed and decisions rendered will be according to the Connecticut General Statutes.

#### Section 8.4 Building Official



A Building Official shall be appointed by the Board of Selectmen as permitted by Connecticut General Statutes Section 29-260. Such appointment and the service and tenure of the Building Official shall otherwise conform to the ~~requirements~~requirements of such statute and all other applicable Connecticut General Statutes, including those guiding the Building Official's administration and enforcement of the State Building Code adopted by the State Building Inspector and Codes and Standards Committee in accordance with applicable Connecticut General Statutes.

### **Section 8.5 Burning Official**

There shall be a Burning Official nominated by the ~~Chief Executive Officer~~First Selectman to the Department of Energy and Environmental Protection. Such agency shall appoint ~~him/her~~the Burning Official to such term as prescribed by law. The Burning Official shall have all the powers and duties conferred upon ~~him/her~~the Burning Official by the Department of Energy and Environmental Protection.

### **Section 8.6 Commission on Aging, Municipal Agent for the Elderly**

The Selectmen shall appoint a maximum of seven (7) members to the Commission on Aging.

The First Selectman shall appoint an individual to serve as Municipal Agent for the Elderly. Such individual shall possess the qualifications and perform the duties specified in Section 7-127b of the Connecticut General Statutes. The Municipal Agent for the Elderly shall be an ex officio member of the Commission on Aging in the event the Municipal Agent is not currently serving as a member of such agency.

The Commission on Aging shall assess the needs of the Town's elderly persons and assist the Town's ~~Municipal~~Municipal Agent for the Elderly in performing the duties of that office.

### **Section 8.7 Conservation and Agriculture Commission**

There shall be a maximum of seven (7) members appointed to the Conservation and Agriculture Commission. When functioning as a conservation commission, the Conservation and Agricultural Commission shall operate in accordance with Connecticut General Statutes Section 7-131a with respect to the development and conservation of natural resources, including water resources, within the Town. In ~~addition~~addition to its conservation functions, the Conservation and Agricultural Commission shall also be charged with advising the Board of ~~Selectmen~~Selectmen with respect to the importance and promotion of Agriculture in the Town.

### **Section 8.8 Economic Development Commission**

There shall be an Economic Development Commission consisting of a maximum of seven (7) members appointed for ~~a~~ four-year ~~term~~terms with ~~one or two~~ appointments equaling the number of members whose terms are expiring to be

made after each biennial election so that staggered terms ~~being made each year so that all members are not appointed in the same year~~are maintained. The Commission shall meet monthly or as necessary.

The Commission shall, in accordance with applicable laws: (a) conduct research into the economic conditions and trends of the Town; (b) make recommendations to the Board of Selectmen regarding action to promote, support and improve economic conditions and development; (c) coordinate, under the guidance of the Board of Selectmen, the activities of and cooperation with other bodies organized to promote economic development; (d) advertise, prepare and distribute information, under the guidance of the Board of Selectmen, which will further economic development in Town; and (e) prepare an annual report to the Board of Selectmen of its activities and of its recommendations for improving economic conditions and development opportunities in Town.

### **Section 8.9 Emergency Management Director**

The Emergency Management Director shall be responsible for the planning and coordination of the survival activities of other units of government within the Town during an emergency or disaster. The Emergency Management Director shall act in accordance with applicable law under the general supervision of the Board of Selectmen.

### **Section 8.10 Fire Marshal**

The Fire Marshal, in accordance with the provisions of Sections 29-297 through 29-306 of the Connecticut General Statutes, as amended, shall have the powers and duties imposed by law on local fire marshals and shall have such other powers and duties as the Board of Selectmen may prescribe.

### **Section 8.11 Inland Wetlands Commission**

There shall be an Inland Wetlands Commission consisting of seven (7) members, who shall serve staggered four-year terms, and two (2) alternates, who shall serve two-year terms. After each biennial Town election, the Board of Selectmen shall appoint a member, for a term of four years, to succeed each member whose term shall expire and shall appoint the two (2) alternates.

### **Section 8.12 Lake Management Advisory Commission**

There shall be a Lake Management Advisory Commission consisting of a maximum of eleven (11) members. In addition, the President of the Columbia Lake Association shall be a voting member of this Commission during ~~his/her~~the President's term of office. The Commission shall be responsible for preparing and presenting recommendations to the Board of Selectmen concerning the management of Columbia Lake, its watershed and adjacent Town-owned property.

### **Section 8.13 Marine Patrol Officers**

There shall be at least two (2) Marine Patrol Officers appointed by and serving at the discretion of the Board of Selectmen. Marine Patrol Officers shall be supervised by: (i) the designee of the Board of Selectmen, who may be a Marine Patrol Officer; or (ii), in the case of law enforcement matters, by the Resident State Trooper(s).

### **Section 8.14 Municipal Agent for the Elderly**

~~The Board of Selectmen shall appoint a Municipal Agent for the Elderly for a two-year term.~~

### **Section 8.15.14 Open Space Committee**

The Open Space Committee shall consist of a maximum of seven (7) members. The committee shall meet periodically, but not less frequently than quarterly with one such meeting being in January of each year. It shall make recommendations to the Board of Selectmen for acquisition of open space and other proper uses of the Land Acquisition Fund as defined in ~~Columbia Ordinance 8-13 Land Acquisition Fund, as duly enacted and amended from time to time~~ the applicable town ordinance(s).

### **Section 8.16.15 Recreation Commission**

The Recreation Commission shall consist of a maximum of seven (7) members who shall serve staggered four-year terms in a manner consistent with ~~Town Ordinance 8-16, as duly enacted and amended from time to time~~ the applicable town ordinance(s). The Commission shall meet at least ~~monthly~~ quarterly.

The Recreation Commission shall be an advisory commission to the Board of Selectmen and the Recreation Director, and when further authorized and guided by the Board of Selectmen, the Recreation Commission may engage in the additional activities described in this Section. The Recreation Commission may be charged with the development, operation, and oversight of the recreational activities within the Town of Columbia. The Recreation Commission may also be given responsibility for the planning of recreational facilities, including but not limited to parks, ball fields, playgrounds, beaches and facilities and equipment associated therewith. The Recreation Commission may be authorized to conduct recreational activities on the grounds and in the buildings overseen by the Board of Education and the Board of Selectmen, subject to the applicable Board's prior consent.

The Recreation ~~commission~~ Commission shall at least annually, ~~submit~~ assist the Recreation Director in submitting a report to the Board of Selectmen which shall include a ~~long-range~~ long-range plan for recreation facilities and an accounting of recreational activities that it has been authorized to manage, including the costs and fees charged for each activity.

**Section 8.178.16 Resident State Trooper(s)**

There shall be a Resident State Trooper(s) who shall serve in accordance with the provisions of Section 29-5 of the Connecticut General Statutes who shall have the powers and duties imposed by law on the Resident State Trooper(s). The number of Resident State Trooper(s) shall be determined by the Board of Selectmen from time to time. Notwithstanding this provision, the Board of Selectmen may, with the approval of the Town Meeting, alter the method or structure of providing police services within the Town as they may deem necessary.

### Section 8.18 Solid Waste/Recycling Advisory Commission

~~There shall be a Solid Waste/Recycling Advisory Commission consisting of a maximum of five (5) members. The Solid Waste/Recycling Advisory Commission shall be responsible for preparing and presenting recommendations to the Board of Selectmen concerning the management of solid waste and recycling for the Town.~~

### Section 8.198.17 Town Counsel

The Board of Selectmen shall select Town Counsel, which may be an individual attorney admitted to practice law in the State of Connecticut who is the private practice of law, or a law firm so engaged with principals who are admitted to practice law in the State of Connecticut. The selection shall require an affirmative vote of four members of the Board of Selectmen.

Town Counsel shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against the Town or any of its agencies.

Town Counsel shall be the legal advisor to all Town Officers or Agencies in all matters affecting the Town and shall, upon written request of the First Selectman or the Town Administrator, furnish the Town with a written opinion on any question of law involving any legal matter relevant or potentially relevant to the Town. Town Counsel, or a duly qualified substitute approved by the First Selectman, shall be present at Town Meetings when requested by the First Selectman, or any other meetings as the Board of Selectmen may reasonably require.

Upon request, Town Counsel shall prepare or approve forms, contracts, or other agreements to which the Town is a party or in which it has an interest.

Town Counsel shall have power, with the approval of the Board of Selectmen, to compromise or settle any claims by or against the Town and, subject to the approval of the Board of Selectmen and the particular agency involved, to appeal from orders, decisions and judgments.

The Board of Selectmen shall have the right to select special legal counsel authorized to practice law in this ~~state~~State when warranted and approved by four members of the Board of Selectmen.

### Section 8.208.18 Town Health Officer

The Town Health Officer shall be a doctor of medicine, who is licensed to practice medicine in this ~~state~~State, or an individual with a PhD in Public Health, who may be the director of a Health District of which the Town is a participating member. ~~He/she~~The Town Health Officer shall be responsible for the preservation and promotion of public health.

~~He/she~~The Town Health Officer shall be charged with the enforcement of all laws, Town ordinances, rules, and regulations in respect to the public health and shall

have such powers and duties as are provided by the Connecticut General Statutes.

#### **Section 8.218.19 Town Historian**

~~Pursuant to Section 7-148(c)(5)(D) of the Connecticut General Statutes, a~~ Town Historian shall be appointed to promote a knowledge, appreciation, and dissemination of Town history. ~~He/she shall be a legal resident and elector of the Town. He/she~~The Town Historian shall be qualified by a knowledge of Town history as well as general State and American history; by knowledge of historical research; and by good writing and speaking skills.

#### **Section 8.228.20 Town Moderators for Town Meetings**

There shall be a panel of three (3) permanent Town Meeting Moderators, no more than two (2) of whom shall be from any one political party. The panel of moderators shall serve for a term of four years.

#### **Section 8.238.21 Tree Warden**

The Tree Warden shall have all the powers and duties conferred or imposed by ~~law on Tree Wardens~~applicable laws. In addition, the First ~~Selectmen~~Selectman may prescribe other powers and duties germane to his/her office not inconsistent with law.

#### **Section 8.24 ~~Windham Region~~8.22 Regional Council of Governments and Regional Planning Organization**

There shall be one representative from ~~Columbia~~the Town to the ~~Windham Region~~Regional Council of Governments (~~WINGOG~~);of which the Town is a member, who shall be the First Selectman or ~~his/her~~the First Selectman's designated alternate who shall either be the Deputy Selectman or upon the inability of the Deputy Selectman to serve, any other Selectman or the Town Administrator. In addition, there shall be a representative to the ~~WINGOG~~Regional Planning CommissionOrganization of which the Town shall be a member, who shall be ~~an elector and~~a member of the Planning and Zoning Commission. The representative shall be appointed, in the even numbered years, by ~~such Commission with the concurrence of~~ the Board of Selectmen. An alternate, who may be a non-member of such Planning and Zoning Commission, may be appointed by the ~~Planning and Zoning Commission. He/she~~Board of Selectmen. The alternate need not be an elector if the alternate is the Town Administrator. The alternate will be a voting member in the absence of the designated representative of such Commission.

#### **Section 8.258.23 Terms of Office**

Each member of each Town agency referenced in this Article shall be an appointive officer of the Town. The term of office of each appointed officer shall commence when the officer has been appointed and qualified and said officer shall serve for a term of four years served concurrently with the term of the First Selectmen unless

otherwise specified in this Charter or applicable Connecticut General Statute and until his/her successor shall have taken office. The terms of office of any additional appointed officers, whose office may arise or be implemented in the future, shall be governed by this Section unless otherwise provided in the Connecticut General Statutes, applicable Special Acts, Town Ordinances or Town Meeting resolutions creating the same.

#### **Section 8.26 Creation of New Offices**

~~The Board of Selectman shall or may create such other Town agencies as may or shall be required from time to time by applicable Connecticut General Statutes. Unless otherwise governed by Connecticut General Statutes, the Board of Selectmen may create, with Town Meeting approval, such other Town agencies as the Board of Selectmen and the Town Meeting may determine are necessary or proper for the general welfare of the Town.~~

#### **Section 8.278.24 Vacancies and Removals**

Except as may otherwise be provided by applicable law, vacancies in appointed agencies shall be filled for the unexpired term in the same manner as appointments are made. Except as may otherwise be provided by applicable law, in the event that no appointment is made by the Board of Selectmen within ninety (90) days following notification to said Board of a vacancy, the remaining members of the agency may, provided the Board of Selectmen still has not acted, fill said vacancy thereafter by a majority vote of the remaining members of said agency. If the person vacating the office shall have been appointed as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party, subject to the provisions of Section 6.2 of this Charter.

Except as otherwise provided by law, any member of an agency appointed by the Board of Selectmen, the First Selectman, or the agency itself may be removed from office or membership on such agency for cause by the Board of Selectmen upon affirmative vote of at least three members thereof. No person shall be removed without reasonable notice thereof and the opportunity to appear ~~by himself/herself,~~ or with or without legal counsel, before the Board of Selectmen at a public or private hearing at the option of said person, which hearing shall take place not less than five days nor more than fifteen days after notice to such person. Such person has the right to appeal to the courts.

#### **Section 8.288.25 Compensation**

The amount of compensation, if any, to be paid to appointed officers shall be set as provided in Connecticut General Statutes, applicable Special Acts of the General Assembly of the State of Connecticut, Town ordinances and Town Budget Meeting resolutions. The necessary expenses actually incurred ~~in the promotion of his/her duties by~~ by an appointed officer in the performance of such Officer's duties shall be paid by the Town upon the requisition of such officer in writing, upon approval of the

Board of Selectmen and pursuant to policies established by the Board of Selectmen, providing there are funds within ~~the respective budget account~~ an applicable line item of the relevant Annual Town Budget.

The rate of compensation of the holder of any appointed Town office shall not be decreased during ~~his/her~~ the Officer's term of office.



### **Section 8.298.26 Fees, Fines and Levies**

All fees, fines and levies of every kind paid to or levied by any appointed Town officer shall, to the extent not otherwise provided by Connecticut General Statutes, applicable Special Acts, Town ordinances **and/or** Town Meeting resolutions, promptly be remitted to the Treasurer and added to the general fund of the Town.

### **Section 8.308.27 Duties**

In addition to the duties outlined in this Charter, the duties of Town officers and agencies appointed by the Board of Selectmen shall be those, if any, prescribed for such officers and agencies by the Connecticut General Statutes.

## **ARTICLE 9**

### **FINANCE AND TAXATION**

#### **Section 9.1 Fiscal Year**

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

#### **Section 9.2 Budget Message**

Each fiscal year, of the Town, the Financial Planning and Allocation Commission (FIPAC) shall create a budget message outlining the proposed financial policy of the Town, including a five-year plan for capital **expenditures**projects, describing therewith the important features of the proposed budget plan indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents. For purposes of this Charter, capital projects shall consist of the purchase and financing of (i) all personal property and real estate improvements that are normally subject to depreciation under generally accepted accounting principles in the United States; and (ii) land and other real estate interests that are not so depreciated or (iii) any other legal purpose for which such a fund may be created under state law, including without limitation Section 7-364 of the Connecticut General Statutes.

#### **Section 9.3 Finance Department**

There shall be a Finance Department providing financial services to the Board of Education and the Town. This department will consist of a Fiscal Manager and financial staff.

The Fiscal Manager will also serve as the Deputy Town Treasurer, who shall act and perform all his/her duties, in the absence or disability of the Town Treasurer.

There shall be a Fiscal Policy Board chaired by the Fiscal Manager. This Board

shall consist of the First Selectman, Chairperson of the Board of Education, the Chairperson of FIPAC, or their respective designees, who shall be members of the respective boards or agency and the Superintendent of Schools and Town Administrator. The purpose of this Board will be to advise and be advised by the Fiscal Manager on all Town financial issues and/or policies.

The Fiscal Manager and the Fiscal Policy Board will advise the Board of Selectmen and the Board of Education as to an appropriate manner and allocation of the funding of this Department in accordance with a cooperatively established, and from time to time amended written statement of the Board of Selectmen and the Board of Education concerning the financial services to be provided by this Department.

Neither this Department, the Fiscal Policy Board, nor the Fiscal Manager will limit or infringe on the statutory rights of the Board of Education or the Town to prepare and approve annual budgets, set expenditures, or transfer funds.

#### **Section 9.4 Preliminary Budget Estimates**

The head of each agency of the Town, including the Board of Education, supported wholly or in part from Town funds, for which a specific Town appropriation is made, shall, at such time and in such manner as the Board of Selectmen, may require, file with the Board of Selectmen, through the Town Administrator, a proposed budget consisting of a detailed estimate of expenditures, future capital projects and revenues and such other data as may be required for the budget making process. All revenues shall be included except those based on the tax rate to be established for the ensuing fiscal year. Such estimates shall be accompanied by a statement setting forth, in narrative or such other form as the Board of Selectmen may prescribe, a program or programs showing services, activities, and work accomplished during the current year and to be accomplished during the ensuing year.

#### **Section 9.5 Budget Preparation**

It shall be the duty of the Town Administrator or the Fiscal Manager, if so designated, to compile preliminary estimates as provided by each agency and prepare a recommended Annual Town Budget consisting of a Board of Education Budget and a budget with appropriate line items for all other ~~boards,~~ agencies and annual Town expenditures known as the Board of Selectmen's Budget, which shall address the requirements of this Section.

After review and approval of the recommendations of the Town ~~Administration~~Administrator or Fiscal Manager but not later than March 15 of each year, the Board of Selectmen shall present to the Financial Planning and Allocation Commission (FIPAC) a proposed Annual Town Budget covering all Town expenditures.

The Annual Town Budget document shall include:

(a) Estimates of revenue, presenting in parallel columns the itemized receipts collected during the current fiscal year prior to the time of preparing the estimate, and the total receipts estimated to be collected during the current fiscal year, and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of the available surplus (all revenues shall be included except those based on the tax rate to be established for the ensuing fiscal

year);

(b) Itemized expenditures for each agency for the last completed fiscal year and expenditures for the current fiscal year prior to the time of preparing the estimates and total expenditures estimated for the current and ensuing fiscal years (the Board of Selectmen shall present reasons for all of its recommendations);

(c) Recommendations for capital projects to be undertaken during the ensuing fiscal year and a method of financing same;

(d) Estimates of: the balance and surplus of each fund, net taxable grand list, tax rate, contingency undesignated fund balance and reserve fund; ~~and, which for purposes of this charter shall be the aggregate cash and cash equivalent funds owned or projected to be owned by the Town that are not allocated to any other specific line item in the Annual Town Budget and shall be henceforth referred to in this Charter as the Reserve Fund; and~~

(e) A recommendation of an appropriation to the contingency account.

### **Section 9.6 Budget Review**

FIPAC shall review and evaluate each proposed Annual Town Budget presented to it pursuant to Section 9.5 of Article 9 of this Charter to ensure that it meets the financial planning goals and objectives of the Town. FIPAC may modify the proposed Annual Town Budget, including the Board of Education Budget, and the Board of Selectmen's Budget consistent with sound financial planning and applicable law. FIPAC shall present, review, and discuss its modifications of the proposed Annual Town Budget with the Board of Selectmen and Board of Education, ~~and then present. After such presentations, reviews, and discussions, FIPAC shall modify its proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made by the Board of Selectmen and Board of Education regarding the modifications so presented by FIPAC. Thereafter, FIPAC shall present its modified proposed Annual Town Budget as~~ FIPAC's recommended Annual Town Budget to the qualified voters for their review and deliberations.

### **Section 9.7 Public Hearings**

FIPAC shall hold one or more public hearings prior to May 1 of each year, at which time FIPAC shall present the proposed Annual Town Budget, including the Board of Education Budget and the Board of Selectmen's Budget, and any ~~elector or~~ qualified voter may have an opportunity to be heard regarding the recommended appropriations for the ensuing fiscal year. At least ten (10) days in advance of any public hearing on the budget, FIPAC shall cause to be published in a newspaper having general circulation in the Town or by other means approved for such purposes by any applicable Connecticut General Statute, a notice of such public hearing, and where copies of the proposed Annual Town Budget may be obtained. One week prior to the hearing, as well as at the hearing, sufficient copies of the

FIPAC proposed Annual Town Budget shall be made available for general distribution. Following the public hearings, FIPAC shall modify its proposed Annual Town Budget as it deems advisable, giving due and proper consideration to the comments made at the public hearings.

### **Section 9.8 Budget Meeting**

(a) At the Budget Meeting, to be held annually in accordance with Article 2 of this Charter, the proposed Annual Town Budget as may have been modified by FIPAC pursuant to Section 9.7 of this Charter shall be presented in its entirety. Following said presentation, the Town Meeting may take any one or more, as may be relevant, of the following actions through a secret ballot by qualified voters:

1. ~~(a)~~ accept the Annual Town Budget as so proposed;
2. ~~(b)~~ amend the so proposed Annual Town Budget by reducing any line item or ~~any agency budget in it~~, with respect to the Board of Education Budget, the proposed total appropriation;
3. ~~(c)~~ reject the Annual Town Budget as so proposed;
4. ~~(d)~~ reject the Annual Town Budget as so amended; or
5. ~~(e)~~ accept the proposed Annual Town Budget as so amended.

(b) If the budget is rejected at the Budget Meeting the meeting shall be adjourned to the same time of day on successive Tuesdays until an Annual Town Budget is adopted. In the intervening periods, FIPAC shall review the last proposed Annual Town Budget and modify it consistent with the expressed interest of the Town and sound financial planning. At any reconvention of a Budget Meeting, the proposed Annual ~~town~~Town Budget may be amended by reducing any line item, but no line item may be increased, nor may any new line item be created. The proposed Annual Town Budget, with any amendments so adopted, may then be adopted in its entirety as amended or rejected in its entirety as amended ~~, or not~~. If rejected, the requirements of this Section 9.8(b) shall be repeated until an Annual Town Budget is adopted.

### **Section 9.9 Budget Referendum**

In the event a petition is filed in accordance with Section 7-7 of the Connecticut General Statutes that the Annual Town Budget be submitted to referendum, then the budget adoption process shall be as follows:

- (a) Budget Meeting

At the Budget Meeting, the proposed Annual Town Budget shall be presented in its

entirety.

(b) Referendum

After discussion, the Budget Meeting shall be adjourned. The proposed Annual Town Budget as presented and without amendment by the Budget Meeting or FIPAC, shall be automatically submitted to referendum. The Board of Selectmen shall announce the date, location, and time of said referendum before the Budget Meeting is recessed.

(c) Ballot

(1) The Board of Selectmen shall word the voting alternatives on the referendum ballot as to the proposed Annual Town Budget being voted on as follows: "I approve the proposed Annual Town Budget" and "I reject the proposed Annual Town Budget".

(2) The ballot may also include, at the option of the Board of Selectmen, questions to indicate, for advisory purposes only on a nonbinding basis, whether the proposed Annual Town Budget in question is too high or too low.

(d) Referendum results

If the majority votes in the referendum to approve proposed Annual Town Budget, such Budget shall be adopted in its entirety. If the majority votes to reject such Budget, it shall be returned to FIPAC, which shall conduct a hearing(s) to review such Budget and modify it. FIPAC shall resubmit the revised proposed Annual Town Budget to a reconvened Budget Meeting to be held at the same hour of the day on the second Tuesday following the referendum. After discussion, the Budget Meeting will be adjourned again to referendum. The Board of Selectmen shall announce the date, location, and time of the next referendum on the revised proposed Annual Town Budget. The referendum process set forth in the foregoing provisions of this Section shall govern the subsequent referendum and the whole process outlined above shall be repeated continuously until an Annual Town Budget has been approved.

### **Section 9.10 Laying of Taxes**

After the Annual Town Budget has been adopted, FIPAC shall meet and set a tax rate at a level sufficient to meet the Annual Town Budget as approved for the Town for the ensuing fiscal year, with due provision for estimated uncollectible taxes, abatements, and corrections, other estimated yearly income of the Town and the need to also absorb any deficit at the beginning of the ensuing fiscal year. At such meeting, FIPAC shall also set the dates that the taxes, at such rate, shall be due and payable.

### **Section 9.11 Appropriations**

The adoption of the Annual Town Budget shall be deemed to constitute an appropriation to each line item therein of each agency identified in such Annual Town Budget of the amount corresponding to the amount shown in the adopted Annual Town Budget. Each such appropriation shall thereupon be available to be expended by each agency respectively for the line item purposes set forth in ~~the~~ such Budget; except that the Board of Education shall have the authority to expend its funds in accordance with the Connecticut General Statutes. When no agency is identified in the Annual Town Budget as controlling a particular line item, such appropriation shall be deemed made to the Town Meeting as ~~the~~a legislative body of the Town. No further expenditure of any such appropriation to the Town Meeting as the legislative body may be made without further Town Meeting approval, unless otherwise expressly permitted by this Charter. Should the Town receive grant funds as contemplated by Section 3.3(b)(3) of Article 3 of this Charter, a Town Meeting, or the Board of Selectmen, as applicable, shall appropriate the funds to an existing line item of the applicable Annual Town Budget, or, if no such line item exists, create a new line item on the Town's accounts for this purpose. After grant funds have been appropriated to an existing or new line item pursuant to the foregoing sentence, the funds so appropriated shall thereafter be deemed a part of such Annual Town Budget.

### **Section 9.12 Issuance of Tax Bills**

Property tax liability shall be levied and collected in accordance with Connecticut General Statutes. One hundred percent (100%) of motor vehicle taxes, fifty percent (50%) of personal property taxes, and fifty percent (50%) of real property taxes shall be payable in the first installment; except that if either of these property taxes is less than \$250.00, then the entire amount of that tax shall be payable in the first installment. The remainder of the personal and real property taxes and any supplemental motor vehicle taxes shall be payable in the second installment.

### **Section 9.13 Transfer of Funds**

The Board of Selectmen may transfer and re-appropriate funds between Annual Town Budget line items for a given agency or department. Each transfer shall be limited to a maximum of ~~\$500~~1,000, without the approval of FIPAC, and \$10,000 with the approval of the Board of Selectmen and FIPAC. A maximum of \$20,000 for the current fiscal year (not including the Board of Education) for any agency or department may be transferred with the approval of the Board of Selectmen and FIPAC. In the event that these limitations are to be exceeded or that approval cannot be obtained from FIPAC, any transfer approved by the Board of Selectmen must be approved by a Town Meeting.

The Town may establish a contingency account within the General Fund amounting to a maximum no greater than two (2) percent of the total Annual Town Budget. The Board of Selectmen, with the approval of FIPAC, may transfer and appropriate funds

from the contingency account to any agency or department. The maximum transfer to any one such recipient of an appropriation in any fiscal year shall not exceed \$20,000. Transfers not meeting the requirements of this paragraph may be made only with the approval of a Town Meeting.

Transfers to the Reserve Fund or within the Reserve Fund for Capital Projects must be approved by a Town Meeting.

#### **Section 9.14 Annual Town Report**

FIPAC in conjunction with the Board of Selectmen shall annually prepare and publish the Annual Town Report. Such report shall be available for distribution and shall contain the information required pursuant to Section 7-406 of the Connecticut General Statutes.

#### **Section 9.15 Audit**

FIPAC shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the Town as required by the Connecticut General Statutes. The audit will include all Town agencies (including the Board of Education), funds, identified in the Annual Town Budget for the applicable fiscal year, and any other area as the auditor deems necessary. Any organization which receives annual grants from the Town in excess of 0.10 Mills of the grand list for the fiscal year in which the grant is made shall be required to furnish the Town with an annual audit report prepared by an independent certified public accountant of such grants, for the organizations previous fiscal Year, by September 30th of the year following the Town's fiscal year in which the grant was made.

#### **Section 9.16 Budget Monitoring**

FIPAC shall periodically summarize the expenditures of each agency on the basis of the records kept by the Fiscal Manager, and shall provide to each agency a report showing actual and anticipated expenditures to aid the agencies in financial planning.

#### **Section 9.17 Final Budget Reconciliation**

At the end of the fiscal year, FIPAC shall compile a final financial document showing the original approved Annual Town Budget, transfers, final allocations, and final expenditures. This document shall be a part of the Annual Town Report.

#### **Section 9.18 Public Emergency Expenditures**

For the purpose of meeting a public emergency threatening the lives, health or property of ~~citizens~~residents of the Town, emergency appropriations, the total amount of which shall not exceed one (1) percent of the current tax levy in any one (1) fiscal year, may be made upon the recommendations of the First Selectman and



by a majority vote of the Board of Selectmen. In the absence of sufficient general fund resources to meet such appropriation and as may be determined by the Board of Selectmen, additional means of financing or funding disaster relief shall be ~~provided~~obtained in such manner, consistent with the provisions of the Connecticut General Statutes, ~~as amended, and of~~ this Charter, ~~as may be determined by the Board of Selectmen~~and any federal law applicable to the funding or financing sought.

### **Section 9.19 Expenditures Before Adoption of Budget**

Expenditures prior to the final adoption of an Annual Town Budget shall be made in accordance with Section 7-405 of the Connecticut General Statutes.

## **ARTICLE 10**

### **MISCELLANEOUS**

#### **Section 10.1 Existing Laws and Ordinances**

All Connecticut General Statutes in their application to the Town and all ordinances, by-laws, rules, and regulations of the Town and of its Agencies shall continue in effect, as the same may be amended from time to time, except as they are inconsistent with the provisions of this Charter. All Special Acts of the Connecticut General Assembly or parts of any such Special Acts of the Connecticut General Assembly relating to the Town not inconsistent with this Charter shall continue in effect.

#### **Section 10.2 Rules of Construction and Saving Clause**

(a) This Charter is intended to avail, make use of, and exercise the full home rule powers of the Town under Connecticut General Statutes Sections 7-187 through 7-201, inclusive, and any other Statute now in effect or hereafter enacted and any other home rule powers thereof under the Constitution of the State of Connecticut, under the common law, or otherwise.

(b) No provision of this Charter shall be construed as intended to conflict with, ~~the~~ or be inconsistent with, the Connecticut State Constitution any Connecticut General Statute or, which as a matter of law preempts such provision, but in all cases each provision of this Charter be construed, to the maximum extent possible, as an assertion of the Town's full power and authority to prescribe its organic law for the administration of its local affairs.

(c) If any provision of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the application of the balance of the Charter in the context in which such provision so held invalid may appear, except to the extent that an entire Section of any Article of

this Charter may be inseparably connected in meaning and effect with the provision to which such holding shall directly apply, in which case the entire Section will be deemed invalid.

### **Section 10.3 Amendment of Charter**

This Charter may be amended in the manner prescribed in the Connecticut General Statutes for local action on Charters and Special Acts as the same may be from time to time amended.

### **Section 10.4 Transfer of Powers**

The powers which are conferred and the duties which are imposed upon any Town agency by the Connecticut General Statutes or any Town ordinance or Town Meeting or Board of Selectmen resolution, in force at the time this Charter shall take effect, if such agency is abolished by this Charter, shall be thereafter exercised, and discharged by the agency upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All agencies abolished by the Charter, whether elective or appointive shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such agencies and the performance of their duties by other agencies created under the Charter and until the Board of Selectmen shall have notified the members of such agencies which are abolished by the Charter that their successors have qualified.

### **Section 10.5 Effective Date**

The effective date of this Charter shall be at noon on January 1, 1972.

The effective date of these revisions shall be at noon on January 1, 1976.

The effective date of these revisions shall be at noon on November 28, 1977.

The effective date of these revisions shall be at noon on January 1, 1980, except that the powers and duties of the Financial Planning and Allocation Commission shall take effect on July 1, 1980 at noon.

The effective date of these revisions shall be at noon on December 1, 1984.

The effective date of these revisions shall be at 12:01 a.m. on January 1, 1990.

The effective date of these revisions shall be May 1, 1992.

The effective date of these revisions shall be November 24, 2003.

The effective date of these revisions shall be December 1, 2009.

The effective date of these revisions shall be December 1, 2021.



<b>Summary report:</b>	
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Table moves from	0
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