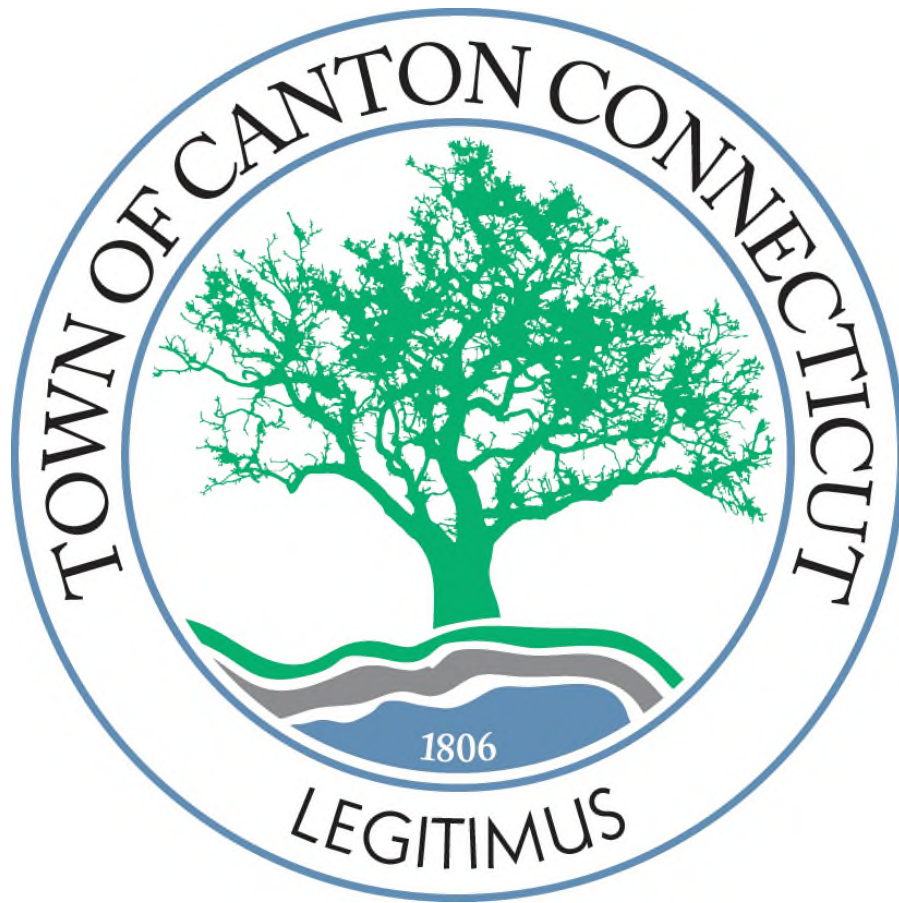


TOWN OF CANTON, CT

CHARTER



Revision Adopted November 5, 2019
Revision Effective January 1, 2020

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ARTICLE 1 - THE CHARTER

SECTION 1.01 AUTHORIZATION AND PURPOSE

This revised version of the Charter (“Charter”), which has been enacted in accordance with the provisions of Chapter 99 of the General Statutes of Connecticut, as amended, is the organic law of the Town of Canton (“Town”) and is intended to provide for the administration of the Town’s affairs.

SECTION 1.02 APPLICABLE LAWS

Matters of administration of the Town’s affairs not provided for by this Charter by lawful resolution or by Ordinance shall be governed by the General Statutes and, to the extent that any existing Special Act of Connecticut (“Special Act”) applicable to the Town is not inconsistent with the provisions of this Charter, by said Special Act.

SECTION 1.03 DEFINITIONS

In this Charter, the following terms and phrases shall have the meanings indicated here, except as otherwise prescribed by an applicable provision of the General Statutes:

Agency Agency means all Town agencies, authorities, boards, commissions, and committees (including *ad hoc*, temporary, and advisory committees), except where the context denotes a reference to a specific body or entity only, but shall not include the Board of Education, except in instances where specific reference to the Board of Education is expressly made and plainly intended.

Elector Elector means a United States citizen who is a bona fide resident of the Town and who is admitted to vote at Town Meetings and at regular or special Town elections.

Official Official means any natural person holding elective or appointive Town office, whether paid or unpaid, part-time or full-time, including regular and alternate members of Agencies.

Ordinance Ordinance means a permanent local law, municipal rule, or regulation of general applicability adopted pursuant to a delegation of power from the State under the General Statutes.

Person Person means any natural person, partnership, corporation, limited liability company, association, or other legally recognized entity.

- Petition** Petition means a written document presenting a request by a designated number of Electors/Voters on a form prescribed by the Town Clerk and signed as prescribed by the General Statutes.
- Publication of Notice** Publication of Notice means providing the public with a copy of: an announcement, a notice, a call of a meeting, a report, or an Ordinance. Except as otherwise required by this Charter or by the General Statutes, the copy may be provided by: (a) its publication in a newspaper having circulation in the Town; (b) its publication on the Town’s website; (c) its posting at a place accessible to the public, as designated by the Board of Selectmen; and/or (d) its publication in such other manner as required by the General Statutes. Publication may be made by providing a summary authorized by the Board of Selectmen. Such summary shall include a statement that the full official text is available for inspection at the office of the Town Clerk or, when requested, by mail.
- Special Act** Special Act means legislation enacted by the State’s General Assembly which applies to a specific situation or designated set of circumstances, rather than law having general application.
- Town** Town means the Town of Canton as a geographical and political entity and, unless the context indicates otherwise, including all political subdivisions and Agencies, including the Board of Education.
- Town Meeting** Town Meeting means the form of government existing in the Town of Canton, in which certain authority for administration of the Town’s business is held by the Electors/Voters of the Town. The Electors/Voters convene in a formal meeting and vote on issues in accordance with the Charter and the General Statutes. When used in this Charter, the term refers to such duly called meetings of the Electors/Voters including the Annual Town Meeting, the Annual Budget Hearing, and/or a Special Town Meeting.
- Voter** Voter means a natural person entitled to vote at Town Meetings but not at Town elections as specified in the General Statutes.

ARTICLE II - THE TOWN

SECTION 2.01 INCORPORATION

After the effective date of this Charter, the Town shall continue as a body politic and corporate, with perpetual succession within the Town’s territorial limits as lawfully defined.

SECTION 2.02 POWERS

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

SECTION 2.03 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 not limited to, those powers set forth in Article III of this Charter. The legislative powers of the Board of Selectmen shall include the power to enact, amend, or repeal Ordinances as provided in Article IV of this Charter; the power to accept gifts to the Town as provided in Article VI of this Charter; and, the power to act upon grants which require the action of the legislative body of the Town and to issue tax anticipation notes as provided in Article IX of this Charter.

SECTION 2.04 EXISTING LAWS AND ORDINANCES

Resolutions and Ordinances that have been enacted by the Town prior to the effective date of this Charter shall remain in full force and effect except to the extent that any such resolution or Ordinance is inconsistent with or in conflict with the provisions of this Charter. In such case, any such inconsistent or conflicting resolution or Ordinance is hereby rescinded. The rescission of any such inconsistent or conflicting resolution(s) or Ordinance(s) shall be deemed to have taken place as of the effective date of this Charter and shall be duly noted in the Town's records regarding the resolutions and the Ordinances that have been adopted by the Town.

ARTICLE III - TOWN MEETING

SECTION 3.01 MEMBERS OF THE TOWN MEETING

Members of the Town Meeting shall be Electors of the Town and all others entitled by the General Statutes to vote at Town Meetings.

SECTION 3.02 PUBLICATION OF NOTICE

At least five (5) calendar days prior to a Town Meeting (excluding the day that the notice is published and the day of the meeting), the Board of Selectmen shall prepare and cause to be published a notice of the date, time, place, and call of the meeting in accordance with the definition of "Publication of Notice" in Section 1.03 of this Charter. The notice shall include either the complete text of the items of business or Ordinance(s) to be considered, or a reference to such items of business or Ordinance(s) and a statement that a copy of the complete text of such items of business or Ordinance(s) is available at the office of the Town Clerk.

SECTION 3.03 MODERATOR

A moderator appointed pursuant to this section shall preside at all Town Meetings and shall conduct such meetings in accordance with Robert's Rules of Order. The Town Meeting moderator and three (3) alternates, each of whom shall serve a four-year term, shall be appointed by majority vote of the Board of Selectmen in compliance with statutory requirements for minority representation. Each may be discharged by such a majority vote. The Town Clerk shall designate which alternate shall preside at a Town Meeting in the Moderator's absence.

SECTION 3.04 ANNUAL TOWN MEETING

An Annual Town Meeting shall be held each year in the month of January on a date established by the Board of Selectmen for the purpose of presenting the Annual Report, as described in Section 7.03I of this Charter. Such Annual Town Meeting may be included as part of a regular or special meeting of the Board of Selectmen. Any other item of general interest to the Town may be placed on the call of the Annual Town Meeting either by vote of a majority of the members of the Board of Selectmen or by the filing of a Petition signed by fifty (50) Persons eligible to vote at a Town Meeting requesting that an item be placed on the call of the meeting. Such Petition shall be filed with the Town Clerk no later than December 15 of the prior calendar year. A non-binding vote may be taken on any item on the call of the Annual Town Meeting.

SECTION 3.06 SPECIAL TOWN MEETING

A. Special Town Meetings may be called from time to time by the Board of Selectmen and as required by this Charter.

B. A Special Town Meeting shall be required for the purpose of taking action on the following:

- (1) Special Appropriations (Section 9.03C of this Charter);
- (2) Approval of Grants beyond the purview of the Board of Selectmen, Board of Education, or Board of Finance (Section 9.03F of this Charter);
- (3) Obligations of the Town in excess of \$100,000 or as required by the General Statutes; or

(4) Any matter called by Petition to a Special Town Meeting (Sections 3.07 or 3.08 of this Charter).

SECTION 3.07 PETITION FOR A SPECIAL TOWN MEETING ON NEW ITEM

Whenever a Petition signed by a number equivalent to 5% of the Electors is filed with the Town Clerk requesting that a new item be considered at a Special Town Meeting, the Board of Selectmen shall place the petitioned item on the call of a Special Town Meeting to be held within twenty-eight (28) days after the date of receipt of the Petition. Any vote on a petition item shall be non-binding and advisory only and shall be taken under consideration by the Board of Selectmen. No petition item shall regard personnel issues. Affirmative action on the petitioned item shall require a majority vote of the members of the Town Meeting present at the Special Town Meeting.

SECTION 3.08 PETITION FOR SPECIAL TOWN MEETING TO RECONSIDER ITEM PREVIOUSLY VOTED

A. An Elector or Voter seeking reconsideration of an item previously voted by a legislative body shall notify the Town Clerk in writing within two (2) business days after the vote has been posted. A Petition for such reconsideration shall be filed with the Town Clerk within fifteen (15) days from the date of the vote on the item to be reconsidered. The Petition shall be acceptable if signed by the number equivalent to 5% of the Electors. Upon receipt of an acceptable Petition, the Town Clerk shall deliver the same to the Board of Selectmen. Upon receipt of the Petition by the Board of Selectmen, the Board shall place the item to be reconsidered on the call of a Special Town Meeting, and such Special Town Meeting shall be held within twenty-eight (28) days after the Board's receipt of the Petition. Affirmative action on the petitioned item shall require a majority vote, but not less than two hundred (200) affirmative votes at the Special Town Meeting.

B. No Petition for reconsideration shall be accepted with regard to an item that was previously voted by referendum vote.

ARTICLE IV - ORDINANCES

SECTION 4.01 GENERAL PROVISIONS AND POWERS

The Board of Selectmen and the Town Meeting shall each have the power: (1) to enact Ordinances except as provided hereinafter and not inconsistent with this Charter or the General Statutes, and (2) to amend or repeal all Ordinances.

SECTION 4.02 PUBLIC HEARING AND NOTIFICATION

A. The Board of Selectmen shall hold a public hearing prior to taking action on any Ordinance. Such hearing may coincide with the Board's regularly scheduled meetings.

At least five (5) calendar days prior to the public hearing (excluding the day that the notice is published and the day of the hearing), the Board of Selectmen shall prepare and cause to be published a notice of the date, time, place, and call of the hearing in accordance with the definition of "Publication of Notice" in Section 1.03 of this Charter. The notice shall include either the complete text of the Ordinance(s) to be considered, or a reference to such Ordinance(s) and a statement that a copy of the complete text of such Ordinance(s) is available at the office of the Town Clerk.

B. The Board of Selectmen may adopt an Ordinance, defer taking action on any Ordinance, adjourn to a public hearing on such action, or refer the adoption, amendment or repeal of the same to a Town Meeting.

C. Within fifteen (15) days of passage, all Ordinances shall be published on the Town's website and in such other manner as may be required by the General Statutes and shall be in full force and effect upon publication or as specified in the Ordinance.

ARTICLE V - FIRST SELECTMAN

SECTION 5.01 CHIEF EXECUTIVE OFFICER

The First Selectman is the Chief Executive Officer of the Town and shall preside over all meetings of the Board of Selectmen. The First Selectman shall oversee the affairs of the Town.

SECTION 5.02 EX-OFFICIO MEMBER

The First Selectman shall be a non-voting, ex-officio member of all Agencies, other than the Board of Selectmen, that are appointed by the Board of Selectmen or elected by the Town, and shall be a non-voting, ex-officio member of the Board of Education, but shall not be a member of the Board of Ethics.

SECTION 5.03 EMERGENCY AUTHORITY

In the event that severe or widespread conditions arise which may affect the general health, safety, or welfare of the townspeople or their property and which make taking immediate action advisable, the First Selectman or, in the absence of the First Selectman, the Deputy First Selectman or, in the absence of both the First Selectman and the Deputy First Selectman another Selectman then appointed by the Board of Selectmen shall be empowered to declare a temporary state of emergency for a period not to exceed one hundred twenty (120) hours. The First Selectman or Deputy First Selectman or other appointed Selectman declaring such state of emergency shall specify the reasons for the declaration and the expected duration of the emergency. In the event that a Selectman, other than the First Selectman or Deputy First Selectman, is appointed by the Board of Selectmen in accordance with this Section and declares a temporary state of emergency, such Selectman shall have and may exercise the powers and authority of the First Selectman in the absence of the First Selectman and Deputy First Selectman during such state of emergency. After a state of emergency has been declared, the Board of Selectmen shall convene a Board of Selectmen meeting as soon as possible to ratify the emergency declaration and if warranted, to extend the emergency declaration beyond one hundred twenty (120) hours. Due and diligent effort shall be made to give reasonable notice to all members of the Board of Selectmen of the place and time for the Board of Selectmen meeting. Upon a state of emergency having been declared, the Board of Selectmen shall be empowered to adopt such resolutions and

Ordinances as it deems necessary under the circumstances. Any resolution or Ordinance adopted by the Board of Selectmen during a declared state of emergency, if not previously repealed or if not continued by Town Meeting action, shall automatically cease to have any force and effect sixty (60) days after enactment.

SECTION 5.04 LABOR AGREEMENTS

The First Selectman or his or her designee shall negotiate labor agreements for employees under the jurisdiction of the Board of Selectmen's budget.

ARTICLE VI - BOARD OF SELECTMEN

SECTION 6.01 COMPOSITION

The Board of Selectmen shall consist of a First Selectman, to be elected for a four-year term, and four (4) other Selectmen, each to be elected for a four-year term, with two (2) Selectmen being elected at each regular Town Election. A political party may nominate and an Elector may vote for the same number of candidates for the First Selectman and the Board of Selectmen as there are members to be elected to the Board at any election. The votes cast for an unsuccessful candidate for First Selectman shall be counted as votes for that person as a Selectman for a four year term. Excluding the First Selectman, not more than three (3) members of the Board shall be of the same political party. The Board of Selectmen shall elect from among its own members a Deputy First Selectman who shall serve as acting First Selectman during the absence of the First Selectman. No Selectman may hold any other Town office or be an employee or contract employee of the Town, except that a Selectman may be an employee of the Town's Board of Education. For the purpose of this section, the term "Town office" shall not include membership on temporary or advisory Agencies.

SECTION 6.02 MEETINGS

The Board of Selectmen shall hold at least one (1) regular meeting per month. Special meetings of the Board of Selectmen may be called at any time by the First Selectman or by any two (2) Selectmen. The presence of any three members of the Board of Selectmen shall constitute a quorum, except as otherwise herein provided. A majority of the votes cast at a meeting of the Board of Selectmen at which a quorum is present at the time of the vote shall constitute the act of the Board of Selectmen unless a greater vote is required by this Charter, by any Ordinance adopted by the Town, or by a General Statute or Special Act applicable to the Town. At every meeting of the Board of Selectmen there shall be set aside a specified time period for public participation during which members of the public may address the Board.

SECTION 6.03 GENERAL POWERS OF THE BOARD OF SELECTMEN

The Board of Selectmen shall have all of the powers, duties, and responsibilities conferred upon it (i) by this Charter and all of the powers proper, incidental, or convenient to the exercise of such powers; (ii) by any General Statute or any Special Act applicable to the Town; and (iii) by any resolution or Ordinance relating to matters within the scope of authority of the Board of Selectmen that is adopted by the Town. The Board of Selectmen shall be responsible for having the Chief Administrative Officer carry out

all acts and policies of the Board of Selectmen, and all resolutions and Ordinances adopted by the Town.

The Board of Selectmen shall set policy and shall, directly or by granting authority to the Chief Administrative Officer, authorize action on all matters concerning the administration of the Town, except for those matters for which the Town's Board of Education in accordance with the General Statutes is responsible. The Board of Selectmen shall not have policy-making powers relating to land use boards and commissions and shall not have policy-making powers relating to other Agencies and Officials which are inconsistent with the powers granted to such other Agencies and Officials by the General Statutes. The Board of Selectmen shall set policy and authorize action on all matters concerning special revenue funds for recreation and emergency medical services and other such funds that may be from time-to-time established by the Town. The Board of Selectmen shall monitor the current and projected administrative, governmental, and fiscal needs of the Town.

The Board of Selectmen shall be empowered to function as the Town's legislative body as described in Section 2.03 of this Charter.

SECTION 6.05 SPECIFIC POWERS OF THE BOARD OF SELECTMEN

A. *Employment of Chief Administrative Officer* - The Board of Selectmen shall hire and may discharge a Chief Administrative Officer. A minimum of four (4) votes of the Board of Selectmen shall be required either to hire or discharge a Chief Administrative Officer. The Chief Administrative Officer shall be responsible to the Board of Selectmen for all of his or her actions and shall report to and keep the Board of Selectmen informed on a timely basis regarding all of the duties assigned to the Chief Administrative Officer by the Board of Selectmen. The Board of Selectmen shall establish the annual salary of the Chief Administrative Officer.

B. *Appointment of Town Counsel* - The Board of Selectmen shall appoint the Town Counsel for the Town.

C. *Acceptance of Public Roads and Improvements* - The Board of Selectmen, upon the affirmative vote of at least three members, may accept any public improvement or public road as provided in the Plan of Conservation and Development, local land use regulations, or General Statutes as may be approved or recommended by the Town's Planning and Zoning Commission.

D. *Acceptance of Gifts on Behalf of the Town* - The Board of Selectmen, upon the affirmative vote of at least three (3) members, may accept gifts including but not limited to open space or similar real estate interests on behalf of the Town. Any gift not accepted by vote of the Board of Selectmen may be accepted by Town Meeting that includes the acceptance of such a gift on the call of the Town Meeting. The Board of Education, upon the affirmative vote of at least five (5) members may accept gifts on behalf of the Town relating to matters that, in accordance with the General Statutes, are under the jurisdiction of the Board of Education.

E. Disposition of Town Property - The Board of Selectmen and the Board of Education, respectively, are empowered by this Charter to dispose of Town property under the jurisdiction of the Board of Selectmen and the Board of Education, respectively, having a fair market value of up to \$25,000; disposition of Town property having a fair market value greater than \$25,000, but not exceeding \$50,000, shall require the approval of the Board of Finance. Disposition of Town property having a fair market value greater than \$50,000 shall require the approval by a Town Meeting. Such dispositions shall be accomplished consistent with the regulations that have been established for this purpose by the Board of Finance, and the proceeds of any such disposition shall be deposited into the Town's general fund. Disposition of real estate shall require a Public Hearing as required under the General Statutes.

F. Filling of Unexpired Terms on Appointive Agencies - The Board of Selectmen shall appoint Electors of the Town to fill unexpired terms for all vacancies that may exist on all appointive Agencies for which the Board of Selectmen is the appointing authority.

G. Removal of Appointees for Cause

(1) *Appointee Removal for Non-Attendance* - The Board of Selectmen, upon the affirmative vote of at least three members, may remove any regular or alternate member of an appointive Agency if such member is absent from three consecutive regularly scheduled meetings of such Agency or from more than forty percent of the regular and special meetings of such Agency during the preceding twelve months.

(2) *Appointee Removal for Cause* - The Board of Selectmen may remove for cause any regular or alternate member of an appointive Agency, provided that, upon the affirmative vote of at least four members, the Board first notifies such member in writing of its intent to remove the member, the specific grounds for removal of the member, and the opportunity for the member to be heard at a hearing before the Board.

Within seven days after receipt of the Board's notice, the member shall respond in writing to the Board, either requesting a hearing before the Board or declining the opportunity for such hearing. If the member either does not respond within seven days after receipt of the Board's notice or declines the opportunity for a hearing before the Board, the Board shall render its decision within 30 days, and written notice of the decision shall be mailed to the member. If the member requests a hearing before the Board, the hearing shall be held not less than seven days nor more than thirty days after receipt of the member's request and shall be conducted in Executive Session unless otherwise requested by the member. The Board shall render its decision within ten days after the conclusion of the hearing, and written notice of the decision shall be mailed to the member.

Removal of the member shall require the affirmative vote of at least four members of the Board. The decision of the Board shall be final.

From the date of the Board's initial written notice to the member until the date of the Board's decision, the member shall be suspended from the Agency to which he/she was appointed.

H. *Filling of Vacancies of Elective Officials and on Elective Agencies* - The Board of Selectmen shall fill all vacancies of elective Officials until the next Town election, except those vacancies occurring on multi-member elective Agencies. Vacancies on a multi-member elective Agency shall be filled by the remaining members of that Agency until the next Town election. If a vacancy exists for more than forty-five (45) days, the Board of Selectmen shall be empowered to fill the vacancy until the next Town election. The replacement member shall be of the same political party as the vacating member or shall be an unaffiliated Voter. Nothing contained herein, however, shall preclude a special election from being held in accordance with the provisions of the General Statutes to fill a vacancy in an elective office or to fill a vacancy on an elective Agency in lieu of the procedures set forth above for filling such vacancies.

I. *Appointment of Temporary Advisory or Study Committee* - The Board of Selectmen may establish temporary advisory or study committees for a period not to exceed twenty-four (24) months to make recommendations to the Board of Selectmen. The term of any such temporary advisory or study committee may be extended for no more than two (2) six-month periods without approval by a Town Meeting.

J. *Funding of New Positions* - No new position in any Town department or Agency shall be funded by a transfer of unexpended balances between departments or Agencies or by a redistribution of unexpended balances within a department or Agency unless approved by the Board of Selectmen. Notwithstanding the above, the Chief Administrative Officer may hire an unbudgeted temporary employee with the approval of at least four (4) members of the Board.

K. *Annual Report* - The Board of Selectmen shall receive from the Chief Administrative Officer, approve, and make available to the public, an Annual Report.

SECTION 6.06 POLICE DEPARTMENT

There shall be a police department which shall be subject to policies established by the Board of Selectmen. The Chief Administrative Officer shall be responsible for the administration of the police department and shall appoint and promote members of the police department after consultation with the Chief of Police in accordance with policies established by the Board of Selectmen. The Board of Selectmen, after consultation with the Chief Administrative Officer, shall appoint the Chief of Police. The Chief of Police may be discharged by the Board of Selectmen only in accordance with the procedures applicable to such discharge, as set forth in the General Statutes.

ARTICLE VII - CHIEF ADMINISTRATIVE OFFICER

SECTION 7.01 APPOINTMENT

A Chief Administrative Officer shall be hired by and report to the Board of Selectmen.

SECTION 7.02 GENERAL POWERS

The Chief Administrative Officer shall be directly responsible to the Board of Selectmen and shall have responsibility for and authority over both the administration and personnel of all Town departments and Agencies, except the Board of Education or where otherwise provided by the General Statutes, this Charter, or Ordinance. The Chief Administrative Officer shall be an ex-officio member of all appointive and elective Agencies, but without power to vote.

SECTION 7.03 DUTIES

The duties of the Chief Administrative Officer, as described in this section, shall be performed in accordance with policies established by the Board of Selectmen.

A. Administration - The Chief Administrative Officer shall administer and coordinate the operations of all Town departments and Agencies, whether appointed by the Board of Selectmen or elected, except those functions expressly reserved or delegated to such bodies by law.

B. Personnel -- The Chief Administrative Officer shall appoint or hire and may remove or discharge all appointed Town employees and Officials who receive compensation from the Town for their services, except as specified in Section 11.01 of this Charter.

C. Execution of Laws – The Chief Administrative Officer shall execute and carry out Ordinances, resolutions, regulations and policies enacted or established by the Board of Selectmen or by a Town Meeting and implement any other action that may be authorized by an Agency.

D. Town Properties and Public Works Operations – The Chief Administrative Officer shall be responsible for all Town-owned properties and the Town's public works operations including:

- (1) highway and bridge work; and
- (2) administration, operation, maintenance or custodial work, and improvements for any public building and grounds, park, playground and land except those which, pursuant to agreement among the Board of Selectmen, Board of Finance and Board of Education, are under the jurisdiction and responsibility of the Board of Education.

E. Records and Accounts - The Chief Administrative Officer shall supervise the maintenance and custody of all Town records and accounts.

F. *Contracts* - The Chief Administrative Officer shall contract for any services or materials required by any Town department or Agency. The Chief Administrative Officer shall not contract to expend any money or incur any liability in excess of the amount appropriated for a department or Agency during any budget year without approval of the Board of Selectmen and Board of Finance.

G. *Purchasing Agent* - The Chief Administrative Officer shall be the purchasing agent for all services, supplies, materials, equipment and other commodities required by any Town department or Agency. The Chief Administrative Officer shall carry out bidding and purchasing policies established by the Board of Selectmen.

H. *Reports to Board of Selectmen* – The Chief Administrative Officer shall keep the Board of Selectmen fully advised as to the financial and general condition of the Town. The Chief Administrative Officer shall attend its meetings and may participate in its discussion but without a right to vote.

I. *Annual Report* - The Chief Administrative Officer shall cause an Annual Report to be prepared as soon as is reasonable after the close of the fiscal year but in no event later than January 31 of the following year. If the annual Town audit has not been completed by that time, the Annual Report shall clearly indicate that fact. The Annual Report shall contain a list of existing Agencies that have been created by Ordinance as of the published date of the Annual Report. The Annual Report shall include a summation of actions taken by all Town departments and Agencies since the date of the preceding Annual Report.

J. In any fiscal year, the Chief Administrative Officer may redistribute unexpended balances not to exceed \$10,000 in the aggregate from one account to another within a single department, and/or from one department to another department. Redistributions and transfers exceeding \$10,000 in the aggregate shall require approval of the Board of Selectmen.

SECTION 7.04 ABSENCE OF CHIEF ADMINISTRATIVE OFFICER

In case of disability or temporary absence of the Chief Administrative Officer or vacancy in the office of the Chief Administrative Officer, the Board of Selectmen may designate an acting Chief Administrative Officer, except that the Chief Administrative Officer may designate an acting Chief Administrative Officer for temporary absences not to exceed fifteen (15) days, consistent with policies established by the Board of Selectmen.

ARTICLE VIII - ELECTIONS AND ELECTIVE OFFICIALS

SECTION 8.01 REGULAR TOWN ELECTIONS

A Regular Town election shall be held in the Town biennially on the first (1st) Tuesday after the first (1st) Monday in November of each odd numbered calendar year. Special Town elections may be held from time to time as allowed or required by law and this Charter. All elective Officials shall be elected as specified in the General Statutes, and all terms of elective office shall commence as specified in the General Statutes.

SECTION 8.02 VOTING DISTRICT

Unless otherwise established by Ordinance, there shall be one (1) voting district in the Town.

SECTION 8.03 BOARD FOR ADMISSION OF ELECTORS

There shall be a Board for Admission of Electors which shall consist of the Town Clerk and the two Registrars of Voters. The duties of this Board shall be as specified in the General Statutes.

SECTION 8.04 ELIGIBILITY

Only Electors of the Town shall be eligible for election to any Town office. If a person holding an elective office ceases to be an Elector of the Town under the General Statutes, that person shall cease to hold the office, and the office shall be deemed to be vacant as of the date that person ceases to be an Elector of the Town.

SECTION 8.05 ELECTIVE OFFICIALS

In addition to the First Selectman, the following shall be elective officials of the Town:

- a) Members of the Board of Selectmen
- b) Members of the Board of Finance
- c) Members of the Board of Education
- d) Members of the Board of Assessment Appeals
- e) Registrar of Voters
- f) Such other elective Officials as may be required by Town Meeting, Ordinance, or the General Statutes.

ARTICLE IX - ELECTIVE AGENCIES

SECTION 9.01 BOARD OF ASSESSMENT APPEALS

The Board of Assessment Appeals shall consist of three (3) members, each to be elected for a four-year term, and with one (1) member and two (2) members, respectively, each being elected at alternating regular Town elections.

SECTION 9.02 BOARD OF EDUCATION

The Board of Education shall consist of nine (9) members, each to be elected for a four-year term, and with four (4) members and five (5) members, respectively, each being elected at alternating regular Town elections. If the number of members to be elected is odd, no Elector shall vote for more than a bare majority of the number and, if the number to be elected is even, an Elector may vote for three (3) such members.

SECTION 9.03 BOARD OF FINANCE

The Board of Finance shall consist of six (6) members, each to be elected for a four-year term, and with three (3) members being elected at each regular Town election. Members shall serve without compensation. However, necessary expenses incurred by members of the Board of Finance in the performance of their duties may be paid from an appropriation authorized for that purpose. No member of the Board of Finance shall hold any other Town office or be an employee or contract employee of the Town. For the purpose of this section, the term "Town office" shall not include membership on temporary or advisory Agencies.

A. *General Duties and Responsibilities* - The Board of Finance shall:

- (1) be the budget-making authority of the Town and, no less than annually, shall analyze and report on the long-range financial plan and debt management for the Town.
- (2) except as otherwise provided by this Charter, be governed by and have all the duties, responsibilities and powers provided for in the General Statutes.
- (3) annually designate an independent public accountant to audit the accounts of the Town, as required by the General Statutes.
- (4) have access at all reasonable times to the records and accounts of the Board of Selectmen and of the Board of Education.
- (5) lay the taxes in accordance with Section 10R of this Charter

B. Approval of Special Appropriations -

(1) In any fiscal year the Board of Finance, on request of the Board of Selectmen or on request of the Board of Education, may upon affirmative vote of four (4) members make special appropriations without the need for approval by a Town Meeting up to \$50,000 in the aggregate to each of the Board of Selectmen and the Board of Education from the Undesignated Fund Balance. Any funds approved by a Town Meeting shall not be included in the aggregate limits for the fiscal year.

(2) In any fiscal year the Board of Finance, on request of the Board of Selectmen or on request of the Board of Education, may upon affirmative vote of five (5) members make special appropriations without need for approval by a Town Meeting in excess of \$50,000 but not greater than \$100,000 in the aggregate to each of the Board of Selectmen and the Board of Education from the Undesignated Fund Balance. Any funds approved by a Town Meeting shall not be included in the aggregate limits for the fiscal year.

(3) If the Board of Finance does not approve a request for a special appropriation as provided in sections (1) and (2) above, the Board of Finance may, by majority vote, schedule a Town Meeting to consider approval of such request from the Board of Selectmen or the Board of Education.

(4) Special appropriations from the Undesignated Fund Balance other than those permissible pursuant to Section 9.03C (1) and (2) of this Charter may be approved only by a Town Meeting upon the recommendation of the Board of Finance.

(5) When the Town is maintaining a Reserve Fund for Capital and Nonrecurring Expenditures in accordance with the General Statutes, appropriations from such Fund shall be made only upon recommendation of the Board of Finance and approval by a Town Meeting. At said Town Meeting, the requested appropriation may be decreased but not increased.

(6) The provisions of this section shall not be a limitation on the power of the Town on the recommendation of the Board of Finance to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes and this Charter.

C. Expenditures and Accounting -

(1) The fiscal year of the Town shall begin on July first (1st) and end on June thirtieth (30th) of the following calendar year, unless otherwise changed by Ordinance.

(2) The system of accounts used by all departments and Agencies shall be that prescribed by the General Statutes as supplemented by regulations of the Board of Finance.

(3) The Board of Finance shall keep under review the expenditures of the Board of Selectmen and the Board of Education and may require periodic reports by the Board of Selectmen and by the Board of Education of such expenditures.

(4) The Board of Finance shall also designate the forms and procedures for orders to be drawn on the Finance Officer/Treasurer by the Board of Education and the Board of Selectmen.

(5) All Officials and Agencies, including the Board of Education, shall comply with the requirements and policies of the Board of Finance as provided for by this section. Such requirements and policies of the Board of Finance shall not be inconsistent with this Charter and the General Statutes.

(6) The Board of Education and the Board of Selectmen shall report promptly in writing to the Board of Finance after making any transfer or redistribution of unexpended balances between or within departments, Agencies, categories, or items as set forth in their respective budgets.

D. Bonds and Notes - Issuance of bonds or notes shall require approval by a Town Meeting except notes in anticipation of taxes, which notes are to be paid no later than the end of the fiscal year during which such taxes are due and payable. Issuance of tax anticipation notes shall require approval of the Board of Selectmen which shall be the Town's legislative body for this purpose.

E. Grants –

(1) Applications for grants of funds or materials from federal and state governmental sources or from other entities may be initiated, completed and filed with notice thereof to the Board of Finance by either the Board of Selectmen or the Board of Education upon approval of said action by majority vote of the Board of Selectmen and of the Board of Education, respectively.

(2) The acceptance of, and authorization for expending, such grant of funds or materials up to \$25,000 which does not require additional Town expenditure shall require the approval of either the Board of Selectmen or the Board of Education, as the case may be.

(3) The acceptance of, and authorization for expending, such grant of funds or materials greater than \$25,000 but not exceeding \$200,000 which does not require additional Town expenditure shall require the approval of either the Board of Selectmen or the Board of Education, as the case may be, and the Board of Finance.

(4) The acceptance of, and authorization for expending, such grant of funds or materials up to \$200,000 which requires additional Town expenditure shall require the approval of either the Board of Selectmen or the Board of Education, as the case may be, and the Board of Finance.

(5) The acceptance of, and authorization for expending, such grant of funds or materials which exceeds \$200,000 or which requires the hiring of additional personnel shall require approval by a Town Meeting.

ARTICLE X- ANNUAL TOWN BUDGET

A. The Annual Budget for the Town of Canton (hereinafter referred to as the “Annual Budget”) shall consist of three sections:

1. A Board of Selectmen budget, which shall include recommended capital expenditures for both the Board of Selectmen and the Board of Education;

2. A Board of Education budget; and
3. A Board of Finance budget, which shall include: the Reserve Fund for Capital and Nonrecurring Expenditures; bonding and borrowing (principal, interest and Sinking Fund payments); and an estimate of Board of Finance expenditures for the ensuing fiscal year.

B. The Chief Administrative Officer shall prepare a draft of the Board of Selectmen's section of the proposed Annual Budget, which shall include an estimate of all Town revenues and expenditures anticipated in the ensuing fiscal year but excluding the Board of Education's operating budget.

1. The head of each Town department, office, and agency supported wholly or in part from Town funds or for which a specific Town appropriation is made shall submit to the Chief Administrative Officer, on forms provided by him/her, a detailed estimate for the ensuing fiscal year of the expenditures anticipated to be made by such department, office, or agency and an estimate of the revenues, other than tax revenues, anticipated to be collected by such department, office, or agency.
2. The Chief Administrative Officer shall submit such draft to the Board of Selectmen no later than the second Monday in February.

C. The Board of Selectmen shall review the draft of its section of the proposed Annual Budget submitted to it by the Chief Administrative Officer and may make any revisions thereto. The Board of Selectmen shall submit its section of the proposed Annual Budget to the Board of Finance no later than the second Monday in March.

D. The Board of Education shall submit its section of the proposed Annual Budget to the Board of Finance no later than the second Monday in March.

E. The Board of Finance shall review the sections of the Annual Budget submitted to it by the Board of Selectmen and by the Board of Education and may increase or decrease the total amount of either proposed budget. The Board of Finance may also increase or decrease the total amount of the annual contribution to the Capital Improvements Fund but shall not have the authority to select or delete specific capital projects that have been recommended by the Board of Selectmen for inclusion therein.

F. As part of its review, the Board of Finance shall hold at least one public hearing to receive public comments regarding the proposed budget. At least five days prior to the date of any such public hearing (excluding the day that the notice is published and the day of the hearing), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of such public hearing,

G. The Board of Finance shall schedule the Annual Budget hearing for the fourth Monday in April.

H. At least 21 days prior to the date of the Annual Budget hearing, the Board of Finance shall provide to the Board of Selectmen and the Board of Education a recommended Annual Budget. At least 14 days prior to the date of the Annual Budget hearing, the Board of Selectmen and the Board of Education shall revise their respective budgets if necessary to reflect any increases or decreases made thereto by the Board of Finance and shall submit such revised budgets to the Board of Finance.

I. At least five days prior to the date of the Annual Budget hearing (excluding the day that the notice is published and the day of the hearing), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of the Annual Budget hearing, together with the following:

1. an itemized statement of all actual revenues received by the Town from all sources in the last-completed fiscal year and in the first seven months of the current fiscal year;
2. an itemized statement of all actual expenditures by the Town in the last-completed fiscal year and in the first seven months of the current fiscal year;
3. an itemized estimate of anticipated revenues to the Town in the ensuing fiscal year from all sources other than local property taxes, and an estimate of the amount of revenues to be raised by local property taxes in the ensuing fiscal year;
4. an itemized estimate of anticipated expenditures by the Town in the ensuing fiscal year;
5. the amount of the Town's revenue surplus or deficit anticipated at the end of the current fiscal year; and
6. an itemized list from the Board of Selectmen and/or the Board of Education of all revisions to their respective budgets intended to achieve any increases or decreases made thereto by the Board of Finance.

J. At the Annual Budget hearing, the Board of Finance shall present the recommended Annual Budget and receive any public comments about it.

K. Following the Annual Budget hearing, the Board of Finance shall consider any public comments about the budget received during such hearing, make any further revisions to the budget that it deems necessary or appropriate, approve a recommended Annual Budget by majority vote, and submit such budget to a vote at a Town budget referendum. Such referendum shall be held from 6:00 AM until 8:00 PM on a date set by the Board of Selectmen, but no later than the second Thursday in May.

L. At least five days prior to the date of the Town budget referendum (excluding the day that the notice is published and the day of the referendum), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be

required by the General Statutes a notice of the date, time, and place of such referendum. In addition, printed copies of a summary of the recommended Annual Budget, including information about the proposed Grand List and mill rate, shall be made available for public inspection and general distribution in the Office of the Town Clerk and at the Canton Public Library.

M. The recommended Annual Budget shall be deemed automatically approved by the Town budget referendum unless both of the following conditions are met:

1. the total number of votes cast at the referendum equals at least ten percent (10%) of the number of Electors of the Town as determined from the official list of the Registrars of Voters as of the date of the referendum, and
2. a majority of those voting in the referendum vote against the recommended budget.

N. If the recommended Annual Budget is not approved at the Town budget referendum per the provisions of Subsection M, the Board of Finance shall make any further revisions to the budget that it deems necessary or appropriate, approve a revised recommended Annual Budget by majority vote, and submit such budget to a vote at a second Town budget referendum. Such referendum shall be held from 6:00 AM until 8:00 PM on a date set by the Board of Selectman but no later than the first Thursday in June.

O. At least five days prior to the date of the second Town budget referendum (excluding the day that the notice is published and the day of the referendum), the Board of Finance shall cause to be published on the Town's website and in such other manner as may be required by the General Statutes a notice of the date, time, and place of such referendum. In addition, printed copies of a summary of the revised recommended Annual Budget, including information about the proposed Grand List and mill rate, shall be made available for public inspection and general distribution in the Office of the Town Clerk and at the Canton Public Library.

P. If the revised recommended Annual Budget is not approved at the second Town budget referendum per the provisions of Subsection M, the Board of Finance shall adopt the final Annual Budget by majority vote no later than the second Thursday in June.

Q. When the Annual Budget is either approved by referendum or adopted by a majority vote of the Board of Finance per Subsection P, such action shall be deemed final and may not be rescinded.

R. *Laying of Taxes* –

(1) After the Annual Budget has been approved and the Grand List has been completed, the Board of Finance shall lay a tax on the Grand List sufficient, in addition to the other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the ensuing fiscal year and to absorb any revenue deficit of the Town at the end of the current fiscal year.

(2) The Tax Collector shall collect the tax.

S. In the event that an Annual Budget has not been adopted by June 20th, the Board of Finance, using the last completed Grand List, shall lay a tax on the Grand List in an amount sufficient to pay the expenses and appropriations of the Town for the ensuing fiscal year and to absorb any revenue deficit of the Town at the end of the current fiscal year. The mill rate so established by the Board of Finance shall continue until such time as a new Annual Budget has been approved.

ARTICLE XI - APPOINTIVE AGENCIES, DEPARTMENTS, AND OTHER ENTITIES

SECTION 11.01 APPOINTIVE OFFICIALS AND DEPARTMENTS

A. *Establishment of Departments* - The Board of Selectmen shall establish such departments deemed appropriate and necessary for the functioning of the Town administration or as required by this Charter or the General Statutes. The Board of Selectmen shall establish a personnel policy, which shall apply to all employees of the Town, other than employees of the Board of Education, and may update that policy from time to time.

B. *Appointments by the Chief Administrative Officer* - The Chief Administrative Officer shall appoint all department heads, except as otherwise provided in Section 11.01D, after consultation with the Board of Selectmen. All other employees shall be appointed by the Chief Administrative Officer. Duties and responsibilities of department heads and employees shall be as prescribed by the Chief Administrative Officer consistent with the policies of the Board of Selectmen, this Charter, and the General Statutes.

C. *Holding More Than One Office* - An appointive Official of the Town may hold more than one (1) appointive office in the Town unless otherwise prohibited by Ordinance.

D. *Appointment/Discharge by the Board of Selectmen* - The following Officials shall be appointed, following consultation with the Chief Administrative Officer, by majority vote of the Board of Selectmen and may be discharged by such vote, provided however, that discharge of the Chief of Police and of the Fire Chief shall be effected only in accordance with the procedures applicable to such discharge, which are set forth in the General Statutes:

- (1) Town Clerk
- (2) Tax Collector
- (3) Chief of Police
- (4) Finance Officer/Treasurer
- (5) Fire Chief
- (6) Library Director, with participation by the Library Board of Trustees.

SECTION 11.02 APPOINTIVE AGENCIES

A. *Establishment by Ordinance* - All appointive Agencies shall be established by Ordinance and their regular and alternate members shall be appointed by the Board of Selectmen unless otherwise provided by this Charter.

B. *Eligibility for Membership on Appointive Agencies* - Only Electors shall be eligible for appointment to any Agency.

C. *Political Composition of Agencies* - Except as provided by this Charter, the composition of all Agencies shall be in accordance with the requirements of the General Statutes relating to minority representation.

D. *Powers and Duties of Town Officials and Agencies* - All Town Officials and Agencies shall have the powers and duties granted or imposed upon such Officials and Agencies by the General Statutes, any applicable Special Act, this Charter, and Ordinances.

E. *Term of Appointment of Members* - The term of appointment of each member of an Agency who is appointed after the effective date of this Charter shall be four (4) years, provided that the term of appointment of a member filling a vacancy shall be for the remainder of the vacating member's term. No Agency member shall serve after such member's term has expired, unless such member has been re-appointed by the Board of Selectmen.

F. *Vacancies on Appointive Agencies* –

(1). *Vacancies Arising by Reason of Cessation of Status as Elector* – Any member of an Agency who ceases to be an Elector shall automatically cease to be a member of such Agency.

(2). *Vacancies Arising by Reason of Resignation* – The resignation of an Agency member who has been appointed by the Board of Selectmen and who resigns prior to the end of such member's term shall be effective upon submission of a resignation signed by such Agency member to the Town Clerk.

G. *Term of Appointment of Agency Members who are Elective Officials* - The term of appointment for members of Agencies who serve by virtue of their position as an elective Official shall cease upon the members' vacating their elective office.

ARTICLE XII - GENERAL PROVISIONS

SECTION12.01 CHARTER REVISIONS

This Charter may be amended in the manner prescribed by the General Statutes. If not appointed at an earlier date, a Charter Revision Commission shall be appointed by the Board of Selectmen ten (10) years from the date this Charter becomes effective.

SECTION12.02 EFFECTIVE DATE

This Charter shall become effective on January 1,2020.

SECTION12.03 OATH

All elective and appointive Officials and members of Agencies shall swear to or affirm an oath for the faithful performance of their duties.

SECTION12.04 SAVING CLAUSE

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

SECTION12.05 WORDS IN HEADINGS; TERMS DENOTING NUMBER AND GENDER

The use in this Charter of any term denoting the masculine, feminine, or neuter gender shall be understood to include reference to other genders. The singular form of a word shall include the plural, and *vice versa*, as the context may require. Article, section, subsection and paragraph headings or captions appearing in this Charter are for convenience of reference only and are not intended to limit the meaning or effect of the text.

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