

TOWN OF CANTON, CT

CHARTER



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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 revised, (“General Statutes”) 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, or not provided for by lawful resolution or Ordinance adopted by the Town, 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 provision of this Charter, by said Special Act.

SECTION 1.03 DEFINITIONS

When used in this Charter, and as the context may require, the following terms and phrases shall have the meanings indicated here, except as otherwise prescribed by an applicable provision of the General Statutes:

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| Agency | This term includes all Town agencies, authorities, boards, commissions and committees (including <i>ad hoc</i> , temporary, and advisory committees), except where the context denotes a reference to a specific body or entity only. However, the word “Agency” 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 | An Elector is a United States citizen who is a bona fide resident of the Town and who is admitted to vote at Town Meetings and regular or special Town elections. |
| Official | This term refers to any natural person holding elective or appointive Town office including, whether paid or unpaid, part-time or full-time and shall include members and alternate members of Agencies. |
| Ordinance | An Ordinance is a permanent local law, municipal rule or regulation of general applicability adopted pursuant to a delegation of power from the State under the provisions of General Statutes Sections 7-148 and 7-157, as revised. |
| Person | This term includes any natural person, partnership, corporation, limited liability company, association or other entity. |

Petition	A Petition is a written document presenting a request or demand by a designated number of Electors and/or Voters on a form prescribed by the Town Clerk and signed as prescribed by the General Statutes.
Publication of Notice	Publication of Notice is the provision to the public of a copy of an announcement, notice, call of a meeting, report, Ordinance, or other official document. Except as otherwise required in this Charter or by law, the copy of the document may be provided in any of the following ways: (a) by publication in a newspaper having circulation in the Town, (b) by publication on the Town's website, (c) by posting the document at a place or places, accessible to the public, as the Board of Selectmen may designate, or (d) by publication in such other manner as the General Statutes may require. Alternatively, publication may be made, as allowed by General Statutes, by provision of a summary of the document authorized by the Board of Selectmen, including a statement that the official text of the document is available for inspection at the office of the Town Clerk or, upon request, by mail.
Special Act	This term refers to 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	This term refers to 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	The Town Meeting is the form of government, existing in the Town, in which certain authority for administration of the Town's business and affairs is held by the Electors of the Town, convened in a formal meeting, at which issues are decided and voted upon in accordance with a Charter allowed by and conforming to the General Statutes of the State. When used in this document, the term generally refers to such meetings of the Electors, duly called, whether for an Annual Town Meeting to act upon matters generally, an Annual Budget Meeting to act upon a budget for the Town, or, when necessary, a Special Town Meeting to act upon specific issues requiring attention before the next Annual Town Meeting.
Voter	A Voter is a natural person entitled to vote at Town Meetings but not at regular or special Town elections as specified in General Statutes Section 7-6 as may be revised from time to time.

ARTICLE II - THE TOWN

SECTION 2.01 INCORPORATION

The Town shall, after the effective date of this Charter, 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 the Town 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, the General Statutes and by the Special Acts that are applicable to the Town. The Town shall have all of the powers incident to the management of the Town's 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, and the State of Connecticut, and any political instrumentality thereof and any other Person for any purposes that are not prohibited by law.

SECTION 2.03 LEGISLATIVE BODY

The legislative body of the Town shall be a combination of the Town Meeting and the Board of Selectmen, as authorized by General Statutes, Section 7-193(a)(1), as that Section may from time to time be revised, 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 the Charter. In such a 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 (not counting as one (1) of said five (5) days the day that the meeting is to be held) the Board of Selectmen shall prepare and cause to be published notice of the date, time, place and call of the meeting on the Town's website and in such other manner as may be required by the General Statutes, and shall cause such notice to be posted at such place or places, accessible to the public, as may be designated by the Board of Selectmen for this purpose. The call of the meeting 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 to serve for a two (2) year term, shall be appointed, in compliance with statutory requirements for minority representation, by majority vote of the Board of Selectmen, and each may be discharged by such a majority vote. The Town Meeting moderator shall designate which alternate presides at a Town Meeting in his or her absence.

SECTION 3.04 ANNUAL TOWN MEETING

There shall be an Annual Town Meeting held each year. The Annual Town Meeting shall be held on the third (3rd) Wednesday in January. Any item of general interest to the Town may be discussed at the Annual Town Meeting. Items may be placed on the call of the meeting 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. In order to be considered, any such Petition shall be filed with the Town Clerk at least twenty-one (21) days prior to the Annual Town Meeting. A consensus vote may be taken on any item on the call of the meeting at the Town Meeting.

SECTION 3.05 ANNUAL BUDGET MEETING

A. *Date and Quorum Requirement* – An Annual Budget Meeting to vote on the Town budget recommended by the Board of Finance shall be held at a time and date during the month of May determined by the Board of Finance. The presence of one hundred fifty (150) Voters as determined by the Registrars of Voters immediately prior to taking the vote shall be required to constitute a quorum.

B. *Approval by Town Meeting* – By vote at the Annual Budget Meeting, any appropriation or item in an appropriation may be decreased or deleted, but no appropriation or item in an appropriation may be increased or added. The vote on the budget shall be by secret ballot. In the event that the budget is not approved by vote of a majority of persons qualified to vote at an Annual Budget Meeting at which a quorum is present, then the budget shall be returned to the Board of Finance for review, adjustment and revision and the Annual Budget Meeting shall be adjourned to a date not later than twenty-one (21) days subsequent thereto, to be set by the Board of Finance. The Board of Finance shall then present the budget to the adjourned Annual Budget Meeting in accordance with this Section of the Charter and, if necessary, the process set forth in this Section shall be repeated until a budget is approved.

C. *Provision for Referendum* – In the event that a quorum shall not exist, the vote on the proposed budget shall be conducted by a referendum. A referendum shall also be required in the event that a Petition to approve the budget by referendum vote is signed by one hundred fifty (150) Persons qualified to vote at Town Meetings and is filed with the Town Clerk not later than the close of business on the fifth (5th) day prior to the Annual Budget Meeting. The date of the referendum shall be set by the Board of Selectmen so as to occur not less than seven (7) nor more than fourteen (14) days after the date of the Annual Budget Meeting. The referendum shall be held from 6:00 a.m. until 8:00 p.m. Any succeeding budget shall be submitted to referendum.

D. *Finality of Approval* – When the budget is approved either by secret ballot at the Annual Budget Meeting or by referendum, such action shall be final and may not be rescinded.

E. *Provision in the Absence of Budget Approval* – In the event that no budget has been adopted by the twentieth (20th) day of June next succeeding the date of the Annual Budget Meeting, the Board of Finance shall make a rate bill upon the Grand List last completed sufficient, in addition to the other estimated yearly income of the Town, to pay the next fiscal year's estimated expenses and deficit of the Town at the end of the current fiscal year, and shall cause such amount to be collected as other taxes. The mill rate so established by the Board of Finance shall continue until such time as a new budget shall be approved.

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 (Charter Section 9.03 E),
- (2) Approval of Grants (Charter Section 9.03 I) beyond the purview of the Board of Selectmen, Board of Education, or Board of Finance,
- (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 (Charter Sections 3.07 or 3.08).

SECTION 3.07 PETITION FOR A SPECIAL TOWN MEETING ON NEW ITEM

Whenever a Petition signed by one hundred fifty (150) Persons entitled to vote at a Special Town Meeting 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. Affirmative action on the petitioned item shall require a majority vote of the members of the Town Meeting present at the Special Town Meeting, but not less than seventy-five (75) affirmative votes at the Special Town Meeting.

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

Anyone seeking reconsideration of an item previously voted by a legislative body shall notify the Town Clerk in writing within forty-eight (48) hours after the time of the vote on the item requested to be reconsidered. 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. No Petition for reconsideration shall be accepted with regard to an item that was previously voted by referendum vote. A Petition requesting reconsideration of an item previously voted at a Town Meeting shall be acceptable if signed by the greater of: (a) two hundred fifty (250) Persons entitled to vote at Town Meetings, or (b) a number of Persons greater than the number that voted on the prevailing side of the prior vote, if the prior vote count is known. 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 one hundred and twenty-five (125) affirmative votes at the Special Town Meeting.

ARTICLE IV - ORDINANCES

SECTION 4.01 GENERAL PROVISIONS AND POWERS

The Board of Selectmen and the Town Meeting, each shall have the power to enact Ordinances except as provided hereinafter and not inconsistent with this Charter or the General Statutes, and shall have the power 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 the Board's taking action on any Ordinance. Such hearing may coincide with the Board's regularly scheduled meetings. Notice of any such public hearing shall be in compliance with Section 4.03 of this Charter.

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. An Ordinance adopted by the Board of Selectmen may be subject to reconsideration by the filing of a Petition in accordance with Section 3.08.

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

SECTION 4.03 PUBLICATION OF NOTICE

At least five (5) calendar days prior to the public hearing (not counting as one (1) of said five (5) days the day that the meeting is to be held) the Board of Selectmen shall prepare and cause to be published notice of the date, time, place and call of the meeting on the Town's website and in such other place or places, accessible to the public, as may be designated by the Board of Selectmen for this purpose. The call of the meeting 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.

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 (eff 12/8/11)

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, acting as the Town's Chief Executive Officer, 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 (eff 12/8/11)

The Board of Selectmen shall consist of a First Selectman and four (4) other Selectmen. At the Regular Town Election next following the effective date of this Charter, the First Selectman and two (2) members of the Board of Selectmen shall be elected for a term of four (4) years, and the two (2) other members of the Board of Selectmen shall be elected for a term of two (2) years. The term of office for the First Selectman and all other members of the Board of Selectmen elected at all subsequent Regular Town Elections shall be four (4) years. At all subsequent Regular Town Elections 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 (4) year term. Not more than three (3) members, excluding the First Selectman, shall be of the same political party. For the purpose of determining minority representation, the total membership of the Board of Selectmen shall not include the First Selectman.

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) regularly scheduled meeting per month. Special meetings of the Board of Selectmen may be called at any time by the First Selectmen or by any two (2) Selectmen. The presence of three (3) Selectmen shall constitute a quorum for the transaction of business at any regularly scheduled meeting or special meeting of the Board of Selectmen, 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 or by any Ordinance adopted by the Town or by a General Statute or by a Special Act that is applicable to the Town. At each regularly scheduled meeting and special 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 of Selectmen. The Board of Selectmen shall have an appointed clerk.

SECTION 6.03 GENERAL POWERS OF THE BOARD OF SELECTMEN

A. *Responsibility and Policy* - The Board of Selectmen shall have all of the powers, duties, and responsibilities conferred upon the Board of Selectmen (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 that is 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 that are 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 be empowered to function as the Town's legislative body as described in Section 2.03 of this Charter.

B. *Review of Administrative Needs* - The Board of Selectmen shall conduct an ongoing review of the current and projected administrative, governmental and fiscal needs of the Town. A summary of this review by the Board of Selectmen shall be published in the Annual Report presented each year to the Annual Town Meeting, as described in Section 7.03 of this Charter.

SECTION 6.04 ANNUAL BUDGET DUTIES AND RESPONSIBILITIES

A. *Proposed Budget* - The Board of Selectmen shall review a preliminary annual budget presented by the Chief Administrative Officer. It shall be the responsibility of the Board of Selectmen to make adjustments to the proposed budget for departments and Agencies under the Board of Selectmen's jurisdiction which are set forth in such preliminary annual budget and forward to the Board of Finance a final recommended Board of Selectmen budget, including estimated income. This recommended Board of Selectmen budget shall be submitted to the Board of Finance on or before the second (2nd) Monday in March.

B. *Redistribution or Transfer of Unexpended Balances* - The Board of Selectmen may, upon request from the Chief Administrative Officer, redistribute or transfer, at any time in any fiscal year, within or between departments and Agencies, unexpended balances in excess of \$5,000 upon majority vote of the Board of Selectmen.

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 is 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 that are 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 three (3) Selectmen, may accept any public improvement or public road or open space or similar real estate interest 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 Commission or Zoning Commission.

D. *Acceptance of Gifts on Behalf of the Town* - The Board of Selectmen may accept gifts on behalf of the Town upon the affirmative vote of three (3) Selectmen. 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 Town's

Board of Education, upon affirmative vote of five (5) members of the Town's Board of Education, may accept gifts on behalf of the Town relating to matters that in accordance with the General Statutes are under the jurisdiction of the Town's Board of Education.

E. *Disposition of Town Property* - The Board of Selectmen and the Town's Board of Education, respectively, are empowered by this Charter to dispose of Town property under the jurisdiction of the Board of Selectmen and the Town's Board of Education, respectively, having a fair market value of up to \$25,000; disposition of property having a fair market value of more than \$25,000, but not exceeding \$50,000, shall require the approval of the Board of Finance. A disposition of Town property having a fair market value which exceeds \$50,000 shall require the approval of 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.

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 Attendance Requirements* - The Board of Selectmen may remove any member or alternate member of any Agency appointed by the Board of Selectmen should such appointee miss three (3) consecutive regularly scheduled meetings of such Agency, or more than forty percent (40%) of the regular and special meetings of such Agency to which such appointee has been appointed during the most recent twelve (12) month period.

(2) *Appointee Removal for Cause* - The Board of Selectmen may, upon the vote of four (4) Selectmen, remove for cause any member or alternate member of any Agency appointed by the Board of Selectmen, provided that such member or alternate is notified in writing of such removal and the grounds for such removal and is given an opportunity for a hearing ("Hearing") before the Board of Selectmen. At such a Hearing, such member or alternate shall be reinstated to the appointed position unless four (4) Selectmen vote in favor of such removal. If such member or alternate desires such a Hearing, such member or alternate shall so notify the Board of Selectmen in writing within seven (7) days after receipt of the notice from the Board of Selectmen of such member's or such alternate's removal and the grounds thereof. Such Hearing shall be public only if requested by such member or alternate. Such Hearing shall be held not less than seven (7) days or more than thirty (30) days after receipt of the notice for a requested Hearing. The decision of the Board of Selectmen shall be rendered in writing within seven (7) days of the Hearing and notice of such decision shall be mailed to the member or alternate forthwith. Such decision by the Board of Selectmen shall be final. From the initial date of the Board of Selectmen's notification of removal, such member or alternate shall be ineligible to perform any official duties pertaining to the appointed position unless such member or such alternate has been reinstated as provided for above.

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 elected 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 (6) month periods without Town Meeting approval.

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 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, which are 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 departments and Agencies, except where otherwise provided by the General Statutes, Charter, or Ordinance. The Chief Administrative Officer shall be an ex-officio member of all appointed or elected 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 the 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 employees and Officials of the Town who receive compensation from the Town for their services, except as specified in Section 10.01, and except employees of the Board of Education.

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 properties owned by the Town and the 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 records and accounts except those of the Board of Education.

F. Contracts - The Chief Administrative Officer shall contract for any services or materials required by any 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 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 and published 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 include a summation of actions taken by all Agencies and departments since the date of the preceding Annual Report.

SECTION 7.04 ANNUAL BUDGET DUTIES

A. Preparation of Budget - The Chief Administrative Officer shall prepare a preliminary Annual Budget request to include all estimated Town expenditures except the expenditures of the Board of Education. The head of each department and Agency supported wholly or in part from Town funds, or for which a specific Town appropriation is made, shall file with the Chief Administrative Officer on forms provided by the Chief Administrative Officer a detailed estimate of the expenditures to be made by each department and Agency and the estimated revenue, other than tax revenues, to be collected by each in the ensuing fiscal year. This preliminary Annual Budget request shall be forwarded to the Board of Selectmen on or before the second (2nd) Monday in February for its review and adjustment.

B. Redistribution or Transfer of Funds - The Chief Administrative Officer may approve redistribution of unexpended balances not to exceed \$5,000 in the aggregate in one (1) fiscal year from one (1) account to another within a single department or may transfer sums not to exceed \$5,000 in the aggregate in one (1) fiscal year from one (1) department to another department. Redistribution or transfers over \$5,000 shall require Board of Selectmen approval.

SECTION 7.05 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 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 ELECTED 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 elected 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

The Board for Admission of Electors shall be the Town Clerk and the two (2) Registrars of Voters. The duties of this Board shall be as specified in the General Statutes.

SECTION 8.04 ELIGIBILITY

Only an Elector 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, he or she shall cease to hold the office, and the office shall be deemed to be vacant as of the date he or she ceases to be an Elector of the Town.

SECTION 8.05 ELECTED OFFICIALS

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

- (a) Registrars of Voters
- (b) Such other elected Officials as may be required by Town Meeting or the General Statutes.

ARTICLE IX - ELECTED AGENCIES

SECTION 9.01 BOARD OF ASSESSMENT APPEALS

The Board of Assessment Appeals shall consist of three (3) members, each elected for a four (4) 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 (4) 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 (4) 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 office in the Town or be an employee or contract employee of the Town.

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.

B. *Annual Budget* - The annual budget shall have three (3) sections:

- (1) A Board of Selectmen section which shall include recommended capital expenditures.
- (2) A Board of Education section which shall include recommended capital expenditures.
- (3) A Board of Finance section which shall include the Contingency Fund, the Reserve Fund for Capital and Non-Recurring Expenditures, Bonding and Borrowing (Principal, Interest and Sinking Fund payments) along with, all estimates and expenses of the Board of Finance. The Board of Finance section shall also include a Capital Improvement Fund which shall consist of recommendations for capital expenditures by both the Board of Selectmen and Board of Education. The Board of Finance shall have the power to increase or decrease the amount of funding for the Capital Improvement Fund but not the selection of the projects that have been recommended by the Board of Selectmen and the Board of Education for inclusion in the Capital Improvement Fund.

C. *Annual Budget Responsibilities* –

(1) On or before the second (2nd) Monday in March, the Board of Selectmen and the Board of Education shall present to the Board of Finance the proposed annual budgets for the ensuing fiscal year for Town administration and Board of Education operations, respectively. The Board of Finance shall review the proposed budgets and shall make bottom line adjustments to either or both of such proposed annual budgets as the Board of Finance deems appropriate.

(2) Not less than two (2) weeks prior to the Annual Budget Meeting, the Board of Finance shall hold a public hearing at which a proposed annual budget showing

itemized estimates of the expenditures of the Town for the ensuing fiscal year and itemized estimates of income shall be presented. The Board of Finance shall publish at least five (5) days in advance of such public hearing (excluding from the five (5) days both the day that the notice is published and the day of the hearing), a notice of the date, time and place of such hearing. Such notice shall be published on the Town's website and in such other manner as may be required by the General Statutes.

(3) Subsequent to said public hearing, the Board of Finance shall prepare a budget (hereinafter called the "Recommended Budget") and shall submit this Recommended Budget for adoption by the Town at the Annual Budget Meeting.

(4) Not less than five (5) calendar days prior to the date of the Annual Budget Meeting (not counting as one of said five (5) days the day that the notice is published), 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 Meeting together with (i) an itemized statement of all actual receipts from all sources of the Town during its last fiscal year; (ii) an itemized statement by classification of all actual expenditures during the same year; (iii) an itemized estimate of anticipated revenues during the ensuing fiscal year from each source other than from local property taxes and an estimate of the amount which should be raised by local property taxation for such ensuing fiscal year; (iv) an itemized estimate of expenditures of the Town for such ensuing fiscal year; and (v) the amount of revenue surplus or deficit of the Town at the beginning of the fiscal year for which estimates are being prepared.

(5) On or before the tenth (10th) day prior to the date of the Annual Budget Meeting, the Board of Finance shall do a Town-wide mailing of a summary covering all parts of the Recommended Budget including Reserve Fund, Contingency Fund, Surplus Revenue, Grand List and projected mill rate information.

D. Laying of Taxes -

(1) When the budget has been approved and the Grand List has been completed, the Board of Finance shall forthwith meet and 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 absorb any revenue deficit of the Town at the end of the current fiscal year.

(2) The Tax Collector shall collect the tax.

E. Approval of Special Appropriations -

(1) The Board of Finance on request from the Board of Selectmen or on request from the Board of Education may in any fiscal year make special appropriations up to \$25,000 in the aggregate from surplus or from the Contingency Fund to the requesting Board of Selectmen or to the requesting Board of Education, provided an unusual condition has been found to exist by the Board of Selectmen or the Board of Education requiring such request to be made thereby to the Board of Finance.

(2) In any fiscal year, upon affirmative vote of five (5) of its members, the Board of Finance may, without the need for approval by a Town Meeting, make special appropriations in excess of \$25,000 but not to exceed \$50,000, in the aggregate from surplus or from the Contingency Fund pursuant to a request therefor made to the Board of Finance by the Board of Selectmen or the Board of Education, provided an unusual

condition has been found to exist by the Board of Selectmen or the Board of Education requiring such request to be made thereby to the Board of Finance. If five (5) members of the Board of Finance do not agree, a majority of those members of the Board of Finance present and voting may recommend the appropriation or transfer for Town Meeting approval.

(3) No Town department or Agency or the Board of Education may receive over \$50,000, in the aggregate from special appropriations in any fiscal year without the approval of a Town Meeting.

(4) Regardless of the sum involved, no new position in any Town department or Agency shall be funded by the Board of Finance by means of a special appropriation, a transfer of unexpended balances between departments or Agencies or a redistribution of unexpended balances within a department or Agency without recommendation by the Board of Selectmen and the approval of a Town Meeting. Notwithstanding the above, the Chief Administrative Officer may, upon vote and approval of not less than four (4) members of the Board of Selectmen, hire an unbudgeted temporary employee where an unusual and unanticipated condition is found to have occurred. Such employment shall not exceed ninety (90) days without Board of Finance and Town Meeting approval.

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

(6) Special appropriations other than those from surplus revenue or from the Contingency Fund may be made only by vote of a Town Meeting on recommendation of the Board of Finance.

(7) 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.

F. 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 Agencies and departments shall be that prescribed by 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.

G. *Bonds and Notes* - Issuance of bonds or notes shall require approval of 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 by the Board of Selectmen which shall be the Town's legislative body for this purpose.

H. *Temporary Interfund Transfers* - Temporary inter-fund transfers by either the Board of Selectmen or by the Board of Education shall require approval by the Board of Finance upon recommendation of the Town's Chief Administrative Officer and the Finance Officer/Treasurer.

I. *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) Acceptance of any such grant of funds or materials and authorization for expending any grant funds or using any grant materials 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. If any acceptance pertains to a grant of funds or other property in excess of \$100,000 or if any grant requires matching funds not already appropriated through the budget process or the hiring of additional personnel, then the approval of the Town Meeting shall be required.

ARTICLE X - APPOINTIVE AGENCIES, DEPARTMENTS, AND OTHER ENTITIES

SECTION 10.01 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 10.01D, 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 or 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.

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 10.02 APPOINTIVE AGENCIES

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

B. *Eligibility for Membership on Appointive Agencies* - Only an Elector of the Town shall be eligible for appointment to any Agency. Any appointee ceasing to be an Elector of the Town shall thereupon cease to be a member of such Agency.

C. *Political Composition of Agencies* - Except as provided within 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, this Charter and any applicable Special Act.

E. *Creation of New Permanent Agencies* - A Town Meeting, after due notice, as described in Section 3.02 of this Charter, may, by Ordinance create new elective or appointive permanent Agencies. Any permanent Agency created by action of a Town Meeting may be abolished or changed upon the affirmative vote of a Town Meeting. Any dissolution shall not become effective before thirty (30) days after the date of such action.

F. *Term of Appointment of Members* - The term of appointment of each member of an appointed 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.

G. *Vacancies on Appointive Agencies* –

(1). *Vacancies Arising by Reason of Cessation of Status as Elector* – All members of appointive Agencies for which the Board of Selectmen is the appointing authority must be Electors of the Town of Canton. Any member of an Agency who ceases to be an Elector of the Town 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 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.

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

SECTION 10.03 APPOINTIVE EFFECTIVE DATE

The following Agencies have been created by Ordinance as of the effective date of this Charter, and continue to exist. Such Agencies can be modified or eliminated by Ordinance.

- (a) Aquifer Protection Agency
- (b) Building Code Board of Appeals
- (c) Board of Ethics
- (d) Commission on the Aging
- (e) Conservation Commission
- (f) Design Review Team
- (g) Economic Development Agency
- (h) Historic District Commission - Canton Center
- (i) Historic District Commission - Collinsville
- (j) Housing Authority
- (k) Inland Wetlands and Watercourses Agency
- (l) Juvenile Review Board
- (m) Library Board of Trustees
- (n) Open Space Preservation and Acquisition Commission
- (o) Park and Recreation Commission
- (p) Pension Committee
- (q) Permanent Municipal Building Committee
- (r) Planning Commission
- (s) Water Pollution Control Authority

- (t) Youth Services Bureau
- (u) Zoning Board of Appeals
- (v) Zoning Commission

ARTICLE XI - GENERAL PROVISIONS

SECTION 11.01 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.

SECTION 11.02 EFFECTIVE DATE

This Charter shall become effective on January 1, 2010.

SECTION 11.03 OATH

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

SECTION 11.04 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.

SECTION 11.05 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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