

TOWN OF CLINTON
LEGAL NOTICE
PROPOSED CLINTON CHARTER REVISIONS

Set forth below are the two proposed versions of amendments to the Clinton Charter approved by the Board of Selectmen on September 5, 2018 for submission to the voters of the Town of Clinton. A complete copy of each proposed charter with their respective proposed amendments are available in the Town Clerk's office and copies shall be mailed or otherwise provided to any person who requests a copies. The texts below only represent the proposed amendments to the Town of Clinton's Charter. The full text of each charter proposal is available in the Town Clerk's office, 54 East Main St. Clinton CT 06413.

Question #1 'Shall the Town of Clinton amend the Charter to adopt a Town Council and Town Manager form of government and associated amendments pursuant to the final report of the Charter Revision Commission dated August 28, 2018, to be effective November 19, 2019?'

Section 1-2 Rights and Obligations

If any contract has been entered into by the Town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of the Town which contains a provision that the same may be enforced by any Commission, Board, Department, Officer or Agency herein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in full force and effect and the powers conferred and the duties imposed with the reference to the same upon any such Commission, Board, Department, Officer or Agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the **Town Council**.

Section 2-5 Breaking a Tie

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, **after recount**, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected.

Section 3-1 Powers and Duties; Terms of Office

Elective Officers shall continue to hold such Office until their successors have been duly elected and qualified. **No individual can hold more than one elected position concurrently.**

Section 3-2 Vacancies

A. The **Town Council** shall fill, by appointment, a vacancy in any and all elective Town Offices, including the Board of Education, within thirty (30) days from the time that the office becomes vacant, said appointment to be for the unexpired portion of the term.

C. A vacancy on the **Town Council** shall be filled in accordance with the **procedures set forth in Section 9-222** of the General Statutes encaptioned, "Filling of vacancy in office of first selectman or selectman. Petition for special election".

Section 3-3 Town Council

There shall be elected a Seven (7) member Town Council, each member will be elected for a term of Four (4) years. At the municipal election in November 2019, seven (7) members shall be elected and those four (4) candidates receiving the highest number of votes for Town Council in the election shall be elected to serve for terms of four (4) years, and the remaining three (3) elected candidates shall serve for an initial term of two (2) years subject to requirement of minority representation. Thereafter, at each regular municipal election, there shall be elected candidates to fill those seats for which terms are expiring.

Section 3-4 Treasurers

The Treasurer shall be **appointed by the Town Council** for a term of two (2) years.

Section 3-6 Board of Assessment Appeals

Section 3-7 Board of Assessment Appeals Alternates

The Board of Assessment Appeals Alternates **who shall not be members of the same political party** shall consist of two (2) members, each of whom shall be elected for a term of four (4) years. The Alternate Members shall serve overlapping terms.

Section 3-8 Zoning Board of Appeals

Section 3-9 Zoning Board of Appeals Alternates

Section 3-10 Planning and Zoning Commission

Section 3-11 Planning and Zoning Alternates

Section 3-12 Board of Police Commissioners

Section 3-13 Registrars

The Registrars of Voters shall be elected at a regular town election for a term of four (4) years.

Section 4-1 Composition; Legislative Powers, Town Meeting and Town Council

A. The legislative powers of the Town shall be vested in the Town Meeting as provided by this Charter and in the **Town Council** as specified in Sections 5-4 through 5-7 of this Charter.

B. The Town Meeting may be convened as the Annual Town Meeting or Special Town Meeting. The Annual Town Meeting shall be held on the last Monday in January. The Annual Budget Meeting shall be held no later than the first Wednesday in May. Special Town Meeting shall be called by the **Town Council** as provided in this Chapter and in the

manner provided by the General Statutes, as amended.

Section 4-2 Procedure; Moderator

All Town Meetings shall be called to order by the **Town Council Chairperson** or a member of the **Town Council**.

Section 4-3 Annual Town Meeting

The Annual Town Meeting shall be for the purpose of receiving the Town Reports and shall consider such other business as the **Town Council** state in the Call of the Meeting.

Section 4-4 Annual Budget Meeting

A. The Annual Budget Meeting shall be **adjourned** to referendum. The call of the Annual Town Budget Meeting shall present as separate resolutions, the Town Government Budget and the Board of Education Budget to be voted upon in referendum pursuant to Section 4-4(B) of the Charter. Should the Annual Budget **Meeting** be adjourned prior to it being convened to referendum, said Meeting shall automatically reconvene in succeeding one (1) week intervals until its completion. The Budget Resolutions will be submitted to the persons qualified to vote in a town meeting which shall take place not less than seven (7) or more than fourteen (14) days thereafter, on a day to be set by the Annual Budget Meeting. At least five (5) days prior to such referendum the **Town Council** shall publish in a newspaper having general circulation in the town a notice of such referendum, setting forth the date on which, the hours (6a.m. - 8p.m.) during which, and the location at which the referendum will be held and the text of the questions as they will appear on the voting machine.

B. Should either budget section fail to be approved by a majority of those voting thereon, the **Town Council** and/or the Board of Education shall forthwith revise estimated expenditures, without altering estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the state, to arrive at revised spending levels and automatically submit the revised budget section(s) to referendum 14 days following the date the initial budget referendum was defeated. The **Town Council** shall hold at least one (1) public hearing upon five (5) days legal notice prior to submitting the revised budget section(s) for consideration. This process shall be repeated at two (2) week succeeding intervals until such time as the total budget is adopted.

Section 4-5 Special Town Meeting Actions

A. Special Town Meetings shall be required for approval by vote after recommendation by the **Town Council**:

6. Land exchange Transactions

B. Special Town Meetings may be called by the **Town Council** for:

Section 4-6 Appropriations or Other Actions Requiring Referendum

A. A referendum shall be required for:
1. With the exception of the annual budget, any resolution appropriating an amount **over \$300,000**;
2. Any resolution authorizing the issuance of bonds, notes, and all other forms of financing equal to **three (3) percent** or more of the current tax levy.

The **Town Council** shall fix the time and place of all referendums.

Section 4-7 Petition for Overrule

All ordinances, adopted by the **Town Council**, except emergency ordinances, shall be subject to overrule by referendum. All resolutions or votes of the **Town Council**, except those making appointments or removals or regulating exclusively the internal procedure of the **Town Council** shall be subject to overrule by referendum

A. The Town Clerk shall, within five (5) days after receipt of the last page of said petition, determine whether the petition and affidavits are sufficient as prescribed by law, and if so, certify said petition to the **Town Council**.

B. The **Town Council** shall fix the time and place of such referendum, which shall not be less than seven (7) days not more than fourteen (14) days after the certification of said petition.

Section 4-8 Petition for Special Town Meeting; Initiative

C. The **Town Council** shall hold one or more public hearings on such proposal prior to calling a special meeting.

TOWN COUNCIL

Section 5-1 Composition

There shall be a Town Council consisting of a Chairperson, Vice Chairperson and (5) Council Members, all elected as provided in this Charter. The members of which shall initially be compensated at the rate of \$3000 for the Chairperson and \$1500 for the remaining members per annum, such level of compensation to be reviewed from time to time by said Council. Any increase or decrease by a vote of at least five (5) members of the Council voting in favor of such an increase or decrease only takes effect upon the election of the next Council. The Town Council may be reimbursed by the Town for actual expenses incurred in the performance of official duties.

Section 5-2 Meetings; Conduct of Meetings; Special Meetings

A. At the first meeting following its election, the **Council** shall designate a **Chairperson** and a **Vice Chairperson**. The **Chairperson**, when present, shall preside over the meeting of the **Town Council** and shall have full voting power at such meeting.

B. At its first meeting following the election, the **Council** shall fix the schedule of its regular meeting dates and times. Such schedule shall be set by vote of the entire **Council**. The **Council** shall meet **twice a month** and at least one meeting a month shall be held during the evening hours.

C. The **Council** may call a special meeting whenever deemed necessary.

D. All actions of the **Council** shall require **four (4)** affirmative votes.

E. Minutes of each meeting shall be taken and shall include the attendance of each member on all items of business before the **Council by a clerk**.

Section 5-3 General Powers; Investigations

A. The **Council** shall have the powers and duties as are provided for Boards of Selectmen by the General Statutes, as amended, and this Charter, and may exercise any of the powers conferred on towns by Section 7-194 of the General Statutes, as amended.

B. The **Council** shall have the power to subpoena witnesses and documentation and to investigate any duty related actions of all Officers, Boards, Commissions and Agencies of the Town.

Section 5-4 Duties and Responsibilities

A. The **Council** shall direct, supervise and shall be responsible for coordinating the activities of the Officers, Departments, Boards, Commissions and Agents of the Town to which the **Council has power to appoint as outlined in this Charter**.

B. The **Council** shall adopt such rules and regulations as are necessary for the conduct of the affairs of the Officers, Departments, Boards, Commissions, and Agencies of the Town to which the **Council has power to oversee as outlined in this Charter**.

C. The **Council** shall hold at least one joint meeting, one of which shall be held during the month of January of each year, with all Officers, Departments, Boards, Commissions, Agencies and Authorities to coordinate the planning and activities of Town functions and responsibilities.

Section 5-5 Power to Enact Ordinances

A. The **Town Council** shall have the legislative power to enact ordinances, not inconsistent with this Charter and the General Statutes, as amended, for the preservation of the good order, health, welfare, and safety of the Town and its inhabitants. **No ordinances may be enacted by the Town Council during the period after the election of members of the Town Council and the date they take office after the election with the exception of ordinances to meet a declared emergency under Section 5-6 of this Charter**.

B. At least one public hearing shall be held by the **Town Council** before the enactment of any proposed ordinance.

C. The **Town Council** shall enact or deny the proposed ordinance within thirty (30) days after the public hearing.

Section 5-6 Power to Enact Emergency Ordinances

A. On a declaration by the **Town Council** that a State of Public Emergency exists endangering the lives, health or property of citizens, the **Council** may enact ordinances to meet such emergency.

Section 5-7 Additional Powers

The **Town Council** shall have the following powers and duties. The **Council**:

A. Shall **review** the proposed budget **from the Town Manager** consistent with the provisions of Chapter X of this Charter.

B. Shall with the advice of the Town Counsel, institute, prosecute, defend, or compromise any legal action or proceeding by or against the Town;

C. Shall call a Special Town Meeting to **consider and act upon recommendations** for the creation, consolidation, change or abolition of Offices, Boards, Commissions, or Agencies not otherwise provided for in this Charter;

D. Shall **approve or reject any collective bargaining agreement for the Town employees**;

E. Shall **have the power to subpoena witnesses and documentation and to investigate any duty related actions of all Officers, Boards, Commissions and Agencies of the Town**

G. Shall authorize the submission by the **Town Manager** of applications for Federal, State or Regional grants;

I. May employ such staff with such powers, duties and responsibilities as they may deem necessary to carry out the duties and responsibilities of the **Council**, consistent with the provisions of this Charter;

J. May call a Special Town Meeting for any proposal it deems of sufficient importance.

K. Shall **have the authority to approve real property tax abatement agreements allowed under provisions of the Connecticut General Statutes**

L. In no circumstance shall the **Town Council** accept any grant or enter into any grant agreement that:

Section 5-8 Relations to Town Manager's appointees

The **Council** and its members shall deal with the **Town Manager's** appointees and their subordinates solely through the **Town Manager**. **Neither the Council nor any member thereof shall give orders to any of the subordinates of the Town Manager either publicly or privately. For purposes of investigation, the Council may call any employee or officer before a properly constituted meeting of the Council, provided that the Town Manager has been invited to attend.**

CHAPTER VI
CHAIRPERSON OF THE TOWN COUNCIL

Section 6-1 General

A. The **Chairperson** shall be the official head of the Town for all ceremonial or military purposes.

B. The **Chairperson** shall be a full voting and participating member of the **Town Council** and shall preside at all meetings of the **Council**.

C. The **Chairperson** or such other **Council member** as he/she may appoint shall be an ex-officio member of all Boards, Commissions, Agencies, Committees and Authorities including the Board of Education but without the power to vote.

Section 7-1 Appointments

A. All appointments to Offices hereinafter stated shall be made by the **Town Council** by a majority vote of the **Town Council**. No appointments may be made by the **Town Council** during the period after the election of members of the town council and the date they take office after the election.

Section 7-2 Terms of Office

B. Vacancies shall be filled within sixty (60) days by the **Town Council**.

C. No one person may hold more than one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

D. No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

Section 7-4 Minority Party Representation

Minority Party Representation shall be as specified in Chapter II of this Charter.

Section 7-5 Two - Year Terms

The **Town Council** may appoint Special Constables each of whom shall serve a two (2) year term.

Section 7-7 Four - Year Terms

B. The Economic Development Commission shall consist of seven (7) members and three (3) alternate members with no more than two (2) alternates from the same political party and all appointed to serve overlapping terms.

G. The Historic District Commission shall consist of five (5) members and three (3) alternate members all appointed to serve overlapping terms.

Section 7-8 Five Year Terms

Section 8-1 Terms of Office; Qualifications; Powers and Duties

Appointments shall be made by the **Town Manager, Town Council** or the **Chairperson**, as may be required by the General Statutes, as amended. Administrative Officers shall possess, upon appointment, such qualifications as may be required by law or by the **Town Council**.

Section 8-2 Town Manager

Section 8-2-1 Appointment; Qualifications; Term; Compensation

A. The **Town Council** shall appoint a **Town Manager** for a term not to exceed three (3) years. Prior to appointing the **Town Manager**, the **Town Council** shall appoint a search committee it deems qualified, to perform a search for qualified candidates. The **Town Council** may select and designate a search committee for a term not to exceed one (1) year.

(i) The Board of Selectmen seated and serving as of the date of the initial approval of this Charter, shall constitute a search committee to consider candidates for appointment as the initial **Town Manager** for the Town of Clinton. Such candidates shall have the qualifications set forth in this Charter. Upon election of the initial **Town Council**, pursuant to this Charter, candidates will be presented to the Council for selection of the initial **Town Manager**. The authorization contained in this subsection shall become effective upon passage of the Charter.

B. The **Town Manager** shall be appointed solely on the basis of executive and administrative qualifications, character, education, professional training, and experience. Specific qualifications such as a Master's Degree in Public Administration (MPA), Master's Degree in Business Administration (MBA) or related fields. The **Town Manager** need not be a resident of the Town or state at the time of appointment and may reside outside the Town while in office only with the approval of the **Town Council**.

C. The **Town Manager** shall serve a specified term not to exceed three (3) years pursuant to a contract between the **Town Council** and the **Town Manager**. There shall be no limitation on the number of times the **Town Council** may execute a new contract with any particular **Town Manager**. The contract shall make provisions for compensation, review procedures, its specific expiration date, and any other matters the **Town Council** deems appropriate and/or necessary.

D. The **Town Council** shall determine the compensation of the **Town Manager**. In addition to termination provided by Section 8-2-1(C) of this Charter and by any applicable contract provision, the **Town Council** shall have the power to suspend or remove the

Town Manager, as provided herein.

E. Upon the suspension, removal, resignation, incapacity, or death of the **Town Manager**, the **Council** may appoint a **Temporary Manager** to serve at the pleasure of the **Council** for a period of not more than one hundred eighty (180) days. If, after one hundred eighty (180) days, the **Council** has not appointed a new **Manager**, it may appoint a **Temporary Manager** for a further period of up to (180) days. The **Temporary Town Manager** shall have all the powers and duties of the **Manager**.

Section 8-3 Removal

A. In addition to termination provided by Section 8-2-1 of this Charter and by any applicable contract provision, the **Town Council** shall have the power to suspend or remove **Town Manager** as provided herein.

B. The **Town Council** may approve the suspension or removal of the **Town Manager** by a resolution approved by five (5) affirmative votes of the **Town Council** which resolution shall set forth the reasons for suspension or removal. A copy of such resolution shall be served upon the **Manager** by certified mail to the **Manager** last known address or by hand-delivery.

C. Within fifteen (15) days of the resolution regarding the **Town Manager's** removal or suspension, the **Town Manager** shall reply to the resolution, in writing properly addressed to the **Town Council**, and the **Town Manager** may request a private hearing before the **Town Council**. If the **Town Manager** fails to timely respond, the **Town Council's** suspension or removal shall be deemed final.

D. In the event of the **Town Managers** timely response the **Town Council** shall hold a hearing not earlier than ten (10) days and not later than fifteen (15) days after such hearing is requested.

E. After the public hearing and after full consideration, the **Town Council**, by five (5) affirmative votes, may adopt a final resolution of suspension or removal. The decision of the **Town Council** shall be final.

Section 8-4 Powers and Duties of the Manager

The **Town Manager** shall serve full time and shall be the Chief Executive and Administrative Officer of the Town. The **Town Manager** shall have the powers, duties, and responsibilities conferred upon that Office by the General Statutes, as amended, and by this Charter.

The **Town Manager** shall be directly responsible to the **Town Council** for the administration of all departments, agencies and offices in charge of persons or boards appointed by the **Town Manager** and shall supervise and direct the same. He or she shall devote full time to the discharge of the duties of the office. The **Town Manager** shall see that all Policies set by the **Town Council**, along with the laws and ordinances governing the Town are faithfully executed; shall make reports to the **Town Council** and shall attend its meetings with full right of participation in its discussions but without a right to vote and may attend meetings of the Board of Education and other **Town** boards and commissions, but shall have no power to vote on any question under any circumstance; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual **Town** report; shall require each board, commission and officer of the Town to submit a written quarterly progress report of their official activities to the **Town Manager** for submission to the **Town Council**; shall recommend to the **Town Council** such measures as he or she may deem necessary or expedient; shall keep the **Town Council** fully advised as to the financial condition of the Town; shall prepare and submit to the **Town Council** an annual budget; and shall exercise such other powers and perform such other duties as may be required of the **Town Manager** by ordinance or resolution of the **Town Council** not inconsistent with this Charter. The **Town Manager** may, with the approval of the **Town Council**, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, or any other body politic or corporate. The **Town Manager** may consolidate or combine offices, positions, departments or units under his or her jurisdiction, with approval of the **Town Council**. The **Town Council** shall not diminish by ordinance, vote or otherwise the powers and duties of the **Town Manager**, except those powers and duties imposed by the **Town Council** under the provisions of this section.

Section 8-5 Additional Duties and Responsibilities

A. Shall assemble, compile and publish the Annual **Town Report** for submission to the Annual **Town Meeting**;

B. Shall have the power to lease real property for no more than a three (3) year period;

C. Shall authorize the execution of contracts, leases, deeds, and other legal instruments by the **Chairperson** of the **Town Council**. No such documents may be executed by the **Town Council** during the period after the election of members of the **Town Council** and the date they take office after the election.

D. May contract for services and the use of facilities with the

Federal Government or any agency thereof, the State of Connecticut, or any agency or political subdivision thereof;

E. May join with other towns to provide or obtain services or the use of facilities by means of inter-local agreements.

F. May enter into grant agreements, accept funds disbursed under said grant agreements and appropriate same for the use intended, subject, however, to:

a. the approval of the **Town Council** and, if the grant requires in kind or matching funds, **Town Meeting** as otherwise provided herein; and

b. any other Board or Commission, otherwise having jurisdiction of the subject matter of the grant pursuant to any State law or Charter provision due to the subject matter of said grant.

G. Shall enforce or cause to be carried out the ordinances, regulations, resolutions or policies voted by the **Town Council** of the **Town Meeting**.

H. Shall be responsible for coordinating the administrative activities of the Officers, Boards, Commissions and Agencies of the **Town**.

I. Shall be responsible for a continuous review of current and future needs of the **Town**, including the fiscal needs and budget requirements.

J. Shall contract for all services and the purchases of supplies, equipment, and other commodities required by any **Town** agency except the Board of Education, under the competitive bidding provisions of this Charter.

K. Shall be responsible for the administrative and personnel policies for the **Town** officers and employees as provided by this Charter.

L. May, when requested by any Officer, Board, Commission, or Agency, make special or supplemental appropriation in amounts subject to the provisions of Section 10-4 of this Charter.

M. Be the personnel director for the town, and shall have the responsibility for developing job descriptions for all administrative officers, subject to the approval of the **Town Council**; and all advertising for, hiring, and dismissal of town employees, except for the Board of Education employees, shall be under the **Town Manager's** direct control, subject to the approval of the **Town Council** except as otherwise provided for in this Charter;

N. Keep the **Town Council** fully advised as to the financial condition and all other matters affecting the welfare and future needs of the **Town**;

O. Make recommendations to the **Town Council** concerning the affairs of the **Town**;

P. Periodically review and revise job descriptions of **Town** officers and employees and make recommendations for improving the organization and staffing of **Town** departments, offices and agencies;

Q. Assist the **Town Council** to develop long-term goals including economic development for the town and strategies to implement such goals;

Section 8-6 Appointments by the Town Manager

The **Town Manager** shall appoint all officers and employees of the **Town** except as otherwise specifically provided in this Charter. The appointments by the **Town Manager** shall be confirmed by a majority of the **Town Council**. In lieu of any appointment by the **Town Manager** or appointees to any office under his or her jurisdiction, the **Town Manager** may, subject to the approval of the **Town Council**, perform the duties of any appointed office under his or her jurisdiction. The **Town Manager** may designate one of his or her appointees to serve as acting **Manager** during the **Town Manager's** absence. The **Town Manager** cannot create a position without first obtaining approval of the majority of the **Town Council** after completing the proper job description and requirements for said position.

Section 8-7 Assessor

The **Town Manager** shall hire a certified Connecticut Municipal Assessor who shall be so certified by the State Tax Commissioner, following recommendation by a search committee appointed by the **Town Council**.

Section 8-8 Town Counsel

The **Town Council** shall appoint as **Town Counsel** an Attorney-at-Law or a firm of Attorneys-at-Law admitted to practice in the State. **Town Counsel** shall appear for and protect the rights of the **Town** in all actions, suits or proceedings brought by or against it or any of its officers, Departments, Boards, Commissions, or Agencies and shall be their legal advisor in all matters affecting the **Town**. **Town Counsel** shall; upon written request submitted through the **Town Council Chairperson**, furnish a written opinion on any question of law involving **Town** matters, powers and duties. **Town Counsel** shall prepare or approve forms of contracts or other instruments to which the **Town** is a party or in which it has an interest, and shall have power, with the approval of the **Town Council**, to compromise or settle any claims by or against the **Town**.

Section 8-9 Architects, Engineers, Surveyors and Other Such

Consultants

The **Town Manager** shall contract with State licensed Architects, Engineers, Surveyors and other such consultants, in support of all services, Commissions, and Boards of the Town, under the administration of the Public Works Commission.

Section 8-10 Emergency Management Director

The **Town Manager** shall appoint an **Emergency Management Director, following recommendation by a search committee appointed by the Town Council.** The Director shall have the powers and duties prescribed by law.

Section 8-11 Fire Marshal; Deputies

The **Town Manager** shall appoint a Fire Marshal to serve a four (4) year term, **following recommendation by a search committee appointed by the Town Council.** **Town Manager** may appoint Deputy Fire Marshals for the same term. They shall all have the powers and duties prescribed by the General Statutes, as amended

Section 8-12 Town Clerk; Salary; Assistant Town Clerk

A. The Town Clerk shall be hired by the **Town Manager**, following recommendation by a search committee appointed by the **Town Council.** The successful candidate shall be a Connecticut Certified Municipal Clerk or have a minimum of **five (5)** years experience in a Town Clerk's office.

B. All statutory and other fees shall be remitted monthly to the Town Treasury.

C. The Assistant Town Clerk(s) **shall be hired by the Town Manager, and** in the absence or disability of the Town Clerk, have all the powers and perform all the duties of the Town Clerk, and all records and acts of said Assistant(s) shall have the same validity as the records and acts of the Town Clerk.

Section 8-13 Town Clerk Certifications of Records of Killingworth

The Town Clerk, from photostatic copies of files in the Clerk's Office is authorized to certify copies of the public records of the Town of Killingworth recorded prior to June 1, 1838; which certified copies shall have the same legal affect as copies certified from the original records of the Town Clerk of the Town of Killingworth.

Section 8-14 Building Officials

The **Town Manager** shall hire a certified building official responsible for the administration of the Basic Building Code of the State of Connecticut, **following recommendation by a search committee appointed by the Town Council.**

Section 8-15 Directors of Human Services

The **Town Manager** shall hire a person professionally trained or experienced in social work as the Director of Human Services (responsible for Youth and Family Services and Social Services, **following recommendation by a search committee appointed by the Town Council.**

Section 8-16 Directors of Park and Recreation

The **Town Manager** may hire upon the recommendation of the Commission, a Director of Park and Recreations, **following recommendation by a search committee appointed by the Town Council.** The Director shall, under the supervision of the Park and Recreations Commission, administer a recreation program.

Section 8-17 Zoning Enforcement Officer

The **Town Manager** shall hire a Zoning Enforcement Officer, **following a recommendation by a search committee appointed by the Town Council,** who shall enforce the provisions of the Zoning Regulations.

Section 8-18 Police Department; Police Commission; Police Chief

A. The Police Department shall be headed by the Chief of Police, subject to the direction of the Board of Police Commissioners, **who shall be hired by the Town Manager with approval of the Board of Police Commissioners.** The Chief shall be the Chief Administrative Officer of the Department and shall be responsible to the Board for its efficiency and for the execution of all laws, rules and regulations prescribed by the said Board.

Section 8-19 Inland-Wetlands Enforcement Officer

The **Town Manager** may hire an Inland-Wetlands Enforcement Officer who shall enforce the Inland-Wetlands and Water Courses Regulations.

Section 8-20 Department of Public Works and Public Works Commission

A. There shall be a Department of Public Works headed by a Director of Public Works. The Director shall be hired by the **Town Manager, following recommendation by a search committee appointed by the Town Council** and upon the recommendation of the Public Works Commission. The Director may also serve as the Town Engineer. The Director shall be the chief administrative officer of the Department of Public Works.

B. The Department of Public Works shall administer the care, repair and maintenance of Town property as described in Section 7-148 (c)6 of the General Statutes, as amended.

The Public Works Commission shall:

a. Monitor, oversee and administer the Department of Public Works to ensure proper management controls are in place and utilized to allow the

department to carry out the obligations and duties as set forth in Section 8-20 of this Charter;

b. Study and periodically, (but at least once annually) report to the **Town Manager** regarding the organization, operation, management and control of the Public Works Department; and

c. **Approve a recommended Annual** budget and proposed capital improvements for the **Department of Public Works to be presented to the Town Manager**

d. Advise the **Town Manager** on planning, construction, reconstruction, installation, operation and maintenance of public works.

e. Assist in the development and updating of policies, rules and regulations for public improvements and other matters referred to the commission by the **Town Manager.**

Section 8-21 Director of Finance

The Director of Finance shall be hired by the **Town Manager following recommendation by a search committee appointed by the Town Council** and shall be **responsible** for the operation and administration of all finance related functions, **including the duties of the Treasurer,** for the Town of Clinton.

Section 8-22 Tax Collectors:

The Tax Collector shall be hired by the **Town Manager** following recommendation by a search committee appointed by the **Town Council.** The successful candidate shall be a Connecticut Certified Municipal Collector or have a minimum of three (3) years experience in a Tax Collector's office.

Section 8-23 Town Planner

The **Town Manager** may hire an American Institute of Certified Planners (AICP) certified Town Planner, **following recommendation by a search committee appointed by the Town Council.**

Section 9-1 Meeting Procedure and Records

D. The votes of each member shall be taken and made available and filed with the Town Clerk within **forty-eight (48)** hours of such vote. Minutes of regular and special meetings shall be filed with the Town Clerk, **Chairperson of the Town Council** and posted to the Town's web site as per Public Act 08-3 within seven (7) days of the meeting to which they refer.

Section 9-2 Code of Ethics

A. The **Town Council** shall, by ordinance, establish a Code of Ethics regulating the conduct of all officers and employees of the Town.

B. Any officer or any employee of the Town who has a financial interest, direct or indirect, in any contract, transaction, or decision of any agency to which the Town is a party, shall disclose the interest to the **Town Council** who shall record such disclosure upon the Official record of their meetings. Violation by any such Officer of this provision with the knowledge, express or implied, of any person or corporation participating in such contract, transaction, or decision, shall render the same voidable by the **Town Council** or a court of competent jurisdiction.

C. No person serving on an elective or appointive Board shall be an employee **supervised** by that same Board.

Section 9-3 Merit System

A. The **Town Council** may by ordinance, establish a Merit System for a classified service of the Town. The system shall define the personnel to be covered and shall provide for the **Town Council** to define the qualifications and method of appointment to each position, the duties and responsibilities of such positions, and the conditions and benefits of employment in such positions.

B. The classified service may include all officers and employees of the Town, except the following: all **elected** Officers and **persons** appointed to fill vacancies in **elected offices**; members of appointive Boards; persons employed or appointed to make or conduct a temporary study or investigation; and period not exceeding three (3) months.

Section 9-4 Removal From Office

A. The **Town Council** shall have the power to remove any Officer or Employee appointed by them provided the Officer or Employee shall have been served with a written notice of intention to remove from office or position, containing a clear statement of the grounds for such removal, and of the time and place, not less than ten (10) days after the service of such notice, at which said Officer or Employee shall be given the opportunity to be heard thereon.

B. Any member of an appointive Board, Commission or Agency or any person who has been appointed to fill a vacancy in an elective Office, who does not attend at least sixty-six and two-thirds (66 2/3) percent of regularly scheduled meetings of said Board, Commission, or Agency, during such fiscal year, as defined in Section 7-2(A) of this Charter, shall be considered removed from such Board, Commission, Agency and his/her place thereon shall be considered vacant. It shall be the duty of the Chairman of that Board, Commission, or Agency to give prompt written notice of such vacancy to the **Town Council.**

Section 10-2 Preparation of the Budget

A. Annually, at such time and in such manner as the **Town Council** and the **Town Manager** shall require, every Department, Office, Board, Commission, Agency or Authority supported wholly or in part by Town revenues, or for which a specific appropriation is or may be made, shall present to the **Town Manager** an itemized estimate of the expenditures to be made, and all revenues, other than Town appropriation to be received during the ensuing fiscal year. The estimates shall be accompanied by such other reports and information as the **Town Manager** shall require.

The **Town Manager, with the Director of Finance** shall examine the estimates and information and prepare such comments and recommendations as it deems advisable with respect to the estimates. It shall also provide the **Town Council** with a report on the proposed capital improvements to be undertaken for the ensuing year and the following four (4) fiscal years.

B. Annually, at such time and in such manner as the **Town Council** may require, the **Town Manager** shall present to the **Town Council** the itemized estimates of the expenditures to be made by each Department, Office, Board, Commission, Agency, or Authority by them together with the comments and recommendations of the **Town Manager** with respect to such estimates.

D. The **Town Manager** shall hold hearings with each Department, Office, Board, Commission or Agency on the proposed budget. **The Town Manager shall then present the proposed budget to the Town Council.** The **Town Council** shall then revise the estimates as it deems desirable and shall complete the proposed budget for the ensuing fiscal year and its report. All such actions shall take place in public meeting.

F. The **Town Council** shall hold one or more public hearings on the proposed budget not less than fourteen (14) days before the Annual Budget Meeting.

G. **In the case of the Rejection of the Budget, the Town Council shall then revise and recommend changes as it deems desirable.**

Section 10-3 Laying of Taxes

A. Not more than fifteen (15) days after the adoption of the annual Town Budget, the **Town Council and the Director** of Finance shall meet and levy the tax rate on the taxable property of the Town sufficient to provide for the budget estimates as finally approved.

Section 10-4 Special Appropriations and Transfers of Appropriations

A. All requests for special appropriations shall be made in writing to the **Town Council** which shall forward such requests together with their comments or recommendations to the **Town Manager.** The **Town Manager** shall act on all requests for special appropriations.

B. The **Town Manager**, when requested by a Town agency and after approval of the **Town Council**, may make special appropriations from cash surplus or the contingency account in the amounts not to exceed in total for that Department, Office, Board, Commission or Agency **fifty thousand (\$50,000)** dollars in any one fiscal year. Any request which shall exceed the amount herein provided shall require a vote of the Town Meeting after the approval of the **Town Council.**

C. Special appropriations other than those from cash surplus or from the contingency account may be acted upon only by a Town Meeting, after the approval of the **Town Council.**

D. The **Town Manager**, upon appropriate request, and recommendation of the **Town Council**, may transfer unexpended balances from one appropriation to another.

E. **Transfer of appropriations of amounts up to \$500 within a department can be done by Department Heads with the approval of the Finance Director.**

Section 10-5 Emergency Appropriations

The **Town Council**, acting pursuant to a declaration of a State of Emergency, shall be empowered to make appropriations for the purposes of meeting a public emergency threatening the lives, health, or property of citizens, provided such appropriations shall receive a **majority** vote of all members of the **Council.**

Section 10-6 Expenditures and Accounting

A. The system of accounts used by Town **Departments, Offices, Boards, Commissions, and Agencies** shall be that prescribed by the General Statutes, as amended, and as supplemented by regulations of the **Town Council and Director** of Finance. All regulations of the **Town Council** shall be consistent with the Charter and all Departments, Offices, Boards, Commissions and Agencies shall comply with such regulations. Said accounts shall be maintained under the supervision of the **Town Manager.**

B. The **Town Manager** shall institute Competitive Bidding, for the purchase of all materials, supplies, equipment, and contractual services required by the Town, except the Board of Education, under such regulations as it shall adopt. Said regulations may exclude professional, engineering, and technical services. Purchases shall be based upon requisitions and orders based upon the budget and properly authorized. Joint purchasing with the Board of Education and other towns shall be conducted whenever practicable. Informal bids shall be obtained for all purchases over three thousand (\$3,000) dollars. If any purchase order or contract, including a continuing order or contract for the purchase of the same commodity over a period of time, involves the expenditure of over seven thousand five hundred (\$7,500) dollars, the **Town Manager** shall invite sealed bids or proposals, giving then (10) days public notice hereof by publication at least once in a newspaper having circulation in the Town. All such sealed bids or proposals shall be opened publicly and the purchase or contract awarded to the lowest qualified bidder thereon. The **Town Manager** may reject all such bids or proposals and re-advertise if bidders fail to meet specifications. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.

C. The **Town Council and Director** of Finance shall provide for an

Continued from page 26

Annual Audit of the books and accounts of the Town as required by the General Statutes, as amended.

E. The **Town Manager** shall have the discretionary authority to utilize state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids the sum total shall not exceed **one hundred thousand (\$100,000)** dollars per commodity and/or piece of equipment, if to do so is in the **Town's** best interest

F. Books and Records of Town aided organizations:

i. **The Town Council, Town Manager** or their designee shall have access at all reasonable times to the records and books of account of town-aided organizations

ii. The town shall make no contribution to any organization if prohibited by Connecticut General Statutes. No contribution of more than two thousand (\$2,000) per annum shall be made to any organization or corporation whose appropriate financials records are not submitted to the **Town Council** along with its request for an appropriation.

Section 11-3 Referendum: Effective Date

Amendments to this Charter shall be submitted to the electors of Clinton at the regular Town election to be held November **6, 2018** in accordance with the provisions of Chapter 99 of the General Statutes, as amended, and its provisions shall become effective upon the approval of a majority of the electors voting thereon except as follows;

Section 11-4 Charter Study Commission

The **Town Council** shall appoint a Charter Study Commission not later than five (5) years from the effective date of this Charter.

Dated at Clinton, Connecticut this 4th day of September **2018**.

To be effective as per Connecticut General Statute 7-191f. Effective date **November 19, 2019**.

Question #2 "Shall the Town of Clinton retain the Board of Selectmen form of government and make the various amendments pursuant to the amended Charter for such form of government contained in the final report of the Charter Revision Commission dated August 28, 2018 to be effective November 19, 2019?"

Section 2-5 Breaking a Tie

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, **after recount**, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected.

Section 3-1 Powers and Duties; Terms of Office

Elective Officers shall continue to hold such Office until their successors have been duly elected and qualified. **No individual can hold more than one elected position concurrently.**

Section 3-2 Vacancies

C. A vacancy on the Board of Selectmen shall be filled in accordance with **the procedures set forth in** Section 9-222 of the General Statutes encaptioned, "Filling of vacancy in office of first selectman or selectman. Petition for special election".

Section 3-4 Treasurers

The Treasurer shall be **appointed by the Board of Selectmen** for a term of two (2) years.

Section 3-6 Board of Finance

The Board of Finance shall consist of **seven (7)** members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping term. **At the election to be held November of 2019, there shall be 4 members elected for terms of four years.** At each regular municipal election, **thereafter Members** shall be elected to replace those whose terms are expiring.

Section 3-7 Board of Finance Alternates

There shall be two (2) Boards of Finance Alternates who shall not be members of the same political party and who shall be elected for a term of **four (4)** years.

Section 3-9 Board of Assessment Appeals Alternates

The Board of Assessment Appeals Alternates **who shall not be members of the same political party** shall consist of two (2) members, each of whom shall be elected for a term of four (4) years.

Section 3-15 Registrars

The Registrars of Voters shall be elected at a regular town election for a term of four (4) years.

Section 4-4 Annual Budget Meeting

The Annual Budget Meeting shall be **adjourned** to referendum. Should the Annual Budget Meeting be adjourned prior to it being convened to referendum, said Meeting shall automatically reconvene in succeeding one (1) week intervals until its completion.

Section 4-5 Special Town Meeting Actions

6. Land exchange Transactions

Section 4-6 Appropriations or Other Actions Requiring Referendum

A. A referendum shall be required for:

3. With the exception of the annual budget, any resolution appropriating an amount **over \$300,000**;

4. Any resolution authorizing the issuance of bonds, notes, and all other forms of financing equal to **three (3)** percent or more of the current tax levy.

Section 5-5 Power to Enact Ordinances

A. The Board of Selectmen shall have the legislative power to enact ordinances, not inconsistent with this Charter and the General Statutes, as amended, for the preservation of the good order, health, welfare, and safety of the Town and its inhabitants. **No ordinances may be enacted by the Board of Selectmen during the period after the election of members of the Board of Selectmen and the date they take office after the election with the exception of ordinances to meet a declared emergency under Section 5-6 of this Charter.**

Section 5-7 Additional Powers

D. Shall authorize the execution of contracts, leases, deeds, and other legal instruments by the First Selectmen, **No such documents may be executed by the First Selectmen or the Board during the period after the election of members of the Board and the date they take office after the election.**

G. Shall call a Special Town Meeting to **consider and act upon recommendations** for the creation, consolidation, change or abolition of Offices, Boards, Commissions, or Agencies not otherwise provided for in this Charter;

P. Shall have the authority to approve real property tax abatement agreements allowed under provisions of the Connecticut General Statutes and as recommended by the Board of Finance.

Q. May enter into grant agreements, accept funds disbursed under said grant agreements and appropriate same for the use intended, subject, however, to:

i. the approval of the Board of Finance and, if the grant **requires in kind or matching funds**, Town Meeting as otherwise provided herein; and

ii. any other Board or Commission, otherwise having jurisdiction **of the subject matter of the grant** pursuant to any State law or Charter provision due to the subject matter of said grant.

Section 6-1 General

C. The First Selectman or such other Selectmen as he/she may appoint shall be an ex-officio member of all Boards, Commissions, Agencies, Committees and Authorities including the Board of Education and the Board of Finance, but without the power to vote.

Section 6-2 Powers and Duties

A. The First Selectman shall execute or cause to be **carried out** the ordinances, regulations, resolutions or policies voted by the Board of Selectmen of the Town Meeting, and shall guide the Board in the discharge of its duties and responsibilities.

Section 7-1 Appointments

A. All appointments to Offices hereinafter stated shall be made by the Board of Selectmen by a majority vote of the Board of Selectmen. **No appointments may be made by the Board of Selectmen during the period after the election of members of the Board of Selectmen and the date they take office after the election.**

Section 7-2 Terms of Office

C. **No one person may hold more than one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.**

D. No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

Section 7-4 Minority Party Representation

Minority Party Representation shall be as specified in Chapter II of this Charter.

Section 7-7 Four - Year Terms

B. The Economic Development Commission shall consist of seven (7) members and **three (3) alternate members with no more than two (2) alternates from the same political party** and all appointed to serve overlapping terms.

G. The Historic District Commission shall consist of five (5) members and three (3) alternate members all appointed to serve overlapping terms.

Section 7-8 Five Year Terms

A. The Board of Ethics shall consist of five (5) members, all appointed to serve five (5) year overlapping terms. No member shall serve more than two (2) consecutive terms. Any member having served two (2) consecutive terms shall be ineligible for reappointment to the Board for a period to two (2) years.

Section 8-5 Emergency Management Director

The Board of Selectmen shall appoint an **Emergency Management Director**. The Director shall have the powers and duties prescribed by law.

Section 8-6 Fire Marshal; Deputies

Section 8-7 Town Clerk; Salary; Assistant Town Clerk

A. The Town Clerk shall be hired by the Board of Selectmen, following recommendation by a search committee appointed by the Board of Selectmen. The successful candidate shall be a Connecticut Certified Municipal Clerk or have a minimum of **five (5)** years experience in a Town Clerk's office.

B. **All** statutory and other fees shall be remitted monthly to the Town Treasury.

Section 8-8 Town Clerk Certifications of Records of Killingworth

Section 8-9 Building Officials

Section 8-10 Directors of Human Services

Section 8-11 Directors of Park and Recreation

Section 8-12 Zoning Enforcement Officer

The Board of Selectmen shall hire a Zoning Enforcement Officer

who shall enforce the provisions of the Zoning Regulations.

Section 8-13 Police Department; Police Commission; Police Chief

A. The Police Department shall be headed by the Chief of Police, subject to the direction of the Board of Police Commissioners, **who shall be hired by the Board of Selectmen with approval of the Board of Police Commissioners.**

Section 8-14 Inland-Wetlands Enforcement Officer

Section 8-15 Department of Public Works and Public Works Commission

B. The Department of Public Works shall administer the care, repair and maintenance of Town property as described in Section 7-148(c)(6) of the General Statutes, as amended.

C. The Public Works Commission shall:

c. **Approve a recommended Annual** budget and proposed capital improvements for **the Department of Public Works to be presented** to the Board of Selectmen and Board of Finance.

Section 8-16 Director of Finance

The Director of Finance shall be hired by the Board of Selectmen upon the recommendation of the Board of Finance and shall be **responsible for** the operation and administration of all finance related functions, **including the duties of the Treasurer**, for the Town of Clinton.

Section 8-17 Tax Collectors:

Section 8-18 Town Planner

Section 9-1 Meeting Procedure and Records

D. The votes of each member shall be taken and made available and filed with the Town Clerk within **forty-eight (48)** hours of such vote.

Section 9-2 Code of Ethics

C. No person serving on an elective or appointive Board shall be an employee **supervised by** that same Board.

Section 9-3 Merit System

A. The Board of Selectmen **may** by ordinance, establish a Merit System for a classified service of the Town. The system shall define the personnel to be covered and shall provide for the Board of Selectmen to define the qualifications and method of appointment to each position, the duties and responsibilities of such positions, and the conditions and benefits of employment in such positions.

B. The classified service may include all officers and employees of the Town, except the following: all **elected Officers and persons** appointed to fill vacancies in **elected offices**; members of appointive Boards; persons employed or appointed to make or conduct a temporary study or investigation; and period not exceeding three (3) months.

Section 9-4 Removal From Office

B. Any member of an appointive Board, Commission or Agency or any person who has been appointed to fill a vacancy in an elective Office, who does not attend at least sixty-six and two-thirds (66 2/3) percent of regularly scheduled meetings of said Board, Commission, or Agency, during such fiscal year, as defined in Section 7-2(A) of this Charter, shall be considered removed from such Board, Commission, Agency and his/her place thereon shall be considered vacant. It shall be the duty of the Chairman of that Board, Commission, or Agency to give prompt written notice of such vacancy to the Board of Selectmen.

Section 10-2 Preparation of the Budget

A. It shall also provide **the Board of Selectmen and** the Board of Finance with a report on the proposed capital improvements to be undertaken for the ensuing year and the following four (4) fiscal years.

Section 10-3 Laying of Taxes

B. The Board of Selectmen, when requested by a Town agency and after approval of the Board of Finance, may make special appropriations from cash surplus or the contingency account in the amounts not to exceed in total for that Department, Office, Board, Commission or Agency **fifty thousand (\$50,000)** dollars in any one fiscal year. Any request which shall exceed the amount herein provided shall require a vote of the Town Meeting after the approval of the Board of Finance.

E. Transfer of appropriations of amounts up to \$500 within a department can be done by Department Heads with the approval of the Finance Director.

Section 10-6 Expenditures and Accounting

E. The Board of Selectmen shall have the discretionary authority to utilize state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids, where the sum total shall not exceed **one hundred thousand (\$100,000)** dollars per commodity and/or piece of equipment, if to do so is in the **Town's** best interest.

Section 11-3 Referendum: Effective Date

Amendments to this Charter shall be submitted to the electors of Clinton at the regular Town election to be held November **6, 2018** in accordance with the provisions of Chapter 99 of the General Statutes, as amended, and its provisions shall become effective upon the approval of a majority of the electors voting thereon except as follows;

Dated at Clinton, Connecticut this 4th day of September **2018**.

To be effective as per Connecticut General Statute 7-191f. Effective date **November 19, 2019**.

Dated at Clinton, Connecticut this 1st day of October, 2018

Christine Goupil, First Selectman