



TOWN OF CLINTON, CONNECTICUT

Town Charter Clinton, Connecticut

(Effective date November 19, 2019)

TOWN CHARTER

CLINTON, CONNECTICUT

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CHAPTER 1
INCORPORATION AND GENERAL POWERS

Section 1-1 Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Clinton, as heretofore constituted, shall continue to be a body politic and corporate under the name of "Town of Clinton," hereinafter called "the Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this chapter, the additional powers and privileges herein conferred upon towns under the general laws of the State of Connecticut.

Section 1-2 Rights and Obligations

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the effective date of this Charter shall be continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind to which the Town shall be liable on said date. Nothing therein shall be construed to affect the right of Town to collect any assessment, charge, debt, or lien. 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 1-3 General Grant of Powers

In addition to all powers granted to towns under the Constitution and General Statutes, as amended, or which may hereafter be conferred, the Town shall have all the powers specifically granted by this Charter all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Section 7-194 of the General Statutes, as amended, and by special acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States Government or branch thereof, or any agency or political subdivision thereof, or any body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Charter shall not be construed as limiting the general grant of powers but shall be considered as an addition thereto.

CHAPTER 2
ELECTIONS

Section 2-1 State Elections

Nomination and election of state officers, Judge of Probate, Justices of the Peace and Registrars of Voters shall be conducted as prescribed by the General Statutes, as amended. The Registrar of Voters shall prepare lists of electors qualified to vote therefore in the manner prescribed in the Constitution and the General statutes, as amended.

Section 2-2 Town Officers

The election of Town officers listed in Chapter III of this Charter shall take place at the regular Town elections on the first Tuesday after the first Monday in November of each odd numbered year.

Section 2-3 Minority Representation; Elective, Appointive Officials

A. *Minority representation on any elective or appointed board, commission, committee, or similar body of the Town, and alternate members, except the Board of Education, shall be as provided in this section. The maximum number on any such Board, Commission, Agency, Committee or similar body who may be members of the same political party shall be specified in the following table:*

<i>COLUMN I</i>	<i>COLUMN II</i>
<i>TOTAL MEMBERSHIP</i>	<i>MAXIMUM FROM ONE PARTY</i>
3	2
4	3
5	3
6	4
7	4
8	5
9	5
More than 9	One more than one-half of the total membership.

B. *Minority representation on the Board of Education shall be determined in accordance with Section 9-204a of the General Statutes, as amended.*

Section 2-4 Eligibility For Office

No person shall be eligible for election to any Town office that is not at the time of election a

bona fide resident elector of said Town, and any person ceasing to be a bona fide resident elector of said Town shall thereupon cease to hold elective office in the town.

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, 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.

CHAPTER III
ELECTIVE OFFICERS

Section 3-1 Powers and Duties; Terms of Office

Except as otherwise provided in this Charter, all elective Officers and members of Boards, and Commissions shall have the powers and duties prescribed for such Officers in the General Statutes, as amended. The terms of office of all elective Officers and members of Boards and commissions shall commence on the second Tuesday following the election. Elective Officers shall continue to hold such Office until their successors have been duly elected and qualified. No individual can hold two elected positions 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.*
- B. *When a person vacating an office shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.*
- C. *A vacancy on the Town Council shall be filled in accordance with 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. The members shall serve overlapping terms. The Elections of November 2019 will elect the seven (7) members with the terms of four highest vote receivers are elected for four (4) years and the remaining three (3) are elected for two (2) year terms. 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 elected at a regular town election for a term of two (2) years.

Section 3-5 Board of Education

The Board of Education shall consist of seven (7) members, each whom shall be elected for a term of four (4) years, as provided in Section 9-204a of the General Statutes, as amended; nominations by any political party of candidates may be equal to the number of members to be elected to each election, and electors may vote for the full number of such members to be elected.

The members shall serve overlapping term. At each regular Town election there shall be elected sufficient members to succeed each member whose term shall expire.

Section 3-7 Board of Assessment Appeals

The Board of Assessment Appeals shall consist of three (3) members each whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-8 Board of Assessment Appeals Alternates

The Board of Assessment Appeals Alternates 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 3-9 Zoning Board of Appeals

The Zoning Board of Appeals shall consist of five (5) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-10 Zoning Board of Appeals Alternates

The Zoning Board of Appeals Alternates shall consist of three (3) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-11 Planning and Zoning Commission

The Planning and Zoning Commission shall consist of nine (9) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-12 Planning and Zoning Alternates

The Planning and Zoning Commission Alternates shall consist of three (3) members each whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-13 Board of Police Commissioners

The Board of Police Commissioners shall consist of five (5) members, each of whom shall be elected for a term of four (4) years. The members shall serve overlapping terms.

Section 3-14 Board of Police Commissioners Alternates

The Board of Police Commissioners shall have two (2) alternate members, each of whom shall be elected for a term of four (4) years. The alternate members shall serve terms which overlap by two years.

Section 3-15 Registrars of Voters

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

CHAPTER IV
THE TOWN MEETING

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.*
- C. *All persons eligible to vote in Town Meetings as prescribed in Section 7-6 of the General Statutes, as amended, shall be eligible to vote in Special Town Meetings called as provided in Section 4-8 of this Chapter.*

Section 4-2 Procedure; Moderator

*All Town Meetings shall be called to order by the **Chairperson** or a member of the **Town Council**. A Moderator shall be elected and all business conducted in the manner provided by the General Statutes, as amended, except as otherwise provided in this Charter. The Town Clerk shall serve as Clerk of all Meetings but, in case of an absence, the Meeting shall select an Acting Clerk.*

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 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. The text shall provide for separate approval/disapproval of the Town Government Budget and the Board of Education budget as follows:

Yes / No /

1. In favor of the proposed Town Government Budget of the Town of Clinton for the fiscal year July 1, ___ to June 30, ___ in the amount of \$_____.

Yes / No /

2. In favor of the proposed Board of Education Budget of the Town of Clinton for the fiscal year July 1, ___ to June 30, ___ in the amount of \$_____.

Should either budget section fails 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.

C. In the event said budget is not adopted by the third Wednesday in June, business shall be conducted in accordance with Section 7-405 and 12-123 of the General Statutes, as amended.

Section 4-5 Special Town Meeting Actions

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

1. Any resolution making an appropriation subject to provisions of Section 10-4 of this Charter;
2. Any resolution authorizing the issuance of bonds or notes;
3. The purchase of real estate;
4. The sale of any real estate;
5. Any real estate lease and/or lease with option which involves a term in excess of three (3) years;
6. **Land exchange transactions**

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

1. The rejection of any collective bargaining agreements negotiated by the Board of

- Education as provided in Chapter 166 of the General Statutes, as amended.*
2. *Proposals for Town improvements disapproved by the Planning and Zoning Commission pursuant to the provisions of Section 8-24 of the General Statutes, as amended.*

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 \$250,000;*
 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. Notice of a referendum shall be given and each referendum shall be conducted as provided in Section 7-7 of the General Statutes, as amended.

- B. *With the exception of the annual budget, three hundred (300) persons qualified to vote in a Town Meeting may petition over their signatures for any item on the call of a Town Meeting to be voted on in referendum. The procedure shall be in accordance with Section 7-7 of the General Statutes, as amended. Refer to Section 4-4 A for annual budget referendum procedures. The provisions of Section 7-7 of the General Statutes, as amended, shall not apply to the adoption of the Town Budget.*

- C. *All referendum voting will be by ballot or machine vote.*

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. The procedure required is as follows:

- A. *After the publication of any ordinance or the making of such resolution or the taking of such vote, a petition, signed by not less than three hundred (300) voters must be filed with the Town Clerk requesting it be put to referendum. The effective date of such ordinance, resolution, or vote shall then be suspended. Said petition shall conform to the requirements of Section 7-9 and Section 7-9a of the General Statutes, as amended. Said petition shall contain the full text of the ordinance, resolution, or vote proposed to be repealed. 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. Notice thereof shall be given by publication in full of the ordinance, resolution, or vote, in the manner provided by law for the calling of a Town referendum.*
- C. *Such ordinance, resolution, or vote shall be submitted to the voters qualified to vote in a Town Meeting for a "Yes" or "No" vote on the ballot or voting machine. The referendum shall be held in accordance with Section 7-7 of the General Statutes, as amended, and after the polls are closed, a Moderator appointed by the Registrars of Voters shall cause the vote to be counted and the ordinance, resolution or vote so referred shall take effect immediately unless a majority of those voting thereon shall have voted in favor of overrule.*

Section 4-8 Petition for Special Town Meeting; Initiative

- A. *One hundred (100) voters may, at any time, petition for the enactment of any proposed lawful ordinance or resolution on Town Meeting actions enumerated herein, by filing such petition, including the complete text of such ordinance or resolution with the Town Clerk. Said petition shall conform to the requirements contained in Section 4-7 of this Charter.*
- B. *Any such proposed ordinance or resolution shall be examined by the Town Counsel before being submitted to a Special Town Meeting. The Town Counsel may correct the form of such ordinance or resolution for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, but may not materially change its meaning and effect.*
- C. *The **Town Council** shall hold one or more public hearings on such proposal prior to calling a Special Town Meeting, to be held not less than ten (10) days nor more than thirty (30) days from the date of such filing. Such ordinance, resolution or vote shall be submitted to the voters in the manner specified in Section 4-7 of this Charter.*

CHAPTER V
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 \$1500 for the Chairperson and \$1000 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. Notice of a hearing shall be given in the form of a legal advertisement, by publication, not less than ten (10) days before the date of such hearing, of the full text of the proposed ordinance, in a newspaper having general circulation in the Town, a copy of which shall be on file in the Town Clerk's office.*
- C. *The Board shall enact or deny the proposed ordinance within thirty (30) days after the public hearing.*
- D. *Each ordinance as enacted, and its effective date, shall promptly be published in the form of a legal advertisement in a newspaper having a general circulation in the Town. Every ordinance, after enactment, shall be recorded and filed by the Town Clerk in the Code of Ordinances.*
- E. *Every ordinance shall become effective on the thirtieth (30) day after publication unless a petition to overrule such ordinance has been filed in accordance with Section 4-7 of this Charter.*

Section 5-6 Power to Enact Emergency Ordinances

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.

No public hearing shall be required for emergency ordinances and such ordinances shall become effective immediately, and shall be published promptly in a newspaper having general circulation in the Town. Every emergency ordinance and amendments thereto shall automatically stand repealed at the termination of the sixtieth (60) day following enactment of said ordinance.

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 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*
- E. Shall accept a public street or highway provided that the Town Engineer shall have certified that such street or highway has been completed and meets all standards and specifications established by ordinances and regulations relating to streets and highways, and may discontinue, a public street or highway;*
- F. Shall authorize the submission by the **Town Manager** of applications for Federal, State or Regional grants;*
- G. May incur indebtedness in the name of the Town and provide for the due execution of contracts and evidence of indebtedness issued by the Town*
- H. 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;*
- I. May call a Special Town Meeting for any proposal it deems of sufficient importance.*
- J. In no circumstance shall the **Town Council** accept any grant or enter into any grant agreement that:*
 - (i) Obligates the Town or any agency thereof to expend funds in excess of the amount*

granted, unless and until such funds have been appropriated in accordance with the terms of this Charter; or

- (ii) *Obligates the Town or any agency thereof to take any action that would otherwise require further approval by Town Meeting or any other Board or Commission.*

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

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 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.*

CHAPTER VII
APPOINTIVE BOARDS

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.
- B. All appointees shall be bona fide resident electors of the Town and shall vacate their positions on ceasing to be bona fide resident electors of the Town. They shall be sworn before taking the Office and the Officer administering the oath shall record such fact in the Office of the Town Clerk.

Section 7-2 Terms of Office

- A. Except as otherwise provided in this Charter, the terms of office for all appointees on all appointive Boards and Commissions shall commence on the first (1st) day of July, the onset of Clinton's fiscal year.
- 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 and subcommittees.
- D. No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc and subcommittees.

Section 7-3 General Powers and Duties

Except as otherwise provided in this Charter; all appointees shall have all the powers and duties prescribed by law.

Section 7-4 Minority Representation

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

Section 7-5 Two - Year Terms

- A. A municipal agent for the elderly shall be appointed who shall serve a two-year term and shall have all the powers and duties prescribed by the General Statutes, as amended.
- B. The Shellfish Commission shall consist of seven (7) members, each of whom shall serve two

(2) year overlapping terms. The members shall also be sworn in as Special Shellfish Constables for the same term and shall also have such powers and duties as are specified in Section 26-277 of the General statutes, as amended.

- C. The Town Council may appoint Special Constables each of whom shall serve a two (2) year term.*
- D. The Local Veteran's Advisory Committee shall consist of three (3) members and one (1) alternate member, each of whom shall serve a two (2) year term. All members shall be veterans.*
- E. The Conservation Commission shall consist of seven (7) members all appointed to serve overlapping terms. The Commission shall be organized and granted such powers as are permitted by the Connecticut General Statutes.*

Section 7-6 Three - Year Terms

- A. The Water Pollution Control Commission shall consist of seven (7) members, all appointed to serve overlapping terms.*
- B. The Clinton Human Services Advisory Board (consisting of Youth and Family Services and Social Services) shall consist of seven (7) bona fide resident elector members and one (1) non-voting youth member, all appointed to serve overlapping terms. The composition of the Board shall meet the requirements set forth in the Connecticut General Statutes (7-44), as amended. The bona fide resident elector members of the Clinton Human Services Advisory Board shall have the powers and duties set forth in the 1991 Town ordinance, as amended, that created the Bureau, in addition to providing the services set forth in the Connecticut General Statutes*, as amended. *There will be no term limits for board members.**
- C. The Design Review Board shall consist of five (5) members and two (2) alternate members, all appointed to serve overlapping terms.*

Section 7-7 Four - Year Terms

- A. The Inland Wetlands Commission shall consist of seven (7) members and three (3) alternate members all appointed to serve overlapping terms.*
- B. The Economic Development Commission shall consist of seven (7) members *and three (3) alternate members* all appointed to serve overlapping terms.*
- C. The Harbor Management Commission shall consist of seven (7) members, all appointed to serve overlapping terms.*
- D. The Park and Recreation Commission shall consist of seven (7) members, all appointed to*

serve overlapping terms.

E. The Public Works Commission shall consist of five (5) members and two (2) alternate members all appointed to serve overlapping terms.

F. The Fair Rent Commission shall consist of five (5) members, all appointed to serve overlapping terms.

Section 7-8 Five Year Terms

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

B. 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.

CHAPTER VIII
ADMINISTRATIVE OFFICERS AND DEPARTMENTS

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 no longer than 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 members of the search committee shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or with any of its officers. The Town Council may, without requiring competitive bids but through the use of a Request for Qualifications (RFQ) and Request for Proposal (RFP) process, select and designate such a search committee for a term not to exceed one (1) year.

B. The Town Manager shall be appointed solely on the basis of executive and administrative qualifications, character, education, professional training, and experience. 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 provision for compensation, review procedures, its specific expiration date, and any other matters the Town Council deems appropriate and/or necessary. If a subsequent contract with any Town Manager is not duly executed at least sixty (60) days prior to the expiration of an existing contract, the Town Manager employment by the Town shall terminate in accord with the contract's specified expiration date.

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.

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 four (4) 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.

E. 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 employee may request a public hearing before the Town Council. If the Town Manager fails to timely respond, the Town Council's suspension or removal shall be deemed final.

F. In the event the Town Manager timely responds the Town Council shall hold hearing not earlier than ten (10) days and not later than fifteen (15) days after such hearing is requested.

G. After the public hearing, if timely requested, 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.

H. The Town Manager shall continue to receive full salary and benefits until the effective date of a final resolution of removal in accordance with the operative contract between the Town Council and the Town Manager. However, upon the effective date of such removal as provided herein, the Town Manager shall no longer receive any salary and benefits, except benefits otherwise vested by law.

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 periodic 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. Shall approve or reject any collective bargaining agreement for the Town employees;*
- E. 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;*
- F. May join with other towns to provide or obtain services or the use of facilities by means of interlocal agreements.*
- G. 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 exceeds \$15,000, 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.**
- H. Shall execute or cause to be carried out the ordinances, regulations, resolutions or policies voted by the Town Council of the Town Meeting.*
- I. Shall be responsible for coordinating the administrative activities of the Officers, Boards,*

Commissions and Agencies of the Town.

- J. Shall be responsible for a continuous review of current and future needs of the Town, including the fiscal needs and budget requirements.*
- K. 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.*
- L. Shall be responsible for the administrative and personnel policies for the Town officers and employees as provided by this Charter.*
- M. 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;*
- N. 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;*
- O. Keep the Town Council fully advised as to the financial condition and all other matters affecting the welfare and future needs of the Town;*
- P. Make recommendations to the Town Council concerning the affairs of the Town;*
- Q. 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;*
- R. 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 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 office under his or her jurisdiction, except those of the Town Treasurer. 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 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 Civil Preparedness Director

*The **Town Manager** shall appoint a Civil Preparedness 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 of 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 Receptions, following recommendation by a search committee appointed by the **Town Council**. The Director shall, under the supervision of the Park and Receptions 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 who shall be hired by the Town Manager with approval of the Board of Police Commissioners, and subject to the direction 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.*
- B. *The Board shall organize, maintain and have the general management and control of the Police Department, its apparatus, equipment and buildings. Said Board, upon the recommendation of the Chief, shall: requisition all equipment; annually prepare a budget; make all rules and regulations governing the Department which it deems necessary; appoint, remove, suspend, or discipline, and prescribe the duties of Police Officers, except that the Chief shall have the power to suspend a Police Officer up to thirty (30) days with or without pay, provided such suspension shall be reviewed by the Board. The Police Chief shall hold a preliminary hearing within a twenty-four (24) hour period of time of the suspension or removal from duty.*
- C. *If any charge shall be filed against a Police Officer, the same shall be in writing, and such Police Officer may file any proper answers thereto, and action shall not be taken upon such charges until after reasonable notice thereof and opportunity afforded such Police Officer to appear before the Board and be heard concerning the same. After such hearing, any Police Officer aggrieved thereby may appeal to the Courts in the manner provided by law.*
- D. *The provisions of Section 7-278 of the General statutes, as amended, shall apply to the removal of the Chief of Police.*

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.*

C. 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 8-17 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.*

** [Clinton's Youth and Family Services Bureau was established by ordinance; in 1991, under General Statute 17-443(a), a subsection of Section 17-443. That same year, Section 17-443 was transferred to Section 17a-39. Sections 17-443 and 17a-39 were both under the auspices of the State's Commissioner of Children and Families. Responsibility for the program was then transferred to the State's Commissioner of Education, effective July 1, 1995; Section 17a-39 was transferred to Section 10-19m in 1997. Section 10-19m is in the Department of Education Section of the General Statutes, as amended, and is encaptioned "Youth Service Bureaus. Annual Report. Regulations."]*

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 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.*

CHAPTER IX
GENERAL

Section 9-1 Meeting Procedure and Records

- A. All elective and appointive Boards shall annually choose a Chairman and Secretary. They shall make regulations for the conduct of their meetings and such regulations shall be filed with the Town Clerk. All meetings shall be open to the public, in accordance with Section 1-21 of the General statutes, as amended.
- B. Before January 31 of each year, all Boards shall file with the Town Clerk a schedule of their regular meetings for the ensuing year. Special meetings may be held by filing notice of such meeting with the Town Clerk at least twenty-four (24) hours prior to such meeting.
- C. All meetings of Town Boards, Commissions and Committees shall be held at a Town facility, whenever possible, and must: a) comply with Connecticut's Freedom of Information Act; and b) be in a location that complies with the Americans with Disabilities Act.
- 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* shall 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.*

After such hearing, which shall be at the option of such Officer or Employee, the action of the Board shall be final. The Board may suspend from duty for not more than thirty (30) days any such Officer or Employee pending final action.

- 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 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**.*
- C. Any vacancy occurring pursuant to subsections A and B above shall be filled in the manner provided in Section 3-2 of this Charter.*

CHAPTER X
FINANCE AND TAXATION

Section 10-1 Fiscal Year

The Fiscal year of the Town shall begin on July 1, and end on June 30.

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 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.*
- C. *The proposed budget shall include, but not limited to the following items:*
1. *An itemized listing of revenues by major sources presented in parallel columns; the revenues actually received in the preceding fiscal year; the original revenue estimates for the current fiscal year; the revenues estimated to be collected during the current year; and the estimates of revenues to be collected in the ensuing fiscal year;*
 2. *An itemized listing by major function in parallel columns of actual expenditures for the preceding fiscal year; all original appropriations for the current fiscal year; all estimated expenditures for the current fiscal year; and the proposed appropriations for the ensuing fiscal year;*
 3. *An appropriation for a contingency account may be included not to exceed two (2) percent of the total estimated expenditures;*
 4. *An estimate of available cash surplus or deficit at the end of the current fiscal year to be included in the proposed budget;*

5. *The estimate of the sum required to be raised by tax levy to assure a balanced budget, with the amount of the tax levy based upon a rate of collection not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years;*
 6. *Appropriations for capital and non-occurring expenditures, or proposed bond issues to finance said capital improvements.*
- 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, **recommend changes and return to budget the originator (Town Manager or Board of Education) or accept** and shall complete the proposed budget for the ensuing fiscal year and its report. All such actions shall take place in public meeting.*
- E. *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. At the hearings any person qualified to vote at the Annual Budget Meeting may be heard. The proposed budget shall be published in a newspaper having general circulation in the Town at least ten (10) days in advance of the public hearing, and shall be available at the Town Clerk's Office, and the Board shall have sufficient copies of the proposed budget and report available at the public hearing.*
- F. *The **Town Council** shall revise the estimates as it deems desirable, **recommend changes and return to budget originator (Town Manager or Board of Education) or accept** then prepare the recommended budget, and shall, before the Annual Budget Meeting publish the proposed Town budget in a newspaper having a general circulation in the Town. The board shall present the recommended budget to the Annual Budget Meeting and the Board shall make available copies of the recommended Town budget and report in the office of the Town Clerk not less than five (5) days before the budget meeting.*
- G. *In the case of the Rejection of the Budget occurs, the Town Council shall then revise and recommend changes as it deems desirable and return the failing budget(s) to the originator(s) i.e. Town Manager or Board of Education.*

Section 10-3 **Levying 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.*
- B. *The Tax Collector shall then collect the taxes in accordance with the General Statutes, as amended.*

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 twenty thousand (\$20,000) 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 Manager*.
- 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*. Said emergency appropriations, in the event that there is no cash surplus available, shall be financed in the manner provided in Chapter 109 of the General Statutes.

Section 10-6 Expenditures and Accounting

- A. The system of accounts used by Town Department, 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 Annual Audit of the books and accounts of the Town as required by the General Statutes, as amended.
- D. No officer or agency of the Town shall expend or enter into any contract which would oblige the Town to expend in excess of an approved appropriation. Any officer who, without authority from this Charter or the General Statutes, as amended, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in 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*
- 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. Any organization requesting an appropriation in excess of twenty-thousand dollars (\$20,000) shall submit a financial statement prepared by a certified public accountant. No contribution of more than one hundred thousand (\$100,000) per annum shall be made to any organization or corporation who does not comply fully with the requirements in Sections 9-1 and 10-2 of this Charter in the same manner for elected and appointed boards.

CHAPTER XI
MISCELLANEOUS PROVISIONS

Section 11-1 Amendment

This Charter may be amended in the manner prescribed by the General Statutes, as amended.

Section 11-2 Savings Clause

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

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, 2019** 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.*

Section 11-5 Existing Laws and Ordinances

- A. *All the general laws and special acts of the state of Connecticut, applicable to the Town and Town ordinances shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter.*
- B. *The following Special Acts are made part of this charter;*
 - 1. *House Bill No. 418 - AN ACT CONCERNING CERTIFICATION OF THE RECORDS OF KILLINGWORTH BY THE TOWN CLERK OF CLINTON, JUNE 18, 1912;*
 - 2. *House Bill No. 371-AN ACT CREATING A BOARD OF POLICE COMMISSIONERS AND A POLICE DEPARTMENT IN THE TOWN OF CLINTON, MAY 29, 1939.*

Dated at Clinton, Connecticut this 4th day of September 2019.

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