



**DRAFT REPORT
OF THE
CHARTER REVISION COMMISSION
TOWN OF NEW CANAAN**

**DRAFT Approved and Submitted by the Commission
April xx, 2016**

**FINAL Approved and Submitted by the Commission
[DATE]**

**FINAL Approved by the New Canaan Town Council
[DATE]**

**Published as Required by Statute
For the Education and Benefit of Residents
Prior to the November 8, 2016 Referendum Vote**

COMMISSIONERS

David L. Hunt, Chairman

Kathleen A. Corbet

Kate Hurlock

Kit Devereaux

Russell Kimes

Michael J. Franco

Richard Townsend

Sally T. Hines

Penny Young

Ira W. Bloom, Commission Counsel

Peter Gelderman, Commission Counsel

Berchem, Moses & Devlin, P.C.

**DRAFT REPORT
Of The
Town of New Canaan
Charter Revision Commission**

April [xx], 2016

The Charter Revision Commission (the “Commission”) of the Town of New Canaan (the “Town”) respectfully submits and is pleased to present its Draft Report to the Town Council as required by Connecticut General Statutes (the “Statutes”) on April 20, 2016. In this Draft Report, the Commission is providing 1) an historical context of the Town Charter; 2) the Commission’s structure, objectives and review process; and 3) its recommendations for Charter revision.

The New Canaan Town Charter

Under an Act Consolidating the Town and Borough of New Canaan enacted by the Connecticut General Assembly in 1935, the basis of the current New Canaan Town Charter (the “Charter”) was established. The act took effect upon approval by the electors in October 1935. Over the passage of time, amendments to the Charter have been approved by the electorate and adopted, most recently in November 2005.

Consistent with other Connecticut municipalities, the Charter outlines the foundation of municipal government with respect to elected and appointed Town officials and governing boards and commissions, representing leadership, legislative governance, education, elections, finance, health, parks and recreation, planning and zoning, public safety, public works and taxing, among others.

All official matters of operations of the Town not specifically addressed by the Charter or Town Ordinances are governed by Connecticut General Statutes and any Special Acts, as applicable.

The Charter Revision Commission

The Charter Revision Commission was established on August 19, 2015 by a unanimous vote of the Town Council. The individual members of the Commission – five Republicans and four Democrats all serving as volunteers – were reviewed and approved by the Town Council on September 16, 2016 and sworn in by the Town Clerk on September 30, 2016. The members include:

David L. Hunt, Chairman	
Kathleen A. Corbet	Kate Hurlock
Kit Devereaux	Russell Kimes
Michael J. Franco	Richard Townsend
Sally Hines	Penny Young

John Hetherington, initially appointed as a Commissioner and elected Chair, resigned from the Commission on January 20, 2016 due to the press of private business matters. David Hunt was then elected by the Commission to serve as Chair.

Commission Duties and Process

The role of the Commission is to thoroughly **review** each article, section and provision of the Charter and to **consider** and **recommend** either a) maintaining the current description and elements of an article, or b) potential revisions which add, delete, update or clarify articles.

The Commission's process – which is governed by State Statutes – operated under a framework of three primary objectives in preparation for its report to the Town Council.

1. The Commission's **research and review process** consisted of a thorough review of the current Charter and the changes that had been recommended by the former Charter Revision Commission and approved by the Town Council and the electorate in 2005. Study team groups of two commissioners each reached out to over 85 individuals representing current and most recent past members of Town governing bodies, Town employees and citizens. The outreach included engagement in interviews and information exchanges (see Appendix – Exhibit I).

The Commissioners also researched other municipal charters and trends in changes implemented by other towns within Fairfield County and in Connecticut, generally. These reviews included examining such matters as the length of terms, limits on terms, as well as the process of election or appointment of Town officials.

2. As part of the Commission's ***discussion and analysis process***, due consideration was given to ensure proper checks and balances of power; the avoidance of potential conflicts of interest; and, the institution of modern day best practices – and were added to, or reinforced within, the Charter. The Commission's discussion was specific to the current and future roles of Town officials and governing bodies – *not* to any individuals currently in those roles.

Throughout the discussion and analysis process, the Commission met for 14 full meetings to discuss the results and to determine those areas of the Charter which the Commission recommends to be amended or clarified, as well as those areas it believes should remain as at present. The Commission meetings were properly noticed, open to the public and had time on each Agenda for public commentary. As required under the Statutes, Public Hearings were held on October 21, 2015 before the Commission commenced its work, and on April 13, 2016, following which the Commission met to consider any changes to the Draft Report before submitting such report to the Town Council.

3. Finally, the Commission's ***votes and recommendations process*** was based on the culmination of thorough information gathering (under the research and review process) and debate over each Charter article – weighing the pros and cons, the potential for unintended consequences, the variety of opinions and the view that the Commission should do what is right rather than what is convenient.

Accordingly, the Draft Report addresses the Commission's recommendations for all articles within the Charter, including: a) articles which have been reviewed and the decision has been made not to make any changes or recommendation; b) articles where changes are recommended which may require a specific ballot vote; c) additions and/or amendments to articles which are already addressed in Town Ordinances and are recommended to be brought up-to-date in the Charter; and d) additions, deletions and amendments that are meant to clarify, update and/or define articles and provisions but do not represent substantive changes.

Report Structure and Potential Referendum

The Commission's Review and Recommendations for the Charter are presented in two sections. **Section 1** addresses research and recommendations of **Major Considerations, Revisions and Additions** of Charter articles. **Section 2** represents recommendations of **Minor Revisions, Clarifications, References and Definitions**. Article provisions which are not listed indicate that no changes are recommended.

Each section lists the recommendations with a brief description and the specific reference to the Charter Section to which they apply. A draft of the proposed revised Charter, red-lined to show the current language and the recommended changes, as applicable, is found in Exhibit II.

As required by State Statutes, the Town Council will hold Public Hearing(s) to review the proposed changes and will consider which changes, if any, will be posted to the ballot and subject to a vote by the electorate on November 8, 2016.

With respect to the November referendum, the Commission recommends that the proposed Charter changes be considered in four ballot measures. Subject to approval by the Town Council, the electorate may consider four items for four individual votes. The first three recommendations are further detailed in Section 1 and the last item covers all changes highlighted in Section 2.

1. **To approve** the opportunity to vote for up to six Town Council members instead of only four during each biennial election.
2. **To allow** the Board of Finance members to vote annually for a chairman from among its regular members, not including the First Selectman who will remain as an ex officio member. To eliminate the requirement that members of the Board of Finance must be taxpayers – defined as owners of real property.
3. **To update** the Town Charter by adding articles and provisions including the Audit Committee, Health and Human Services Commission, Inland Wetlands Commission, Ethics Board and Town Attorney, which are consistent with existing Town ordinances and operations.
4. **To amend** the Town Charter to reflect technical and conforming changes which clarify definitions, delete outdated references no longer applicable and update provisions to current practice.

The Commission reached consensus that having four ballot items was preferable to combining all of the proposed revisions into a single ballot measure and thus only one vote. Ultimately, the final decision regarding the details of a referendum will be made by the Town Council as the appointing authority for the Charter Revision Commission. Should the Town Council seek additional information or Charter recommendations, the Commission stands ready to receive the Town Council's requests and feedback. When it is firmly established that there will be no further recommended changes, the Commission will issue its Final Report.

Appreciation

The Commission would like to thank **all** of the Town officials, management and current and former members of the Town Council, boards, commissions and committees who provided invaluable input into data research, analysis and issue considerations undertaken by the Commission.

We are sincerely grateful to the First Selectman, Board of Selectmen, Town Council, Board of Finance and Board of Education, the Town Clerk, Town Treasurer and the Audit Committee Chair for their unwavering support for the broad perspective and independence of the Charter Revision Commission.

We would also like to express our kind thanks Karen Birck for her administrative services with respect to the Commission minutes and postings and to Ira Bloom and Peter Gelderman, attorneys at Berchem, Moses & Devlin for their counsel throughout the Charter Revision process.

Most especially, we are greatly appreciative of the input and ongoing constructive dialogue and debate from our community regarding the current status of, and recommended revisions to, the Town Charter.

Section 1: Major Considerations, Revisions and Additions

The Charter Revision Commission researched, discussed and ultimately voted or reached consensus on 20 Articles and over 160 provisions in the Charter. Provided below is a synopsis of the major issues – organized by Article number – and the Commission’s recommendations.

Article	Provision	Current Charter	Commission Proposal
<p>Article III – The First Selectman and the Board of Selectmen</p> <p>No Referendum Ballot Vote Required</p>	<p>i. Term Limits</p> <p>ii. Term of Office</p> <p>iii. Number of Selectmen on Board</p> <p>iv. Votes for losing candidates in First Selectman’s race may be counted for Selectmen’s race</p>	<p>No term limits</p> <p>Two years per term</p> <p>Three selectmen, including First Selectman</p> <p>No mention in Charter, subject to General Statutes</p>	<p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p>
<p>Article IV – Town Council</p>	<p>v. Term Limits</p> <p>vi. Term of Office</p> <p>vii. Number of votes elector may cast at each election for Town Council members</p> <p>Proposed Referendum Ballot Vote #1</p>	<p>No term limits</p> <p>Four years per term</p> <p>No more than four members to serve for the same term.</p>	<p>No change</p> <p>No change</p> <p>Provide that voters may vote for up to six candidates for Town Council for the six seats available. All political party nominations shall be made in accordance with statutory requirements of the State of CT. Minority representation requirements of General Statutes shall apply. See §C4-3 in redlined Charter.</p>

Article	Provision	Current Charter	Commission Proposal	
<p>Article V – Board of Finance, Financial Procedures, Taxes, Audit Committee</p>	viii. Term Limits	No term limits	No change	
	ix. Term of Office	Four years per term	No change	
	x. Appointed or elected members of Board of Finance	Eight regular members and three alternate members are appointed	No change	
	xi. Qualifications of members	Regular and alternate members shall be electors and taxpayers	Regular and alternate members shall be electors. Requirement to be taxpayers is eliminated. See §C5-1 in redlined Charter.	
	<p>Proposed Referendum Ballot Vote #2</p>	<p>xii. Officers and organization</p>	<p>The First Selectman shall be an ex officio member of the Board of Finance and its Chairman and shall have no vote except in the case of a tie.</p>	<p>The First Selectman shall be an ex officio member of the Board of Finance and shall have no vote except in the case of a tie. The Board shall annually elect a Chairman. The First Selectman shall not serve as Chairman or Secretary. See §C5-3 in redlined Charter.</p>
	<p>Proposed Referendum Ballot Vote #2</p> <p>xiii. Addition of Audit Committee provision – which codifies existing establishment as covered by Town Ordinance, Ch. 62</p> <p>Proposed Referendum Ballot Vote #3 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add Audit Committee in Article V Title; Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C5-26 through §C5-29 in redlined Charter.</p>	

Article	Provision	Current Charter	Commission Proposal
<p>Article IX – Health and Human Services Commission</p>	<p>xiv. Addition of Health and Human Services Commission article – which codifies existing establishment as covered by Town Ordinance, Chapter 28.</p> <p>Proposed Referendum Ballot Vote #3 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add Health and Human Services Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, Records and quorums; and Powers and duties. See §C9-1 through §C9-4 in redlined Charter.</p>
<p>Article X – Inland Wetlands Commission</p>	<p>xv. Addition of Inland Wetlands Commission article – which codifies existing establishment as defined by Town Ordinance, Chapter 33A-3.</p> <p>Proposed Referendum Ballot Vote #3 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add Inland Wetlands Commission Composition and qualification of members; Appointment and terms of office; Organization, officers, records and quorums; Powers and duties; Inland Wetlands Regulations to remain in effect; Alternate members. See §C10-1 through §C10-6 in redlined Charter.</p>

Article	Provision	Current Charter	Commission Proposal
<p>Article XIII – Town Employees and Personnel Advisory Board</p>	<p>xvi. Revise Personnel Advisory Board to rename to Ethics Board; increase size to five members and add additional powers and duties. Expected to be consistent with proposed Town Ordinance</p> <p>Proposed Referendum Ballot Vote #3 – combined with other additional boards, commissions and committees.</p>	<p>Personnel Advisory Board addresses employee grievances and renders advisory opinions and interpretations as to conflicts of interest. Currently at three members</p>	<p>Amend Personnel Advisory Board and rename to Ethics Board; increase membership from three to five members; appointed by Selectmen and confirmed by Town Council; powers and duties to include review and recommend modifications to Code of Ethics and Ethics Board Ordinance (new); receive, review and resolve complaints of alleged violations (new); hear employee grievances (exists); and render advisory opinions regarding Code of Ethics (exists). See §C13-1 through §C13-8 in redlined Charter.</p>
<p>Article XVII – Town Attorney</p>	<p>xvii. Addition of Town Attorney article</p> <p>Proposed Referendum Ballot Vote #3 – combined with other additional boards, commissions and committees.</p>	<p>Not in current Charter</p>	<p>Add article of Town Attorney who shall be an attorney at law; appointed by the Board of Selectmen; shall be the legal advisor for the Town. See §C17-1 in redlined Charter.</p>
<p>Article XVIII – Town Clerk</p> <p>No Referendum Ballot Vote Required</p>	<p>xviii. Term Limits</p> <p>xix. Term of office</p> <p>xx. Appointed or elected</p>	<p>No term limits</p> <p>Two years, prescribed by the General Statutes</p> <p>The Town Clerk is elected</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Article	Provision	Current Charter	Commission Proposal
Articles II, V, X and XVI – Town Treasurer No Referendum Ballot Vote Required	xxi. Term Limits xxii. Term of office xxiii. Appointed or elected	No term limits Two years The Town Treasurer is elected	No change No change No change

Section 2 – Minor Revisions, Clarifications, References and Definitions Note that provisions not listed under each article indicate that no changes are proposed.

Article	Provision	Proposed Revision, Addition or Deletion
Article I – General Provisions	§C1-2 §C1-3 §C1-4	Several definitions are clarified including as to grammar or gender. The definitions of “Mailed” and “Taxpayer(s)” were deleted as no longer reflected in Charter. Added definition of General Statutes. Redefine “Publish” to provide for publication in any media consistent with the General Statutes of the State of Connecticut. The Statute presently requires newspaper publication, and this change allows for the use of website publication, if and when allowed.
Article II – Town Officers and Membership of the Town Council, Boards, Commissions and Committees	§C2-1 §C2-3 §C2-11 §C2-14	Reference to the Agent of the Town Deposit fund was deleted. A sentence defining the powers and duties of the Town Treasurer was added. Specific Minority Representation Statute reference was added. Delete the phrase “by resolution”. Capitalized Town Code of Ethics
Article III – The First Selectmen and Board of Selectmen	§C3-1 §C3-2 §C3-8 §C3-11	Clarify that the first selectman is the “chief” administrative officer (also §C1-2). Changed “state statutes” to General Statutes Deleted reference to “stenographic” Replace “Town Health Officer” with “Director of Health.”
Article IV – The Town Council		No minor revisions proposed

Article	Provision	Proposed Revision, Addition or Deletion
Article V – Board of Finance, Financial Procedures, Taxes, Audit Committee	Title §C5-1 §C5-2 §C5-7 §C5-5 §C5-7 §C5-8 §C5-10 §C5-12 §C5-19 §C5-21 §C5-33	Retitled to include the Audit Committee. Modify the provision relating to the prohibition against certain state government service. Reinforce that Board of Finance members are subject to Town Council confirmation by seven members of the Town Council. Clarify that Board of Finance Chairman shall preside and vote when present. Clarifies quorum represents five members Delete reference to consultation with the Planning and Zoning Commission. Clarify that only library employees hired before January 1, 2011 are covered by the Town Pension Plan. Delete the words “in full” from the description of what must be published by the Board of Finance in its budget recommendations. Require Board of Finance to specify source of funds for certain appropriations. Clarify that the prohibition on engaging in business in the town is limited to situations that could create a conflict of interest under the Town Code of Ethics. Delete the modifying phrase “Revision of 1958” referring to the Connecticut General Statutes. Replace the \$20,000 limit with a reference to the limits set by the General Statutes.
Article VI – Assessor; Assessing Procedures; Board of Assessment Appeals	§C6-1 §C6-7	Clarifies that the Assessor shall not hold office or engage in business that could create a conflict of interest. Conforming change to the publication language as defined in §C1-2
Article VII – Board of Education	§ C7-1	Delete the phrase “as constituted at the time this Charter shall take effect” as unnecessary
Article VIII – Fire Commission	§C8-4	Update language relating to support of volunteer fire company.
Article IX – Health and Human Services Commission	§C9-1 to §C9-4	No further revisions proposed
Article X – Inland Wetlands Commission	§C10-1 to §C10-6	No further revisions proposed

Article	Provision	Proposed Revision, Addition or Deletion
Article XI – Parks and Recreation Commission	Title	Re-titled to be Parks (plural) and Recreation Commission
	§C11-3	Provide for election of a Chairman pro tempore when the Chairman is absent.
	§C11-4	Modify powers and duties to indicate the Commission works in conjunction with the Town Recreation Department, and evaluates the maintenance of parks, rather than supervising it.
	§C11-9	Include a reference to working with nonprofit groups for the improvement of Town park property.
Article XII – Parking Commission	§C12-4	Provide for election of a Chairman pro tempore when the Chairman is absent.
	§C12-5	Delete the word “surplus” in item (4) and add a duty to hear parking citation appeals if authorized by ordinance.
Article XIII – Town Employees and Personnel Advisory Board	§C13-1 to §C13-8	No further revisions proposed
Article XIV – Police Commission	§C14-1 to §C14-5	No minor revisions proposed
Article XV – Planning and Zoning Commission	§ C15-1	Remove reference that allows First Selectman to break a tie vote.
	§ C15-3	Provide for election of a Chairman pro tempore when the Chairman is absent.
Article XVI – Public Works Department	§C16-3	Clarify that the Town Engineer reports to the Director of Public Works.
Article XVII – Town Attorney	§C17-1	No further revisions proposed
Article XVIII – Town Clerk	§C18-2	Clarify that the Town Council sets the Town Clerk’s salary pursuant to the General Statutes.
Article XIX – Zoning Board of Appeals	§C19-1 to §C19-5	No minor revisions proposed
Article XX – Miscellaneous Provisions	§C20-10	Adds a provision that the Town Council shall consider Periodic Charter Review no less frequently than every 10 years.
	§C20-2,4,6,9,11	Indicate the new effective date of the Charter and amend dates to change from 2005 to 2016.

Appendix

Exhibit I: Individuals and Groups Providing Input to Study Group Teams and Full Commission

The Commission is grateful to all individuals and groups who provided their input and perspective on the Town Charter. It should be noted that a limited number of individuals had no comments regarding the Charter, when asked.

Abramowitz, Roy	Resident
Aguirre-Ross, Cristina	Town Council and former Park and Recreation Commission
Annunziato, Lewis	Former Chair Town Council
Appel, Sangeeta	Board of Education
Baldwin, Colleen	Board of Finance
Bedula, Alison	Former Board of Education
Benko, Steve	Director of Recreation
Blauvelt, George	Board of Finance
Boeschstein, Steve	Board of Finance
Bond, Lyn	Director of Lapham Community Center
Brooks, Andrew	Town Treasurer
Budnick, Neil	Board of Finance
Caldarella, Sebastian	Assessor
Campbell, Ken	Town Council
Campbell, Sally	Chair Park and Recreation Commission
Carlson, Dionna	Chair Board of Education
Carroll, Amy	Board of Finance
Charneski, Jennifer	Director of the Budget
Cody, George	Registrar of Voters
Corbet, Kathleen	Town Council and former Board of Finance
Cronin, Tom	Board of Education
Davis, Mary Cody	Former Board of Finance
Devereaux, Kit	Former Town Council and former Board of Finance

DeWaele, Mark	Former Chair Town Council
DiPanni, Rosanna	Tax Collector
Dunn, Judy	Chair Health & Human Services Commission
Eielson, Jen	Director Environmental Health
Emergency Medical Services Commission	Emergency Medical Services Commission
Emert, John	Former Town Council and Board of Finance
Engel, John	Town Council
Englund, Sven	Town Council and former Fire Commission
Ethridge, Greg	Resident
Foley, Paul	Police Commission and former Town Council
Goodman, Gene	Former Board of Education
Goodwin, John	Chair P&Z Commission
Gress, Scott	Former Board of Education
Hamill, Bob	Former Town Council
Hayes, Brendan	Board of Education
Himmel, Jane	Former DTC Chair
Hobbs, Hazel	Board of Education
Hobbs, Scott	Chair Housing Authority
Holland, Kathleen	Director of Inland Wetlands & Watercourses
Horan, Robert	Tree Warden
Horner, Jack	Chair Fire Commission
Howe, John	Director of Parks
Hussey, Chris	Former Town Council
Hutchins, Cameron	Chair Conservation Commission
Jones, Beth	Selectman
Jones, Cheryl	Director of Human Resources
Kaiser, Chris	Director of Information Technology
Kanter, John	Board of Finance
Karl, Steve	Town Council
Kenin, Christa	Town Council
Kleppin, Steve	Town Planner/Sr. Enforcement Officer

Kucharczyk, Jim	Town Council, former Board of Finance and Education
Lauver, Heather	Member Conservation Commission
League of Women Voters	Various Members
LeBris, Chris	Board of Finance
Luizzi, Bryan	Superintendent of Schools
Mallozzi, Rob	First Selectman
McDonald, Carol	Director Health & Human Services
Moynihan, Kevin	Town Council
Murphy, Tucker	Former Town Council and former Board of Education
Naughton, Maria	Board of Education
Neville, Judy	Board of Finance and former First Selectman
New Canaan Advertiser	Participants in Friday Coffee Hour
Norton, Dawn	Chief Financial Officer
Nowacki, Michael	Resident
O'Dea, Tom	CT State Representative and former Town Council
Paladino, Joe	Town Council
Parking Commission	Parking Commission
Parrett, Bill	Chair Audit Committee
Pastore, Mike	Director of Public Works
Police Commission	Police Commission
Rashin, Penny	Board of Education
Richardson, Jennifer	Board of Education
Richey, Keith	Chair of Parking Commission
Schulte, Tom	Board of Finance
Sessions, Bill	Chair Personnel Advisory Board
Sheffield, John	Board of Finance
Smith, Kerry	Fire Commission
Spangler, Robert	Board of Finance
Spring, Terry Cody	Resident
Stadler, Tom	Administrative Officer
Stephanek, Dan	Chair Inland Wetlands Commission
Sweitzer, Susan	Conservation Commission

Tesluk, Tom	Chair Utilities Commission
Walbert, Bill	Chair Town Council
Walker, Jeb	Former First Selectman
Weber, Claudia	Town Clerk
West, Sheri	Board of Education
Williams, Nick	Selectman
Williams, Roger	Former Town Council
Yanicelli, Carroll	Chair Zoning Board of Appeals

Exhibit II – Redlined Version of Proposed Charter follows.

WORKING DRAFT OF PROPOSED CHARTER

UPDATED APRIL 5, 2016

Chapter 1

CHARTER

[HISTORY: Approved by the Charter Revision Commission of the Town of New Canaan 6-27-2005; approved by the Town Council 7-13-2005; approved by the electors 11-8-2005, effective 11-9-2005. Amendments noted where applicable.]

Article I

General Provisions

§ C1-1 Title.

This instrument, amending the Charter of the Town of New Canaan, shall be known as the "Charter."

§ C1-2 Definitions.

In the interpretation of the Charter, the words and phrases set forth in this section shall be construed and defined, unless otherwise clearly qualified by their context, as follows:

BYLAW, BYLAWS

Rule or rules for the government of officers, boards, commissions or committees of the Town.

ELECTOR

A resident of the Town of New Canaan qualified by law to vote in a Town election.

FIRST SELECTMAN

The chief executive and chief administrative officer of the Town elected to said office in accordance with the state statutes.

GENERAL STATUTES

The Connecticut General Statutes, as amended.

GRAND LIST

The list of the assessed values of taxable property in the Town ~~of New Canaan~~, and including the list of the assessed values of taxable property in the sewer taxing district.

HIGHWAY

Any public road, street, way, etc., including unimproved portions within the limits of the right-of-way.

~~MAILED~~

~~The deposit in the United States post office in the Town, or in any official United States postal box in the Town, of the matter to be mailed, enclosed in a postpaid envelope addressed to the last known post office address of the addressee.~~

OFFICE OF TRUST OR EMOLUMENT

Any appointed or elected office for which an oath of office is administered or a salary, wages, or fees are paid, including Town employees and Town officers described in § C2-1.

ORDINANCE, ORDINANCES

Rule or rules and regulations or local laws enacted by the Town's legislative body and affecting or regulating the general public within the Town.

PUBLISH, PUBLISHED or PUBLICATION

~~Publication in a newspaper having a substantial circulation in the Town, provided that legal notices shall be published at least once in a newspaper published in the Town, if there be such a newspaper. Publication shall be consistent with the governing General Statutes, as amended from time to time. If required by the General Statutes, publication shall be in a newspaper having a substantial circulation in the Town. If not required by the General Statutes, the Town may enact an ordinance providing for publication by any legal means, or in any legal manner, that provides for widespread accessibility, including, but not limited to, publication on the Town website.~~

SELECTMEN

The Board of Selectmen of the Town, consisting of three elected members and including the First Selectman.

SEWER TAXING DISTRICT

That real property in the Town so situated that it is served or is capable of being served by the sewerage system of the Town, the boundaries of which have been established or delineated by the Town.

~~TAXPAYER, TAXPAYERS~~

~~When used to describe a qualification for public office, the owner or owners of real property assessed therefor upon the last completed Grand List or the husband or wife legal spouse of such owner of real property.~~

TOWN

The Town of New Canaan, Connecticut.

TOWN COUNCIL

The legislative body of the Town having the legislative powers provided in the Charter or the General Statutes.

TOWN SEAL

The common seal of the Town.

WARNING

A statement prescribed by the Charter or by the General Statutes giving notice of the date, hour, place, as well as the purpose of any event, meeting or public hearing of the Town Council or of any official, board, commission or committee of the Town.

§ C1-3 General powers of Town.

The Town shall retain and may exercise every power and privilege possessed by it at the time this Charter shall take effect and all powers and privileges granted to towns by the General Statutes not inconsistent

herewith. The enumeration hereinafter of specific powers shall not be construed as limiting the powers heretofore possessed or herein confirmed and granted. The Town shall have the power:

- (1) To lay out, establish, accept, maintain or discontinue public streets, highways and other public places, establish the boundaries and fix the grades thereof, and to adopt and enforce rules and regulations governing the opening of such streets, highways and public places for the purpose of laying water mains, electric conduits, sewers and gas mains or for making any connections therewith or for any other purpose.
- (2) To establish sidewalks, determine the width and materials thereof and to fix grades therefor and to establish building and curblines.
- (3) To provide for the lighting of streets, highways and other public places.
- (4) To adopt and enforce police regulations concerning traffic upon and other use of the streets, highways and other public places.
- (5) To establish and maintain a system or systems of public sewerage and to adopt and enforce rules and regulations governing the operation and use thereof; to establish and maintain a public system or systems for the collection and disposal, or either of them, of garbage and refuse and to adopt and enforce rules and regulations governing the operation and use of any such system and the collection and disposal of garbage and refuse by individuals, firms or corporations.
- (6) To provide and maintain a system of public water supply and distribution for domestic, business and industrial use, and for fire protection.
- (7) To establish and maintain a police force; to establish and provide for and maintain an adequate system of fire protection and to adopt and enforce rules and regulations governing the same.
- (8) To establish a retirement and pension system or systems for members of the police force and fire department, and to provide for a retirement payment or pension to any paid or salaried officer or employee of the Town upon his or her retirement.
- (9) To adopt and enforce rules and regulations governing the design, construction and use of buildings and all electrical, gas, heating and plumbing installations.
- (10) To adopt and enforce sanitary rules and regulations.
- (11) To take private property for public use upon paying just compensation therefor.
- (12) To levy, assess and collect taxes to pay the Town debt, defray its lawful expenses and to promote its general welfare.
- (13) To make and collect assessments upon property receiving the benefit of special improvements and to award damages in proper cases by reason of any public improvement, provided such assessments or awards of damage shall be levied or awarded equally upon all property similarly situated, benefited or affected.
- (14) To lay and collect a sewer tax upon all property receiving the benefit of any public sewer, whether such property is connected therewith or not, provided such tax shall be levied equally upon all property similarly situated or benefited, such tax to be so computed and laid as to provide a revenue sufficient to meet the cost of maintaining the public sewerage system or systems and to pay the interest on all outstanding sewer or filtration bonds heretofore issued or hereafter issued by the Town to meet sinking fund requirements sufficient to pay the principal of such bonds at their maturity, provided the Town may, in the manner hereinafter prescribed, provide for the payment of the interest and principal of such bonds or any part thereof in the general tax levy upon the property of the entire Town.

(15) To establish separate or special taxing districts, define their purposes and fix and alter their boundaries as hereinafter provided.

(16) To borrow money and give security therefor, subject to the restrictions and limitations imposed by law.

(17) To make and enforce all bylaws and ordinances, not inconsistent with law, which may be necessary or proper to carry into execution the foregoing powers or any of them and all other powers which may be hereafter vested in the Town.

§ C1-4 Additional boards, commissions, or agencies.

The Town Council shall have the authority to establish, by ordinance, additional boards, commissions, ~~or~~ agencies which are required by the General Statutes, or which are specifically allowed by the General Statutes, or which the Town Council deems advisable or necessary to carry out any municipal powers, duties or responsibilities under the General Statutes. All such officers, departments, boards, commissions ~~or~~ agencies shall be elected, appointed and organized in the manner provided by the General Statutes, except as otherwise provided by the Charter or by ordinances or resolutions adopted pursuant to the Charter. The Town Council may, by ordinance, alter the method of election, appointment or organization of any or all such additional boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the state Constitution or the General Statutes.

Article II

Town Officers and Membership of the Town Council, Boards, Commissions and Committees

§ C2-1 Town officers.

The Town officers shall be three Selectmen, a Treasurer ~~and Agent of the Town Deposit Fund~~, two Registrars of Voters, a Town Clerk and 12 members of the Town Council, all of whom shall be elected at the biennial Town elections, together with an Assessor, a Tax Collector and the members of each of the various Town boards, commissions and committees of the Town. Provisions in this Charter prohibiting any Town officer from holding any other office of trust or emolument shall not be construed to prohibit service on committees of the Town government or on charter revision commissions or other extraordinary, ad-hoc commissions.

The Treasurer shall have and exercise the powers and duties conferred and imposed by law on town treasurers. The Treasurer shall exercise the functions of the agent of public funds.

§ C2-2 Date of biennial elections.

The biennial elections of the Town of New Canaan shall be held on the first Tuesday following the first Monday of November in the odd-numbered years.

§ C2-3 Minority representation.

There shall be a minority representation on all boards, commissions, committees or similar bodies, whether elective or appointive, in accordance with the General Statutes ~~s.~~ §9-167a

§ C2-4 Certain Town officers required to be electors of the Town.

Every elected Town officer, member of the Town Council and every member of any other board or commission shall be an elector of the Town, and if for any reason such person ceases to be an elector of the Town, he or she shall thereupon cease to hold office or to be such member and such office or

membership shall be deemed vacant. Members of appointed committees need not be electors or residents of the Town.

§ C2-5 Manner of election of officers and appointment of board members.

This Charter shall not alter the manner of election nor the date thereof, nor the term of office of any elected officer of the Town, nor the method of appointment or term of office of any member of the Town Council or of any Town board, commission or committee, whether or not such manner of election, date thereof, term of office or method of appointment was established under any previous Charter or by any bylaw or ordinance of the Town unless the same shall be changed by the provisions of this Charter.

§ C2-6 Oath of office required.

Each elected or appointed officer or member of the Town Council or member of any board, commission or committee shall, before entering upon the performance of the duties as such officer or member, take the oath of office prescribed by law and file the same with the Town Clerk.

§ C2-7 Continuation in office of officers, Town Council members and board members.

Each duly qualified Town officer, member of the Town Council and member of other boards, commissions or committees of the Town in office on the effective date of this Charter shall continue in office until the expiration of the term for which he or she was elected or appointed and until his or her successor shall be appointed or elected and shall have qualified.

§ C2-8 Removal from office.

Any appointed officers or members of any appointed board, commission or committee may be removed for cause prior to the expiration of their respective terms by unanimous vote of the Board of Selectmen.

§ C2-9 Failure to attend meetings.

Failure of an appointed member to attend three successive meetings of his or her respective board, commission or committee, without adequate excuse, shall be a cause for removal by unanimous vote of the Board of Selectmen.

§ C2-10 Action by adjourned meetings to be effective.

Any action which might have been taken at any meeting of the Board of Selectmen, the Town Council or of any board, commission or committee on the date for which such meeting was duly called may be taken with the same force and effect at any adjourned meeting thereof.

§ C2-11 Requirements for meetings of boards, commissions and committees.

Each board, commission or committee shall hold such regular meetings as it shall, ~~by resolution,~~ determine and may hold such other meetings as are called by its Chairman or by its Secretary on the written request of any two members thereof. Notice for all regular, special, or emergency meetings shall be provided in accordance with the Freedom of Information Act.

§ C2-12 Procedure where lack of quorum.

Whenever any meeting of the Board of Selectmen, the Town Council or of a board, commission or committee shall have been duly called and no quorum shall be present, the First Selectman, in the case of the Board of Selectmen and the Chairman or Chairman pro tempore of the Town Council or of such board, commission or committee in other cases, may adjourn the meeting in accordance with the Freedom of Information Act. Unless otherwise provided by this Charter or General Statute, a majority of a board, commission or committee shall constitute a quorum.

§ C2-13 Time requirements for performance.

Whenever, by mistake or inadvertence, the Town Council, an officer, board, commission or committee shall omit to perform any act at or within a time required by this Charter, such act shall be performed as soon thereafter as may be practicable and such action so taken shall have the same force and effect as if performed at or within the time required by this Charter.

§ C2-14 Code of ~~E~~ethics for Town officers and employees, members of the Town Council, boards, commissions and committees.

There shall be an ordinance establishing a ~~Town Code of Ethicseode-of-ethics~~ enacted by the Town Council setting forth standards of ethical conduct of all Town officers and employees, members of the Town Council and members of boards, commissions and committees of the Town.

Article III

The First Selectman and the Board of Selectmen

§ C3-1 The First Selectman.

There shall be a First Selectman who shall be the chief executive and ~~chief~~ administrative officer and shall enforce the bylaws and ordinances of the Town and the laws of the state and shall have such powers and perform such duties as are not inconsistent with this Charter and as are imposed upon the office by the Charter, bylaws and the ordinances of the Town and the laws of the state.

§ C3-2 The Board of Selectmen.

There shall be a Board of Selectmen which shall have, retain and exercise the powers heretofore possessed by it, not inconsistent with this Charter or the ~~General Statutesstate statutes~~, and, in addition thereto, it shall have such powers and perform such duties as the ordinances, bylaws or the law may prescribe.

§ C3-3 Duty to carry out provisions of Charter.

The Board of Selectmen shall do every act and perform every duty necessary to give effect to this Charter unless such act or duty is required of or delegated to some other officer, board, commission or committee or reserved to the Town Council for action thereon.

§ C3-4 Power to make certain appointments and fill certain vacancies.

The Board of Selectmen shall, at such times as are herein designated or as are designated by the bylaws or ordinances, appoint the required number of duly qualified persons to fill the membership of all boards, commissions or committees whose members are not elected. The Board of Selectmen shall fill for the unexpired portion of the terms, all vacancies occurring in offices, boards, commissions or committees to which the Board of Selectmen has the power of appointment; provided, however, that between the first Tuesday after the first Monday in November in odd-numbered years and the second Tuesday following the day of the municipal election in the odd-numbered years, the Board of Selectmen shall appoint no person to fill a vacancy on any board, commission or committee whose members are not elected, nor shall they fill the unexpired portions of terms where there are vacancies which have occurred or are occurring in offices, boards, commissions or committees as to which the Board of Selectmen has the power of appointment. Appointments to the Board of Finance are subject to confirmation by the Town Council as specified in § C4-8 and § C5-2.

§ C3-5 Power to fill vacancies in elective positions and manner of filling the same.

If a vacancy shall occur from any cause in any elective office or in the membership of any elective board, commission or committee, except the Town Council, the Board of Selectmen or the Board of Education, such vacancy shall be filled for the unexpired term at the next succeeding biennial Town election or at a special election held on the date of the next regular state election, whichever shall first occur; provided, however, that until such election such vacancy shall be filled by the Board of Selectmen. If any such vacancy shall occur between the first Tuesday after the first Monday in November in odd-numbered years, being the day of the municipal election, and the second Tuesday following the day of the municipal election in the odd-numbered years, such vacancies shall be filled only by the Board of Selectmen taking office on or after the second Tuesday following the day of the municipal election.

§ C3-6 Duties of purchasing agent for Town.

Except in the case of Board of Education, the Selectmen shall be the agency for the purchase of all goods and the contracting of all services required by the Town Council or by any elected or appointed board, commission, committee, officer and department of the Town and by any volunteer fire company receiving Town aid and all contracts for the purchase of such goods or services shall be awarded by the Selectmen in accordance with the sums appropriated for such purposes by the Town. Any specialized goods or services shall be purchased or contracted for in accordance with specifications relative thereto approved by the Town Council or by the board, commission, committee, officer, department or volunteer fire company making the requisition therefor.

§ C3-7 Authority to act as purchasing agent for Board of Education.

The Selectmen shall have the authority to act as purchasing agent for the Board of Education, but only to the extent and for the periods voted by the Board of Education, provided that the cost of all goods or services requisitioned by the Board of Education shall be charged against the appropriations under the control of the Board of Education.

§ C3-8 Secretarial assistance.

It shall be the duty of the Selectmen to furnish the Town Council and each board, commission, committee or department of the Town, except the Board of Education, upon request, with such ~~stenographic~~ assistance as may be required to provide complete and adequate minutes and to record the vote of the members upon all questions.

§ C3-9 Acceptance of public highways.

The Selectmen are empowered, without action by the Town Council, to accept as a public highway any street or highway situated in the Town which has been improved in accordance with the law and in accordance with any rule, regulation, bylaw or ordinance of the Town or of any board, commission or committee of the Town.

§ C3-10 Acceptance of road and drainage deeds.

The Selectmen are empowered, without action by the Town Council, to accept deeds to areas to be devoted to public highway purposes, to execute and deliver deeds to areas no longer needed for public highway purposes, to accept grants or easements on behalf of the Town for stormwater and public sanitary sewer lines and to release any such easements no longer needed for public purposes.

§ C3-11 Death, resignation or disability of members of Board of Selectmen.

A. Death or resignation. Upon the death of a member of the Board of Selectmen or upon the written resignation of a member of the Board of Selectmen directed to the Town Clerk, the Town Clerk shall notify the remaining members of the Board of Selectmen and the Chairman of the Town Council by certified mail that a vacancy exists on the Board of Selectmen.

B. Self-determination of disability by a member. If a member of the Board of Selectmen, a regular member or the First Selectman suffers a disability which such member believes would prevent him or her from serving on that Board, such member shall give written notice by certified mail to the Town Clerk stating the nature of the disability which causes the inability to serve. Upon receipt of such notice, the Town Clerk shall mail copies of the same by certified mail to the other members of the Board of Selectmen and to the Chairman of the Town Council, and shall declare a vacancy because of the inability of the member to serve. Such inability shall continue until terminated by such member of the Board by written notice that the member no longer is under any disability, such notice to be delivered by certified mail to the Town Clerk, who shall mail by certified mail such notice to the other members of the Board and to the Chairman of the Town Council, whereupon the inability to serve shall be declared to have ended by the other members of the Board and the Chairman of the Town Council.

C. Determination of disability by committee. If a member of the Board of Selectmen suffers a disability which causes an inability to serve and such member fails or cannot give written notice to the Town Clerk of such inability, the Chairman of the Town Council and the remaining members of the Board of Selectmen shall meet and shall determine, by majority vote, if an inability to serve exists. If an inability is found by a majority vote, the vote shall be certified to the Director of Health, who shall designate two qualified physicians to serve with the ~~Director of Health~~Town Health Officer as a Committee to verify the inability of such Board member to serve. Within 30 days after a verification by the Committee of inability to serve, the Director of Health shall file with the Town Clerk a written report by the Committee containing a finding as to the question of the inability of the Board member to serve. Such finding shall be binding on the Board of Selectmen, including the disabled member unless overruled by a court of competent jurisdiction, and such finding shall continue in full force and effect until notice in writing of the determination by a majority of the Committee as to the termination of such inability shall have been filed with the Town Clerk.

D. Replacement. Within 15 days after the receipt by the other members of the Board of Selectmen and the Chairman of the Town Council of a notice of inability to serve, either from an individual Selectman through the Town Clerk, or from the Committee through the Town Clerk or in the event of notice of the death or of the resignation of a member of the Board, the remaining members of the Board of Selectmen and the Chairman of the Town Council shall meet on the call of the Chairman of the Town Council and shall appoint by a majority vote an individual to serve on the Board, either as a replacement of a regular member or as the replacement of the First Selectman, to serve until the inability ends or for the remaining portion of the term or until a special election is held, as the case may be. If the member being replaced is a member of a political party, then the replacement must be a member of the same party. If the member to be replaced is unaffiliated, the member may be replaced by an unaffiliated voter or a member of any political party. The new member shall hold office until the next municipal or state election or until a special election, if called, and shall have the same powers and duties as the replaced member.

§ C3-12 Special election to fill vacancies on Board.

Any appointment by the remaining members of the Board of Selectmen and the Chairman of the Town Council shall be subject to a special election called upon petition signed by not less than 5% of the electors of the Town as determined by the last completed registry list filed in the office of the Town Clerk not later than 15 days after such appointment. Following the filing with the Town Clerk, an election shall be held not later than 15 days after the filing of the petition. All such special elections shall be held in accordance with the requirements and regulations of the General Statutes. Replacement members elected by special election shall hold office until the next municipal election and shall have the same powers and duties as the replaced member.

Article IV

The Town Council

§ C4-1 Powers and duties.

The Town Council shall be the legislative body of the Town and shall have all of the legislative powers provided in this Charter or the General Statutes.

§ C4-2 Membership.

The Town Council shall consist of 12 members, who shall be electors of the Town and shall be elected at large and, upon qualification, shall take office immediately after their election. The First Selectman, ex officio, shall also be a member of the Town Council but shall vote only in case of a tie.

§ C4-3 Election and terms of office; political affiliations.

At each biennial Town election, six members of the Town Council shall be elected for a term of four years. At any election of members of the Town Council, ~~not more than four members of the same political party shall be elected for the same term, and~~ no elector shall vote for more than ~~six (6)~~four members to serve for the same term. All nominations for membership on the Town Council shall be made in accordance with the statutory requirements of the State of Connecticut. The minority representation requirements of General Statutes §9-167a shall apply.

§ C4-4 Vacancies.

Any vacancy on the Town Council shall be filled for the unexpired term at the next succeeding biennial Town election or at a special election held on the date of the next regular state election, whichever shall first occur; provided, however, that until such election such vacancy shall be filled by the Town Council.

§ C4-5 Compensation.

With the exception of the First Selectman, the members of the Town Council shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C4-6 Organization.

The Town Clerk shall call an organization meeting of the Town Council within two weeks following each election at which members are elected to the Town Council, and at such meeting the newly elected members shall be sworn in and a Chairman, a Vice Chairman, a Secretary and any other officer or officers determined by the Town Council shall be elected from the membership, and thereafter the Town Council shall exercise its powers and duties. The Chairman shall, when present, preside at all meetings of the Town Council, and in the absence of the Chairman, the Vice Chairman shall preside. In the absence of both the Chairman and the Vice Chairman, the Town Council shall choose one of its members to act as Chairman pro tempore. The person presiding shall retain his or her vote as a member of the Town Council.

§ C4-7 Meetings.

The Town Council shall meet in a public place at least once every two months and at other times upon the call of the Chairman of the Town Council or of the Board of Selectmen. The Town Council shall also meet within 21 days after receipt of a petition signed by at least 50 electors of the Town and setting forth a matter which may be considered by the Town Council. All meetings shall be open to the public, except for executive sessions in accordance with the Freedom of Information Act. At any open meeting, any elector may, with the permission of the Town Council, be heard by the Town Council.

§ C4-8 Quorum; action by Town Council.

A quorum for a meeting of the Town Council shall be seven members, exclusive of the First Selectman, and the affirmative vote of seven members of the Town Council shall be required for the passage of any appropriation or the passage, amendment, suspension or repeal of any bylaw or ordinance, or for the confirmation of any appointment to the Board of Finance.

§ C4-9 Records.

A record of all actions taken by the Town Council and of the vote of each member thereon shall be filed by the Secretary in the office of the Town Clerk as a public record.

§ C4-10 Notices required for action on appropriations, ordinances and bylaws.

No appropriation shall be passed by the Town Council and no bylaw or ordinance shall be passed, amended, suspended or repealed by the Town Council except after a warning published once a week for two successive weeks, together with posting of the warning of the meeting of the Town Council which is to act upon the appropriation, bylaw or ordinance.

§ C4-11 Manner of making bylaws and ordinances.

The Town Council shall make the bylaws and ordinances in the following manner: The full text of each proposed bylaw or ordinance shall be published at least once for two successive weeks, together with a notice of public hearing thereon to be held by the Town Council showing the time and place thereof. After such hearing the Town Council may enact such proposed bylaw or ordinance, together with any amendments thereto which it may make, and shall forthwith file the same as so enacted with the Town Clerk for public record in a book kept by the Town Clerk for that purpose. Any such bylaw or ordinance enacted as proposed and published, without amendment, shall become effective eight days after such filing with the Town Clerk and eight days after publication in summary form, whichever event shall last occur, unless a notice of intent to petition for a referendum is filed under § C4-14; but if enacted with one or more amendments, the Town Council shall forthwith publish at least once each such amendment with its related context, together with a notice in summary form that such bylaw or ordinance as enacted with amendment will become effective eight days after publication of such and eight days after such filing with the Town Clerk, whichever event shall last occur, unless a notice of intent to petition for referendum is filed under § C4-14. The Town Clerk shall note the date of publication and filing on the record of such bylaw or ordinance in the Town Clerk's office.

§ C4-12 Method of approving appropriations.

The Town Council shall pass no appropriation not recommended by the Board of Finance, but may approve, disapprove or reduce but not increase the amount of any appropriation recommended by that Board.

§ C4-13 Requirements for filing and publication of Town Council actions.

Each affirmative or negative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, shall be filed in the office of the Town Clerk promptly after such action has been taken and shall be published promptly in summary form at least once.

§ C4-14 Effective date of legislative action.

Each affirmative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, shall become effective eight days after publication of such action unless a notice of intent to file a petition for referendum has been filed in the office of the Town Clerk within seven days after the publication of such action.

§ C4-15 Legislative action subject to referendum.

Each affirmative or negative legislative action taken by the Town Council which relates to any appropriation or bond issue, or to any ordinance or bylaw, is subject to referendum.

§ C4-16 Procedure and rules for referendum on legislative action.

1. Notice of intent to petition. Notice of intent to petition for referendum on a legislative action subject to referendum shall be signed by at least 50 electors of the Town and shall be filed in the office of the Town Clerk within seven days after the publication of such legislative action.
2. Petition for referendum. A petition for referendum on a legislative action subject to referendum shall be signed by not less than 5% of the electors of the Town as determined by the last completed registry list, and shall be filed in the office of the Town Clerk not later than 30 days after the publication of such legislative action.
3. Date of referendum. Following the filing with the Town Clerk of a petition for referendum, a referendum shall be held not later than 30 days after the filing of such petition. The date of the referendum shall be set by the Town Council.
4. Number of votes required for repeal or overrule by referendum. An affirmative action of the Town Council shall not be repealed, nor a negative action overruled, unless the number of votes in favor of repeal or overrule shall be a majority of those voting and equal to at least 15% of the numbers of electors of the Town as determined by the last completed registry list.
5. Effect of a referendum.
 - a) If a referendum repeals or overrules an action taken by the Town Council which relates to any appropriation or bond issue recommended by the Board of Finance, such recommendations shall be returned to the Board of Finance for reconsideration.
 - b) If a referendum repeals an affirmative action taken by the Town Council which relates to any ordinance or bylaw, such action shall be nullified forthwith.
 - c) If a referendum overrules a negative action taken by the Town Council which relates to any ordinance or bylaw, such action shall be returned to the Town Council for reconsideration.

Article V

Board of Finance, Financial Procedures, ~~and~~ Taxes, Audit Committee

§ C5-1 Composition of Board of Finance; qualifications of members.

There shall be a Board of Finance of eight regular members, and three alternate members, who shall be electors ~~and taxpayers~~ of the Town. They shall hold no other office of trust or emolument in the Town or State governments or state governments. Service on committees of the Town or State governments is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics. No member thereof shall receive compensation for services as such, but the necessary expenses of the Board, when funds have been appropriated therefor by the Town Council, shall be paid by the Treasurer. There shall be minority representation on the Board and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ C5-2 Appointment and term of office of members of Board of Finance.

The Selectmen shall annually in November after election day appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, two members of the Board of Finance, who, after qualification, shall hold office for a term of four years from the 15th day of November and until their successors have been appointed and shall have qualified. The Selectmen shall appoint in the odd-

numbered years on or promptly after the first day of December, ~~appoint~~ subject to confirmation by an affirmative vote of seven (7) members of the Town Council, the three alternate members of the Board of Finance, who shall hold office for a term of two years from the first day of December until their successors have been appointed and shall have qualified. No appointment to the Board of Finance to fill a vacancy shall be effective unless confirmed by an affirmative vote of seven (7) members of the Town Council. No appointment to the Board of Finance, for a full term or to fill a vacancy, shall be effective unless confirmed by an affirmative vote of seven members of the Town Council.

§ C5-3 Officers and organization.

In addition to the eight regular members of the Board of Finance, the First Selectman shall be an ex officio member of the Board of Finance ~~and but not its Chairman~~ and shall have no vote except in the case of a tie. On or promptly after the 15th day of November each year, the Board of Finance shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The First Selectman shall not serve as Chairman or Secretary. The Chairman, when present, shall preside at all meetings of the Board and shall have a vote as a member thereof. to choose one of its regular members to be Secretary.

§ C5-4 Powers and duties of officers and alternates.

The Chairman shall preside and vote, when present, , ~~when present, preside~~ at all meetings of the Board of Finance. In the absence of the Chairman, the Board shall choose one of its regular members Chairman pro tempore who shall preside and vote ~~not thereby lose his or her vote~~. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Board, including the votes of each member on all actions taken, and such record shall be a public record.

The alternate members of the Board of Finance, when seated as provided herein, shall have all the powers and duties of regular members of the Board of Finance. Alternate members shall have no vote, and shall not count towards a quorum or for other purposes, unless seated for a regular member. In the event of the absence of a regular member from a meeting of the Board, or if a regular member is disqualified, such absent or disqualified member shall designate an alternate to act in his or her place. In the absence of such designation, the Board of Finance, by majority vote of those members present and voting, shall designate and seat an alternate or alternates.

§ C5-5 Quorum.

At all meetings of the Board of Finance, five members ~~, exclusive of the Chairman,~~ shall be a quorum and the concurrence of five votes shall be necessary for the transaction of business, except that when only five members ~~, exclusive of the Chairman,~~ are present, the concurrence of four votes shall be sufficient for the transaction of business.

§ C5-6 Requests for annual appropriations.

The Town Council, all officers, department heads, boards, commissions and committees of the Town and the New Canaan Library shall annually not later than the third Tuesday preceding the first Tuesday in February submit to the Selectmen, in a form prescribed by the Board of Finance, itemized estimates of their respective requests for appropriations to cover such expenses, together with statements in detail of their respective expenditures for similar purposes for the preceding fiscal year and such other information as may from time to time be required by the Board of Finance. The Selectmen shall review such estimates or requests, including the preliminary budget estimates submitted by the Board of Education, and shall compile a recommended budget which shall be submitted to the Board of Finance for its consideration not later than the first Tuesday of February in each year. The Board of Education shall submit its preliminary budget estimates to the Board of Selectmen, for its review and comment, not later than the third Tuesday preceding the first Tuesday in February, and shall compile and submit its recommended budget directly to

the Board of Finance, with a copy to the Board of Selectmen, not later than the first Tuesday in February in each year.

§ C5-7 Requests for capital expenditures.

All officers, department heads, boards, commissions and committees shall submit annually to the Selectmen, with the estimates of their respective expenses for the ensuing fiscal year and in a form prescribed by the Board of Finance, an outline of the estimated capital expenditures of such office, board, commission or committee during the next five fiscal years. The Selectmen shall consider such outlines and, ~~after consultation with the Planning and Zoning Commission,~~ shall submit to the Board of Finance, not later than two weeks after the first Tuesday of February, a recommended budget of such capital expenditures, including such recommendation as they desire as to the creation of a reserve therefor in the Town budget for the ensuing fiscal year.

§ C5-8 Pension and retirement systems and insurance.

The Board of Finance may recommend to the Town Council the establishment of a system of retirement payments or pensions for officers or employees of the Town, including employees of the New Canaan Library employed prior to January 1, 2011, in consideration of years of service, age or disability, and may recommend the amount and duration of such payments or pensions. The Town Council, after publication once a week for two successive weeks, together with a simultaneous posting of a warning of the meeting of the Town Council which is to act upon the recommendation of the Board of Finance, may approve or reject any such recommendation, but may not increase the amount or duration of such retirement payments or pensions or change the beneficiaries thereof. The Board of Finance, in its annual recommendation for appropriations to cover Town expenditures for each fiscal year, may likewise include provision for group insurance covering officers or employees of the Town. Any existing system of retirement payments or pensions shall remain in effect until modified under the provisions of this section.

§ C5-9 Board of Finance budget recommendations and public hearing.

The Board of Finance, after receipt of the recommended budget from the Board of Selectmen and after obtaining any further information which it may require, shall prepare tentative budget recommendations. The Board of Finance shall cause such recommendations to be published at least once, together with a notice fixing the time of a public hearing which shall be held not later than the sixth Tuesday following the first Tuesday of February; and the place where such hearing shall be held by the Board of Finance upon requests for appropriations, to hear all persons, including members of the Board of Finance, who may wish to be heard in respect to any such recommendations or who may wish the Board of Finance to recommend any other appropriation or any other matter within the power of the Board of Finance.

After such public hearing, the Board of Finance forthwith shall hold a meeting or meetings to consider the estimates and requests so presented. The Board of Finance shall thereupon prepare and present its recommendations to the Board of Selectmen, for submission to the Town Council, for appropriations to cover Town expenditures for the ensuing fiscal year. Such recommendations may also include appropriations to pay any part of the Town debt or to provide a fund for any public improvement or any other matter within the power of the Board of Finance and to provide a contingent fund for expenses of the Town not otherwise provided for, which contingent fund, when appropriated by the Town Council, shall be subject to disbursement by the Board of Finance. Nothing in this section shall be construed to be a limitation upon the Board of Finance in the disbursement of the whole or any part of the Town contingent fund.

All such recommendations for appropriations shall be classified under proper headings and shall be accompanied by an estimate, made by the Board of Finance, of the amount of revenue the Town will receive during such fiscal year from all sources, except that of taxation, and an itemized list of the debts

and obligations of the Town as of the date of the meeting or meetings following the public hearing of the Board of Finance and a detailed statement showing the amount of increase or decrease of the proposed appropriation as compared to the last previous appropriation made by the Town Council for like purpose. Such recommendations shall include the amount of any unexpended balances or surplus to be applied against appropriations and a reserve for uncollectible taxes; provided, however, that if the Town Council shall reduce the proposed appropriations so recommended and published by an amount exceeding 5%, then in that event, the amount of unexpended balances or surplus to be applied shall be reconsidered by the Board of Finance for final action.

§ C5-10 Annual budget meeting.

The recommendations for appropriations so prepared by the Board of Finance shall be delivered to the Selectmen not later than the seventh Tuesday following the first Tuesday of February in each year in the form of a written report signed by the Chairman of the Board of Finance and a majority of its members. The Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to act upon such recommendations, stating the time and place thereof. The first of such notices shall include the publication ~~in full~~ of the recommendations of the Board of Finance. Such meeting of the Town Council shall be held not later than 11 weeks after the first Tuesday of February in each year.

§ C5-11 Town Council action upon annual appropriations and other recommendations.

The Town Council shall take action upon each of the proposed appropriations so recommended and published. It may approve, disapprove or reduce but may not increase the amount of such appropriations or any of them or the amount of any unexpended balances or surplus to be applied or any reserve for any uncollectible taxes; and no appropriation shall be made for any purpose not recommended and published as hereinbefore provided. If a recommendation of the Board of Finance pertains to some matter other than a money appropriation, then the Town Council shall act thereon in such case as provided in this Charter.

§ C5-12 Action upon special appropriations.

Whenever the Board of Selectmen or the First Selectman requests a special appropriation, or whenever a special appropriation, in the opinion of the Board of Finance, shall be necessary for any purpose, the Board of Finance shall deliver a recommendation to the Selectmen and the Selectmen shall present the recommendation to a meeting of the Town Council or may present the recommendation of the Board of Finance to a meeting called for that purpose, whereupon the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon the recommendation of the Board of Finance for such special appropriation, which notice shall state the time and place thereof. The Board of Finance ~~shall~~ ~~may~~ also include in its recommendation that such special appropriation shall be paid from moneys in the Town treasury not otherwise appropriated or by the levying of a special tax. If and when such special appropriation shall be made by the Town Council and the levying of a special tax to pay such special appropriation shall be approved by the Town Council, the Board of Finance shall lay a special tax upon the grand list last completed and fix the date or dates upon which such special tax shall become due and payable and shall thereupon issue a warrant to the Tax Collector to receive and collect the same in the manner provided by the General Statutes for the collection of taxes.

§ C5-13 Bond issues.

The Board of Finance may recommend the issuance of the bonds of the Town, in the form and subject to the limitations required by law, for any public purpose and the Board of Finance shall deliver a recommendation to the Selectmen as to such bond issue, and the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider

and act upon such recommendation of the Board of Finance stating the time and place thereof. Such recommendation and the notice shall contain a full and complete statement of the purpose or purposes for which bonds are to be issued and the amount and general terms thereof. The Town Council may approve, disapprove or reduce the amount of such proposed bond issue, but may not increase the same nor change the terms thereof. Such bonds, if and as approved by the Town Council, shall be executed and signed by the First Selectman and the Town Treasurer and the Town Clerk shall affix thereto the seal of the Town and attest to the same.

§ C5-14 Special taxes for special improvements.

In cases where special taxes shall be levied to provide funds for special improvements, the Board of Finance may, after holding its public hearing duly warned by publication at least once, at which all persons whose property may be affected shall be heard, designate what property shall be subject to special assessments for special benefits and the amount thereof and the date or dates upon which such special assessments shall become due and payable, and shall thereupon issue a warrant to the Tax Collector to receive and collect the same on the date or dates so fixed for such payment in accordance with the manner provided in the General Statutes for the collection of taxes. All such special assessments shall be borne equally by all property similarly situated, benefited or affected.

§ C5-15 Sewer taxing district.

There shall be a sewer taxing district in the Town. The Board of Finance shall in the annual request for appropriations recommend to the Town Council the method by which moneys shall be raised that are necessary to maintain and operate the public sewerage system or systems and to pay the interest and principal of all sewer and filtration bonds heretofore issued by the Town and outstanding at the time this Charter shall take effect or which may hereafter be issued. Unless otherwise provided by ordinance, the Board of Finance by resolution may from time to time include in the existing sewer taxing district additional areas of the Town.

§ C5-16 Assessments for sewer improvements or extensions.

The Board of Finance, in laying any special assessment in connection with the extension or improvement of the sewage disposal system in the Town, is authorized to proceed in accordance with the General Statutes, but no assessment or charge for the extension of the sewage disposal system into unsewered areas shall be less than 100% of the cost thereof, except under circumstances found by the Board of Finance to be unusual and extraordinary or to involve undue hardship.

§ C5-17 Procedure for abolishing sewer taxing district.

The Town Council may vote to abolish the sewer taxing district and thereafter all charges for operation and maintenance of the public sewage disposal system and for the payment of interest and amortization of all sewer and filtration bonds shall be included in the annual request for appropriations made by the Board of Finance to the Town Council. In the event of the adoption of such action by the Town Council, the Town Council and the Town Clerk shall certify such action to the State Commissioner of Revenue Services, the Office of Policy and Management, and to the Secretary of the State.

§ C5-18 Procedure for establishing special tax districts.

The Board of Finance may recommend the establishment of special tax districts by delivery of a recommendation to the Selectmen, and the Selectmen shall forthwith cause to be published once a week for two successive weeks a notice of a meeting of the Town Council to consider and act upon the recommendation of the Board of Finance, stating the time and place thereof. The recommendation shall set forth the purposes and conditions governing such special tax districts and shall fix the boundaries thereof. No such district shall be established unless the recommendations of the Board of Finance shall be

approved by the Town Council and unless a majority of the electors resident in such proposed district and the owners of real property located therein have consented thereto by written ballot cast at a special election called for such purpose in each of the proposed districts. If the Town Council approves such recommendations, it shall fix the date, time and place or places of such special elections and provide the usual facilities for holding the same, and the Board of Finance, together with the Town Council, shall make an appropriation to cover the necessary expenses thereof.

§ C5-19 Tax Collector to be appointed by Selectmen.

The Tax Collector shall be appointed by the Board of Selectmen and shall serve at the pleasure of the Selectmen. The Tax Collector shall have such powers and perform such duties, under the direction of the Board of Selectmen, as may be prescribed by the General Statutes. The Tax Collector shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C5-20 Tax warrant.

The Board of Finance shall issue a warrant to the Tax Collector to receive and collect any regular or special tax laid under the provisions of this Charter, which warrant shall specify the grand list upon which such tax is laid and the date or dates when it shall become due and payable. Such warrant shall be signed by the Chairman of the Board of Finance and a majority thereof. The Town Clerk shall affix thereto the Town seal and attest to the same.

§ C5-21 Payment of taxes.

The Board of Finance, in fixing the dates as to when taxes shall become due and payable, may provide that the taxes on personal property or taxes on real property, or both, shall become due and payable in one or more installments. The provisions of the General Statutes of Connecticut, Revision of 1958, as now or hereafter amended, shall be applicable to delinquent regular taxes or to delinquent special taxes laid under the provisions of this Charter.

§ C5-22 Liens on property for taxes.

The liens on property for taxes annually laid by the Town of New Canaan on any grand list shall date from the first day of July next preceding the completion of the lists upon which such taxes shall be laid.

§ C5-23 Lien fees.

Lien fees collected by and paid to the Tax Collector of the Town in accordance with the provisions of the General Statutes shall be credited to the general fund thereof.

§ C5-24 Water rates.

The Board of Finance, upon recommendation of the Director of Public Works, shall have power to establish equitable rates, and from time to time revise such rates, for the use of any system of public water supply authorized by the Town Council, to be paid by the owner of each lot or building receiving the benefits thereof, provided such rates shall be so computed as to provide revenue sufficient to meet the cost of maintaining and operating such system and to pay the cost of interest and amortization on all outstanding water supply bonds hereafter issued by the Town. Such rates shall be collected in the manner provided by the General Statutes for the collection of taxes.

§ C5-25 Payment of judgments against Town.

The Board of Finance shall make an appropriation sufficient to pay any judgment rendered against the Town by a court of competent jurisdiction when, in the opinion of the Board of Finance, all reasonable legal defenses or remedies have been invoked. The moneys necessary to pay such appropriation may be withdrawn for that purpose from funds in the Town treasury not otherwise appropriated, if the same be sufficient. Should the money in the Town treasury available for such purpose be insufficient, the Board of Finance may, by resolution, authorize the Treasurer to borrow the amount necessary. The sum so borrowed shall be included by the Board in the next tax levy upon the grand list of the Town last completed and the Board of Finance shall fix the rate thereof in an amount sufficient to provide the moneys necessary to pay such judgment with the interest due thereon and fix the date or dates when such tax shall be due and payable. The Board shall thereupon issue its warrant, in the form prescribed in § C5-20 hereof, to the Tax Collector to receive and collect the same.

§C5 -26 Audit Committee, composition –and qualification of members.

There shall be an Audit Committee of five members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government nor serve on any other committees of the Town government. No member may accept any consulting, advisory or other compensatory fee from the Town, nor shall a member have had any material financial relationship with the Town in the three (3) years prior to appointment to the Committee. Additional qualifications are defined by Town Ordinance, as amended.

§C5-27 Appointment and terms of -office.

The Board of Selectmen shall appoint members of the Audit Committee, subject to confirmation by an affirmative vote of seven- members of the Town Council, for a term of three years to begin on December 1st each year, with two members to be appointed the first year-year, two members to be appointed the second year, and one member to be appointed the third year. Members may serve for no more than three successive three-year terms or part thereof.

Each member, after qualification, shall hold office from their initial appointment and until a successor has been appointed and shall have qualified. In the event of a vacancy due to death, resignation or removal, within 60 days of such vacancy the Selectmen will appoint a successor member of the Committee. There shall be minority representation on the Committee in accordance with § 9-167a of the General Statutes.

§C5-28 Organization, officers, records and quorums.

On or promptly after the first day of December in each year the Audit Committee shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Committee and shall have a vote as a member thereof. In the absence of the Chairman or Secretary, as the case may be, the Committee shall choose one of its members Chairman pro tempore or one of its members Secretary pro tempore. Three members shall be a quorum for the transaction of business at any meeting.

The Secretary shall file in the office of the Town Clerk agendas and minutes of all meetings of the Committee, including the votes of each member on all actions taken.

The Committee shall prepare and send an annual report of its activities to the Town Bodies within sixty days after filing of the financial statements with the State Office of Policy and Management.

C5-29 Powers and duties.

Subject to Town Ordinance, as amended, the purpose of the Audit Committee is to assist the Town Bodies (Board of Selectmen, Town Council, Board of Finance and Board of Education) in fulfilling the Town Bodies' respective oversight responsibilities relating to:

A. the integrity of the Town's financial statements, financial reporting processes and systems of internal accounting and controls;

B. the annual independent audit of the Town's financial statements, the engagement of the independent auditors and the evaluation of the independent auditors' qualifications, independence and performance;

C. compliance with legal and regulatory requirements that could materially impact the Town's financial statements;

D. the evaluation of enterprise risk issues;

E. the engagement of the internal audit resources and ensuring the adequacy and completeness of an internal audit annual plan and related resources, receiving the related reports, and evaluating the internal auditor(s) qualifications, independence and performance; and

F. overseeing the Town's plan for corrective action which should include appropriate and timely follow-up measures.

In performing the Committee's duties, members may reasonably rely upon management to prepare financial statements in accordance with applicable standards and to maintain an effective system of internal controls that provide reasonable assurances regarding the reliability of financial reporting.

§ C5-~~3026~~ Recipients of Town funds required to keep records for auditing purposes.

Any person, group or organization receiving funds from the Town of New Canaan to be disbursed for public purposes shall keep records of the method and manner in which such funds received from the Town are expended, shall submit to the Board of Selectmen annual reports in a form prescribed by that Board, setting forth the details of the expenditures of such funds, and shall submit such records for audit by the Town Auditors.

§ C5-~~3127~~ System of accounting.

The Town shall maintain a system of accounting for keeping records to show amounts of current and past taxes and all types of liabilities of each taxpaying entity and the collections, adjustments, charges and abatements. The Town shall maintain its financial records in accordance with Generally Accepted Accounting Principles (GAAP) and in compliance with the Government Accounting Standards Board (GASB). The Town Finance Department shall maintain sound internal controls, including appropriate separation of duties. The Town shall annually hire an independent accounting firm to audit the financial books of the Town, and require the firm to submit a formal audit report to the Town Council, Board of Finance, and the Connecticut Office of Policy and Management to ensure that the Town is in compliance with the provisions of the General Statutes.

§ C5-~~3228~~ Transfer of unexpended balances.

A. The Board of Finance may, by resolution, transfer unexpended balances from one appropriation to another, but no amount appropriated for any purpose, whether general or special, shall be used or appropriated for other purposes without the approval of the Board of Finance, expressed by resolution thereof. Unexpended cash balances remaining at the end of any fiscal year may, by resolution of the Board of Finance, be either transferred to a surplus account or subtracted from the amount the Town Council has authorized to be raised by taxation for the ensuing fiscal year.

B. All uncommitted appropriations for capital improvements may, at the end of any fiscal year, with the approval of the Board of Finance, be continued and set up as a reserve for the same purposes and may be committed by the Board of Finance for the same capital improvements for one fiscal year after the expiration of the fiscal year for which such appropriations were originally made.

§ C5-~~3329~~ Expenditures exceeding appropriations.

Neither the Town Council nor any officer, board, commission or committee shall expend any money or enter into any contract for any purpose by which the Town shall become liable for any sum which, with any contract then in force, shall exceed the sum appropriated by the Town for such purpose, except in cases of necessity connected with the repair of public buildings, sewers, sewage disposal plants, highways and bridges and with public welfare, and then not to exceed the amount provided by § 7-348 of the General Statutes. Should any emergency arise whereby more money is needed for any department or service of the Town government than has been appropriated, the Selectmen shall notify the Board of Finance of such fact and the Chairman of said Board of Finance shall thereupon call a special meeting thereof to consider an additional appropriation. The Board of Finance may make the necessary appropriation therefor if it shall not exceed the amount provided in §7-348 of the General Statutes~~sum of \$20,000~~, but not more than one such appropriation shall be made during any one fiscal year. In case no funds shall be available to meet such additional appropriations, the Town may, with the consent of the Board of Finance, given by resolution, borrow the amount necessary, and the sum so borrowed shall be included by the Board of Finance in the next regular tax levy upon the Town. If any sum greater than the amount provided in §7-348~~\$20,000~~ shall be necessary, the Board of Finance shall proceed under and in accordance with the provisions of § C5-12 relating to special appropriations. Nothing in this section shall be construed to be a limitation upon the Town in issuing bonds as herein provided or expending the proceeds therefrom in accordance with the vote of the Town Council. Nothing in this section shall be construed to be a limitation upon the Board of Finance in the disbursement of the whole or any part of the Town contingent fund. In the event of budget category shortfalls in any department other than the Board of Education, the Chief Financial Officer, with the approval of the Board of Finance, may make line item transfers, provided the total budget shall not be increased thereby.

§ C5-~~34.30~~ Penalty for exceeding appropriation.

Should the Town Council or any officer or officers or any board, commission or committee expend or cause to be expended any money of the Town or enter into any contract in violation of § C5-29, he, she, they or the members, jointly and severally, of such board, commission or committee or of the Town Council shall be liable in a civil action in the name of the Town and the amount so drawn from the treasury or for which the Town is made liable under such contract shall be liquidated damages in such action against such officer or officers or members of such board, commission or committee or the Town Council, but this section shall not be construed as preventing the Town from pursuing any other remedy which might be provided by law.

Article VI

Assessor; Assessing Procedures; Board of Assessment Appeals

§ C6-1 Assessor.

There shall be one Assessor, who shall be appointed by the Board of Selectmen and who shall serve at the pleasure of the Selectmen. The Assessor shall have such powers and perform such duties, under the direction of the Board of Selectmen, as may be prescribed by the General Statutes. The Assessor shall not hold any other office in the Town government or engage in any business in the Town that could create a conflict of interest as defined in the Town's Code of Ethics.

§ C6-2 Requirements for filing real estate lists.

All persons required to file with the Assessor of the Town of New Canaan lists of property subject to taxation shall not include real estate in such lists, except as follows: Any record owner of real estate situated in the Town, to which real estate any new construction, improvement or interior or exterior alterations exceeding \$50 in value have been added and for which no building permit has been obtained from the Town of New Canaan, or from which real estate any building has been wholly or partially razed or removed during the 12 months next preceding the first day of October, and for which no permit has been obtained from the Town of New Canaan, shall be required to prepare, swear to and sign and file a list of such real estate with said Assessor on or before the first business day of November.

§ C6-3 Requirements for filing personal property lists.

All persons required by the General Statutes to file lists of personal property with the Assessor of the Town shall on or before the first business day of November prepare, swear to and file such lists with said Assessor valued as of the first day of October.

§ C6-4 Penalty for failure to file required lists.

The addition of 25% to taxpayers' lists provided by the General Statutes for failure to file such lists, or for omitting property from such lists, shall apply only to such property for which lists are required to be filed under the provisions of §§ C6-2 and C6-3 hereof.

§ C6-5 Assessment day; lodging of grand list.

The assessment day of the Town of New Canaan shall be October 1 of each year. The Grand List, when completed, shall be lodged with the Assessor's office on or before January 31.

§ C6-6 Board of Assessment Appeals.

There shall be a Board of Assessment Appeals of three members who shall be elected for two-year terms at each biennial Town election. The Board of Assessment Appeals shall have all the powers and duties prescribed by the General Statutes.

§ C6-7 Board of Assessment Appeals meeting dates.

The Board of Assessment Appeals shall meet at least three times during the month of March and at least once in the month of September annually, provided that any meeting in the month of September shall be for the sole purpose of hearing appeals related to the assessment of motor vehicles, and shall give notice of the time and place of such meetings by posting it at least 10 days before the first meeting in each such month in the office of the Town Clerk, and publishing it ~~in a newspaper~~ in accordance with the General Statutes and §C1-2 hereof. Such meetings shall be held on business days, which may be Saturdays, the last not later than the last business day of each such month, on or before which date such Board shall complete the duties imposed upon it. No appeal from the doings of the Assessor shall be heard or entertained by the Board unless presented to it at one of its meetings during the month of March, or during the month of September in the case of an appeal related to motor vehicle assessment.

§ C6-8 General Statutes to prevail.

In the event that the General Statutes are amended to change the name of the Board of Assessment Appeals or its times for meeting, or to change any other provisions in this article relating to assessing procedures, the General Statutes as amended shall prevail and override the provisions of this article.

Article VII

Board of Education

§ C7-1 Membership, powers and duties.

The Board of Education, consisting of nine members ~~as constituted at the time this Charter shall take effect~~, shall continue to exercise all of the powers and perform all of the duties conferred or imposed upon Boards of Education in towns by the General Statutes. The members of the Board of Education shall be electors of the Town.

§ C7-2 Election of members.

Members of the Board of Education shall be elected for a term of four years, with four members elected at one biennial municipal election and five members elected at the next biennial municipal election. At each such election any elector may vote for the total number of members of the Board of Education to be elected at such election, and each political party shall have the right to nominate as many persons as there are vacancies on the Board, provided there shall be minority representation on the Board of Education in accordance with § 9-167a of the General Statutes. All elections and nominations to the membership of the Board shall be made in accordance with the statutory requirements of the State of Connecticut.

§ C7-3 (Reserved)

§ C7-4 Vacancies.

If a vacancy occurs in the office of any member of the Board of Education, it may be filled by the remaining members of the Board until the next regular biennial municipal election, at which election a successor shall be elected for the unexpired portion of the term, and the official ballot shall specify the vacancy to be filled. If the Board of Education fails to fill any vacancy which occurs on the Board within 90 days after the vacancy occurs, the Board of Selectmen may fill such vacancy until the next biennial municipal election.

Article VIII

Fire Commission

§ C8-1 Establishment of Fire Commission.

There shall be a Fire Commission composed of three members, who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C8-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint one member of the Fire Commission who, after qualification, shall hold office for a term of three years from the first day of December until a successor has been appointed and shall have qualified. As long as there shall be a volunteer fire company in the Town of New Canaan receiving Town aid, one of the members of the Commission shall be an inactive member, in good standing, of such a volunteer fire company, in order to foster and recognize the volunteer component of the department. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C8-3 Organization, officers, records and quorum.

On or promptly after the first day of December of each year, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such

record shall be a public record. Two members shall be a quorum for the transaction of business at any meeting.

§ C8-4 Powers and duties.

The Fire Commission shall supervise the management of the fire department of the Town to ensure adequate fire protection and rescue response, and shall exercise powers and perform duties with respect thereto as follows:

A. Appoint a Fire Chief, whether paid or volunteer, subject to the approval of the Board of Selectmen. If a volunteer is fully qualified for the position and has been elected by the volunteer fire company, the Fire Commission shall appoint such person. In the event that the Selectmen do not approve a candidate appointed by the Fire Commission, then the matter shall be returned to the Fire Commission for reconsideration and further consultation with the volunteer fire company. If a paid Chief is duly appointed and employed, the Commission shall supervise the Chief in all the duties and responsibilities of the office, including dismissal; and, in the case of a paid Chief, the Chief's salary, compensation, benefits, and increases shall be established with the consultation and approval of the Selectmen. In the event of a vacancy in the position of Chief, the Assistant Chief shall be Acting Chief in order to maintain the chain of command and leadership responsibilities of the department pending the appointment of a permanent Chief.

B. As to volunteer fire companies established in the Town, the Commission shall:

(1) ~~Consult with each such company and furnish annually to the Selectmen an itemized estimate of the operating and capital budgets that the Commission recommends be appropriated for the support and maintenance during the ensuing fiscal year of each such company, together with an itemized statement of the expenditures for similar purposes during the preceding fiscal year. Ensure that the Town provides volunteer firefighters, as per National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) regulations, with required personal protective equipment, radios, and other equipment.~~

(2) Recognize volunteers as members in accordance with the constitution and bylaws of the volunteer fire company. Support and encourage volunteer firefighters as allowed by State and Federal law.

(3) ~~Consult with the Chief of each such company regarding rules and regulations, approved by the companies, for the proper governance of all personnel serving with the companies and paid by the Town. Direct the volunteer fire company to follow all rules and regulations and standard operating procedures of the fire department. Modification of these rules and regulations shall be in consultation with the volunteer company.~~ The volunteer fire company shall be responsible for discipline of any volunteers who have violated its rules and regulations or for conduct found to be detrimental to the public welfare.

(4) Consult with the Chief of each such company and thereafter adopt rules and regulations, approved by the companies, for governing their members so that the Town will be assured of adequate fire protection.

(5) Provide that copies of all rules and regulations referred to ~~herein in Subsections (3) and (4) hereof~~ shall be delivered to all persons affected thereby.

C. As to the paid Fire Department established in the Town, the Commission shall:

(1) Employ and appoint career officers and fire fighters and other paid personnel of the Fire Department as may be necessary for the adequate protection of the Town. Consult with the Chief to solicit names of qualified candidates for each paid position for service with the Fire Department. Persons so employed shall be paid by the Town.

- (2) Implement changes in the classification and compensation of employees of the Fire Department, in accordance with any collective bargaining agreements, after consultation with the Board of Selectmen.
- (3) Review and approve rules and regulations regarding career personnel, for the proper governance of the Fire Department, in accordance with contract and regulatory obligations after consultation with the Selectmen., ~~after consultation with the Selectmen.~~
- (4) Remove or suspend without payment of wages any employee of the Fire Department for violation of any such rules and regulations or for conduct found by the Commission to be detrimental to the public welfare but only after a hearing by the Commission upon written charges delivered to the accused person a reasonable time before such hearing, at which hearing such person may be represented by counsel; provided such actions may be taken only in accordance with collective bargaining agreements and regulatory obligations.

D. As to general fire protection and prevention, the Commission shall:

- (1) From time to time prepare and submit to the Selectmen proposed rules and regulations for governing and abating fire hazards in public and private buildings and in all other places in the Town and recommend their adoption by the Town Council as a bylaw or ordinance of the Town.
- (2) Appoint, subject to the approval of the Board of Selectmen, a Fire Marshal, ~~whether paid or volunteer~~, who shall possess the powers and perform the duties imposed upon such officer by law or by ordinance of the Town.

Article IX

Health and Human Services Commission

§ C9 -1 Composition and qualification of members.

There shall be a Health and Human Services Commission of nine members. The members shall be electors of the Town, and the First Selectman shall be a member ex officio but shall vote only in case of a tie. With the exception of the First Selectman, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C9-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day in December appoint three members of the Commission, all of whom, after qualification, shall hold office for a term of three years from the first day of December until their successors have been appointed and have qualified.

§ C9-3 Organization, officers, records and quorum.

On or promptly after the first of December in each year, the Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, as required by the Freedom of Information Act, including the votes of each member on all actions taken, and such record shall be a public record; provided, however, that the names of needy persons and confidential matters relating to their domestic, financial or other private affairs, and the votes of the members of the Commission in specific instances granting or refusing welfare, shall not be a public record. The concurrence of a majority of the Commission shall be necessary for the transaction of business.

§ C9-4 Powers and duties.

The Health and Human Services Commission shall have the following general duties and responsibilities in serving Town needs in the areas of human services, aging services, youth services and assigned public health services:

The Commission shall possess and exercise all of the powers and duties relating to the public's general welfare as described above, imposed upon boards of selectmen or municipalities by the Town of New Canaan, General Statutes of Connecticut or the United States Code, as well as those powers and duties that may be imposed on it by ordinances of the Town.

Article X

Inland Wetlands Commission

§ C10 -1 Composition and qualification of members.

There shall be an Inland Wetlands Commission (“IWC”) of seven (7) -regular members and three (3) alternate members who shall be electors of the Town. Ex-officio members may be provided as in the Town ordinance. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town Code of Ethics.

§ C10 -2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint three or four regular members of the Inland Wetlands Commission~~WC~~, who, after qualification, shall hold office for a term of two years from the first day of December and until reappointed or their successors have been appointed and shall have qualified. On or promptly after the first day of December in the odd-numbered years, the Selectmen shall appoint the remaining regular members, who, after qualification, shall hold office for a term of two years from the first day of December and until reappointed or their successors have been appointed and shall have qualified.

§ C10 -3 Organization, officers, records and quorums.

On or promptly after the first day of December the members of the Inland Wetlands Commission~~WC~~ shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary.

§ C10 -4 Alternate members.

In the event of the absence of a regular member from a meeting of the Inland Wetlands Commission or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town Code of Ethics, the Chairman shall designate and seat an alternate member from the panel of alternates.

§ C10 -5 Powers and duties.

The Inland Wetlands Commission~~WC~~ shall have all the powers and duties and be subject to the restrictions and limitations of inland wetland commissions as established under the General Statutes and as provided in the Town ordinance, as from time to time amended.

~~§ C10 -5 Alternate members.~~

~~In the event of the absence of a regular member from a meeting of the IWC or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town Code of Ethics, the Chairman shall designate and seat an alternate member from the panel of alternates.~~

Article ~~XIX~~

Parks and Recreation Commission

§ C~~119~~-1 Composition and qualification of members.

There shall be a Parks and Recreation Commission of no fewer than seven and no more than 11 members, as determined by resolution of the Board of Selectmen. The members shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~CE119~~-2 Appointment and terms of office.

The Selectmen shall on or promptly after the first day of December in each year appoint 1/3 of the members of the Parks and Recreation Commission for a term of three years, all of whom, after qualification, shall hold office from the first day of December and until their successors have been appointed and have qualified. If 1/3 of the total membership is not a whole number, then the Selectmen shall divide the membership as equally as may be into three appointment classes, and the members of the classes shall be appointed on a three-year rotation. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C~~119~~-3 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Parks and Recreation Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman, when present, shall preside at all meetings of the Commission and shall have a vote as a member thereof. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. A majority of the total members shall constitute a quorum and the concurrence of a majority of those present shall be necessary for the transaction of business.

§ C~~119~~-4 Powers and duties.

The Commission shall exercise powers and perform duties as follows:

- A. Recommend to the Selectmen for adoption by the Town Council such bylaws or ordinances relating to public recreation and the use of parks and other recreational facilities as, in its opinion, shall be proper.
- B. Consider and make recommendations to the Selectmen as to the acceptance of donations or devises of property to the Town for park or recreational purposes.
- C. Consider and recommend to the Planning and Zoning Commission acquisition of parks and other recreational facilities.
- D. In conjunction with the Town Recreation Department, Organize, direct, control, equip, foster and promote recreational programs and activities in public parks, streets, public buildings or elsewhere in

the Town except those recreational programs and activities under the jurisdiction of the Board of Education or those recreational programs and activities that may from time to time be delegated to any other board, commission, committee or authority of the Town by the Charter or by any bylaw or ordinance adopted by the Town Council.

E. ~~Prioritize, plan and supervise~~ Evaluate the maintenance and care of parks, utilizing the resources of the park maintenance staff of the Department of Public Works, within the annual budget allocation provided to the Commission by the Town, or as may be more specifically provided by ordinance.

F. On or promptly after the first day of November in each year, the Commission shall submit an Annual Report to the Board of Selectmen and the Town Council, which report shall include the following sections:

(1) RECREATION: describing activities for the past year, and new goals and projects, pertaining to the recreational programs and facilities;

(2) PARKS: describing activities for the past year, and the current condition of the parks, park maintenance needs and short-term plans, and capital projects and long-range planning.

§ ~~C119~~-5 Method of acquisition of park property.

The Selectmen, upon recommendation of or after consultation with the Parks and Recreation Commission and the Planning and Zoning Commission, may consider the acceptance of gifts, donations or devises of land or other property for park or recreational purposes and recommend to the Town Council the acceptance or rejection thereof. Should the Selectmen, after consultation with the Parks and Recreation Commission find it necessary or advisable to acquire land or facilities or both for park and recreational purposes or for the improvement of park property, they shall make a report relative thereto to the Board of Finance, together with a request for a special appropriation. When an appropriation for such acquisition or improvement shall have been made by the Town Council, the Selectmen shall have exclusive charge of the disbursement of such appropriation in substantial accord with the purpose for which such appropriation was made. If the carrying out of any such recommendation makes necessary the condemnation of land, the Town is authorized to take such land within the limits of the Town by condemnation for the purpose of such public use.

§ ~~C119~~-6 Park bylaws, permits and use by nonprofit groups.

The Selectmen may, upon recommendation of or after consultation with the Parks and Recreation Commission, recommend to the Town Council the adoption of bylaws and ordinances governing the use of public parks, may prescribe a system for the issuance of permits for the use of all Town-owned land used for park purposes, including public amusements, games, picnics and other purposes to which such areas might be devoted, and may enter into agreements with nonprofit groups or agencies for the use and/or improvement of Town property devoted to park or recreational purposes.

Article XII

Parking Commission

§ ~~C1240~~-1 Composition; qualification of members.

There shall be a Parking Commission of five members who shall be electors of the Town, together with the First Selectman as an ex officio member, who shall vote only in the case of a tie. With the exception of the First Selectman, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C1210~~-2 (Reserved)

§ ~~C1210~~-3 Appointment and terms of office.

The Selectmen shall on or promptly after the first day of December in each year appoint the necessary number of members of the Parking Commission to fill the vacancies occurring by reason of the expiration of the term of office of any member. Such appointment shall be for a term of three years from the first day of December and until their successors have been appointed and shall have qualified. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ ~~C1210~~-4 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Parking Commission shall meet at the call of the First Selectman to choose one of its appointed members to be Chairman and one of its appointed members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Commission, including the vote of each member on all actions taken, and such record shall be a public record. Three members shall be a quorum for the transaction of business at any meeting.

§ ~~C1210~~-5 Powers and duties.

The Parking Commission shall:

- (1) Recommend to the Board of Selectmen such policies, rules and procedures as may be applicable to the maintenance and operation of all public off-street parking facilities owned or controlled by the Town.
- (2) Recommend to the Board of Selectmen the acquisition of land and other property necessary for or incidental to the establishment, maintenance and operation of public off-street parking facilities by purchase, lease or condemnation.
- (3) Consider offers of gifts or devises of land or money to be used for purposes of this article and recommend to the Board of Selectmen acceptance or rejection thereof.
- (4) Recommend to the Board of Selectmen the establishment of such fees and such rules as may be appropriate for the parking of vehicles on public off-street parking facilities owned or controlled by the Town, and make similar recommendations to the Police Commission for the parking of vehicles on any public street. Such fees shall be collected under the direction of the Board of Selectmen and shall be turned over by the Board of Selectmen to the Town Treasurer for deposit in the Town General Fund ~~Surplus~~, unless the use or disposition of such fees are subject to the terms and provisions of a bond indenture relating to the issuance of revenue bonds.
- (5) Recommend to the Board of Selectmen the installation of parking meters on public off-street parking facilities owned or controlled by the Town, and on public streets. No contract requiring the expenditure of money for the purchase or installation thereof shall be submitted to the Town Council by the Board of Selectmen unless accompanied by a recommendation by the Board of Finance.
- (6) The Parking Commission shall prepare and submit to the Board of Selectmen and to the Planning and Zoning Commission plans for the provision of public off-street parking facilities, which plans shall be completed on or before the 15th day of November next after the Parking Commission's appointment. Annually thereafter, the Parking Commission shall update such plans and submit the same to the Board of Selectmen and to the Planning and Zoning Commission on or before the 15th day of November.

(7) Consider and recommend to the Police Commission such rules and regulations as it deems advisable for improvement of traffic circulation and parking within the Town of New Canaan.

(8) Hear parking citation appeals if authorized by ordinance.

§ ~~C1240~~-6 Annual appropriations.

The Board of Selectmen shall prepare annually an itemized estimate of expenses for the maintenance or operation of public off-street parking facilities for the ensuing fiscal year and of expenses of the Parking Commission, including such professional assistance to the Commission as may be approved by the Board of Selectmen, and shall submit such estimate and its request for an appropriation to cover such expenses to the Board of Finance and expend such appropriation, all in accordance with the applicable provisions of the Town Charter. The Board of Selectmen shall present to the Board of Finance promptly after the effective date of this article an estimate of expenses for the remainder of the fiscal year and a request for an appropriation therefor.

§ ~~C1240~~-7 Existing contracts continued.

Nothing in this article shall be constructed to abrogate or render invalid any existing contract to which the Town or the Board of Selectmen as the Parking Commission were parties and which relate to leases or to the duties or functions to be performed by the Town, and all such leases and contracts shall be carried out on behalf of the Town by the Board of Selectmen.

Article XIII

Town Employees and ~~Ethics Board~~~~Personnel Advisory Board~~

§ ~~C1344~~-1 Personnel under jurisdiction of Selectmen.

The appointment and dismissal of all employees of the Town, except those who are elected or are under the jurisdiction of the Board of Education, the Fire Commission, or the Police Commission, shall be made by the Selectmen. All appointments shall be made on the basis of merit and after examination as to fitness. Before the appointment or dismissal of any paid employee, the Selectmen shall consult with the board, commission, committee, officer, department or individual to whom the services of such employee are to be or have been rendered.

§ ~~C1344~~-2 Classification and compensation plan.

The Selectmen shall review and revise or establish when necessary a plan of classification and compensation for all Town employees whose appointment or dismissal is under the jurisdiction of the Selectmen or of the Fire Commission or Police Commission.

§ ~~C1344~~-3 Ordinance establishing classification and compensation plan and merit system.

The Board of Selectmen shall recommend to the Town Council the enactment of any bylaws or ordinances necessary to give effect to any classification or compensation plan or plans or any changes therein. Any ordinance so adopted by the Town Council shall provide a merit system of personnel administration.

§ ~~C1344~~-4 Code of ~~E~~ethics for Town employees and officials.

There shall be an ordinance establishing a ~~C~~ode of ~~E~~ethics enacted by the Town Council setting forth standards of ethical conduct for all town officials, including members of boards and commissions, whether such town officials and members are elected, appointed, regular or alternate, and all employees of the Town, ~~and for all employees of the~~ Board of Education, ~~and of the~~ Police Commission, whether paid or unpaid.

§ ~~C1344~~-5 ~~Ethics Board~~~~Personnel Advisory Board~~.

There shall be an ~~Ethics Board~~ ~~Personnel Advisory Board~~ of ~~five (5)~~ ~~three~~ members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C1344~~-6 Appointment and term of office.

~~On or promptly after the first day of December, 2016, the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, two members of the Ethics Board to serve a term of three years, two additional members of the Ethics Board to serve a term of two years, and one member to serve a term of one year. On or promptly after the first day of December, 2017, the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, one member of the Ethics Board to serve a term of three years. Thereafter, on a three year cycle, t~~The Selectmen shall appoint, annually on or promptly after the first day of December, ~~appoint~~subject to confirmation by an affirmative vote of seven (7) members of the Town Council, ~~one~~ members of the ~~Ethics Board~~~~Personnel Advisory Board~~ for a term of three years, with two members to be appointed the first year, two members to be appointed the second year, and one member to be appointed the third year. Each member ~~who~~, after qualification, shall hold office from their initial appointment~~the first day of December~~ and until a successor has been appointed and shall have qualified. In the event of a vacancy due to death, resignation, or removal, within sixty (60) days of such vacancy the Selectmen shall appoint, subject to confirmation by an affirmative vote of seven (7) members of the Town Council, a successor member of the Committee. There shall be minority representation on the Board in accordance with § 9-167a of the General Statutes.

§ ~~C1344~~-7 Organization, officers, records and quorum.

On or promptly after the first day of December in each year the ~~Ethics Board~~~~Personnel Advisory Board~~ shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Board and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a full and detailed record of all proceedings, acts and resolutions of the Board, including the votes of each member on all actions taken, and such record shall be a public record. ~~Three (3)~~~~Two~~ members shall be a quorum for the transaction of business at any meeting.

§ ~~C1344~~-8 Powers and duties.

The Ethics Board shall operate in accordance with the Town Ethics Board Ordinance, and it shall have the following general powers and duties:

- a) Review and recommend modifications, if any, to the Town Code of Ethics and the Town Ethics Board Ordinance for adoption by the Town Council;
- b) Receive, review, and resolve, in accordance with the Town Ethics Board Ordinance, any complaints of alleged violations of the Town's Charter, ordinances or the Town Code of Ethics by a Town officer, member of the Town Council, an official, member of a board, commission or committee, or any employee of the Town, including an official or employee of the Board of Education.

- c) Hear complaints from any employee aggrieved as to the status or condition of employment, except employees governed by collective bargaining agreements.
- d) Render advisory opinions and interpretations as to conflicts of interest arising under the Town Code of Ethics for all Town officers, members of the Town Council, and for all officials, members of boards, commissions and committees, and all employees of the Town, including officials and employees of the Board of Education. It shall be the duty of the Personnel Advisory Board to hear complaints from any employee aggrieved as to the status or condition of employment, except employees of the Board of Education and Police Commission. The Board shall also render advisory opinions and interpretations as to conflicts of interest arising under the Code of Ethics for all Town officers, members of the Town Council, and for all officials, members of boards, commissions and committees, and all employees of the Town, including officials and employees of the Board of Education and of the Police Commission. The Board shall issue written reports to the Selectmen containing findings of fact and recommendations upon complaints or requests for opinions and interpretations.

Article XIV~~IV~~~~XII~~

Police Commission

§ C~~1412~~-1 Composition and qualification of members.

There shall be a Police Commission of three members who shall be electors of the Town. The members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ C~~1412~~-2 Appointment and term of office.

The Selectmen shall annually on or promptly after the first day of December appoint one member of the Police Commission who, after qualification, shall hold office for a term of three years from the first day of December and until a successor has been appointed and shall have qualified. There shall be minority representation on the Commission in accordance with § 9-167a of the General Statutes.

§ C~~1412~~-3 Organization, officers, records and quorum.

On or promptly after the first day of December in each year, the Police Commission shall meet at the call of the First Selectman to choose one of its members to be Chairman and one of its members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission and shall have a vote as a member thereof. The Secretary shall file in the office of the Town Clerk a record of all proceedings, acts and resolutions of the Commission, including the votes of each member on all actions taken, and such record shall be a public record. Two members shall be a quorum for the transaction of business at any meeting.

§ C~~1412~~-4 Powers and duties.

The Police Commission shall manage and supervise the police force of the Town and shall exercise powers and perform duties with respect thereto as follows:

- A. Employ and appoint a Chief of Police, subordinate police officers and other persons as regular or special members of the police force as may be necessary for the adequate protection of the Town.
- B. Recommend to the Selectmen changes in the classification and compensation of police officers and members of the police force.

C. Make rules and regulations, after consultation with the Selectmen, for the proper government of the police force, copies of which shall be delivered to each officer and member of the force.

D. Remove, suspend or fine any officer or member of the police force for violation of any such rules and regulations or for conduct found by the Commission to be detrimental to the public welfare but only after a hearing by the Commission upon written charges delivered to the accused person a reasonable time before such hearing, at which hearing such person may be represented by counsel.

§ ~~C1412~~-5 Traffic regulations.

The Police Commission may make and from time to time change rules for the regulation of traffic on streets, highways and other public places under the jurisdiction of the Police Commission, not inconsistent with the ordinances of the Town or the law, and may fix a penalty for violation thereof. Upon adoption by the Police Commission, such rules shall not be effective until 10 days after their publication. Such rules may be altered, amended, suspended or repealed in the same manner as they may be adopted. All existing traffic regulations shall remain in effect until altered, amended, suspended or repealed in accordance with the provisions hereof. In formulating any such rules, the Police Commission shall consider recommendations from the Parking Commission, the Board of Selectmen, and the Town Council.

Article ~~XVXIII~~

Planning and Zoning Commission

§ ~~C1513~~-1 Composition and qualification of members.

There shall be a Town Planning and Zoning Commission of nine regular members and three alternate members who shall be electors of the Town, together with the First Selectman and the Town Engineer as ex officio members. The ~~First Selectman and the~~ Town Engineer shall have no vote, ~~and the First Selectman shall vote only in the case of a tie.~~ With the exception of the First Selectman and the Town Engineer, the members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C1513~~-2 Appointment and terms of office.

The Selectmen shall annually on or promptly after the first day of December appoint three regular members of the Town Planning and Zoning Commission, who, after qualification, shall hold office for a term of three years from the first day of December and until their successors have been appointed and shall have qualified. On or promptly after the first day of December in the odd-numbered years, the Selectmen shall appoint the three alternate members, who, after qualification, shall hold office for a term of two years from the first day of December and until their successors have been appointed and shall have qualified. There shall be minority representation on the Commission and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ ~~C1513~~-3 Organization, officers, records and quorums.

On or promptly after the first day of December the members of the Commission shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The Chairman shall, when present, preside at all meetings of the Commission. ~~In the absence of the Chairman, the Board shall choose one of its members Chairman pro tempore.~~ The Secretary shall keep a record of the acts and resolutions of the Commission, including the vote of each member upon any issue before it, and file such record in the office of the Town Clerk. A quorum shall

consist of five members, and the concurrence of four votes, except as otherwise provided in § C13-6 hereof, shall be necessary for the transaction of business.

§ ~~C1513~~-4 Powers and duties.

The Town Planning and Zoning Commission shall have all the powers and duties and be subject to the restrictions and limitations of zoning commissions as established under the General Statutes, as from time to time amended, and of municipal planning commissions established under the General Statutes, as from time to time amended.

§ ~~C1513~~-5 Town planning and zoning rules and regulations and plan of conservation and development to remain in effect.

The zoning regulations and the boundaries of zoning districts heretofore enacted, together with all planning rules and regulations and any plan of conservation and development heretofore enacted or adopted, are validated and shall remain in full force and effect until modified, repealed, amended or superseded.

§ ~~C1513~~-6 Procedure for holding public hearings.

For the purpose of holding public hearings as required under the General Statutes and as required under the planning and zoning rules and regulations now or hereinafter in force in the Town of New Canaan, the Chairman may appoint committees of no less than five appointed members, among whom may be included the Chairman. One member of the committee shall be designated as Secretary. Unless provided otherwise by statute, action on matters which have been subject to a public hearing shall be taken by a majority vote of the entire Commission at a regular or special meeting thereof, except that in the event of a protest being filed in accordance with the General Statutes concerning a proposed amendment, change or repeal of zone regulations or zone boundaries, a vote of 3/4 of the entire Commission shall be required for the adoption of such amendment, change or repeal.

§ ~~C1513~~-7 Alternate members.

In the event of the absence of a regular member from a meeting of the Commission or if a regular member shall disqualify himself or herself or be disqualified under the provisions of the General Statutes or the Town's Code of Ethics, the Chairman shall designate and seat an alternate from the panel of alternates, but in designating and seating such alternate, the Chairman shall choose alternates in rotation so that the alternates chosen by the Chairman shall be seated as nearly an equal number of times as is possible. The alternate members, when seated as provided herein, shall have all the powers and duties of regular members of the Commission. Alternate members shall have no vote, and shall not count towards a quorum or for vote ratios or other purposes, unless seated for a regular member.

~~Article XIV~~

~~(Reserved)~~

Article ~~XVIXV~~

Public Works Department

§ ~~C1615~~-1 Powers and duties.

There shall be a Department of Public Works which shall have administrative powers and duties as are set forth in this Charter.

§ ~~C1615~~-2 Appointment and term of office of Director of Public Works.

There shall be a Director of Public Works who shall be appointed by the Selectmen to serve for an indefinite term at the pleasure of the Selectmen and who shall be responsible to the Board of Selectmen. The Director of Public Works shall possess practical and technical qualifications for the duties of the office and shall not engage in any other business or hold any other office, public or private, for which a salary or emolument is paid.

§ ~~C1615~~-3 Appointment and term of office of Town Engineer.

There shall be a Town Engineer who shall be appointed by the Selectmen and shall report to the Director of Public Works, to serve for an indefinite term at the pleasure of the Board of Selectmen. The Town Engineer shall be a professional engineer registered in Connecticut, and shall not engage in any other business or hold any other office, public or private, for which a salary or emolument is paid.

§ ~~C1615~~-4 Duties and powers of Director of Public Works and Town Engineer.

The Director of Public Works shall supervise the Department of Public Works and have charge and control of all buildings, materials, apparatus and other equipment of the department or to which the functions of the department relate. The Director of Public Works and the Town Engineer shall be the chief technical advisors of the Town and of the Town Council and of all boards, commissions, committees and officers, except the Board of Education, concerning the physical matters of the Town and the design and construction of its physical plant as provided for in this Charter. The Director of Public Works, with the Town Engineer, shall furnish at the request of the Town Council or of any board, commission, committee or officer of the Town such technical advice as is reasonably required relating to any function of the Town or of its government and shall perform such other reasonable and related duties as the Board of Selectmen may direct. The Town Engineer shall be in charge of and shall make or superintend the making of all surveys, maps, plans, drawings, bids and estimates thereon relating to the work of the Town or any of its departments, boards, commissions, committees or officers except the Board of Education. The Town Engineer shall have custody of all maps of the Town not entrusted by ordinances, bylaws or otherwise to any other department, commission, committee or officer thereof and shall prepare with and upon direction of the Planning and Zoning Commission all maps or other records showing highways, building and veranda lines, street profiles and plans, profiles of storm and sanitary sewers, planning and zoning districts and planning maps of the Town which involve engineering.

§ ~~C1615~~-5 Streets and highways.

Except as otherwise provided by ordinance, the Department of Public Works shall have full control of the inspection and the construction, reconstruction, care, maintenance, altering, paving, repairing, draining, cleaning and snow clearance of all public places and of all streets, highways, sidewalks and curbs, and of the installation and maintenance of public lighting, street signs and guideposts.

§ ~~C1615~~-6 Public buildings, works and improvements.

The Department of Public Works shall have full control of the inspection and the construction, reconstruction, care, repair and maintenance of all public buildings, public works and public improvements except school buildings and grounds.

§ ~~C1615~~-7 The maintenance of public grounds, including parks.

The Department of Public Works shall be in charge of the work involved in the maintenance, care and improvement of, and construction required in connection with, all real property of the Town, including public cemeteries, parks, playgrounds, recreational areas and other areas not specifically designated for a particular Town use, except recreational facilities or areas for which responsibility for maintenance, care or improvement is delegated to any other board, commission, committee or authority by the charter or by any bylaw or ordinance adopted by the Town Council. The Department of Public Works shall not

undertake any new construction in park, playground or recreational area except that for which funds have been appropriated and then only after consultation with the Parks and Recreation Commission.

§ ~~C1615~~-8 Equipment.

The Department of Public Works shall have full control of the care, repair and maintenance of all equipment, including automotive equipment, used in the Department of Public Works or in any other department of the Town, except school, police and fire equipment.

§ ~~C1615~~-9 Sewer and water systems; refuse disposal.

The Department of Public Works shall have full control of the construction, reconstruction, establishment, re-planning, restoration, enlargement, improvement, removal, care, repair and maintenance of all public sewage-disposal systems, public refuse-disposal systems and public water-supply systems in the Town.

§ ~~C1615~~-10 School property.

The Department of Public Works may maintain and care for school buildings or grounds and may undertake engineering work and supervision on behalf of the Board of Education, but only if and to the extent and for the periods voted by the Board of Education, provided that the costs thereof are charged against the Board of Education's appropriations.

Article XVII

Town Attorney

§ C17-1 There shall be a Town Attorney, appointed by the Board of Selectmen, who shall be an attorney at law admitted to practice in the State of Connecticut, and who shall be the legal advisor for the Town and all departments, boards, commissions and officers of the Town relating to their official duties. The Town Attorney shall issue written opinions on questions of law; shall approve and/or prepare forms of contracts and other instruments to which the Town is a party; shall attend as required meetings of boards and commissions; shall appear for and defend the Town against claims against the Town, boards, commissions, and officers; shall prepare and file legal actions on behalf of the Town as directed; and shall defend, appeal, compromise or settle legal actions brought by or against the Town, its officers, boards or commissions with the approval of the requisite officer, board or commission. If required, the Town Attorney shall be responsible for the management of any outside counsel, including review of all correspondence, pleadings and bills rendered by such outside counsel. The Board of Selectmen may appoint Assistant Town Attorneys as may be necessary.

Article ~~XVIII~~XVI

Town Clerk

§ ~~C1816~~-1 Term of office and duties.

There shall be an elected Town Clerk whose term of office shall be that prescribed by the General Statutes and whose powers and duties will be those prescribed by the General Statutes and this Charter.

§ ~~C1816~~-2 Town Clerk and Assistant Town Clerks to be paid by the Town.

The Town Clerk and any Assistant Town Clerks shall be paid an annual compensation by the Town for the performance of their duties and such compensation shall be in lieu of all fees and other compensation.

The Town Clerk's salary shall be set by the Town Council pursuant to the General Statutes. Neither the Town Clerk nor any Assistant Town Clerk shall receive any additional compensation for acting as registrar or assistant registrar of births, marriages and deaths. The Town Clerk and Assistant Town Clerks shall not hold any other office in the Town government or engage in any business in the Town that could

create a conflict of interest as defined in the Town's Code of Ethics. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C1816~~-3 Disposition of Town Clerk fees.

The fees or compensation now or hereafter provided by the General Statutes to be paid to Town clerks shall be collected by the Town Clerk. All moneys collected by the Town Clerk in accordance with such statutes and with the bylaws or ordinances of the Town, except such as the Town Clerk shall be required by law to transmit directly to an agency of the State of Connecticut, shall be deposited by the Town Clerk with the Treasurer of the Town at least once each month. At the time of making each such deposit, the Town Clerk shall file with the Treasurer a full statement of such receipts so deposited and of the receipts forwarded directly to any state agency, and the Town Clerk shall also keep a record of the receipts of the office.

§ ~~C1816~~-4 (Reserved)

Article ~~XIXXVII~~

Zoning Board of Appeals

§ ~~C1917~~-1 Composition and qualification of members.

There shall be a Zoning Board of Appeals composed of five regular members, together with a panel of three alternate members, all of whom shall be electors of the Town. The alternate members and the regular members of the Zoning Board of Appeals shall be subject to the provisions of the General Statutes and the law relating to the disqualification of members of zoning authorities. The members of the Zoning Board of Appeals and of the panel of alternates shall serve without compensation and shall hold no other office of trust or emolument in the Town government. Service on committees of the Town government is not prohibited by this section, provided that such service does not create a conflict of interest as defined in the Town's Code of Ethics.

§ ~~C1917~~-2 Appointment of members and alternates; terms of office.

The Selectmen shall, annually on or promptly after the first day of December, appoint the number of members of the Zoning Board of Appeals and of the panel of alternates to the Zoning Board of Appeals necessary to fill the vacancies occurring by reason of the expiration of the term of office of any such member or alternate. Such appointments shall be for a term of two years from the first day of December and until their successors have been appointed and have qualified. There shall be minority representation on the Board and on the panel of alternates in accordance with § 9-167a of the General Statutes.

§ ~~C1917~~-3 Organization, officers and records.

On or promptly after the first day of December in each year, the Zoning Board of Appeals shall meet at the call of the First Selectman to choose one of its regular members to be Chairman and one of its regular members to be Secretary. The Chairman shall, when present, preside at all meetings of the Board; in the absence or disqualification of the Chairman, the Secretary shall assume all of the duties of the Chairman. The Secretary shall keep a record of the acts and resolutions of the Board, including the vote of each member upon any issue before it, and file such record in the office of the Town Clerk.

§ ~~C1917~~-4 Seating of alternates of Zoning Board of Appeals.

In the absence of a regular member at a meeting of the Board, the Chairman of the Zoning Board of Appeals shall seat an alternate designated by an absentee regular member from the panel of alternates provided for under § C17-1 hereof. In the absence of such designation by an absentee regular member, or

if a regular member shall recuse himself or herself or be disqualified under the provisions of the General Statutes relating to disqualifications of members of zoning authorities or by law, the Chairman shall designate and seat an alternate from the panel of alternates, but in designating and seating such alternate, the Chairman shall choose alternates in rotation so that the alternates chosen by the Chairman shall be seated as nearly an equal number of times as is possible. The minutes of the meeting shall record the availability of any alternate who cannot be seated in rotation by the Chairman. Alternate members shall have no vote unless seated for a regular member.

§ ~~C1917~~-5 Powers and duties.

The Zoning Board of Appeals and the members of the panel of alternates when seated shall have all the powers and duties set forth in the General Statutes relating to Zoning Boards of Appeals and the voting on any issue or matter before it shall be in accordance with the provisions of the General Statutes.

Article ~~XXXVIII~~

Miscellaneous Provisions

§ ~~C2018~~-1 Language of the Charter.

For the purpose of this Charter, unless the context clearly indicates otherwise: words used in the present tense include the future tense; words in the singular number include the plural number and words used in the plural number include the singular; words used in the masculine include the feminine and neuter; the word "shall" is mandatory and the word "may" is permissive; where applicable, the word "person" shall mean individuals, companies, corporations, public or private, societies and associations.

§ ~~C2018~~-2 Validity.

Should any article, section or provision of this Charter be held invalid or unlawful by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this Charter nor the context in which said article, section or provision thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the article, section or provision to which such ruling shall directly apply. If any article, section or provision of the Charter shall be held invalid or unlawful by a court of competent jurisdiction, then the article, section or provision of the Charter of the Town in effect on November 8, 20~~1605~~, pertinent to or dealing with the same subject matter shall be considered to have remained in full force and effect and shall be in full force and effect.

§ ~~C2018~~-3 Captions.

The captions in this Charter are for convenience only and are not to be construed as part of this Charter and shall not be construed as defining or limiting in any way the scope or intent of the provisions hereof.

§ ~~C2018~~-4 Continuation of existing contracts.

Nothing herein contained shall be construed to abrogate or render invalid any existing contract or contracts to which the Town is a party existing as of November 8, 20~~1605~~, and all such contracts shall be carried out ~~on~~ in behalf of the Town.

§ ~~C2018~~-5 Continuation of ordinances and bylaws.

All bylaws and ordinances of the Town, not inconsistent herewith, in force at the time this Charter shall take effect shall continue in force until the same shall be repealed or amended in the manner prescribed in this Charter.

§ ~~C2018~~-6 Continuation of appropriations and Town funds.

All appropriations approved and in force and all funds, including special reserve funds in the name of the Town as of November 8, 20~~1605~~, shall remain in full force and effect.

§ C~~2018~~-7 Authority to adopt codification of ordinances and bylaws by reference.

The Town of New Canaan is authorized to adopt a codification of, and codifying amendments to, those ordinances and by laws by the adoption of an ordinance under § C4-11 hereof stating in substance that the Code of Ordinances and Bylaws is adopted, and the requirements under said § C4-11 for publication in full of said codification of and codifying amendments to the ordinances and bylaws shall be deemed satisfied by filing two copies thereof in the office of the Town Clerk at least eight days before the effective date of the ordinance adopting the same.

§ C~~2018~~-8 Library Board.

Pursuant to the provisions of Special Acts of 1947, No. 434, P605, the library directors of the Town of New Canaan shall not be elected by the electors of the Town or be appointed by any officer or officers of the Town.

§ C~~2018~~-9 Special Legislation amendments to be approved.

No Special Legislation enacted after November 9, 20~~1605~~, under the provisions of Article 10 of the Constitution of the State of Connecticut relating to or affecting the Town of New Canaan shall be valid or effective unless the same is approved at a meeting of the Town Council duly warned and held for that purpose within 60 days after the passage of such Special Legislation.

§ -C20-10 Periodic Charter Review

On or before November 8, 2026, and at least every ten (10) years thereafter, the Town Council shall consider and act upon a resolution calling for the establishment of a Charter Revision Commission to review and, if necessary, amend the Charter. The process of initiating the Charter Revision Commission shall be governed by §7-188 of the General Statutes.

§ C~~2018~~-1~~10~~ Effective date.

This Charter shall become effective ~~November 9, 2016~~November 9, 2005.