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Footnotes:

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Editor's note— This Part contains Southbury's Charter, first adopted in 1975 and as revised in November, 1981 and November, 1986. Subsequent amendments will carry a historical notation in parentheses at the end of the affected section, showing the effective date of the amendment. A uniform system of punctuation and capitalization has been used. To facilitate indexing some catchlines have been added in brackets for clarity.

CHAPTER I. - INCORPORATION AND GENERAL POWERS

Section 101. - Incorporation.

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

(Amended, eff. 12-3-92)

Section 102. - Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the effective date of this Charter, are continued in the Town. The Town shall continue to be liable for its debts and obligations of every kind whether or not accrued, for which the Town shall be liable on said date. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien. If any contract has been entered into by the Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by any agency, board, commission, department, or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall in no manner be impaired, but shall continue in full force and effect and the rights and powers conferred and the duties imposed with reference to the same upon any such agency, board, commission, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the First Selectperson~~First Selectman~~ of the Town.

Section 103. - General grant of powers.

In addition to all powers granted to towns under the Constitution and General Statutes of the State of Connecticut, the Town shall have all powers specifically granted by this Charter, all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the Town, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut or any political subdivision thereof, or private organizations, for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut and to accept grants from such governmental and private agencies. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered in addition thereto.

(Amended, eff. 12-3-92)

CHAPTER II. - OFFICERS AND ELECTIONS

Section 201. - General elections.

Nominations and elections of federal and state officers, including Registrars of Voters, and of such elective municipal officers, boards and commissions as are provided for in this chapter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the Constitution and the General Statutes and special laws of the State of Connecticut applicable to the Town. The election of Town officers shall be held biennially on the first Tuesday after the first Monday in November in the odd numbered years.

(Amended, eff. 12-3-92)

Section 202. - Elected town officers, boards and commissions.

Effective with the first Town election following adoption of this Charter, the following officers and members of boards and commissions shall be elected for terms herein specified commencing on the first Monday in December next following their election unless otherwise provided elsewhere in this Charter or in the General Statutes to perform the duties prescribed in said Charter or such statutes, including, but not limited to, the specific statutes herein referred to:

A. ~~First Selectperson~~~~First Selectman~~ and ~~Select Board~~~~Board of Selectmen~~. The ~~First Selectperson~~~~First Selectman~~ and five (5) other members of the ~~Select Board~~~~Board of Selectmen~~ shall be elected at the Town election in the manner provided in Section 301 of this Charter ~~for terms of two (2) years~~ to perform the duties in Chapters III and IV of this Charter and Chapter 91 of the General Statutes except as modified in this Charter. In the first Town election after the adoption of this Charter, the First Selectperson and the two (2) top vote getting candidates for the Select Board shall be elected for terms of four (4) years. The remaining three (3) elected candidates for the Select Board shall be elected for terms of two (2) years. Thereafter, at each biennial election the First Selectperson and all five (5) members of the Select Board shall be elected to serve terms of four (4) years on a rotating basis as terms expire.

B. Town Clerk. The Town Clerk who shall also be the Registrar of Vital Statistics shall be elected at the Town election for a term of four (4) years commencing on the first Monday in January next after such election to perform the duties prescribed in Chapter 92, Chapter 93 and Title 9 of the General Statutes.

C. Board of Finance. There shall be a Board of Finance having six (6) members and a panel of three (3) alternates to perform the duties prescribed in Chapter VII of this Charter and, to the extent not modified herein, the duties prescribed in Chapters 106 and 108 of the General Statutes. At each biennial election three (3) members shall be elected for terms of four (4) years on a rotating basis as terms expire. At each biennial election one (1) alternate or two (2) alternates shall be elected for terms of four (4) years on a rotating basis as terms expire.

D. Board of Assessment Appeals. There shall be a Board of Assessment Appeals having three (3) members to perform the duties prescribed in Sections 12-110 through 12-117 of the General Statutes. At each biennial election one (1) member or two (2) members shall be elected for terms of four (4) years on a rotating basis as terms expire.

E. Planning Commission. There shall be a Planning Commission having six (6) members and three (3) alternates to perform the duties prescribed in Chapter 126 of the General Statutes. At each biennial election three (3) members shall be elected for terms of four (4) years on a rotating basis as terms expire. At each biennial election one (1) alternate or two (2) alternates shall be elected for terms of four (4) years on a rotating basis as terms expire.

F. Zoning Commission. There shall be a Zoning Commission having six (6) members and three (3) alternates to perform the duties prescribed in Chapter 124 of the General Statutes. At each biennial election three (3) members shall be elected for terms of four (4) years on a rotating basis as terms expire. At each biennial election one (1) alternate or two (2) alternates shall be elected for terms of four (4) years on a rotating basis as terms expire.

G. Zoning Board of Appeals. There shall be a Zoning Board of Appeals having six (6) members and three (3) alternates to perform the duties prescribed in Sections 8-5 through 8-7e of the General Statutes. At each biennial election three (3) members shall be elected for terms of four (4) years on a rotating basis as terms expire. At each biennial election two (2) alternates

or one (1) alternate shall be elected for a term of four (4) years on a rotating basis as terms expire.

H. Inland-Wetlands Commission. There shall be an Inland-Wetlands Commission having six (6) members and a panel of three (3) alternates to perform the duties prescribed in Sections 22a-36 through 22a-45 of the General Statutes. At each biennial election three (3) members shall be elected for terms of four (4) years on a rotating basis as terms expire. At each biennial election two (2) alternates or one (1) alternate shall be elected for a term of four (4) years on a rotating basis as terms expire.

I. Pomperaug Valley Water Authority. Three (3) members shall be elected to the Pomperaug Valley Water Authority in the manner provided in 1969 Special Act #174 (Connecticut Special Acts Volume XXXIV, Page 194) and 1971 Special Act #72 to perform the duties prescribed in said Acts, i.e., one (1) member shall be elected at each biennial Town election for a term of six (6) years on a rotating basis.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-03; amended, eff. 12-1-14)

Section 203. - State officers and terms.

At the state election held in November, 1976 or at the next succeeding regular election for such office and thereafter, the following officers shall be elected:

A. Registrars of Voters. Two (2) Registrars of Voters, each for a term of four (4) years commencing on the Wednesday after the first Monday of January succeeding their election to perform the duties prescribed in Title 9 of the General Statutes.

B. Judge of Probate. In conjunction with any other town(s) comprising the probate district of which Southbury is part, and in accordance with all applicable laws and statute, one (1) Judge of Probate for a term of four (4) years commencing on the Wednesday after the first Monday in January succeeding the election to perform the duties prescribed in Title 45a and other relevant titles of the General Statutes.

C. Justices of the Peace. Within the time limits for nomination prescribed for municipal officers prior to a state election.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-03; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 204. - Regional board of education.

The Town shall elect as many members of the Board of Education of Regional School District #15 for such terms and on such system of rotation as said Board shall determine. The Town shall elect members in accordance with Sections 9-167a and 10-46 of the General Statutes.

(Amended, eff. 12-3-92; amended, eff. 12-4-97)

Section 205. - Transition of elected officers, boards and commissions.

All incumbent elected officers, board members and commission members shall continue to hold the office to which they were elected until their successors elected or appointed hereunder are deemed qualified to succeed them.

Section 206. - Nomination of candidates.

Nomination of candidates for election to any Town office shall be made pursuant to Section 9-381 of the General Statutes.
(Amended, eff. 12-1-14)

Section 207. - Minority party representation.

A. Minority party representation on any elective board, commission or other similar body of the Town, except the Select Board~~Board of Selectmen~~, shall be determined in accordance with the provisions of Section 9-167a of the General Statutes. Minority party representation on the Select Board~~Board of Selectmen~~ shall be determined in accordance with Section 9-188 of the General Statutes.

B. Minority party representation for Southbury members of Region 15 Board of Education shall be determined in accordance with Sections 9-167a and 9-204b of the General Statutes.

C. The provisions of Sections 204 and 207 requiring minority representation on the Region 15 Board of Education shall become effective upon the first election following the authorization of such minority representation by statute.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-14)

Section 208. - Eligibility.

No person shall be eligible for election to any Town office, board or commission who is not at the time of election an elector of the Town. Any such person ceasing to be an elector of the Town shall thereupon cease to hold the elected office.

Section 209. - Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, to determine who shall be elected, or in the case of a question at referendum, whether it shall be accepted or rejected; provided, however, that this provision shall not apply to questions at referendum which, under the provisions of this Charter or of the General Statutes, require a minimum number of electors voting in favor of such questions in the event that the number of electors voting in favor of such questions does not equal the said minimum number required by such provision.

Section 210. - Vacancies.

Except as specifically prohibited by the General Statutes, any vacancy in any elective Town office except the office of First Selectperson~~First Selectman~~ and the Select Board~~office of Selectman~~, from whatever cause arising, shall be filled within forty-five (45) days of such vacancy by appointment by the Select Board~~Board of Selectmen~~ for the unexpired portion of the term of the person vacating office or provided that when the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by appointment of a member of the same political party or an unaffiliated elector. The provisions of this Section shall not apply to vacancies on the Regional Board of Education.

Any vacancy in the office of First Selectperson~~First Selectman~~ or in the Select Board~~office of Selectman~~, from whatever cause arising, shall be filled within thirty (30) days of its occurrence

by the remaining members of the ~~Select Board~~Board of Selectmen. Said remaining members may appoint one of themselves to fill a vacancy in the office of ~~First Selectperson~~First Selectman, if they so desire, and shall then fill the ensuing vacancy in the ~~Select Board~~office of Selectman as herein provided. If such a vacancy in the office of ~~First Selectperson~~First Selectman or ~~Select Board~~of Selectman is not so filled within thirty (30) days after the date of its occurrence, the vacancy shall be filled in accordance with the provisions of Section 9-222 of the General Statutes.

(Amended, eff. 12-3-92)

Section 211. - Voting districts.

The ~~Select Board~~Board of Selectmen may divide and, from time to time, redivide the Town into voting districts having such boundaries as it shall determine.

(Amended, eff. 12-3-92)

Section 212. - Board for admission of electors.

The Town Clerk and the Registrars of Voters shall constitute the Board for Admission of Electors to perform the duties prescribed in Chapter 143 of the General Statutes subject to change of membership in accordance with the provisions of Section 9-15a of the General Statutes.

Section 213. - Assistants to elected town officers, boards, commissions and agencies.

The ~~Select Board~~Board of Selectmen may from time to time upon the recommendation of the ~~First Selectperson~~First Selectman appoint such assistants to elected town officers, boards, commissions and agencies as the ~~Select Board~~Board of Selectmen may deem advisable and necessary, except that the position of assistant to the ~~First Selectperson~~First Selectman shall be appointed directly by the ~~First Selectperson~~First Selectman.

CHAPTER III. - THE ~~SELECT BOARD~~BOARD OF SELECTMEN

Section 301. - Composition.

The ~~Select Board~~Board of Selectmen shall consist of the ~~First Selectperson~~First Selectman and five (5) other members who shall be elected from the Town at large at each regular Town election for the terms ~~of two (2) years as~~ hereinbefore provided in Section 202 of this Charter. In the election of the ~~Select Board Members~~Selectmen other than the ~~First Selectperson~~First Selectman, no person shall vote for more than a bare majority. That number of persons sufficient to fill the offices to be elected who have the highest number of votes shall be elected. ~~The votes cast for the unsuccessful candidate for First Selectman shall be counted as votes for him/her as a member of such Board provided n~~No elector may be a candidate for both the office of ~~First Selectperson~~First Selectman and that of ~~Select Board Member~~Selectman and provided, if an elector who has timely registered with the Connecticut Secretary of State's office as a write-in candidate receives write-in votes for both the office of ~~First Selectperson~~First Selectman and that of ~~Select Board Member~~Selectman, the Moderator shall count for purposes of this section either the votes which were written in for him/~~her/them or her~~ for the office of ~~First Selectperson~~First Selectman or those which were written in for him/~~her/them or her~~ for the

~~Select Board~~~~office of Selectman~~, whichever is more advantageous to such elector, but not both except as otherwise provided in section 9-188 of the Connecticut General Statutes.
(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-14)

Section 302. - General powers and duties.

The ~~Select Board~~~~Board of Selectmen~~ shall establish overall strategy and policy for the Town except as otherwise specifically provided for in this Charter. The ~~Select Board~~~~Board of Selectmen~~ shall have the powers and duties which on the effective date of this Charter were conferred by the Constitution and General Statutes of the State of Connecticut upon the ~~Select Board~~~~Board of Selectmen~~. The legislative authority shall be vested in the ~~Select Board~~~~Board of Selectmen~~ except as otherwise specifically provided in this Charter and shall include but not be limited by the various provisions set forth in this Charter.
(Amended, eff. 12-1-03; amended, eff. 12-1-14)

Section 303. - Organization.

The newly elected ~~Select Board~~~~Board of Selectmen~~ shall meet in the Town Hall or other public building on the first Monday in December next following its election or as soon thereafter ~~as may conveniently be~~. The meeting shall be called to order by the Town Clerk who shall administer the oath of office to all members. In the absence of the Town Clerk, the meeting may be called to order and the oath administered by any elector of Southbury authorized by law to administer oaths. The newly elected ~~First Selectperson~~~~First Selectman~~ shall then assume the chair as permanent presiding officer of the Board. The Board shall by majority vote of the total membership designate a chair~~person~~~~man~~ pro tempore from among the members of the Board to preside in the absence of the chair~~person~~~~man~~. The presiding officer shall at all times have one (1) vote, but only one (1) vote on each matter voted by the Board. The Board shall adopt its own rules of procedure except as specifically provided in this Charter.

A. Temporary Absence of the ~~First Selectperson~~~~First Selectman~~

In the event of the temporary absence or temporary disability of the ~~First Selectperson~~~~First Selectman~~ of fewer than sixty (60) days, the ~~chairperson pro tempore shall~~~~Board of Selectmen may, by majority vote of the entire membership,~~ act in his/~~here/their~~ place, ~~and may designate one of its members to sign and deliver on its behalf any contracts or documents authorized by such vote.~~

B. Disability of ~~First Selectperson~~~~First Selectman~~

1. Notwithstanding the provisions of Section 210, whenever it is determined by unanimous vote of all members of the ~~Select Board~~~~Board of Selectmen~~, other than the ~~First Selectperson~~~~First Selectman~~, that the ~~First Selectperson~~~~First Selectman~~ has been unable to discharge the powers and duties of the office for a period of sixty (60) successive days immediately preceding said vote, the ~~Select Board~~~~Board of Selectmen~~ shall immediately designate by majority vote one of its members as acting ~~First Selectperson~~~~First Selectman~~. Said designated ~~Select Board Member~~~~Selectman~~ shall immediately assume the powers and duties of the office of the ~~First Selectperson~~~~First Selectman~~.

2. If there is a majority vote of the ~~Select Board~~~~Board of Selectmen~~ but not a unanimous vote, that the ~~First Selectperson~~~~First Selectman~~ has been unable to discharge the powers and duties of the office for a period of sixty (60) successive days immediately preceding said vote the

Board may, by a majority vote of the entire membership, act in his/her/thier place and may designate one of its members to sign and deliver on its behalf any contracts or documents authorized by said vote.

3. In the event that the Select Board~~Board of Selectmen~~ determine by majority vote of the entire membership within sixty (60) days after either vote referenced in paragraph 1 or 2 above that the elected First Selectperson~~First Selectman~~ no longer is disabled, said First Selectperson~~First Selectman~~ shall immediately resume the powers and duties of the office.

4. If the Select Board~~Board of Selectmen~~ does not make such a determination within said sixty (60) days, they shall at the end of said sixty-day period declare the office vacant and proceed to fill said vacancy in accordance with Section 9-222 of the General Statutes.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 304. - Procedure.

The First Selectperson~~First Selectman~~ shall establish and cause to be posted on the Town bulletin board and website, the agenda for all Select Board~~Board of Selectmen~~ meetings. The Select Board~~Board of Selectmen~~ shall conduct business according to General Statutes and the Freedom of Information Act. The Select Board~~Board of Selectmen~~ shall act by a majority vote of those present and voting except as otherwise provided in this Charter or by the General Statutes.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 305. - Adoption, amendment or repeal of ordinances.

Before an ordinance, except an emergency ordinance, shall be adopted, amended or repealed, the Select Board~~Board of Selectmen~~ shall hold at least one (1) public hearing, no less than five (5) days or more than fifteen (15) days notice of which shall be given by publishing the notice and a brief description of the proposed ordinance, amendment or repeal at least once in a newspaper having a general circulation in the Town and by posting the notice and the proposed ordinance, amendment or repeal on the Town bulletin board and website. After such public hearing the Select Board~~Board of Selectmen~~ may make such changes as it considers advisable before adopting, amending or repealing said ordinance. If the Town Attorney determines that substantive changes have been made in any such proposed ordinance or amendment subsequent to the public hearing required under the provisions of this Section, a second public hearing shall be held on such proposed ordinance prior to final action. Any ordinance may be adopted, amended or repealed by a majority vote of the whole Select Board~~Board of Selectmen~~ except an ordinance adopted by referendum. Every ordinance, after adoption or amendment, shall be filed with the Town Clerk who shall record, compile and publish the same as required by law. Within ten (10) days after adoption or amendment, each ordinance so adopted or amended shall be published once in its entirety in a newspaper having general circulation within the Town and shall be posted in its entirety on the Town bulletin board and website. Each ordinance, unless it shall specify a later date, shall become effective fifteen (15) days after publication.

(Amended, eff. 12-3-92; amended, eff. 12-1-14)

Section 306. - Emergency ordinances.

If the ~~Select Board~~Board of Selectmen shall find that an emergency exists in the Town affecting the public peace, health and safety, it shall be empowered to adopt rules, regulations, resolutions and ordinances setting forth the facts constituting the emergency, which shall become effective immediately upon the affirmative vote of not less than four (4) members of the Board, without public hearing or notice thereof. Every such emergency measure shall be repealed immediately upon the termination of the emergency and shall in any event automatically stand repealed at the termination of the 61st day following adoption thereof.

Section 307. - Referendum on ordinances and resolutions.

All ordinances, resolutions or other actions taken by vote of the ~~Select Board~~Board of Selectmen, except those making appointments or removals- of elected Town officers, board members or commission members or regulating exclusively their internal procedure, and except emergency ordinances adopted in accordance with the provisions of this Charter, shall be subject to referendum as follows:

A. If within fifteen (15) days after publication of any such ordinance or the making of such resolution, a petition, conforming to and circulated in accordance with the requirements of Sections 7-9 and 7-9a of the General Statutes and signed by voters in a number not less than five (5) percent of the registered electors as of the last day of the preceding month, is filed with the Town Clerk requesting the referendum, the effective date of such ordinance, resolution or other action shall be suspended.

B. The ~~Select Board~~Board of Selectmen shall fix the time and place of such referendum, which shall be held not less than seven (7) nor more than twenty-one (21) days after the filing of the petition, and shall give notice thereof in such manner as is provided in the General Statutes for the calling of a special Town Meeting.

C. The ordinance, resolution or other action of the ~~Select Board~~Board of Selectmen shall be null and void in the event that a majority of the voters voting thereon, such majority consisting of at least ten (10) percent of the registered electors of the Town as of the last day of the preceding month, shall vote in the negative. Otherwise such ordinance, resolution or other action shall take effect immediately following the referendum.

(Amended, eff. 12-3-92)

Section 308. - Initiative of electors.

A. The electors shall have the power to propose to the ~~Select Board~~Board of Selectmen any ordinance, except an ordinance appointing or removing officials, specifying the compensation or hours of work of officials and employees, adopting the annual budget, appropriating funds, authorizing the levy of taxes, or fixing the tax rate. The ordinance shall be proposed by a petition to the Board, in accordance with and subject to the provisions of the General Statutes, setting forth the proposed ordinance and requesting its adoption, which petition shall be signed by voters in a number not less than five (5) percent of the registered electors of the Town as of the last day of the preceding month. The petition shall be filed with the Town Clerk who shall within ten (10) days determine whether or not the petition contains the required number of valid signatures and if it does, shall so certify to the Board at its next regular meeting. The Board shall within sixty (60) days after certification either adopt the proposed ordinance after a public hearing to be held in accordance with Section 305, or submit the same to the voters at a

referendum held on a date to be determined by the ~~Select Board~~~~Board of Selectmen~~ within ninety (90) days from the date of the Town Clerk's certification, provided that if a general election or a Town election is to occur within four (4) months of such certification, the ordinance may be submitted at such election. The ordinance shall be adopted if a majority vote in the affirmative, such majority consisting of at least ten (10) percent of the total number of registered electors of the Town as of the last day of the preceding month. No ordinance which shall have been adopted by referendum in accordance with the provisions of this Section shall be repealed or amended except by vote of the voters.

B. Any such proposed ordinance shall be examined by the Town Attorney before being submitted to a referendum. The Town Attorney is authorized to correct the form of such ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provision and to assure accuracy in its text and references and clearness and preciseness in its phraseology but not to change materially its meaning and effect.

(Amended, eff. 12-3-92; amended, eff. 12-1-14)

Section 309. - Repeal of ordinances.

Any ordinance adopted by the ~~Select Board~~~~Board of Selectmen~~ pursuant to Section 305 of this Charter or by a Town Meeting may be repealed by the vote of a majority of the whole Board.

Any ordinance adopted by a referendum vote may be repealed only by a majority vote of those voting at a referendum held for the purpose, provided such majority shall consist of at least ten (10) percent of the registered electors of the Town as of the last day of the preceding month.

(Amended, eff. 12-3-92)

Section 310. - Investigation, removals and suspensions.

A. Investigation. The ~~Select Board~~~~Board of Selectmen~~ shall have the power to investigate any and all agencies, boards, commissions, committees, departments, offices and employees and for such purposes shall have the power to call witnesses before the ~~Select Board~~~~Board of Selectmen~~ to testify as to the matter under investigation.

B. Temporary suspensions pending investigation. The ~~First Selectperson~~~~First Selectman~~ or his designated representative(s), who shall be appointed by him/~~her/them or her~~ in writing, shall have the power of temporary suspension, with pay, pending investigation of charges brought against an employee.

C. Suspensions for thirty (30) days or less. Following the investigation referenced in Section 310.A the ~~First Selectperson~~~~First Selectman~~ shall have the power to suspend for cause an employee, for a period of thirty (30) days or less. Any employee suspended by the ~~First Selectperson~~~~First Selectman~~ may appeal said suspension to the ~~Select Board~~~~Board of Selectmen~~.

D. Removals and suspensions for more than thirty (30) days. Following the investigation referenced in Section 310.A the ~~Select Board~~~~Board of Selectmen~~ shall have the power to suspend for cause, with pay, for more than thirty (30) days by an affirmative vote of four (4) members, and to remove for cause, by an affirmative vote of five (5) members any person appointed to an office or position by the Board.

E. Appeal from suspension by the ~~Select Board~~~~Board of Selectmen~~. Any person who is suspended for more than thirty (30) days or removed from office by the ~~Select Board~~~~Board of~~

~~Selectmen~~ may appeal to the Public Appeals Board in the manner described in Article 3 of the Personnel Rules and Compensation Plan. The Public Appeals Board decision shall be final. (Amended, eff. 12-4-97; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 311. - Compensation.

The members of the ~~Select Board~~~~Board of Selectmen~~ shall receive such compensation as may be determined by the budget submitted to and adopted at the Annual Town Budget Meeting.

CHAPTER IV. - THE ~~FIRST SELECTPERSON~~~~FIRST SELECTMAN~~

Section 401. - Chief executive and administrative officer.

The ~~First Selectperson~~~~First Selectman~~ shall be the full-time executive and chief administrative officer of the Town.

Section 402. - Duties.

A. General. The ~~First Selectperson~~~~First Selectman~~ shall have all the powers, duties and responsibilities conferred upon that office by the General Statutes, any Special Act, and this Charter, and all the powers necessary or incidental to the discharge of duties and responsibilities as set forth in this Charter.

B. Specific. Under the general policy direction of the ~~Select Board~~~~Board of Selectmen~~ the ~~First Selectperson~~~~First Selectman~~ shall be responsible for:

1. Coordinating and supervising the administration of all departments, agencies and offices of the Town, except those functions expressly reserved or delegated to them by law; the ~~First Selectperson~~~~First Selectman~~'s responsibilities shall include, but not be limited to:

(a) Reviewing the performance of all administrative officers and department and agency directors;

(b) Hiring and terminating all administrative officers and all department and agency directors, subject to the approval of the ~~Select Board~~~~Board of Selectmen~~;

(c) Hiring and terminating all other Town employees in consultation with department or agency directors, or other administrative staff and subject to approval of the ~~Select Board~~~~Board of Selectmen~~;

(d) Drafting policies and procedures for the Town employees, subject to the approval of the ~~Select Board~~~~Board of Selectmen~~;

(e) Ensuring the implementation of the personnel policy of the Town;

2. Managing the information technology program for the Town;

3. Crafting policies and procedures for the Town, subject to the approval of the ~~Select Board~~~~Board of Selectmen~~;

4. The execution and carrying out of all laws governing the Town, including ordinances, resolutions, policies and other actions voted by the ~~Select Board~~~~Board of Selectmen~~ or the Town Meeting;

5. A continuous review of the current and future needs of the Town, including financial needs and budget requirements, and in connection therewith:

(a) Requiring reports and information to be submitted by any agency, ~~or~~ department, or administrative officers;

(b) Preparing and annually updating a strategic plan for the Town, such plan subject to the approval of the ~~Select Board~~Board of Selectmen;

(c) Reporting the status of Town operations and needs to the ~~Select Board~~Board of Selectmen.

(d) Annually present a comprehensive State of the Town Report to the electors.

6. Negotiating and entering into contracts or agreements with government agencies, corporations or others, subject to the approval of the ~~Select Board~~Board of Selectmen and other limitations in this Charter and the General Statutes;

7. Making recommendations to the ~~Select Board~~Board of Selectmen and coordination and guidance of the Board in the discharge of all its duties and responsibilities;

8. Representing the Town at ceremonial and official events, provided the ~~First Selectperson~~First Selectman may appoint a ~~Select Board Member~~Selectman or Town official or employee to be the Town's representative at such events;

9. Other duties that may arise and are not specifically reserved to the ~~Select Board~~Board of Selectmen and subject to other limitations in this Charter and the law, including ordinances, resolutions and policies.

C. Delegation of Duties. The ~~First Selectperson~~First Selectman may delegate any of the foregoing duties to a Town employee or Select Board Member, subject to other limitations in this Charter and the law.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 403. - As to appointive offices.

Except where an appointment is required to be made by the ~~First Selectperson~~First Selectman, the ~~First Selectperson~~First Selectman shall review and recommend to the ~~Select Board~~Board of Selectmen for their approval the names of all candidates for appointment to offices, agencies, committees, boards and commissions required by the Charter.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 404. - Membership on boards and commissions.

The ~~First Selectperson~~First Selectman shall be a full voting member of the ~~Select Board~~Board of Selectmen and shall preside at meetings of the Board when present and shall be an ex officio member of all other boards, commissions and committees of the Town but without power to vote. The ~~First Selectperson~~First Selectman may in writing appoint a ~~Select Board Member~~Selectman to be the Board's representative on any board, commission or committee but without power to vote.

(Amended, eff. 12-1-09)

Section 405. - Compensation.

The ~~First Selectperson~~First Selectman shall receive such compensation as may be determined by the budget submitted to and adopted in accordance with this Charter.

(Amended, eff. 12-1-14)

CHAPTER V. - APPOINTIVE OFFICERS, BOARDS, COMMISSIONS, COMMITTEES AND AGENCIES

Section 501. - General.

In order to provide for the proper administration of the business of the Town, the officers, and members of boards, commissions, committees and agencies specified in this Chapter shall, except as otherwise provided herein, be appointed by the Select Board~~Board of Selectmen~~ by a majority vote of the entire Board to perform the duties and functions herein provided or provided in the General Statutes.

(Amended, eff. 12-1-14)

Section 502. - Transition.

In the event that this Chapter shall provide for the appointment of any officer, board, commission, committee or agency, and such officer or body was previously elected, any incumbent persons on the effective date of this revised Charter shall complete the terms for which they were elected but their successors, if any, shall be appointed as herein provided.

(Amended, eff. 12-3-92)

Section 503. - Eligibility.

Except as otherwise provided herein, all officers and members of appointed boards, commissions, committees and agencies shall be electors of the Town and shall have such qualifications as may be prescribed by the Select Board~~Board of Selectmen~~ or by the General Statutes. Except as otherwise provided herein, if any such officer or member shall cease to be an elector of the Town, such person shall thereupon cease to hold such office or membership. Except as otherwise provided by State Statute, the Select Board~~Board of Selectmen~~ may appoint to any committee created by the Select Board~~Board of Selectmen~~, advisory members, who may be non-electors, but who shall have no power to vote, if the Select Board~~Board of Selectmen~~ determines that such advisory members will bring a special skill or expertise to the committee. This requirement shall not apply to officers and officials appointed under section 507.

(Amended, eff. 12-3-92; amended, eff. 12-4-97)

Section 504. - Vacancies.

Any vacancy in any appointive office or on any appointive board or commission for whatever cause shall be filled by the authority that had the power to make the original appointments to such office, board or commission. If the vacancy shall be in an office or on a board or commission having fixed terms, such vacancy shall be filled for the unexpired portion of such term.

(Amended, eff. 12-1-09)

Section 505. - Minority party representation.

Minority party representation on any appointed board, commission or other similar body of the Town shall be determined in accordance with the provisions of Section 9-167a of the General Statutes.

(Amended, eff. 12-3-92)

Section 506. - Terms.

All officers and all members of any board, commission or other appointed body having terms fixed by this Charter shall commence their terms on the 15th day of January and shall serve the term so specified until their successors have been appointed and qualified. Appointments made to all appointive positions, whether or not having fixed terms, shall be made prior to said January 15th and thereafter, provided however, that the ~~Select Board~~Board of Selectmen may extend such time in the case of appointive officers having special qualifications in order to ensure that such offices shall be properly filled. A list of officials not appointed by said January 15th and upon

the expiration of any term thereafter shall be posted in the Town Clerk's office and updated as required to show the current status.

Section 507. - Appointed officers and officials.

1. Fire Marshal. One (1) Fire Marshal having such qualifications as are required by Sections 29-297 and 29-298 of the General Statutes to perform the duties prescribed for local Fire Marshals by Chapter 541, Part II of the General Statutes. (See also Chapter VI of the Charter: Public Safety)
2. Tree Warden. One (1) Tree Warden for a term of ~~two (2) years~~ one (1) year appointed by ~~the First Selectman~~ to perform the duties prescribed by Chapter 451 of the General Statutes.
3. One (1) ~~Finance Director~~Controller-Treasurer.
4. One (1) Director of ~~Commission for~~ Senior Services, who may also be the Municipal Agent for Elderly Persons who shall serve a two (2) or four (4) year term at the discretion of the ~~First Selectperson~~First Selectman.
5. One (1) Animal Control Officer with a term of one (1) year shall be appointed ~~by the First Selectman~~ pursuant to General Statutes Section 22-331 and shall have such powers as therein set forth.
6. One (1) Assessor.
7. One (1) Building Official shall be appointed ~~by the First Selectman~~ for a term of four (4) years subject to the provisions of General Statutes Section 29-260.
8. One (1) Tax Collector who will perform the duties prescribed in Chapter 204 of the Connecticut General Statutes. The Tax Collector shall be appointed by the ~~Select Board~~Board of Selectmen for a term of four (4) years.
9. Town Attorney. One (1) Town Attorney who shall be a member of the Bar of the State of Connecticut or, if the Town Attorney is a law firm, attorneys associated with the firm, with responsibility for Town matters shall be members of the Bar of the State of Connecticut, and have such other qualifications by training or experience as may be required by the ~~Select Board~~Board of Selectmen. The Town Attorney shall represent and advise the Town and its officers, boards and commissions in such matters as the ~~First Selectperson~~First Selectman or ~~Select Board~~Board of Selectmen may from time to time authorize or prescribe. The Town Attorney shall be appointed by the ~~First Selectperson~~First Selectman with approval by a majority of consultation with the ~~Select Board~~Board of Selectmen and shall serve at will.
10. Town Engineer. One (1) Town Engineer at such time as the ~~Select Board~~Board of Selectmen shall vote to establish such a position, who shall hold an engineering degree and have such other qualifications by training or experience as may be required by the ~~Select~~

~~Board of Selectmen~~ and to perform such duties as the ~~Select Board~~~~Board of Selectmen~~ may prescribe.

11. Director of Social Services. One (1) Director of Social Services having the qualifications required under the General Statutes for a term of two (2) years to perform such duties as may be prescribed in accordance with Chapter 319(o) of the General Statutes.

12. Zoning Enforcement Officer. One (1) Zoning Enforcement Officer appointed by the Zoning Commission to perform such duties as the Zoning Commission may prescribe.

13. One (1) Recreation Director.

14. One (1) Town Land Use Administrator or Planner.

15. One (1) Head Librarian.

16. One (1) Director of Public Works.

17. One (1) Inland Wetlands Enforcement Officer, who shall have such qualifications by training and experience as may be required by the Connecticut Department of Environmental Protection-Bureau of Water Management and the Southbury ~~Select Board~~~~Board of Selectmen~~ in the regulation and enforcement of the State and local Inland Wetlands and Watercourse Regulations, and the Soil Erosion and Sediment Control Ordinance of the Town.

18. One (1) Economic Development Director.

19. One (1) Human Resources Officer.

~~2018.~~ Such other officers or officials as the ~~Select Board~~~~Board of Selectmen~~ shall from time to time by resolution determine.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-03; amended, eff. 12-1-09; amended, eff. 12-1-14)

Editor's note— Charter amendment of November 4, 2014, effective December 1, 2014, amended § 507 to read as set out herein. Previously § 507 was titled non-elected officers and officials.

Section 508. - Appointed boards, commissions, committees and agencies.

Within the time specified in Section 506 and thereafter, members shall be appointed to the following boards, commissions, committees and agencies:

A. Building Code Board of Appeals, consisting of five (5) members having the qualifications required in Section 29-266 of the General Statutes. Three (3) members or two (2) members shall be appointed for terms of four (4) years on a rotating basis as terms expire to perform the duties prescribed in said Section 29-266.

B. Historic Buildings Commission, consisting of seven (7) members, shall be appointed for terms of four (4) years on a rotating basis as terms expire, to manage and ensure the preservation of historic properties owned by the Town.

C. Conservation Commission, consisting of seven (7) members appointed by the ~~First Selectperson~~~~First Selectman~~. Four (4) members or three (3) members shall be appointed for terms of four (4) years on a rotating basis as terms expire to perform the duties prescribed in Section 7-131a of the General Statutes.

D. Economic Development Commission, consisting of seven (7) members and a panel of three (3) alternates. Two (2) members or one (1) member and one (1) alternate shall be appointed for a term of five (5) years on a rotating basis as terms expire. The Economic

Development Commission shall perform the duties prescribed in Section 7-136 of the General Statutes.

E. Historic District Commissions. There shall be the following Historic District Commissions, which shall perform the duties prescribed in Section 7-147a et seq. of the General Statutes and in Town ordinances.

1. Southbury Historic District No. 1 Commission. This commission shall have jurisdiction over Historic District No. 1 as defined by Town ordinance and shall consist of five (5) members and three (3) alternates for a term of five (5) years on a rotating basis as terms expire. One (1) member and one (1) alternate of the commission shall be residents of the district, if any persons who reside in the district are willing to serve on such commission.

2. Southbury Historic District No. 2, the Village of South Britain, Commission. This commission shall have jurisdiction over Historic District No. 2, the Village of South Britain, as defined by Town ordinance and shall consist of five (5) members and three (3) alternates for a term of five (5) years on a rotating basis as terms expire. Two (2) members and one (1) alternate of the commission shall be residents of the district, if any persons who reside in the district are willing to serve on such commission.

F. Lake Lillinonah Authority, three (3) members from the Town. Each member shall be appointed for a term of three (3) years on a rotating basis as terms expire to perform the duties prescribed in Section 7-151 a of the General Statutes.

G. Lake Zoar Authority, three (3) members from the Town. Each member shall be appointed for a term of three (3) years on a rotating basis as terms expire to perform the duties prescribed in Section 7-151a of the General Statutes.

H. Library Board of Directors, consisting of six (6) members and a panel of three (3) alternates. Biennially three (3) members shall be appointed for terms of four (4) years on a rotating basis as their terms expire. Alternates shall be appointed for terms of four (4) years on a rotating basis as their terms expire. The Library Board of Directors shall perform the duties prescribed in Chapter 190 of the General Statutes.

I. Parks and Recreation Commission, shall consist of seven (7) members and three (3) alternates. Four (4) members and one (1) alternate or three (3) members and two (2) alternates shall be appointed for terms of four (4) years on a rotating basis as terms expire. The Parks and Recreation Commission shall perform the duties prescribed in Section 7-129a of the General Statutes and such other duties as the ~~Select Board~~Board of Selectmen may prescribe.

J. ~~Commission for Senior Services~~Commission, consisting of seven (7) members, one (1) of whom shall be the Municipal Agent, and two (2) alternates. The Municipal Agent shall be appointed by the ~~First Selectperson~~First Selectman as required by Section 7-127b of the General Statutes. The remaining six (6) members and two (2) alternates shall be appointed by the ~~Select Board~~Board of Selectmen. Three (3) members shall be appointed for terms of two (2) years and three (3) members shall be appointed for terms of four (4) years. Thereafter, all members shall serve for terms of four (4) years on a rotating basis as terms expire. The Senior Center ~~Coordinator~~Manager shall be an ex officio member of the Commission without power to vote.

K. Public Appeals Board, consisting of five (5) members appointed for terms of five (5) years on a rotating basis as terms expire. The Public Appeals Board shall perform the duties prescribed in the Personnel Rules and Compensation Plan of the Town.

L. Water Pollution Control Authority, shall consist of five (5) members to serve for terms of two (2) years on a rotating basis as terms expire. Two (2) such terms shall expire on January 1 of the even numbered years, and three (3) such terms shall expire on January 1 of the odd numbered years. The Water Pollution Control Authority shall perform such functions as prescribed in Chapter 103 of the General Statutes as amended from time to time and such other duties as the ~~Select Board~~~~Board of Selectmen~~ may prescribe.

M. Regional Planning Commission. The Town will have representation on a Regional Planning Commission.

N. Historical Tree Restoration Committee. Historical Tree Restoration Committee, consisting of five (5) members, shall be appointed for terms of four (4) years on a rotating basis as terms expire, to manage and ensure the preservation of Southbury's tree heritage, subject to the authority of the ~~Select Board~~~~Board of Selectmen~~.

O. Investment Portfolio Oversight Committee, having membership and responsibilities as established from time to time by the ~~Select Board~~~~Board of Selectmen~~.

P. Rural Preservation Advisory Committee, consisting of eleven (11) members, shall be appointed to serve staggered three (3) year terms. One (1) member shall be appointed from each of the following: ~~Select Board~~~~Board of Selectmen~~, Board of Finance, Planning Commission, Zoning Commission, Inland Wetlands Commission, Conservation Commission, Parks and Recreation Commission, and a community land trust. In addition, there shall be three (3) at-large members, at least one (1) of whom is a resident of Southbury who is engaged in farming. The Rural Preservation Advisory Committee shall advise the ~~Select Board~~ ~~Selectmen~~ and the boards and commissions of the Town regarding issues concerning open space and the rural character of the Town.

Q. Ethics Commission, consisting of three (3) members—one (1) unaffiliated, one (1) Democrat and one (1) Republican and two unaffiliated alternates, shall be appointed for terms of two (2) years on a rotating basis as terms expire to perform the duties prescribed in the Town of Southbury ordinance and the Connecticut State General Statutes. No member shall be an employee of the Town of Southbury nor be an elected or appointed member of any Board or Commission which the Town of Southbury has representation. ~~Alternate members of the Commission can only fill the unaffiliated vacancy on the Commission.~~

R. Strategic Plan Commission, consisting of seven (7) regular members and three (3) alternate members who shall be appointed on a rotating basis as terms expire. The initial term, regardless of date of appointment, shall be effective as of January 15, 2019, for purposes of determining terms in accordance with this section. Initially, four (4) regular members and one (1) alternate shall be appointed to a term of four (4) years, and three (3) regular members and two (2) alternates shall be appointed to a term of two (2) years. Thereafter, all members shall serve a term of four (4) years on a rotating basis as terms expire. The Strategic Plan Commission shall serve in an advisory only capacity, advising the ~~Select Board~~~~Board of Selectmen~~, and such other commissions, departments, and offices as the ~~Select Board~~~~Board of Selectmen~~ may require, as to the implementation of the Strategic Plan.

(Amended, eff. 12-4-97; amended, eff. 12-1-03; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 509. - Assistants to appointed officers, boards, commissions, committees and agencies.

The ~~Select Board~~~~Board of Selectmen~~ shall from time to time upon the recommendation of the ~~First Selectperson~~~~First Selectman~~ appoint such assistants to the appointed officers, boards, commissions, committees and agencies as the ~~Select Board~~~~Board of Selectmen~~ may deem advisable and necessary.

Section 510. - Creation and discontinuance of Town offices, boards, commissions, committees and agencies.

The ~~Select Board~~~~Board of Selectmen~~, by a majority vote of the entire Board, may create such new offices, boards, commissions, committees and agencies as it may determine are necessary or proper for the general health, safety and welfare of the Town and may prescribe their duties by resolution or by ordinance as provided in the General Statutes. The ~~Select Board~~~~Board of Selectmen~~, by 2/3 majority vote of the entire Board, may also discontinue any appointed office, board, commission, committee or agency which it may deem no longer necessary or proper for such purpose, including any such office or agency created specifically by this Charter unless otherwise prohibited by Connecticut General Statutes.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-09)

Section 511. - Compensation.

Appointed officers and employees assisting appointed officers, boards, commissions, committees and agencies now under salary or receiving compensation on an hourly or other basis shall receive such compensation as may be agreed upon by them and the appointing authority and as may be determined by the budget submitted to and adopted at the annual Town budget meeting in accordance with Section 702 of this Charter.

Section 512. - Removal.

A. Failure to Attend Meetings. Any member or alternate member of an appointed board, commission or committee (i) who does not attend at least two-thirds (2/3) of the regular meetings for a calendar year and (ii) who has not notified the Chair~~person~~~~man~~ of such board, commission or committee in a timely manner that he/~~her/they~~~~or she~~ is seeking an excused absence, shall be subject to removal by a majority vote of the ~~Select Board~~~~Board of Selectmen~~ from such board, commission or committee, creating a vacancy which shall be filled in accordance with Section 504 of this Charter. It shall be the duty of the Chair~~person~~~~man~~ of each board, commission or committee to give prompt written notice to the ~~Select Board~~~~Board of Selectmen~~ for action. An absence shall be excused if the member or alternate member will be absent due to his/~~her/their~~~~or her~~ illness, the illness or death of a family member, the member's or alternate member's attendance at a funeral, the member's required attendance at another Town meeting, a business trip or scheduled vacation outside the Town of Southbury, or similarly critical event as determined in the reasonable discretion of the Chair~~person~~~~man~~ of the board, commission or committee.

B. Inability to Discharge Duties or Failure to Observe the Code of Ethics. Any member or alternate member of an appointed board, commission or committee who (1) is unable to discharge the powers and duties of his/~~her/their~~~~or her~~ position or (2) violates this Charter or the Code of Ethics may, after notice and hearing, be removed from such board, commission or

committee by a majority vote of the Select Board~~Board of Selectmen~~, creating a vacancy which shall be filled in accordance with Section 504 of this Charter.

(Amended, eff. 12-1-14)

CHAPTER VI. - PUBLIC SAFETY

Section 601. - Police protection.

The First Selectperson~~First Selectman~~ shall be the Chief of Police until a method of administering the police force independent of the Resident Trooper Program an independant local Police Department is established by the Select Board~~Board of Selectmen~~ and Referendum in accordance with the General Statutes. The Select Board~~Board of Selectmen~~ shall determine the number of Police Officers and/or Constables, either full- or part-time.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 602. - Fire protection.

A. Fire protection shall be provided in accordance with the Town Code of Ordinances.

B. There shall be a Fire Marshal as set forth at Section 507(1) of the Charter.

(Amended, eff. 12-1-09)

Section 603. - Emergency management.

A. Director of Emergency Management. There shall be one (1) Director of Emergency Management who shall be appointed by a majority vote of the Select Board~~Board of Selectmen~~ the First Selectman and may be removed by a majority vote of the Select Board~~Board of Selectmen~~ the First Selectman for cause. The Director of Emergency Management may be the director and coordinator of the Local Emergency Planning Committee ("LEPC") and shall perform the duties under the direction and control of the State Commissioner of Emergency Management and Homeland Security ("Commissioner") as prescribed by General Statutes, Section 28-1 et seq. Such duties shall include preparation of an emergency plan of operations for the Town for approval by the First Selectperson~~First Selectman~~ and the Commissioner. The Director of Emergency Management shall also be responsible for the coordination and direction of the LEPC in its capacity as the local organization for civil preparedness and advisory council (sometimes referred to as a "civil preparedness advisory council") mandated by General Statutes Section 28-7.

B. The members of the LEPC which operates under the authority and guidelines of the Connecticut Emergency Response Commission in accordance with General Statutes Section 22a-601 et seq. shall also serve as the local civil preparedness advisory council in accordance with the General Statutes Section 28-7. The LEPC shall consist of the state and local elected officials, representatives from law enforcement, fire-fighting, civil defense, public health, local environmental, hospital, and transportation personnel appointed pursuant to General Statutes Section 22a-601(b); the LEPC, acting as the civil preparedness advisory council shall also consist of members appointed by the Select Board~~Board of Selectmen~~ First Selectman from Town agencies or departments concerned with civil preparedness, town representatives from business, labor, veterans affairs, women's groups and other including a representative from a local ambulance association who are important to the civil preparedness program for the Town

as required by Section 28-7. The LEPC when constituted as the local civil preparedness advisory council shall have all the powers and duties as set forth at General Statutes Section 28-1 et seq.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 604. - Health department.

The Town shall provide the services of a municipal director of health and/or department of health in accordance with Town Ordinances and General Statutes Section 19a-240 et seq. The ~~Select Board~~Board of Selectmen shall determine if such services are to be provided by a Department of Health established by the Town or by a regional entity providing such services to more than one (1) town.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 605. - Ambulance services.

Ambulance Services may be available to Town Residents through volunteer and private ambulance providers and to the extent required by law.

(Amended, eff. 12-1-09)

CHAPTER VII. - FINANCE AND TAXATION

Section 701. - Fiscal year.

The fiscal year of the Town shall begin on the first day of July and end on the 30th day of June. (Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-09; amended, eff. 12-1-09)

Section 702. - Duties on budget.

A. Department Heads. Not later than December 1, the head of each office or agency of the Town, supported wholly or in part from Town funds except the Regional Board of Education, shall file with the ~~First Selectperson~~First Selectman a detailed estimate of the expenditures to be made by that office or agency and the revenues, other than property tax revenues, to be collected thereby in the ensuing fiscal year. Such estimates shall be accompanied by a statement setting forth the services, activities and work accomplished during the current year and planned for accomplishment during the ensuing year.

B. ~~First Selectperson~~First Selectman's Duties. The ~~First Selectperson~~First Selectman with the assistance of the ~~Finance Director Controller-Treasurer~~ shall review the budget estimates with the heads of all Town supported offices and agencies. Upon completion of the review the ~~First Selectperson~~First Selectman shall no later than February 15 present to the ~~Select Board~~Board of Selectmen, together with any recommended alterations or changes, the budget of all Town offices and agencies including:

C. ~~Select Board~~Board of Selectmen's Duties. The ~~Select Board~~Board of Selectmen shall consider the budget estimates as submitted by the ~~First Selectperson~~First Selectman and shall make such further revisions as the Board deems desirable. The ~~Select Board~~Board of Selectmen shall then submit its budget recommendations to the Board of Finance no later than March 15.

D. Board of Finance's Duties.

1. Not later than March 25, the Board of Finance shall hold a public hearing at which any elector or taxpayer may have the opportunity to be heard regarding the appropriations proposed for the coming year.
2. Subsequent to the public hearing, the Board of Finance shall, before making its final revisions in the budget, review with any party who has submitted a budget, and wishes to address the ~~Select Board~~Board of Selectmen's final estimate for their budget.
3. Not later than April 15, the Board of Finance shall hold a public meeting at which it shall consider and act upon the proposed appropriations and any other matters brought to its attention at such hearing.
4. Within 10 days after the Board of Finance adopts a proposed budget the Board of Finance shall cause to be published, in a newspaper having general circulation in the Town and on the Town website and in the form prescribed by the General Statutes, the following information shall be made available in the Town Clerk's Office:
 - a. An itemized statement of all expenditures for the preceding completed fiscal year.
 - b. An itemized statement of all appropriations for the current fiscal year and all estimated expenditures for the current fiscal year.
 - c. An itemized statement of proposed budget expenditures for the next fiscal year which may include a contingency fund not exceeding an amount equal to two (2) percent of the total estimated expenditures for the current fiscal year.
 - d. Estimates of revenue presenting in parallel columns the receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, the receipts estimated to be collected during the current fiscal year, and an estimate of the available cash surplus as well as the surplus on the books at the end of the fiscal year.
5. Following approval of the annual budget, as provided for in this Charter and if the Board of Assessment Appeals has finished its duties and the grand list has been completed, the Board of Finance shall meet immediately following such approval to establish the tax rate on the taxable property of the Town for the next fiscal year. If the grand list has not been completed by the date of such meeting, the tax rate shall be set on the prior year's grand list and appropriate adjustment made when the current year's grand list has been completed. (This should comply with the requirements of CSG 7-344)
6. Independent auditors shall be appointed by the Board of Finance in accordance with Chapter III of the General Statutes.
 - E. Referendum. The Budget as recommended by the Board of Finance will be submitted to the Annual Town Meeting described in Chapter IX of the Charter for discussion purposes only. The budget recommended by the Board of Finance shall be submitted for adoption at the annual budget referendum at a location to be determined by the ~~Select Board~~Board of Selectmen. The annual budget referendum shall be held on the first Wednesday after the first Tuesday in May, or at such other date, hours and location as may be determined by the Select Board~~Board of Selectmen~~.If the budget is rejected at referendum, the Board of Finance shall convene as soon as practicable and shall adopt a budget to be submitted to a second referendum which shall be held no later than twenty-one (21) days after the last referendum. The date, hours and location of the second referendum shall be set by the Select Board~~Board of Selectmen~~. This process

shall be continued until a budget is adopted at referendum. Notwithstanding the time constraints set forth in this paragraph, the ~~Select Board~~~~Board of Selectmen~~ may in its discretion adjust the time frame so that any subsequent referendum is held on the same date as any subsequent Region 15 referendum. If the ~~Select Board~~~~Board of Selectmen~~ determines it to be in the best interests of the town to hold a subsequent referendum on the same date as any subsequent Region 15 referendum.

If a budget is not adopted prior to the end of the fiscal year the budget adopted for the then current fiscal year shall be deemed to be the interim budget for the forthcoming fiscal year and expenditures may be made on a month-to-month basis in accordance therewith, until such a time as a new Budget is adopted at referendum.

As soon as possible the ~~Select Board~~~~Board of Selectmen~~ shall meet to determine the number of installment tax payments in accordance with the General Statutes. Nothing herein shall prevent the ~~Select Board~~~~Board of Selectmen~~ from exercising the power conferred upon it by the General Statutes to set the mill rate for the ensuing fiscal year and to cause taxes to be levied thereon in the event that adoption of the budget is delayed.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-03; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 703. - Additional and supplemental appropriations.

A. Procedure. If an office, board, commission, department or agency (which office, board, commission, department or agency is referred to hereafter as "Town Agency") needs more funds than those appropriated for it in the annual budget, the Town Agency shall submit a request to the ~~Select Board~~~~Board of Selectmen~~, which upon approval shall forward the request to the Board of Finance. The Board of Finance may approve the request as long as the total of all such requests from a Town Agency does not exceed, in any one (1) fiscal year, twenty thousand dollars (\$20,000.00) or such greater amount as may be specified by the General Statutes. If the total amount so requested exceeds such limit, such appropriation shall not be made until, upon recommendation of the ~~Select Board~~~~Board of Selectmen~~ and the Board of Finance, the same has been voted by the Town at a Town Meeting. Notwithstanding the above provisions, the ~~First Selectperson~~~~First Selectman~~ may expend up to ten thousand dollars (\$10,000.00) or such greater amount as may be permitted by the General Statutes without Board of Finance or Town Meeting approval in cases of necessity connected with the repair of highways, bridges, sidewalks, and water and sewer systems, ~~and the care of the Town needy.~~ In addition, to the extent permitted by the General Statutes, upon recommendation by the ~~Select Board~~~~Board of Selectmen~~, the Board of Finance may approve additional appropriations for the care of the Town needy without Town Meeting approval.

No grant, gift of real or tangible personal property, labor contract, other contract with a term beyond twelve (12) months, or modification to town employee benefit programs shall be negotiated or accepted by any department until the Board of Finance has received and has had no more than 35 days to give due consideration to a Financial Impact Statement, such Financial Impact Statement to be prepared by the Finance Director and shall be submitted at the same time as the item under consideration. If the Board of Finance fails to take action within 35 days, the item shall be considered approved. The Financial Impact Statement is a document that includes an analysis of all the costs and liabilities to be incurred as a result of the potential

approval of a grant, gift of real or tangible personal property, contract, or modification to town employee benefit programs.

B. Source of Funds. Funds for such additional and supplemental appropriations shall, as directed by the Board of Finance after notification to the Select Board~~Board of Selectmen~~, be provided from the following:

1. Transfers of unexpended and unencumbered balances; or
2. Contingency Fund; or
3. Unappropriated Cash Surplus;
4. If there are insufficient funds in Cash Surplus and in the Contingency Account, borrowing, in which event the amount so borrowed shall be repaid from the taxes next levied.

C. Public Emergency. For the purpose of meeting a public emergency threatening the lives, health or property of citizens, the Select Board~~Board of Selectmen~~ may make appropriations not exceeding five hundred thousand dollars (\$500,000.00) per fiscal year upon the favorable vote of at least four (4) members of the Select Board~~Board of Selectmen~~. The Select Board~~Board of Selectmen~~ shall make an accounting of its action to the Board of Finance.

(Amended, eff. 12-3-92; amended, eff. 12-1-09)

Section 704. - Purchases, expenditures and accounting.

A. Purchases Generally. No purchase shall be made by any Town Agency except in accordance with Town purchase order policy and approved by the First Selectperson~~First Selectman~~, the Finance Director~~Controller-Treasurer~~ or a Town employee designated by the Finance Director~~Controller-Treasurer~~.

B. Payment of Claims. No voucher, claim or charge against any Town Agency shall be paid until the same has been authorized by the Finance Director~~Controller-Treasurer~~ or a Town employee designated by the First Selectperson~~First Selectman~~ or the Finance Director~~Controller-Treasurer~~, and approved for correctness and validity by the head of the department or supervisor involved. Checks for the payment of approved claims shall be signed by the First Selectperson~~First Selectman~~ and shall be valid only when countersigned by the Finance Director~~Controller-Treasurer~~, except that such checks in the amount of five thousand dollars (\$5,000.00) or less shall be valid if signed by either the First Selectperson~~First Selectman~~ or the Finance Director~~Controller-Treasurer~~. In the absence or inability to act of either the First Selectperson~~First Selectman~~ or the Finance Director~~Controller-Treasurer~~ with respect to the above duty, the Select Board~~Board of Selectmen~~ shall designate a Select Board Member~~Selectman~~ to substitute temporarily for the First Selectperson~~First Selectman~~ and another Town Officer or employee to act for the Finance Director~~Controller-Treasurer~~.

C. Transfer of Funds. When any agency shall desire to secure a transfer of funds within its appropriation from funds set apart for one specific purpose to another, before making any expenditure thereof, such agency shall submit a request for approval of the transfer to the First Selectperson~~First Selectman~~. The First Selectperson~~First Selectman~~, together with the Finance Director~~Treasurer-Controller~~, may approve such requests, provided that the amount of such request or the aggregate of all requests involving the same budget line items made by such agency within the same fiscal year does not exceed ten thousand dollars (\$10,000.00). All such approvals shall be reported to the Board of Finance at its next regularly scheduled meeting. All such requests in excess of ten thousand dollars (-\$10,000), individually or in the

aggregate, shall be presented to the ~~Select Board~~~~Board of Selectmen~~ for approval. All approved transfer requests shall be reported to the Board of Finance at its next regularly scheduled meeting. For all such requests in excess of forty thousand dollars (\$240,000.00), individually or in the aggregate, for requests that have been approved by the ~~Select Board~~~~Board of Selectmen~~, the ~~Select Board~~~~Board of Selectmen~~ shall make a recommendation to the Board of Finance as to such request. The Board of Finance shall then approve or reject such request and its decision shall be reported to the ~~Select Board~~~~Board of Selectmen~~ at its next regularly scheduled meeting.

D. Appropriations. Appropriations for construction, capital expenditures, or other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished and that any remaining portion of such appropriation should be abandoned.

E. Effect of Unauthorized Expenditures. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein, and every person receiving such payment or part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein, he/~~she/they~~~~or she~~ shall be subject to removal, to the extent provided by law.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 705. - Borrowing.

A. Generally: The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this Charter.

B. Borrowing Limits: The ~~Select Board~~~~Board of Selectmen~~ shall have the power to borrow funds and authorize the issuance of notes to be repaid out of the receipts from taxes collected within the fiscal year such indebtedness is incurred and one (1) month thereafter, up to an aggregate amount of two hundred fifty thousand dollars (\$250,000.00) during any fiscal year, provided that no such borrowing shall be in excess of an aggregate amount of one hundred thousand dollars (\$100,000.00) in any fiscal year without the approval of the Board of Finance, and an aggregate amount of two hundred fifty thousand dollars (\$250,000.00) in any fiscal year without the approval of the Board of Finance and a Town Meeting.

C. Nonrecurring Expenditures: In the event that the Board of Finance shall determine that any nonrecurring expenditure proposed by the ~~Select Board~~~~Board of Selectmen~~ and approved by the Board of Finance is of so large an amount that the tax laid to pay it would make the total tax so high that in the judgment of the Board of Finance it would be inconsistent with the public welfare, the Board of Finance may authorize, subject to the vote of a Town Meeting, borrowing such amount and the issuance of notes to be repaid over a period of not more than that allowed in accordance with the provisions of the General Statutes.

D. Bonds: All bonds issued by the Town shall be drafted by bond counsel, executed and delivered by the ~~First Selectperson~~~~First Selectman~~ and the ~~Finance Director~~~~Chief Fiscal Officer~~~~Treasurer~~. Any vote of the Town Meeting authorizing the issuance of notes may delegate the authority to establish all terms except the amount, time of repayment and maximum interest

rate. Borrowing in amounts in excess of one hundred thousand dollars (\$100,000.00) shall be on the basis of written or electronically submitted bids.

(Amended, eff. 12-1-09)

Section 706. - Payments to private organizations.

The Town shall make no payments as contributions or dues to any private organization or corporation of more than five hundred dollars (\$500.00) unless specifically budgeted.

(Amended, eff. 12-1-09)

Section 707. - Tax bills.

It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill prepared in accordance with the provisions of Sections 12-130 and 12-131 of the General Statutes. Except as otherwise specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on in accordance with Chapters 203 and 204 of the General Statutes.

(Amended, eff. 12-1-09)

Section 708. - Grants

All grant applications require the approval by majority vote of the Board of Finance and the Select Board~~Board of Selectmen~~ prior to submission.

CHAPTER VIII. - CODE OF ETHICS

Section 801. - Code of Ethics.

The Code of Ethics governs the conduct of elected and appointed officials and employees of the Town. This Code shall be reviewed by the Select Board~~Board of Selectmen~~ every two years and the Select Board~~Board of Selectmen~~ shall modify the Code of Ethics to include any desired changes. The Ethics Commission shall be charged with administering the Code of Ethics which shall include, at a minimum, the following:

- A. Definition of conflicts of interests;
- B. Required disclosure of conflicts of interests;
- C. Disqualification where a material conflict of interest exists;
- D. Restrictions on the receipt of gifts or favors by elected and appointed officials and employees;
- E. A procedure for the investigation and hearing of alleged or suspected ethics violations or complaints;
- F. Penalties for ethics violations.

The Ethics Code shall be distributed to every elected and appointed official and employee of the Town. Each elected and appointed official and employee of the Town must acknowledge receipt of the Ethics Code in writing or by electronic signature.

(Amended, eff. 12-4-97; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 802. - Concurrent offices.

During the term for which any member of any board, commission or agency is elected or appointed, or any full time paid employee is employed, no such member or employee shall hold any other paid employment, either elected or appointed, in or under the Town government, except that the Building Official may be appointed to the office of Zoning Enforcement Officer and as approved by the ~~Select Board~~~~Board of Selectmen~~. Such action must meet all standards of the Code of Ethics.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

CHAPTER IX. - THE TOWN MEETING

Section 901. - Annual and special meetings.

An annual Town Meeting a.) for the discussion only of the budget and b.) the transaction of other Town business shall be held on the first Monday in May or on a date to be set by the ~~Select Board~~~~Board of Selectmen~~. Special Town Meetings shall be called by the ~~Select Board~~~~Board of Selectmen~~ only when required under the terms of this Charter and in the manner provided by the General Statutes. All persons deemed to be eligible to vote in Town Meetings as prescribed in Section 7-6 of the General Statutes shall be eligible to vote in Town Meetings and referenda held pursuant to this Charter.

(Amended, eff. 12-3-92; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 902. - Procedure.

A. All Town Meetings shall be called to order by the ~~First Selectperson~~~~First Selectman~~ or a designated representative. A moderator shall be elected and all business shall be conducted in the manner now or hereafter provided by the General Statutes, except as may otherwise be provided in this Charter. The Town Clerk shall serve as clerk of all Town Meetings, but in the absence of the Town Clerk an acting clerk may be ~~elected~~~~designated~~ by the meeting.

B. All actions at a Town Meeting shall be adopted by a majority vote of the qualified voters present and voting at the meeting, unless (1) a referendum is required by other provisions of this Charter or (2) a petition for referendum has been filed with respect to any item in the call of the meeting which petition shall have been signed by not less than ten (10) percent of voters or two hundred (200) persons qualified to vote in the Town Meeting, whichever is less, of the Town as of the last day of the preceding month or (3) a referendum is called by the ~~Select Board~~~~Board of Selectmen~~ pursuant to Section 7-7 of the General Statutes.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 903. - Actions requiring town meeting.

Action shall be taken at Town Meetings when required by this Charter or by the General Statutes, including but not limited to the following actions:

A. Any resolution making an appropriation of more than twenty thousand dollars (\$20,000.00) or such other additional appropriations for which Town Meeting approval is required pursuant to this Charter.

B. Any resolution authorizing the issuance of notes or other borrowing of five hundred thousand dollars (\$500,000.00) or more not included in the budget or the issuance of bonds in any amount.

- C. Approval of the ~~Select Board~~~~Board of Selectmen~~'s discontinuance of Town roads.
- D. Such authorizations or approvals as may be required by law for the Town's application for and/or participation in Federal or State revenue sharing or other fiscal assistance programs.
- E. Any matter deemed by the ~~Select Board~~~~Board of Selectmen~~ to be of sufficient importance to the Town.

The Town Meeting shall not act upon any appropriation, expenditure or borrowing of money which has not first been approved by the ~~Select Board~~~~Board of Selectmen~~ and the Board of Finance.

(Amended, eff. 12-3-92; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 904. - Town meetings by petition.

The ~~Select Board~~~~Board of Selectmen~~ shall call a special Town Meeting within twenty-one (21) days after a petition ~~calling for the same for any proper purpose~~ has been filed in the Town Clerk's office. The petition shall be signed by not fewer than twenty (20) (or fifty (50) if an ordinance so provides) inhabitants of the Town qualified to vote in Town Meetings. A Town Meeting called by the petition hereunder shall take no action with respect to any matter other than those described in Section 903 of this Charter, and if the action called for involves the expenditures or borrowing of money, no action shall be taken without the approval of the Board of Finance. Any such petition shall clearly state the action to be taken at the Town Meeting and shall conform to the provisions of Sections 7-9 and 7-9a of the General Statutes.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

CHAPTER X. - EXISTING LAWS, ORDINANCES AND MISCELLANEOUS

Section 1001. - General laws and ordinances.

On or after the effective date of this Charter, and any revisions thereto, all general laws and special acts applying to the Town, and all rules and regulations of commissions, boards, departments and agencies of the Town shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or ~~have been~~~~are~~ repealed.

(Amended, eff. 12-1-09)

Section 1002. - Amendment of Charter.

This Charter shall be reviewed, and amended, as necessary, in the manner prescribed by the General Statutes. Such review shall occur not less often than once every five years. A copy of the proposed Charter amendments, as recommended by the ~~Select Board~~~~Board of Selectmen~~, and a copy of the final Charter amendments, as voted upon by the electors of the Town of Southbury shall be maintained by the Town Clerk for public inspection.

(Amended, eff. 12-4-97; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 1003. - Saving clause.

If any portion of this Charter and any revision thereto shall be found unconstitutional by a court of competent jurisdiction or is contrary to the law of the State of Connecticut, such finding shall not affect the remainder of this Charter and the remainder of this Charter shall remain in full force and effect until amended or repealed.

(Amended, eff. 12-3-92; amended, eff. 12-1-09)

Section 1004. - Public's right to know.

Every meeting of every board, committee, task force, or commission shall be conducted and documented in accordance with the General Statutes, including but not limited to the requirements that such meetings shall be open to the public in accordance with the provisions of Section 1-225 of the General Statutes, and copies of all notices, agendas and minutes of any meeting of any board or commission shall be filed with the Town Clerk within the time prescribed for such action by said Section 1-225.

(Amended, eff. 12-1-03; amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 1005. - References to the General Statutes.

All references to the General Statutes made herein are to the Connecticut General Statutes, Revision of 1958, as the same have been amended up to the effective date of this Charter and as the same may be amended hereafter.

(Amended, eff. 12-1-09; amended, eff. 12-1-14)

Section 1006. - Status of alternates on town boards and commissions.

Except as otherwise provided elsewhere in this Charter or in the General Statutes, alternate members of any Board or Commission who are present at any meeting thereof shall be counted for purposes of determining the presence of a quorum at such meeting.

(Amended, eff. 12-1-09)

Section 1007. - Effective date.

This Charter, having become effective in November 1975 and having been revised effective in November 1981, November 1986, December 1992, December 1997, December 2003, December 2009, December 2014 shall remain in full force and effect, and the further revisions herein contained shall become effective December 1, 2014⁹, provided they shall by then have been approved by the electorate.

(Amended, eff. 12-3-92; amended, eff. 12-4-97; amended, eff. 12-1-03; amended, eff. 12-1-09; amended, eff. 12-1-14)

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter adopted in 1975, and any revisions and amendments thereto.

Date	Section this Charter
Nov., 1981	Char. note
Nov., 1986	Char. note

Dec., 1992	101, 103 201, 202(F)—(H) 203(C) 204, 207 210, 211 301, 305 307(C), 308(A) 309, 502 503, 505 507, 508(B), (E), (N), (O) 510 602(B), (E) 603(A), (C) 604(A)—(C) 701, 801 802(B) 803(A)—(C)
Rpld	803(E), (G)
Rltd	803(F) as (E) 903, 907
Dec. 4, 1997	202(C), (E)
	203(c)
	204
	207
	301
	310
	503
	507(2)—(4),
	(6), (17), (19)—(21)
	508(P)
	510
	602(D)
	604(B)
	701

	703
	802(B)
	902
	907
Dec. 1, 2003	202(C)—(J)
	203(B), (C)
	302
	507 1.
	508(D), (F) (J), (M) (N)
	602
	701(A), (B) (G)1., (H)
	904
	907
Dec. 1, 2009	203(b)
	302
	303
	304
	310(C), (D)
	402(B), (C)
	403
	404
	504
	507
	508(J), (M), (O), (P)
	510

Rnbd	606—607
as	701—707
Added	601—605
Rnbd	601—607
as	701—707
Rnbd	701—703
as	801, 802
Rnbd	801—804
as	901—904
Rnbd	901—907
as	1001—1007
Nov. 4, 2014	202 B., 203 B., 206, 207 A., 301—305, 308 A., 310 B.—D., 402 B.1.(c), (e), 403, 405, 501, 507 1., 4., 8., 9., 14., 508 E.—G., J., L., M., O.,
Added	508 Q., 512

	601, 603, 604, 702, 704 C., 801, 802, 901, 902 B., 903 A., 904, 1002, 1004, 1005, 1007
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