

**FINAL PROPOSED REVISED CHARTER**

**August 1, 2016**

**THE CHARTER**

**CHARTER OF THE TOWNSHIP OF SIMSBURY**

We, the Electors of the Town of Simsbury, pursuant to the provisions of Chapter 99 of the General Statutes do approve this Charter, as revised, for the Town of Simsbury.

**Section 101. Incorporation.**

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

**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 in the town as of the effective date of the Charter are continued. Nothing herein shall be construed to affect the rights of the town to collect any assessment, charge, debt, or lien. The town shall continue to be liable for its debts and obligations. If any contract has been entered into by the town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the town, which contains provisions that the same may be enforced by any office or agency therein named which is hereby abolished or superseded by the creation herein of a new commission, board or office to which are granted similar powers and jurisdiction, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any

such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Town Manager of the town.

### **Section 103. General grant of powers.**

In addition to all powers granted to towns under the Constitution and General Statutes, or which may hereafter be conferred, the town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, all powers conferred by Sections 7-148 and 7-194 of the General Statutes and by Special Acts of the General Assembly not inconsistent with this Charter, and all other powers incident to the management of the property, government and affairs of the town, including the power to enter into contracts with the United States Government or any branch thereof, the State of Connecticut or any agency or political subdivision thereof or any other body politic or corporate not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this or any other chapter of the Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

## **Chapter II Elections**

### **Section 201. General.**

(a) Nomination and election of federal and state officers and of such elected town officers, boards and commissions as are provided for in this Charter 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 Acts of the State of Connecticut applicable to the Town of Simsbury.

(b) A meeting of the Electors of the Town of Simsbury for the election of municipal officers shall be held biennially in odd-numbered years on the first Tuesday after the first Monday of November.

### **Section 202. Eligibility.**

No person shall be eligible for election to any town office who is not at the time of his or her election an Elector of the town, as defined by Section 9-1 of the General Statutes and any person ceasing

to be an Elector of the town shall thereupon cease to hold elective office in the town.

**Section 203. Minority representation.**

Minority representation on any elective or appointive board, commission, committee or similar body of the town, except the Board of Selectmen, Board of Education, the Board of Ethics and the Police Commission shall be determined in accordance with the provisions of Section 9-167a of the General Statutes. Minority representation on the Board of Selectmen, the Board of Education, the Board of Ethics and the Police Commission shall be determined in accordance with the provisions of Sections 9-188 and 9-204 of the General Statutes and Charter §612 and §613 respectively.

**Section 204. 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 question does not equal the said minimum number required by such provision.

**Section 205. Vacancies - elective offices.**

Except as provided in Section 9-221 of the General Statutes, any vacancy, except a vacancy on the Board of Selectmen, in any elective town office, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment by the Board of Selectmen, for the unexpired portion of the term or until the next regular municipal election, as defined in Section 9-1 of the General Statutes, whichever shall first occur. Any vacancy on the Board of Selectmen shall be filled within thirty (30) days of such vacancy in accordance with Section 9-222 of the General Statutes. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. Except as otherwise provided in this Charter, if there is a regular municipal election, as

defined in Section 9-1 of the General Statutes, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until the election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, such person to take office at the time provided in Section 302 of this Charter for the commencement of terms of office.

#### **Section 206. Board for Admission of Electors.**

The Town Clerk and the Registrars of Voters shall constitute the Board for Admission of Electors in accordance with the provisions of Section 9-15a of the General Statutes.

### **Chapter III**

### **Elected Officers and Appointed Boards and Commissions**

#### **Section 301. General.**

(a) Except as otherwise provided in this Charter, all elected town officers and members of the Board of Education shall have the powers and duties prescribed for such officers in the General Statutes, and in this Charter.

(b) Terms of Office: Unless otherwise determined by the Connecticut General Statutes, regular and alternate members of all elected, regular and permanent appointed boards, commissions and agencies created by this Charter, except the Board of Selectmen, the Board of Finance, the Economic Development Commission, and the Board of Library Trustees, shall serve a four year term of office beginning with the municipal election of 2017.

(c) The elected boards and commissions shall have the following members:

- (1) Board of Selectmen, six (6), including the First Selectman or the First Selectwoman;
- (2) Board of Education, eight (8);
- (3) Board of Finance, six (6);
- (4) Board of Library Trustees, (9);
- (5) Planning Commission, six (6);
- (6) Zoning Commission, six (6);
- (7) Zoning Board of Appeals, six (6);

- (8) Board of Assessment Appeals, three (3).

**Section 302. Election and terms of office - town elections.**

At a meeting of the Electors of the Town of Simsbury to be held biennially in odd-numbered years on the first Tuesday after the first Monday of November beginning in 2017, there shall be elected the following officers:

- (a) For a term of two (2) years:
  - (1) A First Selectman or First Selectwoman.
  - (2) Five (5) members of the Board of Selectmen, in accordance with the provisions of Section 9-188 of the General Statutes.
  
- (b) For a term of four (4) years:
  - (1) Four (4) members of the Board of Education, in accordance with the provisions of Section 9-204 of the General Statutes, who shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes.
  - (2) Three (3) members of the Planning Commission.
  - (3) Three (3) members of the Zoning Commission.
  - (4) Three (3) members of the Zoning Board of Appeals.
  - (5) One (1) or Two (2) members of the Board of Assessment Appeals depending upon the expiration of terms from the preceding municipal election.
  - (6) The alternate members of the Planning Commission depending upon the expiration of terms from the preceding municipal election.
  - (7) The alternate members of the Zoning Commission depending upon the expiration of terms from the preceding municipal election.
  - (8) The alternate members of the Zoning Board of Appeals depending upon the expiration of terms from the preceding municipal election.
  
- (c) For a term of six (6) years:
  - (1) Two (2) members of the Board of Finance.
  - (2) Three (3) members of the Board of Library Trustees.

The terms of office of all elected town officers, elected members of town boards and commissions, and members of the Board of Education shall commence on the first Monday in December following the election.

### **Section 303. Election and terms of office - state elections.**

At the state election to be held on the first Tuesday after the first Monday of November, in 2018, and quadrennially thereafter, there shall be elected the following officers:

(a) For a term of four (4) years:

(1) Two (2) Registrars of Voters, in accordance with Section 9-189a of the General Statutes; and

(2) A Judge of Probate for the Probate District Number 9.

The Registrars of Voters and the Judge of Probate shall perform those duties prescribed by the General Statutes. Their terms of office shall commence in accordance with the provisions of Sections 9-189a and 5a-18 of the General Statutes.

### **Section 304. Appointed Boards and Commissions**

Members of Appointed Boards and Commissions shall be appointed as prescribed by Chapter VI.

## **Chapter IV**

### **The Board of Selectmen and The First Selectman or First Selectwoman**

### **Section 401. General.**

There shall be a Board of Selectmen, hereinafter referred to as the Selectmen, consisting of the First Selectman or First Selectwoman and five (5) other Selectmen. No more than four (4) members of the Board of Selectmen shall be members of the same political party. With the exception of the First Selectman or First Selectwoman, all Selectmen or Selectwomen shall serve without compensation except for reimbursement of actual expenses incurred in the performance of official duties, as authorized by the Selectmen. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen, which may include the First Selectman or First Selectwoman, to serve as ex-officio, nonvoting members of the several regular and special town boards, commissions, and agencies. No member of the Board of Selectmen, including the First Selectman or First Selectwoman, during the term of office for which he or she has been elected and for one (1) year thereafter, shall be eligible for appointment to any salaried

office or position of profit with the town which has been created or established during his or her term of office.

**Section 402. Presiding officer, organization and procedure.**

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 503 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other action, including any resolution, may be adopted by an affirmative

vote of a majority of those Selectmen present, provided those present constitute a quorum.

### **Section 403. General powers and duties.**

The Board of Selectmen shall have all the powers and duties hereinafter conferred upon the Selectmen and all those powers and duties which, on the effective date of this Charter were conferred by law upon Boards of Selectmen, except as otherwise specifically provided in this Charter. The legislative authority of the town shall be vested, except as otherwise specifically provided in Section 409 of this Charter, exclusively in the Board of Selectmen. The Selectmen shall have the power to enact, amend, or repeal ordinances not inconsistent with the provisions of this Charter or the General Statutes, and may by ordinance create, consolidate or abolish boards, commissions and offices not specifically authorized in this Charter, provided further that nothing herein shall be construed to prohibit the Board of Selectmen from appointing, by resolution, special or temporary boards, commissions, or committees as it may from time to time deem necessary and appropriate to the operation of the town government, but in such event, the term of any such special or temporary boards, commissions, or committees shall not exceed two (2) years, and shall be coterminous with the appointing Board of Selectmen. Except as otherwise provided in the Charter, the Selectmen may contract for services and the use of facilities with the United States Government or any agency thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes, and the Selectmen shall exercise and discharge the powers and duties of the Flood and Erosion Control Board and may assign such duties to the Zoning Commission, Planning Commission and Inland/Wetlands Commission for planning and enforcement purposes as the Board of Selectmen deems appropriate. The Board of Selectmen is authorized to apply for and accept on behalf of the town, state or federal grants. The Board of Selectmen is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations which have been published, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance provided, upon adoption of any such ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference. There shall be maintained two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public. The Selectmen may fix the charges, if any, to be made for services rendered by the town or for



the execution of powers vested in the town as provided in Chapter I of this Charter.

**Section 404. Public hearing on and publication of ordinances.**

Except as otherwise specifically provided in this Charter, no ordinance shall be acted upon by the Selectmen pursuant to the provisions of this chapter until and unless one (1) public hearing on such ordinance shall have been held by the Selectmen. Notice of such public hearing shall be given by the Board of Selectmen at least seven (7) days in advance by publication in a newspaper having general circulation in the town, and by posting a notice in a public place. Copies of such proposed ordinance shall be made available for public inspection at the Town Clerk's office at least seven (7) days in advance of said public hearing. If substantive changes, as determined by the Town Attorney, are made in any such proposed ordinance 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 by the Selectmen. Every ordinance, after passage, shall be filed by the Town Clerk, and recorded, compiled and published as required by law. Within ten (10) days after final passage, each ordinance so passed shall be published once in its entirety or in summary form as authorized in General Statutes section 7-157 in a newspaper having general circulation within the town. Each ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its passage.

**Section 405. Emergency ordinances.**

For the purpose of meeting a public emergency threatening the lives, health or property of persons, emergency ordinances stating the facts constituting such public emergency shall become effective immediately, and such ordinances shall be promulgated forthwith. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following final passage of the ordinance; provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under Section 404 of this chapter prior to such sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken on the permanent ordinance.

**Section 406. Automatic referendum.**

The adoption of the Budget and any matter which involves an expenditure amount in excess of two percent (2%) of the annual budget for the then current fiscal year or Town Meeting action initiated under Section 409 and which involves an amount in excess of one percent (1%) of the annual budget for the then current fiscal year shall be subject to an automatic referendum by all qualified voters of the Town of Simsbury on a date set by the Board of Selectmen. In the case of the automatic referendum for adoption of the budget, the referendum shall be held from fourteen (14) to twenty-one (21) days following the filing of the budget with the Town Clerk in accordance with Section 808. The polls in such referendum shall be open between 6:00 a.m. and 8:00 p.m. Any motion at a Board of Selectmen Meeting dealing with a referendum matter which seeks to reduce the amount of such referendum matter shall require a two-thirds (2/3) vote of the Board of Selectmen.

**Section 407. Power of initiative - ordinances proposed to the Board of Selectmen.**

The Electors of the town shall have the power to propose ordinances or to propose the repeal of existing ordinances in the following manner:

(a) A petition may be filed by any Elector of the town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Sections 7-9 and 7-9a of the General Statutes;

(b) The petition shall contain the full text of the ordinance proposed or of the ordinance proposed to be repealed and shall be signed in ink or indelible pencil by qualified Electors of the town equal in number to at least five percent (5%) of the total Electors of the town as determined from the latest official lists of the Registrars of Voters;

(c) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in said Section 7-9;

(d) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition

to the number required by Subsection (b) of this section, shall so certify to the Board of Selectmen; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as prescribed herein; if upon such thirtieth (30th) day the petition remains insufficient, it shall have no force or effect;

(e) If the Selectmen fail to adopt, without any substantive change, an ordinance so proposed, or fail to repeal an ordinance proposed for repeal within thirty (30) days after a petition making such a proposal shall have been certified to the Selectmen as provided herein, a second petition may be filed within thirty (30) days of the end of the period in which the Selectmen have to act on the proposed ordinance by any Elector of the town with the Town Clerk in accordance with the provisions outlined in Subsections (a), (b), (c) and (d) of this section;

(f) Upon receipt of the certification by the Town Clerk of the second petition, the Selectmen shall call a special town referendum, at which referendum all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, to be held within sixty (60) days after the certification of such second petition; provided, however, if a regular election, as defined by Section 9-1 of the General Statutes, shall occur within ninety (90) days of the certification of such second petition, such proposed ordinance shall be placed on the ballot at the regular election; the polls in any special town referendum called pursuant to this Section shall be open between 6:00 a.m. and 8:00 p.m.;

(g) Such proposed ordinance shall become effective, or such ordinance proposed for repeal shall be deemed repealed, upon approval by a majority of those Electors voting thereon, provided such number of Electors approving said ordinance is equal to at least ten percent (10%) of the total Electors of the town, as determined from the latest official lists of the Registrars of Voters.

The ordinance shall become effective on the twenty-first day after publication in accordance with the provisions of Section 404 of this chapter; provided, however, that the ordinance shall be considered approved upon certification of the results of the voting thereon regardless of any defect in the petition submitted in accordance with the provisions herein. No ordinance which shall have been adopted or repealed by referendum in accordance with the provisions of this section may be repealed, amended or reenacted by the Board of Selectmen during its then current term of office.

**Section 408. Power of overrule - ordinances adopted by the Board of Selectmen.**

All ordinances adopted by the Board of Selectmen pursuant to the provisions of this chapter, except emergency ordinances adopted in accordance with the provisions of Section 405 of this chapter, shall be subject to overrule by a special town referendum in the following manner:

(a) If, within fifteen (15) days after the publication of any such ordinance, a petition conforming to the requirements of Sections 7-9 and 7-9a of the General Statutes and signed in ink or indelible pencil by qualified Electors of the town equal in number to at least five percent (5%) of the total Electors of the town as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to the town voters at a special referendum, the effective date of such ordinance shall be suspended;

(b) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in the Section 7-9;

(c) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition to the number required by Subsection (a) of this section, shall so certify to the Board of Selectmen;

(d) If, within thirty (30) days of the certification of the petition by the Town Clerk, the Selectmen fail to repeal such ordinance, they shall then fix the time and place of such special referendum, at which referendum all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held within forty-five (45) days of the end of the period in which the Selectmen have to reconsider such ordinance, and notice thereof shall be given in the manner provided by law for the calling of a town referendum; provided, however, if a regular election, as defined by Section 9-1 of the General Statutes shall occur within ninety (90) days of the end of the period in which the Selectmen have to reconsider the ordinance, such proposed overrule action shall be placed on the ballot at the regular election. The polls in any special town referendum called pursuant to this section shall be open between 6:00 a.m. and 8:00 p.m.

An ordinance so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, such majority being equal to at least ten percent (10%) of the qualified Electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted in favor of

overruling such ordinance, and in such event said ordinance so referred shall be deemed null, void and repealed upon the conclusion of such referendum.

#### **Section 409 Power of Initiative- Town Meeting Legislative Action**

(a) The Electors of the Town shall have the power to require a call of a Town Meeting pursuant to the procedures set forth in Chapter 90 of the General Statutes not inconsistent with this Charter for the following purposes:

(1) The authorization of bonds and all other forms of financing, the term of which is in excess of one (1) year;

(2) Any appropriations supplemental to those provided in the annual budget other than those which may be authorized by the Board of Finance pursuant to Section 809 of this Charter;

(3) Authorization of any sale of real estate involving a sale price in excess of one percent (1%) of the annual budget for the then current fiscal year;

(4) Authorization of acceptance of state or federal grants for an amount in excess of one percent (1%) of the annual budget for the then current fiscal year;

(5) The creation of any permanent board, commission, or agency not otherwise provided for in this Charter;

(6) Real estate leases and/or lease options to which the town is party, which involve a term in excess of ten (10) years; or which involve a financial obligation of the town over the term of the lease in excess of one percent (1%) of the annual budget for the then current fiscal year.

(7) Proposals for municipal improvements disapproved by the Town Planning Commission pursuant to the provisions of Section 8-24 of the General Statutes.

(8) Authorization of any purchase or acquisition of real estate valued in excess of one percent (1%) of the annual budget for the then current fiscal year.

(b) A petition may be filed by any Elector of the town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of Section 7-9 and 7-9a of the General Statutes;

(c) The petition shall contain the full text of the call of the town meeting proposed and shall be signed in ink or indelible pencil by qualified Electors of the Town equal in number to at least five percent (5%) of the total Electors of the Town as determined from the latest official lists of the Registrars of Voters;

(d) The petition shall be accompanied by affidavits signed and sworn to or affirmed before a notary public, justice of the peace, commissioner of the superior court or other person authorized to administer oaths or affirmations pursuant to Sections 1-24 or 1-24a of the General Statutes by each circulator as provided in said Section 7-9;

(e) The Town Clerk shall determine whether the petition and affidavits are sufficient as prescribed by law, shall keep a cumulative count of the number of signatures filed with each page of the petition, and within seven (7) business days after receipt of the page bringing the number of valid signatures included in the petition to the number required by Subsection (b) of this section, shall so certify to the Board of Selectmen; no signatures submitted more than thirty (30) days after the submission of the first page of the petition shall be counted by the Town Clerk as prescribed herein; if upon such thirtieth (30<sup>th</sup>) day the petition remains insufficient, it shall have no force or effect.

(f) Within thirty (30) days of the certification of the petition by the Town Clerk, the Selectmen shall then fix the time and place of such town meeting, at which town meeting all Electors of the town as determined from the latest official lists of the Registrars of Voters shall be eligible to vote, which shall be held on the date fixed by the Selectmen but in no event shall such date be more than ninety (90) days of the certification and notice thereof shall be given in the manner provided by law for the calling of a town meeting.

(g) Any Town Meeting called for the purposes set forth in this Section 409 shall be the final legislative authority for the matters included in the call.

#### **Section 410. Investigation.**

The Board of Selectmen shall have the power to investigate any and all offices, boards, commissions and agencies of the town and for such purposes shall have the power to call witnesses to appear before the Board to testify and to furnish documentation on any matter under investigation; provided, a properly constituted meeting of the Board of Selectmen may call before it any employee or officer for the purpose of information or investigation.

#### **Section 411. The First Selectman or First Selectwoman**

At each municipal election a First Selectman or First Selectwoman shall be chosen by the Electors of the town as provided in Chapter III of this Charter. The First Selectman or First Selectwoman shall be the chief elected officer of the town and shall receive a stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes. The First Selectman or First Selectwoman shall not receive any form of compensation or be eligible for any employee benefits as defined in the Town Personnel Rules, including but not limited to pension benefits, health care benefits, vacation, accrual of vacation, sick days, accrual of sick days, personal days or any other form of employee benefit.

The First Selectman or First Selectwoman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of the Board.

The First Selectman or First Selectwoman shall chair the Board of Selectmen's Personnel Sub-Committee. The First Selectman or First Selectwoman or the designee of the First Selectman or First Selectwoman, as provided in Section 401 of this Charter, shall be an ex-officio member of all other town boards, commissions and agencies, but without power to vote.

The First Selectman or First Selectwoman shall have all the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter and perform such other duties consistent with his or her office as may be imposed by the Board of Selectmen. The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.

#### **Section 412. Directions to employees.**

No members of the Board of Selectmen, including the First Selectman or First Selectwoman shall give orders, either publicly or privately, to any administrative officer or employee as defined by Sections 503 and 701 of this Charter.

### **Chapter V The Town Manager and Administration of the Town**

## **Section 501. Appointment of Town Manager**

The Board of Selectmen shall appoint a Town Manager who shall be the chief executive and the administrative official of the town and shall serve at the pleasure of the Board of Selectmen. The Town Manager shall be appointed on the basis of executive and administrative qualifications, character, education, training and experience. The Town Manager shall devote full working time to the duties of the office.

The Town Manager shall be responsible to the Board of Selectmen for carrying out all acts and policies of the Board of Selectmen, and all resolutions and ordinances adopted by the town. The Town Manager shall also be responsible for the administration of the town consistent with the policies established by the Board of Selectmen and for carrying out such other duties and responsibilities as set forth in this Charter.

The compensation and benefits of the Town Manager shall be fixed by the Board of Selectmen.

## **Section 502. Duties of the Town Manager**

A. The duties of the Town Manager shall be defined in a Position Description to be approved from time to time by the Board of Selectmen. Those duties shall include at least the following:

1. Ensure that all laws and ordinances governing the town are faithfully executed;
2. Make periodic reports to the Board of Selectmen;
3. Attend Board of Selectmen meetings with full right of participation in its discussion but without a right to vote;
4. Submit to the Board of Selectmen and make available to the public complete reports on the finances and on the administrative activities of the town as of the end of each fiscal year;
5. Make recommendations to the Board of Selectmen concerning the affairs of the town and facilitate the work of the Board of Selectmen in developing policy;
6. Keep the Board of Selectmen fully advised as to the financial condition and anticipated future financial needs of the town;



7. Prepare and submit to the Board of Selectmen an annual town budget;
8. At the time of an emergency or disaster, expend the necessary funds to assure the smooth operation of town business and the health, safety and well-being of the town and its residents, consistent with this Charter;
9. Assist the Board of Selectmen to develop long-term goals including economic development for the town and strategies to implement such goals;
10. Encourage and provide staff support for regional and intergovernmental cooperation;
11. Promote partnerships among the Board of Selectmen, staff and citizens in developing public policy and building a sense of community;
12. Exercise such powers and perform such other duties as may be required by ordinance or resolution of the Board of Selectmen not inconsistent with this Charter; and
13. Assist the Board of Finance in the preparation of the annual town report.

**B. Administration:** The Town Manager shall be responsible to the Board of Selectmen for the supervision, direction and administration of all town departments, agencies and offices. The Town Manager shall administer and coordinate the operations of the departments, agencies and offices, whether appointed by the Board of Selectmen or elected, except those functions expressly reserved or delegated to such bodies of law.

**C. Personnel:** The Town Manager shall be the Personnel Director for the town, and shall have the responsibility for developing job descriptions for all administrative officers, subject to the approval of the Board of Selectmen; and all advertising for, hiring, and dismissal of town employees, except Board of Education employees, shall be under the Town Manager's direct control, subject to the approval of the Board of Selectmen, provided, however, that appointment and removal of officers and employees of the Police Department shall be governed by the provisions of Sections 615 and 707 of this Charter.

**D. Execution of Law:** The Town Manager shall see that all laws and ordinances governing the town are faithfully executed and shall make

periodic reports to the Board of Selectmen on the conditions and affairs of the town.

The Town Manager shall recommend to the Board of Selectmen such measures as the Town Manager may deem necessary or expedient and shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen not inconsistent with this Charter.

**E. Contracts:** The Town Manager may, with the approval of the Board of Selectmen and subject to such other limitations as are contained in this Charter and in the General Statutes, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate.

### **Section 503. Appointments and term.**

A. The Town Manager shall appoint and may remove, each such action with the approval of a majority of the entire Board of Selectmen, and in accordance with such provisions of the General Statutes as may apply to the appointments and removals, such administrative officers as are assigned to the Town Manager for appointment by the several provisions of this Charter, and such other assistants or employees as may be required pursuant to the performance of the Town Manager's duties, subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter IX of this Charter.

B. The terms of all administrative officers not specifically listed in Section 704 hereof shall terminate on the same day as the term of the Town Manager, provided such appointees shall continue to serve until their successors are appointed and qualified. The Town Manager may, subject to the approval of the Board of Selectmen, perform the duties of any office under the Town Manager's jurisdiction; provided, however, that the Town Manager is, in the opinion of the Board of Selectmen, otherwise qualified to perform such duties.

C. In case of disability or temporary absence of the Town Manager or vacancy in the office of the Town Manager, the Board of Selectmen may designate an acting Town Manager, except the Town Manager may designate an acting Town Manager for temporary absences not to exceed fifteen (15) days consistent with policies established by the Board of Selectmen.

## Chapter VI Appointed Boards and Commissions

### Section 601. General.

All members of appointed boards and commissions shall serve without compensation, except for the reimbursement of necessary expenses as outlined by the Board of Selectmen or as otherwise provided by law and shall serve until their successors have been appointed and qualified. Such boards and commissions shall have the powers conferred by law and by the provisions of this Charter upon their respective offices.

(a) Regular boards. There shall be the following permanent town boards and commissions appointed by the Board of Selectmen with the exception of the Design Review Board which shall be appointed by the Zoning Commission:

- (1) Culture, Parks and Recreation Commission;
- (2) Conservation Commission-Inland Wetlands and Watercourses Agency;
- (3) Housing Authority;
- (4) Aging and Disability Commission;
- (5) Economic Development Commission;
- (6) Historic District Commission;
- (7) Water Pollution Control Authority;
- (8) Public Building Committee;
- (9) Building Code Board of Appeals;
- (10) Board of Ethics;
- (11) Police Commission;
- (12) Open Space Committee; and
- (13) Design Review Board.

(b) Permanent boards and commissions created by Town Meeting pursuant to Section 409 of this Charter. Members of such boards and commissions shall be appointed by the Board of Selectmen.

(c) Permanent or Special boards and commissions. Permanent or Special boards and commissions may be appointed from time to time by the Board of Selectmen in accordance with Section 403 of this Charter.

**Section 602. Appointment and eligibility.**

All members of such town boards and commissions as are described in Section 601 of this chapter shall be appointed in accordance with the provisions of Section 203 and 301(b) of this Charter. Except as provided in Section 612, the Board of Selectmen shall appoint, by an affirmative vote of not fewer than four (4) members of the Board of Selectmen, such regular town boards and commissions as are described in Section 601 of this chapter by resolution adopted at a meeting to be held not later than the fifteenth day of January following the first regular municipal election held under the provisions of this Charter. No person shall be eligible for appointment to any regular town board or commission, except the Building Code Board of Appeals, who is not at the time of his or her appointment an Elector of the town and any person ceasing to be an Elector of the town, shall thereupon forfeit his or her membership on the board or commission. All persons appointed to boards, commissions and agencies created under Section 403 **of** this charter or by action of the Special Town Meeting pursuant to Section 409 of this Charter shall serve staggered terms as defined by the Board of Selectmen.

**Section 603. Vacancies - appointive boards and commissions.**

Any vacancy on any appointive town board or commission, from whatever cause arising, shall be filled by appointment by the appointing authority to such office for the unexpired portion of the term vacated. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event the person was affiliated with a political party.

**Section 604. Culture, Parks and Recreation Commission.**

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Culture, Parks and Recreation Commission consisting of nine (9) members, the members to serve for terms of four (4) years. The Board of Selectmen shall appoint members of the Commission depending on the number of members whose terms expire. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such commissions and on Town Forest Commissions by the applicable provisions of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

**Section 605. Conservation Commission-Inland Wetlands and Watercourses Agency.**

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Conservation Commission-Inland Wetlands and Watercourses Agency consisting of seven (7) members and two (2) alternates. The members shall serve for terms of four (4) years. The Board of Selectmen shall appoint members to the Agency depending on the number of members whose terms expire. Alternates shall serve for a term of four (4) years. The Commission shall have all the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Commissions and on Town Forest Commissions by Sections 7-131, 7-131a, 22a-42 and 22a-42a of the General Statutes.

**Section 606. Housing Authority.**

The Housing Authority existing on the effective date of this Charter is hereby designated the Housing Authority of the town under this Charter. The Authority shall consist of five (5) members, who shall serve for terms of five (5) years. The Board of Selectmen shall appoint a successor to each such member, such successor to serve for a term of five (5) years. The Authority shall have all the powers and duties now or hereafter conferred or imposed upon such authorities by Chapter 128 of the General Statutes.

**Section 607. Aging and Disability Commission.**

The Board of Selectmen shall establish in accordance with the provisions of Section 602 of this chapter an Aging and Disability Commission. The Board of Selectmen shall by ordinance determine the number of members on the Commission and their terms of office which shall not exceed four (4) years. The Commission shall be responsible for investigating the needs of the citizens of the Town of Simsbury in the areas of aging and the disabled and shall assist public and private agencies in the implementation of programs and facilities for such needs. The Commission shall have such other powers and duties not inconsistent with this Charter as may be prescribed by the Board of Selectmen.

**Section 608. Historic District Commission.**

The Historic District Commission existing on the effective date of this Charter is hereby designated the Historic District Commission of the Town under this Charter. The Commission shall consist of five (5)

regular and three (3) alternate members, who shall serve for terms of five (5) years, and who shall hold no salaried municipal office. The Board of Selectmen shall appoint all members and alternates to the Commission, whose terms shall be so arranged that the term of at least one (1) member shall expire each year, and their successors shall be appointed in like manner for terms of five (5) years. The Historic District Commission shall work to perpetuate and preserve the historic features of Simsbury and to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period of style of architecture of Simsbury, of Connecticut, or of the nation. The Commission shall have all the powers and duties now or hereafter conferred or imposed upon such commissions by Chapter 97a, Section 7-147a-k of the Connecticut General Statutes.

#### **Section 609. Economic Development Commission**

The Board of Selectmen shall create, by ordinance, an Economic Development Commission which shall have the membership, terms, duties and responsibilities, not inconsistent with this Charter or state law, as determined by such ordinance.

#### **Section 610. Water Pollution Control Authority.**

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this charter, a Water Pollution Control authority consisting of seven (7) members, who shall serve for terms of four (4) years. The Board of Selectmen shall appoint members to the Authority depending on the number of members whose terms expire. The Authority shall have all the powers and duties, not inconsistent with this Charter as are now or may hereafter be conferred or imposed upon such authorities by Chapter 103 of the General Statutes and such other duties as may be prescribed by the Board of Selectmen.

#### **Section 611. Public Building Committee.**

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter, a Public Building Committee consisting of nine (9) members, who shall serve for terms of four (4) years. The Board of Selectmen shall appoint Members to the Committee depending on the number of Members whose terms expire. The Committee shall have all the powers and duties with regard to all public buildings, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Committee by the General

Statutes or by the Board of Selectmen, including but not limited to responsibilities related to school buildings whether or not described in Section 10-291 of the General Statutes.

#### **Section 612. Building Code Board of Appeals.**

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter and Section 29-266 of the General Statutes, a Building Code Board of Appeals consisting of five (5) members and two (2) alternates. The members shall serve for terms of five (5) years. The alternates shall serve for a two-year term. Annually, thereafter, the Selectmen shall appoint members and alternates to the Building Code Board of Appeals depending on the number of members or alternates whose term expires. The Board shall have all the powers and duties not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such boards by Chapter 541 of the General Statutes.

#### **Section 613. Board of Ethics.**

The Board of Selectmen shall appoint, in accordance with Section 602 of this chapter and Section 7-148h of the General Statutes, a Board of Ethics consisting of six (6) members, two (2) of whom shall be registered Republicans, two (2) of whom shall be registered Democrats and two (2) of whom shall be unaffiliated voters. The members of the Board shall serve for four (4) year terms. The Selectmen shall appoint members to the Board depending on the number of members whose terms expire. However, the members so appointed shall be of the same political affiliation as the member or members whose term expires. The Board shall have all the powers and duties, not inconsistent with this Charter, as are now or hereafter confirmed or imposed upon such Board by Section 7-148h of the General Statutes or by the Board of Selectmen.

#### **Section 614. Police Commission.**

(a) Membership and term. The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this chapter and Chapter 104 of the General Statutes, a Police Commission consisting of five (5) members, who shall serve for terms of four (4) years, Not more than two of the members may be members of the same political party or the same political registration. The Board of Selectmen shall appoint members to the Commission depending on the number of members whose terms then expire.

(b) Citizen matters. The Police Commission shall be responsible for the investigation of citizen complaints against members of the Police Department in accordance with procedures established and published by the Police Commission. The Police Commission shall be responsible for maintaining good relations between the Police Department and the Simsbury community.

(c) Other powers and duties. The Commission shall be responsible for establishing Police Department policies and shall also have all of the powers and duties, not inconsistent with this Charter, as are now or may hereafter be conferred or imposed upon such Commission by Section 7-276 of the General Statutes, including, but not limited to, preparation of a proposed budget for the Police Department to be submitted to the Board of Selectmen, and such other duties as may be imposed by the Board of Selectmen.

(d) Personnel matters. The Police Commission shall be responsible for personnel matters within the Police Department, including but not limited to, the appointment and removal, after receiving and considering comments from the Chief of Police and subject to such rules and regulations concerning Town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter IX of this Charter, of all other officers and employees of the Police Department (including an animal control officer whose appointment shall be subject to the approval of the Town Manager and whose powers and duties shall be as provided in Chapter 435 of the General Statutes).

(e) Collective bargaining matters. Police union contract negotiations shall be conducted pursuant to procedures mutually agreed to by the Board of Selectmen and by the Police Commission; provided that final authority for the approval of any union contract or collective bargaining agreement shall be vested in the Board of Selectmen.

(f) Chairperson. The Police Commission shall annually (at its first meeting in each calendar year) elect from its members a Chairperson and a Clerk. The Chairperson shall serve as the Police Commission's liaison to the Police Chief and to the Board of Selectmen.

#### **Section 615. Open Space Committee.**

The Board of Selectmen shall appoint, in accordance with the provisions of Section 602 of this Charter, an Open Space Committee to assist and advise the Board of Selectmen in identifying and evaluating land deemed suitable for acquisition and preservation, and in administering the fund for land acquisition and preservation. The Committee shall consist of the First Selectman or First Selectwoman, Chair of the Planning Commission, Chair of the Conservation Commission, Chair of the Zoning Commission, Chair of the Culture, Parks and Recreation Commission, or their designees, and three (3) other members to be appointed by the Board of Selectmen. The



Committee shall have such other powers and duties not inconsistent with this Charter as may be prescribed by the Board of Selectmen. The Committee shall establish rules of procedure for the conduct of its business.

#### **Section 616. Design Review Board**

The Zoning Commission shall appoint a Design Review Board which shall consist of six (6) regular members and up to four (4) alternate members. The qualifications of the members shall be determined by the Zoning Commission. The duties of the Design Review Board shall be to (1) advise the Zoning Commission via reports on each application for non-residential development, and (2) to advise the Planning Commission on best land use planning practices in the Planning Commission's work in adopting or updating the Simsbury Plan of Conservation and Development.

#### **Section 617. Regional and interlocal agencies.**

The town shall continue to participate in such regional and interlocal agencies and programs as authorized by ordinances adopted pursuant to the applicable provisions of the General Statutes, as amended. Nothing in this chapter shall be construed as limiting the authority of the town by action of the Board of Selectmen, to continue or discontinue such participation or join new, regional programs, as authorized by the General Statutes.

### **Chapter VII Administrative Officers and Departments**

#### **Section 701. Departments and officers.**

(a) The Board of Selectmen may create or eliminate such administrative offices and departments as it from time to time may deem appropriate and necessary for the best interests of the town, except as provided by law; and

(b) Subject to the provisions of Section 701(a), there shall be the following administrative officers for the town: Town Clerk;

Director of Finance-Treasurer; Tax Collector; Assessor; Director of Civil Preparedness; Welfare Officer; Director of Culture, Parks and Recreation; Director of Community Planning and Development/Town Planner; Conservation, Inland Wetlands and Zoning Compliance Officer, Director of Public Works; Building Official; Town Engineer; Town Attorney; Chief of Police; and Social Services Director.

#### **Section 702. Appointment and eligibility.**

Administrative officers and department heads shall be appointed in the manner hereinafter provided. Appointees of the Town Manager shall be appointed and may be removed in accordance with the provisions of Section 503 of this Charter. No administrative officer or department head shall serve as a voting member on any regular town board or commission during his or her term of office and any such officer or department head elected to public office in the town shall, upon such election, forfeit the position to which he or she had been appointed.

#### **Section 703. Vacancies - administrative offices.**

Any vacancy in any appointive administrative office, from whatever cause arising, shall be filled by the appointing authority to such office. Persons appointed to fill vacancies in any administrative offices shall serve for the unexpired portion of the term vacated if such office has a fixed term, or shall serve for an indefinite term in the event no fixed term is provided for such office.

#### **Section 704. Town Officers.**

The Town Manager shall appoint and may remove, each such action to be taken with the approval of the Board of Selectmen, the following town officers, each of whom shall serve for an indefinite term (unless otherwise established by this Section 704): (a) Town Clerk, (b) Director of Finance-Treasurer, (c) Director of Culture, Parks and Recreation, (d) Director of Civil Preparedness, (e) Director of Public Works, (f) Building Official, (g) Town Engineer, (h) Director of Community Planning and Development/Town Planner, (i) Conservation, Inland Wetlands and Zoning Compliance Officer, (j) Tax Collector, (k) Tax Assessor and (l) Social Services Director. Each officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed on such officer by the General Statutes and such other powers and duties as are prescribed in this Charter, and as may be prescribed by the Board of Selectmen, and such duties and qualifications as may be prescribed in the position description prepared and approved by the Board of Selectmen. Each such officer may appoint all deputies, assistants or employees in such office, and may remove, subject to the approval of the Town Manager and to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to provisions of Chapter IX of this

Charter. The following additional provisions shall apply to these officers.

- (1) Town Clerk. The Town Clerk and the deputies and assistants of the Town Clerk shall receive a salary fixed by the Board of Selectmen, and all fees collected by the Town Clerk shall be paid into the town treasury.
- (2) Director of Finance-Treasurer. Prior to appointing or removing the Director of Finance-Treasurer, the **Town Manager** shall also consult with and obtain the approval of the Board of Finance. The Director of Finance-Treasurer shall be the chief fiscal officer, shall serve on a full-time basis, shall be the Town Treasurer and shall coordinate the administration of the financial affairs of the town.
- (3) Director of Culture, Parks and Recreation. Prior to appointing or removing the Director of Culture, Parks and Recreation, the Town Manager shall also consult with and obtain the approval of the Culture, Parks and Recreation Commission. The Director of Culture, Parks and Recreation shall serve on a full-time basis and shall be in charge of the administration of the Culture, Parks and Recreation Commission program in the town.
- (4) Director of Civil Preparedness. The appointment and removal of the Director of Civil Preparedness shall be in accordance with the provisions of Section 28-7 of the General Statutes. The Director of Civil Preparedness shall serve for a term of two (2) years.
- (5) Director of Public Works. The Director of Public Works shall serve for an indefinite term. The Director of Public Works shall be the administrative head of the Public Works Department and as such shall be responsible for the efficiency, discipline and good conduct of the public works operation of the town. He or she shall have supervision and control of the maintenance of all town-owned property and structures, except those under the control of the Board of Education and, if required by the Board of Selectmen, the Culture, Parks and Recreation Commission. Upon the request of the Chair of the Board of Education, the Director of Public Works may supervise and direct the exterior maintenance of school buildings and grounds but only to the extent and for the period requested by the Board of Education and approved by the Board of Selectmen, provided that the costs of such maintenance are charged against the Board of Education appropriations. The Director of Public Works shall serve as Tree Warden.
- (6) Building Official. The Building Official shall serve for a term of four (4) years. Quadrennially, thereafter, the Town Manager shall appoint a Building Official as provided above.

- (7) Town Engineer. Prior to appointing or removing the Town Engineer, as provided above, the Town Manager shall also consult with the Public Works Director.

**Section 705. Welfare Officer.**

The Town Manager shall serve as the Welfare Officer for the town and as such shall be in charge of the administration of all welfare activities of the town. The Welfare Officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes, on the town with regard to poor and dependent persons and such other powers and duties as may be prescribed by the Board of Selectmen.

**Section 706. Town Attorney.**

The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of its term of office, and may remove, a Town Attorney or firm of attorneys to represent the town who shall serve for a term of two (2) years. The Town Attorney shall be an attorney at law admitted to practice law in this state. Except as otherwise provided by law, the Town Attorney shall appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions or board or commission members acting in their official capacity as defined by law, shall be the legal advisor of the Board of Selectmen, First Selectman or First Selectwoman and all town administrative officers, boards and commissions in all matters affecting the town. Upon written request from the Board of Selectmen, the Town Manager, or any board or commission of the town the Town Attorney shall furnish a written opinion on any question of law involving their respective powers and duties within thirty (30) days after receipt of such request. Upon request the Town Attorney shall prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. The Town Attorney shall have power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments, and subject to the approval of said Selectmen, to compromise or settle any claims by or against the town. If, in special circumstances or for investigation under Section 410 of this Charter, the Board of Selectmen deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than or in addition to the Town Attorney.

**Section 707. Police Department.**

(a) Chief. The Police Commission and the Town Manager shall jointly recommend to the Board of Selectmen who shall appoint and may remove, in accordance with the provisions of Section 7-278 of the General Statutes, a Chief of Police who shall serve for an indefinite term or such other term as the Board of Selectmen shall determine. The Chief of Police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state, and the ordinances of the town and all the rules and regulations in accordance therewith. The Chief of Police shall assign all members of the Police Department to their respective posts, shifts, details and duties. The Chief of Police shall, subject to the approval of the Police Commission, make rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof in accordance with policies as established by the Police Commission. The Chief of Police shall be responsible for the efficiency, discipline, and good conduct of the Department and for the care and custody of all property used by the Department. Disobedience to the lawful orders, rules and regulations of the Chief of Police shall be grounds for dismissal or for other appropriate disciplinary action. Should the Board of Selectmen determine that the Chief of Police should serve for a definite term, at the end of said term a vacancy in the office shall exist and if the incumbent is not reappointed neither the Board of Selectmen nor the Town shall have any obligations to the former Chief of Police whose term has expired except as may be set forth in an employment contract which may have been previously entered into.

(b) Members. All members of the Police Department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes.

## **Chapter VIII Finance and Taxation**

### **Section 801. Fiscal Year.**

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June.

### **Section 802. Budget preparation.**

The Town Manager shall require each department, office and agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the Board of Education, to set forth, in narrative or in such other form as the Town Manager may prescribe, a program or programs showing services, activities and

work accomplished during the current fiscal year and to be accomplished during the ensuing fiscal year.

### **Section 803. Capital Improvement Program Preparation.**

(a) In addition to the budget, the Town Manager shall present to the Board of Selectmen a plan of proposed capital projects ("CIP") for the ensuing fiscal year and for the five (5) fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office and agency annually by February fifteenth in the form and manner prescribed by the Town Manager. The Board of Selectmen shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and the method of financing same.

(b) Only those projects which appear on the previous year's CIP for the ensuing year may be considered for approval. Notwithstanding the foregoing, upon an affirmative vote by no fewer than four (4) members of the Board of Selectmen projects other than those published in the CIP for the ensuing year may be considered for approval and included in the adopted budget if the need to fund the project is determined to be in the best interest of the Town.

### **Section 804. Department estimates.**

The head of each department, office or agency of the town as described in Section 802 of this chapter, except the Board of Education, shall, not later than the thirty-first day of January in each year, file with the Director of Finance on forms prescribed and provided by the Town Manager a detailed estimate of the expenditures to be made by such department, office or agency and the revenues, other than tax revenue, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Board of Selectmen or the Town Manager.

### **Section 805. Duties of the Director of Finance on the budget.**

The Director of Finance shall compile departmental estimates for the annual budget. Not later than the first day of March in each year the Director of Finance shall, under the direction of the Town Manager, present to the Board of Selectmen the completed budget of all boards, offices and agencies, except the Board of Education, compiled in the manner set forth in Section 807 of this chapter.

**Section 806. Duties of the Board of Education on the budget.**

Not later than the fifteenth day of March of each year, the Board of Education shall present its budget, compiled in the manner set forth in Section 807 of this chapter, to the Director of Finance, the Board of Finance and the Board of Selectmen.

**Section 807. Duties of the Board of Selectmen on the budget.**

Not later than the thirty-first day of March in each year the Board of Selectmen shall present to the Board of Finance a budget for all departments, offices or agencies of the town except the Board of Education consisting of: (a) a budget message outlining the financial policy of the town government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and containing a clear general summary of its contents; (b) estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus; (c) itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, appropriations as proposed by the Board of Selectmen for all items for the ensuing fiscal year, provided that the Selectmen may offer recommendations but may not make any adjustments in the budget submitted by the Board of Education for the ensuing fiscal year, and such other information as may be required by the Board of Finance. The Town Manager shall present reasons for all such proposals and recommendations. In addition to the budget, the Town Manager shall present to the Board of Selectmen a Capital Improvement Plan which conforms to the requirements of Section 803 of this Charter. Pursuant to Section 803, the Board of Selectmen shall then recommend to the Board of Finance those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

**Section 808. Duties of the Board of Finance on the Budget.**

The Board of Finance shall hold one (1) or more public hearings the first of which shall be held not later than the tenth day of April in

each year at which time any Elector or taxpayer shall have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the revenue and expenditure estimates for the ensuing fiscal year, the Board of Finance shall cause sufficient copies of the estimates to be made available for general distribution in the office of the Town Clerk and posted on the Town website the same day as the date of the filing with the Town Clerk. At least five (5) days prior to the first of the aforementioned hearings, the Board of Finance shall cause to be published, in a newspaper having substantial circulation in the town, a notice of such public hearing. Such notice of public hearing shall reference the summary of proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by function or departments, and shall also show the amount to be raised by taxation, as available on file with the Town Clerk and as posted on the Town website. The Board of Finance shall, by resolution adopted by an affirmative vote of at least four (4) members after holding the final such public hearing, and no more than ten (10) days after such final public hearing approve a budget and file the same with the Town Clerk for submission to automatic referendum. The budget, as approved by the Board of Finance, shall be published at least five (5) days prior to the automatic referendum on such budget. The resolution of the Board of Finance approving the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function. Should the Board of Finance fail to approve a budget no more than ten (10) days after such final public hearing, the budget as transmitted by the Board of Selectmen in accordance with the provisions of Section 807 of this chapter and the Board of Education in accordance with the provisions of Section 806 of this chapter shall be deemed to have been finally approved by the Board of Finance and the same shall be filed with the Town Clerk for submission to the automatic referendum. For the purposes of Chapters 108 and 111 of the General Statutes, the Board of Finance shall be deemed to be the budget-making authority and shall have all the powers and duties contained in Chapter 108 for the creation of a Reserve Fund for Capital and Nonrecurring Expenditures, and shall have the power to select the independent public accountant as provided in Chapter 111.

The Board of Finance shall supervise and maintain the town pension and other post-employment benefit funds in accordance with rules and regulations contained in agreements between the town employees and the Town of Simsbury and or the Board of Education regarding pension and other post-employment benefits. The Board of Finance shall, after



consultation with the Board of Education and the Board of Selectmen, ensure the pension funds are prudently invested and shall also supervise and maintain the Retiree Benefit Fund established pursuant to the town code of ordinances and designate the annual contribution to be made to insure said pension and post employment funds. The investment and management of the assets of any such fund shall be in compliance with the prudent investor rule as set forth in Conn. Gen. Stat. Sections 45a-541 to 45a-541l inclusive of the General Statutes.

**Section 809. Duties of the Board of Finance on other financial matters.**

The Board of Finance shall have the power, by resolution and only upon the recommendation of a majority of the entire Board of Selectmen, to make any appropriation supplemental to those provided in the annual budget for the then current fiscal year. Except as set forth in Section 810, any individual appropriation for any purpose made equal to or greater than two percent (2%) of the annual budget for the then current fiscal year is subject to automatic referendum pursuant to Section 406 of this Charter. Any individual appropriation for any purpose less than two percent (2%) of the annual budget for the then current fiscal year may be made upon approval of the Board of Selectmen and the Board of Finance. Supplemental appropriations as described in this section not approved at referendum may not exceed in any fiscal year a cumulative total of three percent (3%) of the annual budget for the then current fiscal year.

The Board of Selectmen shall have the power, by resolution, upon recommendation of the Board of Finance to incur indebtedness, the term of which shall not exceed one (1) year, for any specific purpose in order to finance so much of the supplemental appropriations as are not available from other funds. The Board of Finance shall also have such other powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on Town Boards of Finance.

**Section 810. Emergency appropriations.**

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed fifty percent (50%) of the undesignated fund balance for the then current fiscal year, may be made upon the recommendation of at least four (4) members of the Board of Selectmen and by an affirmative vote of not fewer than four (4) members of the Board of Finance. In the absence of sufficient general fund resources to meet such appropriations, additional means of

financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Board of Finance.

**Section 811. Tax bills.**

It shall be the duty of the Tax Collector to mail or send by other means as provided by the General Statutes 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 the provisions of Chapters 203 and 204 of the General Statutes.

**Section 812. Expenditures and accounting.**

(a) No purchase to be satisfied with the town funds shall be made by any department, board, commission or officer of the town including the Board of Education, except through procedures established by the Director of Finance. The Director of Finance shall cause the amount authorized for purchases and contracts for future purchases to be recorded as encumbrances against the appropriations from which they are to be paid.

(b) No voucher, claim or charge against the town shall be paid until the same has been audited by the Director of Finance and approved by him or her for correctness and validity. Payment of all approved claims against Board of Education accounts shall be authorized by the Superintendent of Schools, or his or her agent, which authorization shall be valid when countersigned by the Director of Finance acting as the Treasurer. Payment of all approved claims against all other town accounts shall be authorized by the Town Manager which authorization shall be valid when countersigned by the Director of Finance acting as the Treasurer, provided, in the absence or inability to act of the Town Manager, the Town Manager shall appoint a substitute temporarily for the Town Manager.

(c) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on behalf of the town shall pay the same to him or her in his or her capacity as Town Treasurer.

(d) No expenditure and no commitment to make an expenditure shall be made, caused to be made, or authorized by any officer, agent or agency of the town, or by any board or commission of the town unless an appropriation shall have been made covering such expenditure or commitment in accordance with the provisions of this Charter.

(e) Each order drawn upon the Director of Finance shall state the department, commission, board or officer and the appropriation against which it is to be charged.

(f) Upon the request of the Board of Selectmen during the last six (6) months of the fiscal year, the Board of Finance may, by resolution, transfer any unencumbered appropriation, balance or portion thereof from one (1) department, commission, board or office to another; provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriations for debt service and other statutory charges.

(g) Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or encumbrances of the appropriations therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

(h) Every payment made in violation of the provisions of this Charter shall be deemed illegal, and every official willfully authorizing or making such payment or taking part therein shall be jointly and severally liable to the town for the full amount so paid or received.

(i) The Board of Selectmen may adopt, by resolution, such rules and regulations concerning expenditures, and bidding procedures, not inconsistent with the provisions of this section, as it may from time to time deem necessary and appropriate.

### **Section 813. Borrowing.**

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. The issuance of bonds and notes, except tax anticipation notes, shall be authorized by resolution of the Board of Selectmen in accordance with the provisions of Chapter IV of this Charter. The issuance of notes, the term of which does not exceed one (1) year, may be authorized by the Board of Selectmen upon recommendation of the Board of Finance in accordance with Section 809 of this Charter.

## **Chapter IX Town Employees**

### **Section 901. General.**

The Board of Selectmen, during its first term of office under the provisions of this Charter, shall adopt an ordinance providing for the establishment of position descriptions for all town employees except employees of the Board of Education. Such ordinance shall include personnel guidelines, job specifications, salary programs and such other provisions as the Selectmen may deem to be appropriate and necessary.

#### **Section 902. Position description.**

Following the action of the Board of Selectmen pursuant to Section 901 of this chapter, the Town Manager shall cause to have prepared a statement of the duties and responsibilities of each position in the town service and of the minimum qualifications for appointment to such position. The statement so prepared shall become effective upon the approval by resolution of the Board of Selectmen and may be amended, upon recommendation of the Town Manager, by resolution of the Board. New or additional positions may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Board of Selectmen upon the recommendation of the Town Manager. A pay plan for all positions in the town service shall be similarly prepared and adopted and may be amended by resolution of the Board of Selectmen. The Town Manager shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals and such other rules as may be necessary to provide an adequate and systematic procedure for the administration of the personnel affairs of the town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed by the Town Manager with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all town employees.

#### **Section 903. Salaries.**

The salaries, wages, or other compensation of all officers and all employees of the town, and such employees of the Board of Education as are recommended by said Board shall be determined by the Board of Selectmen, in conformity with a systematic pay plan for the positions involved as prepared and recommended by the Town Manager, except as otherwise provided by law. The salaries, or other compensation of all elected officials of the town shall, except as otherwise provided by law, be determined by the Board of Selectmen in accordance with the provisions of this Charter. For the purposes of Section 7-468(b) of

the General Statutes, the Town Manager shall have the sole authority to recognize the exclusive bargaining agent for any unit of town employees.

#### **Section 904. Official bonds.**

All officers and employees as may be required to do so by the Board of Selectmen shall, before entering on their respective official duties, execute to the town, in the form prescribed by the Selectmen and approved by the Town Attorney, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

#### **Section 905. Retirement of town employees.**

The provisions of the pension plan for town employees in force on the effective date of this Charter shall remain in full force and effect until such time as said plan is amended, by ordinance.

### **Chapter X Transition and Miscellaneous Provisions**

#### **Section 1001. Transfer of powers.**

Effective as of the first Monday of December, 2017, all commissions, boards, departments or offices existing prior to the adoption of this Charter are abolished or superseded by this Charter as the case may be. The powers which are conferred, the duties which are imposed upon and the terms of office established for any commission, board, department or office under the General Statutes, or any ordinance or regulation, in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter or superseded by the creation herein of a new term of office for any commission, board or office to which are granted similar powers and jurisdiction, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. Commissions, boards, departments or

offices existing prior to the adoption date of this Charter whether elective or appointive shall continue in the performance of their duties until the first Monday of December, 2017 or until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this charter and until the Town Clerk shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have qualified.

**Section 1002. Present employees to retain positions.**

All employees of the town on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Board of Selectmen or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointments, ranks, grades, tenure of office, promotions, removals, pension and retirement rights, civil rights, or any other rights or privileges of employees of the town or any office, department or agency thereof, shall continue to be in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

**Section 1003. Conflicts of interest.**

It is hereby declared to be the policy of the town that any elected or appointed officer, any member of any board or commission, or any employee of the town who has a financial interest direct or indirect, in any contract, transaction or decision of any officer or agent of the town or any board or commission, shall disclose that interest to the Board of Selectmen which shall record such disclosure upon the official record of its meetings. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the town or of any board or commission shall disqualify such elected or appointed official or such member of a board or commission or such town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his or her removal.

**Section 1004. Transfer of records and property.**

All records, property, and equipment whatsoever of any commission, board, department or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact forthwith to the commission, board, department or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department or office are by this Charter assigned to another commission, board, department, or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact forthwith to the commission, board, department or office to which such powers and duties are so assigned.

**Section 1005. Continuation of appropriations and town funds.**

All appropriations approved and in force, and all funds, including special or reserve funds in the name of the town, at the time of the adoption of this Charter, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished by the Board of Finance under the provisions of this Charter.

**Section 1006. Legal proceedings.**

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or officer which shall have been a party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department or the officer to which such functions, powers and duties have been assigned or transferred by or under this Charter.

**Section 1007. Existing laws and ordinances.**

All general laws of the State of Connecticut applicable to the town and all ordinances of the town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. The provisions of all Special Acts of the General Assembly relating to the Town of Simsbury not inconsistent with the provisions of this Charter are hereby retained.

**Section 1008. Review and amendment of Charter.**

The Board of Selectmen shall review the several provisions of this Charter from time to time as it deems such review to be in the best interest of the town, but not less often than once every seven (7) years from the effective date of this Charter, such review to be published as part of the annual town report. The amendment of this Charter may be initiated (a) by a two-thirds vote of the entire Board of Selectmen or (b) by a petition signed by not less than ten percent (10%) of the Electors of the town, as determined by the last completed registry list of the town, such initiation in either instance to result in the appointment by the Board of Selectmen of a Charter Revision Commission, which shall consider any proposed amendments to the existing Charter. Such proposed amendments shall not become effective until and unless they shall have been approved by a majority of the town Electors voting thereon at a regular election or, if approved at a special election, by a majority equal to at least fifteen percent (15%) of the Electors of the town as determined by the last completed registry list of the town. The provisions of Chapter 99 of the General Statutes as may now or hereafter apply to the manner of amending the Charter shall prevail in the event of any conflict with the provisions of this section of the Charter.

**Section 1009. Saving clause.**

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

**Section 1010. Usage.**

(a) When the context so requires, the masculine gender shall include the feminine, and the singular shall include the plural, and the plural the singular; and

(b) Unless otherwise indicated, all references to the Connecticut General Statutes in this Charter are to the provisions of the General Statutes in effect on the date of the adoption of this Charter. However, in the event that those provisions in effect on the date of the adoption of this Charter are subsequently amended, revised, and/or recodified by the Connecticut State Legislature, all references to such provisions shall be deemed to be to the provision as subsequently amended, revised and/or recodified. The sections of the Connecticut



General Statutes referred to in this Charter shall be abbreviated as C.G.S. Sections of the statutes shall be designated "§" for the singular and "§§" for the plural.

**Section 1011. Effective date.**

Except as set forth in Section 1001, this Charter, as revised, shall become effective on the first Monday of December, 2017, if approved by a majority of the Town Electors voting hereon at a regular or a special election as determined by the Board of Selectmen and in accordance with the provisions of Chapter 99 of the General Statutes.