

CHARTER

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APPROVED BY THE TOWN COUNCIL ON ~~SEPTEMBER 2, 2008~~
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ACRONYMS

ABC.....	Agency, Authority, Board, Commission, and/or Committee
BOE.....	Board of Education
BOF	Board of Finance
CGS.....	Connecticut General Statutes
RTM.....	Representative Town Meeting
TC.....	Town Council

GLOSSARY OF TERMS

Agency, Authority, Board, Commission and/or Committee.....	Appointed body governed by Statute or by Ordinance or by Resolution of the Town Council.
Appropriation.....	Authorization granted by the Council and/or RTM to make expenditures and incur obligations for specific purposes.
Board of Education.....	Duly elected Board for the Groton Public Schools governed by Connecticut General Statutes and Regulations.
Budget.....	Annual Budget for the Town; plan of financial operation.
Charter.....	Town of Groton Charter. The organizational plan, similar to a constitution, written by the Town itself and adopted by popular vote of the electorate; superior to all ordinances enacted by the Town, but inferior to the CGS.
Council.....	See Town Council.
Debt Service.....	The interest and principal of outstanding bonded debt.
Department.....	Organizational unit in which various services for the Town are managed by a Department Head.
Elector.....	Any person possessing the qualifications prescribed by the Connecticut State Constitution and the CGS, and duly admitted to, and entitled to exercise the privileges, of an elector of the Town.
Fire District.....	A special services district, in accordance with CGS, within the confines of the Town and delineated by specified boundaries. The district is intended for, but not limited to, the provision of fire protection services within its boundaries.
General Fund.....	All expenditures supported by general property taxes and other revenues designated for general governmental and educational purposes.
Ordinance.....	Formal law which has full force and effect within the Town.
Representative Town Meeting.....	Elected body which approves budgets, accepts or rejects ordinances, and exercises powers granted under CGS and Town Charter.
Resident.....	Person who lives in the Town for more than 6 months a year.
Resolution.....	Law with less legal formality and status than an ordinance.
Stakeholder (M9).....	Stakeholder refers to anyone affected by or has a stake in the Town of Groton government. This term includes citizens, elected officials, management, employees, and their representatives (whether unions of other agents). (M12)
Subdivision.....	Political districts created by the State Legislature: The City of Groton and The Groton Long Point Association.
Taxing District.....	A specified special district established by the Council and taxed separately, though consistently, from the remainder of the Town.
Town.....	Town of Groton; the totality of the Town is overlaid with two (2) political subdivisions, six (6) fire districts and one (1) homeowners association.
Town Attorney.....	Attorney or group of attorneys appointed by the Council to advise the Town regarding legal matters.
Town Clerk.....	Elected to perform duties per CGS and Charter.
Town Council.....	Elected legislative body for the Town, setting policy.
Town Manager.....	Chief Administrative Officer for the Town, employed by the Town Council.
Town Official.....	An elected member of the Council, RTM BOF , BOE, Registrar of Voters, or the Town Clerk; an employee who is authorized to act for the Town.

CHAPTER I. PREAMBLE AND ADOPTION OF CHARTER

Sec. 1.1 Preamble.

1.1.1 **In the spirit in which the founders of Groton joined themselves into one community and pledged their individual abilities to the service of their common needs, this Charter establishes a town government that enables each generation's needs to be identified and met. (M83)** It is the fundamental law of the Town of Groton (hereinafter referred to as the "Town") providing for the administration of its local affairs.

1.1.2 Matters of administration of local affairs not provided for by this Charter, or by lawful ordinance, shall be governed by the Connecticut General Statutes (hereinafter referred to as "CGS") including the Home Rule Statute and any Special Acts of the State of Connecticut applicable to the Town.

Sec. 1.2 Approval of the Charter.

This Charter was originally submitted for approval to the electors of the Town of Groton on June 4, 1957. Voting was in accordance with the laws applicable to general or special elections in the Town, other than with respect to absentee voting, being duly warned and held for that purpose within thirty (30) days from the date of passage of Special Act No. 251 (1957) An Act Concerning a Charter for the Town of Groton.

Sec. 1.3 Effective Date.

This Charter became effective immediately upon approval by the state legislature on May 10, 1957, for the purpose of nominating and electing members of the Town Council (hereinafter referred to as "Council"), a Town Clerk and members of the Representative Town Meeting (hereinafter referred to as "RTM") who were elected on the first Monday of October 1957 and upon the election of said members for all other purposes when the Charter was approved on June 4, 1957, by a majority of the qualified electors voting thereon. A certified copy of such Charter was filed in the office of the Town Clerk and three (3) such certified copies were filed in the office of the Secretary of the State.

CHAPTER II. INCORPORATION AND POWERS

Sec. 2.1 Incorporation.

All the inhabitants dwelling within the Town shall, after the effective date of this Charter, continue as a body politic and corporate with perpetual succession within its territorial limits as they may be lawfully defined.

Sec. 2.2 Powers.

The Town may hold and exercise all powers and privileges and carry out the purpose and policies thereof by ordinance heretofore exercised by the Town and not inconsistent with the provisions of the Charter and conferred upon towns under the CGS.

Sec. 2.3 Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested in or inchoate in the Town are continued, and the Town shall continue to be liable for all debts and obligations. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien. Contracts entered into by the Town prior to the effective date of the Charter or any bond or undertaking given by or in favor of the Town which contains provision that may be enforced by any agency, authority, board, commission or committee (hereinafter referred to as "ABC"), department or officer shall continue in full force and effect.

Sec. 2.4 General grant of powers.

The Town shall have the powers granted by the Charter, the CGS, and all powers implied or incident to the management, government and affairs of the Town, including entering into contracts with the federal government, the State of Connecticut, or any political subdivision, or agency for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and the CGS. The giving of particular powers in this and 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.

Sec. 2.5 Reaffirming the authority of the subdivision.

Nothing contained in the Charter shall be construed to supersede, repeal, amend, impair or affect any provision of the charter of any subdivision of the Town, or any other special act or parts of special acts, or any ordinance or bylaw relating to such subdivisions, or any general statute relating to cities, boroughs or fire districts, all as heretofore or hereafter enacted, except as such legislation may be altered by the act of consolidation of a subdivision with the Town, pursuant to the provisions of Section 2.6 of this Charter.

Sec. 2.6 Authority for consolidation.

2.6.1 General enabling ordinance.

Upon request of not less than a two-thirds majority of the governing body of any city, fire district or borough within the Town, or on petition of ten (10) percent of the qualified electors residing in such subdivision, the Council shall draft and the RTM shall adopt an enabling ordinance providing for the consolidation of the Town and any subdivision thereof. Such enabling ordinance shall include, among other things:

2.6.1.1 A draft of a consolidation ordinance, which shall include provisions for an equitable apportionment of the subdivision's assets and liabilities and which shall assure the rights and benefits of the employees of the subdivision at the time of consolidation;

2.6.1.2 Provision for holding hearings on the proposed consolidation; and

2.6.1.3 A statement of the manner in which a referendum on the proposed consolidation shall be conducted.

2.6.2 Voting procedures.

Any ordinance containing the foregoing provisions shall not become effective unless approved by:

2.6.2.1 Subdivision referendum.

A majority as defined in the CGS of the qualified electors of the subdivision, voting at a referendum called for that purpose, and

2.6.2.2 Town-wide referendum.

A majority as defined in the CGS of the qualified electors of the Town, voting at a town-wide referendum called for that purpose.

CHAPTER III. OFFICERS AND ELECTIONS

Sec. 3.1 General.

This chapter provides for the election and incumbency of citizens to public office in the Town and for procedures and timing of the election process.

Sec. 3.2 Election of state and federal officers.

Nomination and election of state and federal officers, State Senators and Representatives, Judge of Probate, Registrars of Voters and thirty (30) Justices of the Peace shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote thereon, in the manner prescribed by the Constitution and the CGS. The Registrars of Voters shall be elected as prescribed by CGS and as stipulated by ordinance.

Sec. 3.3 General town elections.

A general election shall be held on the first Tuesday after the first Monday of November 2009 and biennially thereafter. Said general election shall be for the purpose of electing the following town officers for the terms indicated. In addition to the powers and duties set forth in the Charter, all town officers shall have all the powers and duties granted by the CGS. Unless otherwise specified in CGS, the terms of all elected officers shall commence on the first Tuesday ~~of December~~ (M37) (M43) following their election, except for the Town Clerk and the Registrars of Voters, and they shall hold office until their successors have been elected and qualified. The terms of the Town Clerk and the Registrars of Voters shall commence as prescribed by ordinance. All town officers shall be nominated and elected as provided for in the CGS.

3.3.1 ~~Representative Town Meeting (RTM).~~ Board of Finance (BOF) (M3)

~~Not more than forty five (45) members of the RTM each for a term of two (2) years; minority representation per CGS shall apply to the RTM and as is consistent with Section 4.2.3. (M3)~~ A Board of Finance, hereafter referred to as the BOF, [M85] shall consist of (7) members, for a term of four (4) years; terms shall be staggered as follow: seven (7) members shall be elected in November 2019, three (3) will serve two (2) years and four (4) will server for four (4) years. Thereafter, members shall continue to be elected in the same staggered pattern for four (4) year terms. BOF members, after serving three (3) consecutive terms, shall not be eligible for a fourth (4th) consecutive term. (M48) Minority representation shall apply to the BOF per CGS 9-167a. (M41) (57) (50)

3.3.2 Town Council (Council).

Nine (9) members of the Council each for a term of ~~two (2)~~ four (4) years (M34) (M35); minority representation shall ~~not~~ apply to the Council per ~~exception in~~ CGS 9-167a. (CGS) Town Council members, after serving three consecutive terms, shall not be eligible for a fourth consecutive term. (M47) Terms shall be staggered as follows: nine (9) members shall be elected in November 2019, four (4) for two (2) years and five (5) for four (4) years. Thereafter, members shall continue to be elected in the same staggered pattern for four (4) year terms. (M35) (M51)

3.3.3 *Town Clerk.*

A Town Clerk for a term of four (4) years.

3.3.4 *Board of Education (BOE).*

Election to the BOE shall be in accordance with CGS. Nine (9) members shall be elected, each for a term of four (4) years. Existing members' terms on the effective date of the Charter shall remain unchanged. Terms shall be staggered as follows: four (4) members shall be elected in November 2009 and five (5) members shall be elected in November 2011. Thereafter, members shall continue to be elected in the same staggered pattern. Minority representation per CGS shall apply to the BOE.

Sec. 3.4 Breaking an election tie.

3.4.1 *General.*

When, as a result of any general municipal or special election held under the provisions of the Charter, it is necessary to break a tie, except as provided in Section 3.4.2, a special election confined to the tied candidates shall be called as required by CGS to determine which candidate is elected.

~~3.4.2 *Representative Town Meeting (RTM).* In case of a tie in the election of a member of the RTM, the other members of that district in which the tie vote occurs shall, by ballot, at the first meeting of the newly elected RTM, determine which of the tied candidates shall serve as members. (M3)~~

Sec. 3.5 Eligibility to hold town office.

3.5.1 *Residence.*

No person shall be eligible for election to any office in the town government who is not at the time of the election a resident elector of said Town, and any person ceasing to be a resident or elector of said Town shall thereupon cease to hold elective office in the Town.

3.5.2 *Holding multiple offices.*

No elected official may occupy at the same time another elective office nor be appointed to serve as a member of any permanent town ABC, which was created pursuant to the specific provisions of the CGS. No appointed member of any permanent town ABC, which was created pursuant to the specific provisions of a CGS shall serve as a member of any other statutorily authorized town ABC, or hold any elective town office at the same time. These prohibitions shall not apply in any case where dual office-holding is authorized by the CGS.

3.5.3 *Conflict of interest.*

Employees of the Town and BOE shall not serve on the Council or BOE. (M2) No elected or appointed official, member of any town ABC, or town employee shall use his/her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he/she knows, or has reason to believe, may result in a personal or financial gain, or will suffer a direct monetary loss as the case may be, by reason of his/her official activity as stated in the CGS.

Any conflicts of interest in matters of the Town shall be disclosed orally at the time such interest may be considered a conflict. Such person shall recuse himself /herself from the decision-making process.

No elected or appointed official, member of any town ABC, or town employee shall disclose or use any confidential information obtained in an official capacity except in the discharge of his/her duties. The term "confidential" shall not be used to restrict the release of any information that is properly available to the public.

No elected or appointed official, member of any town ABC, or town employee shall accept gifts or services or other items from any person or entity currently doing business with the Town except those of negligible intrinsic value.

The Council shall establish ~~a Code of Ethics by ordinance and~~ an Ethics Commission consisting of at least five (5) members appointed by the Council. (M49)

Sec. 3.6 Vacancies in elective office.

3.6.1 *General.*

Any vacancy in any elected town office, except that of ~~RTM member~~ (M3) a member of the BOE, from whatever cause arising, shall be filled by appointment by the Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner. If there shall be a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person for the unexpired portion of the term; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment or election of a member of the same political party. If such vacancy is not so filled by the Council within forty-five (45) days from the time of its happening, the ~~RTM Board of Finance~~ (M79) shall fill the same.

~~3.6.2 *Vacancies in the RTM.*~~

~~Any vacancy in the membership of the RTM from any district, whether arising from a failure of the electors thereof to elect, or from any other cause, shall be filled by the remaining representatives of the district from among the electors thereof; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the election of a member of the same political party. Notice of any such vacancy shall promptly be given by the Town Clerk to the remaining representatives from the district in which the vacancy or vacancies exist, and the Town Clerk shall call a special meeting of such representatives for the purpose of filling any vacancy. The Town Clerk shall cause to be mailed to every such representative, not less than five (5) days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At such meeting, a majority of the representatives from such district shall constitute a quorum, and they shall elect from their number a chairman and a clerk whose rights to vote at such meeting shall not be affected by their election to their respective offices. The election to fill any vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the result and forthwith file the same with the Town Clerk, together with a written acceptance by the representative or representatives so chosen, who shall thereupon be deemed elected and qualified as an RTM member.~~

3.6.3 *Vacancies in the Board of Education (BOE).*

Any vacancy in the BOE, from whatever cause, shall be filled until the next biennial election by appointment by the remaining members of the BOE; provided, when the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

Sec. 3.7 Voting districts.

All officers of the Town who are chosen by election, ~~except RTM representatives,~~ **(M3)** shall be elected at large. The voting districts shall continue to be as established on the effective date of the Charter provided the Council may, from time to time, by ordinance, re-divide the Town into voting districts and establish polling places therein pursuant to CGS.

CHAPTER IV. ~~REPRESENTATIVE TOWN MEETING~~ BOARD OF FINANCE (BOF) (M3)

Sec. 4.1 Membership; Powers.

4.1.1 *General.*

There shall be a ~~Representative Town Meeting~~ **Board of Finance**, hereinafter referred to as the **RTM-BOF**, of ~~not more than forty-five (45)~~ **seven (7)** members. **BOF members, after serving three (3) consecutive terms, shall not be eligible for a fourth (4) consecutive term. (M3) (M41) (M48)**

4.1.2 That the BOF and its members shall not give orders to any subordinates of the Town Manager or the BOE either publicly or privately. However, the BOF may interface directly with the Town Manager, Finance Directors of the Town and BOE, or their designees in accomplishing their duties. (M82) The Chair of the BOF shall be an ex-officio member of the Council. (M42)

4.1.3

Where this Charter requires that the BOF provide recommendations to the Town Council, the following shall apply:

- a. **The Council shall give the BOF ten (10) business days' notice to provide such recommendations. If no recommendation is received within ten (10) business days, the Council shall proceed as if the recommendation had been received.**
- b. **In time sensitive situations, the ten (10) day period may be reduced by mutual consent and a majority vote of the BOF. [M80]**

4.1.4 A BOF member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect on the date of such filing unless a later date is specific. (M52)

4.1.5 That fifty (50) percent of the BOF members entitled to vote shall constitute a quorum for doing business. All BOF meetings shall be open to the public. The BOF shall determine its own rules of procedure, which shall include provisions for petition by citizens. (M53)

4.1.6 That the initial meeting of the BOF shall be called by the Town Clerk, all other meetings by the Chairman or in the Chairman's absence, the rules of the BOF shall be followed. (M54)

4.1.7 That regular BOF meetings shall be held at least once a month on a regular meeting day decide upon by the BOF. (M55)

4.1.8 That no member of the BOF shall be a member of the governing body of any political subdivision, employee of the Town, or BOE. Members shall be resident electors of the Town. (M56)

4.1.9 That nothing contained in the Charter shall prohibit any member of the BOF from exercising rights under the Freedom of Information Act (FOIA) as held by general citizens. (M59)

4.1.10 The BOF shall keep a Journal of its Proceedings, and publish the same, excepting such parts as in Executive Session; and the "Yeas" and "Nays" of the members of said body shall be entered in the Journal by member name. (M46)

~~4.1.2~~ **Sec. 4.2 Powers; Duties.**

4.2.1 The BOF shall support all fiscal decisions of the Council by providing research and data to support the budget development process delineated in Chapter IX, including but not limited to the following: (M44)

- a) Develop the schedule for annual budget development (M44)
- b) Communicate annual budget development schedule to the citizens of Groton (M44)
- c) Support the annual budget workshops with fiscal data including a five-year financial forecast of spending and revenue. (M44)
- d) Provide input on the form of the BOE and subdivision budgets. (M44)
- e) Provide critical analysis and visibility to the Town's public financial reports. (M45)

~~The RTM shall exercise exclusively, except as otherwise specifically provided by law, those powers specifically assigned to the RTM:~~

- ~~a) approve or amend budgets passed by the Council in accordance with Chapter IX of this Charter;~~
- ~~b) approve or reject supplemental appropriations in excess of ten thousand dollars (\$10,000) in accordance with Chapter IX;~~
- ~~c) approve or reject bonding ordinances in accordance with Section 5.5.5.1;~~
- ~~d) accept or reject gifts, grants, and bequests of real and/or personal property with a value in excess of ten thousand dollars (\$10,000);~~
- ~~e) accept or reject all open spaces and roads not a part of an approved subdivision. Reference is hereby made to Section 5.4.10;~~
- ~~f) all powers granted under the CGS to the town meeting where the objective of such statute cannot be otherwise accomplished by the Town pursuant to CGS, the Charter, or ordinances.~~

~~Action in conformity with all provisions of law, now or hereafter applicable to the transaction of town affairs in meeting, shall, when taken by the RTM in accordance with the provisions of the Charter, have the same force and effect as if such action had been taken in a town meeting open to all the electors of the Town.~~

~~The RTM shall have the power to veto any legislative or emergency ordinance passed by the Council as hereinafter specified in Sections 4.6 and 5.5.5.4 of the Charter. The RTM shall have the power of initiative as specified in Section 4.5.~~

~~4.1.3 — Relationship with Municipal or Administrative Employees.~~

~~The RTM and its members shall not give orders to any subordinates of the Town Manager or of the BOE either publicly or privately. (6-19-17) The RTM and its member shall deal officially with the town staff solely through the Town Manager. (M3)~~

Sec. 4.2 Election; Reapportionment; Representation.

~~4.2.1 — Election.~~

~~Election of RTM members shall be by voting district proportional to the number of electors residing in such district and shall be determined by the Town Clerk and approved by the Council.~~

~~4.2.2 — Reapportionment.~~

~~The number of members shall be determined by the Town Clerk and approved by the Council, and shall be calculated in the following manner: a) within sixty (60) days after each presidential election, and within sixty (60) days after redistricting of the Town as determined by the Registrars of Voters and approved by the Council, the total number of electors in the Town and in each district shall be certified by the Town Clerk; b) representation in each district shall be determined by taking the total number of electors in the Town, dividing by forty five (45) and the number so obtained minus any fraction shall be used to divide the number of electors in each district; c) the resulting whole number, regardless of fractions, nearest to the figure so obtained shall be the number of representatives from that district, except no RTM district shall have less than one (1) representative.~~

~~In the event a voting district contains less than five hundred (500) electors, such district shall for the purposes of this section be automatically merged with the adjacent district having the least number of electors, and the number of representatives for such combined district shall be determined in accordance with provisions of this section.~~

~~4.2.3 — Minority representation and majority limitation.~~

~~Each political party shall nominate in each voting district the whole number nearest to two-thirds of the representatives allotted to that district. Each elector may vote for a number of candidates up to the allotted district number.~~

~~Total _____ Max from one party _____~~

Reps:	to be nominated:
1	1
2	1
3	2
4	3
5	3
6	4
7	5
8	5
9	6

~~That number of candidates in each district sufficient to fill the number of RTM members to which a district may be entitled, who have polled the highest number of votes, shall be elected.~~

~~Sec. 4.3 Composition and procedure.~~

~~Any town meeting under the provisions of the Charter, except as otherwise provided herein, shall be limited to the RTM members. The Town Manager, the Town Clerk, the chairman of the Board of Education (BOE), the Superintendent of Schools, the Town Attorney, and the members of the Council shall be ex officio members, and shall have all the rights and privileges of the RTM members except the right to make motions and to vote. Fifty (50) percent of the RTM members entitled to vote shall constitute a quorum for doing business. All RTM meetings shall be open to the public. The RTM shall determine its own rules of procedure, which rules shall include provisions for petition by citizens.~~

~~An RTM member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect on the date of such filing unless a later date is specified. An RTM member who shall remove from the Town shall cease to be an RTM member, but an RTM member who shall remove from the district from which he/she was elected to another district within the Town may serve until the next election of the RTM.~~

~~The first RTM meeting shall be called by the Town Clerk, all others by the Moderator or in the Moderator's absence, the rules of the RTM shall be followed. If no RTM rules apply to the absence of the Moderator, the RTM meeting shall be called by the Town Clerk or in his/her absence by the Town Manager and an acting moderator shall be voted on by the members present at the meeting. A Moderator shall be elected for a term of two (2) years. All business shall be conducted in the manner now and hereafter provided by the CGS, except as otherwise provided in the Charter. The Town Clerk shall be the Clerk of the RTM.~~

~~Sec. 4.4 Meetings.~~

~~Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by the RTM members except that, whenever there shall be no business to be acted upon at a regular meeting, the meeting may be cancelled by the Moderator and upon notice to the members. Special meetings may be held on the call of the Moderator and must be held after submission to the Town Clerk of a petition signed by ten (10) percent of the qualified electors of the Town.~~

~~Sec. 4.5 Power of Initiative.~~

~~The RTM, upon a majority vote of its total membership, shall have the power to propose to the Council any legislative ordinance except an ordinance or resolution appointing or removing officials or specifying the compensation or hours of work of officials or employees or expressly directing the Council to appropriate funds. Ordinances submitted to the Council by power of initiative of the RTM and passed by the Council without change shall not be subject to a referendum of electors in the Town. If the Council fails to adopt such ordinance without change within forty five (45) days after such proposed ordinance shall have been filed with the Council, it shall be submitted to the electors, who may adopt or reject the same at a referendum held within ninety (90) days after such proposed ordinance was originally filed with the Council.~~

~~Sec. 4.6 Power of Veto.~~

~~The RTM, upon a two thirds (2/3) vote of its total membership, shall have the power to reject any legislative or emergency ordinance passed by the Council, except an ordinance appointing or removing officials, or specifying the compensation or hours of work of officials and employees, or pension or retirement agreements, or terms and conditions of employment, or approving an ordinance of consolidation. Such veto shall be filed with the Town Clerk not more than forty five (45) days after the enactment of such ordinance by the Council.~~

CHAPTER V. THE TOWN COUNCIL; ORDINANCES

Sec. 5.1 Membership and Qualifications of members.

There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the Council. The Council shall be the legislative body of the Town. No member of the Council shall be a member of the governing body of any political subdivision nor shall hold any office of profit under any political subdivision of the Town. Members shall be resident electors of the Town. The

~~Moderator of the RTM~~ **Chairman of the BOF (M42)** shall be an ex-officio member of the Council but shall not have the right to make motions or to vote.

Sec. 5.2 Election, Duties, Term of office and selection of Chairman; Performance of Chairman's duties in his/her absence.

Following a general election held in accordance with Section 3.3, the newly-elected Council shall meet as prescribed in Section 3.3 and shall choose one of its members to be Chairman of the Council. **The Council shall be the policy-setting body for the Town. (M4)** The Chairman shall be known as the Mayor, but will retain all of the rights of other members **and will preside over Council meetings. (M36)**

The Mayor shall preside over all meetings of the Council and shall perform such other duties consistent with the office or which may be designated by the Council. The Mayor shall be recognized as the official head of the Town for all ceremonial purposes. **The Mayor shall be responsible, in consultation with the Manager, for setting Council agendas. (M4)**

During the absence of the Mayor, the duties shall be performed by a member chosen by the Council.

The Mayor's term of office shall be identical to that of the Council which chooses the Mayor, except that, by a vote of at least **six (6)** ~~of the eight (8) other~~ members of the Council, the Mayor may be removed as Chairman of the Council and another member chosen to assume the duties and responsibilities of Chairman. **(M81)**

The Council shall issue an annual Town report. (M39)

Sec. 5.3 Meetings; Quorum; Ordinances and resolutions to be confined to one subject; Records.

At the first meeting of the newly-elected Council following the general town election, the Council shall fix the time and place of its regular meetings and shall provide a method for the calling of special meetings. It shall determine its own rules of procedure, which rules shall provide for citizens to address the Council. All meetings of the Council for the transaction of business shall be open to the public.

Six (6) members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes.

All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title; provided, however, that nothing herein shall prevent the enactment of an ordinance of codification.

~~The Council shall keep for public inspection a journal which shall be the official record of its meetings. The record so kept shall be authenticated for each meeting by the signature of the Chairman or the Town Clerk, or of both.~~

The Council shall keep a Journal of its proceedings, and publish the same, excepting such parts as in Executive Session, and the "Yeas" and "Nays" of the members of said body shall be entered in the Journal by member name. (M40)

The Council shall establish an Ethics Commission consisting of at least five (5) members appointed by the Council. (M49)

Sec. 5.4 Powers and Duties.

5.4.1 General.

As the legislative body of the Town, the Council shall have the powers and duties conferred by CGS on councils and selectmen, other such powers and duties as specifically provided in the Charter. ~~and excepting those specifically assigned to the RTM under Section 4.1.2 of the Charter.~~ **Within two (2) months of taking office, the Council shall develop, with public input, a prioritized set of goals with measurable outcomes for itself and the Manager to be achieved within its term of office. These shall include quantitative budget guidance. (M4)**

5.4.2 Agencies, Authorities, Boards, Commissions and Committees.

The Council shall have the power to create or abolish agencies, authorities, boards, commissions and committees (ABC), departments and offices and to define the powers, duties and responsibilities thereof, provided the same are not inconsistent with the Charter or pre-empted by the CGS, and to provide for the preservation of order, peace, safety and health of the Town and its inhabitants; and the Council may contract for services and the use of facilities of the state or any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities, in which case departments and offices created by the Charter, the functions of which are transferred under the terms of such a contract or agreement, may, by ordinance, be abolished.

5.4.3 Regulation of Agencies, Authorities, Boards, Commissions and Committees.

The Council is responsible for the proper function and operation of all offices, and ABC which it fills by appointment.

5.4.4 *Compensation; Charges for Services.*

The Council shall fix the compensation of the Town Clerk, the Registrars of Voters, and the officers and employees of the Town. The Council shall also approve the charges made by the Town either for services furnished by the Town or for the execution of the powers vested in the Town for its government and business.

5.4.5 *Penalty for violation of laws.*

The Council may fix the penalty for the violation of any of the ordinances made by it under the Charter.

5.4.6 *Taxing districts; Assessor.*

The Council may establish taxing districts within the limits of the Town and may change the boundaries of such taxing districts. The boundaries of any such taxing district shall be defined and clearly outlined. No establishment or change in the boundaries of any taxing district shall be made until after public notice in a newspaper having circulation in the Town shall have been given to the property owners in that portion of the Town to be affected by the proposed taxing district and a public hearing held thereon. The Council shall have the power to determine and prescribe the rate of taxation to be levied and collected in each taxing district, but such rates shall be fairly apportioned and be dependent upon the number and kind of municipal improvements or special municipal privileges furnished by the Town for each taxing district.

5.4.6.1 *Assessor.* The assessor of the Town shall make separate lists of the property taxable within each such taxing district in the manner and at the time prescribed by law.

5.4.7 *Coordination of Services.*

The Council shall be empowered to enter into negotiations and execute agreements and contracts with subdivisions of the Town or other existing agencies or adjoining towns, with a view to more efficient management of town-wide services.

5.4.8 *Removal; Term of office; Vacancies.*

The Council may remove any appointed officer, or ABC member, for cause by a six-ninths vote of its members, but only after the charges against such member have been presented to him/her in writing and after he/she shall have been given a reasonable opportunity to be heard in his/her own defense. With the above exceptions, all appointed officers, and ABC members, shall serve until their successors have been appointed and qualified. Such vacancies as may occur in appointive offices shall be filled by appointment by the official or body normally responsible for regular appointments to the office.

5.4.9 *Delegation of Authority.*

The Council may provide by resolution for the exercise by the Town Manager or some other town officer, ABC, or employee of any administrative power assigned to the Council by the Charter, CGS or in any other way.

5.4.10 *Road Acceptance.*

The Council shall have the power and authority to accept all roads and open spaces as town property if said roads and open spaces are included in a property subdivision which subdivision has been approved by the Planning Commission.

Sec. 5.5 Ordinances; Classes; Public Hearing, Publication and Date Effective.

The Council shall have the power to enact, amend or repeal ordinances ~~not~~ inconsistent with the Charter or pre-empted by the CGS.

5.5.1 *Recognized Codes made part of an Ordinance.*

The Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules and regulations that have been printed in book form, 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 and regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules and regulations in the office of the Town Clerk for examination by the public.

5.5.2 *Classes of Ordinances.*

There shall be three (3) classes of ordinances. They are bonding ordinances, emergency ordinances and legislative ordinances.

5.5.2.1 *Bonding ordinances.*

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by CGS, subject to the limitation of the Charter. The issuance of bonds and notes shall be authorized by bonding ordinance.

5.5.2.2 *Emergency ordinances.*

The Council shall have the power to declare the enactment of emergency ordinances on the grounds of urgent public need for the preservation of public health, safety or property. The facts showing such an urgent need shall be specifically stated in the measure itself.

5.5.2.3 *Legislative ordinances.*

All other laws of general application regarding the public health, safety and welfare for citizens of Groton and all other laws not considered bonding or emergency ordinances, shall be deemed legislative ordinances.

5.5.3 *Public Hearing, Notice and Publication.*

For all bonding and legislative ordinances, a public hearing shall be held prior to enactment by the Council. Notice of the public hearing shall be given at least five (5) days in advance by publication of the proposed ordinance, or a summary thereof prepared by the Town Attorney, with the date, time and place of the hearing, in a daily newspaper having a circulation within the Town. The full text of the ordinance shall be available in the Town Clerk's office at least five (5) days prior to the public hearing. ~~The Town Clerk shall provide a copy of such notice to each member of the RTM on or before the date of publication.~~ (M3) No notice or hearing shall be required for emergency ordinances.

5.5.4 *Recording.*

Every ordinance, after passage, shall be given a serial number and shall be recorded by the Town Clerk in a book to be kept for that purpose, which shall be properly indexed.

5.5.5 *Ordinances.*

5.5.5.1 *Bonding ordinances.* If any bond issue or issuance of notes, except notes in anticipation of taxes to be paid or other revenue to be received within the fiscal year in which issued, shall exceed when authorized, the sum of seven hundred Fifty thousand dollars (\$750,000) or which shall, when added to all other bond issues or issuances of notes previously authorized in the same fiscal year, bring the total of such bond issues or issuances of notes authorized for that fiscal year to a sum in excess of seven hundred fifty thousand dollars (\$750,000) said bond issue or issuance of notes shall be approved first by the Council, ~~then by the RTM,~~ (M3) and then by a referendum vote at any regular town, state, or special election or a referendum called for that purpose. If such bond issue or issuance of notes is less than said amount, a bonding ordinance may be adopted upon vote of the Council. ~~and then the RTM.~~ (M3)

5.5.5.2 *Emergency ordinances.* No ordinance shall be passed as an emergency measure except by the affirmative votes of not less than six (6) members of the Council. No emergency ordinance or resolution shall be adopted granting, amending, renewing or extending any public utility franchise or other special privilege or permitting the leasing or sale of any real property of the Town or regulating or fixing rates to be charged for public utility service or creating bonds.

5.5.5.3 *Legislative ordinances.* A legislative ordinance shall be adopted, subject to the powers of veto and referendum hereunder, upon a vote of the Council.

~~5.5.5.4 *Veto.* The RTM, upon a two-thirds vote of the total membership, shall have the power to reject any legislative ordinance passed by the Council, except for an ordinance of consolidation as defined in Section 2.6. Such veto shall be filed with the Town Clerk not more than forty five (45) days after the enactment of such ordinance by the Council, be recorded in the ordinance book, and Notice of Veto shall be published.~~ (M3)

5.5.5.5 *Referendum.* Upon a petition of not less than five (5) percent of the electors of the Town, filed with the Town Clerk not more than fourteen (14) days after adoption of the ordinance, asking that the ordinance be submitted to the electors of the Town at its next regular election or special election, it shall be so submitted. Such ordinance shall remain effective unless a majority of the electors voting on such ordinance vote against such ordinance; and that the number of electors voting against such ordinance is equal to at least fifteen (15%) percent of the electors listed on the last registry list. This section shall not apply to any ordinance for which a referendum right exists under any other provision of the Charter.

5.5.6 *Notice.*

5.5.6.1 *Time.* Notice of the adoption of a bonding ordinance shall be published in a daily newspaper having a circulation within the Town within ten (10) days of adoption by the ~~RTM Council.~~ (M3) Notice of the adoption of emergency and legislative ordinances shall be similarly published within ten (10) days of adoption by the Council. ~~The Town Clerk shall provide the members of the RTM with notice of the adoption of any emergency and legislative ordinance by the Council within five (5) days of adoption.~~ (M3)

5.5.6.2 *Content.* Said notice shall include the title, serial number and complete text of the ordinance, except that if so directed by the Council, a description of the ordinance prepared by the Town Attorney may be substituted for the complete text.

5.5.7 *Effective date.*

5.5.7.1 *Bonding ordinances.* Bonding ordinances requiring approval by referendum shall be deemed approved upon adoption by referendum. Bonding ordinances not requiring a referendum shall be deemed approved upon adoption by the ~~RTM Council.~~ (M3)

5.5.7.2 *Emergency ordinances.* Emergency ordinances, unless a later date is specified, shall become effective upon publication. Any emergency ordinance shall expire no later than six (6) months after enactment, unless adopted as a legislative ordinance in accordance with the Charter.

5.5.7.3 *Legislative ordinances.* Legislative ordinances, unless a later date is specified, shall become effective forty-five (45) days after enactment by the Council ~~unless vetoed by the RTM.~~ (M3)

Sec. 5.6 Investigation.

The Council shall have the power to investigate any and all departments, offices and agencies of the Town, and for such purposes shall have the power to issue subpoenas and subpoenas duces tecum. At the request of the Council, any judge of the Superior Court may issue a *capias* for the appearance of witnesses and the production of records.

Sec. 5.7 Relative to Administrative Services.

Neither the Council nor any of its members shall direct or request the appointment of any person to an office or employment or direct or request the removal of any person from any office or employment which office or employment, by the provisions of the Charter, the Town Manager or any of his/her appointees are empowered to fill by appointment; provided the Town Manager may seek advice from the Council regarding appointment. The Council and its members shall deal with the administrative service solely through the Town Manager. A properly constituted meeting of the Council, which the Town Manager has been invited to attend, may call before it any employee or officer for the purpose of investigation. The Council and its members shall not give orders to any of the subordinates of the Town Manager either publicly or privately. Nothing contained herein shall prohibit any Council member from discussions with administrative department heads as to matters affecting the department. Nothing contained herein shall prohibit any member of the Council or RTM from exercising rights under the Freedom of Information Act (FOIA) as held by general citizens.

Sec. 5.8 Official Bonds.

The Town Manager, Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, Building Official, and such other officers and employees as may be required to do so by the Council or the CGS shall, before entering on their respective official duties, execute to the Town in the form prescribed by the Council and approved by the Town Attorney a surety company bond in a penal sum to be fixed by the Council conditioned upon honesty and the faithful performance of such duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, offices, 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.

Sec. 5.9 Salaries.

Salaries of all directors and other employees of the classified or unclassified service of the Town, except those of the Board of Education (BOE), shall be determined by the Council, in conformity with a systematic pay plan for the positions involved, upon recommendation of the Town Manager, provided nothing herein shall be construed to limit the power of the BOE to fix the compensation of employees of the school system.

CHAPTER VI. BOARD OF EDUCATION; TOWN CLERK

Sec. 6.1 Board of Education.

6.1.1 Board of Education.

There shall be a Board of Education consisting of nine (9) members, hereinafter referred to as the BOE. Election of the members of the BOE shall be in accordance with Section 3.3.4. for a term of four (4) years.

6.1.2 Powers and Duties of the Board of Education (BOE).

The BOE shall have all powers and duties conferred by the CGS. These shall include, but not be limited to, determination of educational policy, management of the physical school facilities, determination of employment and compensation of the Superintendent of Schools, determination of the responsibilities of administrative and teaching staffs, and formulation of an annual budget in accordance with Section 9.2.1.2. Execution of the approved education budget shall be at the discretion of the BOE in accordance with CGS.

Sec. 6.2 Town Clerk.

The term of the Town Clerk shall be as prescribed by ordinance, a four-year term commencing on the first Monday of January after the municipal election. Compensation of the Town Clerk shall be determined by the Council. All fees collected by the Town Clerk shall be paid into the town treasury or as designated by the CGS. The Town Clerk shall have all the powers and duties conferred or imposed on town clerks by the CGS, the Charter, or town ordinance. The Town Clerk shall be the Clerk of the Council ~~and the Clerk of~~

~~the RTM, (M3)~~ keeping a record of all meetings of the Council ~~and the RTM (M3)~~. The Town Clerk shall appoint and remove all employees in the office of the Town Clerk subject to the personnel system provisions of the Charter.

CHAPTER VII. THE TOWN MANAGER; DEPARTMENTS

Sec. 7.1 Town Manager appointment and removal.

7.1.1 Appointment.

The Council shall appoint a Town Manager who shall be the chief executive officer of the Town to serve at the pleasure of the Council, and who shall be chosen exclusively on the basis of executive and administrative qualifications, character, education, training, and experience. The Town Manager shall devote full time to the duties of the office. At the time of the appointment, the Town Manager need not be a resident of the Town or the state, but during the tenure of office the Town Manager shall reside within the Town. The compensation of the Town Manager shall be fixed by the Council. Compensation and terms of employment of the Town Manager shall be a negotiated contract reviewed by the Town Attorney and signed by both the Mayor and the prospective Town Manager on or before the date of hire.

7.1.2 Removal.

The Town Manager may be removed by a vote of at least ~~seven (7)~~ **six (6) (M4)** members of the Council as herein provided. At least thirty (30) days before the proposed removal of the Town Manager, the Council shall adopt a resolution stating its intention to remove him/her and the reasons therefor, a copy of which shall be served forthwith on the Town Manager who may, within ten (10) days, demand a public hearing, in which event the Town Manager shall not be removed until such public hearing has been held. Upon the passage of such a resolution, the Council may suspend said Town Manager from duty, provided the salary of said Town Manager shall continue until his/her removal from office; and in the event of such removal, he/she shall be given termination pay equivalent to one month's salary or as negotiated in the contract. Upon any such suspension, the Council may appoint an acting manager to serve at the pleasure of the Council. The action of the Council in removing the Town Manager shall be final.

7.1.3 Acting Town Manager.

The Town Manager shall designate in writing and file with the Town Clerk, a qualified officer of the Town who shall act as manager, except in matters of appointment and removal, during any temporary absence or disability of the Town Manager, and if the Town Manager is unable for any reason to make such designation, the Council may do so. No person shall serve as Acting Town Manager for more than four (4) consecutive weeks without the approval of the Council.

7.1.4 Interim Town Manager.

The Council may appoint an Interim Town Manager to serve at the pleasure of the Council during the period when the position of Town Manager is vacant for any cause. An Interim Town Manager appointed by the Council because of a vacancy in that office shall have the power, duties and responsibilities imposed by Charter on the office of the Town Manager, except that the Interim Town Manager may not exercise powers of appointment and removal without the consent of the Council.

Sec. 7.2 Powers and Duties.

The Town Manager is the chief executive officer of the Town and shall be directly responsible to the Council for the administration of all departments, agencies, and offices in charge of persons appointed by the Town Manager and shall supervise and direct the same.

The Town Manager shall see that all laws and ordinances governing the Town are faithfully executed; shall make periodic reports to the Council and shall attend meetings with full right of participation in its discussions but without vote; ~~shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual town report, which report shall include all the information required by the CGS, and such other information as the Town Manager in his/her discretion deems advisable together with such information as the Council may direct be included in said annual report;~~ **(M60)** shall recommend to the Council such measures as the Town Manager deems necessary or expedient; shall keep the Council fully advised as to the financial condition of the Town; shall prepare and submit to the Council an annual budget **reflecting the Council's established goals (M4)** and perform such other duties as may be required of the Town Manager by ordinances or resolution of the Council not inconsistent with the Charter.

At the time of an emergency or disaster, the Town Manager shall 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 the Charter.

Sec. 7.3 Appointment of Department Heads and Other Officers.

The Town Manager shall appoint, and may remove, subject to the provisions of Chapter X of the Charter, all Department Heads and other Officers of the Town except as otherwise specifically provided for by the Charter and except for elected officers or elected Department Heads. In lieu of appointment of a specific Department Head, the Town Manager may, subject to the approval of the

Council, perform the duties of any Department Head or officer subject to his/her jurisdiction except those of the Town Treasurer or Town Clerk.

Sec. 7.4 Departments and Personnel.

7.4.1 Creation of Departments.

The Council may establish and dissolve town departments and offices consistent with the Charter and CGS, and may prescribe the functions of all departments, offices and agencies. Change of existing departmental structure or form shall require a supermajority approval, six (6) affirmative votes, of the Council. No function assigned by the Charter or CGS to a particular department, office or agency may be discontinued or assigned to any other unless the Charter or CGS specifically so provides.

7.4.2 Department Personnel.

When delegated authority by the Town Manager, Department Heads shall appoint, and may remove, subject to the provisions of Chapter X of the Charter, all personnel in their respective departments.

Sec. 7.5 Appointments to Agencies, Authorities, Boards, Commissions and Committees.

The Town Manager shall appoint, and may remove, subject to the provisions of Section 8.1, members to those ABC for which appointments he/she is responsible, consistent with CGS or as approved and directed by the Council.

CHAPTER VIII. AGENCIES, AUTHORITIES, BOARDS, COMMISSIONS AND COMMITTEES; APPOINTED OFFICERS

Sec. 8.1 General.

The Council may, at its discretion, create or eliminate agencies, authorities, boards, commissions and committees (ABC), either permanent or non-permanent consistent with the CGS or ordinance or resolution.

8.1.1 Eligibility for membership.

Members of all appointive ABC, with the exception of advisory boards or other bodies specifically exempted, shall be resident electors of the Town. After selection and notification they shall be sworn in by the Town Clerk or designee before having the right to participate and to vote. Any member ceasing to be a resident elector of the Town shall immediately cease to be a member of such ABC and the position shall be deemed vacant.

8.1.2 Appointment.

All appointments shall be in accordance with a policy approved by the Council or the Town Manager as appropriate. The CGS on minority representation (Sec. 9-167a) shall apply.

8.1.3 Reappointment.

Upon expiration of appointment, all regular and alternate members of ABC shall continue to serve until they have been reappointed or replaced, unless such member provides a written statement to the Town Clerk that he/she no longer wishes to serve.

8.1.4 Officers.

The members of all appointive ABC shall elect a chairman, vice chairman and secretary. Such election shall take place annually at the first meeting in January or at the first meeting with a quorum, whichever occurs first.

8.1.5 Removal.

8.1.5.1 A regular or alternate member of any appointive ABC may be removed for cause by a two-thirds (6 of 9) vote of the Council or by the Town Manager as appropriate appointing authority. Just cause may include: 1) failure to attend at least sixty (60) percent of the regular meetings without reasonable explanation during any calendar year; 2) failure to comply with the duties and obligations imposed by local, state or federal law; 3) violation of the Town Code of Ethics if such exists.

8.1.5.2 No member or alternate of any ABC shall be removed until he/she has been notified by certified mail with a written statement indicating why he/she should be removed. Proof of mailing shall be considered adequate notification. Not sooner than four (4) weeks after mailing, the Council or Town Manager shall convene a public hearing at which the regular or alternate member may appear with counsel. Not later than three (3) weeks after the close of said public hearing, the Council shall vote or the Town Manager, as appropriate, shall take action to remove the member.

8.1.5.3 Any regular or alternate member who has been removed from any ABC shall be ineligible to be a regular or alternate member on any agency, authority, board, commission or committee for a period of not less than one (1) year.

8.1.6 Guidebook.

Descriptions of individual ABC shall be in accordance with the laws which have established them and delineated in a Council-approved Town publication: "Guidebook to the Agencies, Authorities, Boards, Commissions and Committees."

8.1.7 *Continuation.*

All ABC in existence on the effective date of the Charter shall remain in existence until such time, if any, that the Council eliminates it pursuant to the provisions of Section 8.1.

Sec. 8.2 Town Attorney.

8.2.1 *Appointment and Qualification.*

The Council shall **appoint a Town Attorney**, by majority vote, **until their successor is appointed**. ~~at a meeting held not later than one hundred twenty (120) days after the general town election, appoint a Town Attorney to serve until his/her successor shall be appointed and qualified.~~ The Town Attorney shall be an attorney-at-law admitted to the practice before all the courts of the State of Connecticut and the Federal District Court of Connecticut. **(M38)**

8.2.2 *Duties.*

The Town Attorney shall appear for and protect the rights of the Town in all actions, suits or proceedings at law including administrative proceedings brought against the Town or any of its departments, officers, ABC, including the Board of Education (BOE) and any ABC of the Town which may hereinafter be created by the legislative action of the State of Connecticut or by the legislative action of the Town.

The Town Attorney shall be the legal advisor to the Council, ~~RTM, BOF, (58)~~ Town Manager, Town Clerk, and all department directors, ABC including the Board of Education (BOE) and any ABC which may hereinafter be created as set forth above. The Town Attorney may render legal opinions concerning any legal question affecting the Town directly to the Council upon his/her own authority as the legal officer of the Town; or at the request of any Councilor, ~~Moderator of the RTM~~ **Chair of BOF (M58)**, Town Manager, Town Clerk, chairman of any ABC, including the chairman of the BOE and the Superintendent of Schools, he/she shall furnish them with an opinion upon any question of law affecting the Town of Groton or their respective powers and duties, which opinion shall, if requested, be in writing.

The Town Attorney shall have the authority to prepare or approve the form of all legal documents, and render opinions upon the legality of ordinances, contracts and any other instruments to which the Town is a party or in which it has a legal interest. The Town Attorney shall have the power, with the approval of the Council, to appeal from court orders, decisions and/or judgments affecting the Town or any of its ABC, and subject to the approval of the Council, to compromise or settle any claim by or against the Town.

The Town Attorney shall have the powers, subject to approval of the Council, to appoint attorneys to perform services in a specialized area of the law or to assist him/her in the regular performance of his/her duties. It shall be the duty of the Town Attorney to recommend to the Council the terms of employment of said attorney(s).

8.2.3 *Successor and Interim Town Attorney.*

Upon the resignation, removal, death or permanent disability of the Town Attorney, the Council shall appoint a successor Town Attorney for the unexpired portion of the term remaining; in the case of temporary incapacity the Council may appoint an interim Town Attorney until such time as the regular Town Attorney is able to resume the duties required of him/her.

Sec. 8.3 Town Auditor.

The Council shall appoint annually a town auditor or auditors to audit all records of all town funds appropriated, non-appropriated or held in town trust.

Sec. 8.4 Board of Assessment Appeals.

The Council shall appoint a Board of Assessment Appeals (BAA) for terms of three (3) years unless otherwise specified by CGS. Members of the BAA, at the time this amendment becomes effective, shall continue to serve the remainder of their appointed terms. Powers and duties of the BAA shall be consistent with CGS.

CHAPTER IX. BUDGET AND FINANCE

~~9.1 Annual Budget Preparation.~~

~~9.1.1 The Budget shall provide a complete financial plan of all town funds to be appropriated for the ensuing fiscal year and, except as required by CGS or this Charter, shall be in such form as the Council may require. The Budget shall begin with a general summary of its contents; shall show in detail all estimated income, including the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged to show comparative figures for actual revenue and~~

~~expenditures of the preceding fiscal year, estimated revenue and expenditures of the current fiscal year, and estimates of revenue and requested budget for the next fiscal year.~~

~~9.1.2 The Budget shall include the Town Manager's recommendations of the amounts to be appropriated for the several departments, departmental functions, offices or agencies of the Town for the ensuing fiscal year for all items, except that the Town Manager shall transmit to the Council the estimates for the BOE or any political subdivision within the Town as submitted to the Town Manager under Section 9.2. Upon the request of the Council, the Town Manager may provide comments on the budget estimates of any political subdivision. The Town Manager shall present reasons for all the manager's recommendations with other such information as may be required by the Council.~~

~~9.1.3 Proposed Capital Projects.~~

~~As part of the annual Budget or as a separate report attached thereto, the Town Manager shall present a program, previously considered and acted upon by the Town Planning Commission in accordance with the CGS, concerning municipal improvements and proposed capital projects 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, departmental function, office or agency including the BOE annually in the form and manner prescribed by the Town Manager. The Town Manager shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the methods of financing the same. All proposed capital projects, regardless of the proposed method or source of funding, shall be included in the Budget. No capital project, regardless of the method or source of funding, shall be undertaken until it has been approved by a majority vote of the RTM.~~

~~9.1.4 Fiscal Year.~~

~~The fiscal year of the Town shall begin on July 1st and end June 30th, unless changed by the CGS.~~

9.1 The fiscal year

The fiscal year shall begin on the first day of July and shall end on the thirtieth day of June. [M78]

9.2 The Budget

9.2.1 The budget shall provide a complete financial plan of all town funds to be appropriated for the ensuing fiscal year and, except as required by CGS or this Charter, shall be in such form as the Council may require. The budget shall begin with a general summary of its contents, shall specify how the budget corresponds to the Council's established goals, shall show in detail all estimated revenue, including the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged to show comparative figures for actual revenue and expenditures of the preceding fiscal year, estimated revenue and expenditures of the current fiscal year, estimates of revenue and requested budget for the next fiscal year and projections for the following fiscal year. [M78]

9.2.2 As part of the proposed budget or as a separate report attached thereto, there shall be a program, previously considered and acted upon by the Town Planning Commission in accordance with the CGS, listing municipal improvements and proposed Capital projects for the ensuing fiscal year and for the five (5) fiscal years thereafter.[M78]

9.3 Budget Development Schedule

9.3.1 There will be an annual schedule for the development of the budget. The schedule will include the dates and locations where the public can participate as well as key milestone dates. [M5]

9.3.1.1 The BOF and the Town Manager will collaborate on developing the schedule. Not later than October 30th the BOF will communicate the schedule to the public, the BOE and Subdivisions. [M5]

9.4 Town Council Budget Guidance

9.4.1 The Council shall provide annual budget guidance to the Town Manager and the BOF not later than January 15. [M6]

9.4.2 Based on their knowledge of the electorate, the Council shall, by the 3rd week in January, provide quantitative guidance to the Manger and to the BOE on the budget. [M4]

9.4.3 Town Council budget guidance will identify and prioritize the functions, programs, initiatives and capital projects that should be funded, or not funded, for the upcoming year and will include an overall budget change expressed as a percent, in dollars or other measure.[M7][M8]

9.4.4 In preparing the annual budget guidance the Town Council will conduct strategic planning sessions involving Town staff and stakeholders from the community. The Town Council will hold at least one public hearing and may hold one or more budget workshops. The dates of such public hearings and budget workshops will be scheduled in accordance with Sec. 9.3. [M13]

9.4.5 Members of the BOE and Subdivisions shall participate in the Town Council budget planning sessions. [M14]

9.4.6 No later than November 20th the BOF will assemble, from Town staff and other sources, and provide to the Town Council data on the current fiscal status of the Town and a forecast of pertinent financial indicators as well as their opinions on each.[M15]

9.5 Departmental estimates.

9.5.1: Based on the Council guidance and on a date set by the Town Manager but not later than February 1 of each year, each department, office, board, commission, committee and agency of the town, excepting the Chair of the BOE, shall submit to the Town Manager, in such form as the Town Manager may prescribe, its estimates of receipts and expenditures, including capital projects, for the ensuing fiscal year and projections for the following fiscal year. Each such department, office, board, commission, committee and agency shall be entitled to an opportunity to be heard by the Town Manager with respect to these estimates.[M16]

9.6 The Board of Education Budget

9.6.1 Not later than February 28 the Chair of the Board of Education shall submit to the Town Manager its estimates of receipts and expenditures, including Capital projects, for the next fiscal year and projections for the following fiscal year. Such estimates shall be in the form prescribed by the State Board of Education, plus such amplification as may be required by the BOF. [M17]

9.7 Subdivisions

9.7.1 Not later than February 28th the governing body of any political subdivision within the Town requesting town appropriations, shall submit to the Town Manager its estimates of receipts and expenditures, including capital projects, for the ensuing fiscal year and projections for the following fiscal year. Such estimates shall be in the form prescribed by the Council, plus such amplification as may be required by the BOF. [M18]

~~9.2 Duties of the Town Manager on the Budget.~~

~~The Town Manager shall require each department, office or agency of the Town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the BOE and any political subdivision within the Town requesting an appropriation, to set forth in such form as the Council may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year. Estimated cost of services, work and activities shall be included.~~

~~9.2.1 Budget Estimates:~~

~~9.2.1.1 The Town Manager shall compile preliminary estimates for the annual Budget. The head of each department, office or agency of the Town, except the BOE and any political subdivision within the Town requesting town appropriation, shall file with the Town Manager on or before January 14th on forms prescribed and provided by the Manager a detailed estimate of the expenditures to be incurred by each department, departmental function or agency and the revenue, other than tax revenues, to be earned thereby in the ensuing fiscal year and such other information as may be required by the Council or the Town Manager.~~

~~9.2.1.2. The Chairman of the BOE shall submit a similar report on or before February 28th.~~

~~9.2.1.3. The governing body of any political subdivision within the Town requesting town appropriations shall submit a similar report on or before February 28th.~~

~~9.2.2. Not later than March 15th the Town Manager shall present to the Council a total Budget of the general form and content described in Section 9.1.~~

Sec. 9.8 Duties of the Manager on the Budget

9.8.1 Not later than March 1 the Town Manager shall present to the BOF and the Town Council a proposed Town budget, in the general form and content described in Sec. 9.2, including recommendations of the amounts to be appropriated for the several departments, departmental functions, offices or agencies of the Town for the ensuing fiscal year, and projections for the following fiscal year for all items, as well as the requests of the Chair of the BOE and the Subdivisions. [M19]

9.8.2 The Manager's proposed budget shall faithfully incorporate the guidance described in Sec. 9.4 except if deviations from the guidance are warranted, the Manager shall provide explanation for those cases. [M20] The Manager shall indicate progress toward established Council goals, including any deviations from the Town Council's stated budget goals, during the current year. [M4]

9.8.3 The Town Manager shall not act on the budget estimates of the Chair of the BOE, Superintendent of Schools, or the subdivisions. The Town Manager may provide comments on the budget estimates of the Chair of the BOE, Superintendent of Schools, and any political subdivision. [M84]

9.8.4 The Town Manager shall specify how the budget corresponds to the Council's established goals. [M4]

9.8.5 The Town Manager shall recommend, and include in his/her proposed budget, those Capital projects to be undertaken during the ensuing fiscal year and the methods of financing the same in accordance with Sec. 9.2.2. All proposed Capital projects, regardless of the proposed method or source of funding, shall be included in the budget. [M21]

9.8.6 The Town Manager shall provide, on quarterly basis, reports regarding Expenditures, Revenue, and General Fund Balance in a setting and format accessible to the general public. [M4]

Sec. 9.9 Duties of the Board of Finance on the proposed budget.

9.9.1 The BOF shall hold one or more public hearings at least ten (10) days after budget submittals by the Town Manager, the Superintendent of Schools, and the subdivisions, but no later than March 8 at which any elector may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. [M85]

9.9.2 The Town Manager and representatives of the BOE and subdivisions shall be present at hearings on their respective budgets. [M22]

9.9.3 Following the aforementioned public hearing(s) the BOF shall prepare its recommendations for the annual town budget and submit them to the Council for consideration not later than March 31. The submittal shall include its overall opinion on the budget and its consistency with Town fiscal policies, also a statement accepting or rejecting any Manager deviations from Town Council guidance. [M23]

Sec. 9.3 Duties of the Council on the Budget.

9.3.1 General.

~~Following receipt of the proposed budget estimates from the Town Manager, the Chairman of the BOE, and the political subdivisions, and not later than April 6th, the Council shall hold at least one public hearing at which the public may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least ten (10) days prior to the aforementioned public hearing, the Council shall cause sufficient copies of said budget estimates to be made available for general distribution in the office of the Town Clerk; shall cause a copy of said estimates to be made available for download via the internet; and shall cause to be published in a newspaper having circulation in the Town, a notice of such public hearing and a summary of said proposed budget estimates and also showing the amount proposed to be raised by taxation. After holding such hearing and on or before April 28th, the Council shall approve a Budget, present the same to the RTM, and set a date for the annual budget meeting of the RTM. The Council's proposed Budget need not be limited in total or in any particular by the recommendations of the Town Manager, the BOE, nor any political subdivision within the Town.~~

9.3.2 Tax rate.

~~When the Council approves the Budget, it shall also compute the tax rate in mills which would be levied on the taxable property in the Town for the ensuing fiscal year if the RTM adopts the Budget. Such tax shall be sufficient to pay all estimated expenses for the ensuing year, and any deficits of the current year. When the RTM has approved a final Budget, the Council shall determine the final tax rate on or before June 9th.~~

Sec. 9.4

Sec. 9.10 Duties of the Council on the proposed budget.

9.10.1 On receipt of the budget recommended by the BOF, the Council shall prepare the annual Town budget. The Council's proposed budget need not be limited in total or in any particular by the recommendations of the Town Manager, the BOF, the Superintendent of Schools, nor any political subdivision within the Town. [M24]

9.10.2 The Council shall, upon its completion of the town budget, but not later than April 15, hold a public hearing at which the public may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least five (5) days prior to the aforementioned public hearing, the Council shall cause sufficient copies of said budget estimates, indicating by description and dollar amounts all variations and departures from the recommendations of the BOF, be made available for general distribution in the office of the Town Clerk and shall cause a copy of said estimates to be made available for download via the internet. [M25]

9.10.3 After the Council has considered the recommendations of the public hearing, the Council shall adopt a recommended annual town budget as described in Sec. 9.2 for the ensuing fiscal year. Such budget shall be adopted no later than April 30.[M26]

Sec. 9.11 Failure to Adopt a Recommended Budget

9.11.1 Should the BOF fail to submit budget recommendations to the Council by March 31, the Council shall proceed at that time to establish a recommended budget.

9.11.2 Should the Council fail to adopt a recommended budget by April 30, the Town and BOE budgets, as adjusted by the recommendations of the BOF, shall be the recommended budget for the Annual Budget Referendum.

9.11.3 Should the BOF fail to submit budget recommendations to the Council by March 31, and the Council fails to adopt a recommended budget by April 30, the budget estimates submitted by the Town Manager as described in Sec. 9.8.1. shall be the recommended budget. [M63]

~~**Sec. 9.4 Duties of the RTM on the Budget.**~~

~~Following receipt of the Budget approved by the Council, the RTM shall meet as directed by the Council for the consideration of the Budget. This meeting shall be held on or before May 3rd at such hour and at such place as the Council shall direct. It may be adjourned from time to time provided that final action be taken on the Budget not later than May 25th.~~

~~The RTM may cut appropriations recommended in the Budget and may, by a two-thirds (2/3) vote of the members present and voting, restore cuts made in a department appropriation by the Council; provided, that in no case can the final total of the Budget or of any bond issue be greater than that proposed by the Town Manager (including the BOE budget) or by the Council, whichever is greater. The RTM shall return the approved Budget to the Council.~~

Sec. 9.12 Budget Referendum

9.12.1 The Annual Budget Referendum shall be held on the third Tuesday in May for voting by voting machine by those eligible by law and this Charter to cast ballots for that purpose.[M28]

9.12.2 No later than 10 days prior to the Annual Budget Referendum the Town Clerk shall publish the date of the referendum in a newspaper having circulation in the Town and by posting in such public place or places as the Council shall by ordinance prescribe.[M28]

9.12.3 At least ten (10) days prior to the annual budget referendum, the Council shall cause a budget summary to be made available upon request in the office of the Town Clerk; shall cause a copy of said budget to be made available for download via the internet; and shall cause to be published in a newspaper having circulation in the Town, a summary of said proposed budget and the amount proposed to be raised by taxation. [M29]

9.12.4 The text of the Annual Budget Referendum shall provide for separate approval/disapproval of the Town Government Budget and the BOE budget as follows:

1. In favor of the proposed Town Government Budget of the Town of Groton for the

fiscal year July 1, _____ to June 30, _____ in the amount of \$ _____.

Yes.

No, the recommended budget is too high.

No, the recommended budget is too low.

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

Yes.

No, the recommended budget is too high.

No, the recommended budget is too low.

[M30]

9.12.5 If a majority of the votes cast in the referendum for each question are "Yes", the adopted budgets, Town and BOE, shall be deemed to be adopted and together shall constitute the approved Town Council budget for the ensuing fiscal year. [M31]

9.12.6 Should either budget fail to be approved by a majority of those voting thereon, the Council shall, within seven days after a failed referendum, recommend a revised budget for each rejected budget, which may be less or greater than the failed budget, as the Council shall deem appropriate based on the results of the referendum. [M61]

9.12.6.1 When adjusting appropriations in the Town budget the Council shall confer with the Town Manager. When adjusting appropriations in the BOE budget the Council shall confer with the BOE. In either case the Council shall request financial recommendations from the BOF. [M61]

9.12.6.2 When adjusting appropriations, the Town Council shall not alter estimates of revenue except for omissions, clerical errors, or revisions of revenue to be received from the State. [M61]

9.12.6.3 The Town Council shall automatically submit the revised budget(s) to referendum 14 days following the date the initial budget referendum was defeated. [M61]

9.12.6.4 At least five (5) days prior to additional referendum on a revised budget, the Council shall publish only the details of the changes made to the previous budget using the same methods listed in section 9.12.3. [M61]

9.12.6.5 Prior to additional referendum on a revised budget, the Council shall hold at least one public hearing upon five days' legal notice. [M61]

9.12.6.6 Additional referenda, as required, will be held every other week on Tuesday thereafter until a budget is approved. Notice for subsequent referenda shall be advertised in a daily newspaper having a general circulation within the Town at least three (3) days prior to each such referendum. [M61]

9.12.6.7 In case a budget is not approved by June 30, the previous year's budget shall be adopted until a new budget is approved. [M61]

~~9.3.2 Tax rate.~~

~~When the Council approves the Budget, it shall also compute the tax rate in mills which would be levied on the taxable property in the Town for the ensuing fiscal year if the RTM adopts the Budget. Such tax shall be sufficient to pay all estimated expenses for the ensuing year, and any deficits of the current year. When the RTM has approved a final Budget, the Council shall determine the final tax rate on or before June 9th.~~

Sec. 9.13 Fixing the Tax Rate

Within three (3) business days after a new budget is adopted in accordance with Sec. 9.12, the Council shall meet, and with due provision for estimated and uncollectible taxes, abatements and corrections, shall lay such tax on the last completed Grand List at

a mill rate that shall be sufficient, with the income from other sources, to meet the estimated expenses of the Town for the next fiscal year. [M62]

Sec. 9.5 Failure to adopt Budget.

9.5.1 Council fails to adopt Budget.

~~Should the Council fail to approve a Budget on or before April 28th, the Budget as transmitted by the Town Manager, in accordance with the provisions of Section 9.2.2 of this Charter, shall be presented to the RTM. Should the RTM adopt a Budget at the annual budget meeting as specified in Section 9.4 of this Charter, the RTM's adopted Budget shall be deemed to be the Budget of the Town, and the Council shall lay the tax rate in accordance therewith.~~

9.5.2 RTM fails to adopt Budget.

~~Should the Council approve a Budget on or before April 28th, and the RTM fails to adopt a Budget at the annual budget meeting as specified in Section 9.4 of this Charter, the Council's approved Budget shall be deemed to be the Budget of the Town, and the Council shall lay the tax rate in accordance therewith.~~

9.5.3 Both Council and RTM fail to adopt Budget.

~~Should the Council fail to approve a Budget on or before April 28th, the Budget as transmitted by the Town Manager in accordance with the provisions of Section 9.2.2 of the Charter, shall be presented to the RTM. Should the RTM fail to adopt a Budget at the annual budget meeting as specified in Section 9.4 of the Charter, the Budget as transmitted by the Town Manager in accordance with Section 9.2.2 of the Charter shall be deemed to be the Budget of the Town, and the Town Manager shall lay the tax rate in accordance therewith.~~

Sec. 9.6 Financial Powers of the RTM.

~~Any appropriation of ten thousand dollars (\$10,000) or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, and any resolution providing for the sale of real estate of the Town valued in excess of ten thousand dollars (\$10,000) used or reserved for town purposes or the purchase of real estate valued in excess of ten thousand dollars (\$10,000) for such purposes, shall become effective, except as otherwise specifically provided in this Charter, only after it has been adopted by the RTM by the vote of the majority of those present and voting at such meeting.~~

~~The RTM shall not act upon any proposal for the sale or purchase of real estate or the issuance of bonds or other borrowing except upon recommendation of the Council nor act upon any appropriation which has not been acted upon by the Council.~~

~~No capital project, regardless of the method or source of funding, shall be undertaken until it has been approved by a majority vote of the RTM.~~

Sec. 9.14 Effect of Adoption of Town Budget

The annual town budget adopted in accordance with the provisions of Sec. 9.12, shall be deemed to constitute the appropriation for each item listed separately on the budget of each department, office, board, commission, committee, subdivision and agency and be the sum estimated in the budget to be expended by each such body, respectively, for such item. Following the adoption of a new budget in accordance with the provisions of Sec. 9.12 the Council shall cause to be prepared and published the annual Town budget. [M64]

Sec. 9.15 Reducing Approved Appropriations

9.15.1 Appropriations adopted in accordance with Sec. 9.12 may be reduced during the fiscal year by the Council if either of the following two conditions is met: [M65]

9.15.1.1 By resolution of the Council that revenues estimated in the adopted budget have not been received or are not likely to be received and as a result an Emergency or Supplemental Appropriation is or may be required to maintain authorized spending levels. [M65]

9.15.1.2 The Town Manager certifies that reductions are needed, citing the consequences if not done. [M65]

9.15.2 When reducing appropriations in the Town budget the Council will confer with the Town Manager. When reducing appropriations in the BOE budget the Council will confer with the BOE. In either case the Council shall request financial recommendations from the BOF. Reductions shall be approved by a two-thirds vote of the Council no later than 60 days after the conditions of 9.15.1.1 or 9.15.1.2 are established, provided that no such action shall be required if the conditions initiating the reduction should cease to exist during the 60 day period. [M65]

9.15.3 The Council shall hold at least one Public Hearing on items to be reduced. [M65]

9.15.4 When the reductions are approved by the Council, the combined Town and BOE budgets shall be deemed adopted and together, including any Emergency and/or Supplemental appropriation, shall constitute the revised approved Council budget for the current fiscal year. When a budget is revised and approved, the prior approved Council budget shall be superseded. M65

9.15.5 Any budget approved in this section shall meet the requirements of Sec. 9.2 and will have the effects described in Sec. 9.14. [M65]

~~Sec. 9.7 Emergency Appropriations.~~

~~Emergency appropriations not exceeding fifty thousand dollars (\$50,000.00) in any one fiscal year may be made upon the recommendation of the Town Manager and by a vote of not less than seven (7) members of the Council for the purpose of meeting a public emergency threatening either the lives, health or property of citizens; provided a public hearing, at which any elector or taxpayer of the Town shall have an opportunity to be heard, shall be held prior to making such appropriations, notice of which hearing shall be given in a local daily newspaper having circulation in the Town not more than ten (10) days nor less than five (5) days prior to such hearing. Such hearing and notice of hearing may be waived if the Council by an affirmative vote of not less than eight (8) of its members shall decide that a delay in making the emergency appropriation would jeopardize the lives or health or property of citizens. In addition to the above appropriation, upon the recommendation of the Town Manager, the Council may also make an emergency appropriation for similar purposes not exceeding ten thousand dollars (\$10,000) without any such hearing and notice upon the affirmative vote of not less than six (6) of its members. In the absence of an available unappropriated and unencumbered surplus in the general fund to meet such appropriations, additional means of financing shall be provided in such a manner, consistent with the provisions of the CGS and of the Charter, as may be determined by the Council.~~

Sec. 9.16 Emergency Appropriations

9.16.1 An Emergency Appropriation is an appropriation required for an unforeseen or extraordinary event or threat to the lives, health or property of citizens or the Town. [M66]

9.16.2 The Council may make Emergency Appropriations not exceeding one-hundred thousand dollars (\$100,000), by a vote of not less than seven (7) members of the Council, provided a public hearing, at which any elector of the Town shall have an opportunity to be heard, shall be held prior to making such appropriations. Such hearing and notice of hearing may be waived if the Council by an affirmative vote of not less than eight (8) of its members, shall decide that a delay in making the Emergency Appropriation would jeopardize the lives, health, or property of citizens. [M66]

9.16.3 In addition to the above appropriation, the Council may also make an Emergency Appropriation for similar purposes not exceeding ten-thousand dollars (\$10,000) without any such hearing and notice upon the affirmative vote of not less than six (6) of its members. [M66]

9.16.4 In the absence of an available unappropriated and unencumbered surplus in the general fund to meet such appropriations, additional means of financing shall be provided in such a manner consistent with the provisions of the Connecticut General Statutes and of this Charter, as may be determined by the Council. The methods of financing may include, without limitation, issuing notes or bonds of the Town or laying a special tax on the Grand List last completed. The Finance Director shall prepare a Financial Impact Statement for requests for such financing methods. [M66]

~~Sec. 9.8~~ 9.17 Tax Bills.

It shall be the duty of the Tax Collector to prepare and mail to each taxpayer, before the date when taxes are due and payable, a tax bill the form of which shall be acceptable to the Commissioner of Revenue Services. [M67]

~~Sec. 9.9~~ 9.18 Assessment and Collection of Taxes.

Except as specifically provided in the Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the **CGS Connecticut General Statutes**. [M67]

~~9.10~~ Sec. 9.19 Expenditures and Accounting

~~9.10.1~~ 9.19.1 General

No purchase shall be made by any department, ~~ABC~~ agency, board, commission, [M68] or officer of the Town other than the BOE, the Probate Court, except through the Purchasing Agent and such purchases shall be made under such rules and regulations as may be established by the Council.

Each order drawn upon the Treasurer shall state the department, commission, board or officer or the appropriation against which it is to be charged. [M68]

The Director of Finance shall record the amounts of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid. [M68]

9.10.2 9.19.2 Approvals ~~Director of Finance~~ [M69]

~~9.10.2.1~~ 9.19.2.1 Restrictions on purchasing.

Purchases shall be made under such rules and regulations as may be established by the Council, subject to the provisions of **CGS Connecticut General Statutes. No contract, work order, purchase order or other authorization to spend money by any department, office, board, commission, committee or agency, except the BOE, shall be valid until it has been endorsed by the Town Manager or Purchasing Agent to the effect that there is an unexpended and unencumbered balance of an appropriation applicable thereto sufficient to meet the estimated cost thereof, provided that the BOE shall set up its own system of budgetary control. It shall further be the duty of the Town Manager or Purchasing Agent, after endorsing such authorization to spend money, to encumber immediately the appropriation in question with such estimated cost. [M69]**

~~9.10.3~~ 9.19.3 *Method of Making Payments.*

The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the Town shall pay the same to the Town Treasurer. **No voucher, claim, or charge against the Town shall be paid until the same has been audited by the Director of Finance or the Director's agent and approved by him/her for correctness and legality. Checks shall be drawn by the Director of Finance for the payment of approved claims which shall be valid only when countersigned by the Treasurer. The Council may make provision, by resolution, for other Town Officials, or Town or BOE employees to sign and countersign checks in the absence or inability to act of either the Director of Finance or the Treasurer, or both, subject to such conditions as the Council may impose. [M69]**

~~9.10.4~~ 9.19.4 *Council Approval before exceeding Budgetary item.*

The several departments, commissions, officers and boards of the Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved and voted by the Council ~~and each order drawn upon the Treasurer shall state the department, commission, board or officer or the appropriation against which it is to be charged. When any department, commission, board or officer shall desire to secure a transfer of funds in its or his/her appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefor, such department, commission, board or officer shall make application to the Town Manager whose duty it shall be to examine into the matter, and upon approval of the Council such transfer may be made but not otherwise. [M70]~~

~~9.10.5~~ 9.19.5 *Council Authority for Transfer of Funds. [M71]*

9.19 5.1 *Transfer of Funds Between Departments*

Upon the request **and certification that the transfer is necessary by** ~~of~~ the Town Manager, but only within the last three (3) months of the fiscal year, the Council may by resolution transfer any unencumbered appropriations, balance or portion thereof from one department, commission, board or office to another. [M71]

In no instance shall appropriations for debt service or other statutory charges be transferred to other purposes. Transfers of ten thousand dollars (\$10,000) **or less or more shall become effective only after they have been adopted by the RTM by the vote of the majority of those present and entitled to vote at such meeting. can be made with the approval of the BOF. Transfers of more than ten thousand dollars (\$10,000) shall require a recommendation from the Board of Finance and a resolution approving the transfer by the Council. [M71]**

9.19.5.2 *Transfer of Funds within a Department.*

Transfer of unencumbered funds from one item of a department budget to another item of the same budget require a recommendation from the BOF and must be voted on and approved by the Council except that a transfer may be made by a department head with the approval of the Town Manager and the BOF subject to the following guidelines: [M71]

- (1) Such transfers shall be limited to the amount of ten thousand dollars (\$10,000) for any single transfer. [M71]
- (2) Transfers will not be made to purchase major pieces of equipment such as vehicles and machinery, or items specifically deleted by the Council.[M71]

~~9.10.6~~ **9.19.6** *Supplemental appropriations.*

~~Additional appropriations over and above the total Budget may be made from time to time by the Council, except as otherwise provided in this Charter, upon recommendation of the Town Manager and certification from the Director of Finance or his/her agent as approved by the Town Manager that there is available an unappropriated and unencumbered surplus in general fund to meet such appropriations.~~

9.19.6.1 A Supplemental Appropriation is any appropriation of funds made during a fiscal year that is additional to an adopted Town budget, BOE budget, or Capital project.

9.19.6.2 A request for a Supplemental Appropriation may be initiated by the Town Manager or by the Council. The request shall include an estimate of the funds required, the reasons therefore, a proposed method of financing, a recommendation of the BOF, and certification by the Director of Finance or his/her agent as approved by the Town Manager that there is available an unappropriated and unencumbered surplus in the General Fund to meet the request. If these conditions are met, the Council may approve the Supplemental Appropriation by resolution.

9.19.6.3 If funding for the Supplemental Appropriation requires issuing notes or bonds of the Town, the procedure outlined in Sec. 5.5.5.1 shall be followed.[M72]

~~9.10.7~~ **9.19.7** *Contingency account.*

~~No expenditure may be charged to the contingency account, but the Council may transfer funds in the contingency account to any other account. Transfers of ten thousand dollars (\$10,000) or more shall become effective only after they have been adopted by the RTM by the vote of the majority of those present and entitled to vote at such meeting.~~

No expenditure may be charged to the contingency account, but the Council, after receiving a recommendation from the BOF, may transfer funds in the contingency account to any other account. [M73]

~~9.10.8~~ **9.19.8** Penalties for Violations:

Every payment made in violation of the provision of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the Town or BOE shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of the Charter or take any part therein, such action shall be cause for his/her removal. [M74]

~~Sec. 9.11~~ **9.19.9** **Contributions.**

The annual budget may include contributions to organizations or private corporations which perform a public function that benefits the Town and/or its residents. Such organizations or private corporations shall properly account for the proposed spending of funds provided by the Town. [M75]

~~Sec. 9.12~~ **9.19.10** **Annual Audit.**

~~The Council shall require an annual audit of all accounts of record and all town funds appropriated, nonappropriated and held in trust in accordance with the CGS.~~

The Council, with recommendation from the BOF, shall annually designate an independent, certified public accountant or firm to audit the books and accounts of the Town as required by the General Statutes. Said annual audit shall be accepted by the Council with the recommendation of the BOF. [M76]

~~Sec. 9.13~~ **9.19.11** **Borrowing**

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the CGS subject to the limitations thereof and the provisions of this Section.

The issuance of bonds and notes shall be authorized by ordinance and if any such bond issue or issuance of notes, except notes in anticipation of taxes to be paid or other revenue to be received within the fiscal year in which issued, shall exceed when authorized the sum of seven hundred fifty thousand dollars (\$750,000) or which shall, when added to all other bond issues or issuance of notes previously authorized in the same fiscal year bring the total of such bond issues or issuance of notes authorized for that fiscal year to a sum in excess of seven hundred fifty thousand dollars (\$750,000), said bond issue or issuance of notes shall be approved by a referendum vote at any regular town, state or special election or at a referendum called for that purpose. [\[M77\]](#)

CHAPTER X. PERSONNEL SYSTEM

Sec. 10.1 Applicability.

This chapter shall be applicable only to employees of the Town of Groton. This chapter does not apply to employees of the BOE.

Sec. 10.2 Regular Positions.

Regular positions are those filled through appointment by the Town Manager or a Department Head. They include full-time and part-time positions scheduled for twenty (20) or more hours per week, but exclude elected, contractual, temporary, seasonal or part-time positions under twenty (20) hours per week, the latter of which are governed by the Personnel Rules established in Section 10.10.

Sec. 10.3 Approval of Positions.

All regular positions shall be approved by the Council through the budget or by resolution. A job description shall be prepared for each approved regular position. Job descriptions shall become effective upon approval of the Council and filing with the Town Clerk.

Sec. 10.4 Employment.

No person shall be employed in a regular position unless it has been approved by the Council and a job description filed with the Town Clerk.

Sec. 10.5 Appointments.

All appointments and promotions shall be made solely on the basis of merit in accordance with the Personnel Rules established in Section 10.10.

Sec. 10.6 Salaries.

The Council shall upon the recommendation of the Town Manager establish by resolution a systematic pay plan for positions not covered by collective bargaining agreements and approve policies for its administration.

Sec. 10.7 Terms and Conditions of Employment.

The Council shall upon the recommendation of the Town Manager approve by resolution benefits and other terms of conditions of employment including a grievance procedure for employees not covered by a collective bargaining agreement.

Sec. 10.8 Removal, Discipline and Dismissal.

The Town Manager or a department head may, in accordance with the provisions of the Personnel Rules, suspend or dismiss a subordinate for just cause. The action may be appealed through the grievance procedure in an applicable collective bargaining agreement or if the person is not covered by a collective bargaining agreement through the grievance procedure established under Section 10.7.

Sec. 10.9 Retirement System.

The Council will establish by ordinance a retirement system for employees of the Town holding regular positions.

Sec. 10.10 Personnel Rules.

The Town Manager shall prepare and submit to the Council a set of Personnel Rules containing such rules as may be necessary to establish and administer the personnel system of the town. Such rules and any amendments thereto shall become effective upon approval by resolution of the Council. If the Council fails to take action within thirty (30) days, the proposed rules and any amendments shall be deemed approved. Copies of such rules and any amendments thereto shall be filed with the Town Clerk and distributed to town employees.

CHAPTER XI. MISCELLANEOUS PROVISIONS

Sec. 11.1 Transfer of Powers.

Continuity of functions. All commissions, boards, departments or offices eliminated from the Charter or any revision thereof, whether elective or appointive, shall continue in the performance of their duties until provision shall have been made for their discontinuance or alteration.

Sec. 11.2 Transfer of Records and Property.

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

Sec. 11.3 Legal Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of the Charter or any revision thereof, brought by or against the Town or any commission, board, department or officer thereof, shall be affected or abated by the adoption of the Charter or any revision thereof 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 party thereto may by or under the Charter or any revision thereof be assigned or transferred to another commission, board, department or officer; but in that event such action may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers and duties have been assigned or transferred by or under the Charter or any revision thereof.

Sec. 11.4 Existing Laws and Ordinances.

All general laws in their application to the Town and all ordinances and bylaws of the Town shall continue in full force and effect except so far as they are inconsistent with the provisions of the Charter. All special acts or parts of special acts relating to the Town of Groton, inconsistent with the provisions of the Charter are repealed.

Sec. 11.5 Amendment of the Charter.

This Charter may be amended in the manner prescribed by CGS for local action on charters and special acts. The amendments to the Charter promulgated by any revision thereof shall become effective sixty (60) days after passage by the electorate.

Sec. 11.6 Repeal of Special Acts.

The following special acts are hereby repealed:

- Special Act No. 198 (1941) An Act Providing for Consolidation of the School Districts in the Town of Groton;
- Special Act No. 108 (1945) An Act Establishing Voting Precincts in the Second Voting District in the Town of Groton;
- Special Act No. 443 (1945) An Act Validating Certain Acts and Deeds Valid Except for Certain Irregularities and Omissions;
- Special Act No. 569 (1953) An Act Concerning the Duties of the Assessor of the Town of Groton.