Charter

of the

Town of Trumbull

Approved
December 8, 2011

I hereby certify that this is a true copy of the original document received for record in the office of Town Clerk in the Town of Trumbull
on 12/8/11 at 10:00 AM
Attest: _____
Town Clerk

RECEIVED FOR RECORD
VOLUME _____ PAGE _____
2011 DEC -8 A 10:00
TRUMBULL LAND RECORDS
ATTEST
TOWN CLERK

APPOINTING AUTHORITY-TOWN COUNCIL

CHARTER REVISION COMMISSION MEMBERS

--John P. Chiota, Chairman

--William S. Holden, Vice Chairman

--Russell Friedson

--Gail J. Hanna

--Paul Timpanelli

--James Cordone

--Marilou Mangiamele, Clerk

--Robert F. Maslan, Jr., Attorney

--Timothy M. Herbst, First Selectman

--Suzanne Burr Monaco, Town Clerk

--Carl A. Massaro, Jr., Chairman, Town Council

TABLE OF CONTENTS

		Page
I	Incorporation and General Powers.....	1
II	Legislative Branch.....	3
III	Executive Branch.....	7
IV	Adopting the Annual Budget.....	21
V	Appropriations from the General Fund and The Capital and Non-Recurring Fund During The Course of the Fiscal Year.....	26
VI	Bond Issues.....	28
VII	Boards and Commissions.....	29
VIII	Electoral Process.....	45
IX	Adoption and Amendment Procedures.....	59

Index

CHAPTER I.

INCORPORATION AND GENERAL POWERS

Section 1. Incorporation.

All the inhabitants dwelling within the Town of Trumbull, as previously constituted, shall continue to be a body politic and corporate under the name of the "Town of Trumbull" (the "Town") and shall have all powers and privileges and immunities previously exercised by the Town and not inconsistent with this Charter, the additional powers and privileges conferred upon town under the General Statutes of the State of Connecticut (the "State") as the same may be amended.

Section 2. Rights.

All property, both real and personal, all rights of actions, and rights of every description and all securities and liens, vested or inchoate, of the Town as of the date when this Charter shall take effect are continued in the Town, and the Town shall continue to be liable on the effective date, whether accrued or not. Nothing shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien for the construction, alteration, or repair of any public improvement.

Section 3. Obligations.

If any contract has been entered into by the Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by a commission, board, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in this chapter, thereafter be exercised and discharged by the First Selectman.

Section 4. Definitions

A. Capitalized Terms. The following rule has been used in determining which terms in this Charter are capitalized: All references to particular Town officials, as defined below, and to particular Town authorities, boards, and commissions are capitalized, while general references are not. For example, The Board of Education shall have the powers and duties conferred on boards of education by the General Statutes.

B. Defined Terms. The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter: "Town office" means any position in Town government which is described by this Charter except membership on

the Town Council.

"Town officer" means an individual elected or appointed to a Town office other than as a member of an authority, board, or commission.

"Town official" means any Town officer and any member of an authority, board, or commission.

"General Statutes" means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated. Where chapter references are made, they are to chapter designation as of January 1, 2006. In the event a chapter designation is changed by the publishers of the General Statues, the new chapter references shall be substituted for the chapter references contained in this Charter.

"Days" Unless otherwise specified, all references in this Charter to days are business days.

CHAPTER II.

LEGISLATIVE BRANCH

Section 1. Town Council.

The legislative power of the Town shall be vested in a Town Council, hereinafter referred to as Council, consisting of twenty-one (21) members elected as provided herein and having the powers and duties conferred herein and by law. Its members shall serve without compensation. The Council shall be the judge of the qualifications of its members. Notwithstanding any other provision of this Charter, no member of the Council shall hold any other office or position of the Town, appointive or elective, permanent or temporary except as a member of a special or standing committee of the Council.

Section 2. Composition and Election.

At the Town election, the members of the Council shall be elected from and by voting districts of the Town for terms of two (2) years. There shall be one (1) Council member for such number of Town residents or fraction thereof as shall be determined by the Town Clerk as herein provided. During the last full week of June in the year of the Town election, the Town Clerk shall determine the total number of Town residents. The Town Clerk shall then divide the total number of residents by twenty-one (21) and allocate to each district such number of Council members as said district is entitled to on a proportionate basis.

Each Council member shall, during the term of his/her office, reside in the voting district from which he/she was elected.

In each district no political party may nominate more than one (1) less than the number of Councilmen to be elected from the district, and each voter may vote for as many Council members as may be elected from the district.

Section 3. Chairman and Vice-Chairman.

The Council shall hold an organizational meeting on the first (1st) Monday of December following the Town election and elect one (1) of its members Chairman, but such office shall not deprive the Chairman of his/her vote on any question. The Chairman shall preside over all meetings of the Council and perform such duties consistent with his/her office as may be imposed by the Council. The Council shall also elect one (1) of its members to the Office of Vice-Chairman who shall assume all the duties of the Chairman whenever and for whatever period of time the Chairman shall designate, or when the Chairman is absent from a meeting of the Council.

Upon the death or resignation of the Chairman, the Vice-Chairman shall assume the duties of Chairman until the Council shall elect a new Chairman.

Section 4. Council Clerk.

The Council shall appoint a Clerk, who shall not be a member of the Council. The Clerk's compensation shall be determined by the Council subject to the approval of the Board of Finance. The Clerk shall keep a record of the attendance of Council members and all actions taken by vote of the Council and of all legislation passed by it, together with a record of the vote cast by each Councilman and such record shall be maintained at the Town Clerk's Office and made available for public inspection. In the absence or disability of the Clerk, his/her powers and duties shall be undertaken by a temporary clerk to be appointed by the Council Chairman.

Section 5. Meetings.

A. The Council shall fix the time and place of its regular meetings, which shall be held monthly, unless otherwise provided by the Council Rules of Procedure, and shall be open to the public. Executive sessions may be held upon a 2/3 vote of the Council members present and voting, but no vote on an issue before the Council shall be taken during said executive session. A roll call vote shall be taken at the request of four (4) members of the Council. The Council shall adopt rules of procedure not inconsistent herewith. A majority of the members of the Council shall constitute a quorum for the conduct of its business. Meetings of the Council shall be held upon the call of the Chairman or, in his/her absence or disability, upon the call of the Town Clerk: (a) at the Chairman's own initiative, (b) at the written request to the Town Clerk of two (2) Council members, (c) at the written request of the First Selectman to the Town Clerk or, (d) after receipt and certification by the Town Clerk of a petition therefor signed by one (1) percent of the electors on the last completed voter registration list. Any request or petition for any special meeting of the Council shall contain the agenda listing the full text of the proposed motions, resolutions, or ordinances which shall be considered at the meeting. Such special meetings shall be held no later than twenty-one (21) days after such written request has been received by the Town Clerk. Upon receipt of such a petition, the Town Clerk shall, within five (5) days thereafter, complete the certification process. If the petition shall meet the requirements of subsection 5(d) of this chapter, then the Town Clerk shall certify the same and shall, forthwith, notify the Chairman of the Council of such certification. Such special meeting shall be held not later than sixteen (16) days thereafter. Notice of meetings of the Council shall be published in a newspaper having a circulation within the Town not less than five (5) days prior to the meeting listing in said notice the agenda contained in the call.

B. All elected and appointed boards, commissions, and committees, including the Town Council, will post information about meetings as follows:

- For all meetings, agendas and all supplemental materials will be posted on the town's official web site no less than 48 hours prior to the posted start time of the related meeting.
- Minutes of all meetings will be posted on the town's official web site by the end of the seventh day following the date the meeting ends.

- The information posted on the town's official web site must be publicly accessible and downloadable.
- The posted information must be kept available on the web site for the greater of five (5) years or the minimum required law.
- Such additional requirements under the Connecticut Freedom of Information Act as amended.

Section 6. Adoption of Legislation.

The adoption of the annual budget shall be governed by the provisions of chapter IV, infra. Every other legislative action, except an emergency action, election of Council officers, appointment of the Clerk of Council, appointment of an acting First Selectman and adoption of rules of procedure, shall, within, three (3) days of its passage, be submitted to the First Selectman for his/her approval. The First Selectman shall sign the proposed legislation, if he/she approves it. If he/she disapproves of the proposed legislation, he/she may within five (5) days following receipt of the same veto and return it to the Clerk of the Council with a statement of the reasons for his/her veto which statement shall be transmitted by the Clerk to the Council at its next meeting. The Council may thereafter pass the proposed legislation by an affirmative vote of at least two-thirds (2/3) of its entire membership. Final passage shall mean adoption by the Council and approval by the First Selectman as provided herein or, in the event of veto by the First Selectman, a subsequent adoption of such legislation by two-thirds (2/3) vote of the entire membership of the Council. If the First Selectman neither approves nor vetoes said legislation within the time required, no further action shall be required by the Council for final passage. Unless such legislative action shall be designated emergency legislation as provided herein, or shall specify a later effective date, it shall become effective on the fifteenth (15th) day following publication, except with reference to the annual budget which shall become effective as hereinafter provided.

Section 7. Emergency Legislation.

The Council may, by two-thirds (2/3) vote of the entire membership, designate any action as an emergency measure, specifying in detail the facts constituting such emergency. No measure creating or abolishing any office or changing the salary, term or duties of any officer or employee may constitute an emergency measure. Any legislative action designated to be a public emergency measure shall become effective immediately upon publication, but shall be subject to rejection, or approval as provided in chapter VIII, Section 7.

Section 8. Publication of Adopted Legislation.

All legislation, after final passage, shall be given a serial number by the Clerk of the Council and be recorded by the Town Clerk and shall be properly indexed. Within five (5) days after final passage, as provided in section 6 of this chapter, the Town Clerk shall transmit for publication in a newspaper, having a circulation within the Town, a notice that such legislation is on file in the Office of the Town Clerk and is available for examination.

Section 9. Investigative Powers.

With reference to proposed legislation, the Council shall have the power to investigate any and all departments, offices and agencies of the Town, and for such purposes the Chairman of the Council shall have the power to issue a subpoena after the authorization by a majority vote of the Council, and when necessary, to secure a capias for the appearance of witnesses and the production of books and papers.

Section 10. Audit Powers.

A. The Council may at any time require and provide for the examination or audit by a certified public accountant of the accounts of any officer or department of the Town, including the Board of Education.

B. At a meeting of the Council subsequent to receipt from such certified public accountant of the report of said examination or audit, the Council shall discuss the report.

Section 11. Powers Denied to Town Council.

The Town Council shall not diminish by ordinance, vote or otherwise, the powers and duties vested in the First Selectman by this Charter.

Section 12. Vacancies in the Town Council.

Any vacancy in the Council shall be filled with the designation of an elector from the same voting district and with the same party affiliation as the vacating member by the vote, at a Council meeting, of the Council members who are of the same political party as the vacating member. If the vacating member was not registered as a member of a political party or if members of a political party shall fail to fill the vacancy within sixty (60) days, then it shall be filled by a two-thirds (2/3) vote of Council members present and voting.

CHAPTER III.

EXECUTIVE BRANCH

Section 1. Office of First Selectman; Election and Qualifications.

A First Selectman shall be elected at the town election to hold office for a term of two (2) years and until his/her successor shall be elected and qualified.

Section 2. Powers and Duties.

The First Selectman shall be the Chief Executive Officer of the town. He/She shall be directly responsible for the administration of all departments headed by persons appointed by him. He/She shall also:

A. See that all laws, ordinances and provisions of this Charter governing the town are faithfully executed and enforced;

B. Make periodic reports to the Town Council. He/She may attend and participate in Town Council meetings, but shall have no vote;

C. Prepare and cause to be printed an annual town report within thirty (30) days after completion of the annual town audit;

D. Recommend to the Town Council such measures as he/she may deem necessary or advisable;

E. Keep the Town Council fully informed on the financial condition of the town by the issuance of quarterly reports of income and expense as to budget items;

F. Submit annually to the Board of Finance a proposed budget for the next fiscal year in accordance with the provisions of chapter IV, section 1, of this Charter;

G. Approve or veto acts of the Town Council in the manner set forth in chapter II;

H. Exercise such powers and duties as may be provided by ordinance or resolution of the Town Council which are not inconsistent with this Charter or the General Statutes.

I. The method of election to any Town office, board, commission, or agency of the Town may be changed by ordinance if the method of election set forth in this Charter is or becomes invalid because of a change in the law. Such ordinance shall comport as nearly as possible to the intent of the Charter provision found to be invalid.

Section 3. Absence, Disability, Vacancy, etc.

A. In the event of his/her disability, personal emergency or temporary absence, the First Selectman may, by letter filed with the Town Clerk, appoint the Town Treasurer or the Chairman of the Town Council in the event that the Town Treasurer cannot or will not serve, to perform the duties of and serve as acting First Selectman. In the event that the First Selectman fails to do so, the Town Council may make said appointment by resolution. The Town Council shall in any event make said appointment if the First Selectman shall be absent from his/her duties for more than thirty (30) consecutive days.

B. The Office of First Selectman shall be deemed vacant if the First Selectman dies, retires, resigns, becomes ineligible to serve, or removes from the town. In any such event the Town Council shall within fifteen (15) days thereafter at a meeting duly warned for said purpose, fill the vacancy for the unexpired portion of the term, by majority vote of the total Town Council members, provided, however, that the Town Clerk shall forthwith warn a special election to fill the vacancy if either (1) the Town Council fails to fill the vacancy within said period, or (2) within ten (10) days after the Town Council shall have filled the vacancy, a petition for a special election shall be filed by a number of town electors equal to at least five (5) percent of those who voted for the office of First Selectman in the preceding Town election. Such petition shall be filed and certified in the manner provided herein for the filing and certifying of referendum petitions.

C. Such special election shall be held on a day to be prescribed by the Town Council which day shall be not earlier than the ninetieth (90th) day and not later than the one hundredth (100th) day following the day of such warning. Until the result of said special election shall have been determined, the Town Treasurer shall serve as acting First Selectman. If the vacancy occurs within six (6) months of the end of the First Selectman's term, no proceeding shall be had to fill the vacancy and the Town Treasurer shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term. In the event the Town Treasurer declines to serve, the Town Council shall fill the vacancy.

Any appointments made by the Acting First Selectman shall expire at the end of the Acting First Selectman's term, unless state law requires otherwise.

Section 4. Removal of Appointees.

Any person holding a town position for which compensation is paid, who is appointed without a fixed term, shall serve at the pleasure of the appointing authority and may be removed, without cause, on ten (10) days' notice.

If such person is appointed by one (1) town body or official on recommendation of another then he/she shall be removed by the appointing authority only on recommendation of the body or official.

Section 5. Relation to Boards and Commissions.

A. Except as otherwise provided in this Charter, the First Selectman shall be a member, ex officio, of all boards, commissions and special committees, but he/she shall not have any voting power unless any such body shall, as a result of a tie vote, fail to organize or elect necessary officers, in either of which case the First Selectman shall have a tie breaking vote.

B. The First Selectman is empowered to convene any or all of the appointed boards and commissions of the town to review and coordinate activities and to plan the operations of the town government. He/She shall, at least once a year, convene a general meeting of all boards and commission members.

Section 6. Department of Finance.

A. *Appointment of Director of Finance.* There shall be a Department of Finance, headed by a Director of Finance, appointed by the First Selectman. A certificate of his/her appointment, signed by the First Selectman shall be filed and recorded by the Town Clerk. In the event of the temporary absence or disability of the Director of Finance, the First Selectman may appoint an acting Director of Finance. The Director of Finance shall serve at the pleasure of the First Selectman. He/She may be suspended and/or removed by the First Selectman.

B. *Powers and duties.* The Director of Finance shall exercise general supervision over the Department of Finance, including the keeping of accounts and all financial records, the compilation of proposed budget figures for the various agencies of the town, the coordination and analysis of wages and salaries, the operation of the offices of the assessor and tax collector, special assessments and other revenues, and the control over purchases and expenditures.

The Director of Finance shall be responsible to the First Selectman for the administration of the Department of Finance. Accounts shall be kept by the Department of Finance, showing the financial transactions of all departments of the town, including all special agency and enterprise funds. Except as otherwise provided by law, forms for such accounts shall be prescribed by the Director of Finance with the approval of the First Selectman, which forms shall be adequate to record all cash receipts and disbursements, all assets, liabilities, reserves, income and expense and all transactions affecting the acquisition, custody and disposition of property and for the making of such reports of the financial transactions and conditions of the town as may be required by law or ordinance.

Financial statements concerning the general fund of the Town of Trumbull, consisting of a statement of revenues, expenditures, encumbrances, and transfers, and a statement of changes in fund balance shall be prepared for each quarter and each fiscal year. Such statements shall be prepared and delivered to all members and alternate members of the Board of Finance, the First Selectman, and all members of the Town Council within thirty (30) days after the close of each quarter of each fiscal year.

Such other reports for other periods and in such detail as may be required by the First Selectman, the Board of Finance, or the Town Council, shall also be prepared concerning the general fund, or any special funds, including all special agency and enterprise funds.

A publicly accessible and downloadable copy of all audit reports performed by or on any Town entity (including those departments managed by the First Selectman as well as the Board of Education) will be posted on the Town's website not more than forty-eight (48) hours after they are completed and reported to the appropriate Town entity. This includes, but is not limited to, audit reports done by outside auditors as well as those performed by the Town's internal auditor. Copies of audit reports must be kept available on the Town's website for the greater of ten (10) years or the minimum required by law.

C. *Tax Collector, Tax Assessor, purchasing authority, agent of the town deposit fund.* The First Selectman shall appoint a Tax Collector and a Tax Assessor for terms coextensive with that of the First Selectman. The Director of Finance shall be the purchasing authority. The Director of Finance shall be the agent of the town deposit fund. Certificates of appointment relating to the Tax Collector and Tax Assessor shall be executed by the First Selectman and filed with and recorded by the Town Clerk. The Tax Collector shall have and exercise the powers and duties conferred and imposed by law on Tax Collectors. The Tax Assessor shall have and exercise the powers and duties conferred and imposed by law on Boards of Assessors.

D. *Treasurer.* The Treasurer shall be elected at the town election for a term of two (2) years and until his/her successor shall be elected and qualified. The Treasurer shall have and exercise the powers and duties conferred and imposed by law on town treasurers except those duties which are conferred specifically upon the Director of Finance by this chapter.

E. *Payments of obligations.*

(i) Payments by the town shall be made only upon approved vouchers certified by the head of the appropriate department or other division of the town government, and by means of warrants on the Town Treasurer issued and signed by the Director of Finance. Expense reimbursements and payments made on behalf of the First Selectman and the Superintendent shall be by the Treasurer. Payment shall be by check instrument signed by the Director of Finance and countersigned by the Town Treasurer. The Director of Finance shall examine all payrolls, bills, and other claims and demands against the town, and shall issue no warrant for the payment unless he/she finds that the claim is in proper form, correctly computed, and duly certified that it is justly and legally due and payable, that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized and that there is money in the town treasury to make the payment. He/She may require any claimant to make oath as to the validity

of his/her claim.

(ii) Payments by the Board of Education shall be made only upon signed authorization of both the Superintendent and the Business manager of the Board of Education. The Business Manager of the Board of Education shall examine all payrolls, bills, and other claims and demands against Board of Education, and shall issue no authorization for the payment unless he/she finds that the claim is in proper form, correctly computed, and duly certified that it is justly and legally due and payable, that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized and that there is money in the Town treasury to make the payment. He/She may require any claimant to make oath as to the validity of his/her claim.

F. *Special audits.* Upon the death, resignation, or removal of any officer of the town, other than the Director of Finance, the Director of Finance shall make an audit and investigation of the accounts of such officer and report to the First Selectman, the Board of Finance, and Town Council. Upon the death, resignation, or removal of the Director of Finance, an audit shall be made of the accounts of the Department of Finance by a certified public accountant, selected by the Board of Finance.

G. Purchasing contracts and expenditures.

(i) The Director of Finance shall be the purchasing authority of the town. The Town's Purchasing Policy shall be adopted by the Town Council. All supplies, materials, equipment and other commodities required by any department, office, agency, board or commission of the town, including the Board of Education, shall be purchased by the purchasing authority in accordance with the purchasing policy as most recently adopted by the Town Council on requisitions in such form as the Director of Finance, with the approval of the First Selectman, may prescribe, signed by the head of the department, office or agency, or chairman of the board or commission.

(ii) Before any purchase is made or any contract for insurance, public work or services, other than professional services, involving an expenditure of more than one thousand dollars ($1,000.00), is let, said purchasing authority shall procure quotes from at least three (3) sources, whenever practicable, and such quotes shall be open to any bidder who shall conform to the regulations which may be imposed by said purchasing authority when the quotes are requested.

(iii) If any purchase or any such contract involves the expenditure of ten thousand dollars ($10,000.00), or more, the purchasing authority shall invite sealed bids or proposals, by causing to be published and advertised therefor in a newspaper having a substantial circulation in the town, at least ten (10) days prior to the opening of said bids. Purchases shall be

made from and contracts let to the lowest, responsible, qualified bidder thereon, or if there be two (2) or more responsible bidders who submit bids which are equal and lowest, to one (1) of the lowest responsible bidders, provided however that the right to reject and to waive any informalities in all bids or proposals shall be reserved, which reservations shall be set forth in such advertisement. This subsection shall apply to the construction of any public buildings and to other public improvements.

The foregoing requirements under (ii) and (iii) as to bids may be waived after the purchasing authority has obtained the written approval of the First Selectman in any case in which compliance with this subsection shall be deemed to be impractical or not in the best interest of the town. The record of any purchase made pursuant to such a waiver shall include a copy of the waiver, which shall contain a statement of the reasons therefor, and shall be kept on file in the office of the purchasing authority where it shall be open to public inspection.

(iv) No purchase shall be made from nor shall services (other than services as an officer, agent, or employee of the town) be secured from any officer or employee of the town, or from any partnership or corporation in which such officer or employee is a partner or officer, or holds a substantial interest, unless such relationship and the fact that such purchase is contemplated shall be made known in writing to the agency making such purchase, and notice thereof posted, for at least five (5) days before such purchase be made, in the office of the agency making such purchase and in a public place in the town hall.

(v) Purchase requisitions and contracts for public work or other services covered by this section shall not be valid without the endorsement of the purchasing authority. The purchasing authority shall endorse a requisition or contract only after he/she has examined the same and found that it conforms to the requirements of this section and that there is a sufficient unencumbered balance of an applicable appropriation to pay the same. The purchasing authority shall record the amount of the requisition or contract as an encumbrance against the appropriation from which it is to be paid. If, by making any contract or purchase, the budget allowance of the department, commission or board requesting same shall be exceeded, the purchase shall not be made. The purchasing authority shall promptly notify the Board of Finance and such contract or purchase may thereafter be authorized in accordance with and subject to the limitations of this Charter.

(vi) Except for emergencies that threaten the immediate health, safety and well-being of town residents, spending by all town entities will be at a rate consistent with the nature of the appropriation.

(vii) No one vendor shall be allowed to receive more than one (1) bid

waiver in any three (3) year period. Bid waivers in excess of $500,000 must receive Town Council approval by a 2/3 majority vote of the entire Town Council.

(viii) Upon change of administration, no contract may be signed from the date of the election to the installation of new officers unless authorized by 2/3 of the Town Council present and voting.

Section 7. Town Clerk.

The Town Clerk shall be elected at the Town Election for a term of two (2) years and until his/her successor shall be elected and qualified. The Town Clerk shall have all powers and duties conferred or imposed by law on Town Clerk and shall serve as registrar of vital statistics. The Town Clerk shall appoint and remove, subject to the provisions of Chapter VII, section 15 of this Charter, all full time deputies, assistants or employees in his/her office.

Section 8. Town Attorney.

The First Selectman shall appoint a Town Attorney(s) or associate Town Attorneys for a term coextensive with that of the First Selectman or for such portion thereof as the First Selectman shall determine.

The Town Attorney shall be attorneys admitted to practice law in this state and shall have practiced law in this state for at least five (5) years. The Town Attorney or associate town attorneys shall be the legal advisors and attorneys for the town and all departments, boards, commissions and officers thereof in matters relating to the town's interests and their official powers and duties. Such legal services shall be provided at the request of the First Selectman or at the direction of the First Selectman. With the approval of the First Selectman, the Town Attorney shall have the authority to designate other attorneys to perform legal services on behalf of the Town.

No compromise or settlement in any proceedings to which the town is a party involving the payment or receipt of money shall be effective without the approval of the Town Council.

Section 9. Fire protection.

The Fire Districts, Fire Departments, fire companies and the Board of Fire Protection now existing shall continue to be responsible for fire prevention and fire protection in the town. The First Selectman shall appoint a Fire Marshal as provided by statute.

Section 10. Welfare.

Duties of First Selectman. The First Selectman shall have all powers and duties relating to the poor, defective and dependent persons vested by law in the selectmen of towns.

Section 11. Animal Control Officer.

A. *Appointment.* The Animal Control Officer shall be appointed by the First Selectman for a term co-extensive with that of the First Selectman. The Animal Control Officer may appoint an Assistant Animal Control Officer subject to the approval of the First Selectman.

B. *Powers and duties.* The Animal Control Officer and Assistant Animal Control Officer shall have all the powers and duties conferred or imposed by law on animal control officers.

Section 12. Department of Public Works.

A. *Composition and appointment.* There shall be a Department of Public Works administered by a Director of Public Works who shall be appointed by the First Selectman. There also shall be a Town Engineer who shall be a professional civil engineer licensed to practice in this state, a Superintendent of Highways and Bridges, a Tree Warden, and such other assistants and employees as shall be deemed necessary to perform the duties and functions of the Department, all of whom shall be appointed by the Director of Public Works, subject to the approval of the First Selectman. There shall be a Superintendent of Parks appointed by the Director of Public Works subject to the approval of the Parks and Recreation Commission. The Town Engineer may also serve as the Director of Public Works. The Superintendent of Highways and Bridges or Superintendent of Parks may also serve as Tree Warden as qualified in chapter III, section 12.G.

B. *Powers and duties.* The Department of Public Works shall have all the administrative powers and duties vested in the town by this Charter or by general law with respect to the following functions:

(i) The construction, reconstruction, maintenance, paving, repairing, draining, cleaning and snow clearance, lighting and inspection of all public streets, signs, highway guide posts and fences, dams, dumps, sanitary sewer systems and other public improvements.

(ii) Maintenance of all buildings and equipment used or owned by the town, except the buildings and equipment used by the Board of Education. The Department of Public Works may maintain and care for school buildings and grounds, but only if and to the extent and for the period requested by the Board of Education and approved by the Town Council, provided the costs are charged against the Board of Education's appropriations.

(iii) The planting, preservation, care and removal of trees, shrubs, and other vegetation within highways or public places or on town property.

(iv) Under the direction and control of the Director of Public Works, the Superintendent of Parks shall have general charge of the maintenance,

care and upkeep of the cemeteries, parks, playground[s] and recreational areas of the town.

(v) Construction of buildings and other public works that are assigned to building committees shall be under the control of such committees until final acceptance by the town. Each such building committee shall, prior to filing any request with any public body for funding for construction of buildings or other public works, submit a construction proposal to the Department of Public Works which department shall do an evaluation of the impact that any such proposed construction shall have on existing public facilities, such as driveways, sewers, both sanitary and storm, and drainage. The Department of Public Works shall, not later than sixty (60) days after receipt of proposals from any such building committee, file with the Building Committee a public facilities impact statement together with such recommendations as the Department may choose to make for improvement to or modification of existing public facilities. Each building committee shall, prior to adoption of its final construction plans, consider the public facilities impact statement, including projected maintenance and operating costs, submitted by the Department of Public Works and shall have the right to either adopt or reject any or all of the recommendations made therein. Each such building committee shall, however, upon making application for funding, submit to the appropriate body, a copy of the impact statement together with a statement of the action that it has taken on the recommendations made by the Department of Public Works.

C. *Director of Public Works.* The Director of Public Works shall be qualified by experience to fulfill the duties of his/her office. He/She shall provide technical advice to the town and to all boards, committees, commissions and officers thereof, concerning the engineering matters of the town and the design and construction of its physical plant. He/She shall have the power, subject to the approval of the First Selectman, to make any and all appointments and to fill any and all vacancies and to employ any and all of the personnel deemed necessary for the operation of the Department and shall prescribe and define their respective duties.

D. *Engineering Department.* The Town Engineer shall make or supervise the making of all surveys, maps, plans, drawings, specifications and estimates relating to the work of the town or any of its departments, boards, commissions or officers, except those delegated by the Town Council to building committees. He/She shall, within the Department of Public Works, have custody of all maps of the town not entrusted by ordinance, or otherwise by law, to any other department, board, commission or officer thereof, and shall maintain maps and other records showing highway, building and veranda lines, street profiles, and plans and profiles of storm and sanitary sewers, and zoning districts established by the town.

E. *Acceptance of new streets.* The First Selectman shall have the authority to accept streets into the highway system of the town. No new street shall be accepted without a written certificate from the Director of Public Works stating that the street has

been completed and complies with all standards and specifications established by the Planning and Zoning Commission and other ordinances and regulations pertaining to new streets.

F. *Superintendent of Highways and Bridges.* The Director of Public Works or his/her designee(s) shall be the Superintendent of Highways and Bridges and shall exercise the responsibilities of the Department with respect to streets, highways, bridges, sidewalks, curbs, street signs and guide posts, and shall perform such other duties as the Director of Public Works may require.

G. *Tree Warden.* The Tree Warden, under the direction and control of the Director of Public Works, shall have charge of the planting, preservation, care and removal of trees within highways or public places or on town property, and such other duties as are imposed by law. The Tree Warden shall be licensed as a tree expert, as defined by the General Statutes. The Tree Warden cannot have a financial interest in the tree work to be performed on behalf of the Town.

Section 13. Office of Emergency Management.

A. *Composition and appointment.* There shall be an Office of Emergency Management administered by a Director of Emergency Management who shall be appointed by the First Selectman and report to the Chief of Police.

There also shall be such other assistants and employees as shall be deemed necessary to perform the duties and functions of the Office of Emergency Management, all of whom shall be appointed by the Chief of Police, subject to the approval of the First Selectman.

B. *Powers and duties.* The Office of Emergency Management shall have all the administrative powers and duties vested in the town by this Charter or by general law with respect to the following functions:

(i) The Office of Emergency Management plans for and prepares for emergencies – natural or man-made – that could affect Trumbull's citizens and facilitates a coordinated effort for preparedness, mitigation, response, and recovery from emergencies and disasters. This includes documenting plans and procedures, training personnel, acquiring equipment, as well as strategizing with other departments and agencies. In the event of an actual emergency, the Director or his/her designee will mobilize and deploy personnel and resources, notify the public and press of the emergency and manage the emergency event to maximize resources and minimize any negative impact.

Section 14. Building Department.

A. *Composition and appointment.* The town shall have a Building Department under the jurisdiction of the Building Official appointed by the First Selectman. The Building Official shall appoint assistants and other personnel as he/she deems

necessary, subject to the approval of the First Selectman. The Building Official and such appointees shall meet such requirements for the respective positions as may now or hereafter be provided by law.

B. *Powers and duties.* The Building Official and assistants shall have all of the powers and duties conferred or imposed by law on building officials.

C. *Building code.* The state building code as provided in section 19-395e of the Connecticut General Statutes as amended and as the same may be amended from time to time shall be the building code for the town.

D. *Building Code Board of Appeals.*

(i) *Composition and appointment.* The town shall have a Building Code Board of Appeals which shall consist of five (5) members appointed by the First Selectman for a term of five (5) years each, one of which terms shall expire each year.

(ii) *Powers and duties.* The Building Code Board of Appeals shall have all the powers and duties conferred or imposed by law on building code boards of appeals.

E. Housing Board of Appeals.

(i) *Composition and appointment.* The town shall have a Housing Board of Appeals which shall consist of six (6) members who shall be the Fire Marshal, Director of Health, Director of Public Works, and three (3) electors of the town, to be appointed by the First Selectman for a term of three (3) years with the term of one (1) member expiring each year. Any vacancy shall be filled by the First Selectman.

(ii) *Powers and duties.* The Housing Board of Appeals shall have all the powers and duties conferred or imposed by law on housing boards of appeals.

Section 15. Bonds.

The First Selectman, Town Clerk, Assistant Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, and Building Official, and such other officers and employees as may be required to do so by statute or by action of the Town Council, shall, before entering upon their duties, execute a bond for the faithful performance of their duties, in form and amount as prescribed by law, and if not otherwise provided for, then in an amount prescribed by the First Selectman and form approved by the Town Attorney, and file the same with the Town Clerk. Nothing herein shall be deemed to preclude blanket fidelity bonds. Premiums on such bonds shall be paid by the town.

CHAPTER IV.

ADOPTING THE ANNUAL BUDGET

Section 1. Duties of the First Selectman.

The First Selectman shall be responsible for the preparation of a proposed budget for each fiscal year to be submitted to the Board of Finance, annually, no later than February 10. The proposed budget shall be a budget for all departments of Town government including the Education Department and shall include all enterprise funds and special agency accounts. It shall be prepared according to a classification system adopted by the Board of Finance and shall take into consideration detailed estimates of proposed expenditures and revenues furnished to the First Selectman by the several departments and other divisions of the Town government.

A. The proposed budget shall include the following information:

(i) An itemized statement of appropriations proposed by the First Selectman for current expenses and capital expenditures, capital items and permanent improvements for each department and each division thereof for the ensuing fiscal year together with comparative statements, in parallel columns, of the requests made by the various departments and divisions of the appropriations and expenditures for the current and preceding fiscal years including supplemental appropriations and transfers for the current year through December 31st and the increases or decreases between the current and ensuing fiscal years and the appropriations recommended.

(ii) An itemized statement of the taxes required and of the estimated revenues of the Town from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and preceding fiscal year, and of the increases or decreases estimated or proposed.

(iii) Financial statements of most recent date, as provided in chapter III, section 6 B, and such other information as may be required by the Town Council or the Board of Finance.

B. Adopted Budget:

(i) The First Selectman shall sign the adopted budget, if he/she approves it; or

(ii) Within five (5) days after adoption of the budget by the Town Council as provided in section 3 B or C infra, the First Selectman may veto any item or items thereof. An item for the purpose of this section shall be the same as an item defined for the purpose of a referendum in chapter

VIII, section 7 B V. If the First Selectman shall so veto, he/she shall, no later than 5:00 p.m. on the last day of said five-day period, return the veto to the Town Clerk with a statement of the reasons for his/her veto. Thereupon, the Town Clerk shall immediately notify the Chairman of the Town Council of the receipt of said veto and the Chairman shall immediately call a meeting of the Town Council to be held no later than ten (10) days after the receipt by the Town Clerk of said veto.

(iii) The Town Council may pass any said item or items vetoed by the First Selectman by a vote of two-thirds (2/3) of the entire membership. In the event that any vetoed item or items are not passed by the Town Council over the veto, said item or items as recommended to the Town Council by the Board of Finance shall be deemed to have been the adopted item or items by the Town Council.

(iv) If within five (5) days after adoption of the budget by the Town Council, as provided in section 3 B or C, infra, the First Selectman neither signs nor exercises his/her veto power in accordance with section 1 B ii supra, said adopted budget shall be deemed the final adopted budget as of 5:00 p.m. of the last day of said five day period.

Section 2. Duties of the Board of Finance.

A. The Board of Finance shall conduct a public hearing on the budget proposed by the First Selectman and at said meeting or any adjournment thereof it shall hear all electors or taxpayers who may desire to be heard relative to the proposed budget.

B. The Board of Finance shall, not later than five (5) days prior to the hearing provided in chapter IV, section 2 A, cause to be published in a newspaper having a general circulation in the Town, as well as the Town's website, the budget proposed by the First Selectman including in parallel columns, for each item, the sum budgeted for the current fiscal year and the sum requested by each department or division for the next fiscal year, the sum proposed by the First Selectman and also the estimated tax rate.

C. The Board of Finance shall consider the budget proposed by the First Selectman at a duly warned meeting and shall act upon said proposed budget at said duly warned meeting. It shall:

(i) Adopt and approve the budget proposed by the First Selectman; or

(ii) Make such changes in any estimates or appropriations contained in the proposed budget as it shall deem proper; and/or

(iii) Add appropriations or receipt items not contained in the proposed budget.

D. The Board of Finance shall, in any event, no later than the 24th of March, submit to the Town Council its recommended budget for the next fiscal year.

Section 3. Duties of the Town Council.

A. Upon receipt of the budget recommended by the Board of Finance for the ensuing fiscal year, the Town Council shall cause sufficient copies thereof to be made available for general distribution in the Office of the Town Clerk and shall hold a public hearing thereon no later than the 14th of April each year. At least five (5) days prior to said hearing, the Town Council shall cause to be published, in a newspaper having a general circulation in the Town, as well as the Town's website, a notice of the public hearing together with a summary of the budget recommended by the Board of Finance showing proposed expenditures, anticipated revenues by major sources together with the amount of revenue to be raised by general taxation.

B. The Town Council shall consider the budget recommended by the Board of Finance and shall adopt a budget no later than the 30th day of April and submit same to the First Selectman within two (2) days of adoption.

C. If the Town Council shall not have adopted a budget on or prior to said date, then the budget recommended by the Board of Finance shall be deemed to have finally been adopted by the Town Council as of said date.

D. The Town Council shall have the following powers with respect to any item in the budget recommended by the Board of Finance:

(i) It shall have the power to reduce any item in the budget recommended by the Board of Finance by a majority vote of the Town Council members present and voting; and

(ii) It may increase any item in said budget or add new items to said budget only on a two-thirds (2/3) affirmative vote of the entire membership of the Town Council provided, however, that new items may be added by the Town Council only to the extent that such items were included in the budget proposed by the First Selectman and provided further that any increase in said budget shall not be in excess of the amount for said item in the budget proposed by the First Selectman.

E. If the Board of Finance shall fail to act, as set forth upon the budget proposed by the First Selectman or shall have failed to submit a recommended budget to the Town Council within the time limited by this chapter, then the budget proposed to the Board of Finance by the First Selectman shall be considered by the Town Council. The Town Council shall hold a public hearing on the budget proposed by the First Selectman after giving notice, all as set forth in chapter IV, section 3 A. The Town Council shall have, when considering and acting upon the budget proposed by the First Selectman, the same powers granted to the Board of Finance under the provisions of chapter IV, section 2 C, and shall exercise said powers by the vote of a simple majority of its members present and voting.

Section 4. Effective date of the budget.

A. Any budget adopted pursuant to the provisions of this chapter shall become effective on the 20th day of May unless a petition for a referendum has been filed as hereinafter provided.

B. Any item subject to such referendum shall become effective in accordance with the referendum provisions of Chapter VIII.

Section 5. Setting the tax rate.

No later than the 25th of May the Board of Finance shall meet, and with due provision for estimated uncollectible taxes, abatements and corrections, shall lay such tax on the grand list of the preceding October first (1st) as shall be sufficient, in addition to the other estimated yearly income of the Town, and in addition to such revenue surplus, if any, as may be appropriated, not only to pay the expenses of the Town for the ensuing fiscal year, but also to absorb the revenue deficit of the Town, if any, at the beginning of the ensuing fiscal year. In the event of a referendum affecting the budget, the Board of Finance shall set the tax rate not later than five (5) days after the vote in said referendum. If the Board of Finance shall fail to set a tax rate within the time limits provided, then the First Selectman shall set the tax rate.

CHAPTER V.

APPROPRIATIONS FROM THE GENERAL FUND AND THE CAPITAL AND NONRECURRING FUND DURING THE COURSE OF THE FISCAL YEAR

Section 1. Transfer of funds.

No expenditure shall be made by any department or Town official except in accordance with the appropriation items set forth in the budget, or supplemental appropriations as provided herein.

The head of any department of Town government seeking a transfer of funds between different appropriation items within any department shall file a petition for such a transfer with the Board of Finance which shall have the authority to make such an appropriation transfer, provided, however, that by any such act the total appropriation for the Department shall not be increased.

Section 2. Supplemental Appropriations.

A. The head of any department of Town government or the Town Council shall have the right to initiate proceedings for a supplemental appropriation during the course of the fiscal year. The right of the department head shall be to seek a supplemental appropriation for the department which he/she heads. The Town Council shall have the right to seek a supplemental appropriation for any department of Town government or the Town Council.

B. The party seeking such a supplemental appropriation shall file a petition therefor with the First Selectman who shall, within ten (10) days after receipt of such a petition, endorse thereon his/her approval or disapproval, or if his/her approval is for a sum less than the amount requested, the amount which is in fact approved by him/her, and shall file the same with the Chairman of the Board of Finance. If the First Selectman shall fail to act as hereinbefore set forth, then the petition filed with him/her by the department head or by the Town Council shall be deemed approved.

C. Within forty-five (45) days after the date on which the First Selectman shall be required to act, the Board of Finance shall consider and act upon the petition by denying the same, granting the same as petitioned or granting the same for a sum other than that petitioned.

D. Any action by the Board of Finance on any such matter shall go to the Town Council for review and action as hereinafter set forth if the same involves:

(i) An appropriation for capital or nonrecurring expenditures; or

(ii) An appropriation from the general fund for a sum in excess of two thousand dollars ($2,000.00); or

(iii) If the same involves an appropriation from the general fund to any department which has received supplemental appropriations from the general fund during the course of any fiscal year the sum total of which is in excess of the sum of ten thousand dollars ($10,000.00); or

(iv) Upon petition by the First Selectman where the Board of Finance has failed to approve any petition as approved by the First Selectman.

E. The Town Council shall act upon any such appropriation item not later than forty-five (45) days after action thereon by the Board of Finance provided that its authority shall be limited to authorization of funds no greater than that requested by the First Selectman or approved by the Board of Finance, or as provided in subsection (d) above.

F. Action of the Town Council with respect to the transfer of funds, appropriations from the general fund, and transfers from the Capital and Nonrecurring Fund, shall be subject to the provisions of chapter II, concerning approval by the First Selectman.

CHAPTER VI.

BOND ISSUES

The Town shall have the power to issue bonds as provided in the General Statutes, provided however, that should the Board of Finance refuse to recommend a proposed bond issue or recommend the issuance of bonds in a lesser amount than proposed, then in such event, the Town Council shall be empowered to authorize the issuance of bonds without regard to the recommendation of the Board of Finance upon two-thirds (2/3) affirmative vote of the entire membership of the Town Council. The Board of Finance shall be deemed to have refused to recommend a bond issue as provided in this chapter if it shall not have recommended the same within thirty (30) days after a request for action on a proposed bond issue shall have been made to said Board by the Town Council. Action by the Town Council with respect to bond issues shall be subject to the provisions of chapter II concerning approval by the First Selectman.

CHAPTER VII.

BOARDS AND COMMISSIONS

Section 1. Board of Finance.

A. *Composition and election.* The Town shall have a Board of Finance consisting of six (6) members who shall be elected for terms of four (4) years each and three (3) alternate members. Three (3) members shall be elected for full terms at each Town election. The provisions of minority representation as set forth under section 9-167a, of the General Statutes as amended, shall apply to the Board of Finance and each political party may nominate and elect as many members of the Board of Finance as shall be permitted by the minority representation provisions of said section 9-167a. Each alternate member shall be appointed by the Town Council to serve for a term of three (3) years. The term of one (1) alternate member shall expire each year.

B. *Powers and duties.* The Board of Finance shall have the powers granted and the duties imposed by this Charter together with the powers granted and the duties imposed by the General Statutes on boards of finance except to the extent that the latter may be inconsistent with or in conflict with any of the provisions of this Charter.

C. *Internal Auditor.* The Board of Finance shall appoint an internal finance and operations auditor. Upon the direction of the Board of Finance, the Auditor shall have the authority to audit the finances and operations of any Trumbull government entity, included but not limited to, the Town, the Board of Education, Enterprise Funds, Special Agency Accounts and any other government entity receiving and/or spending use charges and any other income. The Auditor shall present his/her reports to the Board of Finance.

Section 2. Board of Assessment Appeals

A. *Composition and election.* The Town shall have a Board of Assessment Appeals, which shall consist of three (3) members, each of whom shall be elected for a term of six (6) years. One (1) member shall be elected for a full term at each Town election. There shall be two (2) alternate members appointed by the First Selectman subject to the approval of the Town Council. No more than one (1) alternate member shall be appointed from any one (1) party.

B. *Powers and duties.* Board of Assessment Appeals shall have all the powers and duties conferred or imposed by law on Boards of Assessment Appeals.

Section 3. Board of Education.

A. *Composition and election.* Except as provided herein, the Board of Education shall continue as established, subject to and pursuant to the General Statutes, consisting of seven (7) resident electors, six (6) of whom shall be elected for

terms of four (4) years, and one (1) of whom shall be elected for a term of two (2) years. Commencing with the election occurring in November 2015, the Board of Education shall consist of seven (7) members, who shall be elected to concurrent two (2) year terms.

B. *Minority representation and voting.* In accordance with section 9-167a of the Connecticut General Statutes, not more than five (5) members of the Board of Education shall be members of the same political party. Notwithstanding the provisions of Chapter VIII, Section 4 of this Charter, electors may vote for up to seven (7) candidates for the Board of Education.

C. *Transition election.* At the election occurring in November 2013, four (4) members shall be elected for terms of two (2) years, and electors may vote for up to four (4) candidates. At the election occurring in November 2015 and thereafter, all seven (7) members of the Board of Education shall be elected for concurrent terms of two (2) years.

D. *Powers and duties.* The Board of Education shall have all the powers and duties conferred or imposed by law on boards of education.

Section 4. Library Board.

A. *Composition.* The Town shall have a Library Board, which shall consist of nine (9) members.

B. *Appointment.* Each member of the Board shall be appointed for a term of three (3) years and the terms of three (3) members shall expire each year. All nine (9) members shall be appointed by the First Selectman provided however that two (2) of the members shall be appointed by the First Selectman upon the recommendation of the governing body of the Fairchild-Nichols Memorial Library. The First Selectman shall, not less than thirty (30) days prior to the expiration of the term of any member so recommended or upon any earlier termination of the term of any members so recommended, give notice to the governing body of the Fairchild-Nichols Memorial Library that such a vacancy has occurred or that the term of such a member is about to expire. Should the governing body of the Fairchild-Nichols Memorial Library fail to make a recommendation for appointment within thirty (30) days after receipt of such notice, the First Selectman shall have the right to make the appointment or fill the vacancy without the recommendation.

C. *Powers and duties.* The Board shall be vested with the power to manage the public library system of the Town. Such Board shall have such additional powers and duties as are granted to library boards pursuant to the Statutes of the State of Connecticut.

Section 5. Planning and Zoning Commission.

A. *Composition and election.* The Town shall have a Planning and Zoning Commission, which shall consist of five (5) members and three (3) alternate members.

Each of the regular members shall be elected for a term of five (5) years. Each of the alternate members shall be appointed by the Town Council to serve for a term of three (3) years. The term of one (1) regular member and one (1) alternate member shall expire each year.

B. *Powers and duties.* The Planning and Zoning Commission shall have all the powers and duties conferred or imposed by law on planning and zoning commissions.

Section 6. Zoning Board of Appeals.

A. *Composition and election.* The Town shall have a Zoning Board of Appeals, which shall consist of five (5) regular members and three (3) alternate members. Each of the regular members shall be elected for a term of five (5) years. Each of the alternate members shall be appointed by the Town Council to serve for a term of three (3) years. The term of one (1) regular member and one (1) alternate member shall expire each year.

B. *Powers and duties.* The Zoning Board of Appeals shall have all the powers and duties conferred or imposed by law on zoning boards of appeals. The Zoning Enforcement Officer appointed by the Planning and Zoning Commission shall act as zoning enforcement officer for the Zoning Board of Appeals.

Section 7. Inland Wetlands and Watercourses Commission.

A. *Composition and appointment.* The Inland Wetlands and Watercourses Commission shall continue as established subject to and pursuant to the General Statutes and ordinances of the Town and shall be composed of seven (7) regular and three (3) alternate members all of whom shall be appointed by the First Selectman with the approval of the Town Council for a term of three (3) years. No more than two (2) alternate members shall both be members of the same political party.

One (1) member shall be appointed from among the members of the Planning and Zoning Commission whose term of office shall be concurrent with his/her term of office on the Planning and Zoning Commission but in no case to exceed three (3) years. The terms of two (2) regular members-at-large and one (1) alternate member shall expire each year.

B. *Powers and duties.* Said Commission shall have all the powers and duties conferred or imposed by the General Statutes and by the ordinances of the Town.

Section 8. Police Commission.

A. *Composition and appointment.* The Town shall have a Police Commission which shall consist of six (6) members who shall be appointed by the First Selectman for a term of three (3) years, two (2) of which terms shall expire each year. The First Selectman shall be a member of said Commission, ex officio, but shall have no vote in the proceedings of said Commission except in case of a tie vote of the entire

membership of the Commission.

B. *Powers and duties.* The Commission shall have general management and control of the Police Department and all apparatus, equipment and premises owned or used by the Town for police purposes, and shall have the powers conferred or imposed by law on Police Commissions.

The Commission shall fix the number of members of the Department and designate one who shall be Chief of Police. The Chief of Police shall be the chief administrative officer of the Department and shall be responsible to the Commission for the efficiency of the Department and the execution of all laws, rules and regulations prescribed by statute or Town ordinance, or by the Commission. The Commission shall make such rules for the government of the Police Department as it may deem necessary consistent with the provisions hereto.

The Commission shall appoint and prescribe the duties of regular, special and auxiliary police officers and shall prescribe appropriate qualifications for such appointments, which qualifications shall include qualifications similar to those for appointment in the State Police. All promotions in the Department shall be made from within the Department except that the appointment of a Chief of Police may be made from within or without the Department. Any person appointed police officer shall remain in office during good behavior and until removed, suspended or disciplined by the Police Commission for cause after due written notice and hearing, which hearing shall be public at the option of the officer.

The compensation of police officers shall be by salary, and no officer shall receive any fee for service in any criminal matter, unless otherwise authorized by law.

C. Constables and police officers.

(i) Three (3) constables shall be elected at each Town election to serve for a term of two (2) years.

(ii) Constables shall have no authority in any criminal matter. Members of the Police Department shall have all of the authority as to service of criminal process and law enforcement vested by law in police officers and constables.

D. *Traffic authority.* The Police Commission shall be the traffic authority, under the provisions of the General Statutes, for the Town.

Section 9. Board of Health.

A. *Composition and appointment.* The Town shall have a Board of Health, which shall consist of five (5) members appointed by the First Selectman for a term of five (5) years. The term of one (1) member shall expire each year.

B. *Powers and duties.* The Board of Health shall have all the powers and

duties conferred or imposed by law on boards of health.

C. *Director of Health.* The Board of Health shall appoint a Director of Health who shall have a degree of Doctor of Medicine and shall have been licensed to practice medicine in this state for at least five (5) years, or a graduate degree in public health as a result of at least one (1) year's training, including at least sixty (60) hours in local public health administration, in a recognized school of public health or shall have such combination of training and experience as meets the approval of the Public Health Council. If the appointee is other than a licensed physician, the department of health must employ a licensed physician to perform those duties requiring a Medical Doctor (M.D.) license. The Director of Health shall have the powers and duties conferred or imposed upon directors of health by the General Statutes, the state sanitary code and otherwise imposed by law. He/she shall be head of the Health Department, shall be charged with enforcement of all laws, ordinances, rules and regulations with respect to the public health and shall have such other duties as may be prescribed by the Council or the Board of Health. The Director of Health with the approval of the Board shall appoint and prescribe the duties of such personnel as may be necessary for the promotion, protection and preservation of the public health. The Board of Health shall advise the Director of Health on public health and related problems and shall coordinate all activities in the Town relating to the public health.

D. This section shall not apply if the Town is a member of a regional board of health.

Section 10. Economic and Community Development Commission.

A. *Composition and appointment.* The Town shall have an Economic and Community Development Commission, which shall consist of nine (9) members appointed by the First Selectman each for a term of three (3) years. The terms of three (3) members shall expire each year.

B. *Powers and duties.* The Commission shall conduct research into business and industrial conditions in the Town and shall familiarize itself with the zoning laws of the Town and other communities in the state, and shall consult with the Planning and Zoning Commission and such other agencies, official or otherwise, as may be concerned with the location of business and industry in the Town. The Economic Development Commission shall take such action as it may deem appropriate to encourage the location of desirable business and industry in suitable areas of the Town.

The Commission may advertise and may prepare, print and distribute such books, maps, charts and pamphlets as in its judgment shall further its official purposes and shall have all of the powers and duties conferred or imposed by law on development commissions.

Section 11. Parks and Recreation Commission.

A. *Composition and appointment.* The Town shall have a Parks and Recreation Commission, which shall consist of nine (9) members appointed by the First

Selectman for three (3) year terms. The terms of three (3) members shall expire each year.

B. *Officers and employees.* The Commission shall elect annually a Chairman, a Vice-Chairman, and a Secretary. It shall have the power to make rules and bylaws for the transaction of its business, and to appoint or employ such employees as it may deem necessary, except as provided in chapter III, section 12 A, and shall prescribe and define their respective duties.

C. *Duties in general.* The Commission shall have the care, management, and control of all parks and grounds used for park and recreational purposes and all structures thereon, excepting the public golf courses located within the Town together with all structures and buildings thereon. It may improve and adorn said parks and grounds and do all things necessary and incidental to the development, care and maintenance thereof. The Commission shall have the power to make and alter from time to time all needful rules and regulations for the maintenance of order, safety and decency in said parks and grounds, both within and without the limits of the Town, and affix penalties for disobedience thereof, provided however, that nothing herein shall prevent the Council from enacting ordinances concerning the maintenance of order, safety and decency in park areas.

D. *Power to regulate use of utilities.* No sewer or utility line or device in connection therewith shall be laid, erected or otherwise constructed on property or grounds under the control of the Commission, without the prior written consent of the Commission, which may designate the place and the manner of constructing the same, and may provide that the same be altered at such time and in such manner and under such conditions as the Commission shall deem best.

E. *Power to consider gifts.* The Commission shall consider the acceptance of gifts, donations, legacies or devises for park purposes, and recommend the acceptance or rejection thereof to the Town Council.

F. *Transition Terms.* The members of the Parks Commission and the Recreation Commission as of the effective date of this Charter shall remain in office as members of the Parks and Recreation Commission until their terms expire. No appointments to the Parks and Recreation Commission shall be made until December 2012, when the First Selectman shall appoint two (2) members for a term of three (3) years. In December 2013, the First Selectman shall appoint three (3) members for a term of three (3) years. In December of each subsequent year, the First Selectman shall appoint three (3) members for a term of three (3) years.

Section 12. Golf Course Commission.

A. *Composition and appointment.* The Town shall have a Golf Course Commission composed of nine (9) members, appointed by the First Selectman and approved by the Town Council, for three-year terms with three (3) terms expiring each year.

B. *Powers and duties.* Subject to ordinance by the Town Council, the Golf Course Commission shall have the exclusive control and custody and exercise management of the public golf courses located within the Town, together with all structures and buildings located thereon. The Commission shall be charged with the responsibility of formulating policies relating to the operation of the golf courses, shall fix rules and regulations of play, hours of operation, fees and charges, and all other decisions necessary for the successful operation of said golf courses.

Section 13. Water Pollution Control Authority.

A. *Composition and appointment.* The Town shall have a Water Pollution Control Authority which shall consist of five (5) members and two (2) alternate members who shall be appointed by the First Selectman. Each member shall serve for a term of five (5) years. Each alternate member shall serve for a term of two (2) years. The term of one (1) member shall expire each year. The two alternate members shall not both be members of the same political party.

B. *Powers and duties.* The Water Pollution Control Authority shall have all the powers and duties conferred or imposed by law on Water Pollution Control Authorities.

Section 14. Housing Authority.

A. *Composition and appointment.* The Town shall have a Housing Authority, which shall consist of five (5) members, each of whom shall be appointed by the First Selectman to serve for a term of five (5) years. The term of one (1) member shall expire each year. One (1) member shall be a resident of Stern Village.

B. *Powers and duties.* The Housing Authority shall have all the powers and duties conferred or imposed by law on housing authorities.

Section 15. Civil Service Board.

A. *Composition and appointment.* The Town shall have a Civil Service Board which shall consist of five (5) members, each appointed by the First Selectman for a term of five (5) years. The term of one (1) member shall expire every year.

The Civil Service Board shall advertise, recruit and test for entrance in and promotion within the classified service in the Town of Trumbull.

B. *Political activity.* No member of the Civil Service Board shall solicit any contribution to the campaign fund of any political party or candidate for public or party office or take part in the management of any political campaign or serve as a member of a committee of any political party. Nothing herein shall be construed to affect the right of a member of the Civil Service Board to register as a member of a political party, express his/her opinion and vote.

C. If the Civil Service Board is requested to fill a position by the First

Selectman and is unable to do so within six (6) months, the Human Resources Director shall have the option of filing the position directly.

D. All elected officials and appointed employees who are subject to compensation and benefits shall follow Civil Service Rules for the purposes of benefits only.

Section 16. Pension Board.

A. Composition and appointment.

(i) The Town shall have a Pension Board, which shall consist of seven (7) voting members, one of whom shall be the Director of Finance and one of whom shall be the Town Treasurer. One (1) and only one (1) of the remaining five (5) members shall be an employee of the Town and shall be appointed by the First Selectman. The other four (4) members shall be electors of the Town and shall be appointed by the Town Council.

(ii) The term of one (1) member shall expire each year.

B. *Powers and duties.* The Pension Board shall elect a Chairman and a Secretary annually. The Pension Board may appoint from their number or employ any other agent to receive and invest the contributions of the fund, or execute or deliver any instrument or make any payment in their behalf, and may employ such clerks, counsel, accountants, actuaries, trustees and investment advisors as may be required in carrying out the provisions of the plan. The Pension Board shall hold meetings upon such notice, at such time, and at such place, as it may determine.

A majority of the members of the Pension Board at the time in office shall constitute a quorum for the transaction of business. All resolutions or other actions taken by the Pension Board shall be by vote of a majority of those present at a meeting, but not less than three (3). However, payment of any monies from the fund may only be made upon approval of a majority of the entire membership of the Pension Board.

No member of the Pension Board who is also an employee of the Town of Trumbull shall receive any compensation for his/her services as such, but the plan may reimburse any member for any necessary documented expenses incurred.

The Pension Board shall from time to time establish rules for the administration of the plan and the transaction of its business. Except as herein otherwise expressly provided, the Pension Board shall have the exclusive right to interpret the plan and to decide any matters arising thereunder in connection with the administration of the plan. It shall endeavor to act by general rules so as not to discriminate in favor of any person. Its decisions and the records of the Pension Board shall be conclusive and binding upon the employer and all other persons having any interest under the plan.

The Pension Board shall maintain accounts showing the fiscal transactions of the plan, and in connection therewith shall require the trustees to submit any necessary

reports, and shall keep in convenient form such data as may be necessary for the determination of the assets and liabilities of the plan and giving a brief account of the operation of the plan for the past year. Such report shall be filed in the office of the Secretary of the Pension Board where it shall be open to inspection by any participant of the plan.

The members of the Pension Board and the officials of the Town shall be entitled to rely upon all certificates and reports made by any duly appointed trustee, accountant, and upon all opinions given by any duly appointed legal counsel. The members of the Pension Board and the officials of the Town shall be fully protected against any action taken in good faith in reliance upon any such certificates, reports or opinions. All actions so taken shall be conclusive upon each of them and upon all persons having any interest under the plan. No member of the Pension Board shall be personally liable by virtue of any instrument executed by him/her or on his/her behalf as a member of the Pension Board or for any mistake of judgment made by himself/herself or any other member of the Pension Board or for any neglect, omission or wrongdoing of any other member or anyone employed by the Town or for any loss unless resulting from his/her own negligence or willful misconduct. Each member of the Pension Board shall be indemnified by the Town against expenses reasonably incurred by him/her in connection with any action to which he/she may be party by reason of his/her membership in the Pension Board, except in relation to matters as to which he/she shall be adjudged in such action to be liable for negligence or willful misconduct in the performance of his/her duty as such member. The foregoing right of indemnification shall be in addition to any other rights to which any such member may be entitled as a matter of law.

The Town Council upon the recommendation of the Pension Board may by ordinance further provide for the retirement of Town elected officials and/or appointed employees.

The Town Council, upon the recommendation of the Pension Board, may adopt such plans, types of plans or systems, altering, replacing or amending existing plans, types of plans or systems as it may deem advisable.

Section 17. Ethics Commission.

A. *Composition and appointment.* The Town shall have an Ethics Commission consisting of five (5) regular members and two (2) alternate members who shall be appointed by a two-thirds (2/3) vote of the Town Council from the recommendations of the First Selectman.

Each regular member shall have a five (5) year term. One (1) term shall expire each year. The first alternate member appointed shall have a one (1) year term. The second alternate member appointed shall have a two (2) year term and the terms of all alternate members thereafter shall be two (2) years. No more than a bare majority of the regular members shall be members of the same political party and the alternate members shall not both be members of the same political party.

B. *Powers and duties.* The Ethics Commission shall have the following powers and duties:

(i) It shall recommend a code of ethics for adoption by the Town Council; and

(ii) It shall investigate any complaints and make a determination of whether or not there have been any violations of this Charter, ordinances of the Town, or of the code of ethics adopted by the Charter; and

(iii) It shall conduct such inquiries and proceedings as may be required and, thereafter, in appropriate cases, impose such sanctions as may be provided by the Town ethics code or by this Charter.

C. *Code of ethics.* The Town Council shall have the power and the duty to adopt, under its ordinance making power, and subject to the approval of the First Selectman required for ordinances, a code of ethics which shall, except as otherwise provided by law, by this Charter, govern the conduct of all elected and appointed Town officials and all Town employees. The code shall specify and designate ethical standards of conduct required of affected persons, prohibited activities, and the sanctions that may be imposed for violations of the code with the exception of those cases where violations of the code may also involve criminal violations in which cases the matters involved shall be referred to and reserved for appropriate criminal authorities. The power to investigate violations, to conduct hearings on any alleged violations, and to impose sanctions or otherwise enforce the code shall be vested in the Ethics Commission and in no other body or official of Town government.

D. *Procedure.* The Ethics Commission shall, in the conduct of its activities, adhere to the confidentiality requirements of the statute and also the Ethics Commission and shall observe the following procedural rules:

Any person charged with any violation:

(i) Shall be promptly notified, in writing, of the charges against him/her and the provision of ethics code or Charter claimed to have been violated;

(ii) Shall be entitled to a hearing on the charges against him/her to be held, at his/her option, in public or in private, not later than forty-five (45) days after the notification of charges, or at any later time agreed upon by the Commission and the person charged;

(iii) Shall be entitled to confront his/her accuser and to cross examine witnesses against him; and

(iv) Shall be entitled to representation by counsel.

Section 18. Conservation Commission

A. Composition and appointment

(i) The town shall have a Conservation Commission, which shall consist of seven (7) members to be appointed by the First Selectman.

(ii) The terms shall be overlapping as follows: two (2) for two (2) years, three (3) for three (3) years, and two (2) for four (4) years. The committee shall elect its own Chair and Vice Chair.

B. *Powers and duties.* The Conservation Commission is a science based advisory commission that shall supervise, protect and develop natural resources, including watershed resources, and the preservation of significant landscapes within its territories and borders. The Conservation Commission shall have all powers and duties conferred or imposed by law pursuant to Section 7-131a of the General Statutes of the State of Connecticut.

Section 19. Arts Commission.

A. Composition and appointment.

(i) The Town shall have an Arts Commission, which shall consist of seven (7) members to be appointed by the First Selectman.

(ii) Appointment to the Commission shall be for a term of five (5) years.

B. *Powers and duties.* The Commission shall plan, promote, organize, supervise, sponsor, and carry out cultural enrichment programs and activities for the Town.

Section 20. Emergency Medical Services Commission.

A. Composition and appointment.

(i) The Town shall have an Emergency Medical Services Commission, which shall consist of seven (7) members appointed by the First Selectman.

(ii) Appointment to the Commission shall be for a term of seven (7) years. The term of one (1) member shall expire each year. The First Selectman may fill any vacancy in the Commission for the unexpired term.

B. *Powers and duties.* The Commission shall have the power in its discretion to provide a location for and to train and instruct sufficient personnel in order to properly maintain an emergency medical services delivery system for the Town of Trumbull. The Commission shall have the authority to design, develop, manage and administer an emergency medical services system for the Town of Trumbull and shall have all other

powers and duties conferred or imposed on emergency medical services commissions by the General Statutes of the State of Connecticut or ordinances of the Town of Trumbull.

Section 21. Organizations of Boards, Commissions, and Committees.

Each Board, Commission and Committee shall, within thirty (30) days after the first (1st) Monday of December in each year, as to regular boards, commissions, and committees, and within thirty (30) days after their formation, as to special committees, hold an organization meeting at which it shall elect from their number a chairman and secretary and such other officers as it may deem necessary and adopt a meeting schedule for the ensuing year. The activities of each such Board, Commission or Committee shall be governed by the most recent edition of Robert's Rules of Order.

Section 22. Compensation.

Members of all boards, commissions and committees shall serve without compensation unless otherwise provided by the Town Council.

Section 23. Official conduct.

A. *Conflict of interest.* Any elected or appointed officer or any employee of the Town who has a special financial interest, direct or indirect, in any contract, transaction or decision before a board or committee of the Town Council, or any board, commission or committee, or special committee of the Town shall disclose, prior to participation on that issue, that interest to the First Selectman or to the chairman of the body involved who shall cause such disclosure to be recorded upon the official minutes of the body.

B. *Gratuities.* No elected or appointed official or employee of the Town shall solicit or accept any compensation or gratuity in the form of money or otherwise, from any person, firm or corporation, which might tend to influence him/her or might appear to influence him/her in the discharge of his/her duties, provided, that nothing herein shall prohibit an official or employee of the Town from accepting a publicly offered reward for meritorious conduct or achievement in the performance of his/her duties.

C. *Violations.* Any employee or official who willfully violates any of the provisions of this Charter, ordinances of the Town or code of ethics adopted by the Town Council shall, be subject to disciplinary action by the Ethics Commission including, but not limited to, suspension or, in appropriate cases, removal from office or discharge from employment.

Section 24. Public meetings and records.

The meetings of the Town Council and of all boards, commissions, committees and all of their committees or subcommittees shall be open to the public except when the body goes into executive session. A body may go into executive session only when authorized by applicable State law.

A body shall go into executive session only after a vote taken in open meeting, specifying the purposes of the executive session and identifying those who should be in attendance and the purpose therefor. Any meeting or session to which a member of the news media or any member of the general public is admitted shall be open to the entire public.

Every board, commission and committee shall keep an accurate record of its acts, votes, meetings and proceedings. Such records shall be public and shall be open for inspection as provided by the General Statutes.

CHAPTER VIII.

ELECTORAL PROCESS

Section 1. Eligibility.

No person shall be eligible to hold elective office or to serve on any board, commission or committee of the Town unless he/she is an elector of the Town. A person holding an elective office or appointive office shall not hold any other elective or appointive office in the Town provided, however, that members of the Planning and Zoning Commission may serve on the Development Commission. This section shall not apply if otherwise provided by ordinance or State Statute and shall not apply to temporary boards, commissions or committees appointed for special purposes by the Council or by the First Selectman. Should a person serving on any board, commission or committee, holding an elective office cease to reside in or be an elector of the Town, his/her office shall thereupon become vacant.

Section 2. Oaths of Office.

Prior to commencing his/her duties, every official of the Town, whether elected or appointed, shall be sworn to the faithful performance thereof, and evidence of such oath shall be recorded with the Town Clerk, by the person administering such oath.

Section 3. Biennial Town elections.

A meeting of the electors for election of Town officers shall be held on the first (1st) Tuesday after the first (1st) Monday in November in each odd numbered year, and shall constitute the Town election referred to in this Charter. Except as otherwise provided by law or provided herein, all terms of office shall begin on the first (1st) Monday in December, 12:01 a.m., and, subject to the same exception, all terms of office shall continue until the first (1st) Monday in December following the term for which they were appointed or elected, and until successors to the incumbents thereof have been elected or appointed and qualified. When an election or appointment day falls upon a holiday it shall be postponed to the next day that is not a Saturday, Sunday or legal holiday.

Section 4. Majority Limitation

The determination of the number of members of any one (1) political party to be appointed or elected under this Charter shall be made as provided in Section 9-167a of the General Statutes, Rev. of 2001. The provisions of this section shall have no application to the Town Council. No party may nominate for office more candidates for any board or commission than the number determined in accordance with the provisions of Section 9-167a of the Connecticut General Statutes as amended. No person may vote for more candidates to serve on any board or commission than the largest number that any political party may nominate. Subject to the exceptions

specifically listed in this section, the maximum number of members of any elected or appointed board, commission, committee or similar body of the Town who may be members of the same political party shall be as specified in the following table:

TOTAL MEMBERSHIP	MAXIMUM FROM ONE PARTY
3	2
4	3
5	4
6	4
7	5
8	5
9	6
more than 9	two-thirds of total membership

No more than a bare majority of the regular members of the Zoning Board of Appeals, Planning and Zoning Commission and Housing Authority shall be members of the same political party. No more than a bare majority of the alternate members of the Zoning Board of Appeals and Planning and Zoning Commission shall be members of the same political party.

Section 5. Vacancies.

A. A vacancy in any office, board or commission subject to appointment shall be filled for the unexpired portion of the term by the appointing authority herein designated.

B. A vacancy in the Office of the First Selectman shall be filled as provided in chapter III, section 3.

C. A vacancy in an elective office, board or commission other than the Council shall be filled as follows:

(i) By special election if a petition therefor is filed with the Town Clerk, as provided by law, within ten (10) days after such vacancy has occurred; but in such event, the First Selectman shall have the right to fill the vacancy until said special election is held.

(ii) By appointment by the First Selectman in the event such a petition for special elections are not filed in accordance with the provisions of subparagraph (C)(1), *supra*, unless otherwise required by State law.

D. For the purposes of this section 5, a vacancy shall occur upon:

(i) The receipt by the Town Clerk of the incumbent's written

resignation;

(ii) The death of the incumbent;

(iii) The incumbent's ceasing to reside in or be an elector of the Town.

E. Persons appointed by the First Selectman to fill vacancies in elected boards or commissions or elective offices shall be of the same political party, if any, as the person vacating the office.

Section 6. Initiative.

A. *Initiative, power, scope, procedure.* Special elections for the purpose of voting on any question within the legislative authority of the Council, except measures levying a tax for, or appropriating money for, the annual budget; measures levying assessments on property specially benefited thereby, and measures specifying the compensation or hours of work of officials or employees of the Town, shall be called whenever a number of electors equal to at least ten percent (10%) of those entitled to vote in the previous municipal election petition therefor. The petition shall be circulated, filed and certified in the manner specified in the provisions of section 8 governing referendum petitions, and shall recite the resolution or resolutions to be voted upon in substantially the following manner, except as otherwise prohibited by State Statute:

> We, the undersigned electors of the Town of Trumbull, initiate by petition the following resolution (or resolutions):
>
> (Here insert the text of each resolution.)
>
> We certify that we are electors of the Town of Trumbull residing at the addresses set opposite our names.

Name	Address
_____	_____
_____	_____

B. *Sufficiency of petition.* If the petition is certified to have the requisite number of signatures, it shall forthwith be transmitted to the Council. If the petition is certified to lack the requisite number of signatures, it may be made sufficient within ten (10) days from the date of such certificate. If the petition is thereafter found insufficient, it shall be returned to the person filing the same without prejudice to the filing of a new petition to the same effect.

C. *Action by Council.* Upon receipt of said petition, the Chairman of the Council shall cause the resolution to be warned for a special meeting or the next regular

meeting of the Council. The Council shall (1) adopt such resolution or resolutions at such meeting without substantial alteration, in which event the petition shall become void, or (2) fail to adopt such resolution, resolutions or any of them, in which event the Town Clerk shall call a special election to be held within thirty (30) days after the meeting, unless a regular election is to be held within ninety (90) days thereafter, and, at such special or regular election, the resolution or resolutions shall be submitted to a vote of the electors and, subject to the limitation in subsection D, as hereinafter provided, if a majority of those voting on any such resolution vote in favor thereof, such resolution shall be deemed adopted, or (3) adopt a competing resolution or resolutions, in which event an election shall be held as specified in (2) above, at which the electors may adopt the petitioners' resolution, the Council's resolution or no resolution, the result to be determined, subject to the limitation in subsection D, as hereinafter provided, by a plurality of the votes cast.

D. *Vote required to effect initiative.* Unless a total of at least ten percent (10%) of the electors entitled to vote on the proposed initiative measure vote at the election on the proposed measure or measures, such proposed measures shall not become effective and the result shall be void.

E. *Form of question--Ballot title.* Proposed measures shall be submitted by ballot title. There shall appear upon the official ballot a ballot title which may be distinct from the legal title of any such proposed measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of the measure. Ballots and ballot labels shall be prepared by the Town Clerk, subject to the approval of the Town Attorney as to form, in such a manner as to present as clearly as possible the issue to be voted upon.

F. *Payment into public treasury.* No resolution may be proposed through the initiative within one (1) year of a rejection at the polls of a substantially similar measure proposed through the initiative, when in the opinion of the Town Attorney the new measure is substantially the same as that rejected, unless the petitioners first pay into the public treasury all expenses of the preceding referendum.

G. *No veto power.* The First Selectman has no veto power on any resolution proposed through the initiative and adopted by the Council or at a regular or special election.

H. *Finality in vote of the people.* Any resolution proposed by initiative petition and adopted by vote of the people shall not be repealed, annulled, set aside, suspended or in any way made inoperative or amended except by vote of the people for the term of the Council then in office.

Section 7. Referendum.

A. Right of Referendum.

(i) The people of the Town shall have the right to approve, disapprove or modify at the polls any specific measure passed by the Council and any

annual budget deemed adopted by the Council pursuant to chapter IV section 3 C, except any specific measure:

(a) Appropriating money, other than by way of the annual budget, for a single purpose, in an amount less than one hundred thousand dollars ($100,000.00); and

(b) Levying assessments on property especially benefited thereby.

(ii) Such right provided in this section shall be known as the referendum and shall be invoked and exercised as herein provided.

B. Petition requirements.

(i) Petitions for referendum shall be filed within twenty-five (25) days following publication of notice of adoption of an emergency measure or prior to the effective date of any other specific measure, including budget adoption.

(ii) Said petitions shall be signed by electors of the Town in a number not less than five percent (5%) of the number of electors on the last completed voter registration list.

(iii) Said petition shall contain the following:

(a) Signatures and addresses of the electors as they appeared on the last completed voter registration list;

(b) Date of said signatures; and

(c) A request that such specific measure be disapproved, or an annual budget item as hereinafter defined or appropriation be increased or decreased by referring same to a vote of the electors of the Town.

(iv) Said petition shall be circulated, filed and certified in the manner as specified in the provisions of chapter VIII, section 9, governing special referendum petitions.

(v) Any such petition shall be directed at a specific measure, appropriation, or any item or items in the annual budget. For purposes of referendum only, item is defined herein as any specific section of the annual budget which is designated by an individual account number such as:

(a) General government--01-00-00

(b) Town Council--01-10-01

(vi) A petition for a referendum concerning a specific appropriation of one hundred thousand dollars ($100,000.00) or more or the annual budget shall set forth each item as to which a vote is requested with the amount that the petitioner desires to have increased or decreased.

(vii) If the Town Clerk shall certify the petition for referendum to be sufficient, the Town Clerk shall call a special election on the request or requests contained therein not more than thirty (30) days after said petition is filed with the Town Clerk.

(viii) The Town Clerk shall provide standardized referendum petition forms which shall be available to the public at the Town Clerk's office during regular working hours.

C. Limitation on budget referendum.

(i) No petition shall request an increase for any item in the budget which exceeds the greatest of the following:

(a) The amount proposed by the First Selectman;

(b) The amount recommended by the Board of Finance; or

(c) Ten percent (10%) over the amount adopted by the Council.

(ii) No petition shall request a decrease of any item in the budget which is less than the least of the following:

(a) The amount proposed by the First Selectman;

(b) The amount recommended by the Board of Finance;

(c) The amount appropriated for said items in the budget for the prior fiscal year.

(iii) In no event shall this section be construed to authorize a referendum on the entire annual budget listed as a single item.

D. Voting procedure.

(i) At any such special election, the polls shall be open for voting in accordance with State law, but the hours for voting may be increased at the discretion of the Council.

(ii) Voting in such election shall be by voting machine or paper ballot at the discretion of the Registrar of Voters.

(iii) Form of ballots:

(a) The paper ballots or voting machine ballot labels used for a referendum with respect to any appropriation of one hundred thousand dollars ($100,000.00) or more or the annual budget shall state separately each appropriation or budget item referred to in substantially the following form: "Shall an appropriation (or budget item) adopted by the Council on (date of appropriation or budget item) in the sum of $_____ for (here state the purpose of said appropriation or budget item) be increased (or decreased) to the sum of $_____?" (or such other form as shall in the opinion of the Town Clerk appropriately state the question to be voted on).

(b) The paper ballots or voting machine ballot labels used for any other referenda shall be submitted by ballot label. There shall appear upon the official ballot a ballot label, which may be distinct from the legal title of any such proposed measure, and which shall be a clear, concise statement without argument or prejudice, descriptive of the substance of the measure. Ballots and ballot labels shall be prepared by the Town Clerk, subject to the approval of the Town Attorney as to form, in such a manner as to present as clearly as possible the issue to be voted upon.

(iv) The voting machine, paper ballot shall provide means of voting "yes" or "no" on each question so presented.

E. Requirements of referendum vote.

(i) All referenda shall be decided by a majority of the electors voting thereon, provided that the number of votes cast shall exceed fifteen percent (15%) of the number of electors on the last completed voter registration list.

F. Appropriation after referendum.

(i) If a referendum vote increases or decreases a single budget item with its own account number, the budget shall be deemed amended in accordance with said vote, and effective on said date.

(ii) If a referendum vote increases or decreases any budget item which consists of more than one (1) single item each with its own account number then:

(a) Not later than five (5) days after said referendum vote, the Board of Finance shall make its recommendations to the Council for modification of individual items within said item so affected.

(b) Not later than ten (10) days after said referendum vote, the Council shall modify the individual items within said item so affected and shall adopt the amount budgeted, which shall be effective on said date, provided however, neither the Council, nor the Board of

Finance shall modify the total appropriation as set by the referendum vote on said item.

G. *Emergency measures.* Emergency measures shall be subject to referendum in the same manner as other measures, except that they shall not be suspended from taking effect while the referendum proceedings are pending. If, upon submission to a vote of the electors, an emergency measure is rejected, all rights, privileges, powers and duties conferred by it shall be null and void; provided any payment made or expenses incurred in accordance with the measure prior to the certification of a petition thereon shall not be affected thereby.

H. *Publication.* Prior to any referendum election the Town Clerk shall cause the text of each measure affected to be printed twice in a newspaper having a circulation in the Town, the first (1st) printing to be not less than seven (7) days prior to such election and the second (2nd) printing to be not less than two (2) days nor more than six (6) days prior to such election.

I. *Effect on Council.* Any referendum vote as provided herein rejecting any measure shall not be amended, repealed, annulled, set aside, suspended nor in any way made inoperative by the Council during the term of said Council; but such enactment may be amended or repealed at any general, regular or special election by direct vote of the people thereon. The Council may, on its own initiative, submit for referendum vote at a special or general election any measure which would amend or rescind a measure previously adopted or rejected by referendum vote during its term. Said election shall be held at the discretion of the Town Clerk at the direction of the Chairman of the Council within ninety (90) days following the vote of the Council.

Section 8. Special Referendum Requirements

A. Right of referendum.

(i) The people of the Town shall have the right to approve or disapprove any annual budget deemed adopted by the Council pursuant to chapter IV of this Charter. The right provided in this section shall be known as the Budget Referendum and may be invoked and exercised as herein provided.

B. Petition Requirements.

(i) Petitions for referendum may be filed with the Town Clerk within twenty-five (25) days following publication of notice of the adoption of the annual budget.

(ii) Said petitions shall be signed by electors of the Town in a number not less than five (5%) percent of the number of electors who voted during the previous municipal election.

(iii) Said petitions shall contain the following:

(a) Signatures and addresses of the electors as they appeared on the last completed voter registration list; and

(b) The date of each signature.

(iv) Each page of said petition shall contain a statement, signed under penalties of perjury, by the person who circulated the same, setting forth such circulator's name and address, and stating that each person whose name appears on said page signed the same in person in the presence of the circulator, satisfactorily identified himself/herself to the circulator, and that the signatures on said page were obtained not earlier than the date of notice of the adoption of the annual budget. Any page of petition which does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement on a petition shall be subject to penalties provided in the Connecticut General Statutes.

(v) Upon the receipt of any such petitions, the Town Clerk shall forthwith sign and give the person submitting the same a receipt in duplicate stating the number of pages so filed and the date and the time of filing. The Town Clerk shall indicate on each page of each such petition the date and time of filing, the number of signers thereon who were electors on the last completed voting list in the Town and shall forthwith certify, in a book to be kept for that purpose, the number of such signers and the percentage they constitute of the number of electors who voted during the previous municipal election. Such certificate shall conclude with a statement by the Town Clerk as to whether or not the petition is sufficient for the purpose intended. In checking the signatures on the petition pages, the Town Clerk shall reject any name if such name does not appear on the last-completed list of electors. Such rejections shall be indicated by placing an "R" before the names rejected. The Town Clerk shall place a check mark before each name to indicate approval. No other marks shall be placed on any petition page. Petitions shall be preserved for a period of five (5) years, or such longer period as may be required by law, and then destroyed.

(vi) If the Town Clerk shall certify the petition for referendum to be sufficient, the Town Clerk shall call a special election on the request or requests contained therein not more than thirty (30) days after said petitions are filed with the Town Clerk.

(vii) The Town Clerk shall provide standardized referendum petition forms which shall be available to the public at the Town Clerk's Office during regular business hours.

C. Voting Procedure. Voting at such election shall be in accordance with state law, provided that the hours for voting may be increased at the discretion of the Town Council.

D. Form of Question. The voting ballots or voting machines shall state the following question: "Shall the annual budget of $_____ [amount of adopted budget], as adopted by the Trumbull Town Council on _____ [date of adoption] be rejected and replaced with a budget that does not exceed $_____ [amount of current year budget, as of the same date the Town Council adopted next year's budget, plus three and one half percent (3.5%)]?" The voting machine or paper ballot shall provide means of voting "yes" or "no" on the question so presented.

E. Procedure after Referendum.

(i) If the number of votes cast in the affirmative shall not constitute a majority of the votes, the annual budget as adopted by the Town Council shall be the final budget.

(ii) If the number of votes cast is at least five (5%) percent of the number of electors, and the majority of votes cast are in favor of the referendum, the budget shall be deemed rejected and returned to the First Selectman, who shall revise the budget such that the total budget shall not exceed the amount specified in the referendum. The First Selectman shall submit the Revised Budget to the Board of Finance within ten (10) days following the certification of the result of the Referendum.

(iii) Within ten (10) days following the revision of the Budget by the First Selectman, the Board of Finance shall conduct a public hearing in accordance with Chapter IV, Section 2 of this Charter, and may make further revisions as it deems appropriate, so long as the budget does not exceed the amount specified in the referendum, and shall submit the Revised Budget to the Town Council.

(iv) Upon receipt of the Revised Budget from the Board of Finance, the Town Council shall proceed in accordance with the provisions set forth in Chapter IV, Section 3 of this Charter, and complete its duties within ten (10) days of its receipt of the Revised Budget from the Board of Finance, provided, however, that the Town Council shall not increase the total Revised Budget so as to exceed the amount specified in the referendum.

F. The Revised Budget shall be deemed the final adopted Budget as of 5:00 p.m. of the day following the approval by the Town Council.

G. There shall be no further right to referendum on the Budget after the referendum and approval of the Revised Budget in accordance with this Section 8.

H. Any expenditure reduced pursuant to this referendum cannot be restored in part or in full by way of supplemental appropriation without a minimum two-third (2/3) approval by the Board of Finance and the Town Council.

Section 9. Bonded Debt.

A. Refinancing of existing bonded debt, at comparable or lower rates, shall not be subject to referendum. All other issuance of bonded debt (whether or not combined with a refinancing package) shall be subject to referendum as follows:

B. For debt taken out for all purposes (including but not limited to education, construction, golf course or other enterprise fund debt): A referendum must be held for all projects exceeding $15 million. A single project cannot be bonded in multiple smaller amounts in order to avoid this referendum provision A simple majority of those voting will determine whether the issuance is approved or not.

C. Any bonded debt proposed that is not approved by referendum cannot be brought up again for referendum until the later of (1) The next Municipal election, or (2) One (1) year.

Section 10. Registrar of Voters.

A Registrar of Voters for each political party having ten percent (10%) of the votes cast at the previous election shall be elected at the state election as provided in the General Statutes. Registrars of voters shall have all the powers and duties conferred or imposed by law on registrars of voters. Deputy registrars of voters may be appointed as provided in the General Statutes.

CHAPTER IX.

ADOPTION AND AMENDMENT PROCEDURES

Section 1. Rights of Present Employees.

Any laws in force on the effective date of this Charter, not inconsistent with its provisions, relating to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, hours of work, civil rights or any other rights or privileges of employees of the Town or any office, department or agency thereof, shall continue in effect.

Section 2. Transfer of Records, Property and Appropriations.

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

Section 3. Legal Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter, brought by or against the Town or any commission, board, department or office thereof, shall be hereby affected. All such actions or proceedings may be continued although the functions, powers and duties of any commission, board, department or office party thereto may have been assigned or transferred under this Charter. In that event, the same 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.

Section 4. Existing Laws and Ordinances.

All General Statutes in their application to the Town and all ordinances, bylaws, rules and regulations of the Town and of its boards and commissions shall continue in effect except as they are inconsistent with the provisions of this Charter. All special acts or parts of Special Acts relating to the Town not inconsistent with this Charter and not specifically repealed by prior Charter action shall continue in effect, except as provided herein.

Section 5. Terms of Existing Office Holders.

No elected or appointed official serving on the effective date of this Charter as revised shall have his/her term shortened or terminated by virtue of this Charter unless otherwise provided herein.

Section 6. Amendment of Charter.

This Charter may be amended in the manner prescribed in the General Statutes for local action on Charters and Special Acts as the same may be from time to time amended.

Section 7. Referendum on Approval of Charter.

This Charter as revised shall be submitted to the electors of the Town for approval at the election to be held on November 8, 2011. If a majority of those voting shall vote in favor thereof, this Charter as revised shall become effective 30 days after the election.

Section 8. Severability.

If any provision of this Charter be adjudged invalid or unconstitutional, such adjudications shall apply only to the provision thus adjudged, and the remainder of this Charter shall be deemed valid and effective.