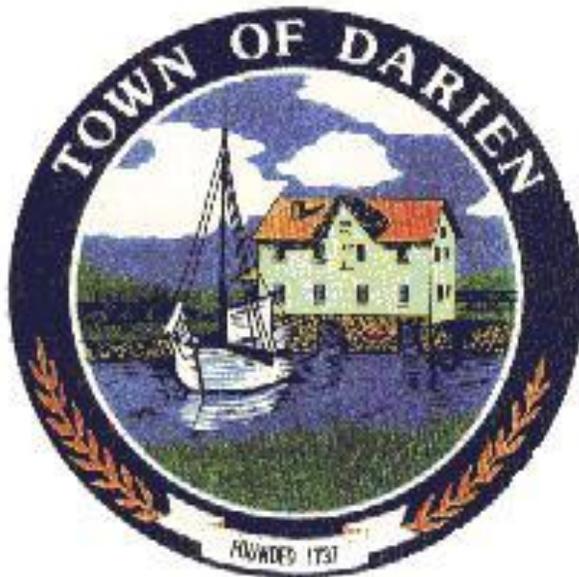


**FINAL REPORT
TO THE
DARIEN BOARD OF SELECTMEN**



DARIEN CHARTER REVISION COMMISSION
July 1, 2008

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ARTICLE I

INCORPORATION AND CORPORATE POWERS

1.1 Title

This instrument replaces Special Act No. 410 of 1959, as amended. It shall be known as the **CHARTER OF THE TOWN OF DARIEN** (the “*Charter*.”)

1.2 Powers and Duties of the Town

(a) The Town of Darien (the “*Town*”) shall continue to have and enjoy all the powers, privileges and immunities that it previously exercised or enjoyed, and those which are conferred upon municipalities by the Constitution of the State of Connecticut and the Connecticut General Statutes.

(b) The *Town* may continue to perform all duties and responsibilities previously assumed by it, and shall perform the duties which are imposed upon municipalities by the Constitution of the State of Connecticut and the Connecticut General Statutes.

(c) The enumeration of particular powers in this *Charter* shall not be construed as limiting this general grant of power, but shall add to it.

1.3 Definitions

As used in this *Charter*, the following words and phrases shall have the meaning set forth below, unless the context clearly indicates otherwise.

(a) *Board of Education Budget* – The operating budget, including itemized expenditures, proposed by the Board of Education, for the operation of the *Town’s* public school system for a fiscal year, as well as capital requests recommended by the Board of Education.

(b) *Board of Selectmen Budget*- The operating budget, including itemized expenditures, proposed by the Board of Selectmen, for all *Town* operations other than the public school system for a fiscal year, as well as capital requests recommended by the Board of Selectmen.

(c) *Capital Budget*- The proposed capital expenditures for the *Town* and the public schools included in the *Town of Darien Budget*.

(d) *Committee* - A group created by a *Town Body* which has a specific assignment or function.

(e) *Day*- Whenever the *Charter* requires a period of days to pass, the first day on which the time period is invoked will not count as a day, but the last day shall count. If the term “*Business Day*” is used in the *Charter*, the computation of days shall not include weekends and all legal holidays recognized by either the federal government or the State of Connecticut, or both.

(f) *Elector* - A resident of the *Town* qualified by law to vote in a *Town* election.

(g) *Employee* - As defined by the chapter of the *General Statutes* pertaining to “Municipal Employees.”¹ A person or entity retained and qualified as an independent contractor shall not be deemed an *Employee*, unless otherwise determined by law.

(h) *General Fund* - The operating fund of the *Town* used to account for all financial resources not required to be accounted for in another fund.

(i) *General Statutes* – The Connecticut General Statutes. Any chapter references are to chapter designations as of January 1, 2008. (If any noted chapter designation is changed, the new chapter references shall automatically be substituted for the chapter references contained in this *Charter*.)

(j) *Grand List* – The list of assessed values of all property in the *Town*, reflecting any statutory exemption to which each property or property owner is entitled, and including, where applicable, any assessment penalty added in accordance with the *General Statutes* for the assessment year commencing on the October 1 immediately preceding; or as otherwise defined in the *General Statutes*.²

¹ When this Charter was adopted, C.G.S. 7-467(2) read as follows: “ ‘Employee’ means any employee of a municipal employer, whether or not in the classified service of the municipal employer, except elected officials, administrative officials, board and commission members, certified teachers, part-time employees who work less than twenty (20) hours per week on a seasonal basis, department heads and persons in such other positions as may be excluded from coverage under sections 7-467 to 7-477, inclusive, in accordance with subdivision (2) of section 7-471.”

² When this Charter was adopted, relevant provisions were located at C.G.S. 12-41, 12-57a and 12-55(a).

(k) *Mill Rate* - The amount of tax paid per dollar of assessed property value. A mill is equal to one dollar (\$1.00) of tax for each one thousand dollars (\$1,000.00) of assessed value.

(l) *Official* - (1) The elected officials designated in Section 2.1.1 of this *Charter* (“*Elected Officials*”); (2) individuals appointed to administrative positions by the Board of Selectmen, including Department Heads (“*Administrative Officials*”); and (3) individuals appointed to any *Town Body* or *Committee* (“*Board Members*”).

(m) *Ordinance* – A local law enacted by the RTM that applies to the *Town* or the public.

(n) *Publish* - Publication in a *Town* newspaper, or a newspaper having a general circulation in the *Town*, or as may otherwise be permitted by the *General Statutes*.

(o) *Referendum Voter* – A person who may vote in a referendum, specifically an *Elector* and any citizen at least eighteen (18) years of age who is legally responsible to the *Town* for taxes on an assessment of not less than one thousand dollars (\$1,000.00) on the last completed *Grand List*, or who would be so responsible if not entitled to an exemption under the *General Statutes*.³

(p) *Regulations* – Administrative rules that implement State statutes and *Ordinances*. *Regulations* may be adopted by the Board of Selectmen, Planning and Zoning Commission, and other *Town Bodies*.

(q) *RTM* - The Representative Town Meeting.

(r) *Special Appropriation* – A request for an appropriation submitted after the adoption of the *Town of Darien Budget* for a fiscal year, resulting from an inadvertent omission or oversight, or unanticipated or unforeseen circumstance.

(s) *Town* - The Town of Darien.

(t) *Town Body* - Any elected or appointed board, commission or authority, including the RTM, but excluding any *Committee*.

³ When this Charter was adopted, the relevant provision was located at C.G.S. 7-6.

(u) *Town of Darien Budget* – All annually appropriated operating funds included in the *Board of Selectmen Budget* and *Board of Education Budget*, and the *Capital Budget* for the *Town* for the next ensuing fiscal year.

(v) *Vacancy (Vacate)* - There shall be a *Vacancy* in an elected or appointed office when the office holder resigns; dies; becomes ineligible to hold office; or is removed from office.

1.4 Number and Gender

In this *Charter*, the singular may include the plural and the plural may include the singular, as the context may require; and the use of any gender shall apply to all genders. Titles used in this *Charter* may be rendered gender neutral.

1.5 Headings and Footnotes

Article and Section headings and footnotes appearing in this *Charter* have no force or legal effect.

ARTICLE II

ELECTIONS AND TERMS OF OFFICE; GENERAL REQUIREMENTS FOR ALL TOWN BODIES, OFFICIALS AND COMMITTEES; EMERGENCY POWERS

ELECTIONS AND TERMS OF OFFICE

2.1.1 Elections and Elected Officials

(a) The Board of Selectmen shall convene municipal elections of the *Town* on the Tuesday following the first Monday of each November. The *Electors* shall elect the following *Elected Officials* for the terms set forth below at municipal elections:

Elected Town Officials	Number	Official's Term
RTM	100 (80) ⁴	2 years
First Selectman	1	2 (4) years ⁵
Selectmen	4	2 (4) years
Board of Finance	7	4 years
Board of Education	9	3 years
Planning and Zoning Commission	6	4 years
Board of Assessment Appeals	3	4 years
Town Clerk	1	2 years
Town Tax Collector	1	2 years
Town Treasurer	1	2 years
Registrars of Voters	2	2 years
Constables	3	2 years

⁴ In a referendum election to be held on November 4, 2008, Darien's voters will decide whether the *RTM* should have 100 or 80 members.

⁵ In a referendum election to be held on November 4, 2008, Darien's voters will decide whether the First Selectman and Board of Selectmen should serve for two (2) year or four (4) year terms.

(b) Members of the *RTM* shall be elected by voting district for two year terms in accordance with 1969 Special Act 12, Section 1. A candidate for election to the *RTM* must receive the vote of at least twenty-five (25) *Electors* who reside in the voting district which the candidate will represent.⁶ If a voting district is allotted an even number of *RTM* members, no more than fifty percent (50%) of such number may be elected to two (2) year terms in a single municipal election. If a voting district is allotted an odd number of *RTM* members, no more than fifty per cent (50%) plus one (1) of such number may be elected to two (2) year terms in a single municipal election. Two (2) year terms shall be awarded based on vote count in descending order. Once a voting district's available number of two (2) year terms have been filled, any additional candidates elected to office shall serve one (1) year terms.

(c) The First Selectman and four Selectmen shall be elected in municipal elections convened in odd-numbered years.

(d) Members of the Board of Finance shall be elected at municipal elections in odd-numbered years so that four (4) members are elected at one such municipal election and three (3) at the next.

(e) Three (3) members of the Board of Education shall be elected at each annual municipal election for a term of three (3) years in accordance with 1969 Special Act 12, Section 1.

(f) Members of the Planning and Zoning Commission shall be elected at municipal elections in odd-numbered years so that three (3) members are elected at one such municipal election and three (3) at the next.

(f) The Registrars of Voters shall be elected as set forth in the *General Statutes*.

2.1.2 Powers and Duties of Elected Officials

In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, all *Elected Officials* are authorized to exercise the powers and perform the duties conferred upon them by the *General Statutes*.

2.1.3 Eligibility for Elective Office

Every individual who is elected to a *Town* office shall be an *Elector*. Upon ceasing to be an *Elector*, an *Elected Official* shall immediately cease to hold office, and the resulting *Vacancy* shall be filled as provided by the *General Statutes*, if applicable, or as set forth in Section 2.1.5 of this *Charter*.

⁶ Derived from Section 49 of Special Act No. 410 of 1959, as amended 9/27/1971 and 9/28/1987.

2.1.4 Terms of Office

Unless otherwise provided by the *General Statutes*, this *Charter* or an *Ordinance*, the term of office of each *Elected Official* shall commence on the first Monday following his election, and continue until the *Elected Official* either *Vacates* such office or the term of office expires.

2.1.5 Vacancies

(a) A *Vacancy* in the office of *RTM* member from any voting district shall be filled by appointment by the other *RTM* members from that district for the un-expired portion of the term of office.

(b) A *Vacancy* in the office of First Selectman shall be filled in the manner set forth in the *General Statutes*.

(c) A *Vacancy* in the office of Selectmen shall be filled in the manner provided in the *General Statutes*.⁷

(d) A *Vacancy* in any elected *Town Body*, other than the Board of Selectmen or *RTM*, shall be filled by the affirmative vote of a majority of the remaining members of such *Town Body*. The Board of Selectmen may fill the *Vacancy* if the *Town Body* fails to take such action within thirty (30) *Days* of the *Vacancy's* occurrence. At the next municipal election, any un-expired term of the *Vacated* office shall be filled by election.

(e) The Board of Selectmen shall appoint an eligible individual to fill a *Vacancy* in any other elective office until the next municipal election.

⁷ When this Charter was adopted the applicable provisions were found in C.G.S. 9-222.

GENERAL REQUIREMENTS FOR ALL TOWN BODIES, OFFICIALS AND COMMITTEES

2.2.1 Government Service

(a) Unless otherwise provided by law, all *Town Bodies, Officials* and *Committees* shall work to achieve the efficient management of municipal resources, and reduce duplication of services and effort.

(b) *Town Officials* shall attend meetings convened as provided in Sections 2.3.3(a), 4.1.2(l) and 4.2.2(a)(9) of this *Charter*.

(c) The Town Administrator shall receive and retain records of monthly Departmental reports concerning complaints and requests for services received by each Department from *Electors, Town Bodies* and *Elected Officials*.

2.2.2 Prohibition of Appointments During Elective Office Transition Periods

No *Vacancies* shall be filled by appointment during the period between the first Monday in November and the second Tuesday following a municipal election convened as provided by Section 2.1.1 of this *Charter*.

2.2.3 Holding More Than One Office is Prohibited

No individual may serve as an *Official* of more than one *Town Body*, except as expressly permitted by this *Charter* or as provided by the *General Statutes*. Members of *Committees* appointed pursuant to Sections 2.2.9 and 4.2.2(a)(5) of this *Charter*, are excepted from this prohibition.

2.2.4 Meetings of Town Bodies

(a) Except as otherwise provided by the *General Statutes*, each *Town Body* shall hold such regular meetings as it shall determine, and may hold special or emergency meetings.

(b) Other than Board of Selectmen, all elected and appointed *Town Bodies* shall have an annual organizational meeting to elect officers.

(c) All meetings of *Town Bodies* and *Committees* shall be open to the public, and posted, convened and conducted in accordance with the requirements of the *General Statutes* pertaining to public meetings.

2.2.5 Role in Financial Budgeting Process

Town Bodies and *Officials* shall perform the duties set forth in Article VIII of this *Charter*.

2.2.6 Compensation

Members of all *Town Bodies* and *Committees*, other than the Board of Selectmen, shall serve without compensation. The compensation for the First Selectman shall be set as provided in Section 4.3.2(i) of this *Charter*. Any compensation for the other members of the Board of Selectmen shall be set as provided in Section 4.3.2(j) of this *Charter*.

2.2.7 Code of Ethics

(a) By no later than July 1, 2010, the *RTM* shall enact a Code of Ethics *Ordinance* which shall:

- (1) Establish a Board of Ethics;
- (2) Address conflicts of interest;
- (3) Define standards of ethical conduct for all *Town Officials* and *Employees*; and
- (4) Include specific requirements for the removal of an *Elected Official* that provide, among other things, for notice and hearing.

(b) Proceedings to remove an *Elected Official* shall not be initiated until and unless a court of competent jurisdiction has:

- (1) Found the *Elected Official* to be guilty of a crime involving moral turpitude; or
- (2) Judged the *Elected Official* to be legally incompetent.

2.2.8 Resignation

(a) To resign, an *Elected Official* shall notify the Town Clerk in writing and specify the effective date of resignation.

(b) To resign, an appointed *Official* shall notify the Board of Selectmen in writing through the Town Administrator and specify the effective date of resignation.

(c) If an *Official* does not submit a written resignation, the Town Clerk, in the case of *Elected Officials*, or the Town Administrator, in the case of appointed *Officials*, shall notify the *Official* in writing that an oral resignation has been accepted. If the *Official* does not rescind the resignation in writing within three (3) *Business Days* from receipt of its acceptance, the resignation shall then become effective. The Town Clerk or the Town Administrator, as the case may

be, shall promptly notify the First Selectman and the chair of the *Town Body* or *Committee* from which an *the Official* has resigned when a resignation is effective.

2.2.9 Authority of Town Bodies to Appoint a Committee

Consistent with its powers and responsibilities, a *Town Body* may appoint one or more *Committees* to assist the *Town Body* in carrying out its duties. The appointing *Town Body* shall stipulate each such *Committee's* name, mission, reporting calendar, duration, and size (designating, whenever possible, an odd number of members). A *Town Body* may vote to extend a temporary *Committee's* duration in increments of no more than one year each. Members of these *Committees* serve at the pleasure of the appointing *Town Body*.

EMERGENCY POWERS

2.3.1 Declaration of a Public Emergency

(a) A public emergency exists or threatens to arise if the President of the United States, the Governor of the State of Connecticut, or the First Selectman makes such a declaration. A public emergency is any condition which threatens damage or injury to property or health, or the curtailment of *Town* services.

(b) When a public emergency has been declared, the First Selectman may mobilize, organize and direct the forces of the *Town* and call upon and cooperate with the State or its political subdivisions. The First Selectman may summon, marshal or otherwise engage other persons to do whatever the First Selectman may deem necessary to meet or mitigate the emergency, in accordance with the authority granted under the *General Statutes*.

2.3.2 Appropriations and Procurement During Public Emergencies

(a) During a public emergency the First Selectman shall have the authority over all municipal functions and facilities, including public schools and personnel. All available local resources may be used to protect and preserve human life and property to the greatest extent possible. The First Selectman's authority shall include, but not be limited to, allocating emergency funds, ordering and enforcing evacuations of designated areas, assuming control of all *Town* Departments and providing for the general welfare and protection of people and property.

(b) The Board of Finance shall set a maximum amount within the fund balance of the *General Fund* which the First Selectman may spend or commit at

his discretion to meet or mitigate any declared public emergency.⁸ The First Selectman shall immediately report any action taken hereunder to the Board of Finance and at the next meeting of the Board of Selectmen.

(c) In the event that funds in addition to amount authorized pursuant to Section 2.3.2(b) of this *Charter* are required to meet or mitigate a declared public emergency, the First Selectman shall seek Board of Selectmen approval to authorize transfers from unneeded and unexpended appropriations as provided by Section 8.3.1 of this *Charter*. Requests for additional funds to meet or mitigate a declared public emergency shall be treated as *Special Appropriations*.⁹

(d) Notwithstanding any provisions of the *Town's* procurement *Ordinances*, in a public emergency the First Selectman may authorize emergency procurements of goods and services for the *Town*. A full report about each emergency procurement shall be filed in the Town Clerk's office and be open to public inspection.

2.3.3 Emergency Meetings

If a public emergency is declared or threatened:

(a) The First Selectman may convene the members of any or all *Town Bodies* or *Committees*, or any group of *Officials*, excluding the *RTM*, to review and coordinate activities, plan operations of the *Town* government or for such other purposes as is deemed reasonable or expedient. The First Selectman shall preside at any such meeting, and report the outcome to the *RTM* at its next meeting.

(b) The *RTM* Moderator, or five per cent (5%) of the *RTM's* sworn membership, may convene an emergency meeting of the *RTM* upon such notice as may be permitted by the *General Statutes* to transact any business relevant to a public emergency, including authorizing emergency appropriations.

(c) Any meetings convened pursuant to Sections 2.3.3(a) or (b) of this Charter may be conducted by telephone or other means of electronic or digital communication, and the actions taken at such a meeting shall be valid.

(d) The First Selectman shall declare when a public emergency has ended.

⁸ See Section 4.3.2(k) of this Charter.

⁹ See Section 8.3.2 of this Charter.

ARTICLE III

REPRESENTATIVE TOWN MEETING

3.1 Membership, Eligibility and District Representation

(a) The *RTM* shall be non-partisan. Voting district lines and the number of districts shall be apportioned and established as required by law.

(b) To be eligible for election or appointment to the *RTM*, and to continue as an *RTM* member for a voting district, an individual must be an *Elector* and a resident of such district. An *RTM* member who moves to another voting district of the *Town* may complete his term as a representative of the voting district that elected him, but shall be ineligible to represent that district while he resides outside of it.

(c) To be nominated as a candidate for election to the *RTM*, an *Elector* must file a nominating petition in the Town Clerk's office during the period beginning twelve (12) weeks and ending eight (8) weeks prior to a municipal election. The Town Clerk provides the form for a nominating petition. A nominating petition must bear the written acceptance of the nominee and be signed by at least twenty-five (25) *Electors* who reside in the nominee's voting district.¹⁰ An *Elector* who becomes an *RTM* member by appointment must file a nominating petition and run for election in the next regular municipal election convened after the appointment in order to continue as an *RTM* member for that voting district.

(d) An incumbent *RTM* member may nominate himself for re-election from his voting district without filing a nominating petition if he had been elected by that voting district and he has attended at least two-thirds (2/3) of the meetings convened by the *RTM* and the *RTM* standing committees to which he was assigned during his expiring term. Excused absences will not be counted against the minimum attendance required to exercise the privilege of self nomination. The Town Clerk shall certify the attendance and excused absences of *RTM* members. An *RTM* member who is eligible to self-nominate for re-election must give written notice of his intent to seek re-election from his voting district to the Town Clerk at least ten (10) weeks before the municipal election.

¹⁰ Derived from Section 49 of Special Act No. 410 of 1959, as amended 9/27/1971 and 9/28/1987.

3.2 General Powers and Duties

In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, the RTM is authorized to exercise the powers and perform the duties conferred upon a legislative body by the *General Statutes*. The RTM's responsibilities include, but are not limited to:

- (a) Enacting, amending or repealing *Ordinances* and resolutions for the general welfare of the *Town* and to establish procedures for adopting *Regulations*;
- (b) Upon the recommendation of the Board of Selectmen, enacting, amending or repealing *Ordinances* establishing appointed *Town Bodies*;¹¹
- (c) Upon the recommendation of the Board of Selectmen, enacting, amending or repealing *Ordinances* concerning the organizational structure of *Town* Departments;
- (d) Enacting and amending, as necessary, a Code of Ethics *Ordinance*, as provided by Section 2.2.7 of this *Charter*;
- (e) Establishing rules of procedure by which its meetings and business shall be conducted;
- (f) Considering and acting upon each of the following: the *Town of Darien Budget*; any *Special Appropriation* that requires RTM approval; the issuance of the *Town's* Bonds or Notes; any disbursement from a contingency fund that is to be used to acquire real estate.¹²
- (g) Upon the recommendation of the Board of Selectmen, enacting, amending or repealing *Ordinances* concerning financial planning or budgeting for the *Town*; ; and
- (h) Approving contracts, accepting gifts and conducting the other responsibilities of a legislative body.

3.3 Override of Board of Finance Action

(a) Upon the written request of the Board of Selectmen or Board of Education, the RTM is authorized to:

- (1) Review any action of the Board of Finance rejecting, modifying or reducing any budget request or *Special Appropriation* approved and submitted by the Board of Selectmen or Board of Education, and vote to appropriate an amount up to the amount

¹¹ See Article VI of this *Charter*.

¹² See Articles VIII and IX of this *Charter*.

requested. A request for the *RTM* to review a Board of Finance action must be delivered to the *RTM* Moderator no later than thirty (30) *Days* after such action. The affirmative vote of at least two-thirds (2/3) of the *RTM's* sworn membership is required for the *RTM* to override a Board of Finance action; or

(2) Consider and act upon any budget request or *Special Appropriation* approved and submitted by the Board of Selectmen or the Board of Education that the Board of Finance failed to act upon within sixty-five (65) *Days* after receiving notice thereof from the Board of Selectmen or the Board of Education. The affirmative vote of at least two-thirds (2/3) of the *RTM's* sworn membership is required for the *RTM* to authorize the budget request or *Special Appropriation*..

(b) The *RTM* Moderator shall convene a meeting of the *RTM* in accordance with the requirements of the *General Statutes* as soon as practicable after receiving a request to take action under Section 3.3(a) of this *Charter* to assure that the matter is considered in a timely fashion.¹³

3.4 Agenda for *RTM* Meetings

(a) The *RTM* shall schedule at least six regular meetings for the twelve (12) months period commencing with the second Monday in November of each year. Three of these regular meetings shall be:

Annual Town Meeting	Second Monday of November
Annual Budget Meeting	Second Monday of May
State of the Town Meeting	Second Monday of September

If any of these Mondays is a legal holiday, the meeting shall be held on the next *Business Day*. All *RTM* meetings shall be posted, convened and conducted in accordance with the requirements of the *General Statutes* pertaining to public meetings.

¹³ In a referendum election to be held on November 4, 2008, Darien's voters will decide whether the *RTM* should have the override authority described in Section 3.3(a), above. All provisions which relate to such override authority have been highlighted in this Charter.

(b) The *RTM* Moderator may cancel any scheduled regular meeting of the *RTM* on at least twenty-four (24) hours notice to the members if there is insufficient business to conduct at such meeting.

(c) The *RTM* Moderator may convene a special meeting of the *RTM* on the Moderator's own initiative, and shall convene a special meeting within fourteen (14) *Days* of receiving a written request for such a meeting from the First Selectman. The First Selectman shall clearly state the item or items of business to be included on the requested agenda.

(d) The *RTM* Moderator shall place on the *RTM's* agenda any matter other than an action requested pursuant to Sections 3.3(a), 4.2.3 or 4.4.3 of this *Charter*,¹⁴ if requested in writing by: the First Selectman; the Board of Selectmen; the Board of Education; the Board of Finance; the Planning and Zoning Commission; at least five per cent (5%) of the *RTM's* sworn membership; or at least fifty (50) *Electors*. Any such request shall be delivered to the *RTM* Moderator at least ten (10) *Days* prior to a regular meeting of the *RTM*, or the *RTM* Moderator shall convene a special meeting within fourteen (14) *Days* of receiving such a request. The request shall be signed and clearly state the item or items of business to be included on the agenda.

(e) One half plus one of the *RTM's* membership as set forth in Section 2.1.1(a) of this *Charter* shall constitute a quorum to conduct business.

3.5 Notice of Actions and Effective Dates

(a) Any action by the *RTM* shall become effective at the close of business on the fourteenth (14th) *Day* after the adjournment of the meeting at which the *RTM* action was taken, unless a petition to reverse the action by referendum is filed with the Town Clerk as provided in Article X of this *Charter*. The *RTM* may delay the effective date of an action to a later date and time, and such action shall become effective at such later date and time, unless a petition to reverse the action by referendum is filed with the Town Clerk by the close of business on the fourteenth (14th) *Day* after the adjournment of the meeting at which the *RTM* action was taken. Article X of this *Charter* establishes which *RTM* actions are subject to referendum.

(b) In the event of a codification reorganizing the *Ordinances*, the *RTM's* action adopting such codification shall become effective on the thirtieth (30th) *Day* after the adjournment of the meeting at which the *RTM* action was taken, unless a petition to disapprove the action by referendum is filed with the

¹⁴ See footnote number 13.

Town Clerk as provided in Article X of this *Charter*. During the thirty (30) *Day* period, at least two (2) copies of the reorganized *Ordinances* shall be available for inspection in the Town Clerk's office.

(c) The Town Clerk shall *Publish* notice of any *RTM* action which may be subject to referendum, within seven (7) *Days* after the adjournment of the meeting at which such action was taken.

ARTICLE IV

ELECTED BOARDS AND COMMISSIONS

THE FIRST SELECTMAN

4.1.1 General Powers and Duties

In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, the First Selectman is authorized to exercise the powers and perform the duties conferred upon a first selectman by the *General Statutes*.

The First Selectman shall:

- (a) Be the Chief Executive Officer and Chief Elected *Official* of the *Town*;
- (b) Faithfully execute all laws, *Ordinances* and *Regulations* governing the *Town*;
- (c) Be accountable to and receive direction from the Board of Selectmen;
- (d) Preside over all meetings of the Board of Selectmen;
- (e) Represent the *Town* in person, or through a designee, as a member of municipal, regional and governmental organizations; and
- (f) Perform such other duties and undertake such other tasks as may be requested by the Board of Selectmen or the *RTM* in the performance of their respective duties.

4.1.2 Specific Responsibilities

The First Selectman's responsibilities include, but are not limited to:

- (a) Providing policy and planning leadership to the *Town*, *Town Bodies* (excluding the *Board of Education*), and the *Town Administrator* consistent with such direction as may be provided by the Board of Selectmen;
- (b) Leading an annual review by the Board of Selectmen of its long-term goals, plans and priorities, giving due consideration to any plans or concerns proposed or presented by other *Town Bodies*, *Town Officials* or *Electors* of the *Town*;
- (c) Supervising the *Town Administrator* and initiating the *Town Administrator's* annual performance review;
- (d) Identifying and pursuing opportunities for state and federal grants for the *Town*;

- (e) Requesting that the *RTM* Moderator add matters to an *RTM* agenda, or convene special meetings of the *RTM* for the purposes set forth in the First Selectman's written requests to such Moderator;
- (f) Addressing the *RTM* at any time as requested by the *RTM* Moderator;
- (g) Exercising appointive power as set forth in Article VI of this *Charter*;
- (h) Recommending *Special Appropriations* to the Board of Selectmen;
- (i) Reporting and making recommendations regarding the status of capital improvement projects and the appropriations made for such projects to the Board of Selectmen and the Board of Finance;
- (j) Serving as Purchasing Agent for the *Town*;
- (k) Serving as a participating, but, non-voting member of the Planning and Zoning Commission and Parks and Recreation Commission; and
- (l) Convening meetings of an Operations Planning Committee consisting of the chairs of the elected *Town Bodies* and other *Town Officials* designated by the First Selectman.

4.1.3 Compensation

The Board of Finance shall set the First Selectman's compensation as provided in Section 4.3.2(i) of this *Charter*.

4.1.4 Acting First Selectman

(a) The Board of Selectmen shall vote to designate one of its members to be Acting First Selectman as and for the period of time set by the Board.

(b) During an absence or temporary disability of the First Selectman, the Acting First Selectman will perform the duties and exercise all the powers and responsibilities of the First Selectman, except that an affirmative vote by such Acting First Selectman shall not be required for appointments by the Board of Selectman as provided by Article VI of this *Charter*.

(c) If there is a *Vacancy* in the office of First Selectman, the Acting First Selectman becomes the First Selectman, and the Acting First Selectman shall exercise the powers and responsibilities of that office until the *Vacancy* is filled in accordance with the *General Statutes*.

(d) Should the Acting First Selectman become the First Selectman that person shall *Vacate* the office of Selectman, and such *Vacancy* shall be filled as provided by the *General Statutes*.

BOARD OF SELECTMEN

4.2.1 General Powers and Duties

(a) In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, the Board of Selectmen is authorized to exercise the powers and perform the duties conferred upon a board of selectmen, or similar body, by the *General Statutes*.

(b) No motion, resolution or other action, except to adjourn or to fix the time and place of a Selectmen's meeting, shall be adopted by less than three (3) affirmative votes.

4.2.2 Specific Responsibilities

The Board of Selectmen's responsibilities include, but are not limited to:

(a) Setting policy for the *Town* and providing direction on matters relating to such policy to *Town Bodies*, *Committees* and *Officials*, other than the Board of Education and *RTM*, by:

(1) Establishing long-term goals, plans and priorities for the *Town*, reviewing them annually and communicating them to the *Town* and *Town Bodies*;

(2) Recommending *Ordinances* for enactment by the *RTM*;

(3) Adopting *Regulations*;

(4) To the extent permitted by the *General Statutes*, reviewing and commenting on *Regulations* being considered for adoption by *Town Bodies* that are appointed by the Board of Selectmen;

(5) Appointing temporary advisory *Committees* to assist the Board of Selectmen in carrying out its responsibilities, as provided by Section 2.2.9 of this *Charter*. Such temporary advisory *Committees* and their members shall serve at the pleasure of the Board of Selectmen;

(6) Except as provided in the *General Statutes*, voting to recommend that the *RTM* create or dissolve appointed *Town Bodies*;

(7) Recommending the approval of *Special Appropriations*, and submitting requests for such appropriations to the Board of Finance;

(8) Calling special referendum elections as provided by Article X of this *Charter* and

(9) When necessary, and upon the affirmative vote of the First Selectman and at least three (3) Selectmen, convening meetings of any or all *Town Bodies*, *Committees* or *Officials*, excluding the *RTM*, to review or

coordinate activities or plan operations of the *Town's* government with respect to significant matters of joint concern. The First Selectman shall preside at any such meetings and report the outcome to the RTM at its next meeting.

(b) Exercising administrative oversight for the *Town* by:

(1) Appointing a Town Administrator by an affirmative vote of the First Selectman and at least three (3) Selectmen, and annually reviewing the Town Administrator's performance;

(2) Providing guidance to the First Selectman regarding supervision of the Town Administrator;

(3) Appointing *Administrative Officials* and *Board Members* as provided by Article VI of this *Charter*;

(4) Filling *Vacancies* in elective and appointive offices as provided in Sections 2.1.5 and 6.1.5 of this *Charter*;

(5) Reviewing and approving employment, appointment and removal recommendations submitted by the Town Administrator with respect to *Administrative Officials* and *Employees*;

(6) Authorizing transfers within and among *Town* Departments pursuant to Section 8.3.1(b) of this *Charter*;

(7) Seeking approval from the Board of Finance for transfers, as and when required by Section 8.3.1(d) of this *Charter*;

(8) Considering and acting upon general procurement and purchasing standards or practices recommended by the *Town's* Purchasing Agent and Assistant Purchasing Agent;¹⁵

(9) Appointing Town Counsel and engaging other legal counsel as the Board may deem appropriate; and

(10) Engaging consultants as the Board may deem appropriate.

4.2.3 Recommending Overrides of Board of Finance Action¹⁶

(a) As provided in Section 3.3(a)(1) of this *Charter*, the Board of Selectmen may submit a written request that the RTM review and override any action by the Board of Finance rejecting, modifying or reducing any budget

¹⁵ The First Selectman is the Town's Purchasing Agent. The Town Administrator is the Assistant Purchasing Agent.

¹⁶ See footnote number 13.

request or *Special Appropriation* that had been approved and submitted by the Board of Selectmen.

(b) As provided in Section 3.3(a)(2) of this *Charter*, the Board of Selectmen may submit a written request that the *RTM* consider and act upon any budget request or *Special Appropriation* that had been approved and submitted by the Board of Selectmen, and upon which the Board of Finance failed to act within sixty-five (65) *Days* after receiving notice thereof from the Board of Selectmen.

4.2.4 Power to Investigate

The Board of Selectmen shall have the power to investigate any appointed *Town Body* or *Official* and, for such purpose, shall have the power to issue subpoenas, in accordance with the requirements of the *General Statutes*.

4.2.5 Compensation

The Board of Finance shall determine whether the Selectmen, other than the First Selectman, shall receive any compensation as provided in Section 4.3.2(j) of this *Charter*.

BOARD OF FINANCE

4.3.1 General Powers and Duties

In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, the Board of Finance is authorized to exercise the powers and perform the duties conferred upon a board of finance by the *General Statutes*.

4.3.2 Specific Responsibilities

The Board of Finance's responsibilities include, but are not limited to:

(a) Adopting an accounting method that is consistent with generally accepted best municipal accounting practices by which all records and books of account of the *Town*, or any Department thereof, shall be kept;

(b) Considering and acting upon Board of Selectmen and Board of Education requests for *Special Appropriations* as provided in Section 8.3.2 of this *Charter*;

(c) Directing disbursements from any contingency fund, provided that contingency fund balances shall not be used to acquire real estate without the *RTM's* approval;

(d) Annually, establishing dollar limitations within which post-budget transfers may be effected without Board of Finance approval, as provided in Section 8.3.1(b) of this *Charter*;

(e) Approving, adjusting or rejecting requests for transfers submitted by the Board of Selectmen as and when required by Section 8.3.1(d) of this *Charter*;

(f) Designating one member of the Board to participate and advise in the negotiation of each contract to acquire or dispose of real estate for money or other consideration, and each collective bargaining agreement to which the *Town* or a *Town Body* is, or may become, a party;

(g) Notifying the Board of Selectmen and *Town* Administrator of any designation authorized by Section 4.3.2(f) of this *Charter*;

(h) Advising the Purchasing Agent and Assistant Purchasing Agent with respect to procurement, and procurement and purchasing standards or practices for the *Town*;

(i) Setting the amount and nature of the First Selectman's annual compensation for the each elected term in the September of the even-numbered year preceding a municipal election in which a First Selectman will be elected. The Board may increase the First Selectman's compensation for the remainder of a four year term at the end of the second year of service. The First Selectman's compensation shall be comparable to the compensation paid by Connecticut municipalities with similar *Grand List* totals to individuals serving in comparable positions and performing comparable duties;

(j) Determining whether the Selectmen, other than the First Selectman, shall receive any compensation for each elected term, as well as the amount and nature thereof. The Board of Finance shall consider this matter when it sets the First Selectman's compensation as provided in Section 4.3.2(i), of this *Charter*. The Board may re-consider this matter and authorize or increase the Selectmen's compensation for the remainder of a four (4) year term at the end of the Selectmen's second year of service;

(k) In consultation with the Board of Selectmen, establishing a maximum dollar amount within the fund balance of the *General Fund* which the First Selectman may spend or commit at his discretion to meet or mitigate any declared public emergency;¹⁷

(l) No later than five (5) *Business Days* prior to the date of the *RTM's* consideration of an override action as provided in Section 3.3(a)(1) of this

¹⁷ See Section 2.3.2(b) of this Charter.

Charter, submitting to the Town Clerk, for transmittal to the RTM, funding considerations, including, if necessary, a *Mill Rate* calculation based on the assumption that the RTM may affirm the Board of Finance's action, as well as a *Mill Rate* calculation based on the assumption that the RTM may override the Board of Finance's action;

(m) No later than five (5) *Business Days* prior to the date of the RTM's consideration of an action as provided in Section 3.3(a)(2) of this *Charter*, submitting to the Town Clerk, for transmittal to the RTM, funding considerations, including, if necessary, a *Mill Rate* calculation based on the assumption that the RTM may take the requested action.¹⁸

BOARD OF EDUCATION AND SUPERINTENDENT OF SCHOOLS

4.4.1 General Powers and Duties

This Charter recognizes all of the powers and duties conferred on the Board of Education and the Superintendent of Schools by the *General Statutes*.

4.4.2 Record Keeping

(a) The Board of Education and Superintendent of Schools may keep fiscal control records convenient for the administration of the *Town's* public school system and in compliance with state and federal requirements.

(b) Notwithstanding the foregoing, the Board of Education shall provide the Board of Selectmen full and complete financial budgeting and accounting records using methods and in formats prescribed by the Board of Finance.

(c) The Board of Education shall submit the *Board of Education Budget* as required by Article VIII of this *Charter*, unless otherwise provided by the *General Statutes*.

4.4.3 Recommending Overrides of Board of Finance Action¹⁹

(a) As provided in Section 3.3(a)(1) of this *Charter*, the Board of Education may submit a written request that the RTM review and override any action by the Board of Finance rejecting, modifying or reducing any budget request or *Special Appropriation* that had been approved and submitted by the Board of Education.

¹⁸ See footnote number 5 with respect to Section 4.3.2(i) and (j), and footnote number 13 with respect to Section 4.3.2(l) and (m).

¹⁹ See footnote number 13.

(b) As provided in Section 3.3(a)(2) of this *Charter*, the Board of Education may submit a written request that the *RTM* consider and act upon any budget request or *Special Appropriation* that had been approved and submitted by the Board of Education, and upon which the Board of Finance failed to act within sixty five (65) *Days* after receiving notice thereof from the Board of Education.

4.4.4 Superintendent of Schools

A Superintendent of Schools shall be appointed by the Board of Education, in accordance with the *General Statutes*.

PLANNING AND ZONING COMMISSION

4.5.1 General Powers and Duties

(a) In addition to acting pursuant to this *Charter* and the *Town's Ordinances and Regulations*, and subject to the provisions of this *Charter*, the Planning and Zoning Commission is authorized to exercise the powers and perform the duties conferred upon such a body by the *General Statutes*.

(b) The First Selectman and Director of Public Works shall be participating members of the Planning and Zoning Commission, without voting privileges.

4.5.2 Specific Responsibilities

The Planning and Zoning Commission's responsibilities include, but are not limited to:

(a) Preparing, amending, adopting, maintaining and reviewing plans or reports required by the *General Statutes*, such as the "Town Plan of Conservation and Development" ("C&D Plan"). The Commission shall consider whether all requested improvements for the development of public or private land, ways, buildings, bridges, places or structures, whether existing, new or proposed, are consistent with the C&D Plan;²⁰

(b) Adopting, amending or repealing subdivision *Regulations*, zoning *Regulations* and the *Town's* zoning map.

(c) Reviewing and acting upon subdivision applications, special permits, site plan applications, coastal site plans, other land use approvals and referrals from federal, state or regional agencies;

(d) In cooperation with the appropriate *Administrative Official(s)* or *Town Body(ies)*, making proposals for improvements, development or re-development;

(e) Preparing and annually updating a set of long-term land-use development and re-development plans for the *Town*, which, among other things, may include elements of the C&D Plan;

²⁰ When this Charter was adopted C.G.S. 8-23 required municipalities to prepare or amend and adopt a plan of conservation and development at least every ten (10) years.

(f) Conducting studies, offering recommendations, and advising other *Town Bodies*, *Committees* and *Officials* about changes to its set of long-term plans for the *Town*;

(g) Collecting, considering and recording comments, concerns and complaints from *Electors* and *Officials* as part of the annual review of the Commission's set of long-term plans for the *Town*;

(h) Reviewing recommendations from the Architectural Review Board concerning exterior alterations to commercial and multi-family project applications;

(i) Assisting and advising the Environmental Protection Commission and Department of Public Works in the performance of their duties;

(j) Appointing a Zoning Enforcement Officer and Assistant Zoning Enforcement Officer; and

(k) Engaging such consultants as it requires to perform its duties.

BOARD OF ASSESSMENT APPEALS

4.6.1 General Powers and Duties

The Board of Assessment Appeals shall have all the powers of and act in accordance with the provisions of the *General Statutes* applicable to boards of assessment appeals.

4.6.2 Specific Responsibilities

Appeals to the Board of Assessment Appeals by any person claiming to be aggrieved by the actions of the Town Assessor shall be taken only in the manner authorized by the *General Statutes*.

ARTICLE V

OTHER ELECTED OFFICIALS

5.1 General Powers and Duties

In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, *Elected Officials* who are not members of a *Town Body*, specifically the Town Clerk, Town Tax Collector, Town Treasurer, Registrars of Voters and Constables, are authorized to exercise the powers and perform the duties conferred upon them by the *General Statutes*.

5.2.1 Town Clerk

The Town Clerk shall:

- (a) Collect the fees and compensation which are to be paid to a Town Clerk under the *General Statutes*, and deposit all the money collected in a manner consistent with best municipal practices;
- (b) Receive a salary in lieu of all fees and other compensation which are or may be paid to a Town Clerk under the *General Statutes*;
- (c) Maintain records of and for the *Town*, and prepare and deliver reports consistent with best municipal practices;
- (d) Provide staff support for the *RTM*; and
- (e) By November 30th of each year, conspicuously post in the Town Clerk's office and *Publish* at least once a then current list of all *Elected Officials* (including *Officials* who are not elected as members of a *Body*). The list shall include names, political party affiliations and terms. Members of the *RTM* shall be listed by voting district without their political party affiliations.

5.2.2 Assistant Town Clerk(s)

The Town Clerk may appoint one or more assistant town clerks.

ARTICLE VI

APPOINTED TOWN BODIES AND COMMITTEES

6.1.1 Creation of Appointed Town Bodies and Committees

(a) The RTM shall enact *Ordinances* setting forth the organizational structure, powers and duties, and eligibility criteria of the following *Town Bodies*: Architectural Review Board; Building Board of Appeals; Environmental Protection Commission; Sewer Commission; Social Services Commission; and Zoning Board of Appeals, and to establish any other appointed *Town Body* recommended by Board of Selectmen.²¹

(b) All *Ordinances* with respect to appointed *Town Bodies* shall designate the number of *Board Members*; provide for alternates, if deemed necessary or desirable; set the terms of office, which may be staggered or overlapping; and require each such *Town Body* to keep records. Except as otherwise provided by the *General Statutes*, there shall always be an odd number of *Board Members*, and their terms of office shall not exceed four (4) years.²²

6.1.2 Appointment

The Board of Selectmen shall appoint all *Administrative Officials* and *Board Members*, unless otherwise specifically provided by this *Charter* or the *General Statutes*. All appointments by the Board of Selectmen shall be by affirmative vote of the First Selectman and at least two (2) other Selectmen. If an appointment is made by the Board of Selectmen when an Acting First Selectman is in office as provided in Section 4.1.4 of this *Charter*, the appointment shall be by affirmative vote of at least three (3) Selectmen.

6.1.3 Term of Office and Eligibility

(a) Each *Board Member* shall hold office for the term of the office and shall serve until a successor has been appointed and qualified, unless such office is *Vacated* before the expiration of the term.

(b) Every *Board Member* shall be an *Elector*. When a *Board Member* ceases to be an *Elector*, he shall immediately cease to hold the appointed office, and a new *Board Member* shall be selected to fill the *Vacancy* as provided in Section 6.1.5 of this *Charter*.

²¹ See Section 4.2.2(a)(7) of this Charter.

²² See the definition of “Official” in Section 1.3 of this Charter, which indicates that individuals appointed to any Town Body or Committee shall be referred to as “Board Members.”

6.1.4 Duties and Responsibilities

(a) In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this *Charter*, *Board Members* are authorized to exercise the powers and perform the duties conferred upon them by the *General Statutes*.

(b) Each appointed *Town Body* and *Committee* shall, upon request, and at least annually, submit a report to its appointing authority, in a form prescribed by such appointing authority.

6.1.5 Vacancies

In the event of a *Vacancy* in any appointed office, *Town Body* or *Committee*, a successor shall be appointed by the applicable appointing authority for the remainder of the departed *Official's* un-expired term.²³

6.1.6 Removal

The Board of Selectmen may initiate proceedings to remove any *Board Member* or alternate *Board Member*. The Code of Ethics *Ordinance* shall provide rules and grounds for removal.²⁴

6.2 Police Commission

(a) The Board of Selectmen appoints the Police Commission, which shall have three (3) members. One (1) member shall be appointed as of each July 1 for a term of three (3) years.

(b) No vote or action of the Police Commission, except to adjourn or fix the time and place of a Commission meeting, shall be valid unless adopted by two or more affirmative votes.

(c) The Police Commission's responsibilities include, but are not limited to:

- (1) Managing and controlling the *Town's* police force;
- (2) Adopting rules and *Regulations* for the governance of the police force;
- (3) Appointing and setting the terms of office for the Chief of Police;

²³ See Section 2.2.2 of this Charter.

²⁴ See Section 2.2.7 of this Charter.

- (4) Appointing and setting the terms of office for the Dog Warden; and
- (5) Making rules to regulate traffic that are consistent with the *General Statutes* and *Ordinances*.²⁵

6.3. Parks and Recreation Commission

(a) The Board of Selectmen appoints the Parks and Recreation Commission, which shall have nine (9) members. Three (3) members shall be appointed as of each July 1 for a term of three years.

(b) The First Selectman and the Director of Public Works shall be participating members of the Parks and Recreation Commission, without voting privileges.

(c) No vote or action of the Commission, except to adjourn or fix the time and place of a Commission meeting, shall be valid unless adopted by five (5) or more affirmative votes.

(d) The Parks and Recreation Commission's responsibilities include, but are not limited to:

- (1) Managing and controlling all parks owned by the *Town*.
- (2) Receiving, on behalf of the *Town*, gifts, donations or devises of land or other property for park purposes, subject to the approval of the *RTM*;
- (3) Laying out improving and providing for the maintenance of walks, roads and recreational facilities, and otherwise improving and developing the parks and other property held for or devoted to, park purposes ("Parkland");
- (4) Determining the location and appearance of utilities and other facilities installed in or on Parkland, and providing for their maintenance ; and
- (5) Authorizing the preparation of all necessary surveys, maps or plans in connection with the acquisition, maintenance, operation and management of Parkland.

²⁵ When this Charter was adopted, relevant provisions were located at C.G.S. 14-1 et seq., 14-212 et seq., and 14-297 et. seq.

ARTICLE VII

GOVERNMENT ADMINISTRATION, DEPARTMENTS AND DEPARTMENT HEADS

7.1.1 Departments

In addition to acting pursuant to this *Charter* and the *Town's Ordinances* and *Regulations*, and subject to the provisions of this Charter, *Administrative Officials* and the Departments of the *Town* are authorized to exercise the powers and perform the duties conferred upon them by the *General Statutes*.²⁶

7.1.2 Qualifications of Department Heads

The Town Administrator shall be responsible for the preparation of job descriptions and designating the qualifications for all Department Head positions, other than such positions that are subject to the Board of Education's and Police Commission's authority. The job descriptions and qualifications for each Department Head position shall be reviewed and updated periodically, and whenever there is a *Vacancy* in a position.

7.1.3 Appointment, Duties and Removal of Department Heads

(a) Except as otherwise provided by the *General Statutes*, each Department Head shall be appointed by and subject to the authority of the Board of Selectmen, following the recommendation of the Town Administrator.

(b) Each Department Head shall devote the time necessary and fulfill the duties of the position as set forth in the job description for it and, with the approval of the Town Administrator, shall appoint, hire, evaluate and discipline all the assistants and other *Employees* of the Department.

(c) A Department Head may be removed from the position by the Board of Selectmen.

²⁶ See the definition of "Official" in Section 1.3 of this Charter, which indicates that Department Heads are Administrative Officials.

TOWN ADMINISTRATOR

7.2.1 Appointment

The Board of Selectmen shall appoint the Town Administrator, who shall be the Chief Administrative Officer of the *Town*. The Board of Selectmen shall approve the terms of employment for the Town Administrator. The Town Administrator shall have training and experience in the administration and management of municipal government. The Town Administrator shall serve at the pleasure of the Board of Selectmen. The Town Administrator shall be directly supervised by the First Selectman and be accountable to and receive direction from Board of Selectmen.

7.2.2 Specific Responsibilities

(a) The Town Administrator shall devote full time to the duties of the position.

(b) The Town Administrator shall meet with the Superintendent of Schools or the Superintendent's designee, at least annually to identify and evaluate opportunities for economies of scale and scope, considering the best interests of the *Town* and taking into consideration the educational needs of the *Town's* school children;

7.2.3 Town Administrator's Duties as Assistant Purchasing Agent for the Town, and the Town's Procurement Ordinances

As Assistant Purchasing Agent for the *Town*, the Town Administrator shall be responsible for administering and recommending amendments to the *Ordinances*, as well as all related *Regulations*, pertaining to procurement and purchasing.

7.2.4 Areas Outside of the Town Administrator's Authority

The Town Administrator shall have no authority over sworn officers of the Police Department, certified teachers or other *Employees* supervised or directed by the Superintendent of Schools or the Board of Education.

FINANCE DEPARTMENT

7.3 Finance Director

The Finance Director heads the Finance Department. The Board of Selectmen approves the appointment of the Finance Director, who shall be

supervised by the Town Administrator for administrative purposes and receive direction from Board of Finance for operational purposes. The Finance Director shall have training and experience in municipal finance, including accounting and treasury practices, reporting systems, and related matters. Among other responsibilities, the Finance Director shall devote full time to the duties of the position.

PLANNING AND ZONING DEPARTMENT

7.4 Planning and Zoning Director

The Planning and Zoning Director heads the Planning and Zoning Department. The Board of Selectmen approves the appointment of the Planning and Zoning Director, who shall be supervised by the Town Administrator for administrative purposes and receive direction from the Planning and Zoning Commission for operational purposes. The Planning and Zoning Director shall have training and experience in municipal planning and zoning, land use, economic and community development and re-development, the environment and related matters. Among other responsibilities, the Planning and Zoning Director shall devote full time to the duties of the position.

ARTICLE VIII FINANCIAL BUDGETING PROCESS

GENERAL PROVISIONS

8.1.1 Fiscal Year

The *Town's* fiscal year is the Uniform Fiscal Year as provided for in the *General Statutes*.²⁷

8.1.2 No Liability or Expense to be Incurred in Excess of Appropriation

Unless otherwise provided by this *Charter*, no *Town Body, Committee or Official* shall incur any liability or expense, by contract or otherwise, for which the *Town* shall be responsible that exceeds the appropriation set for it by the *Town of Darien Budget*, or for which there is no appropriation. Moreover, no money shall be expended without an appropriation. Actions taken by the First Selectman pursuant to Section 2.3.2 of this Charter during a declared public emergency are excepted from this Section 8.1.2.

8.1.3 No Public Improvement to be Ordered Without Appropriation

No public improvement of any kind shall be authorized or ordered until an appropriation for such improvement has been duly made, and funds to pay for such improvement been appropriated and designated for that purpose.

PROCEDURES

8.2.1 Preparing and Submitting the Board of Selectmen Budget

(a) With oversight by the Board of Selectmen, the Town Administrator shall coordinate and manage the preparation of the *Board of Selectmen Budget* for each fiscal year.

(b) The Town Administrator shall submit a draft of the *Board of Selectmen Budget* to the Board of Selectmen no later than February 1, or the first *Business Day* thereafter. Said submission shall include:

- (1) An annual or current itemized operating expense budget and revenue projections, which shall be the complete financial plan for the next ensuing fiscal year, consisting of the narrative or line items of the budget and the budget message, and;

²⁷ As of the date of this *Charter's* adoption, the Town's fiscal year is July 1 – June 30.

(2) The *Board of Selectmen's* itemized capital requests for the next ensuing fiscal year and an outline of the *Town's* estimated capital expenditures for the next five (5) fiscal years.

8.2.2 Deliberations on the Board of Selectmen Budget by the Board of Selectmen

(a) The Board of Selectmen shall conduct a public hearing on the *Board of Selectmen Budget*.

(b) The *Board of Selectmen Budget* shall be a public record in the Office of the Town Clerk, and shall be open to public inspection. The Town Administrator shall assure that the budget message and the *Board of Selectmen Budget* are made available for the use by the Board of Selectmen, the Board of Finance, the Board of Education, and as requested by *RTM* members.

(c) The budget message shall contain: the Board of Selectmen's recommendations concerning the *Town's* fiscal policy; a description of the *Board of Selectmen Budget's* important features; an explanation of all major increases or decreases and changes in budget recommendations as compared with prior years; and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main heads of expenditure. Said message shall summarize the *Town's* debt position and may include such other information as the Board of Selectmen deems desirable.

(d) The Board of Selectmen shall approve and submit the *Board of Selectmen Budget* to the Board of Finance no later than the first (1st) Tuesday in March.

(e) The Board of Selectmen shall assure that the *Board of Selectmen Budget* is *Published* at least three (3) days before the second (2nd) Tuesday in March.

8.2.3 Preparing and Submitting the Board of Education Budget

(a) The Board of Education shall coordinate and manage the preparation of the *Board of Education Budget* for each fiscal year.

(b) The *Board of Education Budget* shall include:

(1) An annual or current itemized operating expense budget and projections of receipts, which shall be the complete financial plan for the next ensuing fiscal year, consisting of the narrative or line items of the budget and the budget message, and;

(2) The Board of Education's itemized capital requests for the public schools for the next ensuing fiscal year and an outline of the Board's recommendations for capital expenditures for the public schools for the next five (5) fiscal years.

8.2.4 Deliberations on the Board of Education Budget by the Board of Education

(a) The Board of Education shall conduct a public hearing on the *Board of Education Budget*.

(b) The *Board of Education Budget* shall be a public record in the Office of the Town Clerk, and shall be open to public inspection. The Board of Education shall assure that the budget message and the *Board of Education Budget* are made available for use by the Board of Education, the Board of Finance, the Board of Selectmen, and as requested by *RTM* members.

(c) The budget message shall contain: the Board of Education's recommendations concerning the Board's fiscal policy; a description of the *Board of Education Budget's* important features; an explanation of all major increases or decreases and changes in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main heads of expenditure. Said message may include such other information as the Board of Education deems desirable.

(d) The Board of Education shall approve and submit the *Board of Education Budget* to the Board of Finance no later than the first (1st) Tuesday in March.

(e) The Board of Education shall assure that the *Board of Education Budget* is *Published* at least three (3) days before the second (2nd) Tuesday in March.

8.2.5 Review and Approval of the Town of Darien Budget by the Board of Finance

(a) At a meeting held on the second (2nd) Tuesday in March, and at all adjournments thereof, the Board of Finance shall:

(1) Conduct a public hearing for taxpayer comment on the *Board of Selectmen Budget* and the *Board of Education Budget*;

(2) Review and approve, reject, reduce or increase by line item, the requested operating appropriations approved and submitted as the *Board of Selectmen Budget*;

(3) Review and approve, reject, reduce or increase the total requested operating appropriation approved and submitted as the *Board of Education Budget*;

(4) Review and approve, reject, reduce or increase by line item the capital appropriations requested by the Board of Selectmen and the Board of Education as the *Capital Budget*;

(5) At its discretion, make other adjustments to the foregoing by, among other things: recommending appropriations to incur or pay off any *Town* debt; providing a fund for public improvements or contingent funds for general or targeted purposes; or creating a reserve for uncollectible taxes;

(6) Calculate the *Mill Rate* to be assessed on the *Grand List* based on the foregoing, including any adjustments made by the Board of Finance; and

(7) Approve the foregoing as the *Town of Darien Budget* and the Board's recommended *Mill Rate*.

(b) The Board of Finance shall file the approved *Town of Darien Budget* and recommended *Mill Rate* with the Board of Selectman and in the Town Clerk's office on or before the third (3rd) Tuesday in April.

(c) The Board of Finance shall direct that the approved *Town of Darien Budget* and recommended *Mill Rate* are *Published* on or before the last Tuesday in April.

(d) In the event of an override action as provided in Section 3.3 of this *Charter*, the Board of Finance shall perform *Mill Rate* calculations as provided in Sections 4.3.2(l) or (m) of this *Charter*, as applicable.²⁸

8.2.6 Submission of the Town of Darien Budget to the RTM

Upon receipt, the Board of Selectmen shall submit the *Town of Darien Budget* to the RTM for consideration at its Annual Budget Meeting, which takes place on the second (2nd) Monday in May.

8.2.7 The Annual Budget Meeting

(a) At its annual budget meeting on the second (2nd) Monday in May the RTM shall:

²⁸ See footnote number 13.

(1) Approve, reduce or reject by line item the operating appropriations set forth in the *Board of Selectmen Budget* portion of the *Town of Darien Budget*;

(2) Approve, reduce or reject the total operating appropriation set forth in the *Board of Education Budget* portion of the *Town of Darien Budget*;

(3) Approve, reject, reduce or increase by line item the *Capital Budget* portion of the *Town of Darien Budget*;

(4) Consider and act upon any override action under Sections 3.3, 4.2.3 and 4.4.3 of this *Charter*, and,²⁹

(5) Consider and act upon the Board of Finance's *Mill Rate* recommendation.

(b) If the RTM changes the *Town of Darien Budget* as permitted by Sections 8.2.7(a) (1), (2), (3) or (4) of this *Charter* the Board of Finance shall determine whether its recommended *Mill Rate* needs to be recalculated, and by how much. The RTM shall consider and act upon the Board of Finance's revised *Mill Rate* recommendation.

POST-BUDGET TRANSACTIONS

8.3.1 Transfers

(a) Unless approved by the Board of Finance, transfers between capital accounts and operating accounts are prohibited; further, no transfer may be used to add *Town Employees* without the Board of Finance's approval.

(b) The Board of Finance shall establish the dollar limitations within which:

(1) Department Heads may authorize intra-departmental transfers, subject to the approval of the Town Administrator;

(2) The Town Administrator may authorize intra-departmental transfers, subject to the approval of the Board of Selectmen; and

(3) The Board of Selectmen may authorize intra-departmental and inter-departmental transfers.

(c) The Town Administrator and Board of Selectmen shall review and approve, reject or reduce transfer requests at their discretion and within the limitations of their respective authority.

²⁹ See footnote number 13 Similarly, 8.2.7(b).

(d) The Board of Selectmen shall submit requests for all proposed transfers in excess of the highest dollar limitation established by the Board of Finance pursuant to Section 8.3.1(b) of this *Charter* to the Board of Finance for consideration and action.

(e) The Town Administrator shall oversee the preparation of monthly reports detailing all transfers authorized pursuant to Section 8.3.1(b), above, and shall submit such reports to the Board of Selectmen and the Board of Finance within thirty (30) *Days* of the close of the month within which the transfers occurred.

8.3.2 Special Appropriations

(a) The Board of Selectmen and Board of Education may recommend *Special Appropriations*, and approve and submit requests for such *Appropriations* to the Board of Finance.

(b) The Board of Finance shall review and approve, reject, reduce or increase each *Special Appropriation*, and if not rejected, determine and recommend the means by which the *Town* might fund it. To make this determination, the Board of Finance shall, among other things, consider: unneeded and unexpended appropriations; any unassigned fund balance within the *General Fund* or any contingency fund; bonding; or the laying of a special tax.

(c) The *Ordinances* shall require that any expenditure for a *Special Appropriation* approved by the Board of Finance which requires bonding or a special tax, or which exceeds an amount set by such *Ordinances*, shall be submitted by the Board of Finance for consideration and action by the *RTM*.

(d) **Except as provided by Section 3.3 of this *Charter*,** the *RTM* may approve, reduce or reject, but not increase any *Special Appropriation* submitted for its consideration.³⁰

8.3.3 Disbursements from Contingency Funds

The Board of Finance shall have the authority to direct disbursements from any contingency fund, provided that contingency fund balances shall not be used to acquire real estate without the *RTM's* approval.

³⁰ See footnote number 13.

ARTICLE IX

PUBLIC FUNDS AND FINANCE

9.1.1 Issuance Authorized

The *Town* shall have the power to incur indebtedness by authorizing the issuance of its financial instruments, including, but not limited to, bonds and notes, for such purposes, upon such terms, in such form and to such extent as is authorized and permitted by the *General Statutes* and applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, grant anticipation notes, tax anticipation notes and other types of special obligations authorized and permitted by the *General Statutes* and applicable Special Acts (“Bond” or “Notes”).

9.1.2 Procedures

(a) Upon the recommendation of the Board of Finance, the *RTM* shall adopt *Ordinances* prescribing the respective roles and responsibilities of *Town Officials* with respect to debt planning, authorization, issuance and management; including, but not limited to such *Officials’* authority to retain consultants for specialized services.

(b) Unless otherwise provided by the *General Statutes* or applicable Special Acts, Bonds or Notes shall be authorized by a resolution approved by the Board of Finance and the affirmative vote of at least a majority of the sworn members of the *RTM*.

(c) Resolutions authorizing Bonds or Notes shall set forth a stated amount or a stated maximum amount for a stated capital purpose, which shall be described in brief and general terms. Several purposes, which are similar in character or related to one another, may be combined in a single resolution. Each authorization shall be deemed to constitute an appropriation of the proceeds for the purpose(s) of the issue.

9.1.3 Short Period of Limitation

The recitals or statements of fact contained in a resolution authorizing Bonds or Notes will be deemed incontrovertible for the purpose of determining the validity of such Bonds or Notes thirty (30) *Days* from the end of the fourteen (14) *Day* period during which a petition for referendum on such resolution may be filed. In addition, the Resolution shall then be conclusively

presumed to have been duly and regularly passed and to comply with the provisions of this *Charter*.

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ARTICLE X

REFERENDUM

10.1 Petition for Referendum³¹

- (a) The following actions of the RTM are subject to referendum:
- (1) To authorize a budget appropriation, *Special Appropriation* or single expenditure in a dollar amount that exceeds an amount to be specified by *Ordinance*; or
 - (2) For the issuance of any Bonds or Notes; or
 - (3) To override an action taken by the Board of Finance as provided in Section 3.3(a)(1) of this *Charter*; or
 - (4) To authorize a budget appropriation or Special Appropriation in the absence of Board of Finance action as provided in Section 3.3(a)(2) of this *Charter*; or
 - (5) To authorize the sale or disposition of real estate owned by the *Town*; or
 - (6) To enact, amend or repeal an *Ordinance*; or
 - (7) To re-codify the *Ordinances* as provided in Section 3.5(b)
- (b) The Town Clerk shall prepare a referendum petition form at the request of any *Elector* in response to an *RTM* action that is subject to referendum. The petition form shall specify the questions sought to be submitted for a referendum vote.

³¹ See footnote number 13 with respect to Section 10.1(a)(3) and (4).

(c) To be valid, a petition for a referendum must be:

(1) Signed by at least five per cent (5%) of the *Town's Electors*, as determined by a current list of registered voters then compiled by the Registrars of Voters; and

(2) Filed with the Town Clerk within fourteen (14) *Days* of the adjournment of the *RTM* meeting at which the action specified in the petition was taken.

The petition must also contain each signer's printed name and address.

(d) The Registrars of Voters shall verify the petition and certify to the Board of Selectmen that all who signed were *Electors* when they signed. The Board of Selectmen shall hold a special referendum election with respect to the action specified in the petition no more than thirty (30) *Days* after the filing of the petition.

10.2 Required Vote³²

(a) (Option 1) Questions submitted for a referendum vote shall stand approved unless a majority of those voting thereon shall have voted "No," and such majority shall exceed in number twenty-five percent of all the *Electors* of the *Town* as of the last annual municipal election.

(a) (Option 2) Questions submitted for a referendum vote shall be decided by majority vote, provided at least thirty-five per cent (35%) of the total number of *Electors* cast votes in the referendum election. The Registrars of Voters shall certify the total number of *Electors* no later than seven (7) *Days* before a referendum election.

(b) *Electors* are entitled to vote in all referenda elections. *Referendum Voters* who are not *Electors* are entitled to vote in any special referendum election with respect to the *RTM* actions listed in Section 10.1 (a) (1), (2), (3) or (4) of this *Charter*.³³

³² In a referendum election to be held on November 4, 2008, Darien's voters will decide whether the vote required for a referendum to succeed shall be as set forth in Section 10.2(a) Option 1, which is the requirement under the current Special Act Charter, or Section 10.2(a) Option 2, which is recommended by the Charter Revision Commission.

³³ When this Charter was adopted, relevant provisions were located at C.G.S. 9-369d.

10.3 Effect of a Referendum

(a) If a referendum disapproves an action by the *RTM*, such action shall be nullified immediately.

(b) If a referendum affirms an action taken by the *RTM*, such action shall be effective immediately, except as provided in Section 10.3(c) of this *Charter*.

(c) If the *RTM* had delayed the effective date of an action as provided in Section 3.5(a) of this *Charter*, and such action is affirmed by referendum, such action shall be effective on the delayed effective date originally established by the *RTM*.

(d) If a referendum will affect any annual appropriation, the time within which the Board of Finance must lay the *Town* tax for the applicable fiscal year shall be extended for up to five (5) *Days* after the referendum vote.

ARTICLE XI

MISCELLANEOUS

11.1 Validity

If any provision of this *Charter* is declared by a court of competent jurisdiction to be unconstitutional or void, such action shall not affect the validity of any other provision.

11.2 Submission and Effective Date

This *Charter* shall be submitted to the *Electors* of the *Town* at a special election to be held Tuesday, November 4, 2008. Voting shall be in accordance with the laws of the State of Connecticut and the proposed *Charter* may be submitted in the form of one or more questions as determined by the Board of Selectmen. The *Charter*, or the portions of it that are approved by the *Electors* of the *Town*, shall take effect on July 1, 2009.

11.3 Existing Ordinances

All *Ordinances* of the *Town* shall continue in full force and effect. Existing *Ordinances* that are inconsistent with this *Charter* shall be amended by July 1, 2009. Any new *Ordinances* that are required to implement the new *Charter* shall be enacted by July 1, 2009.

ARTICLE XII

TRANSITION

12.1 First Selectman

If the voters decide to increase the First Selectman's term to four (4) years, then the First Selectman shall be elected to a four (4) year term, as set forth in Section 2.1.1(a) of this *Charter* starting at the municipal election convened in 2009

12.2 Board of Selectmen

If the voters decide to increase the term for the four (4) Selectmen to four (4) years, then the four (4) Selectmen shall each be elected to a four (4) year term as set forth in Section 2.1.1(a) of this *Charter* starting at the municipal election convened in 2009.

12.3 Effect of November 4, 2008 Referendum Election on RTM Override Provisions in the Charter

If the voters decide that the *RTM* should not have the override authority described in Section 3.3(a) of this *Charter*, all provisions of this *Charter* which relate to such override authority, including Sections 4.2.3 and 4.4.3, shall be deleted and, if necessary, marked as "intentionally left blank."