

**CHARTER**  
**OF THE**  
**TOWN OF WALLINGFORD**

We, the electors of the Town of Wallingford, Connecticut, pursuant to the provisions of Chapter 99 of the Connecticut General Statutes, do approve this Charter for Wallingford.

**CHAPTER I. INCORPORATION AND GENERAL POWERS**

**Section 1. Incorporation**

All the inhabitants dwelling within the territorial limits of the Town of Wallingford, Connecticut, as heretofore constituted under the provisions of the Consolidation Act (Special Act 49, January 1957) shall continue to be a body politic and corporate under the name of "The Town of Wallingford," hereinafter called "the town," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon towns under the general laws of the State of Connecticut.

**Section 2. Rights and Obligations**

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said town as of the effective date of this Charter are continued in said town, and said town shall continue to be liable for all debts and obligations of every kind for which said town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said town to collect any assessment, charge, debt, or lien. If any contract has been entered into by said town prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said town which contains provisions that the same may be enforced by any 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 Charter, thereafter be exercised and discharged by the Mayor of said town.

**Section 3. General Grant of Powers**

In addition to all powers granted to towns under the Constitution and General Statutes, the town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the town, including the power to enter into contracts with the United States or any agency thereof, the State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any

other chapter of this charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

## **CHAPTER II. OFFICERS AND ELECTIONS**

### **Section 1. State and Federal Officers**

Nomination and election of state and federal officers, state senators and representatives, judge of probate and two registrars of voters shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed by the Constitution and the general laws of this state applicable to the Town of Wallingford, Connecticut.

### **Section 2. Municipal Elections**

A meeting of the electors of the Town of Wallingford for the election of municipal officers shall be held biennially on the first Tuesday after the first Monday of November of each odd-numbered year. At such meeting, there shall be elected for a term of two years a Mayor and nine members of the Town Council, not more than six of whom shall be of the same political party, in such manner as is prescribed in the Constitution and general laws of the State of Connecticut. Insofar as it is consistent with said laws of the State of Connecticut, each elector shall have the opportunity to vote for nine Council members.

There shall be a Board of Education consisting of nine members who shall be elected in accordance with the laws of the State of Connecticut for terms of two years. At each such election, each elector shall have the opportunity to vote for a number of candidates equal to the number of vacancies occurring on the Board of Education.

The names of all candidates duly nominated shall be arranged on the ballot as prescribed by state statutes.

That number of persons sufficient to fill the offices to be filled who shall receive the highest number of votes shall be elected except as otherwise stipulated by state statute or local charter. The terms of all officers shall commence on the first Monday after the succeeding January 1st. All elective officers shall hold office until their successors have been chosen and qualified.

No person who holds an elective office, except as stipulated in Chapter III, Section 1, shall be appointed to any office or employment under the government of Wallingford if such appointment is made by the agency of which the elected official is a member, or if said appointive position receives compensation from the government of Wallingford, until his/her term of office expires.

### **Section 3. Nomination of Candidates**

The name of any elector of the town shall be placed on the ballot at the municipal election as a candidate for any office to be filled, if he/she has been nominated by a political party in accordance with the provisions of the Connecticut General Statutes or on whose behalf there shall be filed, in accordance with the provisions of the General Statutes as they may be from time to time amended, prior to such municipal election a petition presenting him/her as a candidate for election.

### **Section 4. Breaking a Tie and Contested Elections**

When, as the result of any municipal or special election held under the

provisions of this Charter, it is necessary to break a tie, a special election conducted in accordance with the Connecticut General Statutes confined to the tied candidates shall be called by the Town Council no later than twenty-one days after said election, to determine which shall be elected. In the case of a tie vote as the result of any primary, the tie vote shall be resolved in accordance with the Connecticut General Statutes.

**Section 5. Eligibility**

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

**Section 6. Vacancies**

Any vacancy in any elective town office from whatever cause arising, except as otherwise provided in this charter, shall be filled by appointment by the Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner, provided that such vacancy shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office. If there shall be a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term.

**Section 7. Voting Districts**

All officers of the Town of Wallingford who are chosen by election shall be elected at large. The voting districts shall continue to be as established on the effective date of this Charter provided the Council may, from time to time, by ordinance, divide the town into voting districts for the establishment of polling places therein.

**Section 8. Appointments**

All appointments made by the Mayor that require confirmation by the Council shall be subject to the provisions of this section. Pending confirmation, any person presently holding any such office shall remain in office. If the Council takes no action within thirty days of written notice to its clerk of such an appointment, such appointee shall be deemed automatically confirmed. If the Council rejects the appointment, the Mayor shall propose a new appointee within thirty days, and, if the Mayor does not, then said office shall be declared vacant, and the Council shall proceed to fill the vacancy in the manner provided by Chapter II Section 6 of this charter.

**Section 9. Removal of Appointed Officials**

Any official appointed by the Town Council may be removed from office for cause which shall include, but not be limited to, conviction of a felony, conviction of a lesser crime involving fraudulent or dishonest conduct, violation of the provisions of Chapter XXI of this Charter, willful violation of Section 5 of Chapter XIX of this Charter, violation of any municipal Code of Ethics, or neglect of official duty or incompetency. Criteria and procedure for removal shall be established by ordinance. Removal shall only be by a vote of seven (7) members of the Council.

## **CHAPTER III. THE TOWN COUNCIL**

### **Section 1. The Town Council**

There shall be a Town Council consisting of nine members, hereinafter referred to as "the Council," the members of which shall receive compensation as hereinafter provided. No member of the Council shall hold employment under the government of the Town of Wallingford during his/her term of office.

The annual salary of the Council members shall be set by budget ordinance, but any increase shall not become effective during the current term of the Council members enacting such ordinance.

### **Section 2. Presiding Officer**

The Council shall hold its first meeting on the first Monday after January 1, in the even-numbered years. The Mayor shall be the presiding officer at the first meeting of the Council until a Chairperson is duly elected. In the absence of the Mayor at the first meeting of the Council, the Council members shall, from among themselves, elect a temporary Chairperson to preside until a permanent Chairperson is duly elected. Each newly elected Council shall, at its first meeting or as soon thereafter as practicable, elect from its own number a Chairperson and Vice-Chairperson, but this office shall not deprive such Chairperson or Vice Chairperson of his/her vote on any question. The Chairperson shall be the Deputy Mayor, and shall exercise the powers, duties and obligations of the office of Mayor during the temporary absence or temporary disability of the Mayor. During any period when the Deputy Mayor is temporarily exercising said powers, duties and obligations of the office of Mayor, he/she shall retain his/her vote as a Council Member. Should the office of the Mayor become vacant because of death, permanent disability or resignation, the Deputy Mayor shall assume the office of Mayor until the next biennial election, and shall resign from the Council and the Council shall fill the vacancy for the remainder of the Council's term. The Deputy Mayor may refuse to assume the office of Mayor, but upon such refusal, shall resign as Chairperson of the Council, and Council shall elect from its own number a Mayor until the next biennial election, at a duly convened Council meeting. A Council member so elected shall resign from the council, and the Council shall fill the vacancy for the remainder of the Council's term. Following the filling of said vacancy, the Council shall elect from its own number a Chairperson, and Vice Chairperson, if necessary, all members of the Council including the newly elected member and the former Chairperson who had refused to serve as mayor being eligible for said post.

### **Section 3. Clerk**

The Town Clerk shall act as the clerk of the Council, and shall keep a public record of all proceedings of the Council, including all roll call votes.

### **Section 4. Procedure**

At the first meeting of the newly elected Council, the Council shall fix the time and place of its regular meetings and shall provide a method for the calling of special meetings. It shall determine its own rules of procedure. All meetings of the Council for the transaction of business shall be open to the public, and the votes shall be recorded as prescribed in the Connecticut General Statutes. Six members shall constitute a quorum, but no ordinance, resolution, or vote on any matter, except a vote to adjourn or to fix the time

and place of the next meeting, shall be adopted by less than five affirmative votes, unless otherwise specified in this Charter. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title.

#### **Section 5. General Powers and Duties**

The Council shall have the powers and duties which, on the effective date of this Charter, were conferred by law upon boards, officers, and commissions of said town existing immediately prior to such date except as otherwise specifically provided in this charter. The legislative power of the town shall be vested exclusively in the Council, except as otherwise provided in Section 8 of this Chapter. Said Council shall have the power to enact, amend, or repeal ordinances consistent with this Charter or the General Statutes of the State, of creating or abolishing advisory boards or advisory commissions, to advise with them on any public question provided no such boards or commissions shall exist beyond the term of the Council which appointed them, and provided further that the members of such boards or commissions shall serve without pay, or abolishing departments and offices for the preservation of the good order, peace, health, and safety of the town and its inhabitants. The Council may, upon recommendation of the Mayor, contract for services, programs, and the use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may, by agreement join with any such political subdivisions to provide services and facilities. The Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules and regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein such code, rules and regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules and regulations in the office of the town clerk for examination by the public. The Council shall have the power to take, purchase, hold, condemn, lease, sell and convey such real and personal property as the purposes of the town may require; and to take by gift, grant, bequest, and devise and to hold real and personal estate absolutely or in trust for any public use upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said Council, and to provide for the proper administration of the same. The Council may authorize the transfer of the management and investment of the town's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the Connecticut General Statutes. Said Council may exercise legislative oversight over the operation of boards, commissions and offices which it fills by appointment, and fix the compensation of the registrars of voters and the officers and employees appointed by it. Said Council may fix the charges, if any, to be made for services by the town or for the execution of powers vested in the town as provided in Chapter I of this Charter. The Council shall have such other powers as are provided by this Charter.

#### **Section 6. Public Hearing on Ordinances**

At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a circulation in said town or by alternative means established by the Council by ordinance, and by posting a notice in a public place, shall be held by the Council before any ordinance shall be passed, except any ordinance relating to appointment or

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

**Section 7. Approval of Ordinances and Appropriations by the Mayor, and**

**Publication of Ordinances**

(a) Every proposed ordinance, except an ordinance relating to appointment or designation of officers, or relating to the Council or its procedures, shall, before it becomes effective, be certified to the Mayor for approval. The Mayor shall, within ten (10) days, sign the proposed ordinance, if the Mayor approves it, whereupon, subject to the provisions of Sections 6 and 7(b) of this chapter, it shall become effective. If the Mayor disapproves a proposed ordinance or budget ordinance, the Mayor shall, within ten (10) days, return it to the clerk of the Council with a statement of the reasons for disapproval, which statement the clerk shall transmit to the Council at its next meeting. If the Council shall approve the proposed ordinance by at least seven (7) affirmative votes within ten (10) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective without his/her approval. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without the Mayor's approval. The Mayor may disapprove or reduce any item or items in any appropriation, whereupon the approved portion of the appropriation shall become effective unless the disapproved portion is passed by the Council over the Mayor's veto as herein provided, in which case the entire appropriation becomes effective.

(b) Within ten (10) days after an ordinance has been approved by the Mayor, or has become effective without the Mayor's signature, or has been repassed by the Council over the Mayor's veto, such ordinance, except a budget ordinance, shall be published once in its entirety in a newspaper having circulation within the town or by alternative means established by the Council by ordinance. Every ordinance, except a budget ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication subject to a referendum provision following its final passage, provided an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after such publication, and no public hearing or notice of public hearing shall be required for any public emergency measure.

**Section 8. Power of Initiative**

The electors shall have the power to propose to the Council any ordinance, except a budget ordinance or an ordinance relating to appointment or designation of officials or to the Council or its procedures or removing officials, specifying the compensation or hours of work of officials and employees, appropriating money, authorizing the levy of taxes, or fixing the tax rate. If the Council fails to adopt such ordinance within thirty (30) days after a petition making such a proposal shall have been filed with the Council, the electors may adopt or reject the same at an election or referendum held within ninety (90) days after such proposed ordinance was originally filed with the Council, provided such petition shall be signed in ink or indelible pencil by qualified electors of the town equal in number to at least ten (10) percent of the registered voters at the last municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator of such petition certifying to the authenticity of the signatures on such petition. The Town Clerk shall determine the sufficiency of the petition and the affidavits in

the manner prescribed by the Connecticut General Statutes. Unless at least twenty (20) percent of the electors entitled to vote on the question shall have voted, such proposed ordinance shall not become effective, and the result shall be construed as against adoption. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended by the Council except by petition and vote of the electors.

#### **Section 9. Power of Referendum**

The electors shall have the power to approve or reject at a referendum as herein provided any ordinance or resolution including an ordinance or other action appropriating or committing money, except a budget ordinance or ordinance or resolution appointing or removing officials, transfers within an approved fiscal budget, specifying the compensation or hours of work of officials and employees, authorizing the levy of taxes or fixing the tax rate. Ordinances submitted to the Council by initiative petition as provided in Section 8 of this Chapter and passed by the Council without change shall be subject to a referendum in the same manner as other ordinances or measures. Within thirty (30) days after the publication, as provided in Chapter III, Section 7 of this Charter, by the Council of any ordinance or within thirty (30) days after approval of any resolution which is subject to referendum, a petition signed in ink or indelible pencil by qualified electors of the town equal in number to at least ten (10) percent of the registered voters at the last municipal election, may be filed with the Town Clerk requesting that any such ordinance or resolution be either repealed or submitted to a vote of the electors. Said petition shall be accompanied by affidavits signed and sworn to by each circulator of such petition certifying to the authenticity of the signatures on such petition. The Town Clerk shall determine the sufficiency of the petition and the affidavits in the manner prescribed by the Connecticut General Statutes. If the Council fails to repeal such ordinance or resolution within thirty (30) days of the Town Clerk's determining the sufficiency of the petition, the question of repeal shall be submitted to the electors of the town within sixty (60) days. Upon the filing of a sufficient petition, the ordinance or resolution shall remain without effect until the electors vote on the question as above provided. A majority vote of the electors to repeal the ordinance or resolution shall not become effective unless a total of at least twenty (20) percent of the electors entitled to vote on the question shall have voted. If the vote to repeal fails, the ordinance or resolution, as passed by the Council, shall become effective immediately.

#### **Section 10. Investigation**

The Council, by a vote of at least three (3) members, shall have power to investigate any and all departments, offices and agencies of the town.

#### **Section 11. Council Appointments**

In the case of appointments made by the Council to boards and commissions of the Town of Wallingford authorized by this Charter and/or by ordinance, the terms of such appointees shall terminate, except as otherwise provided by this Charter, when said appointees' term of office expires, except such appointees may continue to serve until their successors are appointed and qualified.

## **CHAPTER IV. APPOINTIVE OFFICERS**

### **Section 1. Land Use Boards and Commissions**

The Council shall appoint a Planning and Zoning Commission, a Zoning Board of Appeals, and an Inland Wetlands and Watercourses Commission.

Each commission and board shall have five resident electors of the Town who shall serve as regular members. The Council shall appoint three resident electors to serve as alternates for each commission and board. All appointments shall be made in compliance with statutory minority representation requirements.

The Council shall, by ordinance, provide for the appointment, term and removal procedure and any other requirements deemed necessary, consistent with this Charter and any applicable state law.

### **Section 2. Board of Assessment Appeals**

The Council shall at its first meeting in January appoint a Board of Assessment Appeals consisting of three resident electors of the town, no more than two of whom shall be members of the same political party, for terms of three years. Said Board shall have all powers and duties conferred or imposed by the general statutes on boards of assessment appeals.

### **Section 3. Constables**

The Council shall, at its second regularly scheduled meeting, appoint not more than seven (7) Constables, with no more than a bare majority to be from one political party. Said Constables shall serve a term of two (2) years, and shall have such constabulary duties as set forth by ordinance or state statute, whichever shall take precedence.

## **CHAPTER V. THE MAYOR**

### **Section 1. Election and Qualification**

At each biennial town election, a Mayor shall be chosen by the voters of the town. Such Mayor shall serve for a term of two (2) years and until a successor shall be elected and qualified, and shall take office on the first Monday after January 1st following the Mayoral election. The Mayor shall be the chief executive officer of such town and shall receive such compensation as shall be fixed by the Council. No change of salary shall be effective during the current term of the mayor. The Mayor shall be eligible at his/her option to become a contributory member of the pension system for town employees, as provided for in Chapter XVII, Section 4, of this charter.

### **Section 2. Duties**

The Mayor shall be directly responsible for the administration of all departments, agencies, and offices in the charge of persons or boards appointed by him/her and shall supervise and direct the same. The Mayor shall see that all laws and ordinances governing the town are faithfully executed; shall make periodic reports to the Council, and shall attend its meetings, and shall, in the event of a tie vote on filling a vacancy in the Council for an unexpired term, cast the deciding vote; shall prepare and cause to be published, as soon as possible after the close of the fiscal year, an annual town report; shall recommend to the Council such measures as the Mayor may deem necessary or expedient; shall keep the Council fully advised as to the financial condition of the town; shall prepare and submit to the Council an



annual budget as provided in Chapter XIX, Section 3, of this Charter; and shall exercise such other powers and duties as may be required of the Mayor by ordinance or resolution of the Council not inconsistent with this Charter. The Council shall not diminish by ordinance, vote or otherwise, the powers and duties of the Mayor, except those powers and duties imposed on him/her by the Council under the provisions of this section.

### **Section 3. Appointments and Terms**

The Mayor shall appoint and may remove all department heads and other officers and employees of the town, except as otherwise specifically provided by this Charter and except employees in the offices of elected officers or boards and officers and boards appointed by the Council. The terms of all such appointees shall terminate, except as otherwise provided by this Charter, on the same date as the term of the Mayor, except such appointees may continue to serve until their successors are appointed and qualified. The Mayor may, subject to the approval of the Council, perform the duties of any office under the Mayor's jurisdiction, except those of the Town Treasurer, provided in case the Town Treasurer is absent or unable to act, the Mayor may countersign checks in accordance with the provisions of Chapter XIX, Section 5, of this Charter.

## **CHAPTER VI. TOWN CLERK**

The Mayor shall appoint and may remove, subject to the provisions of Chapter XX, a Town Clerk. The Town Clerk shall have all powers and duties conferred or imposed by law on town clerks, shall act as clerk of the Council, and shall have such other powers and duties as are prescribed in this Charter or by the Council. He/she shall appoint and remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter XX of this Charter, all deputies, assistants or employees in his/her office.

## **CHAPTER VII. DEPARTMENT OF LAW**

There shall be a Department of Law, which shall be legal advisor to and represent the town and all its agencies, officers, boards, and commissions acting in an official capacity in all legal matters.

### **Section 1. Appointment of the Town Attorney**

The Mayor shall appoint and may remove a Town Attorney, who shall be an elector of the town and a member of the Connecticut Bar with at least five (5) years' experience. The Town Attorney shall appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. The Town Attorney shall be the legal advisor of the Council, the Mayor, and all town officers, boards and commissions in all matters affecting the town and shall, upon written request, furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request, the Town Attorney shall prepare or approve forms of contracts or other instruments to which the town is a party, or in which it has an interest. The Town Attorney shall have power, with approval of the Council, to appeal from orders, decisions and judgments, and, subject to approval of the Council, to compromise or settle any claims by or against the town. The Town Attorney

shall attend all meetings of the Council. The Town Attorney shall appoint and remove employees of the Department of Law, and they shall be appointed by him/her subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XX of this charter.

The Town Attorney shall annually, on or before the 31st day of January, submit a written report to the Mayor on all matters completed during the preceding year, and show also the status of all unfinished business in the Department of Law on said date. This report shall be submitted to the Council.

The Town Attorney shall be the administrative head of the Department of Law.

### **Section 2. Appointment of Corporation Counsel**

The Mayor shall appoint and may remove a Corporation Counsel, who shall be a member of the Connecticut Bar with at least five (5) years' practice. The Corporation Counsel shall devote full time to the duties of his/her office and shall be a member of the classified service subject to the provisions of Chapter XX of this Charter, and shall not otherwise engage in the private practice of law after six (6) months from the date of the Corporation Counsel's appointment.

### **Section 3. Appointment of Additional Attorneys**

The Mayor may appoint and remove additional attorneys as follows:

Additional full-time assistant Corporation Counsel may be employed provided that the positions for such attorneys have been established in accordance with the provisions of Chapter XX of this Charter and that such assistant Corporation Counsel shall be members of the Connecticut Bar with at least two (2) years' practice.

Additional part-time assistant Town Attorneys or Corporation Counsel may be employed provided any such assistants shall be members of the Connecticut Bar with at least two (2) years' practice.

### **Section 4. Hiring of Outside Counsel**

Outside attorneys may be employed (a) if participation in the matter by the Department of Law would constitute a violation of the code of professional conduct; (b) if the matter involves a dispute between departments, officers, agencies, boards or commissions of the town; (c) if the matter involves complex or highly specialized legal issues; or (d) if their employment is necessary to assure the timely prosecution or defense of the legal matter of the town. No agency, officer, employee, board, or commission of the town, while acting in an official capacity, shall employ an outside attorney without the prior approval of the Department of Law, except that the Council may, at its discretion, appoint outside counsel to represent the Council on its business.

## **CHAPTER VIII. DEPARTMENT OF FINANCE**

### **Section 1. Duties**

The Department of Finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of town funds and money, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the Council. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the town. Forms for such accounts shall be

prescribed by the Comptroller with the approval of the Mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Mayor.

#### **Section 2. Comptroller**

The Mayor shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XX of this Charter, a Comptroller who, under the direction of the Mayor, shall have supervision over the Department of Finance and the administration of the financial affairs of the town. The Comptroller, with the approval of the Mayor, shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XX of this Charter a Tax Collector, an Assessor, a Town Treasurer, a Purchasing Agent, and all other employees of the Department of Finance. Subject to the approval of the Mayor, the Comptroller may perform the duties of any office under his/her supervision except that of Town Treasurer and may consolidate one or more such offices under one person, provided the Town Treasurer shall not also be the Tax Collector or the Purchasing Agent.

#### **Section 3. Tax Collector, Assessor, and Town Treasurer**

The Tax Collector, Assessor, and Town Treasurer shall have the powers and duties imposed by law on such officers, and shall have such other powers and duties as the Council may prescribe, provided the Town Treasurer shall, in addition, be the treasurer of the pension fund, and a member of the Pension Commission.

#### **Section 4. Purchasing Agent**

The Purchasing Agent of the town, pursuant to such rules and regulations as are established by ordinance, shall contract for and purchase all supplies, materials, equipment, other commodities, and contractual services required by any department, office, agency, board or commission of the town government and any other services or commodities defined by ordinance, except that the Purchasing Agent shall not purchase books, equipment and materials for instructional purposes for the use of the Department of Education unless specifically requested to do so by said department. The Purchasing Agent shall have such other powers and duties as may be delegated by ordinance and as prescribed by the Comptroller: (1) To establish and enforce standard specifications for all supplies, materials and equipment required, except as to the purchases for the Department of Education exempted above; (2) To prescribe the time and manner of making all purchase requisitions; (3) With the approval of the Mayor, to transfer, sell or dispose of supplies, materials and equipment determined to be surplus, obsolete, or unused; (4) Purchases shall be made under such rules and regulations as may be established by ordinance, which, among other things, shall provide that if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity or service over a period of time involves the expenditure of a minimum sum specified in the ordinance, the Purchasing Agent, unless it shall be determined by the Council to be against the best interests of the town, shall make the purchase by a competitive bid or selection process as defined and specified in said ordinance.

## **CHAPTER IX. DEPARTMENT OF PUBLIC WORKS**

### **Section 1. Duties**

The Department of Public Works shall have supervision and control of parks and the maintenance of all town-owned structures, except such structures as are under the control of the Board of Education; and of the planning, surveying, constructing and reconstructing, altering, paving and repairing, maintaining, cleaning, and inspecting of highways, sidewalks, curbs, public drains, and other public improvements; town buildings; and the preservation, care, and removal of trees within highways or public places; and garbage, rubbish and ash collection and disposal. The department shall have all of the powers and duties as are prescribed by General Statutes and as the Council may prescribe. With the approval of the Mayor, any town department shall, upon request of any other town department, extend its equipment and personnel, and/or perform services for said requesting department, provided the total cost of said equipment and labor charges are charged against the appropriation of said requesting department.

### **Section 2. Director of Public Works, Powers and Duties**

The Mayor shall appoint and may remove a Director of Public Works, who shall be responsible for the efficiency, discipline and good conduct of the department, and who, in accordance with such rules and regulations as may be adopted pursuant to the provisions contained in Chapter XX of this Charter, shall appoint and may remove such deputies, assistants and employees as may be deemed necessary and prescribe their duties. The Director of Public Works shall exercise powers and discharge duties under the supervision of the Mayor. The Public Works Director shall organize the work of the department in such manner as he/she shall deem most economical and efficient.

## **CHAPTER X. DEPARTMENT OF ENGINEERING**

### **Section 1. Department of Engineering**

There shall be a Department of Engineering in the Town of Wallingford, and it shall be directed by a Connecticut licensed professional engineer who shall be known as the Town Engineer, and who shall have had experience in civil engineering, design and supervision of the construction of public work. The Town Engineer shall be appointed and may be removed by the Mayor, subject to the provisions of Chapter XX.

### **Section 2. Town Engineer, Powers and Duties**

The Town Engineer shall make all surveys, maps, plans, drawings, specifications and estimates relating to the Department of Public Works. The Town Engineer shall supervise the construction and repair of sewers, bridges and new pavements, and do any other engineering work which the town may require; and shall care for and preserve all maps and papers connected with engineering work performed in the interest of the town and shall promulgate standards and procedures related to the construction of public improvements. The Town Engineer may appoint and remove, subject to the provisions of Chapter XX of this Charter, employees of the Engineering Department.

## **CHAPTER XI. PUBLIC SAFETY**

**Section 1. Director of Public Safety**

The Mayor shall be the Director of Public Safety until such time as the Council may determine that a director is needed, at which time the Council shall determine his/her duties, and the Mayor shall appoint and may remove him/her.

**Section 2. Police Department**

The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state, and the ordinances of the Town, and all rules and regulations made in accordance therewith. All members of the department shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the general statutes. The constables appointed in accordance with Chapter IV, Section 3, of this Charter shall have none of the foregoing police powers, but nothing herein shall limit the functions of special constables appointed in accordance with the provisions of the General Statutes.

**(a) The Chief of Police: Powers and Duties**

The Mayor shall appoint and may remove, subject to the provisions of the Connecticut General Statutes, a Chief of Police who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XX of this Charter, all other officers and employees of the Police Department. The Chief of Police shall assign and reassign all members of the department to their respective posts, shifts, details, and duties. The Chief of Police shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. The Chief of Police shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action.

**Section 3. Fire Department**

The Fire Department, which shall consist of the regular and volunteer divisions, shall be responsible for the protection of life and property within the town from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.

**(a) The Fire Chief: Powers and Duties**

The Mayor shall appoint and may remove, subject to the provisions of the Connecticut General Statutes, a Fire Chief who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XX of this Charter, all regular officers and paid employees of the Fire Department. The Fire Chief shall assign and re-assign all members of the regular division to their respective posts, shifts, details, and duties. The Fire Chief shall make rules and regulations concerning the operation of the regular and volunteer divisions and the conduct of all officers and paid employees thereof. The Fire Chief shall be responsible for the training, efficiency, discipline and good conduct of the regular and volunteer divisions and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the Chief shall be

grounds for dismissal or for other appropriate disciplinary action.

**(b) The Fire Marshal: Powers and Duties**

The Fire Chief shall appoint and may remove for cause a Fire Marshal and such deputy fire marshals as may be necessary, who shall exercise all duties, powers, and functions as provided in the Connecticut General Statutes. In making such appointment, preference shall be given to a member of the regular or volunteer fire department of the town.

**Section 4. Emergency Management**

The Mayor shall be Director of Emergency Management, or shall appoint and may remove a Director of Emergency Management, and the Mayor may appoint one or more Deputy Directors of Emergency Management when in his/her opinion it becomes necessary to do so.

**Section 5. Animal Control Officer**

The Mayor shall appoint and may remove an Animal Control Officer whose duties shall be as provided in the Connecticut General Statutes.

**CHAPTER XII. BUILDING DEPARTMENT**

(a) Building Official: The Mayor shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the rules of Chapter XX of this Charter, a building official who shall be an enforcement officer of the Planning and Zoning Commission and the enforcement officer of the Building Code and perform such other duties as may be prescribed by the Council, or as required by the Mayor.

(b) Board of Appeals: There shall be a Building Department Board of Appeals pursuant to the Connecticut General Statutes.

**CHAPTER XIII. PLANNING DEPARTMENT**

(a) There shall be a Planning Department which shall serve as staff to the Planning and Zoning Commission and the Zoning Board of Appeals. The Mayor shall appoint and may remove, subject to the provisions of Chapter XX of this Charter, a Town Planner who shall be the director of the department.

(b) The Mayor shall appoint and may remove, subject to the provisions of Chapter XX of this Charter, an Environmental Planner, who shall serve as staff to the Inland Wetlands and Watercourses Commission.

**CHAPTER XIV. DEPARTMENT OF HEALTH**

There shall be a Department of Health consisting of a Board of Health, appointed by the Mayor, and a Director of Health. The department shall be responsible for the preservation and promotion of the public health. The department shall perform such functions and have such members, powers and duties as the Council shall by ordinance prescribe. The Mayor shall appoint seven (7) members of said Board of Health to serve for a term of four (4) years.

Said Board shall convene as required and shall take cognizance of all matters pertaining to the health of the people in Wallingford, and, as

necessary, advise the Mayor of the health conditions in town, and of the activities and needs of the department.

(a) Director of Health, Powers and Duties. Upon recommendation of the Board, and subject to the provisions of the General Statutes relating to the appointment of Directors of Health, the Mayor shall appoint and may remove a Director of Health who shall be the administrative head of the Department of Health and shall act as Secretary of the Board of Health. The Department of Health shall be charged with the enforcement of all laws, ordinances, rules, and regulations with respect to the public health. As required by the Board, the Director of Health shall make a written report to the Board summarizing health conditions of the town, the activities of the department, and its expenditures. Annually, the Director of Health shall submit to the Mayor and the Council a detailed report as required of heads of other departments by this charter. The Director of Health shall be paid an annual salary which shall be fixed by the Mayor upon advice of the Board and approval of the Council.

## **CHAPTER XV. EDUCATION**

There shall be a Board of Education which shall be responsible for the conduct of the education system of the town in accordance with the provisions of the Charter and which shall have all the powers conferred and imposed by the General Statutes on Boards of Education in respect to the control and management of schools.

The Board shall consist of nine resident electors elected as provided in Chapter II, Section 2, of this Charter.

Annually, on or before the last day of September, the Board shall prepare and submit to the Mayor a report of the Department of Education for the preceding fiscal year, and said report shall include in detail the amount of each unexpended or uncontracted-for portion of any singular appropriation for school purposes, and state the amount of money and reason for transferring any unexpended or uncontracted-for balance of any account, in whole or in part, to any other item of such itemized estimate. Additional copies shall be provided for all members of the Council, three copies to the Wallingford Public Library, two copies to each public school for use of personnel employed therein, and three copies to the Town Clerk's office.

Estimates of the receipts and expenditures of the Department of Education shall be included in the annual town budget, and the Board shall supply the Mayor with complete information for the annual town budget as fully and in like detail as shall be required of other departments or agencies of the town government.

A quorum of the Board of Education shall be five members, and any action that is taken by the said Board, except to adjourn or fix the date of the next meeting, shall be by a vote of not less than five affirmative votes, and all minutes of the Board of Education shall be recorded with the Town Clerk within five (5) days after the meeting.

## **CHAPTER XVI. DEPARTMENT OF PARKS AND RECREATION**

There shall be a Department of Parks and Recreation which shall be advised by a Recreation Commission consisting of five members, appointed by the Mayor, and serving without compensation. Said Commission shall have such terms of office, other duties and powers as the Council, by ordinance,

may determine.

The Mayor shall appoint and may remove, in accordance with Chapter XX of this Charter, a Director of Parks and Recreation, who shall be professionally trained or experienced in the planning and management of recreational activities. The Director of Parks and Recreation shall be responsible for the efficiency, discipline, and good conduct of the department, and shall appoint and may remove, subject to the provisions of Chapter XX of this Charter, all other assistants and employees. The Director shall plan and administer the use of all town areas used for recreational purposes, including parks, pools, and other open places. The Director shall also plan the maintenance and construction programs of all said recreational areas, such programs to be implemented by the Public Works Department on a priority basis as directed by the Mayor.

## **CHAPTER XVII. HUMAN RESOURCES**

### **Section 1. Department of Human Resources**

A. The Department of Human Resources shall make provisions for appointments, promotions, and removals of all personnel in the administrative service of the town subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XX of this Charter. The head of the department shall be a human resources director who shall be appointed and may be removed by the Mayor. The Human Resources Director shall have had training and experience in personnel administration. The Human Resources Director shall be responsible for the administration of the classified service; the Town's employee relations functions, including the development of personnel policies; the administration of the job classification plan, salary and benefit programs; the administration of collective bargaining agreements and handling of grievances; the administration of equal employment and affirmative action programs; preparation and recommendation to the Mayor of such rules as may be considered necessary and appropriate to carry out the provisions of this section and Chapter XX of this Charter; and to perform such other duties as may be necessary to administer the purposes and provisions of this section.

B. The Department of Human Resources shall administer the pension system; receive retirement applications from employees in the classified service, or otherwise in the employment of the town and determine the eligibility of said persons for pensions; determine periodically the members of the classified service, or those otherwise in the employment of the town, who are eligible or required to retire and the pensions payable to them; contract for necessary actuarial service in connection with the pension plan; and propose estimates for approval of the Comptroller for sums necessary to be appropriated for each ensuing fiscal year for the purposes of meeting the obligations of the town regarding pensions.

C. The Department of Human Resources shall administer the Town's insurance program including, but not limited to, the purchase of health, workers' compensation, liability, loss or damage policies protecting the Town, its employees and its property. If required by law, surety bonds for officers and employees shall also be procured by the department.

### **Section 2. Personnel and Pension Appeals Board**

There shall be a Personnel and Pension Appeals Board consisting of five



resident electors of the Town appointed as herein provided. Three members of said Board, none of whom shall hold office in, or be employed by the town government, shall be appointed by the Mayor with the approval of the Council; the other two members of said Board shall be elected from the classified service, not more than one from the same department or agency of the town government, at a meeting of the members of such service to be held at a time to be fixed by the Mayor. The members of said Board shall serve for a term of five (5) years. The dates of appointment shall be from the date of the first council meeting in January. Vacancies shall be filled by appointment by the Mayor or by election by the members of the classified service, as the case may be, for the unexpired portion of the term. The members of the Board appointed by the Mayor and Council should be known to be in sympathy with the principles of civil service, and shall not be members of any local, state or national committee of any political party, and, if possible, one or more of said members shall have financial or actuarial experience. The Director of Human Resources shall attend all meetings of said Board, but shall not have a vote, and shall designate an employee of the department to act as secretary of the Board, who shall keep records of all business and official actions. The members of the Board shall serve without pay. It shall be the duty of the Board to hear appeals from any action pertaining to the classification, reclassification, and allocation of positions, and from any disciplinary action in the classified service, and to report in writing to the officer taking the action appealed from, its findings and decisions thereon. It shall be the duty of the Board to hear appeals from any action pertaining to the administration of the pension system, and to report in writing to the Director of Human Resources its findings and decisions thereon.

### **Section 3. Pension Commission**

There shall be a Pension Commission of six members composed of the Treasurer, the Comptroller, the Director of Human Resources, and three members who shall be resident electors of the Town appointed by the Mayor with the approval of the Council. None of the members appointed by the Mayor shall hold any other office in the town government. They shall have had experience and training in finances and investments. The members appointed by the Mayor shall serve for a term of six years commencing on the date of the first meeting of the Council in January following the biennial municipal elections. Vacancies shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term. The Comptroller shall act as secretary of the Commission. The Commission shall administer the funds of the pension system for town employees in accordance with the provisions of this charter.

### **Section 4. Retirement of Municipal Employees**

The Council may, upon recommendation of the Mayor, establish, maintain and revise a system of retirement benefits for Town employees, provided, however, that no existing pension system shall be changed or altered except as permitted by law.

### **Section 5. Salaries**

Salaries of all employees of the Town shall be approved by the Council, in conformity with applicable collective bargaining agreements, civil service rules and the budgetary process, provided nothing herein shall be construed to limit the power of the Board of Education to fix the compensation of

professional employees of the school system.

## **CHAPTER XVIII. PUBLIC UTILITIES**

### **Section 1. Public Utilities Commission**

The Electric Division, the Water Division, and the Sewer Division of the Town of Wallingford shall be under the jurisdiction of a Public Utilities Commission consisting of three resident electors of the town, no more than two of whom shall be members of the same political party, who shall be appointed as provided in this Chapter. Except as otherwise provided in this Charter, said Public Utilities Commission shall have all the powers and duties of a board of electrical commissioners and sewer authority as provided in the Connecticut General Statutes, and of the legislative body of the town for the purposes of the Connecticut General Statutes, and such powers and duties as heretofore were possessed by the Town's Board of Electrical Commissioners, Board of Water Commissioners, and Sewer Authority.

### **Section 2. Appointment and Organization of Public Utilities Commission**

The Public Utilities Commission, hereinafter called the Commission, shall consist of three members who shall be appointed by the Mayor and confirmed by the Council. No person who holds any other public office or has a business relationship other than as a consumer with any of the public utilities of the town shall be eligible to be a commissioner. The term of office for each commissioner shall be three years, with said term of office beginning on March 1st of the year of his/her appointment. Vacancies shall be filled by the Mayor with the approval of the Council for the unexpired term. A commissioner shall hold office until his/her successor has been appointed and qualified. The commissioners may be paid for their services and reimbursed for expenses out of the revenues of the utilities, as the Council may, by budget ordinance, provide.

The Commission shall annually, at its first meeting after the annual appointment of a commissioner for a full term, elect a Chairperson from among its members to preside over the meetings of the Commission. The Commission shall adopt by-laws not inconsistent with the provisions of this Charter. Except as otherwise provided, no action shall be taken by the Commission except by the affirmative vote of at least two commissioners. Two commissioners shall constitute a quorum. All appointments to the Commission shall be made subject to the requirements for minority representation contained in the Connecticut General Statutes.

### **Section 3. Contracts, Sales, Leases and Agreements**

The Commission may, in the operation of the Department of Public Utilities, either by itself or its duly authorized officers or employees, enter into leases, contracts, and agreements, provided the term of such leases, contracts and agreements shall be limited to not more than ten (10) years, provided that no lease, contract or agreement involving the disposal of a franchise may be made except as hereinafter provided. The Commission shall have the right, subject to the approval of the Council, to acquire or dispose of in the name of the Town of Wallingford, any real estate, franchise or equipment of the department, provided, however, that the disposal of any utility franchise must first be approved by referendum to be called in accordance with the provisions of Chapter III, Section 9 of this Charter.

**Section 4. Provisions for Production and Distribution of Electricity**

Except as otherwise provided in this Charter, all provisions of the General Statutes with respect to the production and distribution of electricity by municipalities, all by-laws, rules and regulations of and relating to the Electric Division of the Town of Wallingford which are in effect on the effective date of this Charter shall remain in full force and effect to be administered by the town and its Public Utilities Commission until amended or repealed.

**Section 5. Provisions for the Distribution of Water**

Except as otherwise provided in this Charter, all provisions of Sections 58 through 70 inclusive, of number 108 of the Special Acts of 1881, as amended, dealing with the Town Water Department, and all provisions of the General Statutes with respect to the distribution of water by municipalities, all by-laws, rules and regulations of and relating to the Water Department of the Town of Wallingford which are in effect on the effective date of this Charter shall remain in full force and effect, to be administered by the Town and its Public Utilities Commission until amended or repealed.

**Section 6. Provisions for Sewerage Systems**

Except as otherwise provided in this Charter, all provisions of the General Statutes with respect to municipal sewerage systems, all by-laws, rules and regulations of and relating to municipal sewerage systems and the Town Sewer Division which are in effect on the effective date of this Charter shall remain in full force and effect to be administered by the town and its Public Utilities Commission until amended or repealed.

**Section 7. Budget**

The Commission shall annually prepare and submit a budget for the approval of the Mayor and the Council in the manner prescribed in Chapter XIX of this Charter, except that the utilities budget shall contain an estimate of the gross revenues of each division, as well as the expenditures thereof, and a statement showing receipts and payments among utilities and other town departments for the use of personnel services, equipment and facilities, in accordance with the provisions of Section 8 of this Chapter. Such budget shall provide for the setting aside from annual net income of an adequate depreciation reserve and/or surplus for each division.

**Section 8. Separate Division Accounts**

Separate books and accounts shall be kept of the electrical, water and sewer operations by the respective divisions of the Department of Public Utilities. The electrical and water divisions' accounts shall be kept in the manner required by the uniform systems of accounts for electric and water utilities as promulgated by the Public Utilities Regulatory Authority. Each division shall be a separate operation, except insofar as the Commission may determine that joint operations shall be advisable and economical, in which event the expense incurred in such joint operations shall be pro-rated among the divisions in such manner as the Commission determines to be equitable. All receipts shall be turned over to the Town Treasurer as required by Chapter XIX of this Charter, and deposited by him/her as the Comptroller may require.

**Section 9. Accounting and Reporting**

The Commission, in addition to the reports and accounting it may be required to make pursuant to state statutes applicable to municipally-owned utilities, shall not later than the first day of October in each year, furnish the Council, through the Mayor and the Town Clerk, its annual report. The Comptroller of the town shall be the fiscal officer of the Department of Public Utilities, and the annual report shall be rendered by him/her. The annual report shall include the following statements: A balance sheet showing the financial condition of each separate utility within the department, and a consolidated balance sheet of the department as a whole as of the preceding June 30, prepared according to the generally accepted accounting principles; a statement of operations for each separate utility and a consolidated statement of operations for the fiscal year ending on that day; and any additional supporting statements or schedules which may be determined by the Mayor to be necessary and desirable in order to make a clear and informative presentation of the financial position of the department at the close of the fiscal year.

#### **Section 10. Director of Public Utilities, Powers and Duties**

The Commission shall appoint and may remove a Director of Public Utilities who shall be responsible to the Commission and who shall serve at the pleasure of the Commission. The Director shall be responsible for the efficient and economical operation of the department as a whole, the Electric Division, the Water Division, the Sewer Division, and their respective electrical works, water works, and sewage collection system and disposal plant. The Director shall be appointed on the basis of his/her qualifications and experience in utilities management. The Director may appoint and remove a general manager for each of the three divisions subject to Chapter XX of this Charter, except that he/she may fill any or all such positions himself/herself, unless the Commission shall otherwise direct. The Director of Public Utilities shall exercise his powers and discharge his duties under the supervision of the Commission.

#### **Section 11. Obligations of Public Utilities Divisions**

This Charter shall not in any way impair any obligation relating to the Electric and Water Departments or the Sewer Authority of the Town of Wallingford, as constituted prior to the effective date of this Charter; and shall not change or alter the obligations of any existing contract, bonds or other obligations, all of which, insofar as they apply to the Electric and Water Departments or the Sewer Authority, shall be binding on the Public Utilities Commission of the Town of Wallingford, and all such obligations are assumed by the Town of Wallingford under the direction of its Public Utilities Commission as herein provided.

#### **Section 12. Financial Provisions**

The town may finance the acquisition of privately owned utility properties, the purchase of land, and the cost of all construction and property installation for utility purposes by borrowing in accordance with the provisions of Chapter XIX of this Charter and the provisions of the Connecticut General Statutes governing bond issues of public utilities. Appropriate provisions shall be made, however, for the amortization and retirement of all bonds within a maximum period of thirty (30) years. Such amortization and retirement may be effected through the use of depreciation funds or other financial resources provided through the earnings of the utility.

**Section 13. Oversight of the Commission by the Council**

The Council shall exercise oversight of the actions of the Commission, and may veto any action of the Commission, except appointments made under the authority of this Chapter or Chapter XX of this Charter, by a positive act of the Council within fifteen (15) days of any action by the Commission; otherwise, all actions of the Commission shall be deemed final. To veto any action of the Commission, the Council must do so by an affirmative vote of at least seven (7) members. All bond issues shall be governed by the referendum provisions of this Charter.

**CHAPTER XIX. FINANCE AND TAXATION**

**Section 1. General Form of Budget Presentation**

The Mayor shall require each department, office or agency of the town supported wholly or in part by town funds, or for which a specific town appropriation is made, including the Chairperson of the Board of Education and of the Public Utilities Commission, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities and work accomplished during the current fiscal year and to be accomplished during the ensuing year.

**Section 2. Departmental Estimates**

The head of each department, office or agency of the town, as described in Section 1, including the Chairperson of the Board of Education and of the Public Utilities Commission, shall, at least one hundred twenty (120) days before the end of the fiscal year, file with the Mayor on forms prescribed and provided by him/her a detailed estimate of the expenditures to be made by the department or agency and the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Mayor.

**Section 3. Duties of the Mayor on the Budget**

Not later than ninety (90) days before the end of the fiscal year, the Mayor shall present to the Council a budget consisting of: (a) a budget message outlining the financial policy of the town government and describing in connection therewith the important features of the budget plan; (b) estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year; (c) itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, the requests of the several departments, offices and agencies for the ensuing fiscal year, and the Mayor's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items, including those of the Department of Education, and such other information as may be required by the Council. Such budget estimates shall include contingency accounts, both designated and undesignated, as shall be deemed necessary and in accordance

with the Connecticut General Statutes. The Mayor shall present reasons for all ~~his~~ recommendations; (d) as part of the annual budget or as a separate report attached thereto, the Mayor shall present a program, previously considered and acted upon by the Town Planning and Zoning Commission in accordance with the Connecticut General Statutes, concerning municipal improvements, of proposed capital projects for the ensuing fiscal year, and for the five fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office or agency annually in the form and manner prescribed by the Mayor. The Mayor shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

#### **Section 4. Duties of the Council on the Budget**

The Council shall hold one or more public hearings not later than sixty (60) days before the end of the fiscal year, at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. The Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the Town Clerk and, at least five (5) days prior to the aforementioned public hearing, the Council shall cause to be published, in a newspaper having circulation in the Town or by alternate means established by the Council by ordinance, a notice of such public hearing and a summary of said proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same columnar form as prescribed for budget estimates in Section 3 of this Chapter; and shall also show the amount to be raised by taxation. Subject to the provisions of Chapter III, Section 7, the Council shall adopt a budget by the second Tuesday of May in each year, and file the same with the Town Clerk. At the time when the Council shall approve the budget, it shall also fix the tax rate in mills which shall be levied on the taxable property in the town for the ensuing fiscal year. It is the intent of this Charter that taxes in the Town of Wallingford shall be levied insofar as possible in equitable proportion to the benefits and services received by its inhabitants. To this end, the cost of services, facilities, and improvements which are of general benefit and for general governmental purposes shall be borne by all the taxpayers of the town. For the purpose of providing for the cost of services, facilities, and improvements which are of general benefit and for general governmental purposes, the Town of Wallingford shall constitute one taxing district. As of the effective date of this Charter, certain services, facilities, and improvements are not deemed of general benefit to the town, but benefit specially some particular area of the town, or a particular segment of the inhabitants of the town. These special benefits and general benefits may be redefined from time to time by the Council, in accordance with the areas of the town actually provided the services. The cost of any benefits which the Council may decide are of special benefit nature shall be provided by special assessments, user service charges, special taxes or other charges made against persons or areas receiving the special benefits. Should the Council fail to adopt a budget after holding such public hearing or hearings, the budget, as transmitted by the Mayor, in accordance with the provisions of Section 3 of this Chapter, shall be deemed to have been finally adopted by said Council. The tax rate shall forthwith be fixed by the Mayor, and thereafter expenditures shall be made in accordance with the budget so adopted. The Council may levy annually, at the same time as the regular annual taxes for town expenses, a tax at a mill rate permitted by law to be assessed upon the taxable property in the town for the

benefit of a fund to be known as the "Capital and Nonrecurring Expenditure Fund" to be used solely to pay the cost of capital improvements for which the town is authorized to issue bonds. The Council shall have the power to transfer from time to time to this fund any portion of the general fund cash surplus not otherwise appropriated. Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided such appropriations shall be deemed to have been abandoned if no expenditure from or encumbrance of the appropriation has been made within three (3) years of its approval except as provided in the next paragraph.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse on final adjustment in accordance with generally accepted accounting principles, provided that, upon the recommendation of the Mayor and approval by the Council, specific acquisitions or projects may be budgeted in annual installments and shall not lapse until they are purchased, completed or abandoned.

#### **Section 5. Expenditures and Accounting**

(a) No purchase shall be made on account of the town except in accordance with the provisions of Chapter VIII, Section 4, except in the case of emergency circumstances as determined by the Mayor, and provided that such emergency purchases are made in a manner consistent with procedures as set forth in the Purchasing Ordinance of the Town of Wallingford. The Comptroller shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

(b) No voucher, claim or charge against the town shall be paid until the same has been audited by the Comptroller or his/her agent and approved by him/her for correctness and legality. Checks shall be drawn by the Comptroller for the payment of approved claims which shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the Comptroller or Treasurer with respect to the above duty, the Mayor shall substitute temporarily for either, but not both of them. In the absence of the Treasurer, the Mayor is also authorized to countersign checks issued by a duly authorized representative of the Board of Education.

(c) The Comptroller shall prescribe the time at which and the manner in which persons receiving money on account of the town shall pay the same to the Town Treasurer.

(d) The several departments, commissions, officers and boards of the town shall not involve the town in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved by the Council. When any department, commission, board or officer, (except the Board of Education) shall desire to secure a transfer of funds in its or his/her appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefor, such department, commission, board or officer shall make application to the Mayor who, upon certification of funding availability by the Comptroller, may approve and transfer an amount not to exceed \$500.00 or another amount as may be amended by ordinance per fiscal year per adopted line item within a departmental budget. The Mayor shall render a monthly report of such transfers to the Town Council. Amounts requested above \$500.00 or another amount as may be amended by ordinance shall be approved or

disapproved by the Mayor and forwarded to the Council, whose duty it shall be to examine into the matter; and upon the approval of the Council, such transfer may be made, but not otherwise.

(e) Upon the request of the Mayor, but only within the last three months of the fiscal year, the Council may by resolution transfer any unencumbered appropriations, balance or portion thereof from one department, commission, board or office, to another. No transfer shall be made from any appropriations for debt service and other statutory charges.

(f) Additional appropriations over and above the total budget may be made from time to time by a resolution of the Council, upon recommendation of the Mayor and certification from the Comptroller that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations.

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

#### **Section 6. Fiscal Year**

The fiscal year of the Town of Wallingford shall begin on July 1. The Council shall set the dates for the assessment of taxes and the collection thereof.

#### **Section 7. Annual Audit**

The Council shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of all departments and agencies of the town as provided in the Connecticut General Statutes, and subject to the provisions of Chapter VIII, Section 4, of this Charter. One copy of the town audit report shall be placed in the main branch of the public library.

#### **Section 8. Borrowing**

The town shall have power to borrow money for its general or special purposes and issue its bonds or notes in evidence thereof and as security therefor in accordance with any applicable special acts and the General Statutes of the State of Connecticut, as the same may be from time to time amended, and subject to the limitations thereof and of this Charter. The issuance of bonds and notes shall be authorized by ordinance, and such issue shall be subject to the referendum provisions of Chapter III, Section 9, of this Charter, except in the case of tax anticipation notes to be paid within the fiscal year of such issue.

If a special appropriation in excess of available revenue, including unappropriated contingency funds and unappropriated surplus is required for any purpose, an estimate of the same shall be prepared by the Mayor and submitted to the Council; the Council, by vote of not less than seven members, may make any such appropriation and lay a special tax to meet the same; but if the tax rate has been fixed for such year, the Council may authorize the issue of notes or other obligations of the town to provide funds to defray such appropriation, and a sufficient amount shall be included in the next budget to



pay such indebtedness with interest thereon.

## **CHAPTER XX. THE CLASSIFIED SERVICE**

### **Section 1. The System Established**

There shall be a classified service of the Town pursuant to the Connecticut General Statutes. All officers and employees in the classified service of the **Town** as described in Section 2 below shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

### **Section 2. The Classified Service**

The classified service shall include appointees to all positions now or hereafter created, except the following: Elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions, and other officers appointed by the Council; professional employees of the Board of Education; Town Attorneys, except the Corporation Counsel and other full-time assistant Corporation Counsel appointed pursuant to the provisions of this Chapter, the Director of Public Utilities, the Director of Health, Chief of Police, supernumeraries and crossing guards; Chief of Fire Department; the Animal Control Officer; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study, or investigation; persons employed for a temporary period not exceeding three months; persons employed on a part-time basis for a total of not more than twenty (20) hours per week, and persons who are employed in any Federal or State employment program, or any program funded by the State or Federal government.

It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the Town, which shall become effective upon approval of the Council, and which may be amended upon recommendation of the Mayor and approval of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made upon the recommendation of the Mayor and approval of the Council. The Mayor shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon being filed by the Mayor with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.

## **CHAPTER XXI. ETHICS AND CONFLICT OF INTEREST**

### **A. Code of Ethics**

The Town Council shall establish, by ordinance, a Code of Ethics.

### **B. Conflict of Interest**

No officer or employee shall have any interest, financial or otherwise,

direct or indirect, which is in conflict with the proper discharge of his or her official duties or employment. Interest shall be as defined by the Code of Ethics or other ordinance and any applicable state law, as may be applicable to an individual case.

Any officer or employee who has, or knows he or she will have, such an interest shall disclose, in writing, the nature and extent of such interest to the chairman or agency, commission or board, of which he or she is a member, or, in the case of an employee, to his or her superior, with a copy to the Board of Ethics. Such person shall not debate the matter and shall disqualify himself or herself from voting or acting on such matter.

#### **C. Contracts, Gifts**

No officer or employee shall enter into any contract with the Town other than a contract of employment, unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered.

No officer or employee shall, directly or indirectly, solicit, accept or agree to accept any gifts, favors or something of value, whether in the form of service, a loan at less than a commercially reasonable interest rate, material thing or promise of future employment, from or on behalf of any person if the officer or employee knows that the person is interested in any manner whatsoever in business dealings with the Town. A gift shall not include a political contribution otherwise reported as required by law.

#### **D. Board of Ethics**

1. There shall be a Board of Ethics, consisting of five (5) members and three (3) alternates, resident electors of Wallingford, to be appointed by the Mayor and confirmed by the Council. Each member and alternate shall serve without compensation for a term of three (3) years from his/her appointment.

2. The Board's rules and regulations of procedure shall be established by the Code of Ethics. The activities, votes and ruling of this Board shall not be subject to oversight or reversal by any town official or body.

3. The Board of Ethics shall have such powers and duties as may be set forth in this Charter, the Code of Ethics, state law and any other ordinances of the Town of Wallingford as applicable, including: to receive written complaints, signed under penalty of false statement; to investigate such an alleged violation of this Charter or the Code of Ethics upon its receipt of a written complaint or its own complaint; to issue an advisory opinion concerning the application of this Chapter and the Code of Ethics to any officer or employee upon his or her request; and, if necessary, to hold a hearing and determine whether a violation occurred.

## **CHAPTER XXII. TRANSITION AND MISCELLANEOUS PROVISIONS**

### **Section 1. Transfer of Powers**

All commissions and boards abolished by this Charter, whether elective or appointive, shall continue in the performance of their duties until provisions have been made for the discontinuance of such commissions and boards created under this Charter and until the Town Clerk shall have notified the members of such commissions and boards as are abolished by this Charter that their successors have qualified.

### **Section 2. Present Employees to Retain Position**

All persons holding permanent positions in the service of the town on the

effective date of this Charter, whose positions are included in the classified service by the terms of this Charter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced in rank, or removed in accordance with the provisions of this Charter. All other employees of the town on the effective date of this Charter whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Council or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time when this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights, or any other rights or privileges of employees of the town or any office, department or agency thereof, shall continue in effect, until or unless amended or repealed by the Council.

### **Section 3. Transfer of Records and Property**

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

### **Section 4. Legal Proceedings**

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

### **Section 5. Existing Laws and Ordinances**

All general laws of the State of Connecticut in their application to the **Town** shall continue in full force and effect except insofar as they are inconsistent with the provisions of this Charter. All ordinances and by-laws of the town shall continue in full force and effect after the effective date of this Charter unless repealed or amended. Except as specifically retained in this Charter, Special Act 49, "An Act Concerning the Consolidation of the Town and Borough of Wallingford," approved June 4, 1957, and all special laws amendatory thereof, and all other special acts relating to the Borough of Wallingford, the Borough and Town of Wallingford, the Town of Wallingford, the Borough Electric Works, the Water Department, and the Sewer Authority as the same were constituted prior to the effective date of this Charter are repealed.

**Section 6. Amendment of Charter**

This Charter may be amended in the manner prescribed by law.

**Section 7. Saving Clause**

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

**Section 8. Pension Funds**

The provisions of Special Act 434, "Retirement Fund for Borough Employees," approved June 27, 1941; Special Act No. 346, "Amendments to Special Act No. 434 - Retirement Fund for Borough Employees" approved May 15, 1943; Special Act No. 474, "Retirement Fund, Police Department," approved July 26, 1949; Special Act No. 547, "Retirement Fund - Fire Department," approved July 9, 1951, and pertinent pension provisions of Special Act No. 49, "An Act Concerning the Consolidation of the Town and Borough of Wallingford," approved June 4, 1957, shall be retained in full force and effect until the consolidation of the town's pension funds, or until otherwise provided for in accordance with Chapter XVII, Section 4. If the consolidation of the town's pension funds is not completed by the effective date of this Charter, the present pension board shall continue to perform its duties and administer the funds until the consolidation is completed and accepted by the Council, provided that in any case the pension board shall transfer its duties and all records and papers pertaining to the pension system and its funds to the Department of Personnel and Pensions and the Pension Commission not later than March 1, 1962.