

**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 ~~and two justices of the peace~~ shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefore, 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 ~~councilmen~~ *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, ~~except that, at the 1991 election, those members serving a four year term shall complete said terms.~~ 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 ~~voting machines~~ *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 ~~voting machines~~ *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 ~~or issues~~ shall be called by the Town Council ~~on the fourteenth (14th) day,~~ **no later than twenty-one days** after said election, to determine which shall be elected. ~~or in the case of a question whether it shall be accepted or rejected. All voting machines concerning the returns from which there is no disagreement may be unlocked, and paper ballots may be used in such election if voting machines are not available in sufficient numbers.~~ In the case of a tie vote as the result of any primary, the tie vote shall be ~~dissolved by lot~~ **resolved** in accordance with the Connecticut General Statutes.

~~All recanvassing of votes in case of discrepancy shall be governed by the provisions of the Connecticut General Statutes and all election contests shall be governed by the provisions of 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 ~~and~~ 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 ~~he~~ **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 Elected and Appointed Officials, Suspension

Any ~~elected or appointed~~ 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 ~~7 5~~ of Chapter XIX of this Charter, violation of any municipal Code of Ethics, *or* neglect of official duty or incompetency. ~~Proceedings~~ *Criteria and procedure* for removal shall ~~require notice of cause and a hearing thereon, which notice shall be written and mailed to or served on the official by the authority having the power to remove at least fifteen (15) days prior to the hearing.~~ *be established by ordinance.* The power to remove *Removal* shall *only* be by a vote of seven (7) members of the Council. ~~in the case of elected officials or officials appointed by the Town Council and in the appointing authority in the case of other appointed officials and the proceedings for removal shall be initiated by such authorities. Any official so charged shall have the right to be represented by legal counsel, to examine and cross-examine witnesses and to present evidence on his or her own behalf. Such hearing shall be open to the public and transcribed.~~

~~Any appointed official may be suspended from his or her position by the appointing authority without pay and without hearing upon his or her arrest for a felony involving his or her conduct in such position.~~

~~Any official may, within thirty (30) days from the date when the decision to remove is taken following such hearing, or any such suspension becomes effective, take an appeal of such action to the Superior Court for the judicial district of New Haven at New Haven.~~

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 ~~in~~ *of* the Town of Wallingford during his/*her* term of office.

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

Section 2. Presiding Officer

The Council shall hold its first meeting ~~at 8:00 PM.~~ 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* ~~chairman~~ is duly elected. In the absence of the Mayor at the first meeting of the Council, the ~~Town~~ Council members shall, from among themselves, elect a temporary *Chairperson* ~~chairman~~ to preside until a permanent *Chairperson* ~~chairman~~ 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* ~~chairman~~ and *Vice-Chairperson* ~~vicechairman~~ who shall ~~preside at all meetings,~~ but this office shall not deprive such *Chairperson* ~~chairman~~ or *Vice Chairperson* ~~vicechairman~~ of his/*her* vote on any question. The *Chairperson* ~~chairman~~ 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** ~~councilman~~. Should the office of the Mayor become vacant because of death, ~~recall~~, permanent disability or resignation, the Deputy Mayor shall assume the office of Mayor until the next biennial election, and he 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, he 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** ~~chairman~~, and **Vice Chairperson** ~~vicechairman~~, if necessary, all members of the Council including the newly elected member and the former **Chairperson** ~~chairman~~ 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. ~~The Council shall keep for public inspection a journal which shall be the official record of its proceedings. The record so kept shall be authenticated for each meeting by the signature of the **Chairperson** chairman and of the clerk.~~

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, ~~and~~. *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 selectmen~~ 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 ~~his~~ approval. The Mayor shall, within ten (10) days, sign the proposed ordinance, if ~~he~~ *the Mayor* approves it, whereupon, subject to the provisions of Sections 6 and 7**(b)** of this chapter, it shall become effective. If ~~he~~ *the Mayor* disapproves a proposed ordinance or budget ordinance, ~~he~~ *the Mayor* shall, within ten (10) days, return it to the clerk of the Council with a statement of the reasons for ~~his~~ 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 ~~his~~ *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 ~~his~~ *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. ~~Town Clerk~~

~~The Council shall, at its first meeting appoint a Town Clerk in January of the even numbered years to serve for a term of two (2) years from the date of his/her appointment, or until his successor is appointed. The Town Clerk shall have all powers and duties conferred or imposed by law on town clerks, shall act as clerk of the Town Council, and shall have such other powers and duties as are prescribed in this charter or by the Council. He shall appoint and remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter XVI of this charter, all deputies, assistants or employees in his office. He shall receive a compensation fixed by the Council, and all fees collected by him shall be paid into the town treasury.~~

Section 2. ~~Planning and Zoning Commission, Zoning Board of Appeals~~

~~The council shall at its first meeting appoint a planning and zoning commission of five resident electors of the town, no more than three of whom shall be members of the same political party, or a planning and a zoning commission, the number to be determined by ordinance with minority representation, and a zoning board of appeals, of five resident electors of the town, no more than three of whom shall be members of the same political party, all in the manner, for the terms and with all the powers and duties not inconsistent with this charter, prescribed in the Connecticut~~

~~General Statutes.~~

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 32. Board of ~~Tax Review~~ *Assessment Appeals*

The Council shall at its first meeting in January appoint a Board of ~~tax review~~ *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. ~~Annually thereafter, the Council shall appoint one member to succeed the member whose term expires.~~ Said Board shall have all powers and duties conferred or imposed by the general statutes on boards of ~~tax review~~ *assessment appeals*.

Section 43. Constables

~~Beginning in 1992,~~ 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.

~~Section 5. Inland Wetlands Commission~~

~~The Council shall appoint an Inland Wetlands Commission of not less than five (5) regular members and three (3) alternates, resident electors of the Town of Wallingford, pursuant and subject to the provisions of the Connecticut General Statutes; the number of commissioners and alternates, requirements of minority representation, and their terms of office shall be defined by ordinance of the Town of Wallingford. The Commission shall adopt such rules and regulations as are necessary to the performance of its duties and obligations.~~

~~The Commission shall appoint, and may remove, an Environmental Planner subject to the provisions of the Connecticut General Statutes, this Charter, and the personnel rules and regulations of the Town of Wallingford. The Commission may also appoint such other employees as may be provided by ordinance and/or by budget, subject to the same provisions.~~

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 ~~his~~ *a* successor shall be elected and qualified, and shall take office on the first Monday after January 1st following ~~his~~ *the Mayoral* election. ~~He~~ *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 ~~incumbent~~ 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. ~~He~~ *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 ~~he~~ *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 ~~him~~ *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 ~~his~~ *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 ~~75~~, of this Charter.

~~Beginning in 1992, the Mayor shall appoint a Board of Selectmen consisting of three (3) resident electors of the town, no more than two (2) of whom shall be members of the same political party, for a term of two (2) years. Said Board of Selectmen shall have all the powers and duties conferred or imposed by Connecticut General Statutes.~~

CHAPTER VI. TOWN CLERK

Section 1. ~~Town Clerk.~~

The Council ~~Mayor~~ shall, at its first meeting appoint *and may remove, subject to the provisions of Chapter XX*, a Town Clerk in January of the even-numbered years to serve for a term of two (2) years from the date of his/*her* appointment, or until his/*her* successor is appointed. The Town Clerk shall have all powers and duties conferred or imposed by law on town clerks, shall

act as clerk of the ~~Town~~ 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. ~~He/She shall receive a compensation fixed by the Council, and all fees collected by him/her shall be paid into the town treasury.~~

CHAPTER ~~VI~~**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

~~A-~~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. ~~He~~ **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. ~~He~~ **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, ~~he~~ **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. ~~He~~ **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. ~~He~~ **The Town Attorney** shall attend all meetings of the Council. ~~He~~ **The Town Attorney** shall ~~have such clerical and other assistants as the Council may determine by ordinance~~ **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.

~~All written opinions given by him/her shall be recorded in a town owned index book, which book shall be kept in the office of the Town Attorney, and shall be accessible to the Town Council. He~~ **The Town Attorney** shall annually, on or before the 31st day of ~~December~~**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 ~~his~~ **the Department of Law** office on said date. This report shall be submitted to the ~~Town~~ Council.

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

Section 2. Appointment of Corporation Counsel

~~B-~~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 ~~his~~ **the Corporation Counsel's** appointment.

Section 3. Appointment of Additional Attorneys

~~C~~—The Mayor may appoint *and remove* additional attorneys as follows:

~~1~~—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.

~~2~~—Additional part-time assistant *Town Attorneys or* Corporation Counsel may be employed provided ~~that positions for such attorneys have been provided by ordinance. Any~~ such assistants ~~Corporation Counsel~~ shall be a members of the Connecticut Bar with at least two (2) years' practice.

Section 4. Hiring of Outside Counsel

~~D~~—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; ~~and 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 ~~Town~~ Council may, at its discretion, appoint outside counsel to represent the ~~Town~~ Council on its business.

CHAPTER ~~VII~~*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 ~~agent of the town deposit fund,~~ 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 ~~he~~ *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. ~~He~~ *The Purchasing Agent* shall have such other powers and duties as may be delegated to ~~him~~ by ordinance *and as prescribed by the Comptroller*: (1) To establish, ~~with the approval of the Mayor and after consultation with the heads of the departments concerned,~~ and enforce standard specifications for all supplies, materials and equipment required by ~~the several departments, offices and agencies of the town,~~ except as to the purchases for the Department of Education exempted above; (2) To prescribe the time *and manner* of making *all purchase* requisitions; ~~for such supplies, materials and equipment and the future period which said requisitions are to cover.~~ (3) ~~To cause to be inspected all deliveries of such supplies, materials, and equipment in order to determine their quality, quantity and conformance with specifications.~~ (4) To supervise and control such central storerooms as the Council may provide by ordinance to serve the ~~several departments, offices and agencies.~~ (5) *(3)* With the approval of the Mayor, to transfer, ~~to or between departments, offices and agencies or sell~~ *or dispose of* supplies, materials and equipment determined ~~after consultation with the head of the department, office or agency concerned~~ to be surplus, obsolete, or unused; (6) ~~To maintain an inventory of all movable equipment belonging to the town.~~ (7) *(4)* Purchases shall be made under such rules and regulations as may be established by the Council *ordinance, provided, 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 ~~two thousand dollars (\$2,000) or more~~ *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 ~~invite sealed bids or proposals, giving sufficient publication to the trade and/or profession and ten (10) days public notice thereof by publication at least once in a newspaper having a circulation in the town, and shall let the purchase or contract to the lowest responsible bidder thereon, or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly~~ *make the purchase by a competitive bid or selection process as defined and specified in said ordinance.*

CHAPTER VIII 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, ~~lighting~~ and inspecting of highways, sidewalks, curbs, public ~~and private~~ 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 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 ~~he~~ may *be deemed* necessary and prescribe their duties. ~~He~~ *The Director of Public Works* shall exercise ~~his~~ powers and discharge ~~his~~ duties under the supervision of the Mayor. ~~He~~ *The Public Works Director* shall organize the work of the department in such manner as ~~he/she~~ shall deem most economical and efficient.

Section 3. Building Inspection

~~—(a) Building Inspector: The Mayor shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the rules of Chapter XVI of this charter, a building inspector who shall be the 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 Council, or as required by the Mayor. The Planning and Zoning Commission may, at its discretion, appoint such additional enforcement officers as deemed appropriate and/or necessary.~~

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

CHAPTER IX 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 ~~certified civil~~ *Connecticut licensed professional* engineer who shall be known as the Town Engineer, and who shall have had experience in ~~the~~ *civil engineering*, design and supervision of the construction of public work. The Town Engineer shall be appointed ~~by the Mayor~~, 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. ~~He~~ *The Town Engineer* shall supervise the construction and repair of sewers, bridges and new pavements, and do any other engineering work which the

~~Department of Public Works~~ **town** may require; and shall care for and preserve all maps and papers connected with engineering work performed in the interest of the ~~Public Works Department~~ **town and shall promulgate standards and procedures related to the construction of public improvements.** ~~all of which shall be the property of the town. Subject to the approval of the Personnel Department, he~~ **The Town Engineer** may appoint an assistant necessary for the operation of the department, and shall perform all other duties as may, by ordinance, be prescribed. **and remove, subject to the provisions of Chapter XX of this Charter, employees of the Engineering Department.**

CHAPTER ~~X~~ **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. ~~He~~ **The Chief of Police** shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. ~~He~~ **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. ~~He~~ **The Fire Chief** shall assign and re-assign all members of the regular division to their respective posts, shifts, details, and duties. ~~He~~ **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. ~~He~~ **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.

Section 4. Fire Marshal, Powers and Duties

(b) The Fire Marshal: Powers and Duties

The ~~Council~~ **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. ~~Each local Fire Marshal shall be sworn to the faithful performance of his/her duties by the Clerk of the town, and shall continue to serve in that office until removed for cause. Such Clerk shall record his/her acceptance of the position of local Fire Marshal and shall report the same in writing to the State Fire Marshal within ten days thereafter, give the name and address of the local Fire Marshal, and state the limit of the territory in which the local Fire Marshal is to serve.~~

Section 54. Civil Defense *Emergency Management*

The Mayor shall be Director of ~~Civil Defense~~ ***Emergency Management***, or shall appoint ~~any resident elector of the town to be~~ **and may remove a** Director of ~~Civil Defense~~ ***Emergency Management***, and shall appoint ~~an advisory council of resident electors to assist him/her, in accordance with the provisions of the Connecticut General Statutes, provided that~~ **and** the Mayor may name ~~any resident elector as his~~ **appoint one or more** Deputy Directors of ~~Civil Defense~~ ***Emergency Management*** when in ~~his/her~~ the Mayor's opinion it becomes necessary to do so.

Section 65. ~~Dog Warden~~ *Animal Control Officer*

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

CHAPTER XII. BUILDING DEPARTMENT

(a) Building ~~Inspector~~***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 ~~inspector~~ ***official*** who shall be ~~the~~ **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. ~~The Planning~~

(4/6/2017-CRC Approved-Changes)

~~and Zoning Commission may, at its discretion, appoint such additional enforcement officers as deemed appropriate and/or necessary.~~

(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. ~~He~~ *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, ~~he~~ *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. ~~He~~ *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.

Section 3. — Department of Public Welfare

~~The Department of Public Welfare shall have all the powers and duties relating to poor and defective and dependent persons vested by law in the selectmen of towns.~~

~~(a) The Director of Public Welfare: Powers and Duties.~~

~~The Mayor shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XVI of~~

~~this charter, a Director of Public Welfare. Under the direction of the Mayor, he the Director of Public Welfare shall be responsible for the efficiency, discipline and good conduct of the department, and he shall appoint and may remove, subject to the provisions of Chapter XVI of this charter, all other officers and employees of the departments. He the Director of Public Welfare shall be in charge of the administration of all welfare activities of the town. He and shall have power to make all rules and regulations relating to the administration of the department not inconsistent with the general statutes and ordinances of the town. He the Director of Public Welfare shall have such other powers and duties as the Council may prescribe.~~

~~CHAPTER XIXV. EDUCATION, HEALTH AND WELFARE~~

Section 1. Department of 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 XIXVI. 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 ~~board~~ *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, ~~shall be hired in accordance with Chapter XVI of this charter.~~ ~~He~~ **The Director of Parks and Recreation** shall be responsible for the efficiency, discipline, and good conduct of the department, and ~~he~~ 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. ~~He~~ **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 XIII~~**XVII. PERSONNEL AND PENSIONS** **HUMAN RESOURCES**

Section 1. Department of Personnel and Pensions *Human Resources*

A. The Department of ~~Personnel and Pensions~~ **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 ~~personnel~~ **human resources** director who shall be appointed and may be removed by the Mayor. The ~~personnel~~ **Human Resources** Director shall have had training and experience in personnel administration. ~~and he shall have the following powers and duties:~~

- (a) ~~hold competitive examinations for:~~ (1) all original appointments in the classified service, restricted to persons reasonably qualified by education and experience to perform the duties of the position, and (2) whenever determined to be practicable in accordance with the provisions of this chapter for promotion in the classified service;
- (b) give wide publicity through appropriate channels to all announcements of competitive examinations and all other job opportunities in the town's service;
- (c) assist the Mayor in the preparation, installation and maintenance of a classification plan based on the duties, authority and responsibility of positions in the town service;
- (d) prepare and recommend to the Mayor and council such rules as he may consider necessary and appropriate to carry out the provisions of this section and Chapter XVI of this charter;
- (e) prepare and maintain a pay plan for the town service;
- (f) establish and maintain a roster of all persons in the town service showing for each officer and employee, the class title of his/~~her~~ position, salary or pay, any changes in class title, payor status, and such other data as may be deemed desirable or useful to produce significant facts pertaining to personnel administration;
- (g) certify all payrolls ~~vouchers~~ for persons in the classified service by his/~~her~~ own signature or by that of his/~~her~~ authorized agent, provided that no payment or personal service to any person in the classified service of the town shall be made unless the payroll vouchers bear the certification of the personnel director or his authorized agent that the persons mentioned therein have been appointed and employed in accordance with the provisions of this charter;
- (h) develop and establish training and educational programs for persons in the town service;
- (i) investigate periodically the operation and effect of the personnel provisions of this charter and the rules promulgated thereunder, and report annually his/~~her~~ findings and recommendations to the mayor;
- (j) estimate the appropriations necessary to meet the expenses of operating said department during the ensuing fiscal year;

~~and (k) perform such other and different lawful acts and functions as he/she may deem necessary or desirable to enforce the purposes and provisions of this section.~~ *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 ~~Personnel and Pensions~~ *Human Resources* shall administer the pension system; receive *retirement* applications from employees in the classified service, or otherwise in the employment of the town, ~~for retirement~~ 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 Personnel and Pensions shall maintain a file for each person in the town's service containing all information pertinent to the status, pay, and service of each person.~~

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.

~~D. The Department of Personnel and Pensions shall purchase at the expense of the town surety bonds for all officers and employees of the town required by law or by ordinance to furnish bonds to the town, and insurance of such types against liability, loss or damage on the part of the town or its property as the council, upon recommendation of the Mayor, may authorize, and be responsible for the collection of insurance benefits and other matters relating to the administration of the town's insurance.~~

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 ~~Personnel~~ **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 ~~Personnel~~ **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 ~~Personnel~~ **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 provide by ordinance a system of retirement allowances for the town's employees in accordance with the provisions of this charter, and for contributions by employees and the town to a fund from which such allowances shall be paid. The town may enter into contract with any insurance company or other fiduciary institution authorized to do business in this state for the purpose of insuring the whole or any part of its retirement plan, or handling the investment and management of all funds in the plan, may elect to participate in the Connecticut Municipal Employees' Retirement Fund, or elect to participate in the old age and survivor insurance system under the Social Security Act, in accordance with the provisions of the Connecticut General Statutes, or any combination thereof. The council may by ordinance provide for compulsory retirement at an age to be determined.~~

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. Surety Bonds

~~The Mayor, town clerk, comptroller, treasurer, tax collector, director of public works, building inspector, director of public utilities, and such~~

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

Section 65. Salaries

Salaries of all employees of the Town shall be ~~determined~~ **approved** by the Council, in conformity with a systematic pay plan for the positions involved, ~~upon recommendations of the Mayor~~ **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 ~~XIV~~XVIII**. PUBLIC UTILITIES**

Section 1. Board of Public Utilities Commissioners

The Electric ~~Department~~ **Division**, the Water ~~Department~~ **Division**, and the Sewer ~~Authority~~ **Division** of the Town of Wallingford shall be under the jurisdiction of a ~~Board of Public Utilities Commissioners~~ 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 ~~Board of Public Utilities Commissioners~~ 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. ~~On and after the effective date of this charter, the town Electrical Department, Water Department, and Sewer Authority shall be consolidated within a department of public utilities having three divisions: Electric Division, Water Division, and Sewer Division.~~

Section 2. Appointment and Organization of Public Utilities Commissioners

The ~~Board of Public Utilities Commissioners~~, hereinafter called the ~~Board~~ **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 ~~Board~~ **Commission** shall annually, at its first meeting after the annual appointment of a commissioner for a full term, elect a ~~chairman~~ **Chairperson** from among its members to preside over the meetings of the ~~Board~~ **Commission**. The ~~board~~ **Commission** shall adopt by-laws not inconsistent with the provisions of this Charter. Except as otherwise provided, no action shall be taken by the ~~board~~ **Commission** except by the affirmative vote of at least two commissioners. Two commissioners shall constitute a quorum. All appointments to the ~~board~~ **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 ~~board~~ **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 ~~board~~ **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 Electrical ~~department~~ **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 ~~Board of Public Utilities Commissioners~~ 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 ~~Board of Public Utilities Commissioners~~ 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 ~~Authority~~ **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 ~~Board of Public Utilities Commissioners~~ until amended or repealed.

Section 7. Budget

The ~~Board~~ *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 ~~personal~~ *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 ~~Commission of the State of Connecticut~~ *Regulatory Authority*. Each division shall be a separate operation, except insofar as the ~~Board~~ *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 ~~Board~~ *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 ~~Board~~ *Commission*, in addition to the reports and accounting it may be required to make ~~by general law and by regulation of the Public Utilities Commission of the State of Connecticut as applied~~ *pursuant to state statutes applicable* to municipally-owned utilities, shall not later than the first day of ~~September~~ *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. ~~In addition to the foregoing, the Board shall file with the Town Clerk within five (5) days after each of its meetings a copy of the minutes of such meeting. All reports shall be kept on file in the Town Clerk's office, and shall be open to public inspection.~~

Section 10. Director of Public Utilities, Powers and Duties

The ~~Board~~ *Commission* shall appoint *and may remove* a Director of Public Utilities who shall be responsible to the ~~Board~~ *Commission* and who shall serve at the pleasure of the ~~Board~~ *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. ~~He~~ **The Director** shall be appointed on the basis of his/~~her~~ qualifications and experience in utilities management. ~~He~~ **The Director** may appoint and remove a ~~superintendent~~ **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 ~~board~~ **Commission** shall otherwise direct. The Director of Public Utilities shall exercise his powers and discharge his duties under the supervision of the ~~Board~~ **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 ~~Board of~~ Public Utilities Commissioners of the Town of Wallingford, and all such obligations are assumed by the Town of Wallingford under the direction of its ~~Board of~~ Public Utilities Commissioners 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 ~~Board~~ Commission by the Council

The Council shall exercise oversight of the actions of the ~~Board~~ **Commission**, and may veto any action of the ~~Board~~ **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 ~~Board~~ **Commission**; otherwise, all actions of the ~~Board~~ **Commission** shall be deemed final. To veto any action of the ~~Board~~ **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 ~~XV~~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 ~~chairman~~ **Chairperson** of the Board of Education and of the ~~Board of~~ Public Utilities Commissioners, 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 ~~chairman~~ *Chairperson* of the Board of Education and of the ~~Board of Public Utilities Commissioners~~, 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 ~~his~~ *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 ~~of not more than two mills~~ *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 ~~any project~~ *such appropriations* shall be deemed to have been abandoned if ~~three fiscal years elapse without any~~ *no* expenditure from or encumbrance of the appropriation ~~therefor~~ *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. Tax Bills

~~It shall be the duty of the Tax Collector to mail to each taxpayer, at least seven days before the date when taxes are due and payable, a tax bill prepared by the rate maker in accordance with the provisions of the Connecticut General~~

~~Statutes, the form of which shall be acceptable to the State Tax Commissioner.~~

Section 6. Assessment and Collection of Taxes

~~Except as specifically provided in this charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the Connecticut General Statutes.~~

Section 75. 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 ~~and voted~~ by the Council, ~~and each order drawn upon the Treasurer shall state the department, commission, board or officer, or the appropriation against which it is to be charged.~~ When any department, commission, board or officer, (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 ~~\$200.00~~ *\$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 ~~\$200.00~~ *\$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 86. 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 97. 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 108. 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.

~~The Council, or such officials as it shall designate, shall determine the rate of interest of such bonds and notes, and shall determine the amount of each issue of bonds or notes, their form, their date, the dates of principal and interest payments, the manner of issuing such bonds or notes, and by whom such bonds and notes shall be signed or countersigned, and all other particulars thereof.~~

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 ~~XVII~~**XX**. THE CLASSIFIED SERVICE

Section 1. The System Established

There shall be a classified service of the *T*own pursuant to the Connecticut General Statutes. All officers and employees in the classified service of the *T*own 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 ~~Dog Warden~~*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 ~~and grounds for removal from such positions~~. These statements shall comprise the classification plan of the *T*own, which shall become effective upon approval ~~by resolution~~ of the Council, and which may be amended upon recommendation of the Mayor ~~by resolution~~ *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 ~~by resolution of the Council upon the recommendation of the Mayor~~ *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 *T*own. 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 ~~XVIII~~**XXI** . ETHICS AND CONFLICT OF INTEREST

- A. ~~Creation and Appointment of Members.~~ *Code of Ethics*
The Town Council shall establish, by ordinance, a Code of Ethics.
- C. ~~B. Conflict of Interest; Disclosure~~

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.

~~D.C.~~ **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. ~~If a regular member of the board is absent or is disqualified, the chairman of the board shall designate an alternate to so act.~~ Each member and alternate shall serve without compensation for a term of three (3) years ~~commencing on March 1st of the year of~~ **from** his/**her** appointment, ~~except as follows for initial appointments made in 1990:~~

- ~~1 member and 1 alternate to be appointed for a term of 1 year,~~
- ~~2 members and 1 alternate to be appointed for a term of 2 years,~~
- ~~and 2 members and 1 alternate to be appointed for a term of 3 years.~~

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.**

~~B. Duties and Powers.~~

~~1. Advisory Opinions:~~

~~The Board shall render advisory opinions concerning the application of this chapter and/or any Code of Ethics adopted by the Town of Wallingford to any officer or employee upon his or her~~

~~request. Such advisory opinions shall be published and filed with the Town Clerk with such deletions as may be necessary to prevent disclosure of the identity of the officer or employee involved.~~

~~2. Investigations.~~

~~a. Probable Cause.~~

~~Upon the written complaint of any person, signed under penalty of false statement, or upon its own complaint, the board shall investigate any alleged violation of this charter, any such Code of Ethics, and/or other applicable ordinance of the Town of Wallingford to determine if sufficient probable cause to believe that a violation of any of the above exists to warrant further action by the board. Both the respondent and complainant shall receive prior notice of such probable cause hearing, and shall be provided with the opportunity to attend. If such probable cause is found, the board shall initiate hearings to determine whether there has been such violation.~~

~~b. Hearings.~~

~~All hearings pursuant to this subsection shall be open to the public. The Corporation Counselor his appointed representative, who shall also be an attorney, shall attend such hearings and rule on all matters concerning the application of the rules of evidence, which shall be the same as in judicial proceedings. The Town Attorney or his appointed representative, who shall also be an attorney, shall serve as advisor to the board on any legal issues. At such hearings, the respondent shall have the right to be represented by legal counsel, the right to compel the attendance of witnesses and the production of books, documents, records and papers and to examine and cross-examine witnesses. The board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books, documents, records and papers. At the request of the board, any judge may issue a writ of habeas corpus for the appearance of the respondent, witnesses and the production of books, documents, records and papers. The board shall find no person in violation of the provisions of this charter and/or any such Code of Ethics except upon the concurring vote of four (4) of its members.~~

~~3. Code of Ethics.~~

~~It shall be the responsibility of the Town Council to establish and maintain, by ordinance, a Code of Ethics of the Town of Wallingford.~~

~~E. Violation.~~

~~A violation of the provisions of this charter and/or any such Code of Ethics shall be referred to the council in the case of any elected officer, to the appointing authority in the case of any appointed officer and to the person's supervisor in the case of any employee for appropriate disciplinary action, to be taken within thirty (30) days of receipt of the board's findings and decision, which may include removal from office pursuant to the provisions of Chapter II, Section 9 of this charter.~~

~~F. Appeal.~~

~~Any officer or employee may, within thirty (30) days from the date any disciplinary action is voted or taken pursuant to the board's decision that a violation of this charter and/or any such Code of Ethics~~

~~has occurred, take an appeal to the Superior Court for the Judicial District of New Haven at New Haven.~~

CHAPTER ~~XVIII~~^{XXVII}. 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 **T**own 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. Modification and Transfer of Functions

~~As of the effective date of this charter, the Board of Selectmen shall have only those powers and duties which under the constitution and laws of the state pertain to Boards of Selectmen in respect to the making of voters and the viewing of fences.~~

Section 98. 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.

(4/6/2017-CRC Approved-Changes)

~~Section 10. Ratification of Charter Revisions and Effective Date~~

~~The question of ratification of charter revisions was submitted to the electors of the town at a municipal election held on November 7, 1989, in accordance with the provisions of the Connecticut General Statutes. The question voted on was:~~

~~Shall the Revisions to
the Charter of the Town of Wallingford,
approved by the Town Council
on August 24, 1989, be adopted?~~

~~3185 voted Yes~~

~~1850 voted No~~

~~A majority of those voting in the affirmative, the charter revisions became effective on January 1, 1990.~~