

CHARTER

From the

CODE

of the

TOWN OF TOLLAND

COUNTY OF TOLLAND

STATE OF CONNECTICUT

Approved by the voters of the Town of Tolland on November 6, 2018 and effective as of November 7, 2018.

# CHARTER OF THE TOWN OF TOLLAND

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[HISTORY: Approved by the Voters of the Town of Tolland 05-04-2004.]

GENERAL REFERENCES

Town policies. — See Ch. A176.

D-1 DEFINITIONS

The following definitions are a part of the Charter of the Town of Tolland. They are intended to aid in the interpretation and application of the Charter provisions, and should be read in conjunction with them. These definitions are intended to be authoritative and dispositive as to the meaning of the terms defined herein.

**Appointees:** individuals appointed by the Town Council or Town Manager to serve in a position authorized by this Charter, including the Town Attorney and Director of Health, but excluding town employees.

**Appointment:** the official act of designating a person to serve on a town board or commission, or to fulfill the position of Town Attorney or Director of Health as authorized by this Charter.

**Biennially:** occurring every second year.

**Body Politic and corporate:** the municipal corporation of the Town of Tolland.

**Constitution and General Statutes:** the State Constitution and Connecticut General Statutes, as may be amended from time to time. Also referred to as the Constitution and General Laws of the State of Connecticut.

**Elected at Large:** elected to represent the entire population of the Town of Tolland.

**Employee:** a person, other than an elected or appointed official, employed, whether full- or part-time, by the town, and who is paid by the town through a payroll system of the town.

**Employment Decisions:** any action(s) associated with employment of individual(s) including but not limited to hiring, dismissal, suspension, promotion, demotion, compensation and discipline of such employee.

**General Statutes:** the official current state statutes, as may be amended from time to time. Also may be referred to as the Connecticut General Statutes and the General Laws of the State of Connecticut.

**Initiative:** the process by which registered voters petition the council for action with the intention of going to referendum.

**Minority representation:** the requirement that the number of members of any board or commission from any single political party be limited, as set forth in the Connecticut General Statutes.

**Non-registered Voter:** a U.S. citizen of at least eighteen years of age qualified to vote at public hearings solely by virtue of being jointly or severally liable to the Town of Tolland for the payment of property taxes.

**Ordinance:** a law approved by the town council by affirmative vote with enforcement powers as prescribed by the Connecticut General Statutes.

**Organic law:** the fundamental law that defines the organization of the town's government.

**Petition:** a written request to a board or council for action on some matter therein laid before it.

**Political party:** a party representing residents in the Town of Tolland and whose status is properly registered through the town clerk's office in the Town of Tolland.

Public Hearing: a meeting of the Council, a board, commission or committee during which the residents and non-registered voters of the town are given notice and opportunity to give testimony on a particular matter, and during which a non-binding straw poll may be taken to measure opinion.

Registered Voter: a person officially registered to vote in the Town of Tolland through the Town Clerk's office.

Resident: a person at least eighteen years of age who occupies a dwelling in Tolland and uses this address as their home address for purposes of filing their federal income tax return, intended to be inclusive of all registered voters.

Resolution: a formal process by the Town Council to endorse and implement a desired action of decision approved by the Council.

Town's Personnel Policies and Procedures: also referred to as Personnel Policies Manual, a formal document approved by the Town Council and maintained through the town manager's office, that prescribes the policies and procedures relating to management of town employees, excluding employees of the Board of Education.

## Chapter I Incorporation and General Powers

### § C1-1. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Tolland, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of Tolland," 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 Statutes.

### § C1-2. Rights and obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and items vested or inchoate in said Town as of the date when this Charter shall take effect 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 and 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 date when this Charter shall take effect 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, office, officer or agency 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, office, officer or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Town Council, hereinafter called "the Council," of said Town.

§ C1-3. General grant of powers.

In addition to all powers granted to towns under the General Statutes, the Town shall have all powers specifically granted in this Charter and all powers fairly implied 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 federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities. 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.

§ C1-4. Effect of Charter.

The Charter shall be the organic law of the Town in the administration of local affairs. Special acts, ordinances, bylaws and resolutions inconsistent with the Charter and superseded by it shall have no further force or effect after the effective date of the Charter. Other special acts affecting the Town and all other ordinances and resolutions duly adopted and in force before the effective date of the Charter remain in force. Notwithstanding anything in this Charter to the contrary, the provisions of C5-4 shall take effect immediately.

Chapter II  
Elections

§ C2-1. General.

Nomination and election of federal and state officers, state senators and representatives, judge of probate, registrars of voters, justices of the peace and such elective municipal officers, boards and commissions as are provided for in the Charter shall be conducted in the manner prescribed for in the Constitution and General Statutes. The registrars of voters shall prepare lists of registered voters. A meeting of registered voters of the Town for the election of municipal officers shall be held on the first Tuesday after the first Monday in November, 1985, and biennially thereafter. The number of members of any one (1) political party who may be elected to any elective board shall not exceed the number prescribed by the General Statutes.

§ C2-2. Voting district.

All officers of the Town who are chosen by election shall be elected at large. The Council may, from time to time, by ordinance, divide the Town into voting districts with the establishment of voting places therein.

§ C2-3. Breaking a tie.

When any municipal election conducted pursuant to the provisions of the Charter results in a tie, with the consent of the tied candidates, the tie may be broken by a single toss of a coin by a third party agreeable to the tied candidates. Otherwise, when any municipal election or referendum conducted

pursuant to the provisions of the Charter results in a tie, an adjourned election or referendum shall be conducted in accordance with the provisions of the General Statutes to determine who shall be elected or, in the case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election or referendum shall be held on the seventh (7th) day after the election or referendum which resulted in a tie and shall be confined to the tied candidates or issues. Any voting machine, the returns from which are not subject to disagreement, may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of, or in conjunction with, voting machines.

§ C2-4. Vacancies.

Unless otherwise required by General Statutes any vacancy in an elective town office, for whatever cause arising, shall be filled by appointment by the Council for the unexpired portion of the term or until the next biennial election, whichever is sooner. The Council shall fill by appointment a vacancy in any elective office within sixty (60) days from the time that the office becomes vacant with the exception of the Town Council that must be filled within 30 days. If a person vacating an elective office was elected as a member of a political party, the vacancy shall be filled by a member of the same party. If there shall be a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until said election by appointment, as provided herein, and subsequently by the election of a person to fill that office for the remaining portion of the term. Such person shall take office the Tuesday following that election.

§ C2-5. Eligibility.

No person shall be eligible for election to any town office who is not, at the time of that election, a registered voter of the Town, and any person ceasing to be a registered voter of the Town shall thereupon cease to hold elective office.

§ C2-6. Minority representation.

Minority representation on all elected offices shall be in accord with Section 9-167a of the General Statutes.

Chapter III  
Elective  
Offices

§ C3-1. Town Council.

At each biennial municipal election there shall be elected seven (7) members to the Town Council, who shall serve for two (2) years without compensation. No member of this Council shall hold any other elective or appointive position or be an employee under the government of the Town, including the school system, during the term for which elected. No registered voter shall vote for and no political party shall nominate more than five (5) members for election to the Council.

§ C3-2. Board of Education.

There shall be a Board of Education consisting of nine (9) members who shall be elected, six (6) members to four-year terms and three (3) members to two-year terms; all of whom shall serve without compensation. At each biennial municipal election there shall be elected three (3) members to four-year terms and three (3) members to two-year terms. No member of this Board shall hold any other elective or appointive position or be an employee under the government of the Town, including the school system, during the term for which elected. No registered voter shall vote for and no political party shall nominate more than six (6) members for election to the Board of Education.

§ C3-3. Planning and Zoning Commission.

There shall be a Planning and Zoning Commission consisting of five (5) members, who shall be elected, four (4) members to four-year terms and one (1) member to a two-year term. At each biennial municipal election, there shall be elected two (2) members to four-year terms and one (1) member to a two-year term. The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer. The Planning and Zoning Commission shall be responsible for a town Plan of Conservation and Development as defined by the General Statutes.

§ C3-4. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of five (5) members, who shall be elected, four (4) members to four-year terms and one (1) member to a two-year term. At each biennial municipal election there shall be elected two (2) members to four-year terms and one (1) member to a two-year term.

§ C3-5. Powers.

All of the officers and boards provided for in Chapter III shall have the powers and duties respectively described for them by the General Statutes and by this Charter. All persons elected at the municipal election shall take office on the Tuesday following their election.

§ C3-6. All Boards and Commissions – Relations to town employees.

See C4-9. The same rules of conduct apply.

Chapter IV  
Town Council

§ C4-1. Town Council.

There shall be a Town Council, hereinafter referred to as “the Council,” consisting of seven (7) members, who shall serve without compensation except for reimbursement of actual expenses incurred in the performance of official duties. No member of this Council shall hold any other elective or appointive position or be an employee under the government of the Town, including the school system, during the term for which elected. No member of the Council shall hold any office or position of profit under the government of the Town during the term of office for which elected.

§ C4-2. Organizational meeting.

The organizational meeting shall be held on the following Tuesday after the election. The meeting shall be called to order by the Town Clerk, who shall administer the oath of office to all members, provided that in the absence of the Town Clerk, the meeting may be called to order and the oath administered by any citizen of Tolland who is authorized by law to administer oaths. The Council shall proceed to elect a Chairperson and a Vice Chairperson, but such office shall not deprive such Chairperson or Vice Chairperson of his or her vote on any question. The Chairperson shall preside over all meetings of the Council and perform such other duties consistent with the Chairperson’s office as may be imposed by the Council. The Chairperson shall be recognized as the official head of the Town for all ceremonial purposes. During the Chairperson’s absence or disability, the duties shall be performed by the Vice Chairperson.

§ C4-3. Procedure.

At the organizational meeting, the Council shall fix the time and place of its regular meetings and provide for a method for calling special meetings. The regular meeting shall be held at least once each month. The Council 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 by the General Statutes. Four (4) members shall constitute a quorum, but no ordinance, resolution or vote, except to adjourn or to fix the time and place of the next meeting, shall be adopted by fewer than four (4) affirmative votes. The Council shall keep, for public inspection, a journal or minutes of all its proceedings, including all roll call votes. Said journal or minutes shall be maintained by the Town and shall be authenticated for each meeting by the presiding officer.

§ C4-4. General Powers and Duties.

The legislative power of the Town shall be vested exclusively in the Council, except as provided for in the Charter. The Council shall have the powers not inconsistent with this Charter or the General Statutes to enact, amend, or repeal ordinances; to create or abolish, by ordinance, boards, commissions, departments and offices; and the Council shall, upon the recommendation of the Town Manager, contract for services. The Council shall assure the existence of a Council approved Town of Tolland PERSONNEL POLICIES MANUAL which shall be kept current through the Town Manager’s office. All updates to the Personnel Policies Manual shall be approved by the Council.

If the Council adopts any Federal or State Code there shall be maintained at least two (2) copies of such code, rules or regulations in the office of the Town Clerk for examination by the public. The Council by resolution may regulate the internal operation of non-elected boards, commissions and offices and fix the compensation of the Town Manager, the officers and all employees as hereinafter provided in the Charter. The Council may fix the charges to be made for services rendered by the Town. The Council shall appropriate a reasonable amount of money to fund the Planning and Zoning Commission's work on the Town Plan of Conservation and Development.

§ C4-5. Public Hearings.

Public hearings for the consideration of the annual budget, supplementary or additional appropriations, ordinances and such other actions as the Council shall determine shall be held at such time and place as the Council may determine by resolution. Notice of the time, place and purpose of such public hearings shall be publicized within the Town in accordance with the General Statutes at least five (5) days prior to such public hearings. After such public hearings, a straw poll of the registered voters and non-registered voters of the Town present may be taken on each issue and may constitute a public expression of opinion for the guidance of the Council.

§ C4-6. Ordinances.

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. Within ten (10) days after its passage, each ordinance shall be published in summary form in a newspaper having a general circulation in the Town, or be publicized within the Town in accordance with the General Statutes. Each summary shall include a disclaimer that the description is for informational purposes and a full copy of the ordinance may be obtained, without charge, from the Town Clerk. Ordinances making or requiring an appropriation of funds must be published in full. Every ordinance, unless specifying a later date, shall become effective on the fifteenth (15th) day after such publication following passage, except as otherwise provided in the Charter.

§ C4-7. Emergency ordinances.

An ordinance stated to be a public emergency measure and which states the facts constituting such public emergency shall become effective immediately after publication thereof as required in Section C4-6 of this Charter, and no public hearing or notice of public hearing shall be required for any public emergency ordinance. Every such emergency ordinance, including amendments thereto, shall automatically stand repealed at the termination of the sixty-first (61st) day following final passage of said ordinance. Emergency ordinances shall not be subject to the provisions of Section C10-2 of this Charter. It is the intent of the automatic repeal provision on the sixty-first (61st) day, that emergency ordinances be duly processed as ordinances and not be renewed or reenacted.

§ C4-8. Special Town Meetings.

Any legislative power of the Town previously vested in the Special Town Meeting shall be vested in the Town Council except as otherwise provided in sections C9-10, C9-16 and Chapter X of this Charter.

§ C4-9. Relations to town employees excluding Boards and Commissions.

No member of the Council shall direct or request an appointment of any person to any office or employment or direct or request the removal of any person from office or employment, which office or employment, by the provisions of this Charter, the Town Manager or any of the manager's appointees are empowered to fill by appointment. The Council and its members shall deal with the town employees solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the Town Manager either publicly or privately. If there is any desire to provide direction to subordinates of the Town Manager, the Council is required to have the discussion in a properly constituted meeting which the Town Manager is invited to attend and to provide that direction as a single body through the Town Manager. Any Council member violating the provisions of this section shall be subject to public censure or removal by five (5) affirmative votes of the Council after notice and hearing as hereinafter provided. Such member of the Council shall be served with a written notice of the intention of the Council to censure or remove said member, which notice shall contain a clear statement of the grounds for such censure or removal. The Council shall also set a time and place at which the member of the Council being subject to censure or removal shall be given an opportunity to be heard. Such meeting shall be public at the option of the member. The decision of the Council shall be final.

§ C4-10. Annual Audit.

The Council shall designate an independent certified public accountant, or firm of independent certified public accountants, to annually audit the books and accounts of the Town in accordance with the General Statutes.

Chapter V  
Appointments by the Town Council

§ C5-1. Appointments.

The Council shall appoint, whether for full terms or to fill vacancies, the members of all boards, commissions and offices authorized by Chapter V of this Charter and those others deemed necessary by the Council. This shall be done at a meeting to be held not later than sixty (60) days after the municipal election or as the Council deems necessary. Interim appointments shall be made within sixty (60) days of the vacancy.

§ C5-2. Terms.

The terms of appointment to any appointive board, commission or office shall not exceed four (4) years unless specified by this Charter or by ordinance. Despite the expiration of a term, the holder of an appointive position shall continue to hold office until a successor has been appointed and qualified. The Town Council may remove any member from any appointed board, commission, committee, or agency who serves without compensation as follows: (i) upon such member's unexcused absence from three consecutive meetings of the board, commission, committee, or agency, whether regular or special meetings; (ii) upon such member's unexcused absence from fifty percent or more of the meetings, whether regular or special meetings, of the board, commission, committee, or agency within

a calendar year, unless otherwise provided by the General Statutes; or (iii) for any other reason the Town Council deems sufficient provided that the member of such board, commission, committee, or agency is given notice and an opportunity to be heard at a formal hearing.

§ C5-3. Minority Representation.

The number of members of any political party who may be appointed to any board or commission shall not exceed the number prescribed by the General Statutes.

§ C5-4. Eligibility.

No person shall be eligible for appointment to any board, commission, office or similar body except the Town Attorney, the Town Manager and the Director of Health, who is not at the time of appointment a resident of the Town at least 18 years of age. Any person except the Town Attorney, the Town Manager and the Director of Health who ceases to become a resident of the Town shall thereupon cease to hold appointive office.

§ C5-5. General Powers and Procedures.

Appointive boards, commissions and offices shall have the power and duties conferred or imposed by this Charter, by ordinance or by the General Statutes. Each board or commission shall choose a Chairperson and a Secretary and make rules for the conduct of its meetings and the execution of its duties. Such rules and the minutes of all meetings shall be filed with the Town Clerk for public inspection. Members of appointive boards and commissions shall serve without compensation, except the Town Attorney, Director of Health and such others as the Council may appoint. Necessary expenses incurred in the performance of duties may be paid from an appropriation authorized for that purpose.

§ C5-6. Town Attorney.

Biennially, the Council shall appoint a Town Attorney to serve a term coincident with the Town Council. A purchase order shall be issued with the financial considerations subject to approval by the Town Council. The Town Attorney may be removed at any time by the affirmative vote of 5 council members. The Town Attorney shall be an attorney at law admitted to practice law in the State of Connecticut. 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 department, office, agency, board or commission. The Town Attorney shall be the legal advisor of the Council, Manager and all 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 power and duties. Copies of all opinions shall be forwarded to the Council. Upon request by the Council, the Town Attorney shall prepare or approve forms of contract or other instruments to which the Town is a party or in which it has an interest. The Town Attorney shall have powers, with the approval of the Council, to appeal from orders, decisions and judgments and to compromise or settle any claims by or against the Town.

§ C5-7. Director of Health.

The Council shall join a Health District or appoint a Director of Health, in accordance with General Statutes. The Health District or Director shall be responsible for the preservation and promotion of public health. The Health District or Director shall interpret and enforce the health and sanitary laws of the State and Town.

§ C5-8. Board of Assessment Appeals.

The Council shall appoint a Board of Assessment Appeals consisting of three (3) members. Two (2) members shall have alternating terms of four (4) years, and one (1) member shall have a term of two (2) years. Biennially thereafter, the Council shall appoint two (2) members, one (1) to a four year term and one (1) to a two year term to succeed the members whose terms expire.

§ C5-9. Other Commissions.

The Council shall have the power to appoint, boards and commissions as provided by ordinance, and shall have the authority to create or eliminate boards or commissions as appropriate. It shall determine the number of members and length of service.

Chapter VI  
Town Manager

§ C6-1. Appointment.

The Council shall appoint for an indefinite term a Town Manager, hereinafter referred to as “the Manager,” who shall be the Chief Executive Officer of the Town and shall be chosen exclusively on the basis of executive and administrative qualifications, character, education, training and experience. The Manager shall serve at the pleasure of the Council, who may enter into an employment agreement with said Manager. At the time of appointment, the Manager need not be a resident of the Town. The compensation, residency and terms of employment of the Manager shall be fixed by the Council and shall not be changed except at the beginning of a fiscal year by a vote of the Council taken at least one (1) month prior to that date.

§ C6-2. Removal.

The Manager may only be removed by five (5) affirmative votes of the Council. At least thirty (30) days before the proposed removal of the Manager, the Council shall adopt a resolution stating its intention to remove and reasons therefore. A copy shall be served on the Manager, who may, within ten (10) days, demand a public hearing, in which event, the Manager shall not be removed until such public hearing has been held. Said public hearing shall be held within ten (10) days of the proposed removal date. Upon passage of such a resolution, the Council shall suspend the Manager from duty, provided the salary of said Manager shall continue until his removal from office. In the event of such removal, the Manager shall be given termination pay equivalent to one (1) month’s salary. Upon

suspension, removal or resignation of the Manager, the Council may appoint a Temporary Manager to serve at the pleasure of the Council. The Temporary Manager may make appointments as are conferred upon the Manager in Chapter VII, Section C7-1, of this Charter. The action of the Council in removing the Manager shall be final.

§ C6-3. Duties.

The Manager shall be directly responsible to the Council for the administration of all departments, agencies, offices and persons or boards appointed by the Manager and shall supervise and direct same. The Manager shall see that all laws and ordinances governing the Town are faithfully executed; shall assure the existence of and keep current a Council approved Town of Tolland PERSONNEL POLICIES MANUAL. All updates to the Personnel Policies Manual shall be reviewed by the Council; the Manager shall make periodic reports to the Council and shall attend its meetings with full right of participation in its discussions but without the right to vote; shall prepare and cause to be printed, as soon as possible, an annual report; shall recommend to the Council such measures as the Manager may deem expedient or necessary; shall keep the Council fully advised as to the financial condition of the Town; shall prepare and submit to the Council an annual budget; and shall exercise such other powers and perform such other duties as may be required of the Manager by ordinance or by resolution of the Council and not inconsistent with this Charter.

§ C6-4. Acting / Temporary Town Manager.

The Manager shall designate by letter maintained on file with the Town Clerk and subject to the approval of Council, a Town employee or officer, who shall act as Acting Manager, except in the matter of appointment or removals, during the Manager’s temporary absence or inability to serve. Any appointments or removals during the Manager’s temporary absence or inability to serve shall be done by the Council.

In the event of a vacancy in the office of Manager, from whatever cause arising, the Council shall have power to designate a person, other than a member of the Council, to act as Temporary Manager, pending the filling of such vacancy.

Chapter VII  
Employment Decisions and Appointments by the Town Manager

§ C7-1. Employment Decisions.

The Manager shall make employment decisions authorized by the Town Personnel Policies and Procedures.

§ C7- 2. Compensation.

Compensation of all salaried and hourly rated employees of the Town shall be determined by the Manager in conformity with a systematic pay plan for the position. Nothing herein shall be construed to limit the power of the Board of Education to fix the compensation of employees of the school

system. Final approval of compensation and pay, including changes thereto, must be given by the Council in accordance with Chapter IV, Section C4-4, of this Charter.

§ C7-3. Senior Level Employees.

Employment decisions associated with management directly reporting to the Town Manager shall be subject to the approval of the Council.

§ C7-4. Appointments to Boards and Commissions by the Town Manager.

The Town Manager shall make appointments to Boards and Commissions as directed by the Town Council. All such appointees shall have all the powers and duties imposed or conferred by the General Statutes, by ordinance and by the provisions of this Charter and shall perform these powers and duties under the supervision and direction of the Manager.

§ C7-5. Terms of Boards and Commissions.

The individuals so appointed shall take office on the day of appointment and shall serve at the pleasure of the Manager in accordance with the terms of the enabling ordinance(s).

Chapter VIII  
Job Classification

§ C8-1. Job Classification.

New or additional positions in the Town Personnel Policies & Procedures may be created or existing positions abolished, and changes in the duties and responsibilities of existing positions may be made by resolution of the Council upon the recommendation of the Manager. The Manager shall cause to have prepared a set of rules which shall provide an adequate and systematic procedure for the handling of the personnel issues of the Town. Such rules and any amendments thereto shall become effective upon passage by the Council and filing with the Town Clerk. Copies of such rules and amendments shall be distributed to all members of the classified service.

Chapter IX  
Finance and Taxation

§ C9-1. Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and end on the last day of June following, or in accordance with the requirements under the General Statutes. In the event that the General Statutes allow for adjustment of the fiscal year, the council may adopt a revised fiscal year budget cycle. All sections within this Charter shall be adjusted to accommodate such revised fiscal year budget cycle.

§ C9-2. General Form of Budget Presentation.

The Manager may, or at the request of the Council shall, require any 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 Board of Education, to set forth in such form as the Manager may prescribe the goals and objectives for the ensuing year, the services, activities and work accomplished during the current year, and the status of the previous year goals that remain to be accomplished.

§ C9-3. Departmental Estimates.

The Manager shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town, including the Board of Education, shall file with the Manager, on or before February 14 or as revised in C9-1, on forms prescribed and provided by the Manager, a detailed estimate of the expenditures to be made 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 Manager.

§ C9-4. Obligations of the Manager.

Not later than March 27 or as revised in C9-1, the Manager shall present to the Council a budget consisting of: (a) a budget message outlining the important features of the budget plan, indicating any major changes from the current financial policies, revenues and expenditures, together with the reasons for such changes and containing a clear general summary of its contents; (b) estimates of revenue presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the budget of the current fiscal year, total receipts estimated to be collected during the current fiscal year, and estimated receipts to be collected in the ensuing fiscal year; (c) itemized estimates presenting in parallel columns the actual expenditures for each department, office, agency or activity for up to the last three completed fiscal years, the adopted budget for the current year, and recommended expenditures for the ensuing fiscal year and such other information as may be required by the Council. The Board of Education, preparing its estimates for submission to the Manager, shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education. A joint meeting of the Town Council and Board of Education for the purpose of discussing the appropriation request of the Board of Education shall be held on or before April 11 or as revised in C9-1. After such discussion, the Board of Education finalized appropriation request shall be submitted to the Council no later than the Council's budget public hearing. Due to extreme circumstances outside of the Town's control, the Town Manager may make a recommendation to the Town Council for postponement of the annual budget process and referendum timeline for that fiscal year.

§ C9-5. Capital Improvement Plan.

The Manager shall prepare and submit to the Council a five-year capital program at least three (3) months prior to the Annual Budget Referendum.

§ C9-6. Capital Improvement Plan Contents.

The capital improvement plan shall include: (a) clear summary of its contents; (b) a list of improvements proposed to be undertaken during the five (5) fiscal years next ensuing; (c) an estimate of costs, method of financing and schedule for each proposed improvement; (d) a list of current improvements indicating their status and; (e) other information which the Manager feels pertinent such as basis of need, justification and payback shall be included. Estimated associated operating costs and tax rate ramifications shall also be included. Programs may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

§ C9-7. Obligations of the Council.

The Council shall hold one (1) or more public hearings at which any registered or non-registered voter may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following the receipt of all estimates from the Manager and the holding of the final such public hearing, the Council shall prepare a budget and shall recommend the same at the Annual Budget Presentation, as set forth in Section C9-9 hereof. Sufficient copies of said annual budget shall be made available for general distribution in the office of Town Clerk and the Town Manager, and, at least five (5) days prior to said Annual Budget Referendum as set forth in Section C9-10 hereof.

The Council shall cause to be published in accordance with the General Statutes, a summary of the proposed budget showing anticipated revenues by major sources and proposed expenditures by functions or departments and shall also show the amount to be raised by taxation. The budget shall become effective when passed at the Annual Budget Referendum and an official copy shall be filed with the Town Clerk.

After the Annual Budget Referendum, the Council shall at its next scheduled meeting, fix the rate in mills, which shall be levied on all taxable property in the Town for the ensuing fiscal year. The resolution adopting the budget may provide for appropriation by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function.

Due to extreme circumstances, outside of the Town's control, the Council may consider and act upon a recommendation from the Town Manager for postponement of the annual budget process and referendum timeline for that fiscal year. The Council shall be deemed to be the budget-making authority.

§ C9-8. Obligations of the Council on the Capital Improvement Plan.

The Council shall hold one (1) or more public hearings on the capital improvement plan prior to or in conjunction with the public hearing set forth in Section C9-7 hereof. The Council shall cause to be published, in accordance with the General Statutes, the general summary of the capital program stating the time and places where copies of the capital program are available for inspection by the public. The Council shall adopt the capital program with or without amendment after the public hearing for inclusion in the annual budget.

§ C9-9. Annual Budget Presentation.

Prior to the Annual Budget Referendum, the Town Council shall arrange for an Annual Budget Presentation to be held no later than one week prior to the Annual Budget Referendum. Notice of the Annual Budget Presentation shall be publicized in accordance with the General Statutes at least five (5) days prior to such Presentation. Copies of the proposed budget will be made available in the town clerk's office no later than one week prior to the Annual Budget Presentation. At the Annual Budget Presentation, the Council will present the Budget to be voted upon at the Annual Budget Referendum. Prior to such referendum the Council shall have no authority to modify the Budget from that presented at the Annual Budget Presentation. The Annual Budget Presentation is intended to provide information and encourage public discussion, and is in addition to prior public hearings relating to the development of the Budget at which public hearings public comment and participation is encouraged.

§ C9-10. Annual Budget Referendum.

The Annual Budget Referendum shall be held on the first Tuesday of May at such place and time as the Council may determine, unless otherwise modified by the Council as provided for in Section 9-7. Registered voters only shall vote to approve or reject the Budget proposed by the Town Council with the result being determined by a simple majority of those voting at referendum. Additional referenda, as required, will be held every other week on Tuesday thereafter until a budget is approved. Notice of the referendum shall be publicized in accordance with the General Statutes at least five (5) days prior to such referendum. Notice for subsequent referenda shall be publicized in accordance with General Statutes at least three (3) days prior to each such referendum. An official copy of the annual budget as finally adopted shall be filed with the Town Clerk. In the event that no budget for the ensuing fiscal year shall be adopted by June 15th in any year, then the Tax Collector may send out interim tax bills for the same amount as in the previous tax year. When said budget is finally adopted, the Tax Collector may adjust the second tax bill to conform to the new rate as voted by the Council or send out additional tax bills. The procedures outlined in Chapter 9 of this Charter shall be the only manner in which the budget of the Town of Tolland shall be adopted. These procedures are intended to supersede specific provisions of the General Statutes including but not limited to those contained in Section 7-7 of the Statutes, as amended.

§ C9-11. Emergency Appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations may be made upon an affirmative vote of five (5) or more members of the Council. The hearing and notice of hearing may be waived by said vote when the Council decides that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. In the absence of sufficient general funds, additional means of financing shall be provided in accordance with the General Statutes.

§ C9-12. Taxes and Tax Bills.

Except as provided in Section C9-10, taxes levied by the Council shall be due and payable in two (2) equal installments, one-half (1/2) due on July 1 and one-half (1/2) due on January 1, except that any

tax bill of one hundred dollars (\$100.) or less shall be due in full and payable on July 1. The Town Council may by ordinance allow for other payment installments. All tax bills not paid when due shall accrue interest in accordance with the General Statutes.

§ C9-13. Assessments and Collection of Taxes.

The Council shall fix the rate of taxation for the ensuing fiscal year on the grand list of the previous October 1, or in accordance with the General Statutes. Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be as provided in the General Statutes.

§ C9-14. Expenditures and Accounting.

No purchase shall be made by any board, department, commission or officer, other than the Board of Education, except through the office of the Manager and in accordance with the Town's purchasing policy. The Manager or Manager's designee, shall prescribe the time and the manner in which persons receiving money on account of the Town shall pay the same to the Treasurer. The Manager or Manager's designee, shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which it is to be paid in accordance with the Town's purchasing policy.

No voucher, claim or charge against the Town shall be paid until the same has been audited by the Manager or the Manager's designee, and approved by the Manager or the Manager's designee for correctness and validity in accordance with the Town's purchasing policy. Payment of all approved claims shall be authorized by the Manager or Manager's designee, which authorization shall be valid when countersigned by the Treasurer, provided, in the absence or inability of either to act, the Chairperson of the Council is authorized to substitute temporarily for either, but not both.

No department, commission, officer or board shall involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated for the entire department or agency, until the matter has been approved by the Manager. Any amounts in excess of such authorization shall be approved by the Council. Each order drawn upon the Treasurer shall state the department, commission, board or officer and appropriation against which it is to be charged.

The Manager may make unencumbered appropriation transfers between departments for up to 3% of the department budget from which the funds will be transferred. 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.

The Council, by resolution, may make appropriations to be funded by grants or gifts, and other additional and supplementary appropriations not to exceed an aggregate of 1/2 of 1% of the General Fund Budget in any fiscal year. In addition, following a public hearing, the Council, by resolution, may make further additional and supplementary appropriations upon recommendation and certification of the Manager that there are available unappropriated funds in excess of the proposed additional appropriations.

Unencumbered appropriations shall lapse at the end of the fiscal year for which they were made, and any balance shall be credited to the general fund, provided that an appropriation for a capital outlay shall not lapse until the object for which the appropriation was made has been accomplished, or no expenditure from or encumbrance of the appropriation has been made for five (5) consecutive fiscal years. Every payment made in violation of the provisions of this Charter shall be deemed illegal, and any official authorizing or making such payment, or any part thereof, shall be jointly and severally liable to the Town for the full payment thereof.

If any officer or employee of the Town shall knowingly incur any obligations or shall authorize or make any expenditures in violation of the provisions of this Charter take any part therein, such action may be cause for removal.

§ C9-15. Purchasing.

Purchases for the Town of Tolland, except the Board of Education, shall be made under such rules and regulations as may be established by the Council. These rules and regulations shall be reviewed annually and, if revised, adopted and published by the Council.

Purchases for Board of Education shall be made under such rules and regulations as may be established by the Board of Education. These rules and regulations shall be reviewed annually and, if revised, adopted and published by the Board of Education.

§ C9-16. Borrowing.

The Town shall have the power to incur indebtedness by issuing its bonds or notes, as provided by General Statutes, subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and notes shall be authorized by resolution of the Council and adopted in the same manner as provided for the adoption of ordinances. If the amount of any resolution authorizing the issuance of general obligation bonds, or issuance of notes in anticipation of such bonds, independently or combined with a resolution or resolutions previously adopted in the same fiscal year, shall exceed five percent (5%) of the current tax levy in any fiscal year, said resolution for such bond issue or issuance of bond anticipation notes, shall be approved by a referendum vote of the registered voters. Any subsequent resolution authorizing the issuance of general obligation bonds, or the issuance of notes in anticipation of such bonds, adopted in the same fiscal year, shall also be subject to a referendum vote of the registered voters. Notice of such referendum shall be published in accordance with the General Statutes at least five (5) days prior to such referendum. Estimated associated operating costs and estimated tax rate ramifications shall be posted as part of the explanatory text available at the polling place. Notwithstanding any other provisions of this Charter, resolutions authorizing (i) any borrowing required to meet emergency appropriations under Section C9-11 hereof, (ii) the issuance of notes in anticipation of taxes to be paid within the provision of the General Statutes, and (iii) the issuance of bonds and notes secured entirely by a pledge of specific revenues and not by the full faith and credit of the Town, shall not be subject to a referendum.

Chapter X  
Power to Petition and Referendum

§ C10-1. Power to Petition.

Registered voters shall have the power to petition the Council to change any lawful ordinance or other lawful measure except an ordinance or resolution appointing or removing officials or specifying the compensation or hours of work of officials and employees. If the Council fails to adopt such ordinance or other measure within thirty (30) days after a petition making such a proposal shall have been filed with the Council, provided such petition shall have been signed, in ink or indelible pencil, by qualified registered voters of the Town equal in number to at least five percent (5%) of the registered voters at the last municipal election, the measure shall be adopted or rejected at referendum, which shall be scheduled by the Town Council within ninety (90) days after such proposed ordinance or measure was originally filed with the Council. 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. Said referendum shall meet with the requirements of section (C10-2). The Town Clerk shall determine the sufficiency of the petition and the affidavits. No ordinance or other measure 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 registered voters. Notwithstanding the foregoing, revisions to this Charter shall be made in accordance with the General Statutes. Nothing in this section is intended to prohibit the ability of any resident to orally or in writing address the Town Council on any issue.

§ C10-2. Power of Referendum.

Registered voters shall have the power to approve or reject at referendum any ordinance or other measure passed by the Council, except an ordinance or resolution appointing or removing officials or employees, or specifying the compensation or hours of work of officials and employees. Ordinances or other measures submitted by initiative petition as provided in Section C10-1 and passed or rejected by the Council shall be subject to a referendum in the same manner as other ordinances or measures. Within thirty (30) days after enactment of any ordinance or other measure which is subject to referendum, a petition signed, in ink or indelible pencil, by qualified registered voters of the Town, equal in number to at least five percent (5%) of the registered voters at the last municipal election, may be filed with the Town Clerk requesting that any such ordinance or other measure be either repealed or submitted to a vote of registered voters. Said petition shall be accompanied by affidavits signed and sworn to by each circulator of such petition certifying to the authenticity of the signatures. The Town Clerk shall determine the sufficiency of the petitions and affidavits. If the Council fails to repeal such ordinance or other measure within thirty (30) days from the filing of such petition, the question of repeal shall be submitted to the registered voters of the Town within ninety (90) days of the Council's passage of such ordinance or other measure. Upon the filing of a sufficient petition, the ordinance or measure shall remain without effect until the registered voters vote on the question. If the vote to repeal fails, the ordinance or measure as passed by the Council shall become effective immediately. At all referenda held pursuant to this section, only registered voters shall be permitted to vote. Notice of such referendum shall be advertised in accordance with the General Statutes at least five (5) days prior to such referendum.

§ C10-3. Authorization for Sale or Purchase of Real Estate.

No resolution authorizing the sale, purchase or other conveyance of any interest in real estate by the Town shall become effective until the same has been approved at a referendum called by the Council for such purpose. Notice of such referendum shall be advertised in accordance with the General Statutes at least five (5) days prior to such referendum. Notwithstanding the foregoing, the Council, by resolution, may authorize:

1. the transfer from the Town of any interest in real estate having a value of less than 1% of the total Town Budget for the current fiscal year;
2. the acquisition by or on behalf of the Town of any interest in real estate having a price of less than 1% of the total Town Budget for the current fiscal year;
3. the acquisition by or on behalf of the Town of any interest in real estate for which there are available monies for such acquisition which have been appropriated for the acquisition of any interest in real estate pursuant to a referendum vote; or,
4. the conveyance of any property in the approved Tolland Business Park regardless of price, by five (5) affirmative votes.

Said resolutions of the Council shall be adopted in the same manner as provided for in the adoption of ordinances.

Chapter XI  
Transition, Amendments and Miscellaneous

§ C11-1. Transfer of Powers.

The power which is conferred and the duties which are imposed upon a commission, board, department or office under the General Statutes, special acts concerning the Town or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter.

§ C11-2. Amendments.

This Charter may be amended in the manner prescribed by the General Statutes and amendments thereto.

§ C11-3. Saving Clause.

If any portion of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder hereof.

§ C11-4. Effective Date.

The effective date of these revisions, if adopted by a referendum, shall be the day immediately following such referendum.