

**Appendix D**

**TOWN OF WESTON, CONNECTICUT**

**INCORPORATED 1787**

**TOWN CHARTER**

**AMENDED AND RESTATED AS OF NOVEMBER 57, 201~~32~~**

TABLE OF CONTENTS

	<u>Page</u>
<b>ARTICLE 1 THE CHARTER; TOWN CODE</b> .....	1
Section 1.1    General Provisions .....	1
Section 1.2    The Town Code.....	1
Section 1.3    Definitions.....	1
<b>ARTICLE 2 THE TOWN; ITS LEGISLATIVE BODY</b> .....	1
Section 2.1    The Town .....	1
Section 2.2    Powers, Rights and Obligations of the Town .....	1
Section 2.3    Legislative Body .....	1
<b>ARTICLE 3 THE TOWN MEETING</b> .....	2
Section 3.1    Legislative Power.....	2
Section 3.2    Annual and Special Town Meetings .....	2
Section 3.3    Procedure .....	2
Section 3.4    When a Special Town Meeting is Required .....	2
Section 3.5    Actions of a Special Town Meeting That May Be Decided By Machine Ballot .....	3
Section 3.6    Petition for Overrule of Action of Board of Selectmen .....	4
Section 3.7    Petition for Special Town Meeting for Enactment of Ordinances or Other Action .....	4
<b>ARTICLE 4 BOARD OF SELECTMEN</b> .....	5
Section 4.1    Number of Selectmen; Holding Other Town Offices .....	5
Section 4.2    General Powers, Duties and Responsibilities .....	5
Section 4.3    Procedure .....	6
Section 4.4    Public Hearing On and Publication of Ordinances .....	6
Section 4.5    Emergency Ordinances .....	6
Section 4.6    Coordination .....	7
<b>ARTICLE 5 FIRST SELECTMAN; TOWN ADMINISTRATOR</b> .....	7
Section 5.1    The First Selectman .....	7
Section 5.2    Selection of an Acting First Selectman.....	8
Section 5.3    The Town Administrator.....	8
<b>ARTICLE 6 ELECTED OFFICERS, BOARDS AND COMMISSIONS</b> .....	9
Section 6.1    General Powers and Duties.....	9

Section 6.2	Elected Officers, Boards and Commissions.....	9
Section 6.3	Terms of Office; Election of Officers; Conduct of Meetings .....	9
Section 6.4	Minority Representation; Staggered Terms; Change in Terms of Board of Finance Members .....	10
Section 6.5	Compensation; Expenses; Levies .....	10
Section 6.6	Special Provisions Regarding the Board of Education; Board of Police Commissioners and Town Clerk.....	11
<b>ARTICLE 7 ELECTIONS.....</b>		<b>11</b>
Section 7.1	General .....	11
Section 7.2	Voting Districts .....	12
Section 7.3	Voter Registration .....	12
Section 7.4	Eligibility for Office .....	12
Section 7.5	Breaking a Tie.....	12
Section 7.6	Vacancies .....	12
Section 7.7	Removal .....	13
<b>ARTICLE 8 APPOINTED OFFICERS, BOARDS AND COMMISSIONS.....</b>		<b>13</b>
Section 8.1	General Powers and Duties .....	13
Section 8.2	Appointed Officers, Boards and Commissions.....	13
Section 8.3	Timing of Appointment; Election of Officers; Conduct of Meetings.....	14
Section 8.4	Minority Representation; Staggered Terms .....	14
Section 8.5	Vacancies and Removals .....	15
Section 8.6	Special Provisions Regarding Certain Officers, Boards and Commissions.....	15
Section 8.7	Compensation; Expenses; Levies .....	<a href="#">171716</a>
<b>ARTICLE 9 FINANCE AND TAXATION.....</b>		<b>17</b>
Section 9.1	Preliminary Budget Estimates.....	17
Section 9.2	Duties of the First Selectman on the Budget .....	17
Section 9.3	Duties of the Board of Selectmen on the Budget.....	18
Section 9.4	Duties of the Board of Finance on the Budget.....	18
Section 9.5	The Annual Town Budget Meeting .....	19
Section 9.6	The Annual Town Budget Referendum .....	20
Section 9.7	Procedure if the Budget is Rejected.....	20
Section 9.8	Filing the Approved Budget.....	21
Section 9.9	Additional and Supplemental Appropriations .....	21
Section 9.10	Expenditures and Accounting.....	22
Section 9.11	Power to Incur Indebtedness .....	23
Section 9.12	Contributions.....	23

<b>ARTICLE 10 ETHICAL STANDARDS .....</b>	<b>23</b>
Section 10.1    General Provisions .....	23
Section 10.2    Code of Ethics.....	23
<b>ARTICLE 11 DEFINITIONS .....</b>	<b><u>242423</u></b>
<b>ARTICLE 12 MISCELLANEOUS PROVISIONS .....</b>	<b><u>252524</u></b>
Section 12.1    Amendment of Charter .....	<u>252524</u>
Section 12.2    Saving Clause.....	<u>252524</u>
Section 12.3    Relationship Between the Connecticut General Statutes and the Charter.....	25
Section 12.4    Gender.....	25
Section 12.5    Existing Laws and Ordinances.....	25
Section 12.6    Effective Date .....	25

## Preamble

Since colonial times the Town of Weston has taken its character from the many generations that have cherished local democracy, broad-based citizen involvement, and a strong sense of community. In the tradition of home rule, Westonites call Town Meetings in the belief that every eligible voter is a legislator. As embodied in this Charter, the Town Meeting and the Selectmen together are the legislative body of the Town.

Weston was an Aspetuck hunting ground until “outliers” from the town of Fairfield began settling here in the early eighteenth century. Norfield Parish was created in 1757 and the Connecticut General Assembly formally recognized Weston as a separate, incorporated town thirty years later.

Early Weston was agricultural but soon the use of abundant water power led to the growth of industry. By 1830 Weston was a thriving town of 3,000 people and home to foundries, a grist mill, ax manufacturing, a furniture plant, and four churches. The population began to decline rapidly by the 1850's, however, due to the opening of the richer agricultural lands in Ohio, the development of steam-powered industry along the coast, and the rise of the industrial towns along the Naugatuck River.

The revival of the Town began early in the 20<sup>th</sup> century with the arrival of artists, musicians, theater people, writers, and summer residents from New York City, a vanguard of the waves of commuters who first arrived by automobile in the 1930's. This mixture remains and, together with its excellent schools and many conservation-protected lands, continues to give Weston its special character.

The first Town Charter was adopted by the voters in 1967 and was subsequently amended in 1976, 1979, and 2003. The current version was adopted by the voters on November 6, 2012.

# **WESTON TOWN CHARTER**

## **ARTICLE 1**

### **THE CHARTER; TOWN CODE**

#### Section 1.1 General Provisions

(a) The Charter is the organic law of the Town of Weston providing for the administration of the Town's affairs.

(b) Matters of administration of the Town's affairs not provided for by the Charter or local ordinance are governed by the General Statutes and Special Acts of the State of Connecticut applicable to the Town.

#### Section 1.2 The Town Code

(a) The Charter and the Town ordinances together shall comprise the Town Code.

(b) The Town Code shall be available at the Town Clerk's office, the Public Library and the Town's website or in such other form as is readily available to the public.

#### Section 1.3 Definitions

The meanings of the defined terms used in the Charter are contained in Article 11.

## **ARTICLE 2**

### **THE TOWN; ITS LEGISLATIVE BODY**

#### Section 2.1 The Town

The Town shall continue, after the effective date of this amended and restated Charter, as a body politic and corporate with perpetual succession within its territorial limits.

#### Section 2.2 Powers, Rights and Obligations of the Town

The powers, rights and obligations of the Town contained in the Charter as in effect immediately prior to the effective date of this amended and restated Charter, and attached as Appendix A, shall remain in effect.

#### Section 2.3 Legislative Body

The legislative body of the Town shall be a combination of the Town Meeting and the Board of Selectmen. The legislative powers of the Town Meeting are limited to those matters described in Article 3. All other legislative powers shall reside in the Board of Selectmen.

## ARTICLE 3

### THE TOWN MEETING

#### Section 3.1 Legislative Power

The legislative power of the Town, to the extent specified in this Article, shall be vested in the Town Meeting.

#### Section 3.2 Annual and Special Town Meetings

(a) An Annual Town Budget Meeting shall be held at the time, and conducted in the manner, described in Sections 9.5 and 3.3, respectively.

(b) A Special Town Meeting shall be called by the Board of Selectmen (i) when it deems such Meeting necessary or (ii) when required by the Charter or the General Statutes.

#### Section 3.3 Procedure

(a) All Town Meetings shall be called to order by the First Selectman. In the absence of the First Selectman, the Selectman designated under Section 5.2 as the acting First Selectman shall call the Meeting to order. If both the First Selectman and the acting First Selectman are absent, the First Selectman shall appoint the other member of the Board of Selectmen if available, or otherwise any other Qualified Voter, to call the Meeting to order.

(b) The Board of Selectmen shall nominate from the Panel of Moderators a member to serve as moderator and a member to serve as alternate moderator for such Town Meeting. All reasonable care shall be taken to avoid conflicts of interests in these selections. Public Notice shall be given of the name of the member so nominated as moderator and such name shall be included in the call of the Town Meeting, if possible. Prior to the Town Meeting, such member shall meet with the First Selectman or the Board of Selectmen to discuss procedures, conduct and possible problems that might arise during the course of the Town Meeting. At the Town Meeting, other persons may be nominated as moderator, and the Town Meeting shall elect its moderator.

(c) The moderator shall appoint a parliamentarian for the meeting.

(d) The Clerk of the Town Meeting shall be the Town Clerk or in the Town Clerk's absence, a person selected by the Town Meeting.

(e) Except as otherwise provided in the Charter, action at all Town Meetings shall be by a majority of Qualified Voters present and voting.

#### Section 3.4 When a Special Town Meeting is Required

The Board of Selectmen shall call a Special Town Meeting for consideration of the following matters:

- (a) Appropriations or authorizations for issuance of bonds, notes or other borrowing, as recommended by the Board of Selectmen and the Board of Finance, except as provided in Section 9.7(c) (relating to an interim Annual Town Budget);
- (b) The purchase, sale or leasing of real estate by the Town;
- (c) Applications for federal or State grants involving a multi-year commitment to expend Town funds that have not yet been appropriated, but only if, in the Fiscal Year in which such commitment is first incurred, the Board of Finance determines, in its discretion, that the commitment is sufficiently material to warrant a Town Meeting;
- (d) Requests for appropriations described in Section 9.9(c);
- (e) Petitions meeting the requirements of Section 3.6 or 3.7;
- (f) The proposed abolition of any office provided for in the Charter (other than an elected office), or a reduction in membership of, or abolition of, an appointed Board or Commission provided for in Article 8 of the Charter, in each case, in accordance with Section 4.2(b);
- (g) The proposed change of the position of Town Clerk from an elected office to an appointed office, pursuant to Section 6.6(c), or the proposed change of the position of Tax Collector from an appointed office to an elected office, pursuant to Section 8.6(d)(ii); and
- (h) Any proposal the Board of Selectmen deems of sufficient importance.

Section 3.5 Actions of a Special Town Meeting That May Be Decided By Machine Ballot

Any matter falling within Section 3.4 above may be decided by machine ballot (other than a matter described in Section 3.4(g), which must be decided by machine ballot):

- (a) at the discretion of the Board of Selectmen, or
- (b) pursuant to a petition filed in accordance with Section 7-7 of the General Statutes, both in the following manner:

After other business has been completed and after adequate discussion of the matter(s) to be decided by machine ballot, the moderator shall adjourn the Town Meeting and the matter(s) shall be submitted to the Qualified Voters, not less than seven days nor more than fourteen days thereafter, for a “yes” or “no” vote on the voting machines during the hours permitted by Section 7-7 of the General Statutes. If a majority of those voting vote “yes” on a matter, the matter shall be deemed to have been adopted by the Town Meeting; otherwise it shall be deemed to have been rejected.

Section 3.6 Petition for Overrule of Action of Board of Selectmen

Any ordinance, resolution or other action taken by vote of the Board of Selectmen, except those making appointments or removals, those concerned solely with regulating their internal procedure or emergency ordinances adopted in accordance with the provisions of Section 4.5, shall be subject to overrule by a Special Town Meeting as follows:

(a) if within 20 days after the publication of any such ordinance or the making of such resolution or the taking of such vote, a petition conforming to the requirements of Section 7-9 and 7-9a of the General Statutes and signed by not less than five percent of the Qualified Voters is filed with the Town Clerk requesting its reference to a Special Town Meeting, then the effectiveness of such ordinance, resolution or other action shall be suspended;

(b) the Board of Selectmen shall fix the time and place of such Special Town Meeting, which shall be within 20 days after the filing of the petition;

(c) notice of the Special Town Meeting shall be given in the manner and at the time provided by the General Statutes for the calling of a Special Town Meeting;

(d) if at least three percent of Qualified Voters, constituting a majority of those present and voting thereon, vote in favor of overruling the ordinance, resolution or action, it shall not take effect. Otherwise it shall take effect upon the conclusion of the Meeting.

Section 3.7 Petition for Special Town Meeting for Enactment of Ordinances or Other Action

Not less than five percent of Qualified Voters may at any time file with the Town Clerk a petition that conforms to the requirements of Section 7-9 and 7-9a of the General Statutes requesting that a Special Town Meeting be held for the enactment of any proposed lawful ordinance or other action. The petition shall contain the complete text of such proposed ordinance or other action.

Any such proposed ordinance or other action shall be submitted to the Town Attorney for examination before being submitted to the Town Clerk. The Town Attorney may correct the form of the ordinance or other action for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clarity and precision in its phraseology, but not to change its meaning or effect materially. If, however, such proposed ordinance or other action is materially the same as a matter that has been voted upon in a Town Meeting or by machine ballot within the preceding three years, the Board of Selectmen, in its sole discretion, may reject such petition and not call a Special Town Meeting.

Unless the petition has been rejected pursuant to the foregoing provisions of this Section 3.7, the Board of Selectmen shall call a Special Town Meeting, to be held not less than ten nor more than thirty days after the date the petition was filed with the Town Clerk. No Special Town Meeting need be held, however, if such ordinance has been enacted or such action taken by the Board of Selectmen prior to the Meeting date.

Notice of the Meeting shall be given in the manner and at the time provided by the General Statutes for the calling of a Special Town Meeting. The Call for such meeting shall state the proposed ordinance or other action in full and shall provide for a “yes” or “no” vote as to its enactment.

If at least three percent of Qualified Voters, constituting a majority of those present and voting thereon, vote “yes,” then such ordinance or other action shall take effect on the tenth day after the Meeting without further action of the Board of Selectmen; otherwise it shall not take effect.

## ARTICLE 4

### **BOARD OF SELECTMEN**

#### Section 4.1 Number of Selectmen; Holding Other Town Offices

There shall be a Board of Selectmen consisting of the First Selectman and two additional Selectmen. No Selectman shall be employed by the Town in any other capacity or be a member of any Board or Commission except as provided in Section 5.1 relating to ex-officio membership.

#### Section 4.2 General Powers, Duties and Responsibilities

Except as provided in Article 3, the legislative powers of the Town shall be vested in the Board of Selectmen, and the Board of Selectmen shall have the powers, duties and responsibilities conferred on them by the Constitution of the State of Connecticut and the General Statutes, as well as the Charter, including the power:

- (a) to enact and amend ordinances consistent with the Charter and the General Statutes, and to repeal ordinances or amendments adopted under this Section;
- (b) by ordinance, to create, change, or abolish Boards, Commissions, committees and offices of the Town other than elected offices, Boards and Commissions; provided that (i) the abolition of an appointed office or a reduction of the membership of, or the abolition of, an appointed Board or Commission provided for in the Charter must be approved by a Special Town Meeting in accordance with Section 3.4(f); and (ii) the Board of Selectmen may provide for the addition of elected alternates to the Planning & Zoning Commission;
- (c) by resolution, to enter into agreements with the State or federal government or any agency of either such government; and
- (d) in adopting ordinances, to incorporate all or part of any code, rules or regulations; provided that any such code, rules or regulations shall be available for public inspection in the office of the Town Clerk or online.

The Board of Selectmen shall also have the power, duty and responsibility:

- (e) to fix the charges, if any, to be made for services rendered by the Town;

(f) to obtain a blanket bond for such Officials as are to be bonded;

(g) to review and approve: (i) plans for reorganization, creation or elimination of positions and; (ii) job descriptions for Town employees who are not appointed or elected Officials but who report to the Board of Selectmen, directly or indirectly;

(h) at the direction of the First Selectman, to conduct a periodic review of current (two-year time span) and projected (at least five-year time span) financial, administrative, governmental, physical and other needs of the Town, and to initiate programs to meet such needs; and

(i) except to the extent otherwise provided by ordinance, and subject to normal budget approval, to review and act on recommendations of the First Selectman to hire, and fix the compensation for, or discharge, any Town employee at the department head level who reports, directly or indirectly, to the Board of Selectmen.

#### Section 4.3 Procedure

(a) At its first meeting, to be held not later than two weeks following each biennial Town election, the Board of Selectmen shall fix the time and place of its regular meetings and shall elect an acting First Selectman as required by Section 5.2. Special meetings of the Board of Selectmen may be called by the First Selectman or by the other two Selectmen jointly, with reasonable advance notice being given to the other member(s) of the Board. The Board of Selectmen shall determine its own rules of procedure, by reference to Robert's Rules of Order. Two members of the Board shall constitute a quorum.

(b) Meetings of the Board of Selectmen shall be conducted, and notice and minutes thereof shall be made available, in accordance with the provisions of the State Freedom of Information Act and otherwise in accordance with the General Statutes.

#### Section 4.4 Public Hearing On and Publication of Ordinances

At least one public hearing, Public Notice of which shall be given at least ten days in advance, shall be held by the Board of Selectmen before any ordinance shall be passed. Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk, and shall be properly indexed. Such ordinance shall be published online or in such other form as is readily available to the public. Within ten days after final passage, the Town Clerk shall give Public Notice of the text of each ordinance, except as otherwise provided in Section 4.5, relating to emergency ordinances.

Every ordinance, unless it shall specify a later date, shall become effective on the 21<sup>st</sup> day after such publication following its final passage unless it is overruled as provided in Section 3.6 or is an emergency ordinance as provided in Section 4.5.

#### Section 4.5 Emergency Ordinances

An ordinance adopted by the Board of Selectmen as a public emergency measure and stating the facts constituting such public emergency shall become effective immediately, and

Public Notice shall be given thereof as soon as possible thereafter. No public hearing or notice of public hearing shall be required for any public emergency ordinance. Every public emergency ordinance, including any amendments thereto, shall automatically expire at the end of the 61<sup>st</sup> day following initial passage of the ordinance.

Section 4.6 Coordination

The Board of Selectmen shall coordinate the activities and operations of the Town government and, from time to time, may convene joint meetings of Officers, Boards and/or Commissions for such purposes, and/or may require such reports or information to be submitted by them as the Board of Selectmen may deem necessary for such purposes.

**ARTICLE 5**

**FIRST SELECTMAN; TOWN ADMINISTRATOR**

Section 5.1 The First Selectman

The First Selectman shall be the Chief Executive and Administrative Officer of the Town. The First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside at meetings of the Board when present.

The First Selectman shall be an ex-officio member of all Boards, Commissions or Town committees, but without power to vote. The First Selectman may appoint another Selectman to be the First Selectman's representative on any Board, Commission or Town committee, but without power to vote.

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law that are consistent with the Charter, and, in addition, shall have all the powers necessary or incidental to the discharge of the First Selectman's duties and responsibilities as set forth in the Charter.

Under the general policy direction of the Board of Selectmen, the First Selectman shall have the responsibilities to:

- (a) see that the administration of the Town is coordinated, except those functions expressly reserved or delegated to other Officers, Boards or Commissions by law;
- (b) execute and carry out ordinances, resolutions, policies and other actions approved by the Board of Selectmen or the Town Meeting;
- (c) hire or dismiss, with the prior concurrence of the Board of Selectmen, and subject to the General Statutes, paid employees other than Officers, heads of departments, or employees who do not report, directly or indirectly, to the Board of Selectmen (e.g., employees of the Board of Education and officers or members of the Police Department);
- (d) coordinate and guide the Board of Selectmen in the discharge of the Board's duties and responsibilities; and

(e) direct relationships with State, regional, and federal agencies that have, or are likely to have, an effect on the Town.

To assist in the discharge of the duties and responsibilities of the First Selectman's office and of the Board of Selectmen, the First Selectman may assign and delegate duties and powers, but not responsibilities, to other Selectmen, to the Town Administrator, and to other Officers responsible to the First Selectman.

Section 5.2 Selection of an Acting First Selectman

At its first meeting following each biennial Town election the Board of Selectmen shall elect from its membership a Selectman who, in the temporary absence of the First Selectman, shall act as First Selectman; provided that the acting First Selectman shall not, during the First Selectman's temporary absence, make any personnel or any significant decisions without the concurrence of the remaining member of the Board of Selectmen. If the person designated as acting First Selectman shall vacate his or her office, the Board of Selectmen shall elect a new acting First Selectman as soon as practicable after the Board has been restored to three members.

Section 5.3 The Town Administrator

There shall be a Town Administrator who shall report directly to the First Selectman. The Town Administrator shall be hired by, and shall be subject to dismissal by, the First Selectman, in both cases with the prior approval of the Board of Selectmen.

The duties of the Town Administrator shall be to:

- (a) aid in recruiting and screening of personnel and to make recommendations relating thereto to the First Selectman;
- (b) manage Town employees;
- (c) assist in preparing the Annual Town Budget by gathering the necessary data and by compiling estimated budgets by the dates set forth in the Charter;
- (d) aid the First Selectman in analyzing and reviewing programs, activities, and budgets and their short-term and long-term financial and cash flow implications;
- (e) satisfy reasonable requests by Officers, Boards and Commissions to provide information; and
- (f) carry out such other duties as the First Selectman shall assign to the Town Administrator.

**ARTICLE 6**

**ELECTED OFFICERS, BOARDS AND COMMISSIONS**

Section 6.1 General Powers and Duties

All elected Officers, Boards and Commissions shall have the powers and duties prescribed by the General Statutes and the Charter.

Section 6.2 Elected Officers, Boards and Commissions

<u>(a) Elected Officers</u>	<u>Term (in years)</u>
First Selectman	2
Town Clerk	4
Two Registrars of Voters (one Democrat and one Republican)	2

<u>(b) Elected Boards and Commissions</u>	<u>Number of Members</u>	<u>Term (in years)</u>
Board of Assessment Appeals	3	4
Board of Education	7	4
Board of Finance	7	6 but see Section 6.4
Board of Police Commissioners	7	4
Board of Selectmen(including the First Selectman)	3	2
Planning and Zoning Commission	7	4
Zoning Board of Appeals	5	4 (plus 3 alternates)

Section 6.3 Terms of Office; Election of Officers; Conduct of Meetings

(a) All terms of office for elected Officers, Boards and Commissions shall commence on the Tuesday following the date of election, except that the term of office for Registrars of Voters shall commence on the Wednesday following the first Monday of the January following their election. The Board of Selectmen-elect shall, from the date of its election, exclusively have all powers of the Board of Selectmen to make appointments and fill vacancies in offices and memberships on Boards, Commissions and Town committees.

(b) Except as otherwise provided by law, a Chairman and Vice-Chairman of each elected Board or Commission shall be elected each year by the membership of that Board or Commission during the month of January; provided, however, that the Board of Education may elect its Chairman and Vice-Chairman not later than January 1. At ~~at~~ no time shall any person be eligible to be elected as Chairman of an elected Board or Commission who has served in that office for eight or more successive years. This Section 6.3(b) shall not apply to the Board of Selectmen.

(c) The meetings of elected Boards and Commissions shall be conducted, and notice and minutes thereof shall be made available, in accordance with the provisions of the State Freedom of Information Act and otherwise in accordance with the General Statutes.

Section 6.4 Minority Representation; Staggered Terms; Change in Terms of Board of Finance Members

No more than a bare majority of any elected Board or Commission shall consist of members of the same political party. For example, no more than two of the three Selectmen can be members of the same political party. In addition, no more than a bare majority of alternate members of any elected Board or Commission may be members of the same political party. Terms for members of Boards and Commissions shall continue to be staggered in the same manner as on the effective date of this amended and restated Charter; provided however, that commencing with the Town elections that occur in 2017, the terms of the members of the Board of Finance elected on and after that date shall be reduced to four years, and the staggering of terms shall be as follows: four members will be elected in 2017 and three members will be elected in 2019, and so on.

Section 6.5 Compensation; Expenses; Levies

(a) The salary of the First Selectman shall be recommended by the Board of Selectmen, acting without the First Selectman's vote, and the salary, if any, to be paid to other elected Officers shall be as recommended by the Board of Selectmen, in both instances subject to the normal budgetary approval processes.

(b) The salary of the First Selectman shall not be changed during the First Selectman's term.

(c) If approved in advance by the First Selectman (or the First Selectman's designee), necessary non-budgeted expenses incurred by an elected Officer or a member of an elected Board or Commission in connection with the performance of such Officer's or member's duties shall be paid by the Town upon the requisition of such Officer, Board or Commission in writing and approval of the Board of Selectmen.

(d) All fees, fines and levies of every kind paid to or on behalf of any elected Officer, Board or Commission shall, to the extent not otherwise provided by General Statutes, applicable Special Acts, ordinances and resolutions, promptly be remitted to the Town's Treasurer and added to the General Fund of the Town.

Section 6.6 Special Provisions Regarding the Board of Education; Board of Police Commissioners and Town Clerk

(a) As permitted by the General Statutes, Resident Electors may vote for the number of members to be elected to the Board of Education, and the persons receiving the greatest number of votes shall be elected, subject to the minority representation provisions of Section 6.4.

(b) The Board of Police Commissioners shall have the power to appoint the Town's Chief of Police.

(c) Not less than five percent of Qualified Voters may at any time file with the Town Clerk a petition that conforms to the requirements of Section 7-9 and 7-9a of the General Statutes requesting that a machine ballot be held to determine whether the position of Town Clerk should become an appointed position under the Charter. If, however, such proposed action has been voted upon by machine ballot within the preceding three years, the Board of Selectmen, in its sole discretion, may reject such petition and not hold a machine ballot on this issue.

Unless the petition has been rejected pursuant to the foregoing provisions of this Section 6.6(c), the Board of Selectmen shall call a Special Town Meeting, to be held not less than ten nor more than thirty days after the date the petition was filed with the Town Clerk. After adequate discussion of this issue, the moderator shall adjourn the Town Meeting and the question of whether the Town Clerk shall be an appointed position shall be submitted to the Qualified Voters, not less than seven days nor more than fourteen days thereafter, for a "yes" or "no" vote on the voting machines during the hours permitted by Section 7-7 of the General Statutes. If a majority of those voting vote "yes," the position of Town Clerk shall become an appointed position, with a four-year term commencing upon the expiration of the term of office of the then Town Clerk, and the position of Town Clerk shall otherwise be subject to the provisions of Article 8 applicable to appointed Officers, without further action of the Board of Selectmen; otherwise the position of Town Clerk shall remain an elected office.

**ARTICLE 7**

**ELECTIONS**

**Section 7.1 General**

Nomination and election of federal and State officers, including Registrars of Voters, and of such elected positions as are provided for in the Charter shall be conducted, and the Registrars of Voters shall prepare lists of Resident Electors to vote therefor, in the manner prescribed in the General Statutes, except as hereinafter provided.

Unless otherwise provided by the Charter, election of Officers shall be held on the first Tuesday after the first Monday in November in the odd-numbered years.

Section 7.2 Voting Districts

There shall be one voting district for Town elections, and the Board of Selectmen shall provide a suitable polling place or polling places in the district.

Section 7.3 Voter Registration

Registration of voters shall be effected by a board for admission of electors in accordance with Section 9-15a of the General Statutes, which board shall consist of the Town Clerk or Assistant Town Clerk and the Registrars of Voters.

Section 7.4 Eligibility for Office

Each elected Official shall be a Resident Elector and if, for any reason, such Official ceases to be a Resident Elector, he or she shall thereupon cease to hold elected office in Town, and such office shall become vacant.

Section 7.5 Breaking a Tie

When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of the Charter results in a tie, an adjourned election shall be conducted to determine who shall be elected or, in the case of a question at referendum, whether it shall be accepted or rejected. The adjourned election or referendum shall be held during the period from the seventh day to the fourteenth day after the date of the election or referendum that resulted in a tie and shall be confined to the tied candidates or issues.

Section 7.6 Vacancies

(a) Should a vacancy occur in the office of First Selectman for any reason, the following procedure shall be followed:

(i) If the vacancy occurs less than six months prior to the next regular date for the biennial election of Officers, the Selectman designated under Section 5.2 as the acting First Selectman (the "Acting First Selectman") shall fill the vacancy in the office of First Selectman for the remainder of the term.

(ii) If the vacancy occurs six months or more prior to the next regular date for the biennial election of Officers, the Acting First Selectman shall fill the vacancy as First Selectman until a new First Selectman is elected in a special election. Such special election shall occur not more than 30 days after the vacancy in the office of First Selectman occurred.

(b) (i) Except in the case of a vacancy in the office of First Selectman, or as provided in the General Statutes and the Charter, any vacancy in an elected Town office, Board or Commission shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term or until the next biennial election, whichever occurs sooner; provided, that if the person vacating the office has been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

(ii) If there is a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until such election by appointment as provided in (b)(i) above, and subsequently by the election of a person to fill that office for the remaining portion of the term, and such person shall take office upon election.

Section 7.7 Removal

An elected Official may be removed from office by the Board of Selectmen upon its finding of good and sufficient cause for such removal. The Official affected by such removal process shall be given notice thereof and an opportunity to appear and be heard at a public hearing before the Board of Selectmen. Willful malfeasance, willful neglect of duty, inability to serve, conviction of a felony, abandonment of office or material violation of Article 10 or the Town's Code of Ethics, as well as any circumstance described in Section 9.10(f), shall constitute cause for removal.

**ARTICLE 8**

**APPOINTED OFFICERS, BOARDS AND COMMISSIONS**

Section 8.1 General Powers and Duties

All appointed Officers, Boards and Commissions shall have the powers and duties prescribed by the General Statutes and the Charter.

Section 8.2 Appointed Officers, Boards and Commissions

The Board of Selectmen shall appoint the following Officers, Boards and Commissions:

<u>(a) Officers</u>	<u>Term (if any, in years)</u>
Animal Control Officer	
Assessor	4
Building Inspector	4
Emergency Management Director	
Fire Marshall	2
Tax Collector	2
Town Attorney	2
Tree Warden	1

<u>(b) Boards and Commissions</u>	<u>Number of Members</u>	<u>Term (in years)</u>
Board of Ethics	5	2
Building Board of Appeals	5	5
Commission for Children and Youth	9 (including 2 students)	3
Commission for the Arts	7	2
Commission on Aging	7	2
Conservation Commission	7	4
Historic District Commission	5 (plus 3 alternates)	5
Library Board	9	4
Panel of Moderators	4	4
Parks and Recreation Commission	7	4

Section 8.3 Timing of Appointment; Election of Officers; Conduct of Meetings

(a) The Board of Selectmen shall make the appointments described in Section 8.2 not later than (i) the December 31 following or coincident with the expiration of the applicable individual's term of office, or (ii) 60 days following the expiration of such term of office, whichever occurs sooner. Such appointees shall take office on the effective date of their appointment. The Board of Selectmen shall give Public Notice of the expiration of the term of office of ~~any Officer appointed pursuant to Section 8.2 and of~~ any member of an appointed Board or Commission not less than 30 days prior to such expiration date.

(b) Except as otherwise provided by law, a Chairman and Vice-Chairman of each appointed Board or Commission shall be elected each year by the membership of that Board or Commission during the month of January; provided, however, that at no time shall any person be eligible to be elected as Chairman who has served in that office for eight or more successive years, and provided further that any newly constituted appointed Board or Commission shall elect a Chairman and Vice-Chairman by its second meeting.

(c) The meetings of appointed Boards and Commissions shall be conducted, and notice and minutes thereof shall be made available, in accordance with the provisions of the State Freedom of Information Act and otherwise in accordance with the General Statutes.

Section 8.4 Minority Representation; Staggered Terms

No more than a bare majority of any appointed Board or Commission shall consist of members of the same political party. For example, no more than three of the five members of the

Board of Ethics can be members of the same political party. In addition, no more than a bare majority of alternate members of any appointed Board or Commission may be members of the same political party. Terms for members of Boards and Commissions shall continue to be staggered in the same manner as on the effective date of this amended and restated Charter.

Section 8.5 Vacancies and Removals

(a) Vacancies in appointed Officers, Boards or Commissions shall be filled for the unexpired term by vote of the Board of Selectmen, unless otherwise provided in the statutes, ordinance or resolution creating the same. The Board of Selectmen shall give Public Notice of any such vacancy.

(b) Any appointed Official may be removed for (i) any of the reasons set forth in Section 7.7, or (ii) failure to attend three consecutively scheduled meetings of the Official's Board or Commission without having given the Chairman or Vice-Chairman of such entity prior notice of such absence with reasons therefor, so long as in either case the process for such removal mandated by Section 7.7 is adhered to. In addition, except as otherwise provided by law, any appointed Official (other than the Town Attorney (but see Section 8.6(a)(i), below)) may be removed from office or from membership on such Board, Commission or committee for any reason by the Board of Selectmen; provided that, if the individual is affiliated with a political party, an affirmative vote to remove such individual is cast by at least one Selectman who is of the same party as the person so removed.

Section 8.6 Special Provisions Regarding Certain Officers, Boards and Commissions

(a) Town Attorney.

(i) The Town Attorney shall be an attorney at law admitted to practice law in the State. Unless otherwise provided in this Section 8.6(a), 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 Officials, Boards, Commissions or committees. The Board of Selectmen, in its discretion, may remove the Town Attorney and appoint a new Town Attorney.

(ii) The Town Attorney shall be the legal advisor to all Officers, Boards or Commissions in all matters affecting the Town and shall, upon prior written approval of the First Selectman, which shall not be unreasonably withheld, furnish them with an opinion on any questions of law submitted by such Officer, Board or Commission involving their respective powers and duties.

(iii) Upon request the Town Attorney shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest.

(iv) The Board of Selectmen shall have the right, with regard to any matter, to retain counsel other than the Town Attorney. The attorney so selected shall act at the direction of the Board of Selectmen. However, if the Board of Selectmen, or any Selectman, is an adversary party to the Town and/or any of its Officers, Boards, or Commissions, in that particular case, such counsel shall be appointed for the latter by the

Board of Finance. The Town shall be under no obligation to supply counsel for any person with respect to any allegation of wrongdoing in office for personal gain or in the event that the Board of Selectmen is seeking to remove such person from office.

(b) Conservation Commission

The Conservation Commission shall be the Commission that implements “The Inland Wetlands and Water Courses Act” and all applicable regulations adopted pursuant thereto.

(c) Panel of Moderators

Each moderator shall be a Resident Elector and shall have a working knowledge of or a demonstrable ability to easily comprehend basic parliamentary procedure and specifically, Robert’s Rules of Order. The Panel of Moderators shall draft a common set of procedures to be used at all Town Meetings, using Robert’s Rules of Order as a guideline. This shall be called the “Weston Town Moderators Handbook.” The Panel of Moderators may revise the Handbook from time to time.

(d) Tax Collector

(i) The office of Tax Collector shall remain an elected office until the biennial elections occurring in 2013.

(ii) In addition, not less than five percent of Qualified Voters may at any time file with the Town Clerk a petition that conforms to the requirements of Section 7-9 and 7-9a of the General Statutes requesting that a machine ballot be held to determine whether the position of Tax Collector should become an elected position under the Charter. If, however, such proposed action has been voted upon by machine ballot within the preceding three years, the Board of Selectmen, in its sole discretion, may reject such petition and not hold a machine ballot on this issue.

Unless the petition has been rejected pursuant to the foregoing provisions of this Section 8.6(d)(ii), the Board of Selectmen shall call a Special Town Meeting, to be held not less than ten nor more than thirty days after the date the petition was filed with the Town Clerk. After adequate discussion of this issue, the moderator shall adjourn the Town Meeting and the question of whether the Tax Collector shall be an elected position shall be submitted to the Qualified Voters, not less than seven days nor more than fourteen days thereafter, for a “yes” or “no” vote on the voting machines during the hours permitted by Section 7-7 of the General Statutes. If a majority of those voting vote “yes,” the position of Tax Collector shall become an elected position, with a two-year term commencing upon the expiration of the term of office of the then Tax Collector, and the position of Tax Collector shall otherwise be subject to the provisions of Article 6 applicable to elected Officers, without further action of the Board of Selectmen; otherwise the position of Tax Collector shall remain an appointed office.

Section 8.7 Compensation; Expenses; Levies

(a) The amount of compensation, if any, to be paid to appointed Officers shall be set as provided in General Statutes, applicable Special Acts, ordinances and resolutions, and in absence thereof, by the Board of Selectmen.

(b) If approved in advance by the First Selectman (or the First Selectman's designee), necessary non-budgeted expenses incurred by an appointed Officer or member of an appointed Board or Commission in connection with the performance of such Officer's or member's duties shall be paid by the Town upon the requisition of such Officer, Board or Commission in writing and approval of the Board of Selectmen.

(c) All fees, fines and levies of every kind paid to or on behalf of any appointed Officer, Board or Commission shall, to the extent not otherwise provided by General Statutes, applicable Special Acts, ordinances and resolutions, promptly be remitted to the Treasurer and added to the General Fund of the Town.

**ARTICLE 9**

**FINANCE AND TAXATION**

Section 9.1 Preliminary Budget Estimates

All budget requests shall be made on or before January 14<sup>th</sup> of each year, except that the Board of Education request shall be made on or before February 3<sup>rd</sup>. These requests shall be filed with the First Selectman and shall contain a detailed estimate of expenditures and revenues, other than tax revenues, in the ensuing Fiscal Year. Except for the request by the Board of Education, such estimates shall be accompanied by a statement setting forth, in such form as the First Selectman may prescribe, the services, activities and work accomplished during the current Fiscal Year and to be accomplished during the ensuing Fiscal Year.

Section 9.2 Duties of the First Selectman on the Budget

The First Selectman shall compile preliminary estimates for the Town's operating budget, the Board of Education's operating budget, the capital improvement budget and the Town's debt service (which shall be referred to collectively as the "Annual Town Budget") for the ensuing Fiscal Year. Not later than February 10<sup>th</sup> of each year, the First Selectman shall present to the Board of Selectmen a proposed budget consisting of:

(a) a budget message outlining the proposed financial policy of the Town government, describing the important features of the proposed Annual Town Budget, indicating any major changes from the current Fiscal Year in financial policies, expenditures and revenues together with the reasons for such changes, and containing a clear summary of the Annual Town Budget's contents;

(b) estimates of revenue, including the receipts collected in the last completed Fiscal Year, the receipts collected during the current Fiscal Year prior to the time of preparing the estimates, the receipts estimated to be collected during the current Fiscal Year, estimates of

the receipts, other than from the property tax, to be collected in the ensuing Fiscal Year, and an estimate of the then available surplus; and

(c) itemized expenditures for each Town department and each Board and Commission for the last completed Fiscal Year, expenditures for the current Fiscal Year prior to the time of preparing the estimates, total estimated expenditures for the current Fiscal Year, and the First Selectmen's recommendations for the ensuing Fiscal Year for all items except those of the Board of Education, which the First Selectman shall transmit to the Selectmen as submitted to the First Selectman by the Board of Education. The First Selectman shall present reasons for all of the First Selectman's recommendations.

As part of the budget of the First Selectman, the First Selectman may present a program previously considered and acted upon by the Town Planning and Zoning Commission, in accordance with Section 8-24 of the General Statutes, of proposed municipal improvement projects for the ensuing Fiscal Year and for at least the five Fiscal Years thereafter. Estimates of the costs of such projects shall be submitted annually in the form and manner prescribed by the First Selectman.

The First Selectman shall recommend to the Board of Selectmen those capital projects to be undertaken during the ensuing Fiscal Year and the method of financing same.

#### Section 9.3 Duties of the Board of Selectmen on the Budget

The Board of Selectmen shall review the First Selectman's proposed Annual Town Budget, including the proposed budget of the Board of Education. The proposed Annual Town Budget, including such alterations or changes deemed necessary by the Board of Selectmen, shall be presented to the Board of Finance not later than March 1 of each year. The proposed Annual Town Budget shall include the budget proposal of the Board of Education, but any changes to the Board of Education's proposed budget as may desired by the Board of Selectmen shall be in the form of recommendations only.

#### Section 9.4 Duties of the Board of Finance on the Budget

(a) After the Board of Finance has received from the Board of Selectmen the recommended Annual Town Budget, the Board of Finance shall hold one or more public hearings at least two weeks before the date of the Annual Town Budget Meeting, at which any Qualified Voter may be heard regarding the recommended appropriations for the ensuing Fiscal Year. At least ten days in advance of any such public hearing, the Board of Finance shall give Public Notice of such public hearing, together with the proposed appropriations of the Board of Selectmen and the proposed appropriations of the Board of Education, in condensed form. Sufficient copies of the proposed appropriations shall be made available for general distribution in the office of the Town Clerk, online and at the public hearing. At the public hearing the First Selectman shall present the recommendations of the Board of Selectmen regarding the composition of the Annual Town Budget and the individual appropriations comprising the Budget for the ensuing Fiscal Year.

(b) After the public hearing(s) the Board of Finance shall make such revisions to the proposed appropriations as the Board of Finance deems advisable and shall thereafter

recommend the proposed appropriations (as revised by the Board of Finance, if applicable) to the Annual Town Budget Meeting.

Section 9.5 The Annual Town Budget Meeting

(a) The Annual Town Budget Meeting shall be held not later than the end of the first full week in May of each year. It shall be called to order at 8 PM and, if it has not completed its business by 11:30 PM, the moderator shall adjourn the Meeting to 8 PM of successive evenings (adjourning at 11:30 PM if necessary) excepting Saturdays, Sundays and Holidays, until its business is completed. Public Notice of the Notice and Call of the Annual Town Budget Meeting shall be published at least five days prior to the Meeting. The published and posted Notice and Call shall be accompanied by the proposed appropriations, in condensed form, as recommended by the Board of Finance for the ensuing Fiscal Year.

(b) The Town Clerk shall ensure that sufficient copies of the proposed appropriations are made available for general distribution in the office of the Town Clerk at least five days prior to the Annual Town Budget Meeting and at that Meeting.

(c) The Notice and Call of the Annual Town Budget Meeting shall:

(i) list the line items that the Meeting is legally entitled to amend, namely, the appropriations in Board of Selectmen's proposed operating budget, the Board of Education's proposed operating budget (as one line item) and the capital improvement budget ;

(ii) set forth the Town's debt service budget;

(iii) state the proposed rate of taxation, indicating the portion attributable to uncollectable taxes, for the ensuing Fiscal Year;

(iv) state in its preamble who is legally entitled to vote at the Annual Town Budget Meeting;

(v) specify the circumstances under which, and the manner in which, the proposed budgets may be reduced at the Annual Town Budget Meeting;

~~(v)~~(vi) state that if fewer than 130 persons who are legally entitled to vote at the Annual Town Budget Meeting are present at the time that the Meeting is called to order, the Meeting shall be adjourned and machine voting on the Annual Town Budget proposed by the Board of Finance shall commence; and

~~(vi)~~(vii) contain any other information required by the General Statutes or the Charter.

Sufficient copies of the Notice and Call shall be made available for general distribution in the office of the Town Clerk, online and at the Annual Town Budget Meeting.

(d) The Annual Town Budget Meeting shall consider, discuss and take action on the proposed appropriations as follows:

(i) no appropriation shall be made exceeding that for the same purpose recommended by the Board of Finance, or for any other purpose not recommended by the Board of Finance;

~~(ii)~~ if, and only if, 130 or more Qualified Voters are present at the time that the Annual Town Budget Meeting is called to order, the Annual Town Budget proposed by the Board of Finance may, by a vote of a majority of those Qualified Voters present and voting, be amended by reducing any individual appropriation that is listed on the Notice and Call of the Meeting may be reduced to an amount less than that recommended by the Board of Finance by a vote of a majority of those Qualified Voters present and voting. Any motion to reduce the sum of appropriations in the proposed Annual Town Budget must specify the individual line item to be reduced and the amount of the proposed reduction;

~~(ii)(iii)~~ if fewer than 130 Qualified Voters are present at the time the Meeting is called to order, the Annual Town Budget Meeting shall be adjourned and machine voting on the Annual Town Budget proposed by the Board of Finance shall commence; and

~~(iii)(iv)~~ the consideration of any proposed decrease in any individual appropriation pursuant to Section 9.5(d)(ii) above shall be by secret ballot if requested by a number of Qualified Voters equal to not less than one-third of those Qualified Voters present at the Meeting.

#### Section 9.6 The Annual Town Budget Referendum

Voting on the proposed Annual Town Budget, as ~~approved-amended, if applicable,~~ by the Annual Town Budget Meeting, shall be by machine voting. There shall be separate votes on the following components of the Annual Town Budget: (i) the Town's proposed operating budget, (ii) the Board of Education's proposed operating budget and (iii) the proposed capital improvement budget. The voting shall commence immediately after the Annual Town Budget Meeting is adjourned, and shall continue that day as long as necessary, in the judgment of the Registrars of Voters, to accommodate all those seeking to cast votes at that time. Voting shall recommence between seven and fourteen days following the Annual Town Budget Meeting, and shall occur during the hours permitted by Section 7-7 of the General Statutes. Each component of the proposed Annual Town Budget set forth above shall be approved if a majority of Qualified Voters who vote approve that component. At the discretion of the Board of Selectmen, the ballot may permit any Qualified Voters who wish to reject a proposed component or components of the Annual Town Budget to indicate whether they would reject the proposed component(s) because they are too high or because they are too low.

#### Section 9.7 Procedure if the Budget is Rejected

(a) If one or more components the proposed Annual Town Budget are not approved pursuant to Section 9.6, the component(s) of proposed Budget that have not been approved shall be reconsidered by the Board of Finance and such component(s) shall be

resubmitted to Qualified Voters between ten and twenty-one days after the date the machine voting was completed under Section 9.6. Voting shall occur by machine ballot, and Public Notice of such vote shall be given at least five days prior to the date of the vote. The resubmitted proposed component(s) of the Annual Town Budget shall be approved if a majority of Qualified Voters who vote approve such component(s). At the discretion of the Board of Selectmen, the ballot may permit any Qualified Voters who wish to reject a component or components of the proposed Annual Town Budget to indicate whether they would reject the proposed component(s) because they are too high or because they are too low.

(b) Should any component of the proposed Annual Town Budget be rejected again, the process described in Section 9.7(a) shall be repeated with respect to that component until the Annual Town Budget is approved.

(c) In the event that the Annual Town Budget has not been adopted by July 1 of any year, the budget appropriations of the previous Fiscal Year shall serve as an interim budget to allow for the continued operation of Town services, and the Board of Selectmen, with the approval of the Board of Finance, from month to month thereafter until the Annual Town Budget has been approved, may meet the obligations of the Town in accordance with said interim budget (i) by borrowing funds by way of tax anticipation notes, (ii) by taxation at a mill rate set by resolution of the Board of Selectmen, (iii) by drawing upon funds in possession of the Town, or (iv) by a combination of two or more of these means; provided that if option (i) or option (ii), or a combination of them, is utilized, then within ten days after the Annual Town Budget has been approved the mill rate shall be fixed sufficient to fund the total anticipated obligations of the Town during the remainder of the Fiscal Year, including the repayment of all tax anticipation notes outstanding.

#### Section 9.8 Filing the Approved Budget

An official copy of the Annual Town Budget as finally approved shall be filed by the Board of Finance with the Town Clerk within one week following final approval. Within ten days after the approval of the Annual Town Budget, the Board of Finance shall, by resolution, fix the tax rate in mills that shall be levied on the taxable property in the Town for the applicable Fiscal Year.

#### Section 9.9 Additional and Supplemental Appropriations

(a) The Board of Selectmen shall have the power to make an appropriation or appropriations in addition to those provided in the Annual Town Budget for any Town department, Board or Commission in a sum not exceeding \$5,000 in a Fiscal Year, provided that the total sum so appropriated for all Town departments, Boards and Commissions in any Fiscal Year shall not exceed \$50,000;

(b) The Board of Selectmen shall also have the power to make, with the approval of the Board of Finance, supplemental appropriations beyond those appropriated under Section 9.9(a) above, for one or more specific purposes, provided the total sum appropriated under this Section 9.9(b) in any Fiscal Year shall not exceed two percent of the then current tax levy.

Funds for such additional and supplemental appropriations shall, as directed by the Board of Selectmen, be provided from the following:

- (i) available unappropriated and unencumbered General Fund cash balance;
  - (ii) the Reserve Fund for Capital and Non-recurring Expenditures, if for a capital expenditure; or
  - (iii) the Town's Contingency Fund.
- (c) Any Officer, Board or Commission may apply at any time for an appropriation in excess of the amounts available under this Section 9.9 (a) and (b), but only in the amount, and on terms, approved by the Board of Selectmen, the Board of Finance and a Town Meeting.

#### Section 9.10 Expenditures and Accounting

(a) No purchases shall be made by any Official, Board or Commission, other than the Board of Education, and the Library Board for library holdings, regardless of format, except through the First Selectman.

(b) No voucher, claim or charge against the Town, except the Board of Education, shall be paid until the voucher, claim or charge has been (i) audited by the First Selectman (or the First Selectman's designee) and (ii) approved by the First Selectman or such designee for correctness and validity. Checks shall be drawn by the First Selectman for the payment of approved claims and shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the First Selectman or the Treasurer with respect to the above duty, the acting First Selectman determined in accordance with Section 5.2 shall substitute for the First Selectman, and the Treasurer shall designate an individual to countersign checks, as the case may be.

(c) Any Officer, Town department, Board or Commission, except the Board of Education, that desires to transfer funds within its appropriation from funds set apart for one specific purpose to another must first obtain the approval of the First Selectman, the Board of Selectmen and the Board of Finance.

(d) The First Selectman, with the approval of the Board of Selectmen and the Board of Finance, may, within the last three months of the Fiscal Year, transfer surplus funds from the appropriations of one or more departments, Boards or Commissions, with prior consent of such entity or entities, to the appropriations of one or more other departments, Boards or Commissions, but only for purposes for which the receiving entity or entities were authorized to expend appropriated funds during the Fiscal Year.

(e) Appropriations for construction or other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made has been accomplished or abandoned. A project shall be deemed to have been abandoned if three consecutive Fiscal Years have elapsed without any expenditure from or encumbrance of the

appropriation therefor. Any portion of an appropriation relating to that project that remains unexpended and unencumbered at the close of such third Fiscal Year shall lapse.

(f) Every payment made in violation of the 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 Official or employee of the Town knowingly incurs any obligation, or authorizes or makes any expenditure in violation of the provisions of this Charter, or takes part in such violation, such action shall be cause for such person's removal pursuant to Section 7.7(a) or 8.5(b), as the case may be, and such other sanctions as may be prescribed by law.

Section 9.11 Power to Incur Indebtedness

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of Sections 3.4(a), 3.5, and 9.5.

Section 9.12 Contributions

The Town shall make no charitable or similar contribution to any person, organization or private corporation unless such contribution is (a) included in a category so denominated in the Annual Town Budget or (b) authorized by the General Statutes and approved by the First Selectman, the Board of Selectmen and the Board of Finance.

**ARTICLE 10**

**ETHICAL STANDARDS**

Section 10.1 General Provisions

All Officials and employees of the Town shall carry out their duties in accordance with the highest ethical standards, regardless of personal considerations. Their conduct shall (a) at all times be for the public good and within the bounds of law, (b) comply with the Charter and the Town Code of Ethics and (c) avoid conflict between public and private interests and responsibilities. The Board of Ethics shall have the authority to interpret the provisions of this Article 10 and the Town's Code of Ethics.

Section 10.2 Code of Ethics

The Board of Selectmen shall establish by ordinance a Code of Ethics governing the conduct of elected and appointed Officials and employees of the Town. The Code of Ethics shall be supplied to all Officials and employees of the Town.

## ARTICLE 11

### DEFINITIONS

For purposes of the Charter:

“Annual Town Budget” means the sum of (i) the Town’s operating budget, (ii) the Board of Education’s operating budget, (iii) the Town’s capital improvement budget and (iv) the Town’s debt service for a particular Fiscal Year, as further described in Section 9.2.

“Annual Town Budget Meeting” means the Town Meeting described in Section 9.5.

“Board” means an elected or appointed board of the Town.

“Charter” means the Town’s Town Charter, as amended from time to time.

“Commission” means an elected or appointed commission of the Town.

“Fiscal Year” means the 12-month period commencing July 1 and ending June 30.

“General Statutes” means the General Statutes of the State of Connecticut, as amended from time to time.

“Holiday” means a federal or State holiday.

“Officer” means (i) an officer of the Town elected or appointed pursuant to the terms of Articles 6 or 8 of the Charter, respectively, (ii) any Selectman and (iii) the Town Administrator.

“Official” means all Officers and all members of Boards, Commissions and committees of the Town.

“Public Notice” means notice published in a newspaper having general circulation in the Town and/or, to the extent permitted by the General Statutes, notice given by appropriate electronic means.

“Qualified Voters” means persons who are eligible to vote at Town Meetings as determined under the General Statutes.

“Resident Electors” means persons eligible to vote in the federal, State and Town elections under the Constitutions of the United States and the State of Connecticut and under the General Statutes.

“State” means the State of Connecticut.

“Town” means the Town of Weston, Connecticut.

## ARTICLE 12

### MISCELLANEOUS PROVISIONS

#### Section 12.1 Amendment of Charter

The Charter may be amended in the manner prescribed by the General Statutes.

#### Section 12.2 Saving Clause

If any Section or part of any Section shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of the Charter or the context in which such Section or part thereof so 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 12.3 Relationship Between the Connecticut General Statutes and the Charter

In general, the Charter shall be subject to the provisions of the General Statutes, and in the event that the Charter and the General Statutes conflict, the General Statutes shall govern. Notwithstanding the foregoing, to the extent that it is legally permissible under the terms of the State's Home Rule Act and judicial interpretations thereof for the Charter to contain terms that are inconsistent with other provisions of the General Statutes, such terms of the Charter shall govern.

#### Section 12.4 Gender

Use of the term "Selectman" or "Selectmen" is not meant to refer exclusively to the male gender, and all such references shall be construed as inclusive of both genders.

#### Section 12.5 Existing Laws and Ordinances

All ordinances of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of the Charter. All special acts or parts of special acts relating to the Town of Weston, except those expressly retained by or in the provisions of the Charter are repealed. The special acts or parts thereof set forth in Appendix B are retained.

#### Section 12.6 Effective Date

This amended and restated Charter shall become effective on the day following its adoption by the Resident Electors.

## APPENDIX A

### (a) Incorporation

All the inhabitants dwelling within the territorial limits of the Town of Weston, as presently constituted, shall continue to be a body politic and corporate under the name of the "Town of Weston," in the Charter called the "Town." As such, it shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of the Charter. It shall also have the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the General Statutes.

### (b) Rights and Obligations

All rights in and to property, both real and personal, all rights of action, and rights of every description, and all securities and liens, vested in the Town as of the date this amended and restated Charter shall take effect, are continued. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of the Town to collect any assessment, charge, debt or lien.

If, prior to the effective date of this amended and restated Charter, any contract has been entered into by the Town, or any bond or undertaking has been given by or in favor of the Town which contains provisions that the same may be enforced by any office or agency therein named which is hereby or hereunder abolished, such contracts, bonds or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Board of Selectmen.

### (c) General Grant of Powers

In addition to all powers granted to towns under the Constitution of the State of Connecticut and the General Statutes, the Town shall have all powers specifically granted by the 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 federal agency, the State or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution of the State of Connecticut and the General Statutes.

The enumeration of particular powers in this and any other provision of the Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

APPENDIX B

Resolution of the Second Thursday of October 1787, incorporating the Town of Weston;

Act of July 22, 1875 to set off Weston to the Probate District of Westport;

Resolution of March 9, 1877 establishing and continuing the line between the towns of Weston and Wilton;

Special Act No. 151 of 1921

Special Act No. 84 of 1933

Special Act No. 149 of 1933

Special Act No. 567 of 1939

Special Act No. 620 of 1955

Special Act No. 27 of 1979.