

TOWN OF MIDDLEFIELD, CONNECTICUT



CHARTER

ADOPTED	November 2, 1971
EFFECTIVE	December 1, 1971
1st AMENDMENT	November 6, 1973
EFFECTIVE	December 6, 1973
2nd AMENDMENT	November 8, 1977
EFFECTIVE	December 8, 1977
REVISED	November 5, 1985
EFFECTIVE	December 1, 1985
ADOPTED	November 3, 1987
EFFECTIVE	December 1, 1987
ADOPTED	November 8, 1994
EFFECTIVE	December 1, 1994
ADOPTED	November 5, 2024
EFFECTIVE	December 1, 2024

Certified to be a true copy of the document recorded in Middlefield, CT
This 22nd day of November, 2024

Attest:

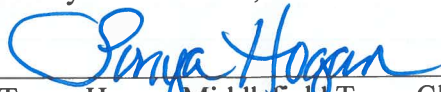

Tonya Hogan, Middlefield Town Clerk

TABLE OF CONTENTS

	<u>PAGE</u>
CHARTER I. INCORPORATION AND GENERAL POWERS	1
Section 101 Incorporation	1
Section 102 Rights and Obligations	1
Section 103 General Grant of Powers	2
CHARTER II. ELECTIONS	2
Section 201 General	2
Section 202 Eligibility	3
Section 203 Minority Representation	3
Section 204 Breaking A Tie	4
Section 205 Vacancies – Elective Officers	4
Section 206 Board for Admission of Electors	6
CHAPTER III. ELECTED OFFICIALS	6
Section 301 General Powers and Duties	6
Section 302 Compensation	6
Section 303 Election and Terms of Office: Town Elections	6
Section 304 Election and Terms of Office: State Elections	8
CHAPTER IV. BOARD OF SELECTMAN	8
Section 401 General	8
Section 402 Organization	8
Section 403 Procedure	9
Section 404 General Powers and Duties	9
Section 405 Appointments by Board of Selectman	11
Section 406 Collective Bargaining	12
CHAPTER V. THE FIRST SELECTMAN	12
Section 501 General	12
Section 502 Duties	12
Section 503 Ex Officio	13

CHAPTER VI.	APPOINTED BOARDS AND COMMISSIONS	13
Section 601	General	13
Section 602	Appointment and Eligibility	13
Section 603	Vacancies – Appointive Boards and Commissions	13
Section 604	Continuation in Office	15
Section 605	Term	15
Section 606	Powers and Duties	15
Section 607	Officers of Boards	16
CHAPTER VII.	APPOINTIVE ADMINISTRATIVE OFFICERS.....	16
Section 701	Appointments and Terms	16
Section 702	Duties - General	17
Section 703	Assessor	17
Section 704	Director of Health	17
Section 705	Fire Marshal	18
Section 706	Town Attorney	18
Section 707	Law Enforcement Personnel	19
CHAPTER VIII.	ORDINANCES.....	20
Section 801	Powers with Respect to Ordinances	20
Section 802	Ordinance Initiation, Hearing, and Publication	20
Section 803	Voting Methods	21
Section 804	Ordinance Enactment or Rejection	21
Section 805	Action on Ordinances	21
Section 806	Emergency Ordinances	21
CHAPTER IX.	TOWN MEETING.....	22
Section 901	Annual and Special Meetings	22
Section 902	Call of Special Meetings	22
Section 903	Legal Notice	23
Section 904	Organization and Procedure	23
Section 905	Voting Qualifications	23
Section 906	Special Town Meeting by Petition Quorum	23
Section 907	Legal Notice Publication Changes	23

CHAPTER X. FINANCE AND TAXATION..... 24

Section 1001	Duties of the First Selectman on the Budget	24
Section 1002	Duties of the Board of Finance in the Budget Making Process	24
Section 1003	Adoption of Budget	25
Section 1004	Expenditures Before Adoption of Budget	27
Section 1005	Special Appropriations	27
Section 1006	Unallocated Surplus	28
Section 1007	Appropriations from the Reserve Fund for Capital and Non-Recurring Expenditures	28
Section 1008	Public Emergency Expenditures	29
Section 1009	Reporting	29
Section 1010	Fiscal Year	29
Section 1011	Unauthorized Expenditures	29
Section 1012	Bonding Authority and Procedure	30

CHAPTER XI. TRANSITION AND MICELLANEOUS PROVISIONS..... 30

Section 1101	Existing Laws and Ordinances	30
Section 1102	Amendment of this Charter	31
Section 1103	Saving Clause	31
Section 1104	Hours and Notices	31
Section 1105	Effective Date	31
Section 1106	Charter Revision	31

CHAPTER I
INCORPORATION AND GENERAL POWERS

Section 101. Incorporation.

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

Section 102. Rights and Obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said Town as of the effective date of this Charter are continued in said Town. The Town shall continue to be liable for its debts and obligations. Nothing herein shall be construed to affect the right of said Town to collect any assessment, charge, debt or lien. If any contract has been entered into by said Town prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said Town, which contains provisions that the same may be enforced by an office or agency therein named which is hereby abolished, such contracts, bonds or undertakings shall be in no manner impaired, but 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, be exercised and discharged by the Board of Selectman of said Town.

Section 103. General Grant of Powers.

In addition to all powers granted to towns under the Constitution and General Statutes of the State of Connecticut, the Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the Town. The Town shall also have the power to enter into contracts with the United States Government or any branch thereof, the State of Connecticut or any other body politic or corporate, the exercise of which is not expressly forbidden by the Federal and State Constitutions and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

CHAPTER II
ELECTIONS

Section 201. General.

- A. Nomination and election of State and Federal Officers and of such elected Town Officers, boards, agencies and commissions as are provided for in this Chapter shall be conducted in the manner prescribed by law.
- B. The Registrars of Voters shall prepare lists of electors qualified to vote therein, in the manner prescribed by law. "Elector" is defined as any person possessing the qualifications prescribed by the Constitution, duly admitted to, and entitled to exercise the privileges of an elector in a town. A person may not possess the qualifications to be an elector, but will be allowed to vote at Town Meetings or at referenda under C.G.S. 7-7 if such person is a citizen of the United States of the age of 18 years or more, who jointly or severally is liable to the town, district, or

subdivision for taxes assessed against him/her of an assessment of not less than one thousand (\$1,000.00) dollars on the last completed grand list of the town.

- C. A meeting of the electors of the Town of Middlefield for the election of municipal officers shall be held on the Tuesday following the first Monday of November of each odd-numbered year.
- D. Unless otherwise established by Ordinance or State law, there shall be one (1) voting district in the Town.

Section 202. Eligibility.

No person shall be eligible for election to any Town Office who is not at the time of the election an elector of said Town. Any person ceasing to be an elector of said Town shall thereupon cease to hold elective office in the Town.

Section 203. Minority Representation.

The maximum number of members of any board, commission, committee or similar body of the Town, whether elected or appointed, who may be member of the same political party shall be as specified in the following table:

Column I	Column II
<u>Total Membership</u>	<u>Maximum from One Party</u>
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

Section 204. Breaking a Tie.

When, as a result of any general municipal or special election conducted under the provisions of this Charter, it is necessary to break a tie, the provisions of the Connecticut General Statutes shall prevail. The provisions of this Section shall not apply to questions at referendum which, under the provisions of this Charter or of the Connecticut General Statutes, require a minimum number of electors voting in favor of such questions for approval, and the number of votes for approval at such referendum is less than the minimum number of electors required for passage.

Section 205. Vacancies - Elective Offices.

- A. Any vacancy in any elective Town office (except a member of the Board of Selectmen), from whatever cause arising, shall be filled within thirty (30) days of such vacancy by appointment by the Board of Selectman for the unexpired portion of the term or until the next regular biennial election, whichever shall be sooner; provided, that when the persons vacating the office shall have 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 or by the appointment of an unaffiliated voter if the office shall be vacated by an unaffiliated voter.
- B. If there shall be a regular 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, and such person shall take office immediately following the election.
- C. (1) When a vacancy occurs in the Office of the First Selectman or in the office of Selectman it shall be filled within forty-five (45) days after the day of its occurrence by the remaining members of the Board of Selectmen.

- (2) The vacancy shall be filled on an interim basis by the line of succession as set forth in section 402 of the Charter.
- (3) Said remaining members may appoint one of themselves to fill a vacancy in the Office of the First Selectman, if they so desire, and shall then fill the ensuing vacancy in the office of Selectman as herein provided.
- (4) If such a vacancy in the Office of the First Selectman or of Selectman is not so filled within forty five (45) days after the day of occurrence, the Town Clerk shall, within ten (10) days thereafter, notify the elective town officers enrolled in the same political party as the First Selectman or Selectman, who vacated the office, or all elective town officers, if such First Selectman or Selectman who vacated the office was not enrolled with a political party, and it shall be filled by such elective town officers within seventy-five (75) days after its occurrence.
- (5) Any person so appointed shall serve for the portion of the term remaining unexpired or until a special election is called as hereinafter provided upon petition of a number of electors of such town equal to five percent (5%) of the names on the last-completed registry list thereof, but not fewer than fifty such electors.
- (6) Such petition shall be filed no later than fifteen (15) days after the appointment by the remaining Selectmen or such elective town officers, as the case may be. Such a special election shall forthwith be called by the town clerk upon the filing of such a petition with him and shall be held in accordance with the provisions of sections 9-164, 9-450, and 9-459.
- (7) The term "town officers", as used in this section, are those officials elected in general elections that serve on Board of Selectmen, Board of Finance,

other elected Boards and Commissions and other elected officials,
excluding those elected to State or Federal Office.

Section 206. Board for Admission of Electors.

The Town Clerk, or any Assistants, and the Registrars of Voters, or any Deputies, shall constitute the Board of Admission of Electors.

CHAPTER III
ELECTED OFFICIALS

Section 301. General Powers and Duties.

Except as provided in this Chapter, all elective Town officers and members of boards, agencies and commissions shall have such powers and duties as are prescribed in the Connecticut General Statutes.

Section 302. Compensation.

Town officials, whether elected or appointed, shall receive such remuneration as shall be approved in the annual budget. All fees collected by Town officials shall not be considered as compensation, but shall be remitted to the General Fund.

Section 303. Election and Terms of Office: Town Elections.

- A. At the regular Town election of the Town of Middlefield to be held on November 3, 1987, and every two (2) years thereafter, there shall be elected a Board of Selectmen consisting of a First Selectman and two (2) additional members.
- B. At the regular Town election to be held on November 3, 1987, and every two (2) years thereafter, there shall be elected the following officers:
 - 1. Town Clerk
 - 2. Tax Collector
 - 3. Town Treasurer

- C. At the regular Town election to be held November 3, 1987, and every four (4) years thereafter, there shall be elected one (1) member of the Board of Assessment Appeals. At the regular Town election to be held on November 7, 1989, and every four (4) years thereafter, there shall be elected two (2) members of the Board of Assessment Appeals.
- D. (1) At the regular Town election to be held on November 3, 1987, there shall be elected one (1) member of the Board of Finance to serve for a term of two (2) years and one (1) member of the Board of Finance to serve for a term of four (4) years.
- (2) At the regular Town election to be held on November 7, 1989, and every four (4) years thereafter, there shall be elected three (3) members of the Board of Finance.
- (3) At the regular Town election to be held on November 5, 1991, and every four (4) years thereafter, there shall be elected three (3) members of the Board of Finance.
- E. The terms of all officers shall commence on the second Monday following their election, except the Town Clerk whose term of office shall commence on the first Monday in January.
- F. All elective officers shall hold office until their successors are elected and have qualified.

Section 304. Election and Terms of Office: State Elections.

At the State election to be held in November 1986, and every four (4) years thereafter, there shall be elected the following officers:

1. Two (2) Registrars of Voters
2. Eighteen (18) Justices of the Peace (or number as per Town Ordinance).

Nomination and election of state and federal officers and other elective officers of the Town of Middlefield, including two (2) Registrars of Voters shall be conducted in the manner prescribed in the Constitution of the United States and the General Statues. The nomination or appointment of eighteen (18) Justices of the Peace shall also be conducted in this manner.

CHAPTER IV

BOARD OF SELECTMEN

Section 401. General.

There shall be a Board of Selectmen consisting of the First Selectman and two (2) other Selectmen, hereinafter referred to as the Board of Selectmen. No member of the Board of Selectmen, including the First Selectman, during the term of office for which he or she was elected and for one (1) year thereafter, shall be eligible for appointment to any salaried office or position of profit with the Town.

Section 402. Organization.

Within forty-five (45) days of his election or re-election, the First Selectman shall convene the Board of Selectmen for the purpose of establishing a line of succession, of up to three (3) successors in the event of the death, disability, resignation or unavailability of any member. Such line of succession shall be noted upon the record of the Board's proceedings, and shall include provisions for the First Selectman's temporary absence or

unavailability. Once established, such line of succession shall not be altered without the approval of a Town meeting. Nothing contained herein shall be deemed to limit any power reserved to the Board of Selectmen in Section 205.

Section 403. Procedure.

A majority of the Board of Selectmen shall constitute a quorum for the transaction of any business. The Board may, by resolution, determine its own rules of procedure. The Board shall provide for regular meetings not less than once each month and for special meetings.

Section 404. General Powers and Duties.

- A. The Board of Selectmen shall have all the powers and duties hereinafter conferred upon the Selectmen and all those powers and duties conferred upon Boards of Selectmen by the Connecticut General Statutes, except as otherwise specifically provided in this Charter.
- B. Except as otherwise provided in the Connecticut General Statutes or in this Charter, the Board of Selectmen shall oversee the administration of the Town and of the internal operation of boards, commissions, agencies and offices which it fills by appointment.
- C. The Board of Selectmen shall generally be responsible for coordinating the activities of all the agencies of the Town, and for keeping under review the present and future needs of the Town. The Board of Selectmen may by resolution or regulation require such reports from and joint meetings with Boards, commissions, agencies and officers as may be useful to The Board of Selectmen in the performance of its duties.
- D. The Board of Selectmen shall have the power to initiate the enactment, amendment, or repeal of ordinances which are not inconsistent with the provisions of this Charter or the General Statutes; and shall submit to the Town

Meeting the enactment, amendment or repeal of an ordinance under Chapter 8 and following.

- E. The Board of Selectmen may by resolution, appoint special or temporary boards, commissions, or committees as it may from time to time deem necessary or advisable to the operation of Town government. In such event, such special or temporary boards, commissions, or committees shall be deemed to terminate one (1) year after their creation, unless otherwise provided in the resolution creating such board, commission or committee. The Board of Selectmen may recommend to a Town meeting, the creation, consolidation, or abolition of boards, commissions and offices which are not specifically authorized in this Charter.
- F. Except as otherwise provided in this Charter or the Connecticut General Statutes, the Board of Selectmen shall have the sole power as follows:
 - 1. To incur indebtedness in the name of the Town, and to provide for the due execution of contracts and evidences of indebtedness issued by the Town;
 - 2. To take, purchase, lease, sell or convey personal property of or for the Town;
 - 3. To take, purchase, lease, sell or convey real property of or for the Town; except that any sale of real property or the lease of real property for greater than ten (10) years shall require the approval of a Town meeting;
 - 4. To institute, prosecute, defend or negotiate any legal action or proceeding by or against the Town;
 - 5. To enter into contracts for any services and to purchase or contract to purchase any supplies, materials, equipment, and other commodities required by any Town Agency;

6. To join with any political subdivisions to provide services and facilities in accordance with the applicable provisions of the Connecticut General Statutes.
- G. The Board of Selectmen shall make rules and regulations relating to purchasing and bidding procedures for all Town boards, agencies, commissions and offices in consultation with same.
- H. The Board of Selectmen may accept roads complying with planning and zoning regulations.

Section 405. Appointments by Board of Selectmen.

The Board of Selectmen (except as noted) shall appoint the members of the following Town Boards and Commissions:

1. Building Code Board of Appeals: As per State Statute 29-266c the First Selectman may appoint a Building Code of Appeals
2. Community Health Services Commission
3. Conservation Commission and Farmland Management
4. Economic Development Commission
5. Housing Authority
6. Inland Wetlands and Watercourses Agency
7. Long-Range Capital Planning Commission
8. Park and Recreation Commission
9. Planning and Zoning Commission
10. Zoning Board of Appeals
11. Beseck Lake Commission
12. Water Pollution Control Authority

Section 406. Collective Bargaining.

The Board of Selectmen and the Board of Finance may appoint a representative to be present during any collective bargaining negotiating sessions for the purpose of providing fiscal information and to provide such other assistance as may be required. This Section shall pertain to all collective bargaining to which the Town is a party.

CHAPTER V

THE FIRST SELECTMAN

Section 501. General.

The candidate receiving the largest number of votes for First Selectman at the general Town election shall be declared elected to the office of First Selectman, but this office shall not deprive the First Selectman of his vote on any question before the Board of Selectmen.

Section 502. Duties.

The First Selectman shall be the chief administrative and executive officer of the Town and shall administer all offices and agencies in charge of persons appointed by him and shall supervise and direct the same. He shall be recognized as the official head of the Town for all ceremonial purposes, for military purposes, and for the purpose of serving civil process. The First Selectman shall preside over all meetings of the Selectmen and perform such other duties consistent with this office as may be imposed by the Selectmen. He shall be purchasing agent of the Town subject to such rules and regulations as shall be prescribed by the Selectmen. The First Selectman shall keep full and complete records of the doings of his office. It shall be his duty to make periodic reports to the Selectmen and the Board of Finance, to recommend to the Selectmen such motions as he shall deem necessary or expedient; to keep or cause to be kept complete books of account showing the financial condition and financial transactions of the Town, and all other accounts and

records as may be prescribed by the Selectmen, the Connecticut General Statutes, and the Town Meeting. The First Selectman shall be responsible for the preservation of public peace, which includes, but is not limited to, the prevention of crime, apprehension of criminals, protection of the rights of all persons and property, regulation of traffic, and the enforcement of the State Statutes, Town Ordinances and all rules and regulations made in accordance therewith.

Section 503. Ex Officio.

The First Selectman shall be an ex officio member of all other boards and commissions of the Town, but without power to vote on an issue before such boards and commissions.

CHAPTER VI

APPOINTED BOARDS AND COMMISSIONS

Section 601. General.

All members of boards, commissions, agencies and committees shall serve without compensation, except for reimbursement of necessary expenses, as authorized by the Board of Selectmen and as provided in the annual budget.

Section 602. Appointment and Eligibility.

No person shall be eligible for appointment to any Town board, commission, agency or committee who is not, at the time of his appointment, an elector of the Town of Middlefield and any person ceasing to be an elector of the Town of Middlefield shall thereupon forfeit his membership.

Section 603. Vacancies - Appointive Boards and Commissions.

- A. Any vacancy on any appointive Town board, commission, agency or committee, from whatever cause arising, shall be filled by appointment by the Board of Selectmen to such office for the unexpired portion of the term vacated. Notice of

resignation or vacancies shall be filed with the Town Clerk. The Town Clerk shall maintain a list of appointed board and commission members and alternates including dates of expiration of their terms. The Town Clerk shall, at least two months prior to the expiration of any term, notify the Board of Selectman and political Town Committee Chairs of such.

- B. The Board of Selectmen may appoint alternate positions to Boards and Commissions on an as-needed basis.
- C. Any such vacancy shall be first offered to an alternate member on the Town Board, Commission, Agency or Committee.
- D. If the alternate member of the Board who fills the vacancy is not of the same political party as the person vacating the office, in the event said person was affiliated with a political party, the resulting alternate vacancy should be filled with a member of the same political party as the original vacancy.
- E. If the vacancy cannot be filled by an alternate, then the vacancy shall be filled by a member of the same political party as the person vacating the office in the event said person was affiliated with a political party.
- F. If within forty-five (45) days after notice in writing to the appropriate political party, no such candidate has been presented, the vacancy may be filled with a member of another party or an unaffiliated elector.
- G. Attendance Required: Each member and alternate member of such boards and commissions should attend no less than one half of all regularly scheduled meetings. In any one calendar year, if any member or alternate fails to do so, for any reason, the member may be removed from his/her position by the Board of Selectmen, and such vacancy shall be filled within forty-five (45) days upon by appointment by the Board of Selectmen.

H. This Section will be in accordance with Section 203 of the Town Charter.

Section 604. Continuation in Office.

The members of existing boards and commissions and officers in office on the effective date of this Charter shall continue to hold office and to exercise powers and duties conferred or imposed on them for the periods of their present terms.

Section 605. Term.

The terms of office of members of boards and commissions appointed by the Board of Selectmen shall commence on January 1 and shall continue until a successor is appointed.

Section 606. Powers and Duties.

The boards, commissions and agencies designated below shall have all the powers and duties vested in such boards, commissions and agencies prior to the effective date of this Charter and all powers and duties thereafter conferred or imposed upon such boards, commissions and agencies by the Connecticut General Statutes and the Ordinances of the Town of Middlefield:

1. Building Code Board of Appeals
2. Community Health Service
3. Conservation Commission and Farmland Management
3. Housing Authority
5. Industrial Development Commission
6. Inland Wetlands and Watercourses Agency
7. Long-Range Capital Improvements Commission
8. Park and Recreation Commission
9. Planning and Zoning Commission
10. Zoning Board of Appeals
11. Economic Development Commission

12. Lake Commission

13. WPCA

Section 607. Officers of Boards.

Each year, at the first meeting, every board shall elect from its members a Chairman, a Vice-Chairman and a Secretary.

CHAPTER VII

APPOINTIVE ADMINISTRATIVE POSITIONS

Section 701. Appointments and Terms.

A. There shall be the following positions which shall be appointed by the First Selectman:

1. Building Inspector
2. Emergency Management Council and Director and Deputy(s)
3. Local Emergency Planning Committee
4. Law Enforcement Personnel
5. Sanitarian
6. Town Attorney
7. Tree Warden and Deputy(s)

B. There shall be the following positions which shall be appointed by the Board of Selectmen:

1. Assessor
2. Director of Health
3. Animal Control Officer
4. Fire Marshals
5. Regional Planning Agency Representative

Section 702. Duties - General.

Except as otherwise provided in this Charter, the officers and offices designated in Section 701A and Section 701B shall have all of the powers and duties vested in such officers and offices prior to the effective date of this Charter and all powers and duties thereafter conferred or imposed upon such offices by the Connecticut General Statutes and the Ordinances of the Town.

Section 703. Assessor

- A. The Board of Selectmen shall appoint an Assessor. This office shall have permanent status.
- B. The powers and duties of the Assessor shall be those prescribed by the Connecticut General Statutes.
- C. Such appointee shall take office on the day they are appointed and qualified and shall serve until their respective successors have been appointed and qualified, or until dismissed by the Board of Selectmen.
- D. The Board of Selectmen may remove an Assessor for cause.

Section 704. Director of Health.

- A. The Board of Selectmen shall, by majority vote, at a meeting to be held no later than forty-five (45) days after the general Town election, appoint a Director of Health in the manner prescribed in the Connecticut General Statutes, as amended.
- B. The Town may enter into a contractual agreement with another municipality or municipalities to obtain public health services pursuant to the provisions of the Connecticut General Statutes, as amended.
- C. The Director of Health may appoint such assistants as he deems necessary or desirable. No compensation shall be paid to such assistants unless compensation is approved by the Board of Selectmen.

Section 705. Fire Marshal.

- A. The Town shall have a Fire Marshal and a Deputy Fire Marshal in accordance with the Connecticut General Statutes, as amended.
- B. The Fire Marshal shall have all the powers, duties and responsibilities granted to, and imposed upon, local fire marshals by the Connecticut General Statutes, as amended. The Deputy Fire Marshal shall perform the duties of the Fire Marshal in the event of absence or disability of the Fire Marshal.
- C. In making such appointments, preference shall be given to Members of the Middlefield Fire Department.
- D. The appointments shall be made and the appointees shall qualify and their appointments shall be recorded and reported in accordance with the provisions of the Connecticut General Statutes, as amended. Appointees shall be sworn to the faithful performance of their duties by the Town Clerk, and after being sworn in shall continue to serve in that office until their successors have been appointed and qualified, or until dismissed by the Board of Selectmen.

Section 706. Town Attorney.

- A. The First Selectman shall appoint, any may remove, a Town Attorney who shall be an attorney at law admitted to practice law in this State.
- B. The Town Attorney shall be the legal advisor of the Board of Selectmen, First Selectman, and all Town offices, agencies boards and commissions in all matters affecting the Town and shall, upon written request authorized by the First Selectman, furnish a written opinion on any question of law involving their respective powers and duties.
- C. The Town Attorney shall appear for and protect the rights of the Town in all actions, suits or procedures brought by or against it or any of its departments,

offices, elected officials, appointed officials, agencies, boards, or commissions. Upon request, the Town Attorney shall prepare or review ordinances, 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 the power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments and, subject to the approval of said Board of Selectmen, to compromise or settle any claims by or against the Town.

- D. The Inland Wetlands and Watercourses Agency, Planning and Zoning Commission, Zoning Board of Appeals, or Water Pollution Control Authority in carrying out duties and functions imposed by law may, by majority resolution anything in this Charter to the contrary notwithstanding, employ any licensed professional, including an attorney, to represent or advise it, provided there are sufficient funds in the Commission's budget available for such employment.
- E. If, in special circumstances, the Board of Selectmen deem advisable, it may, by resolution, provide for the temporary employment of counsel other than, or in addition to, the Town Attorney.

Section 707. Law Enforcement Personnel (Resident Trooper, Police Officer or Constable)

- A. The First Selectman is empowered to hire that number of law enforcement personnel which is deemed necessary by the Board of Selectmen to maintain the preservation of public peace, in accordance with the authority granted by Connecticut General Statutes to provide police protection.
- B. The First Selectman shall also have the responsibility to train, transfer, assign duties, to promote, discipline, demote and dismiss law enforcement personnel for any cause. Any dismissal for just cause shall be subject to right of review by the Board of Selectmen, when requested by the law enforcement personnel, or any

member of The Board of Selectmen. The First Selectman shall also be empowered to make all rules and regulations necessary for the efficient and effective operation of the Town's Law Enforcement Department.

- C. The law enforcement personnel shall have all powers and duties, not inconsistent with the provisions of this Charter, conferred or imposed by the Connecticut General Statutes, on such law enforcement personnel and such other power and duties as may be prescribed by the First Selectman, including contracting with the State of Connecticut for law enforcement coverage.

CHAPTER VIII

ORDINANCES

Section 801. Powers with Respect to Ordinances.

With the exception of emergency ordinances covered under Section 806, any Town meeting shall have the legislative power to enact ordinances consistent with the Connecticut General Statutes and this Charter on any matter which the Connecticut General Statutes or this Charter authorize to be legislated by ordinance, and in general for preservation of the good order, health, welfare and safety of the Town and its inhabitants. Any enactment which provides a penalty shall be in the form of an ordinance. Enact, or enactment, as used in this Section, includes the adoption, amendment or repeal of an ordinance.

Section 802. Ordinance Initiation, Hearing and Publication.

An ordinance enactment may be initiated by a member of the Board of Selectmen, or by a petition signed by at least fifty (50) electors of the Town. The Board of Selectmen shall within thirty-five (35) days after the proposed ordinance has been initiated hold at least one public hearing on it. Not more than ten (10) days and not less than seven (7) days

notice of the hearing shall be given by publication of a summary of the proposed ordinance, as set forth in CGS 7-157(b), as prepared by the Town Attorney, in a newspaper having a general circulation in the Town and by making copies available at the Town Clerk's Office Building.

Section 803. Voting Methods.

After publication and hearing (or hearings), the Board of Selectmen shall refer the proposed ordinance enactment, or amended version thereof, to Town Meeting after which the Town Meeting shall proceed in accordance with Section 805 of this Charter.

Section 804. Ordinance Enactment or Rejection.

If the Town meeting votes to enact a proposed ordinance, a summary of the ordinance as set forth in CGS 7-157(b), as enacted shall be published within ten (10) days in a newspaper having a general circulation in the Town; and filed with the Town Clerk, who shall record it in a book kept for that purpose. If the Town Meeting votes to reject the proposed ordinance, the fact of such rejection shall be similarly published and filed. An enactment may not become effective earlier than fifteen (15) days after publication.

Section 805. Action on Ordinances.

When the Board of Selectmen refers a proposed ordinance enactment in accordance with Section 803, by vote of Town Meeting the proposed ordinance may be rejected, adopted, or amended and adopted, by majority vote and shall, if adopted, become effective on a date set by the meeting; but not until a summary as set forth in CGS 7-157(b) has been published in a newspaper having a general circulation in the Town. The Town Clerk shall promptly record the ordinance in a book kept for that purpose.

Section 806. Emergency Ordinances.

- A. On a declaration by the First Selectman that a state of public emergency exists threatening the lives, health or property of citizens, the Board of Selectmen may

enact ordinances to meet such emergency without complying with the Town Meeting, publication, and hearing requirements of this Chapter.

- B. Emergency ordinances shall be so designated. Emergency ordinances may be made effective on such publication as the Board of Selectmen determines to be reasonable under the circumstances. Emergency ordinances may be overruled by Town Meetings without a time limit on the making of applications for a Town Meeting to overrule an enactment.
- C. Emergency ordinances shall remain effective until overruled or until the First Selectman declares in writing that the state of public emergency has ended. On the occurrence of either event, emergency ordinances shall no longer have any force or effect. In the absence of any terminating action, a public emergency ordinance automatically expires sixty (60) days following its enactment.

CHAPTER IX

TOWN MEETING

Section 901. Annual and Special Meetings.

The Annual Town Meeting shall be held on the second Monday in May of each year unless changed by vote of a Town Meeting or by referendum. Special Town Meetings shall be called by the Board of Selectmen in the manner provided by the Connecticut General Statutes a) whenever they deem it necessary, or b) by a petition signed by fifty (50) electors of the Town. The Annual Town Budget Meeting shall be held on the second Monday in May of each year.

Section 902. Call of Special Meetings.

The matters which the applicants for a Special Town Meeting desire to be acted upon shall, if proper subjects for Town Meeting action, be put in proper form for the call of

such a meeting and, for a Town Meeting resolution with assistance of the Town Attorney, if or when necessary; and those matters shall come first in the call of the Meeting.

Section 903. Legal Notice.

The Board of Selectmen shall advertise in a newspaper having a general circulation in Middlefield and notice of such meetings shall be posted on the Bulletin Board at Town Hall at least five (5) days prior to the date of the meeting. Notice of Town Meetings may be typewritten or printed and a copy shall be filed with the Town Clerk in a Town Meeting Record Book. Notice of Town Meetings must contain the place, date and hour of meeting and list all articles to be acted upon.

Section 904. Organization and Procedure.

The First Selectman shall call the meeting to order at the advertised time and the meeting shall choose a moderator. The Town Clerk shall serve as clerk. In the absence of the Town Clerk, the meeting shall choose a clerk.

Section 905. Voting Qualifications.

Electors of the Town and other persons qualified by the Connecticut General Statutes may vote at Town Meetings. Unless otherwise required by this Charter, Town Meeting action shall be by majority vote of those present and voting.

Section 906. Special Town Meeting by Petition Quorum.

A quorum of seventy-five (75) persons eligible to vote at Town Meetings is necessary for action at a Special Town Meeting called by petition unless otherwise specified in this Charter.

Section 907. Legal Notice Publication Changes.

Any legal notice referred to in the Charter may be published as may be amended by the General Statutes.

CHAPTER X

FINANCE AND TAXATION

Section 1001. Duties of the First Selectman on the Budget.

Not later than March 1st of the current fiscal year, the First Selectman shall present to the Board of Selectmen and the Board of Finance an itemized Annual Budget consisting of:

1. A budget message outlining the financial policies and goals of the Town government and describing in connection therewith the important features of the budget plan, indicating any major changes from the current fiscal year in financial structure, expenditures and revenues, together with the reasons for such changes, and containing a clear summary of its content.
2. Itemized revenues presented in parallel columns setting forth what were revenues collected in the last completed fiscal year, the current year's budget, estimated collections for the current fiscal year, and budgeted revenues for the new fiscal year.
3. Itemized expenditures presented in parallel columns setting forth actual expenditures, itemized by department, office, board, etc. which are supported wholly or in part by Town's funds, for the last completed fiscal year, the current year's budget, estimated expenditures for the current fiscal year, and expenditures proposed for the new fiscal year.
4. Explanations, where appropriate, for what is being proposed.

Section 1002. Duties of the Board of Finance in the Budget Making Process.

The Board of Finance shall receive the First Selectman's budget and cause same to be readily available to the electorate for review by placing copies of said budget in the Town Administration Building and other accessible locations and shall publish in a newspaper

having a substantial circulation in the Town a summary of the First Selectman's proposed budget both as to revenues and expenditures.

The Board of Finance shall schedule at least two (2) public hearings and will hold same, except as noted below. The first of these will present the First Selectman's budget without change and seek public comment on same. This hearing shall be held not later than March 15th of the current fiscal year. Following this hearing, the Board of Finance shall make such changes in the First Selectman's budget which it feels, in its collective wisdom, best fulfills the citizens' wishes and meets the Town's needs. A second hearing shall be scheduled and called at which the budget as revised by the Board of Finance is presented for public review and comment. If there has not been substantive change to the budget as first presented at public hearing, the need for a second public hearing is obviated. Upon acceptance of a budget for presentation to the voters and within fifteen (15) days of the final public hearing, the Board of Finance shall file such proposed budget with the Town Clerk for submission to the Annual Budget meeting.

Section 1003. Adoption of Budget.

- A. There shall be a Town Meeting for the consideration and adoption of the budget to be held on the second Monday in May at such hour and place as the Board of Selectmen may determine. Such meeting may be recessed as necessary to subsequent Monday, except that should any subsequent meeting fall on a legal holiday, said Meeting will be held on a day near thereto.
- B. The budget as presented may be adopted by a simple majority of those present and voting. Any item in an appropriation may be increased, reduced, or deleted by a two-thirds vote of those present and voting, excepting, however, the general government budget or any line item as presented may not be increased or decreased in total by an amount greater than one percent (1%) of the gross total

municipal government expenditures as being proposed by the Board of Finance [Total Town Expenditures less Regional District #13 Education Expenses]. A budget as amended may be adopted by a simple majority of those present and voting.

- C. A budget receiving approval at Town Meeting or at referendum shall become the adopted budget for the ensuing fiscal year and shall be deemed to constitute the appropriation to each department, board, commission, office, etc. for that fiscal year.
- D. If the budget fails to receive simple majority approval, but receives approval of more than one-third of those present and voting, procedure I. below shall be followed. If it receives approval of less than one-third of those present and voting, procedure II. below shall be followed:
 - I. A budget failing a simple majority vote at the Annual Budget Meeting, but receiving approval of more than one-third of those present and voting, shall be put to referendum vote within fourteen (14) days of the budget meeting. If the budget passes at referendum by simple majority of those voting, said budget becomes the adopted budget for the ensuing fiscal year.

If said budget fails at referendum, it shall be returned to the Board of Finance for further review and revision. A budget so returned and thereafter revised will be resubmitted to a second Town Meeting within fourteen (14) days of the referendum date. If then approved by simple majority of those present and voting, it becomes the adopted budget for the ensuing fiscal year. If still rejected by a majority of those present and voting, the Board of Finance shall be obligated to adopt a budget within fourteen (14) days

and said adopted budget shall become the Town's operating budget for the new fiscal year.

- II. A budget failing of simple majority vote at the Annual Budget Meeting and receiving approval of less than one- third of those present and voting, shall be returned to the Board of Finance for review and revision. Said revised budget will be resubmitted to the voters at Town Meeting to be held within fourteen (14) days of the Annual Budget Meeting. If the revised budget is approved by simple majority of those present and voting, it becomes the adopted budget for the ensuing fiscal year.

If said budget is not approved, a referendum will be held within fourteen (14) days of this, the second budget meeting. If the budget passes by simple majority of those voting, it becomes the adopted budget for the ensuing fiscal year. If it fails at referendum, the budget is returned to the Board of Finance, which shall be obligated to adopt a budget within fourteen (14) days and said adopted budget shall become the Town's operating budget for the new fiscal year.

- E. All Town Meeting votes on budgets and amendments shall be by checklist and ballot, if so voted by more than one-third of those present and voting.

Section 1004. Expenditures Before Adoption of Budget.

Expenditures prior to the final adoption of the budget shall be in accordance with the Connecticut General Statutes, as amended.

Section 1005. Special Appropriations.

- A. The Board of Finance, upon request of the First Selectman or upon request of any appointed or elected board, commission or agency, may make supplemental

appropriations subject to the following approval requirements. The approval limits are cumulative for any budget line item during the fiscal year.

- B. For any supplemental appropriation not exceeding one percent (1%) of the current annual general municipal government budget, the Board of Selectmen shall be notified at least fifteen (15) days prior to making the request.
- C. Any proposed supplemental appropriation shall include its proposed source of funding.
- D. Any supplemental appropriation not exceeding one percent (1%) of the current annual general municipal government budget may be approved by the Board of Finance. Notice of the making of such appropriation shall be published once a year in a newspaper having substantial circulation within the Town.
- E. Any supplemental appropriation which exceeds one percent (1%) of the current annual general municipal government budget shall require Board of Finance approval following a public hearing called by the Board of Finance and be subject to approval at a Town Meeting called by the Board of Selectmen. The Town Meeting shall be held no later than thirty (30) days following the action of the Board of Finance.

Section 1006. Unallocated Surplus.

Any supplemental appropriation which is to be funded from unallocated surplus shall require Board of Finance approval following a public hearing called by the Board of Finance and be subject to approval at a Town Meeting called by the Board of Selectmen.

**Section 1007. Appropriations from the Reserve Fund for
Capital and Non-recurring Expenditures.**

When the Town is maintaining a reserve fund for capital and non-recurring expenditures in accordance with the General Statutes, payment into, or withdrawals from the reserve

fund shall be made upon recommendation of the Board of Finance and approval by vote of any regular or special Town Meeting as called by the Board of Selectmen. Appropriations for construction or other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned.

Section 1008. Public Emergency Expenditures.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations, the total amount of which shall not exceed one (1%) percent of the current tax levy in any one (1) fiscal year, may be made upon the recommendations of the First Selectman and by a majority vote of the Board of Finance present. In the absence of sufficient general fund resources to meet such appropriation, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes, as amended, and of this Charter, as may be determined by the Board of Finance.

Section 1009. Reporting.

Not later than fourteen (14) days after the end of each month, commencing with the beginning of each fiscal year, the First Selectman shall present to the Board of Selectmen and the Board of Finance a year-to-date financial report of the Town, showing all budget categories and comparing them to actual revenues received and expenditures and encumbrances made. This report shall also be filed with the Town Clerk.

Section 1010. Fiscal Year.

The fiscal year of the Town shall begin on July 1 and end on June 30 of the following calendar year.

Section 1011. Unauthorized Expenditures.

No officer or agency of the Town shall expend or enter into any contract which would

oblige the Town to expend in excess of any approved appropriation. Any officer who, without authority from this Charter or the General Statutes, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes.

Section 1012. Bonding Authority and Procedure.

The Town shall have the power to borrow money through the issuance of bonds, notes or other obligations in accordance with the General Statutes. Borrowing shall be authorized upon approval by the Board of Finance and Board of Selectmen, and thereafter the Town Meeting, of a borrowing resolution. In the event the cost of the expenditure for which borrowing is proposed exceeds twenty (20%) percent of the current annual general government budget, then in lieu of approval of a Town Meeting, the borrowing resolution shall be approved by a majority of those voting at referendum held in accordance with Section 7-9c of the General Statutes. In the event of conflict between this Section and any other provision of the Charter, this Section shall prevail.

CHAPTER XI

TRANSITION AND MISCELLANEOUS PROVISIONS

Section 1101. Existing Laws and Ordinances.

All general laws applicable to the Town, all enabling legislation adopted by the Town, and all Ordinances and By-Laws of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter. All special acts or parts of special acts relating to the Town are repealed with the exception of those not inconsistent with the provisions of this Charter.

Section 1102. Amendment of this Charter.

This Charter may be amended in the manner prescribed by the applicable laws of the State of Connecticut in effect at the time of such amendment.

Section 1103. Savings Clause.

If any Section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context on which such Section so held 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 Section to which such holding shall directly apply.

Section 1104. Hours and Notices.

The Board of Selectmen shall establish and the Town Clerk shall then post the hours of all appointed Town offices at the beginning of each January.

The Town Clerk, Tax Collector and Town Treasurer shall post their hours each January. Any changes during the year shall be posted fifteen (15) days in advance.

All Town notices, legal and otherwise, may be posted at the Community Center, outside the Town Hall, and with the Town Clerk, or in a place to be determined at the annual Town Meeting.

Section 1105. Effective Date.

This Charter shall become effective on the first day of December following its approval by the Electors.

Section 1106. Charter Revision.

Prior to ten (10) years after the effective date of this Charter and prior to each subsequent ten (10) year period, the Board of Selectmen shall establish by resolution a Charter Revision Commission in accordance with the General Statutes.

