

## Draft

### CHAPTER I. INCORPORATION AND GENERAL POWERS

#### Section 1.1

Incorporation. All the inhabitants dwelling within the territorial limits of the Town of East Hampton, as heretofore constituted, shall continue to be a body politic and corporate under the name of the "Town of East Hampton," 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 law of the State of Connecticut.

#### Section 1.2

Rights and obligations. All property, both real and personal, all rights of action and rights of every description and all securities and liens in said town as of the date when this 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 any contract has been entered into by said town prior to the effective date of this charter or any bond or undertaking has been given by or in favor of said town which contains provisions that the same may be enforced by any office or agency therein named, which may at any time be 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 this charter, thereafter be exercised by the Town Council of said town.

#### Section 1.3

General grant of powers. The town shall have, in addition to the powers specifically granted by this charter, all powers vested in the town or any officer, board or commission thereof at the effective date of this charter, all powers fairly implied in or incident to the powers expressly granted herein, and all other powers incident to the management, government and affairs of the town including all powers hereafter conferred upon the town or towns by General Statutes or Special Acts of the State of Connecticut and also including the power to enter into contracts with the United States Government, the State of Connecticut, or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution of the United States of America or the Constitution or 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.

#### Section 1.4

Term of Office; Oath of Office. The term of office of the Town Council shall commence on the first Wednesday following the regular election and biennially thereafter. The term of office of each other elected town official shall likewise commence on the first Wednesday following the regular election, unless such official is elected for a term commencing at a specified future date. All elected officials shall be sworn in by the Town Clerk or other authorized individual prior to beginning their service in office.

### CHAPTER II. THE TOWN COUNCIL

#### Section 2.1

Election. At each biennial election there shall be elected seven members of the Town Council, hereinafter referred to as the "council", all for terms of two years, who shall serve without compensation. Not more than five of the members shall be of the same political party. No member shall hold ~~any other~~ **more than one elected or appointed** office under the government of the Town of East Hampton, ~~nor shall be,~~ **during** the term of office for which he is elected, and for ~~two~~ **one** years thereafter, **they may not** be appointed to any office or position of profit under the **remuneration within said government.** ~~of said town.~~ **This prohibition shall not preclude any elected official from volunteering in any capacity.**

#### Section 2.2

Chairman. The council shall hold an organizational meeting on the first Wednesday following the regular biennial town election in November, 1989, and biennially thereafter, for the purpose of choosing one of its members to be chairman, but this office shall not deprive the chairman of his vote on any question. He shall preside over all meetings of the council and perform such other duties consistent with his office as may be imposed by the council. 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. During his absence or disability his duties shall be performed by another member chosen by the council except as otherwise specifically provided in this charter.

#### Section 2.3

Procedure. At the first meeting of the council following each biennial town election said members shall fix the time and place of their regular meetings and provide a method for the calling of the special meetings. They shall by resolution determine their own rules of procedure. All meetings of the council for the transaction of business shall be open to the public and the votes shall be recorded as prescribed

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by Section 1-225 of the General Statutes, as amended. Four members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than four affirmative votes.

### Section 2.4

**General powers and duties.** Except as otherwise provided in this charter the council shall have the powers and duties conferred by the general and special laws of the state upon Boards of Selectmen of towns. The legislative power of the town shall be vested in the council except for those powers specifically reserved for the town meeting. The council shall have the power to enact, amend or repeal all ordinances which the legislative body of the town is empowered to adopt, and shall have the power to create or abolish by ordinance, boards, commissions, departments or offices except as otherwise provided for in this charter, and to establish by resolution such study, advisory or consulting committees as they may determine to be necessary or appropriate for the general welfare of the town. The council shall adopt and revise, as necessary, a uniform personnel policy for all employees of the town except employees of the Board of Education. The council may contract for services and the use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may by agreement join any such political subdivision to provide services and facilities. Each year the council shall submit to the Board of Finance a policy statement outlining its annual budget goals and objectives for the ensuing fiscal year. The council shall appoint for an indefinite term and may remove a Town Manager.

### Section 2.5

**Public hearing on ordinances.** At least one public hearing ten days notice of which shall be given by publication in a newspaper having a circulation in the town and by posting in such public place or places as the council shall by ordinance prescribe, shall be held by the council or a committee thereof before any ordinance shall be passed. The passage of such ordinance shall be advertised in one or more newspapers having a circulation in said town and shall not become effective until 20 days after such publication provided, an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after such publication and no public hearing shall be required for any public emergency measure. Every such emergency ordinance, including any amendments thereto, shall automatically stand repealed at the termination of the 61st day following final passage of said ordinance. All ordinances shall be filed with the town clerk, and recorded, compiled and published by him as required by law.

## CHAPTER III. TOWN MANAGER

### Section 3.1

**Selection.** The town manager shall be chosen by the council exclusively on the basis of his administrative qualifications, character and experience. He shall be the chief executive officer and chief administrative officer of the town. At the time of his appointment the town manager need not be a resident of the town of East Hampton, but within one year of the commencement of his term as town manager he shall establish and maintain residence in the town.

### Section 3.2

**Duties of Town Manager.** The town manager shall be directly responsible to the council for the administration of all offices and agencies in charge of persons appointed by him, including responsibility for hiring necessary employees therefore, and for his own office, and shall supervise and direct same. The town manager shall keep full and complete records of the doings of his office and it shall be his duty to make periodic reports to the council and to attend their meetings with full right of participation in their discussions; to recommend to the council such measures 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 including accounts of all funds and appropriations and such other accounts and records, not specifically required by law to be kept by other offices, as may be prescribed by the council; to purchase or cause to be purchased, subject to such rules and regulations as shall be prescribed by the council, all supplies, materials, equipment, and other commodities required by any office or agency of the town, except the Board of Education unless specifically requested by said Board; to keep the council fully advised as to the financial condition of the town; to prepare job descriptions and employment contracts subject to the approval of the council; to assist the council and the Board of Finance in the preparation of an annual budget; to prepare and cause to be printed as soon as practicable after the close of each fiscal year a town report; and to exercise such other powers and duties as may be imposed on him by ordinance or resolution by the council. Neither the town meeting nor the council shall diminish by ordinance, vote or otherwise the powers and duties of the town manager, except those powers and duties imposed on him by ordinance or resolution, of the council. Unless otherwise specifically provided by ordinance, any duty imposed by the General Statutes on the chief executive officer of a municipality shall be vested in and exercised by the town manager.

### Section 3.3

**Appointments.** Based upon merit and fitness alone, the town manager shall appoint for an indefinite term or remove for cause, a town clerk, a collector of revenue, a finance director who shall perform the duties of treasurer, a building official, ~~who shall also be a~~ zoning enforcement officer, a director of health, a civil preparedness director, ~~a dog warden~~ **an animal control officer**, a tree warden, a harbor master and a superintendent of public works. In addition to the aforementioned, the town manager shall appoint, based upon merit and fitness alone, all other department heads and employees, except employees of the board of education. Such appointments shall be made when vacancies exist or new positions are created by the council. The town manager may, subject to the approval of the council,

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perform the duties of any office which he may fill by appointment. The council may appoint an ~~acting~~ **interim** town manager to act during the absence of the town manager or a vacancy in that office; ~~the council may provide by ordinance for an alternative method or methods of designating an acting town manager.~~

### CHAPTER IV. TOWN MEETING

#### Section 4.1

The town meeting shall have the power to adopt the annual budget and shall approve the issuance of all bonds and notes. Any additional appropriations made during the fiscal year, to a board, commission, department or agency in excess of an amount specified by town ordinance shall be approved by the town meeting. Any ordinance or resolution authorizing the purchase or sale of any interest in real estate shall be acted upon by the town meeting, after approval by the Board of Finance. The power to enact and amend zoning regulations shall continue to be exercised by the zoning commission and the power to enact subdivision regulations shall continue to be exercised by the town plan commission, all in accordance with the General Statutes or as they may be amended, subject to change made by ordinance enacted pursuant to the provisions of the General Statutes governing zoning and planning.

The Board of Finance shall receive from the Town Manager and the Board of Education their respective proposed budgets (the annual budget) by April 15<sup>th</sup>. The call of the Annual Budget Meeting shall present, as separate resolutions, the Town Government Budget and the Board of Education Budget. The Annual Budget Meeting shall be adjourned to referendum, by machine or ballot vote, within the time period provided by State Statute. The ballot questions shall provide for separate approval/disapproval of the Town Government Budget and the Board of Education Budget. In the event that either or both of the Town Government Budget and/or Board of Education Budget shall fail to pass at the referendum, such budget(s) which did not pass shall be revised and submitted to consideration at additional annual budget meetings, each of which shall likewise be adjourned to referendum, until such time as each budget shall have been adopted.

#### Section 4.2

##### **Petition for overrule of action of the Town Council.**

Ordinances adopted by the council, except emergency ordinances adopted in accordance with the provisions of Chapter II, Section 2.5 of this charter, shall be subject to overrule by a special town meeting as follows: If within 20 days after publication of any such ordinance, a petition conforming to the requirements of Section 7-9 of the General Statutes, as amended and signed by not less than 10% of the voters qualified to vote in a town meeting is filed with the town clerk requesting its reference to a special town meeting, the effective date of such ordinance shall be suspended and the council shall fix the time and place of such meeting, which shall be within 20 days after the filing of the petition, and notice thereof shall be given in the manner provided by law for the calling of a special town meeting. An ordinance so referred shall take effect upon the conclusion of such meeting unless a majority of those voting thereon, shall have voted in favor of overruling.

#### Section 4.3

##### **Petition for enactment of ordinances.**

No less than 10% of the voters qualified to vote in a town meeting may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the town clerk. The council shall call a special town meeting, to be held within 30 days from the date of filing, unless prior to such meeting such ordinance shall be enacted by the council. The call for such meeting shall state the proposed ordinance in full and shall provide for a "yes" or "no" vote as to its enactment. If a majority of the persons entitled to vote, voting at such meeting, shall vote "yes" then such ordinance shall take effect on the tenth day thereafter without further action of the council. Any such proposed ordinance shall be examined by the town attorney before being submitted to the special town meeting. The town attorney is authorized to correct the form of the ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but not materially changing its meaning and effect.

#### Section 4.4

**Referendum.** Any item, or items on the call of any town meeting, including items resulting from petitions filed pursuant to Chapter IV, or Section 4.2 or 4.3 of this charter, shall be subject to vote by ballot or voting machine pursuant to the provisions of General Statutes Section 7-7, as amended. Any such items may also be submitted to a vote by ballot or voting machine in accordance with Section 7-7, as amended, by vote of the council.

### CHAPTER V. BOARD OF FINANCE

#### Section 5.1

**Election.** There shall be a Board of Finance consisting of seven members who shall be elected to four year overlapping terms as provided by ordinance. No more than five members shall be of the same political party. The Board of Finance shall have all the powers and duties conferred on boards of finance by the General Statutes or as they may be amended, except as otherwise specifically provided

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by this charter.

### Section 5.2

General powers and duties. Upon receipt and consideration of the town council's policy statement concerning the proposed annual budgets, the Board of Finance shall hold one or more public hearings on the proposed annual budgets and shall with the advice of the town manager, not later than April 15 in each year, present to the council a complete proposed annual budgets for the ensuing fiscal year. The council may make any alterations or reductions in the proposed annual budgets that they deem necessary, except for increasing the total proposed annual budgets and shall submit same to the town meeting for approval. If the town council disagrees with the total proposed annual budgets, the council may reject same and return said proposed annual budgets to the Board of Finance for further consideration. After further consideration, the Board of Finance shall submit the final proposed annual budgets to the council and the council shall submit same to the town meeting for approval. Upon the establishment of the annual town budget by the town meeting, the Board of Finance shall fix the tax rate in mills which shall be levied upon the taxable property in the town on the grand list of the previous October 1. The Board of Finance shall review and make recommendations regarding all requests for additional appropriations to be submitted to the council.

## CHAPTER IV. MISCELLANEOUS

### Section 6.1

Existing laws and ordinances. All Special Acts of the State of Connecticut applicable to the town and all ordinances and regulations of the town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this charter.

### Section 6.2

~~Transitional offices. Persons elected to the positions of town clerk and tax collector, which hereafter shall be called collector of revenue, shall continue in office until the expiration of his or their term whereupon he or they shall be appointed for an indefinite period. When these offices become vacant, they shall be filled by appointment as prescribed in Section 3.3. The person elected to the position of town treasurer shall continue in office until the position of director of finance is filled by appointment, at which time the duties of treasurer shall be assumed by the director of finance as provided for in Section 3.3. and the position of treasurer abolished.~~

### Section 6.3

Other town officers. Except as otherwise specifically provided by this charter the Town of East Hampton shall have such other town officers, departments, boards, commissions and agencies as now exist and as are provided by the General Statutes. Special Acts or as provided by any ordinance adopted pursuant to law. All such officers, departments, boards, commissions and agencies, including the Board of Finance, shall be elected or appointed in the manner provided by General Statutes or by Special Act or by this charter or as provided by ordinances adopted pursuant to law, and shall continue to have such powers, duties, privileges and functions as are or may in the future be conferred on them by the General Statutes, Special Acts, this charter, ordinances or regulations adopted pursuant to law, or amendments thereto.

### Section 6.4

Vacancies in elective offices. Whenever a vacancy in any elective office occurs, the council ~~or other is the~~ appointing authority ~~so designated by law, shall to~~ fill the vacancy by appointment for the unexpired portion of the term **or until the next biennial election, whichever shall be sooner. That vacancy shall be filled by a member of the same political party as the member that vacated the seat.**

### Section 6.5

Saving clause. If any section or part of any section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which said 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 6.6

Amendment of charter. This charter may be amended in the manner prescribed by law.

### Section 6.7

Effective date. This charter shall become effective ~~for an election of a town council and the Board of Finance as provided for herein, at the regular town election of November 7, 1989,~~ provided it is approved by the electors of the town at the regular election on November 3, 1987 **8, 2016**. If the charter is so approved, all ~~other~~ provisions of this charter shall be effective on the day after the regular town election of November 3, 1987 **8, 2016**, ~~except that it shall be effective to confer upon the town the powers granted by Section 7-194 of the General Statutes or as it may be amended, on November 3, 1987.~~