

**REPORT
CHARTER REVISION COMMISSION OF 2009**

The Charter Revision Commission for the Town of Southington respectfully submits the following as its recommendations for changes in the Town Charter to Town Clerk Leslie Cotton and the Town Council for the Town of Southington.

Section 723 Annual Town Budget

It shall be the duty of the manager to present to the board of finance not later than the **eighteenth** ~~twenty-fifth~~ day of February in each year the budget for the ensuing fiscal year. The budget shall contain:

- (a) An estimate of the probable cash deficit or unencumbered cash surplus, as the case may be, at the end of the current fiscal year;
- (b) Estimates of the revenue cash receipts of the ensuing year other than from property taxes;
- (c) Estimates of the expenditures for the ensuing fiscal year; and
- (d) An estimate of the sum necessary to be raised by taxation to balance the budget, taking into consideration the cash surplus or cash deficit for the current fiscal year as provided in (a) above.

The estimates of receipts shall be detailed by sources and the estimates of expenditures by departments and the principal subdivisions thereof, offices, boards, commissions and agencies of the town, and shall show for each such unit the estimated expenditures, broken down by personal service, contractual service, materials and supplies, fixed charges, and capital outlays. The budget shall also contain in parallel columns the receipts and expenditures for each item for the last complete fiscal year, the receipts and expenditures for the first six (6) months of the current fiscal year, the estimated receipts and expenditures for the ensuing fiscal year as presented to the manager in respect of the several departments, offices, boards, commissions and agencies and the recommendations of the manager, together with such other data as the board of finance may prescribe. The budget shall be printed or otherwise reproduced in a sufficient number of copies to furnish one to each citizen who shall request the same and shall be available for such distribution not later than the last Monday in March. A condensed annual town budget shall also be published in two (2) newspapers having major circulation in the town no later than the last Monday in March.

Section 725. Budget hearing

There shall be a public hearing at eight o'clock pm **no later than the third Monday in March** on the first Monday in April at a place to be determined by the board of finance at least seven days' notice of which shall be given by publication in two (2) newspapers having major circulation in the town and by posting on the town bulletin board. At such hearing any citizen or property owner who desires it shall be entitled to be

heard by the board of finance on the town and school budget and the hearing shall be continued from day to day until all such persons have been heard. Budget summary: At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

Section 728. Vote required for budget adoption by board of finance

The budget shall be recommended by the favorable vote of at least four (4) members of the board of finance. Not later than the **first third** Monday in April the board of finance shall transmit to the town council its budget recommendations for the next fiscal year.

Section 729. Action by the town council on budgets

The town council's first meeting in April shall be a public hearing on the proposed board of finance budget along with normal business. At the council's second meeting in April, the council members shall raise any and all amendments they wish to be debated at the council meeting on the second Monday in May. Failure to raise any amendment at said meeting shall bar any amendment to be raised at the council meeting on the second Monday in May.

Upon receipt of the budget recommended by the board of finance, the town council shall proceed to consider further the budget, and may act on the budget recommended by the board of finance as follows:

- (1) Adopt the budget as recommended by the board of finance;
- (2) Reduce any item in the budget by a majority vote of the total membership of the town council;
- (3) Restore any item originally requested by the manager or the board of education in the budget by a vote of at least two-thirds of the total membership of the council. After completing such action the town council shall adopt the budget by resolution not later than the second Monday in May and so notify the board of finance, the board of education and the manager.

Section 401. Appointment qualifications and tenure

The town manager hereinafter referred to as the manager shall be appointed by the council. The manager shall be chosen on the basis of his professional experience and training and his/her executive and administrative qualifications with special reference to his actual experience in or knowledge of accepted practice in respect of the duties of his office. The town manager shall have **at a minimum** (1) a graduate of an accredited college or university, bachelor's degree from an accredited college or university **in an appropriate field of study**, (2) **although preferred but not required, an advanced degree**

in an appropriate field of study, which shall be accounting, engineering or one (1) of the social sciences such as government sociology or history with special training in municipal administration or (2) he shall have (had) and (3) have at least five (5) years experience in a responsible administrative position.

In hiring the town manager the council may waive any or all of the aforementioned qualifications by affirmative vote of not less than three fourths seven of the Council membership. **Such waiver shall be based upon a contractual agreement to fulfill the requirements by a time negotiated between the town manager and the town council.**

He shall serve for an indefinite term of the pleasure of the council under **contract for a period not to exceed five (5) years. He shall receive an annual review by the town council prior to any extension of the contract period. The town council, in open session, shall give a summary of his annual review and a summary of his review prior to voting on any extension of the contract.**

At the time of his appointment he need not be a resident of the Town of Southington or State of Connecticut, but during his tenure of office within **twelve (12) months of his employment** he shall reside within the Town of Southington. **The council may grant an extension up to twelve (12) months if it feels it is in the best interest of the town.** He shall devote full time to the duties of the office.

Section 402. Powers and duties.

The manager shall be the chief executive of the town and shall have the powers and duties conferred upon the chief executive officers of towns by the General Statutes, and which are not otherwise expressly provided for in this charter. He shall be directly responsible to the council for the supervision and administration of all commissions, boards, departments, offices and agencies of the town except those elected by the people, appointed by the council, or appointed by a regional, state or federal authority. He shall be responsible for the faithful execution of all laws and ordinances governing the town; **he shall promulgate written policies and procedures for his enumerated duties including but not limited to personnel and shall periodically, not less than once a year, present these procedures for review and input from the town council,** shall make periodic reports to the council and shall attend its meetings with full right of participation in its discussion but without the right to vote; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual town report; shall recommend to the council such measures as he may deem necessary or expedient; shall keep the council fully advised as to the financial condition of the town; shall prepare and submit to the board of finance and the council an annual budget and shall exercise such other powers and perform such other duties as may be required of him by ordinance, resolution or vote of the council, not inconsistent with this charter. The town manager shall be director of civil defense, and shall be empowered to appoint deputy directors of civil defense.

Section 746.

(b) Any bond ordinance or resolution making a special appropriation in excess of one million dollars (\$1,000,000.00) shall not become effective until the same shall have been approved by a majority of those qualified to vote, voting thereon at a

referendum called by the council for that purpose. A referendum shall take place at the November general election, but can take place on a selected date other than the November general election with an affirmative vote of seven (7) members of the council.

This section shall not apply to a bond ordinance or resolution that is mandated or ordered by a court or an administrative agency of either the federal or state government.

And, this section shall not apply to any bond ordinance or any resolution that will be funded by a grant, either in whole or in part, if the amount not funded by the grant is less than one million dollars (\$1,000,000.00). The grant must be confirmed in writing.

Section 1107 Conflicts of Interest

(a) Private business or professional enterprise. A conflict of interest exists if the officer, official, employee, member of any town agency or member of his or her household, including a domestic partner, spouse or minor dependent has a private, financial or personal interest in the outcome or is the owner, shareholder, member, partner, officer, employee or other participant of, or in, a private business or professional enterprise that will be affected by the outcome of any matter under consideration before him/her.

(b) Speculative or investment activities. A conflict of interest exists if the officer, official or employee, or any member of any town agency has such interest in any matter as it relates to investment activities that shall benefit from use of confidential information gained from such officer, official or employee, or member of any town agency.

(c) Town employees (full time, part time). All full-time employees of the town shall devote all their time and effort in the fulfillment of their assigned duties during those hours when it is customary for the town to conduct business, such hours to include meetings held outside customary business hours where the employee's presence is necessary to facilitate town business and is job-related. All part-time employees of the town shall be available at times necessary to fulfill their duties or at the convenience of their supervisor or other departments to facilitate town business during hours in which town business is customarily conducted. No full-time employee shall engage in any activities other than town business during hours in which the town customarily conducts its business, unless such activity conforms with established town policies set by any board, commission or agency, the deputy town manager, or the town manager. The town planner, assistant town planner, town engineer or assistant town engineer, building inspector or zoning enforcement officer are specifically prohibited from engaging in any activity (in which they have a personal interest or private financial interest as herein defined) relating to the purchase and sale, or development of land or buildings (other than their personal residences).

(d) Duty to disclose and abstain. Any town official, member of a board, commission or agency or employee who has a personal financial or private interest in any action, legislative or otherwise, by any town agency and who is a member of, participates in discussion with, or gives an official opinion to such town agency, shall disclose on the written records of such agency the true nature and extent of such interest

and refrain from any comment or vote on the matter and remove himself/herself from the panel until the matter has been dispensed. The failure of any officer, official, or employee or member of any appointed or elected board or town agency to disqualify himself or herself from action if any situation where a conflict of interest exists shall constitute a violation of this article. This section shall not apply to:

- (1) Contracts awarded to the lowest bidder after public advertisement;
- (2) Unpaid appointed officials during a declared state of emergency;
- (3) Matters requiring disclosure to, or approval by, a court;

(e) **Litigation.** No town official, member of a board, commission or agency or employee of the town shall appear on behalf of a private interest before any agency of the town nor shall he/she represent private interests in any action or proceeding against the town in any litigation when such appearance or representation would be in conflict with or would tend to impair his/her independence of judgment and action in the performance of his/her official duties as such town official, member of a board, commission or agency, or employee. An elected town official shall not appear before a town agency (except on behalf of constituents in the course of performing his/her duties as a representative of the electorate) when such appearance or representation would be in conflict with or would tend to impair his/her independence of judgment and action in the performance of his/her official duties as such town official. Any town official, member of a board, commission or agency or employee may appear before a town agency in the performance of official, public or civic obligations.

(f) The provisions of this section may be supplemented or enlarged by the town council by means of an ordinance.

Section 210: Eligibility.

No person shall be eligible for election to any town office who is not at time of election a qualified voter of the town.

No person serving on an elected board shall serve on any other board, elected or appointed, unless it is a sub committee of the board they serve on or a sub committee of the town council, where the members of another board's presence is required by the town council on that sub committee. This section shall not apply to persons serving on a building committee, charter revision commission or where membership is required by the Connecticut General Statutes.

Section 208. Vacancies in elective offices

Vacancies in elective offices, except on the town council, board of education, the planning and zoning commission, the board of finance and the library water board, from whatever cause arising, shall be filled by the **council board or commission with such vacancy** for a period until the next town election. Vacancies in the board of education shall be filled by the board of education for a period until the next town election. Vacancies in the planning and zoning commission shall be filled by the planning and

zoning commission for the period until the next town election. Vacancies in the library board and the board of finance shall be filled by the council for the unexpired portion of the term. In filling any vacancy, the council, board of education or the planning and zoning commission **the board or commission** shall select a person of the same political party as that of the former incumbent, unless said incumbent was not an enrolled member of a political party, in which case his successor shall not be an enrolled member of a political party. A member elected at a town election to fill a vacancy shall serve for the remaining unexpired portion of the term of the former incumbent.

Section 1107- Current

Section 1107. Conflict of Interest

The provisions of this section shall apply to all town officers and employees whether elected or appointed:

(a) Any town officer or employee who has a personal or financial interest, direct or indirect or by reason of ownership of ten (10) percent of the stock or more in any corporation, in any contract with the town or in the sale of any land, materials, supplies or services to the town or to a contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a town officer or employee in the making of such sale or in the making or performance of such contract. Any town officer or employee who willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the town manager or the town council.

(b) No officer or employee of the town shall engage in or accept private employment or render service for private interest when such employment is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

(c) No officer or employee of the town shall, without proper authorization from the commission or board which he is a member or to which he is responsible, disclose confidential information concerning the property, government or affairs of the town, nor shall be use such information to advance the financial or other private interests of himself or others.

(d) No officer or employee of the town shall accept any gift, favor or thing of more than nominal value which may tend to influence him in the discharge of his duties.

(e) The provisions of this section may be supplemented or enlarged by the town council by means of an ordinance.

Current 2-204

Sec. 2-204. Conflicts of Interest (New 1107)

(a) Private business or professional enterprise. A conflict of interest exists if the officer, official, employee, member of any town agency **or member of his or her household, including a domestic partner, spouse or minor dependent** has a private, financial or personal interest in the outcome or is the owner, shareholder, member, partner, office, employee or other participant of, or in, a private business or professional enterprise that will be affected by the outcome of any matter under consideration before him/her."

(b) Speculative or investment activities. A conflict of interest exists if the officer, official or employee, or any member of any town agency has such interest in any matter as it relates to investment activities that shall benefit from use of confidential information gained from such officer, official or employee, or member of any town agency.

(c) Town employees (full time, part time). All full-time employees of the town shall devote all their time and effort in the fulfillment of their assigned duties during those hours when it is customary for the town to conduct business, such hours to include meetings held outside by customary business hours where the employee's presence is necessary to facilitate town business and is job-related. All part-time employees of the town shall be available at times necessary to fulfill their duties or at the convenience of their supervisor or other departments to facilitate town business during hours in which town business is customarily conducted. No full-time employee shall engage in any activities other than town business during hours in which the town customarily conducts its business, unless such activity conforms with established town policies set by any board, commission or agency, the deputy town manager, or the town manager. The town planner, assistant town planner, town engineer or assistant town engineer, building inspector or zoning enforcement officer are specifically prohibited from engaging in any activity (in which they have a personal interest or private financial interest as herein defined) relating to the purchase and sale, or development of land or buildings (other than their personal residences).

(d) Duty to disclose and abstain. Any town official, member of a board, commission or agency or employee who has a personal financial or private interest in any action, legislative or otherwise, by any town agency and who is a member of, participates in discussion with, or gives an official opinion to such town agency, shall disclose on the written records of such agency the true nature and extent of such interest and refrain from any comment or vote on the matter and remove himself/herself from the panel until the matter has been dispensed. The failure of any officer, official, or employee or member of any town agency to disqualify himself or herself from action in any situation where a conflict of interest exists shall constitute a violation of this article. This section shall apply to:

- (1) Contracts awarded to the lowest bidder after public advertisement;
- (2) Unpaid appointed officials during a declared state of emergency;
- (3) Matters requiring disclosure to, or approval by, a court;
- (4) Interests by virtue of ownership of stock in a publicly held corporation in an amount less than ten (10) percent of the corporation's issued and outstanding stock.

(e) Litigation. No town official, member of a board, commission or agency or employee of the town shall appear in behalf of a private interests before any agency of the town nor shall he/she represent private interests in any action or proceeding against the town in any litigation when such appearance or representation would be in conflict with or would tend to impair his/her independence of judgment and action in the performance of his/her official duties as such town official, member of a board, commission or agency, or employee. An elected town official shall not appear before a town agency (except on behalf of constituents in the course of performing his/her duties as a representative of the electorate) when such appearance or representation would be in conflict with or would tend to impair his/her independence of judgment and action in the performance of his/her official duties as such town official.

Any town official, member of a board, commission or agency or employee may appear before a town agency in the performance of official, public or civic obligations.