

The Charter of the Town of Southington was adopted by the voters of the town at a special election on December 14, 1965, effective October 11, 1966.

The following is a summary of the Charter prepared by Town Clerk Leslie Cotton at the request of the Charter Revision Commission of 2008/2009.

CHAPTER I. INCORPORATION

Section 101 – Incorporation

All inhabitants of the Town of Southington may hold and exercise all powers and privileges exercised by said town and not inconsistent with the provisions of the Charter and all powers and privileges conferred upon towns under the general laws of the State of Connecticut

Section 102 – Form of government

This Charter provides for a council-manager form of government.

Section 103 – Rights and obligations

The town has the right to collect any assessment, charge, debt or lien for the construction, alteration or repair of any public improvement or service.

Section 104 – Powers of the town

The town shall have all the following powers:

- Powers granted under the constitution and general law
- Powers granted by this Charter
- Powers fairly implied in or incident to powers expressly granted
- Powers incident to the management of the affairs of the town
- Powers to enter into contracts

CHAPTER II ELECTIONS

Section 201 – Date of town elections

All elections for town officers shall be on the first Tuesday after the first Monday in November of each odd numbered year.

(11-3-1970)

Section 202 – Elective officers

At each meeting of the town electors there shall be elected:

- (a) Town Council – 9 members for a term of 2 years
Each elector shall vote for a maximum of 6
- (b) A town clerk for a term of 6 years
- (c) Board of Education - nine members for a term of 2 years
Each elector shall vote for a maximum of 6 candidates – No more than 6 elected from one political party

- (d) Reserved
- (e) Board of Finance - In 2009, 4 members shall be elected for a term of 2 years. Beginning in 2011, all 6 members shall be elected for a term of 2 years
- (F) Planning and Zoning – 7 members for 4 year terms
- (g) Water Commissioners – 3 members for a term of 4 years. The water commission is a 6 member board limited to 3 members from any one political party.

(11-3-1970; 11-2-1971; 11-6-1984;
11-8-1988; 11-894; 11-7-2000; 11-7-2006)

Section 203 – Terms of elective officers

Terms shall begin at 12:00 noon on the day following the election.

Section 204 – Minority representation

Minority Representation shall be determined in accordance with the State of CT General Statutes. Maximum number of the same political party shall be as specified in the following table:

Total Membership	Maximum From One Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	2/3 of membership

(11-8-1994; 11-7-2000)

Section 205 – Repealed

(11-6-1984)

Section 206 – Qualifications

All elected officers shall be residents and electors of the town. If an officer shall cease to be a resident of the town, his office shall be vacated.

Section 207 – Duties of selectman

Duties of the former board of selectman may be assigned by the council to any board, agency, group or person.

(11-8-1994)

Section 208 – Vacancies in elective office

Board of Education – Filled by the BOE until the next town election

Planning and Zoning – Filled by the PZC until the next town election

Board of Finance – Filled by the Council for the unexpired portion of the term

Library Board – Filled by the Council for the unexpired portion of the term

All other vacancies filled by the Council until the next town election

In filling any vacancy, the person selected shall be of the same political party as the former incumbent, unless the incumbent was not enrolled in any political party, in which case his successor shall not be an enrolled member of a political party. A member elected to fill a vacancy shall serve the unexpired term.

(11-8-1994)

Section 209 – Independent candidates

The procedure is outlined for any elector to be nominated for any elective office (except registrar of voters) and appear on the ballot as an “Independent”.

Section 210 – Eligibility

Elected persons must be a qualified elector of the town at the time of the election.

(11-8-1994)

CHAPTER III THE TOWN COUNCIL

Section 301 – Composition

The council consists of 9 members serving a term of 2 years. All members serve without compensation except for reimbursement for actual expenses incurred in the performance of official duties. No member of the council shall hold any other office in the town government.

Section 302 – Chairman and vice-chairman

The council meets on the Monday after election and selects a chairman and a vice chairman by a majority vote of all the members.

(11-3-1970)

Section 303 – Clerk

The town clerk shall be the clerk of the council. Responsibilities include preparation and availability of the minutes of the town council meetings.

Section 304 – Procedure

The council shall meet at least once a month and set its own rules of procedures. Six members shall constitute a quorum.

Section 305 – Removals and suspensions

- (a) The council shall have the power by resolution to suspend the manager or any other person appointed to any office by the council.
- (b) Procedure for suspension outlined

Section 306 – Public Hearing on ordinances

The council must hold a public hearing before any ordinance shall be passed. Details of publication and passage are outlined in this section.

(11-3-1970)

Section 307 – Referendum on ordinances and resolutions

Details of the petition procedure to bring an ordinance or resolution approved by the council to a town referendum are outlined in this section.

(11-3-1970; 11-8-1994)

Section 308 – Emergency ordinance

This section details the procedure for the passage of an emergency ordinance. An emergency ordinance shall be for the immediate preservation of the public peace, health and safety. It shall contain a statement of the nature of the emergency and shall be adopted by at least 6 affirmative votes of the council.

(11-7-1972)

Section 310 – Appointments by the council

In addition to the appointment of a manager as outlined in Section 401, the council shall appoint the following:

- (a) Town Attorney for a term of 2 years
- (b) A 5 member park and recreation board for a term of 4 years
- (c) A 3 member board of tax review for a term of 4 years
- (d) Reserved
- (e) A 5 member zoning board of appeals and 4 alternates for a term of 4 years
- (f) A 9 member library board for a term of 4 years

(11-3-1970; 11-2-1971; 11-7-2000; 11-7-2006)

Section 310 – Powers

The council is the governing body of the town and shall exercise and perform all the rights, powers, duties and obligations of the town except as the same may be assigned by this Charter to some other officer, board or agency. The legislative power of the town is vested exclusively in the council except as otherwise provided in this Charter.

Section 311 – Initiative

Petition procedure outlined for the proposal of ordinances to the council by the electors of the town. Within 60 days after certification of a petition the council shall either adopt the proposed ordinance after holding a public hearing or hold a referendum on the issue.

CHAPTER IV THE MANAGER**Section 401 – Appointment, qualifications and tenure**

The manager shall be appointed by the council on the basis of his professional experience and training, and his executive and administrative qualifications, with special reference to his actual experience or knowledge of accepted practice in respect to the duties of his office. The manager shall serve for an indefinite term at the pleasure of the council.

Section 402 – Powers and duties

The manager shall be the chief executive of the town. 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. Details of the manager's duties outlined.

Section 403 – Appointments

The town manager shall appoint all department heads and other officers and employees of the town except elected officers or boards and boards appointed by the council.

Section 404 – Acting manager

An acting manager may be appointed under the following circumstances:

- (a) During the period of a vacancy or suspension in the office of manager
- (b) An acting manager may be appointed by the manager for a period of 6 months with the approval of the council during a temporary absence.
- (c) Council may appoint an acting manager during a temporary absence of the manager if the manager does not make an appointment.

Section 405 – Suspension and removal

The manager or acting manager may be removed by a resolution of the majority of the council.

Section 406 – Compensation

The council shall fix the compensation of the manager and of any acting manager.

(11-3-1970)

CHAPTER V OFFICERS AND BOARDS DIRECTLY RESPONSIBLE TO THE COUNCIL

Section 501 – Board of Tax review (11-7-2006)

Section 502 – Economic Development Commission (Repealed 11-8-1994)

Section 503 – Park and recreation board (11-7-2006)

Section 503(a) – Appointments by the park and recreation board (11-3-1970)

Director of recreation and a superintendent of parks are appointed by the park board

Section 504 – Zoning system of appeals (11-2-1971)

CHAPTER VI ADMINISTRATIVE OFFICERS AND DEPARTMENTS UNDER THE MANAGER

Section 601 – Boards of public safety

The boards of public safety are the police commissioners and the fire commissioners.

- (a) *Division of police.* Consists of a 5 member police commission appointed for a term of 4 years. There shall also be a chief of police and other officers and employees appointed by the board of police commissioners.

The division of police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulations of traffic,

protection of rights of persons and property and enforcement of the laws of the state and the ordinances of the town.

- (b) *Division of fire.* Consists of a 5 member fire commission appointed by the council for a term of 4 years. There shall also be a fire chief and other officers and employees appointed by the board of police commissioners.

It is also the intent of this charter that fire protection shall continue to be provided by the volunteer companies as established with no change. All paid members of the fire department shall be appointed by the fire commissioners.

(11-3-1970; 11-7-1972; 11-7-2006)

Section 602 – Tax collector

The tax collector shall be appointed by the manager. (11-7-1972; 11-8-1994)

Section 603 – Building inspector (Repealed 11-8-1994)

Section 604 – Director of public works

There shall be a department of public works headed by a director of public works. The manager shall be the director until the council shall determine otherwise. Details of the department structure are outlined.

(11-2-1971; 11-7-1972; 11-8-1994)

Section 605 – Department of Welfare

There shall be a department of welfare consisting of a director of welfare and other employees as the council may determine. The manager shall be the director of public welfare until the council shall determine otherwise.

(11-8-1994)

Section 606 – Department of public health

There shall be a department of public health responsible for the preservation and promotion of public health. The manager appoints the director of public health.

Section 607 – Town planner

There shall be a full time town planner appointed by the manager.

Section 608 – Housing authority

There shall be a 5 member housing authority appointed by the manager for a term of 5 years. Vacancies shall be filled by the manager for the unexpired term.

CHAPTER VII FINANCIAL PROVISIONS

Section 701 – Director of finance

There shall be a department of finance. The director of finance shall be appointed by the manager. Additionally, there shall be a full time assessor appointed by the manager.

Section 702 – Town treasurer

There shall be a town treasurer appointed by the manager. It is the duty of the treasurer to receive and safely keep all moneys belonging to the town. Details of the position outlined in this section.

Section 703 – Director of Finance; duties

The director of finance shall be in charge of the administration of the financial affairs of the town. Duties as follow:

- (a) Compile current expense estimates
- (b) Compile the capital estimate
- (c) Supervise disbursements of all moneys and control over all expenditures
- (d) Maintain a general accounting system
- (e) Submit monthly statement of all receipts and disbursement through the manager to the council
- (f) Prepare for the manager a complete financial report each fiscal year
- (g) Supervise all special assessments for the town
- (h) Receive all revenues for the town except tax revenue
- (i) Supervise all public funds belonging to the town or any office, department or agency of the town and turn over funds to the treasurer.
- (j) Supervise all investments and invested funds
- (k) Supervise and be responsible for the purchase, storage and distribution of all supplies used by the town
- (l) Approve all proposed expenditures

(11-7-1972)

Section 704 – Accounting supervision and control

The director of finance shall:

- (a) Prescribe all financial firms to be used by the town
- (b) Examine and approve all contracts, orders and documents by which the town incurs financial obligations
- (c) Audit and approve all bills, invoices, payrolls, etc.
- (d) Inspect and audit any accounts and records of financial transactions.

Section 705 – When contracts and expenditures prohibited

Details outlined on the expenditures of money in this section.

(11-3-1970; 11-8-1994)

Section 706 – Appropriations lapse at the end of the year

All appropriations, except capital improvements, shall lapse at the end of the budget year.

Section 707 – Fees shall be paid to town government

All fees received by any officer or town employee shall belong to town government and paid to the department of finance.

Section 708– Division of purchases

The purchasing agent for the town shall contract for and purchase all supplies for the town. The detailed powers and duties are outlined in this section.

(11-8-1994; 11-7-2000)

Section 709 – Competitive bidding

This section provides for the ample opportunity for competitive bidding under all rules and regulations prescribe by the council.

Section 710 – Accounting control of purchases

All purchases made and contracts executed shall be pursuant to a written requisition. The finance director certifies that there is a sufficient unencumbered appropriation.

Section 711 – No contract executed until bond ordinance effective

The ordinance authorizing issuance of bonds shall be in effect before any contract is executed.

Section 712 – Emergency appropriations

At any time the council may make emergency appropriations to meet a pressing public need. Details outlined in this section.

Section 713 – Borrowing to meet emergency appropriations

The council may by resolution and the recommendation of the board of finance authorize the issuance of “emergency notes”.

Section 714 – Borrowing in anticipation of property taxes

The council may authorize, upon the recommendation of the board of finance, the borrowing of money by the issuance of negotiable notes designated “Tax Anticipation Note for the year ____”. Details outlined in this section.

Section 715 – Borrowing in anticipation of other revenue

The council may authorize, upon the recommendation of the board of finance, the borrowing of money by the issuance of negotiable notes designated “Special Revenue Note for the year ____”. Details outlined in this section.

Section 716 – Notes redeemable prior to maturity

No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity.

Section 717 – Sales of notes, report of sale

All notes issued pursuant to this chapter may be sold at not less than par value and accrued interest at private sale without previous advertisement by director of finance.

Section 719 – Board of finance; powers and duties

The board of finance shall serve as the budget making authority of the town. Details of powers and duties are outlined in this section.

(11-7-1972; 11-7-2000)

Section 720 – Board of finance; recommendations on appropriations

No appropriations shall be made by the council until a recommendation favorable or otherwise is made by the board of finance. Details outlined in this section..

(11-3-1970)

Section 721 – Fiscal year

July 1st to June 30th.

Section 722 – Department estimates

Department estimates of receipts and expenditures must be submitted to the manager no later than the first of February.

(11-3-1970; 11-7-1972; 11-8-1988)

Section 723 – Annual town budget

The town manager must present to the board of finance not later than the 25th day of February the budget for the ensuing fiscal year. Budget details outlined.

(11-3-1970; 11-7-1972; 11-8-1988)

Section 724 – School Budget

Not later than the 3rd day of March the board of education shall file its proposed budget with the town clerk. The board of finance shall cause the school budget to be printed and made available for distribution with the manager's town budget not later than the last Monday in March. Details outlined.

(11-3-1970; 11-7-1972)

Section 725 – Public hearing

There shall be a public hearing on the town budget at 8 pm on the first Monday in April. Details outlined in this section.

(11-3-1970; 11-7-1972)

Section 726 - Budget a public record

The budget is a public record and available in the office of the town clerk for public inspection. The board of finance shall have copies of the budget ready and available for the budget public hearing.

(11-3-1970; 11-7-1972)

Section 727 – Board of finance action on the budget

After the budget public hearing the board of finance conducts final deliberations on the budget. They may increase or decrease items or insert new items. Procedural details outlined.

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

The board of finance shall transmit to the council its budget recommendations for the next fiscal year by the 3rd Monday in April.

Section 729 – Action by the town council on budgets

Council may act on the budget as follows:

- (1) Adopt the budget as recommended

- (2) Reduce any item by a majority vote of the total membership of the town council
- (3) Restore any items originally requested by the manager or board of education by a 2/3 vote of the total membership of the town council. The council shall adopt the budget no later than the 2nd Monday in May.

(11-3-1970)

Section 730 – Amount to be raised by taxation, tax levy

Upon adoption of the budget by the town council the board of finance shall set the rate of taxation by the 3rd Monday in May.

(11-3-1970; 11-2-1971)

Section 731 – Effect of adoption of town budget

The adoption of the budget shall be deemed to be the appropriation to each department for the ensuing fiscal year.

Section 732 – Special and additional appropriations

The town council on the recommendation of the board of finance may at any time appropriate additional funds.

Section 733 – Transfers of appropriations

Transfers of appropriations by the board of finance may be done at any time. Within the last three months of the budget year the town council may, with the recommendation of the board of finance, transfer appropriations.

Section 734 – Effect of appropriation

No money shall be expended or obligation incurred by any department, office, board, commission or agency of the town except in accordance with an appropriation by council. Details outlined

Section 735 – Lapse of appropriation

Appropriations lapse at the end of the fiscal year and balances are credited to the general fund.

Section 736 – Contract for public works

Public works contract details outlined

Section 737 – Payment of claims

No payroll, bill, or other claim against the town, shall be paid until audited for correctness by the director of finance. All payments are made by check signed by the manager, director of finance and the town treasurer.

Section 738 – Official bonds

Officers and employees of the town as determined by the town council shall file surety bonds with the town clerk.

Section 739

(Repealed 11-3-1970)

Section 740 – Power to incur indebtedness by issuing bonds and notes

The town may incur indebtedness by issuing negotiable bonds and notes to finance any capital project.

(11-3-1970)

Section 741 – Bond ordinance; vote required

The town shall authorize the issuance of bonds by a “bond ordinance” passed by an affirmative vote of at least a majority of the council members upon recommendation of the board of finance.

(11-3-1970)

Section 742 – Form and content of bond ordinance

Details outlined in this section

(11-3-1970)

Section 743 – Title of bond ordinance; citation

The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation.

(11-3-1970)

Sections 744 & 745

(Repealed 11-3-1970)

Section 746 – Referendum on bond ordinance

Details outlined in this section

(11-3-1970; 11-8-1988; 11-7-2000)

Section 747 – Authorization of notes in anticipation of bonds, maturity

The town council by resolution may authorize bond anticipation notes. All bond anticipation notes may be sold by the manager and treasurer at a public or private sale.

(11-3-1970)

Section 748 – Other proceedings by resolution

All matters not specifically provided in the bond ordinance may be determined by resolution of the council or may be delegated by it to the manager and treasurer.

(11-3-1970)

Section 749 – 755

(Repealed 11-3-1970)

Section 756 – Determination of period of usefulness

Bonds shall mature not later than the period of probable usefulness of the capital project for which they are issued as determined in a certificate by the engineer or architect.

Sections 757 & 758

(Repealed 11-3-1970)

Section 759 – Short period of limitations

Twenty days shall elapse before a bond ordinance becomes effective. Details outlined.

(11-3-1970)

Section 760**(Repealed 11-3-1970)****Section 761 – Action by the town council on special or additional appropriations**

The town council may act on any special or additional appropriation after a recommendation by the board of finance. Details outlined.

(11-3-1970)

CHAPTER VIII THE MERIT SYSTEM**Section 801 – Merit system established**

All officers and employees in classified service of the town shall be appointed on the basis of merit.

Section 802 – The classified service

Description of classified service outlined.

The manager shall prepare a statement of duties and responsibilities and cause to be prepared a set of personnel rules.

Section 803 – Retirement of municipal employees

Provisions for the retirement of town employees are outlined.

(11-8-1994)

CHAPTER XI TOWN ATTORNEY**Section 901 – Qualifications**

The town attorney shall be an attorney-at-law and admitted to practice law in the state of Connecticut, and shall have been a practicing attorney in this state not less than 5 years.

Section 902 – Appointment

The town attorney shall be appointed by the council and shall serve for the term of the council appointing him.

Section 903 – Powers and duties

The town attorney is the legal advisor of the council, manager and all other town departments and officials. He shall appear for and protect the rights of the town. Details outlined.

(11-3-1970)

Section 904 – Assistant town attorney

The council may appoint an assistant town attorney.

Section 905 – Compensation

The town attorney shall receive compensation as the council may determine.

CHAPTER X REMOVAL

Section 1001 – Generally

Any appointed officer or employee or appointed member of a board or commission may be removed by the authority which appointed him. Removal procedures outlined.

Section 1002 - Notice of hearing

Employees of the board of education may be removed according to the details outlined.

Section 1003 – Recall of elective officers (Repealed 11-8-1994)

Section 1004 – Determination of sufficiency

The town clerk shall determine the sufficiency of signatures on petitions filed for nomination or election by comparing signatures. Details outlined

CHAPTER XI MISCELLANEOUS PROVISIONS

Section 1101 – Effective date

The effective date of this Charter is October 11, 1966 except for chapter II which in January 1, 1966.

(11-8-1994)

Section 1102 – Existing laws, ordinances, rules and regulations and special acts

All existing laws, ordinances, rules and regulations and special acts in effect at the time of adoption of this Charter shall continue in force unless they are inconsistent with the provisions of this Charter.

Section 1103 – Existing officers and employees

All appointed and elected officers and employees of the town on the effective date of this Charter shall continue in their respective offices or employment.

(11-8-1994)

Section 1104 – Transfer of records and property

All records, property and equipment transferred by this Charter shall be transferred and delivered in tact.

Section 1105 – Meetings of boards and commissions

The actions of all boards and commissions shall be by the vote of all members present at a meeting duly called and held at which a quorum is present.

Section 1106 – Gender neutrality

A person's gender shall not be a qualification, determination or basis for the imposition or receipt of any duty, benefit or obligation nor for holding public office or employment. Details outlined in this section.

(11-8-1994)

Section 1107 - Conflict of interest

The provisions of this section pertain to all town officers and employees. Conflict of interest details outlined.

(11-3-1970)

Section 1108 – Plan of development

The town planning & zoning commission shall prepare and adopt a plan of development at least every 10 years.

(11-8-1988; 11-8-1994)

