



# CHARTER

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Town of

# MADISON, CONNECTICUT

This pamphlet is a reprint of the Charter of the Town of Madison, Connecticut,  
published by order of the Board of Selectmen.

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November 2022

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**CHARTER\***

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## **PREAMBLE**

- A. This Charter is the organic law of the Town of Madison (hereinafter referred to as the “Town”) providing for the administration of its local affairs.
- B. Matters of administration of local affairs not provided for by this Charter, or by lawful ordinance, shall be governed by the General Statutes and any Special Acts of the State of Connecticut applicable to the Town.
- C. Nomenclature and Usage

The word “commission” in this Charter includes appointive boards, agencies, authorities, committees and commissions.

When the context so requires, all pronouns shall encompass all genders and designations; and the singular shall include the plural, and the plural the singular.

If the State of Connecticut through a legislative act alters existing gendered language in the General Statutes and permits such language changes in local charters, the Board of Selectmen with a vote of at least four members may make such alterations in this Charter without additional approvals. However, no such change shall alter the power or authority of any board, commission, committee or public official.

Individual members of the Board of Selectmen may choose to be called a Selectman, Selectwoman, or Selectperson; or other terms as appropriate and voted on by that Board.

In accordance with Section 7-6 (Rev. 1972) of the General Statutes:  
The term “elector” as used in this Charter shall mean any person possessing the qualifications prescribed by Connecticut law and duly admitted to, and entitled to exercise, the privileges of any elector in a Town.

The term “voter” when used in this Charter shall mean electors of the Town or United States citizen of the age of 18 years or more, who is liable, either alone or jointly and severally, to the Town for taxes on an assessment of not less than \$1000 as shown by the last complete Grand List.

## ***ARTICLE I. INCORPORATION AND GENERAL POWERS***

### **Section 1.1 The Town**

The town shall, after the effective date of this Charter, continue as a body politic and corporate with perpetual succession within its territorial limits as they may be lawfully defined.



## **Section 1.2 Powers and Privileges**

- A. The Town shall have all powers and privileges conferred upon it by this Charter, and all powers proper, incidental, or convenient to their exercise, including full power to implement this Charter and carry out the purposes and policies thereof by ordinance to the extent provided in Section 10.1.2 and administrative action.
- B. Except to the extent otherwise lawfully provided by this Charter, the Town shall have all powers and privileges heretofore or hereafter conferred upon the Town by the Constitution of the State of Connecticut, or any General Statute.
- C. The Town shall have all powers incident to the management of its property, government and affairs including, but not limited to, the capacity and power to enter into contracts with the United States and any federal agency, and the State of Connecticut or any political instrumentality thereof for purposes not prohibited by law.
- D. Ordinances enacted prior to this Charter are hereby repealed by this Charter to the extent that such ordinance is inconsistent with, or in conflict with, the provisions of this Charter. Such rescission shall take place upon the effective date of this Charter. Otherwise, special acts affecting the Town and other ordinance provisions and resolutions duly adopted and in force before the effective date of this Charter remain in force.

## ***ARTICLE II. FORM OF GOVERNMENT – TOWN MEETING, LEGISLATIVE BRANCH***

### **Section 2.1 Town Meeting**

Except as otherwise provided in this Charter with respect to the Board of Selectmen, the legislative body of the Town shall be the Town Meeting as heretofore constituted with all powers conferred by the Connecticut General Statutes and this Charter.

#### **Section 2.1.1 Members of Town Meetings**

Members of the Town Meeting and those entitled to vote at Town Meetings and referenda extending from Town Meetings, including the annual budget referendum, shall be the voters of the Town as defined in subparagraph C of the Preamble to this Charter. One hundred and fifty (150) voters shall constitute a quorum and, if not attained, the recommended action by the executive branch and/or financial branch shall be final.

#### **Section 2.1.2 Publication of Notice of Town Meetings**

Publication of any notice of Town Meeting or any Legal Notice will follow General Statutes Sec.7-3 (Rev.1963)., Notices will be published on the Town website, and other media as designated by the Board of Selectmen, or as otherwise provided by the General Statutes. The Board of Selectmen shall determine and call the meeting and publish notice

thereof, listing the items of business to be considered.

### **Section 2.1.3 Moderator of Town Meeting**

The Board of Selectmen shall appoint five (5) Town Moderators to serve for two-year terms. Moderators shall be governed by State Statute. Only one (1) Moderator shall serve at any town meeting and Moderators where possible shall be appointed by the First Selectman on a rotating basis.

### **Section 2.1.4 Types of Meetings and Hearings of the Town**

#### **Section 2.1.4.1 Annual State of the Town Meeting**

There shall be an annual State of the Town Meeting held in the evening to present a State of the Town report, and the Capital Improvement Program and such other items as the Board of Selectmen shall designate. At the close of the fiscal year, each permanent commission shall file a report of its activities for the preceding fiscal year with the Selectmen's Office. Such reports shall also be made available by the Town Clerk at the annual State of the Town Meeting. The Board of Selectmen may add, and publish notice thereof, additional items of business to the call of the meeting. Records and reports from the annual State of the Town Meeting shall be kept on file with the Town Clerk and available to the public.

#### **Section 2.1.4.2 Special Town Meeting**

Special Town Meetings may be called from time to time by the Board of Selectmen and as required by this Charter. Notice of the meeting shall contain a written explanation of any actions being proposed for consideration. Action at a special Town Meeting shall be limited to matters noticed.

#### **Section 2.1.4.3 Petitioned Town Meeting**

The Board of Selectmen shall call a petitioned Town Meeting upon receipt of a petition signed by 500 voters to: (1) propose ordinances; (2) propose the repeal or modification of existing ordinances; and (3) propose other Town Meetings. The procedure and requirements to be followed to petition a Town Meeting shall be:

- A. The petition may be filed by an elector of the Town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of the General Statutes.
- B. Said petition shall contain the full text of the proposal and ordinance and shall be signed in ink by no less than 500 voters.
- C. Said petition shall be accompanied with affidavits signed or sworn to by each circulator as provided in in the General Statutes.

- D. The Town Clerk shall, within ten business days after receipt of said petition, determine whether the petition received is sufficient as required by law, and, if so, shall certify said petition to the Board of Selectmen.
- E. The Board of Selectmen may refer the petition to the Town Attorney for review and comments.
- F. Within 30 calendar days of the certification of said petition, the Board of Selectmen shall call a special Town Meeting to take action on said petition.
- G. The item petitioned shall be the first item on the call of the meeting and, provided a quorum is present, affirmative action on the petitioned item shall require a majority, but no less than 150 affirmative votes.
- H. Except for the adoption of the annual budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum pursuant to Section 3.3; but no petition shall be accepted by the Town Clerk if he or she determines that the action proposed therein is substantially similar to that of any initiated petition rejected by a prior Town Meeting less than six months prior to the date thereof. Any such petition must include 1200 signatures of voters.

### ***ARTICLE III. ELECTIONS AND REFERENDA***

#### **Section 3.1 Town Elections**

A regular Town election shall be held on the first Tuesday after the first Monday in November of each odd numbered calendar year. Special Town elections may be held from time to time as required by law. Those eligible to vote in Town elections shall be the electors of the Town as defined in Section C of the preamble of this Charter.

Except where otherwise specified by the General Statutes, all elected officials shall be elected at the regular Town election, and all Elected terms of office, except the Board of Selectmen, shall commence on the Monday following election to office. The terms of the Board of Selectmen shall commence on the Monday following Thanksgiving. Only an elector of the Town shall be eligible for election to any Town office. Any person ceasing to be an elector of the Town shall thereupon cease to hold Elected office in the Town and the office shall be deemed vacant.

#### **Section 3.2 Annual Budget Referendum**

There will be an annual referendum to vote on the recommended Town budget, including the Board of Education budget. It is expected that the referendum be held by the last week in April, however it shall be held no later than the 25<sup>th</sup> day of May

Consistent with Section 10.4 of this Charter describing annual budget procedures, no less than five days before, the Board of Finance shall publish the Town Budget in two parts, one for the Town, excluding the Board of Education Budget as defined in this paragraph (“Town Part of Budget”) and one for the Board of Education as recommended by the

Board of Finance (“Education Part of Budget”), together with notice of the place, day and hour of such referendum in accordance with General Statutes Sec.7-3 (Rev.1963). Notices will be published on the Town website, and other media as designated by the Board of Selectmen, or as otherwise provided by General Statutes. Copies shall be made available in the Town Clerk’s Office for public review.

The Board of Selectmen may add, and publish notice thereof, additional items of business to the referendum ballot.

As indicated in Section 2.1.1, those eligible to vote shall be the voters of the Town.

### **Section 3.3 Petition for Referendum to Reconsider Town Meeting Action**

Except for the adoption of the annual budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum in the following manner:

- A. A petition may be filed by any voter with the Town Clerk, within seven calendar days after any action of the Town Meeting, requesting that the action of the Town Meeting be referred to the Town voters at a special referendum. If a petition is filed, the effective date of the Town Meeting action, if affirmative, shall be suspended pending the outcome of the referendum.
- B. Any such petition shall conform to the requirements of the General and must be signed in ink by no less than 500 voters.
- C. Said petition shall be accompanied with affidavits signed and sworn to by each circulator as provided in the General Statutes.
- D. The Town Clerk, within ten business days after receipt of said petition, shall determine whether said petition is sufficient as prescribed by law, and if so, certify said petition to the Board of Selectmen.
- E. The Board of Selectmen shall refer the petition to the Town Attorney for review and comments.
- F. Within five calendar days of receipt of said petition so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held no less than 15 or no more than 30 days after certification of said petition, and notice thereof shall be given in the manner provided by law for the calling of Town referendum.
- G. Any action so referred shall take effect upon the conclusion of such referendum unless a majority of the voters, totaling at least 150 of the total votes cast are in favor of overruling such action, provided that there are at least 150 affirmative votes at the meeting. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of the General Statutes.



H. Except for the adoption of the annual budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum pursuant to this Section 3.3; but no petition shall be accepted by the Town Clerk if he/she determines that the action proposed therein is substantially similar to that of any petition rejected at a Town Meeting held less than six months prior to the date thereof. Any such petition must include 1200 signatures of voters.

#### **Section 3.4 Voting Districts**

Unless otherwise established by ordinance, there shall be at least two voting districts in the Town.

#### **Section 3.5 Board for Admissions of Electors**

The Town Clerk and assistants and the Registrars of Voters and assistants or deputies shall constitute the Board of Admissions of Electors in accordance with the General Statutes.

#### **Section 3.6. Election for Vacancy in the Office of First Selectman**

Any vacancy in the Office of First Selectman shall be filled pursuant to the provisions of Section 4.2.4.

### ***ARTICLE IV. EXECUTIVE BRANCH -- BOARD OF SELECTMEN AND FIRST SELECTMAN***

#### **Section 4.1 Composition of the Board of Selectmen**

There shall be a five-member Board of Selectmen consisting of a First Selectman and four Selectmen who shall serve for four-year terms. No more than three members of the Board of Selectmen shall be of the same political party.

No member of the Board of Selectmen shall hold any other paid Town office or in any way receive compensation from the Town for other services.

#### **Section 4.1.1 Meetings of the Board of Selectmen**

- A. The Board of Selectmen shall meet generally twice per month, but no less than once per month, at a time mutually convenient to all members.
- B. Special meetings may be called at any time by the First Selectman or by any two Selectmen. Three members shall constitute a quorum for the transaction of business at any regularly scheduled meeting or special meeting, except as otherwise herein provided.

- C. A majority of the votes cast at a meeting at which a quorum is present at the time of the vote, shall constitute the act of the Board of Selectmen, unless a greater vote is required by this Charter, ordinance or General Statutes.

#### **Section 4.1.2 General Powers of the Board of Selectmen**

- A. The Board of Selectmen is the executive branch of the Town government and also part of the legislative process of the Town. It shall have all powers, duties, and responsibilities conferred upon it by this Charter and all powers proper, incidental, or convenient to their exercise.
- B. Except to the extent otherwise provided in the Charter, the Board of Selectmen shall have all powers, duties, and responsibilities conferred upon Boards of Selectmen by any General Statute.
- C. The Board of Selectmen shall have all power conferred thereon by ordinance.
- D. For the purposes of accepting and administering State and Federal Grants, the Board of Selectmen has legislative authority.

#### **Section 4.1.3 General Duties and Responsibilities of the Board of Selectmen**

The Board of Selectmen shall:

- A. Be responsible for approving and overseeing the First Selectman's proper implementation and administration of Board of Selectmen policies and Town ordinances.
- B. Be responsible for carrying out the decisions of the Town Meeting, except where the Town Meeting otherwise designates.
- C. Supervise the custody of all records and books of account of the Town except those of the Board of Education consistent with the right of access of the Board of Finance pursuant to Section 10.9.
- D. Be responsible for strategic planning, review and oversight of the current and projected administrative, governmental and fiscal requirements of the Town, including the preparation and publication of a yearly State of the Town Report .
- E. Be responsible for obtaining, compiling, reviewing, and recommending changes to the budgets of the various departments of the Town, including the aggregate budget of the Board of Education, and for presenting all budgets to the Board of Finance with its recommendations.
- F. Subsequent to Section 6.4E, confer with the Board of Finance on any proposed changes to the proposed budgets by the Board of Finance, prior to the final Budget Public Hearing of the initial referendum.

- G. Receive and consider incorporating into the Budget, a long-term capital plan as recommended by the First Selectman and by the Capital Improvement Program (CIP) Committee

As it may find necessary to carry out its duties and responsibilities, it may require such information from, or joint meetings with, any Town employee, official, board, commission or agency.

#### **Section 4.1.4 Specific Powers of the Board of Selectmen**

- A. *Town Employees.* At the recommendation of the First Selectman, the Board of Selectmen shall approve the appointment, hiring, terms of employment and discharge of employees of the Town pursuant to and consistent with General Statutes, applicable personnel policies and procedures, and ratified Union Contracts. Upon approval of the Board of Selectmen, the Board may delegate to the First Selectman its authority to approve the hiring for any position. Nothing in this section shall limit the authority of the Board of Selectmen on their own initiative by a vote of at least four members to consider and take action regarding issues of serious employee misconduct.
- B. *Town Officers and Officials.* The Board of Selectmen shall appoint and discharge Town Officers and Officials in accordance with this Charter, its policies and the General Statutes.
- C. *Acceptance of Roads.* The Board of Selectmen, upon the affirmative vote of three members, may accept completed roads approved by the Planning and Zoning Commission. Roads not approved by the Planning and Zoning Commission shall not be accepted by the Board of Selectmen without Town Meeting approval.
- D. *Purchase of Real Estate.* With the Board of Finance approval, the Board of Selectmen may purchase real estate, the price of which shall not exceed \$250,000, unless otherwise approved by Town Meeting. The purchase of real estate valued in excess of \$250,000 will require Board of Finance and Town Meeting approval.
- E. *Acceptance of Real Estate.* With Board of Finance approval, the Board of Selectmen may accept gifts of real estate not valued in excess of \$250,000 on the latest completed grand list, unless otherwise approved by Town Meeting. The acceptance of real estate valued in excess of \$250,000 will require Board of Finance and Town Meeting approval.
- F. *Disposition of Town Property.* The Board of Selectmen may dispose of or sell any individual obsolete, damaged, or unused item of personal property of the Town having a fair market value at the time of disposition of less than \$50,000; except it is empowered to apply such item of property, regardless of value, as a trade-in on the purchase price of a budgeted expenditure. The disposition or sale of any individual obsolete, damaged, or unused item of personal property of the Town having a fair market value at the time of disposition greater than \$50,000 but less than \$250,000 will

require Board of Finance approval. The disposition or sale of any individual obsolete, damaged, or unused item of personal property of the Town having a fair market value at the time of disposition greater than \$250,000 will require Board of Finance and Town Meeting approval.

- G. *Filling of all Vacancies on Boards and Commissions.* The Board of Selectmen shall fill unexpired terms for all elected and appointed board or commission vacancies that may exist except the Office of First Selectman as provided in Section 6.6 and Section 8.3.
- H. *Temporary Advisory Committees.* The Board of Selectmen may create temporary advisory or study committees, referred to as Ad Hoc Committees, to make recommendations to the Board of Selectmen, which committee shall sunset at the time set by the Board of Selectmen as defined in the Charge of the Committee. Any temporary committee will need to be re-affirmed by the Board of Selectmen no later than the January following a municipal election.
- I. *Settlement of Legal Awards.* The Board of Selectmen may approve legal settlements relating to litigation and recommend to the Board of Finance the appropriation of funds to pay legal judgements and settlements against the Town without Town Meeting approval.
- J. *Disposition of Town owned Real Property.* The Board of Selectmen may dispose of any real property owned by the Town in accordance with the terms and procedures of the General Statutes Section 7-163e, as the same may be amended. The disposition of Town owned Real Property valued in excess of the amount set forth by statute for the convening of a public hearing will require Town Meeting approval.
- K. *Declaration of Emergencies.* The Board of Selectmen, or in the absence of a quorum of the Board after a good-faith attempt to reach each Board member and the upon the request of the Emergency Director, the First Selectman, shall declare that a State of Emergency exists in the Town prior to taking action pursuant to Section 10.1.3. A State of Emergency will automatically become effective in Town upon the enactment of a state-wide State of Emergency.
- L. *Enactment of Ordinances.* The Board of Selectmen may enact ordinances as provided by Section 10.1.1A.
- M. *Contracting.* Contracting on behalf of the Town for any services required by any officer, board, commission or committee of the Town, except for those services for the benefit of the Board of Education unless the Board of Education accepts and agrees.

#### **Section 4.1.5 Vacancy in the Office of Selectmen**

Vacancies in the Office of Selectmen, other than the First Selectman, shall be filled by the procedure outlined by Section 4.1.4 of this Charter.

## **Section 4.2 The First Selectman**

### **Section 4.2.1 General Powers of the First Selectman**

To the extent not inconsistent with this Charter, the First Selectman shall have all powers, duties and responsibilities conferred upon that office by this Charter, the General Statutes, Board of Selectmen policies, or by ordinance, and shall perform all the functions of that office. The First Selectman shall:

- A. Be the chief executive and chief administrative officer of the Town.
- B. Consistent with any policies adopted by the Board of Selectmen, be responsible for the organizational structure and reporting relationships, and scope of responsibilities of Town employees.
- C. Be the official head of the Town for all ceremonial purposes, and for the purpose of receiving civil process.
- D. Be the official head of the Town for emergency purposes.
- E. Be responsible for the administrative implementation of the personnel policies for Town offices and employees which duties may be delegated to appropriate town officials.
- F. Execute and cause to be executed the Town ordinances, regulations, resolutions, and policies approved by the Board of Selectmen.
- G. Consistent with any policies adopted by the Board of Selectmen generally supervise the administration of the affairs of the Town, except those matters that by the General Statutes, by Charter, or by ordinance, are exclusively committed to the Board of Education and other boards.
- H. Preside over the meetings of the Board of Selectmen.

### **Section 4.2.2 Duties of the First Selectman**

Consistent with Section 4.2.1, under the general policy direction of the Board of Selectmen, the First Selectman shall be responsible for:

- A. Coordinating the administration of the departments, boards and commissions of the Town, except those functions expressly reserved or delegated to such agencies by law.
- B. Executing and carrying out of ordinances, resolutions, policies and other actions as directed by the Board of Selectmen or the Town Meeting.
- C. Overseeing the creation of the State of the Town Report at the direction of the Board of Selectmen.
- D. Updating and presenting the capital needs of the Town as informed by the

Capital Improvement Program.

- E. Updating and presenting an annual resiliency plan that identifies critical needs of the Town including but not limited to, critical infrastructure, coastal resiliency, and emergency services.
- F. Serving as ex-officio member of all boards, commissions and committees of the Town, but without power to vote.

### **Section 4.2.3 Delegation and Assignment of Duties**

The First Selectman may, consistent with all policies adopted by the Board of Selectmen, assign and delegate duties to Selectmen to officers and to employees.

### **Section 4.2.4 Vacancy in Office of First Selectman**

Any vacancy in the Office of First Selectman, from whatever cause arising, shall be filled by special election by the voters of the Town. Said special election shall be called by the Town Clerk and shall be held within 45 days after said vacancy occurs. The person so elected shall serve for the remainder of the term. If a vacancy occurs in the Office of First Selectman and there will be a regular Town election held within 90 days thereof, the Acting First Selectman shall serve until the Town election and the new First Selectman is sworn into office.

### **Section 4.3 Acting First Selectman**

#### **Section 4.3.1 Selection of Acting First Selectman**

Within 14 days of assuming office, the Board of Selectmen shall elect one of the Selectmen to function as Acting First Selectman in the absence of the First Selectman.

#### **Section 4.3.2 Powers of Acting First Selectman**

The Acting First Selectman shall have all the powers, duties, and responsibilities listed in Section 4.2.1, Section 4.2.2, and Section 4.2.3 of this Charter and shall serve:

- A. When so instructed in writing by the First Selectman to serve during his temporary absence. The First Selectman shall notify the Town Clerk and Acting First Selectman, in writing, of the effective date of this appointment.
- B. Automatically, in the event the First Selectman shall be absent from office for more than 30 days.
- C. By vote of at least three members of the Board of Selectmen if the First Selectman cannot be reached.
- D. Whenever pursuant to Section 10.1.3, the Board of Selectmen shall declare that an emergency exists and the First Selectman cannot be reached.





#### **Section 4.4 Board Pension Liaison**

The Board of Selectmen shall designate a Selectman as Pension Liaison to serve as Chairman of the Town Employee Pension Board, the Fireman's Benefit Committee, and the Police Retirement Fund.

#### **Section 4.5 Compensation of Selectmen**

Compensation for service by the First Selectman, the Acting First Selectman, and all other Selectmen shall be determined exclusively by the Board of Finance in accordance with state law.

### ***ARTICLE V. ELECTED OFFICES***

#### **Section 5.1 Elected Officers**

There shall be the following elected officers of the Town:

- A. A First Selectman and four Selectmen. Votes cast for unsuccessful candidates for First Selectman shall be counted as votes for the Offices of Selectmen.
- B. Registrars of Voters required by the General Statutes.
- C. Such other elected officers required by Town Meeting.

### ***ARTICLE VI. ELECTED BOARDS***

#### **Section 6 Elected Town Boards**

In addition to the Board of Selectmen, there shall be the following elected boards and commissions of the Town with terms continuing as previously established, unless otherwise herein altered.

All terms shall commence on the Monday following the Election. At the first meeting of the elected Board, a quorum of the membership eligible to vote shall vote to appoint the Chair.

No elected official can hold a second elected or appointed position with the Town of Madison.

#### **Section 6.1 Zoning Board of Appeals**

There shall be a Zoning Board of Appeals consisting of five members and three alternate members elected to four-year terms.

- A. The function of the Zoning Board of Appeals shall be as described by State law.



- B. An affirmative vote of members of the Zoning Board of Appeals shall be required to grant exception to, and variance from, regulations of the Planning and Zoning Commission.

### **Section 6.2 Board of Assessment Appeals**

There shall be a Board of Assessment Appeals consisting of five members who shall be elected for four-year terms.

### **Section 6.3 Board of Education**

There shall be a Board of Education consisting of nine (9) members who shall be elected for four-year terms; and shall be governed by the General Statutes.

### **Section 6.4 Board of Finance**

There shall be a Board of Finance consisting of seven members; no more than four members from any one party, who shall be elected to four-year terms. Terms shall be staggered with the initial terms following the passing of this Charter to extend to four of the seven total members.

Except to the extent otherwise provided by this Charter, the Board of Finance shall, in all respects, be governed by and shall have all the duties, responsibilities and powers provided for in the General Statutes, and specifically:

- A. Oversee the budget process including receiving the Town part of the budget and the Education part of the budget; hold Public Hearings to adopt the budget of the Town, as the budget authority of the Town.
- B. Create, modify and implement policies that guide the Board of Finance.
- C. Compensation for the services of the First Selectman, and compensation, if any, for the Acting First Selectman, and other Selectmen shall be determined by the Board of Finance.
- D. Review the expenditures of Town agencies and may-prescribe periodic reports of expenditures and designate procedures governing expenditures.
- E. Shall call a joint meeting with the Board of Selectmen and the Board of Education to review anticipated changes in funding for line items within the Town part of the Budget in accordance with state statute, and any proposed aggregate additions or reductions to the Education part of the Budget prior to the final Budget Public Hearing of the initial Budget referendum. This section shall not apply to subsequent referenda.
- F. The members of the Board of Finance shall serve without compensation, except that necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for that purpose.

**Section 6.5 Failure of Elected Board Members to Serve**

Any member, other than an alternate member, of any elected board or commission having five or more members who fails to attend four consecutive meetings, without giving prior written notification, shall be deemed to have resigned the office effective the day following adjournment of the fourth such meeting. The vacancy shall be filled pursuant to Section 6.6 of this Charter.

**Section 6.6 Filling of Vacancies on Elected Boards**

Pursuant to Section 4.1.4 G, the Board of Selectmen shall fill by appointment all vacancies on elected boards, commissions and committees until the completion of the vacated term, except a vacancy in the office of First Selectman, within 90 days from the time that office becomes vacant. No appointments may be made between the general election and the seating of a new Board of Selectmen. The replacement member shall be of the same political party as the vacating member, or unaffiliated if the vacant member was not affiliated with a party.

***ARTICLE VII. APPOINTED INDIVIDUAL OFFICES AND EMPLOYEES***

**Section 7.1 Appointed Offices Section**

**7.1.1 Town Officers**

The Board of Selectmen shall appoint the following for indefinite terms as required by State Statutes or applicable Special Act: Tax Assessor, Director of Health, Tax Collector, Zoning Enforcement Officer, and Town Clerk. The duties of these positions shall be set forth by and these positions shall be responsible to the Board of Selectmen or its designee.

**Section 7.1.2 Town Chief of Police**

The Chief of Police shall be appointed by the Police Commission with the prior approval of the Board of Selectmen. Such appointment may be for a specific term, and any renewal of any such term shall be made by the Police Commission with the prior approval of the Board of Selectmen. The Police Chief shall report to the Police Commission.

**Section 7.1.3 Discharge of Town Officials**

The Board of Selectmen may remove or discharge any appointed official or employee as set forth in Section 4.1.3 of this Charter, and in accordance with state law, and any applicable employment contract, except those employed by the Board of Education

#### **Section 7.1.4 Power and Duties of Town Officers**

All Town appointees shall have the power and duties granted or imposed upon such officers by the General Statutes, ordinances, or this Charter.

### **Section 7.2 Town Government Employees**

#### **Section 7.2.1 Police Employees**

Management employees of the Police Department, other than the Chief of Police, if any, shall also be appointed, as required, by the Police Commission with the prior approval of the Board of Selectmen. Employees of the Police Department, other than the Police Chief or other management, if any, shall be hired by and be responsible to the Police Commission acting on behalf of the Town. Where applicable, all actions shall follow the rules of collective bargaining, or applicable personnel policies and procedures.

#### **Section 7.2.2 Board of Education Employees**

The Board of Education has sole responsibility of individuals in its employ.

#### **Section 7.2.3 Conduct of Collective Bargaining**

The Board of Selectmen shall represent the Town in the making of any collective bargaining agreement with any union, including representing members of the Police Department, and the First Selectman and/or the First Selectman's or Board's designee shall conduct negotiations.

#### **Section 7.2.4 Discharge of Town Employees**

The Board of Selectmen may remove or discharge any employee pursuant to section 7.1.3. The Police Commission shall discharge non-management employees of the Police Department consistent with any collective bargaining agreement.

#### **Section 7.2.5 Power and Duties of Town Employees**

All Town employees shall have the power and duties granted or imposed upon the positions they hold by their terms of employment, applicable personnel policies and procedures, the General Statutes, ordinances, or this Charter

## ***ARTICLE VIII. APPOINTED COMMISSIONS***

### **Section 8.1 Appointed Commissions**

There shall exist permanent Boards and Commissions in the Town of Madison as the Board of Selectmen creates by ordinance and in accordance with any applicable provision of the General Statutes. Appointed Commissions shall include but are not limited to:

- A. *Conservation Commission.*
- B. *Employee Retirement Board.*
- C. *Firemen's Benefit Committee.*
- D. *Flood Prevention Climate Resilience and Erosion Control Board.*
- E. *Inland Wetlands Agency.*
- F. *Planning and Zoning Commission.*
- G. *Police Commission.*
- H. *Police Retirement Board.*

All other permanent Appointed Commissions shall be created by Ordinance. The Board of Selectmen shall have two years after the effective date of this Charter to structure any currently charged permanent board or commission in ordinance. Section 8.2 Possible New Appointed Commissions

### **Section 8.2 Possible New Appointed Commissions**

In addition to the appointed commissions mentioned in Section 8.1, the Board of Selectmen may appoint other commissions as deemed necessary through ordinance.

### **Section 8.3 Appointing Authority for Appointed Commissioners**

Pursuant to Section 4.1.4 G, the Board of Selectmen shall, within 90 days of vacancy, appoint and/or reappoint all appointed commissioners to vacancies on appointed commissions consistent with the terms of this Charter.

### **Section 8.4 Terms of Appointed Commissioners**

The Charge of all appointed boards and commissions, including term lengths and membership size, shall be structured in ordinance.

### **Section 8.5 Chairs of Appointed Commissions**

The members of any appointed commission shall elect its chair and vice chair from among their membership. The chair and vice chair of all such boards, commissions and committees will be elected by the membership eligible to vote at the first meeting in January, or at the first meeting with a quorum, whichever first occurs; unless a chair and vice chair has been otherwise appointed by the Board of Selectmen. No chair shall serve as chair of that commission for more than four consecutive years.

### **Section 8.6 Eligibility for Membership on Appointed Boards and Commissions**

Only an elector of the Town shall be eligible for appointment to any commission. Any person ceasing to be an elector of the Town shall thereupon cease to be a member of such commission and the office shall be deemed vacant.

### **Section 8.7 Removal of Appointed Commissioners**

The Board of Selectmen, with a minimum of four affirmative votes, may remove any member or alternate of an appointed commission who has: (1) failed to attend at least 75 percent of the regular meetings scheduled by said board, commission, or committee during any calendar year, or (2) for cause, including for failure to comply with the duties and abide by the obligations imposed on such appointees by local, state or federal law or regulations, including the Town Code of Ethics.

### **Section 8.8 Compensation of Appointed Commissioners**

Members of appointed boards shall serve without compensation, except that necessary expenses incurred in the performance of their duties may be paid from an appropriation authorized for the purpose.

## ***ARTICLE IX. GENERAL PROVISIONS APPLICABLE TO ALL TOWN BOARDS AND COMMISSIONS***

### **Section 9.1 Political Composition of Boards and Commissions**

Except as provided within this Charter, the composition of all commissions shall be in accordance with requirements of the General Statutes relating to minority representation.

### **Section 9.2 Powers and Duties of Boards and Commissions**

All boards and commissions shall have the power and duties granted or imposed upon such board and commissions by the General Statutes, policies, ordinances, or this Charter.

### **Section 9.3 Creation of Permanent Commissions**

Permanent elected or appointed boards and commissions may be created by a Town Meeting after due notice, as prescribed in Section 2.1.2 of this Charter.

### **Section 9.4 Abolishment of Permanent Commissions**

No permanent board or commission shall be abolished except upon the affirmative vote of a Town Meeting, provided that a quorum is present at the Town Meeting or by Charter revision.

## ***ARTICLE X. OPERATION OF TOWN GOVERNMENT***

### **Section 10.1 Ordinances**

#### **Section 10.1.1 General Provisions and Powers; Enactment of Ordinances**

- A. The Board of Selectmen may enact ordinances, and may repeal ordinances enacted by it, upon the affirmative vote of four members of the board. No ordinance shall be enacted or repealed without a public hearing with legal notice.
- B. Town Meeting shall have the power to enact and repeal ordinances pursuant to the provisions of Section 2.1.4.2.
- C. All ordinances shall be in full force and effect 15 days after publication of affirmative vote of the Board of Selectmen.
- D. Except as otherwise provided herein, no ordinance may enlarge or diminish the powers granted any board or commission.

#### **Section 10.1.2 Correction of Ordinances**

Upon the affirmative vote of at least four members, the Board of Selectmen may correct technical errors in ordinances and resolutions. For purposes of this section, a technical error occurs whenever, in the language of the ordinance or resolution as adopted, material was included or omitted when obviously not intended, or material was included in a form obviously not intended. Such correction shall in no event alter the substance of such ordinance or resolution. The correction as made by the Board of Selectmen shall be in full force and effect 15 days after publication.



### **Section 10.1.3 Emergency Action**

During a State of Emergency in the Town pursuant to Section 4.1.4K, the Board of Selectmen may (a) enact any such orders as it deems necessary under the circumstances, or (b) authorize action by the First Selectman, or the Acting First Selectman if the First Selectman cannot be reached. If, after reasonable efforts to notify all members of the Board, a quorum cannot be achieved, the quorum provisions shall be suspended.

Under a State of Emergency, the First Selectman shall have all authorities and powers granted by State Statute. All emergency orders shall become effective immediately upon enactment and shall automatically stand repealed 30 days following the effective date thereof, unless prior thereto such order has been affirmed by the Board of Selectmen.

After an initial 5-day period, any three members of the Board of Selectmen may petition to the Town Clerk to hold a Special Meeting for any purpose.

A State of Emergency in the Town will automatically terminate 30 days after the initial effective date unless the Board of Selectmen at an official meeting determines that a State of Emergency continues to exist in the Town of Madison. Any pending local State of Emergency may be terminated at any time by vote of at least four Selectmen at an official meeting of the Board.

All Town Meetings shall be postponed for a period of 30 days, or by a date set by the Board of Selectmen, with proper notice under this Charter.

### **Section 10.2 Fiscal Year, Expenditures, and Accounting**

**Section 10.2.1 Town Fiscal Year.** The fiscal year of the Town shall begin on July 1st and end on June 30th of the following calendar year, unless otherwise provided by the General Statutes.

**Section 10.2.2 Annual Audit.** The Board of Finance shall annually designate an independent certified public accountant to audit the books and accounts of the Town as required by the General Statutes.

**Section 10.3 Restrictions on Town Contributions.** The Town shall make no contribution to any organization if prohibited by General Statutes. No contribution of more than \$5,000 per annum shall be made to any organization or corporation whose appropriate financial records are not submitted to the Board of Finance along with its request for an appropriation. The Board of Finance may waive this requirement by majority vote. Any organization requesting an appropriation in excess of \$40,000 shall submit a financial statement prepared by a certified public accountant.

## **Section 10.4 Annual Budget Appropriation Procedures**

- A. The Board of Finance shall hold a public hearing at which the Board of Selectmen and the Board of Education shall present their budget recommendations.
- B. Not later than April 30th of each year the Board of Finance shall recommend a preliminary Town Part of Budget (as defined in Section 3.2).
- C. Consistent with Section 3.2, a preliminary budget consisting of two parts, the Education Part of Budget (as defined in Section 3.2) and the Town Part of Budget (as defined in Section 3.2) shall be published in accordance with the Connecticut General Statutes and include:
  - A. An itemized statement of actual receipts and expenditures by classification during the previous fiscal year.
  - B. An itemized estimate of anticipated revenues and expenditures at the end of the current fiscal year.
  - C. An itemized estimate of anticipated revenues and expenditures for the ensuing fiscal year.
  - D. The status of the unassigned fund balance.
  - E. The status of reserve funds with proposed expenditures and proposed appropriations.
  - F. The Five-Year Capital Program.
- D. In the event that the Board of Finance considers adding to or reducing from the recommended Town Part of Budget as submitted by the Board of Selectmen, the Board of Finance will confer with the Board of Selectmen concerning such additions or reductions, as time allows. The decision of the Board of Finance will be final.
- E. The Board of Finance will hold a public hearing on the two proposed parts of the preliminary budget as described in subparagraph (a) no later than April 30th. After the public hearing, the Board of Finance shall adopt a budget for the Town and separately for the Board of Education to be submitted for referendum pursuant to Section 3.2.
- F. The Board of Finance shall publish the final recommended budget containing both parts as described in Section 3.2 in accordance with Section 10.4(c) above in accordance with the General Statutes, and make the same available on the Town website.

- G. As specified in Section 3.2, the Board of Selectmen shall set the date of the referendum vote on the budget[s], which vote must take place not less than 20 days, nor more than 30 days, from the date of their action. The Board of Selectmen may add, and publish notice thereof, items of business to be acted on at the referendum.
- H. In the event of a rejection of the Town Part of Budget, the Education Part of Budget or both parts of the budget, the Board of Finance will hold a public hearing and the procedure outlined in Section 10.4 shall be followed. For the purposes of re-votes on a budget, the Board of Finance needs only publish the details of changes of the budget that were previously published pursuant to Section 10.4(c).

### **Section 10.5 Failure of Budget Approval**

In the event that both parts of the proposed annual budget are not approved at the budget referendum as provided in Section 3.2 hereof, the Town shall operate on a budget equal to that of the preceding year until all parts not approved by the first referendum are approved by another referendum.

### **Section 10.6 Special Appropriations and Transfers of Appropriations**

- A. The Board of Finance, on request by the Board of Selectmen, may make special appropriations from an unassigned fund balance or from an approved designated fund. However, no Town agency or department may receive over \$250,000 in aggregate from special appropriations in any fiscal year without the approval of a Town Meeting.
- B. Transfers up to \$20,000 of unexpended balances from one appropriation to another within a single department, or departments with a common department head can be authorized by the First Selectmen or their designee. Transfers in excess of \$20,000 in aggregate within a single department's budget can be authorized by the Board of Finance on request by the Board of Selectmen.
- C. The Board of Finance, on request by the Board of Selectmen, may transfer within the Capital Improvement Program , unexpended balances from one approved project to another approved project in an amount not to exceed \$50,000 in aggregate per project. A transfer in excess of \$50,000 must be approved by Town Meeting.
- D. Special appropriations other than those from unassigned fund balance or from an approved designated fund must be approved by the Board of Finance and a Town Meeting.
- E. The provisions of this section shall not be a limitation on the power of the Town to issue bonds or other obligations for appropriations or indebtedness in accordance with the General Statutes and this Charter.

- F. Special appropriations or transfers from unassigned fund balance to a special reserve fund which are required pursuant to health-related settlements, judgments, or legal orders entered by a court of law shall be approved by the Board of Selectmen and the Board of Finance.

**Section 10.7 Laying of Taxes**

- A. When the preparation and review of the grand list has been completed, the Board of Finance shall forthwith meet no later than five days after the budget has been approved by referendum, and lay a tax on the grand list sufficient, in addition to the other estimated yearly income of the Town, to pay the expenses and appropriations of the Town for the appropriate fiscal year, and also to absorb any revenue deficit of the Town at the end of the preceding fiscal year.
- B. The tax collector shall then collect the tax in accordance with the General Statutes; the due dates shall be July for the first half of the tax year and January for the second half; unless otherwise changed by Town Meeting.

**Section 10.8 Bonds and Notes**

Issuance of bonds and notes shall require approval by a Town Meeting or referendum, except notes in anticipation of taxes, which notes are to be paid within the fiscal year in which issued.

**Section 10.9 Books and Records of the Town and Town-aided Organizations**

Consistent with Section 4.1.3.C by which the Board of Selectmen shall supervise the custody of records and books of account of the Town, except those of the Board of Education, the Board of Finance shall have access at all reasonable times to the records and books of account of the Town, Town-aided organizations, and of the Board of Education.

***ARTICLE XI. MISCELLANEOUS PROVISIONS***

**Section 11.1 Charter Revision and Access**

This Charter may be amended in the manner prescribed by the General Statutes. If not appointed at an earlier date, a Charter Revision Commission shall be appointed by the Board of Selectmen ten years from the date this Charter becomes effective. An up-to-date copy of the Town Charter shall be maintained by the Office of the Town Clerk. Only electors shall vote in any referenda provided by state law relating to the Charter amendment process.

**Section 11.2 Effective Date**

This revised Charter shall become effective 30 days after approval at referendum.

### **Section 11.3 Oath**

All elected and appointed officers and members of boards or commissions of the Town shall swear or affirm the faithful performance of their duties.

### **Section 11.4 Saving Clause**

If any section or part of any section of this revised 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.