

RULES OF
THE REPRESENTATIVE TOWN MEETING
OF THE TOWN OF GREENWICH
Effective 8/1/2007

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**RULES OF THE REPRESENTATIVE TOWN MEETING
OF THE TOWN OF GREENWICH**

I. DEFINITIONS

As used in these Rules:

A.

1. **“Alternate” – an individual elected or appointed to substitute for a delegate to any standing committee or special committee in the event of the delegate’s absence from a meeting of such committee.**

2. **“Call” – the notice to members of an RTM, along with the agenda and the dates and places of standing committee and district meetings.**

3. **“Delegate” – an elected or appointed principal member of any standing or special committee and shall not include alternates.**

4. **“District: - any of the voting districts of the Town from which RTM members are elected.**

5. **“Member” – an elector of the Town who has been elected to the Representative Town Meeting and has taken the oath of office, subject to the provisions of Sections 169-171 of the Town Charter.**

6. **“RTM” - the Representatives Town Meeting, either the entire body of elected representatives or the formal assembly of these representatives, as the context requires.**

7. **“Town” – The Town of Greenwich, Connecticut.**

8. **Use of words of any gender shall be construed to include any other or all genders, as appropriate.**

Note: The numerals and letters at the right margin of certain captions herein refer to sections in Article 13 of the Town Charter, which sections specifically apply to the Rules so noted.

II. GENERALLY

A. POWERS

The RTM shall exercise exclusively, so far as will conform to the provisions of the Town Charter, all powers vested in the Town, except as otherwise specifically provided by law.

B. MEMBERSHIP

1. Ex Officio Members

a. The following designated officers shall be RTM members ex officio: the Selectmen, the Town Clerk, the Town Attorney, the Board of Education, and members of the Board of Estimate and Taxation.

b. Such ex officio members shall have all the rights and privileges of the elected members, except the right to vote.

2. Qualifications 169(a), (b)

a. RTM members shall be the judges of the election and qualification of their members.

b. RTM members as such shall receive no compensation.

c. An RTM member who shall cease to be a resident of the Town shall cease to be an RTM member. An RTM member who shall move from the district from which he is elected to another district may complete the term in the original district.

3. Election – Tie Vote

a. In the case of a tie vote affecting the election of RTM members, the other members from the district in which the tie vote may occur shall, by ballot, determine which of the tied candidates shall serve as RTM member(s). The chief moderator of elections shall immediately after an election notify the Town Clerk in writing of any and all such tie votes, giving the names and addresses of the candidates affected.

b. The Town Clerk shall, within two days of such notification by the chief moderator of elections, call a meeting of the newly elected members from the district or districts in which a tie vote occurs by causing a notice specifying the object, time and place thereof to be mailed to each such member of the particular district not less than three days nor more than five days before the time set for the meeting.

(1) At such meeting, a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a temporary chairman and a temporary clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

(2) The temporary chairman and the temporary clerk shall count, and the persons receiving a majority of the votes cast shall be declared elected. The chairman and clerk shall forthwith make a certificate of the choice and file same with the Town Clerk.

c. The member(s) so chosen shall thereupon be deemed elected and qualified, subject to the right of all RTM members to judge the election and qualification of the members.

4. Resignation; Filling of Vacancy

171(a), (b), (c), (d)

a. An RTM member may resign by filing a written resignation with the Town Clerk. Such resignation shall take effect upon the date of such filing.

b. Any vacancy in the full number of RTM members from any district, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled by the remaining members of said district from among the registered voters thereof. Upon petition therefor, signed by not less than a majority of the RTM members from the district, notice of any vacancy shall promptly be given by the Town Clerk to the remaining members from the district in which the vacancy exists.

c. The Town Clerk shall call a special meeting of such remaining members for the purpose of filling any vacancy. Such meeting may be separate or may coincide with a regular district meeting. The Town Clerk shall cause to be mailed to each such member, no later than five days before the time set for the meeting, a notice specifying the object, time, and place of the meeting. At such meeting, a majority of the members from such a district shall constitute a quorum. In the event that the vacancy(s) occur prior to the district organization meeting, the elected members shall elect from among their number a temporary chairman and a temporary clerk, whose right to vote at such meeting shall not be affected by their election to their respective offices.

d. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for the choice. The chairman and the clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the Town Clerk, together with a written acceptance by the member(s) so chosen.

e. The person(s) so chosen shall thereupon be deemed elected and qualified as a RTM member(s), subject to the right of the RTM as a body to judge the election and qualification of member(s).

C. ORIENTATION FOR NEW MEMBERS

As soon as convenient after the general election of members and prior to the organization meeting of the RTM, a seminar, called by the Moderator, shall be held for all newly elected members of the RTM to provide information with respect to the RTM rules and procedures. At that seminar, the Moderator will distribute to each newly elected member, "Rules of the Representative Town Meeting", and its Appendix, "Town of Greenwich Articles of Charter", and any other materials deemed pertinent by the Moderator for distribution at that time. These materials will be distributed to newly elected members not in attendance at the seminar by district chairmen at their next scheduled meeting. Newly elected members shall be invited by district chairmen to attend district meetings and RTMs prior to taking office.

D. PUBLIC MEETINGS

All Representative Town Meetings shall be public. Subject to such conditions, rules, and regulations as may be determined from time to time by the members of the RTM, any registered voter of the Town who is not an RTM member may speak at any RTM, but shall not vote.

III. ORGANIZATION AND PROCEDURES**A. ELECTION OF OFFICERS 172(a)**

1. **Moderator.** RTM members shall, at their organization meeting and in accordance with the procedure set forth below, elect from among their number a Moderator, who shall act as moderator of all RTMs and shall hold office for a term of two years and until a successor shall be elected and have qualified.

2. a. **Moderator Pro Tempore.** RTM members shall, at their organization meeting and in accordance with the procedure set forth below, elect from among their number a Moderator Pro Tempore who shall act as moderator pro tempore of all RTMs in the absence of the moderator and who shall hold office for a term of two years and until a successor shall be elected and shall have qualified.

b. In the absence of the moderator and the moderator pro tempore, members shall elect from among their number a Moderator Pro Tempore to preside at that meeting, in accordance with the procedure for election of a moderator set forth in the following paragraph.

3. **Voting procedure.** The Town Clerk or Assistant Town Clerk shall act as temporary chairman of the RTM until a Moderator is elected. Nominations for the office of moderator shall be made from the floor and seconded. Voting shall be by written ballot. The Moderator shall be elected by a majority of members present and voting. In the event that no candidate receives a majority of votes, the candidate with the least votes shall be eliminated and additional ballots taken as a run-off among the remaining candidates until one candidate receives a majority of votes. After a Moderator has been elected, a Moderator Pro Tempore shall be elected under the same procedure.

B. TOWN CLERK 172(b), 173 (a)

1. **Clerk of meeting.** The Town Clerk or the Assistant Town Clerk shall act as clerk of all RTMs and, in the absence of both, a clerk pro tempore of the meeting shall be elected by the meeting.

2. **Receipt of Documents.** All application, petitions, resolutions and recommendations for action addressed to the RTM shall be delivered in writing to the Town Clerk, as clerk of the RTM, together with explanatory data and memoranda relating

thereto, drafts of such proposed resolutions, and copies of relevant documents relating to such applications, petitions, resolutions, and recommendations. Upon receipt of the foregoing, the Town Clerk, as clerk of the RTM, shall immediately notify the Moderator

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and the Moderator Pro Tempore of the receipt thereof. The Moderator Pro Tempore shall review all explanatory memoranda submitted with all items on the call and shall endeavor to have additional information included from the proposer with the explanatory memoranda where appropriate.

3. **Referral of Items to Standing Committees.** The Moderator shall direct the Town Clerk, as clerk of the RTM, to refer all items on the call of the meeting to the proper standing committee(s). The Town Clerk shall deliver or mail to the chairmen, vice chairmen, or secretary of such RTM committee(s) as may be designated by the Moderator the application or recommendation, explanatory memoranda, accompanying draft of resolution, and copies of documents delivered to the Town Clerk by the officer or official board or party recommending the action.

4. **Notice of Meetings.** The Town Clerk, as clerk of the RTM, shall mail to all RTM members the notice of meetings at least two weeks before each meeting, unless the Moderator shall otherwise direct, together with the explanatory memoranda of the officers or boards or parties recommending the actions described in the call, together also with advice as to the committee(s) to which each item in the call has been assigned, as hereinafter provided, and the time and place at which each committee and each district delegation, respectively, will meet to discuss the item. Notice of each RTM shall be published in a newspaper having a general circulation in the Town, and shall specify the object for which the meeting is to be held.

5. **Distribution of Minutes.** After each meeting the Town Clerk, as clerk of the RTM, shall mail to each RTM member a copy of the unapproved minutes.

C. MEETING DATES

1. **Organization Meeting.** The organization meeting of RTM members shall be held on the third Tuesday of January in even numbered years.

2. **Regular Meetings.**

a. **Regular meetings shall be held according to the following schedule:**

January	Third Tuesday
March	Second Monday
April	Second Monday
May	Second Monday
June	Second Monday
September	Third Monday
October	Fourth Monday
December	Second Monday

b. Any regular meeting, unless otherwise required by law, may be canceled upon direction of the Moderator, and thereupon the Town Clerk shall immediately mail written notice thereof to all RTM members.

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3. Special Meetings.

a. Special meetings shall be called as provided by law.

b. The Moderator may call a meeting of the members at any time. The Moderator, or, if absent or unable to do so, the Town Clerk, shall call such meeting upon the request of the First Selectman, or the Chairman of the Board of Estimate and Taxation, or upon the application of twenty registered voters of the Town to be held within sixty days after receiving such request or application.

D. MEETING LOCATION

1. Regular Meeting Place. Meetings shall be held in the Moderator's Hall of the Greenwich Central Middle School or such alternate location within the Town as the Moderator shall designate. (Eff. Jan. 1996)

E. SEATING

1. Members and Ex Officio Members

a. The first row of seats in the auditorium shall be reserved for ex officio members and town officials.

b. At all RTMs, seats shall be assigned by the Town Clerk for all members by district, and the seats assigned to each district shall be clearly designated. During the transaction of business of the meetings, the seats designated shall be occupied only by members.

2. General Public. Seats available for the general public shall be located outside the area designated for members.

F. QUORUM

173(b)

One third of the members shall constitute a quorum for doing business.

G. MAKING STANDING COMMITTEE REPORTS

The report of a standing committee on any item referred to it shall state its recommendation, the vote thereon in committee, the districts not represented at the committee meeting, and any facts which in the opinion of the committee should be considered by the RTM.

H. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

1. On Nomination by Board of Selectmen or RTM. Nominations by the selectmen shall be transmitted to the Town Clerk. The Town Clerk shall notify in writing the chairman, or, if absent, the vice chairman, and the secretary of the Appointments

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Committee of the selectmen's nominations and of any RTM committee vacancies which the RTM is required to fill on its own motion. Within fourteen days after such notification, the Appointments Committee shall file with the Town Clerk (a) a report of its actions taken on the nominations by the Selectmen and (b) its nominations of candidates to be appointed by the RTM on its own motion, and a report with respect to such nominees. In the event of the necessity for filling a mid-term vacancy, the fourteen day period may be reduced upon direction of the Moderator.

Upon completion of the Call of the RTM, the Town Clerk shall immediately notify each nominee, in writing, of any standing committee(s) to which the nomination has been referred, and shall instruct the nominee to contact the chairman of such committee(s); the Town Clerk shall simultaneously notify said committee chairman of the referral(s).

2. By Petition. Other nominations for appointments on motion of the RTM may be made by a written statement signed by at least ten members of the RTM and presented to the Town Clerk at least seven business days before the meeting at which the nominations are to be acted upon. The Town Clerk shall mail a copy of such statement as soon as possible to all RTM members.

3. Published notice. Except as provided in these rules, appointments of members to commissions who are required by law to be appointed by the RTM on its own motion or on nomination of the Board of Selectman shall not be made at the same meeting at which the nominations are received, unless the names of the nominees have been previously transmitted in writing to the Town Clerk and included in the published notice of such meeting.

4. On Nomination From the Floor. Nothing contained in Subsections 1, 2 and 3 shall prevent the Selectmen or members from making other nominations from the floor. Such nomination shall postpone action on the appointment until the next RTM.

I. PROCEDURE AT MEETINGS

1. Recognition. An RTM member having obtained recognition by the Moderator unless recognized by name, shall immediately state name and district.

2. Point of Order.

a. A member may rise to a Point of Order by calling upon the Moderator for a ruling and enforcement of the Rules of the RTM if the member thinks there has been a violation of the Rules, an omission, a mistake, or a procedural error.

b. Before any action is taken on any item added to the Call of the meeting too late to be considered by the appropriate standing committees and district delegation meetings, consideration thereof may be objected to as a Point of Order by any member. Unless the objection is overruled by a majority of members present, the item shall be postponed to the next meeting.

3. Point of Information.

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a. A member may rise to a Point of Information by directing a request to the Moderator, or through the Moderator to a town officer or another RTM member, for any relevant information.

b. When any member shall state a clear and substantial question of law as to an item of business before the meeting and shall request opinion of counsel thereon, the request shall have preference as a Point of Information and shall be referred immediately to the Town Attorney, if present.

(1) If the Town Attorney is not present or shall decline to give an immediate opinion, or if, after an opinion is given, any member shall appeal therefrom, the question may, by majority vote of those present, be referred to the Legislative and Rules Committee for further study and conference with the Town Attorney and a report at the next regular meeting.

(2) The motion for such referral such shall take precedence over all other business except motions to recess or to adjourn or to fix a time to adjourn.

4. Voting Procedure

a. Voting on all substantive questions shall be subject to the requirements of the Freedom of Information Act of the State of Connecticut. Voting on questions of a non-substantive or parliamentary procedural nature may be by voice vote, standing vote, or show of hands at the discretion of the Moderator, unless the body shall appeal the ruling. On motion for a record vote supported by one-fourth of the members present, a record vote shall be taken.

b. Where required by the Freedom of Information Act or upon motion duly adopted, a record vote shall be taken by the district chairmen on a voting record card properly identified as to the subject being voted upon. The vote may be taken in either of the following manners:

(1) The district chairmen shall first delete from the voting record card the names of members not present. The chairmen shall then permit the members of the delegation to personally record their own votes.

(2) In the alternative, the district chairmen shall first delete from the voting cards the names of any members not present. The chairman shall then poll the district and record the vote of each member. The voting record card shall then be exhibited to the members of the district, who shall verify the marking of their votes.

c. Upon the completion of the poll, the district chairmen shall deliver the record vote to the Town Clerk.

d. The Town Clerk shall total the votes of the districts and report the results of the count to the Moderator, who shall report the count to the meeting. The Town Clerk shall record in the minutes of the meeting the results of the count. The voting record cards shall be retained by the Town Clerk as part of the minutes of the RTM.

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e. Voting by proxy shall not be permitted.

5. Consent Calendar

There shall be a Consent Calendar on which shall be entered such resolutions as the Moderator, or in his absence the Moderator Pro Tempore, upon the suggestions of the Committee Chairpersons and District Chairpersons, shall designate, which shall be proposed to the RTM by the Moderator in the form of a Motion to Move to the Consent Calendar. All resolutions designated for action on the Consent Calendar shall be passed on motion without discussion unless, at any time prior to the motion for passage, a duly seconded motion of an RTM Member requests removal of a resolution from the Consent Calendar. In that event, the movant shall have three (3) minutes to address the RTM to show cause why there should be a removal, which time may be extended, in the Moderator's discretion. The Moderator shall then call for a standing vote, and if at least twenty (20) Members vote in favor of removal, then such resolution shall be so removed and placed on the regular call. (Eff. 1/1/04; revised 12/13/04)

J. AMENDMENTS TO RULES

Rules of the RTM may be amended on motion at any duly called and held RTM by a majority of the members present, provided that notice of the proposed amendment shall have been included in the Call of the meeting.

K. ABSENCE OF SPECIFIC RULES

In all cases not covered by the Rules of the Representative Town Meeting, the current edition of "Robert's Rules of Order Newly Revised", shall govern.

L. ATTENDANCE RECORD

A record of attendance of the members at RTM shall be kept by the Town Clerk, and the names of members absent from any meeting shall be recorded with the minutes of the meeting. A copy of the record of attendance shall be furnished by the Town Clerk to any interested person who requests a copy.

M. TOWN HALL BULLETIN BOARD

The RTM will maintain an official bulletin board in the main entrance of Town Hall where notices of its activities, schedules, meetings of committees, lists of members, minutes and similar items are to be posted for public awareness. This public information board will be maintained by the Moderator Pro Tempore under the supervision of the Moderator.

IV. DISTRICT DELEGATIONS

A. ORGANIZATION MEETING

1. Election of Officers. At the conclusion of the Regular December district

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meeting following the general election of members, those elected from each district for the following term shall meet and organize as a district delegation by electing from their number a chairman, a vice chairman, and a secretary. The Town Clerk shall have the responsibility to notify such elected members of the organization meeting. The preceding chairman, vice chairman, or senior member of the district delegation, in that order, shall act as temporary chairman of such meeting until a chairman is elected. The newly elected chairman shall promptly notify the Town Clerk of such elections.

2. Rules for Voting. All voting for such offices shall be by written ballot, and a majority of the district delegation shall constitute a quorum. A majority vote of members present shall be necessary for election.

B. REGULAR MEETING DATES

At its organization meeting, each district delegation shall decide the place and the day of the week for its regular meeting in advance of RTMs. The secretary shall so notify the Town Clerk prior to publication of the next call.

C. ELECTION OF DELEGATES AND ALTERNATES TO COMMITTEES

At its organization meeting, each district delegation shall designate from among its number, for each standing committee one delegate and one alternate. In the event that more than one member seeks appointment to any such committee, the choice shall be made by written ballot. The newly elected chairman shall promptly notify the Town Clerk of such designations.

D. RESPONSIBILITIES OF DISTRICT CHAIRMAN

1. Meeting Chairman. The district chairman shall act as chairman of all district meetings.

2. **Representation at Standing Committee Meetings.** The district chairman shall have the responsibility of insuring district representation at standing committee meetings. A delegate who cannot attend shall promptly notify the district chairman who shall promptly notify the alternate delegate. If the alternate cannot attend, the district chairman shall designate a member of the district delegation to the standing committee meeting as a substitute alternate delegate to attend and vote at that meeting.

3. **At Representative Town Meetings.** The district Chairman shall record the attendance and supervise the voting of the district delegation at RTMs.

4. **Vacancies.** The district Chairman shall initiate a petition to the Town Clerk to call a special meeting for the filling of a vacancy in the district membership.

E. RESPONSIBILITIES OF DISTRICT VICE CHAIRMAN

In the absence or inability of the district chairman, the district vice chairman shall

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assume the responsibilities of the chairman. However, the vice chairman does not automatically succeed to the office of district chairman if that office becomes vacant.

If a district office becomes vacant for any reason, a district member shall be elected to fill that office by the district delegation at the next district meeting, and the Town Clerk so notified.

F. ATTENDANCE

A record of attendance at each meeting of the district delegation shall be kept by the chairman and shall be filed with the Town Clerk. Such records shall be public records and shall be maintained for one term after the term to which they apply. Appropriate rosters shall be furnished by the Town Clerk to the district chairman to facilitate reports.

V. STANDING COMMITTEES

A. ORGANIZATION

1. **Designation of Committees.** There shall be the following standing committees of the RTM: Appointments, Budget Overview; Education; Finance; Health and Human Services; Land Use; Legislative and Rules; Parks and Recreation; Public Works; Town Services; and Transportation.

2. **Composition.** All standing committees shall be composed of one delegate and one alternate from each RTM district.

3. **Election of Officers.** Not later than the regularly scheduled January committee meeting in even-numbered years, the delegates to each standing committee shall meet and elect from among their number by majority votes a chairman, a vice chairman

and a secretary. Alternates shall not be eligible for the offices of chairman or vice chairman. The Town Clerk shall have the responsibility to notify the Delegates of the organization meeting. The preceding chairman, vice chairman, or the senior delegate on the committee, in that order, shall act as temporary chairman of such meeting until a chairman is elected.

All voting for such offices shall be by written ballot, and a majority of the standing Committee Delegates shall constitute a quorum for election of officers. The newly elected Chairman shall promptly notify the Town Clerk of such elections.

4. **Attendance of Delegates.** If a delegate does not attend a minimum of 50% of the meetings of the committee to which he or she has been designated within the first calendar year of each term, the delegate is ineligible to serve as a delegate to that committee the following year, and a successor shall be selected in accordance with these rules. No later than December 31 of the first calendar year of each term, the secretary of each committee shall report the names of each delegate failing to meet the minimum attendance requirement to the Town Clerk and to the appropriate district chairman. The eligibility of such a member can be reinstated by a majority vote of the district members.

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B. MEETINGS

1. **Regular and Special Meetings.** A standing committee shall meet on its regularly scheduled day in advance of the RTM to consider any matter referred to it, and may meet at other times and for other purposes upon the call of the chairman.

2. **Schedule of Regular Meetings.** The regularly scheduled meeting day for the various standing committees during the week preceding the RTM shall be as follows.

MONDAY

Education
Finance
Land Use
Legislative & Rules
Public Works

TUESDAY

Appointments
Health and Human Services
Parks and Recreation
Town Services
Transportation

3. **Voting.** The delegates shall cast record votes on all matters referred to their committee. Alternates shall be notified of all meetings of the committee and may attend and participate in its deliberation without vote, except when a committee delegate is absent and the appropriate alternate may vote instead. The recorded votes shall be filed with the Town Clerk. Such records shall be public records and shall be maintained for one term after the term to which they apply.

C. RESPONSIBILITIES OF COMMITTEE CHAIRMAN

1. **Meeting Chairman.** The committee chairman shall act as chairman of all committee meetings.

2. **Meeting Agenda.** The items referred to the committee in the Call of the RTM constitute the preliminary agenda of a regular meeting. The chairman shall include the agenda in the call of any special committee meeting. In either a regular or special meeting, the committee may consider other matters by a two-thirds vote.

The chairman should arrange to have present at a regular meeting a representative of any item referred to the committee. If there is any indication of a contrary viewpoint, the chairman should search out and invite a spokesman of that position.

3. **Reports.** The chairman shall see that reports of attendance and votes are filed with the Town Clerk in a timely manner.

D. RESPONSIBILITIES OF COMMITTEE VICE CHAIRMAN

In the absence or inability of the committee chairman, the vice chairman shall assume the responsibilities of the chairman. However, the vice chairman does not automatically succeed to the office of committee chairman if that office becomes vacant. If an office in a standing committee becomes vacant it shall be filled by a majority vote of the committee, and the Town Clerk so notified in writing.

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E. REPORTS

1. **To Districts.** Each district's delegate or alternate shall report, at the next subsequent meeting of the respective district delegation, the standing committee's vote and discussion on each item referred to it.

2. **To RTM.** The report of a standing committee to the RTM shall be made in accordance with Section III G. of these Rules.

F. ATTENDANCE

A record of attendance at each standing committee meeting of the individual delegates and alternates shall be kept by the chairman and shall be filed with the Town Clerk at the immediately following RTM. Such records shall be public records and shall be maintained for one term after the term to which they apply. Appropriate rosters shall be furnished by the Town Clerk to each chairman to facilitate reports.

G. BUDGET PLANNING PROCESS

Each standing committee, except for the Appointments and Budget Overview Committees, is charged to adhere in accordance with the following timetable provided:

September:

- 1) Standing committees establish budget sub-committees whose purpose is to monitor the Town budget proceedings involving their respective functional Town departments.
- 2) Chairman of each standing committee provides reporting guidelines to its budget sub-committee.
- 3) Standing committee chairmen meet collectively with the Town Budget Director to review the budget process for the fiscal year.
- 4) Standing committee chairmen distribute the names of RTM members serving on their respective budget sub-committees to the Town department(s) and/or agency(s) with which the committee is functionally involved as well as advising the Budget Overview Committee of their budget sub-committees' personnel. Each standing committee chairman should formally request of the Town department(s) monitored by that committee a schedule of all budget meetings its delegate may attend.

October:

- 1) Each standing committee chairman, on behalf of its budget sub-committee, requests from the Budget Overview Committee copies of the pertinent departmental budget requests and support documents when made available in early November.

November:

- 1) Committee chairmen receive and distribute pertinent departmental budget documents to their budget sub-committees.
- 2) Budget sub-committees should monitor the development of the budget requests of their functional departments and attend scheduled meetings between Town

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department heads and the Budget Committee of the BET.

- 3) Sub-committees conduct research into line item requests and discuss their thoughts with department managers and their standing committees, if necessary.

December:

- 1) Budget sub-committees attend subsequent meetings between BET Budget Committee and Town departments with which they are functionally involved.
- 2) Sub-committees make their reports to their respective standing committees. Each standing committee may draft its conclusions and submit its report to the Budget Committee of the BET, which is preparing its Recommended Budget.

January – March:

- 1) Each standing committee determines whether to submit its finding and recommendations to the Town Clerk for distribution with the publication of the Recommended Budget in early February.
- 2) Budget sub-committees discuss and evaluate any information subsequently submitted by Town departments to the BET Budget Committee for changes or reinstatements to the Recommended Budget.
- 3) By Mid-March any standing committees having differences with the BET Budget Committee should be prepared to discuss their findings and recommendations at their respective meetings with the BET Budget Committee.

4) RTM members are encouraged to attend the public hearings held by the BET to discuss the various departmental budgets.

April:

1) Standing Committees may submit their final budget conclusions and recommendations in a written report to the Town Clerk for distribution, together with the Proposed Budget, to the members of the RTM.

May:

1) At the RTM budget meeting, if a standing committee plans to offer a line item amendment, the committee chairman shall offer a standing committee report in accordance with Rules of the RTM, Section III G., "Making Standing Committee Reports."

VI. SPECIAL COMMITTEES

A. LABOR CONTRACTS COMMITTEE

1. **Function.** The Labor Contracts Committee shall examine and analyze each proposed labor contract which has been imposed by arbitration or tentatively approved by the Town or the Board of Education of the Town of Greenwich and a labor union. For those contracts negotiated by the First Selectman, its scope of review shall be limited by the Municipal Employee Relations Act. It shall advise the RTM as to the desirability of ratifying all labor contracts.

The Labor Contracts Committee will also review personnel policy and compensation practices including: fringe benefits such as vacation, sick days, life and medical insurance, pension contributions and benefits, performance evaluation, incentive

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plans and awards, and employee classification plans.

2. **Composition.** The Labor Contracts Committee shall consist of five delegates and two alternates, all of whom shall be members of the RTM and who shall be appointed by the RTM on nomination of the Appointments Committee for terms expiring at the end of the term of the RTM during which they are appointed, provided that the term of each delegate and alternate shall continue thereafter until a successor shall have been appointed, and further provided that said delegate or alternate continues to be a member.

3. **Election of officers.** A chairman and vice chairman shall be elected by the delegates of the Labor Contracts Committee from among their number as soon as convenient following their appointment. Alternates shall not be eligible to serve as officers. After appointment of the Labor Contracts Committee by the RTM, the Town Clerk shall notify the delegates and alternates of the organization meeting. The preceding chairman, vice chairman or the senior delegate on the committee in that order, shall act as temporary chairman of such meeting until a chairman is elected. All voting for such offices shall be by written ballot, and a majority of the committee delegates shall constitute a quorum. The newly elected chairman shall promptly notify the Town Clerk of such elections, and the Moderator shall announce the election of the committee chairman at the next meeting.

4. Meetings. The chairman shall convene a meeting of the committee when notified by the Town's negotiating party that a contract has been tentatively reached by both parties. The chairman shall notify the Town Clerk of this meeting in order that it may be posted on the Town Hall bulletin board as a public meeting. Only delegates may vote, except that an alternate may vote in the absence of a delegate. The chairman may convene the committee to meet in executive session for discussion of a proposed contract, but no votes shall be cast at such meeting.

5. Reports. The chairman shall report to the RTM the committee's vote on the proposed contract, along with an analysis of its salient features and the reasoning of the committee. The chairman shall also promptly report to the Town Clerk the committee's vote on all actions. In turn, the Town Clerk will notify each district chairman of the vote.

6. Minutes. The minutes of each public meeting of the committee, in the form of the recorded votes of the delegates, shall be kept by the chairman and shall be filed with the Town Clerk. Such records shall be public records and shall be maintained for one term after the term to which they apply.

B. CLAIMS COMMITTEE

1. Powers. The power of the RTM to approve appropriation of the Board of Estimate and Taxation for the payment, compromise, or settlement upon recommendation of the Town Attorney of any claim against the town is delegated to a committee of the RTM to be known as the Claims Committee.

2. Organization.

a. Membership. The Claims Committee shall consist of ten members of the RTM, including the Moderator.

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b. Nomination. Nomination of delegates to the Claims Committee to be appointed by the RTM shall be made in accordance with the procedures provided by Section III H 1 of these Rules for the nomination and appointment of members of Town boards and commissions by the RTM on its own motion.

c. Appointment. The RTM shall appoint nine Delegates to the Claims Committee for terms expiring at the end of the term of the RTM during which they are appointed, provided that the term of each delegate shall continue thereafter until a successor shall have been appointed, and further provided that said delegate continues to be a member of the RTM. Any vacancy shall be filled for the unexpired portion of the term by appointment by the RTM. (Eff. 3/11/1996)

d. Officers. The Moderator of the RTM shall be the chairman of the Claims Committee. At the first meeting of the committee following its appointment, the committee shall elect one of its delegates other than the Moderator as vice chairman and one other as clerk. In the absence of the chairman of the committee, the vice chairman shall have the same powers as the chairman.

3. Emergency Subcommittee. The chairman of the Claims Committee shall appoint a subcommittee consisting of three members thereof, two of whom shall constitute a quorum, who shall be authorized and empowered to approve such appropriations when in said subcommittee's judgment an emergency exists and prejudice might result from delay. Such approval shall constitute the action of the full committee.

The subcommittee shall elect a chairman and a vice chairman, and the chairman (or, if absent, the vice chairman) shall be authorized to call meetings with reasonable notice to all members. The chairman, or if absent the vice chairman, shall keep a record of all actions taken at meetings of the Emergency subcommittee.

4. Meetings

a. Call and Notice. The chairman may call meetings and, upon request of the Town Attorney, shall call meetings of the Claims Committee. In each instance reasonable personal notice shall be given to the delegates thereof, or written or printed notice sent to the residence of each, or mailed to each by the clerk of the Claims Committee at least eight days before the time of such meeting.

b. Quorum. Six delegates of the Claims Committee shall constitute a quorum for the transaction of business, but a lesser number may adjourn to a later date. No action of the Claims Committee shall be taken except upon the affirmative vote of at least six delegates thereof, except as provided in Section VI B. 3 above.

c. Record. The clerk shall keep a record of all actions taken at meetings of the Claims Committee. Such records shall be attested by the signatures of the chairman and the clerk, and shall be filed with and recorded by the Town Clerk.

C. OTHER SPECIAL COMMITTEES

1. By Moderator's Appointment. The Moderator shall appoint such other

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special committees of members as may be necessary and may designate the chairmen thereof.

2. By Resolution. The RTM may, upon motion duly made and seconded, appoint such special committees of members as it deems necessary, and may designate the chairmen thereof.

APPENDIX
to
RULES
of the

REPRESENTATIVE TOWN MEETING

This Appendix was developed by the Rules Committee to offer useful information to the RTM. The Appendix is not intended to contain the mandatory authority of the RTM Rules, but rather is intended to serve as a reference in which is set forth data bearing on the major functions of the Town's legislative body. It is a general compilation of activities or relationships in which committees or members might have an interest and which may be updated occasionally without need for formal RTM adoption.

**APPENDIX TO RULES
OF THE
REPRESENTATIVE TOWN MEETING**

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APPENDIX A

POWERS AND FUNCTIONS OF THE RTM

As set forth in the Charter of the Town of Greenwich, the RTM has all of the residual powers of the town itself, excluding only those otherwise delegated by law. Its actions in a properly constituted meeting of its members have the same force and effect as if such action had been taken in a Town Meeting open to all voters of the town.

In conformity with democratic principles, it may take action by appropriate majority vote, and is limited by constitutional safeguards protecting the rights of individuals.

More specifically, the powers and functions of the RTM extend into the following three basic areas:

1. Fiscal

As the Town's legislative body, the RTM has the final voice in the spending and allocation of tax dollars. It exercises this power in voting on (a) the proposed budget at its May meeting and (b) supplemental interim appropriations at any other meeting. Inasmuch as the May meeting is also a public hearing, individual citizens may express their views, but not vote.

The approved budget constitutes an appropriation of funds for the ensuing fiscal year (July 1 to June 30).

The RTM's power over the budget is limited to reducing or eliminating specific budget items, either expense or capital. It may not increase or initiate any item of the budget. See special limitations as to Educational budget reductions, Appendix H, third paragraph, page 28.

The RTM also has the final approval of the incurring of any bonded indebtedness.

2. Operational

- a. To enact ordinances, except in matters of parking and traffic.
- b. To approve acceptance of federal or state grants and private gifts.
- c. To ratify labor contracts, including any provisions therein which are in conflict with The Charter.
- d. To take final action on municipal improvements if an action of the Planning and Zoning Commission has been challenged or if that Commission has failed to act on such a matter.

- e. To approve changes in (a) plans of development and (b) land use maps, as presented by the Planning and Zoning Commission.
- f. To act upon resolutions initiated by petition of at least twenty registered voters.
- g. To approve the purchase, sale, or lease of town property.
- h. To act upon significant contracts.

3. **Organizational**

a. **Town Government Organization**

- 1) To appoint members of boards, commissions, and agencies (see Appendix E page 23).
- 2) To approve creation of new boards and commissions.

b. **Town Government Operations**

- 1) To review the operations of other branches of town government, through either Standing or Special Committees.
- 2) To study important issues affecting other branches of town government through either Standing or Special Committees.
- 3) To approve amendments to The Charter, pursuant to Home Rule, along with the Board of Selectmen.
- 4) To establish or change the boundaries of election districts for the RTM and Town officers.
- 5) To establish its own organizational structure and parliamentary procedures, elect its own officers, staff its committees, and govern itself.

c. **Sense of the Meeting Resolutions**

To approve or reject Sense of the Meeting Resolutions initiated by its members or committees or by petition of registered voters. This is a procedure for formally expressing a concern or a collective viewpoint on one or more issues of local, state or national importance. Although not binding upon those to whom it is addressed, it is generally regarded as a statement of public opinion.

APPENDIX B

DESCRIPTIONS OF STANDING COMMITTEES

The following summaries of RTM standing committee functions provide an outline of each committee's primary function and areas of jurisdiction, but is not intended to limit or restrict in any manner the rights and activities of those committees.

A. APPOINTMENTS COMMITTEE

Operational Responsibility:

- * Interviews and evaluates all candidates for town boards, commissions, agencies, Special Committees, and similar positions.
- * May recruit, evaluate and propose candidates for Boards, commissions, and agencies when Board of Selectmen fails to submit nominations within three months of the expiration of a term of office or the incidence of a vacancy.
- * Proposes nominees for the Claims Committee, Labor Contracts Committee, Condemnation Commission, and the Flood and Erosion Control Board.
- * Reviews any organizational changes or reporting relationships in town government.

Overlapping Responsibility:

With any appropriate functional committee that confers with respect to a nomination to a board, agency or commission within its area of responsibility.

B. BUDGET OVERVIEW COMMITTEE

Operational Responsibility:

- * Shall act in advisory capacity to the RTM and its committees with respect to the budget.
- * Reports on the development of the budget for the coming year, giving reports at strategic points in the budgetary process, suggesting guidelines, and making recommendations so that the RTM is well prepared, before the May budget meeting, to make decisions regarding specific expenditures.
- * Coordinates the analysis of the budget for the coming year with the budget sub-committees of each of the other standing committees.
- * Studies and reports to the RTM, in a timely manner for district and other standing committee consideration, any potential improvements in departmental organization or methods of operation, working cooperatively whenever possible with town departments and the Board of Estimate and Taxation.
- * Identifies specific areas of the budget upon which to concentrate its

analysis, coordinating with other standing committees to avoid duplication of effort on matters chosen for review.

- * **Monitors implementation of important elements in the current year's budget including existing programs, new programs, capital improvements and labor settlements and reports periodically to the RTM on their budgetary impact.**
- * **Works with members of the BET to jointly develop acceptable budgetary targets annually.**

C. EDUCATION COMMITTEE

Operational Responsibility:

- * **Reviews operations of the educational system.**
- * **Reviews operations of the libraries and museum.**

Budgetary Responsibility:

- * **Reviews appropriations and budgets for:**
 - **Greenwich public school system**
 - **Greenwich Library System**
 - **Perrot Memorial Library**
 - **Bruce Museum**
 - **Revolving funds**
 - **Long range capital development programs within the educational system**
 - **Any expenditure or changes necessitated by new mandates**

Overlapping Responsibility:

- * **For financial items over \$50,000: with the Finance Committee:**

D. FINANCE COMMITTEE

Operational Responsibility:

- * **Reviews the following matters as they are submitted to the RTM or as the Finance Committee deems necessary; the operations of the town departments which are financially oriented: Finance, Assessor, Comptroller, Tax Collector and Treasurer.**
- * **Reviews all capital outlays.**
- * **Studies, analyzes and evaluates all interim appropriations and gifts over \$50,000.**
- * **Reviews matters relative to municipal property and liability insurance, including types and amounts of insurance carried, self-insurance and risk management programs, and financial contingency plans.**
- * **Reviews annually the town's Long Range Capital plans.**
- * **Reviews all Reserves and Contingency accounts.**

- * **Reviews all proposed leases or rental agreements for acquisition or disposal of property for terms of more than two years or with annual payments in excess of \$40,000. Groups of rental or lease agreements for similar property should be considered based on the aggregate values rather than lease by lease.**
- * **Advises RTM annually on the financial impact on the tax levy of changes and additions to the capital plan; and the amounts of the town's reserves, contingency and parking fund.**

Budgetary Responsibility:

- * **Reviews all appropriations and budgets for:**
 - **Finance Department, Assessor, Comptroller, Tax Collector, Treasurer**
 - **Retirement Board**
 - **Pension and Trust Funds**
 - **Board of Tax Review**

Overlapping Responsibility:

- * **For all items over \$50,000: with appropriate functional committee.**

E. HEALTH AND HUMAN SERVICES COMMITTEE

Operational Responsibility:

- * **Reviews areas relating to protection of the health and welfare of residents and environment of the Town, including:**
 - **availability of public health programs and social services.**
 - **enforcement of health statutes and codes and ordinances.**
 - **maintenance of environmental programs covering air and water quality and general overseeing of the disposal of solid and toxic waste and composting, and septic systems.**
- * **Reviews operations of The Nathaniel Witherell.**
- * **Reviews functioning of the Greenwich Emergency Medical Service.**
- * **Considers affordable housing matters.**
- * **Maintains relationships with other environmental agencies and providers or users of health and social services.**
- * **Reviews operations of all departments and agencies within town government providing services to town residents in the areas of financial assistance, social services, housing or health care and disease prevention. Specific group categories are the aged, children and adolescents, families, the homeless, indigent, mentally ill and substance abusers.**
- * **Studies the general effectiveness and efficiency of the Social Services and Health Departments and their respective boards.**

Budgetary Responsibility:

- * **Reviews all appropriations and budgets for:**
 - **Department of Health and Department of Social Services, including all programs, divisions and personnel.**
 - **The Nathaniel Witherell**
 - **Greenwich Emergency Medical Service**
 - **Greenwich Community Development Program Funds**
 - **Commission on Aging**

Overlapping Responsibility:

- * **For the financial items over \$50,000: with the Finance Committee.**
- * **For the Senior Center and youth programs at Town Civic Centers: with the Parks and Recreation Committee.**

F. LAND USE COMMITTEE

Operational Responsibility:

- * **Reviews all matters concerning land use and planning and zoning submitted for RTM approval.**
- * **Reviews operations of Planning & Zoning Commission and the Planning & Zoning Board of Appeals.**
- * **Reviews operations of Inland Wetlands and Watercourses Agency.**
- * **Reviews all items of municipal improvement status.**
- * **Reviews purchases, sales or leases of town real property.**
- * **Reviews any updates of the town's "Plan of Development" and annual amendments.**
- * **Reviews all grants of easements.**
- * **Reviews all matters regarding condemnation and condemnation awards.**
- * **Reviews all gifts of real property to the town.**
- * **Studies and debates acceptance or abandonment of private roads by the town.**
- * **Reviews demolition or renovation or any change in use of town-owned property.**

Budget Responsibilities:

- * **Reviews all appropriations and budgets for:**
 - **Planning & Zoning Commission, and Planning & Zoning Board of Appeals.**
 - **Inland Wetlands and Watercourses Agency.**
 - **Conservation Commission.**
 - **Historic District Commission.**
 - **Architectural Review Board.**
 - **Condemnation Commission.**
 - **Flood and Erosion Control Board.**

Overlapping Responsibility:

- * For financial items over \$50,000: with the Finance Committee.

G. LEGISLATIVE AND RULES COMMITTEE

Operational Responsibility:

- * Rules on the legal aspects of items on the RTM call.
- * Reviews operations of the Law Department.

- * Reviews Charter amendments and town ordinances, leases and other legal documents submitted to the RTM for approval.
- * Examines RTM rules and procedures, with respect to the body as well as to its committees and districts.
- * Considers any appeals from the decisions of the Town Attorney.
- * Proposes revisions of the Rules of the RTM.
- * Furnishes copies of RTM Rules, Appendices and Town Charter to RTM members.

Budgetary Responsibility:

- * Law Department
- * Probate Court

Overlapping Responsibility:

- * For financial items over \$50,000: with the Finance Committee.

H. PARKS AND RECREATION COMMITTEE

Operational Responsibility:

- * Reviews operations of department concerned with parks, recreation, and marine facilities.

Budgetary Responsibility:

- * Parks and Recreation Department, including all programs, divisions and personnel.
- * Griffith E. Harris Golf Course Revolving Fund.

Overlapping Responsibilities:

- * For financial items over \$50,000: with the Finance Committee.
- * For the Senior Center and youth programs at Town civic centers: with the Health and Human Services Committee.

I. PUBLIC WORKS COMMITTEE

Operational Responsibility:

- * **Reviews operations of all branches of town government relating to public works and recycling.**
- * **Reviews the planning, construction, modification, maintenance, renovation of Town buildings and highways.**

Budgetary Responsibility:

- * **Reviews all appropriations and budgets for:**
 - **Public Works Department including all programs, divisions and personnel.**
 - **Sewer Improvement and Maintenance Fund**

Overlapping Responsibility:

- * **For financial items over \$50,000: with the Finance Committee.**

J. TOWN SERVICES COMMITTEE

Operational Responsibility:

- * **Reviews operations of departments concerned with public safety.**
- * **Reviews operations of Purchasing Department.**
- * **Reviews communications matters: data processing, network services, information planning.**
- * **Reviews risk reduction programs, such as training personnel in the safe and proper use of equipment, enforcing safety rules, and the contract obligations of Town vendors.**

Budgetary Responsibility:

- * **Reviews all appropriations and budgets for:**
 - **Fire Department including all programs, division and personnel**
 - **Police Department including all programs, divisions and personnel**
 - **Purchasing Department**
 - **Consumer Affairs Coordinator**
 - **Board of Ethics**
 - **Administrative Services Center**
 - **Representative Town Meeting**
 - **Office of First Selectman and Board of Selectmen**
 - **Town Clerk**
 - **Shellfish Commission**
 - **Alarms Appeal Board**
 - **General government areas not specifically covered by other RTM committees**

Overlapping Responsibility:

- * For financial items over \$50,000: with the Finance Committee.

K. TRANSPORTATION COMMITTEE

Operational Responsibility:

- Reviews all transportation related issues, including mass transportation facilities (bus, rail, air).
- Other transportation concerns, including traffic control, traffic flow, highways, parking, parking fund.
- Reviews Fleet Department operations.

Budgetary Responsibility:

- Fleet Department, including all programs, divisions and personnel.

Overlapping Responsibilities:

- * For financial items over \$50,000: with Finance Committee.
- * For parking and parking structure items: with Public Works Committee.

APPENDIX C

REFERENCES TO THE RTM IN THE CHARTER

ARTICLE 1. BOARD OF ESTIMATE AND TAXATION—FINANCE DEPARTMENT.

Sec. 17. Issue of bonds; Representative Town Meeting authorization.

ARTICLE 2. BUDGET, APPROPRIATIONS AND REQUISITIONS

Sec. 23. Submission to Representative Town Meeting.

Sec. 24. Failure of Board to act.

Sec. 25. Failure of Representative Town Meeting to act.

Sec. 26. Extension of time; State Tax Commissioner.

Sec. 30. Expenditures in excess of appropriations.

ARTICLE 3. ELECTIONS.

Sec. 38. Elective officers; terms.

Sec. 40. Nomination of candidates for Representative Town Meeting members; ballots.

Sec. 41. Election of Representative Town Meeting members.

Sec. 42. Voting.

Sec. 43. Voting Districts.

ARTICLE 4. FLOOD AND EROSION CONTROL BOARD.

Sec. 45. Flood and Erosion Control Board.

Sec. 49. Limitation on authority.

ARTICLE 5. HEALTH

Sec. 50. Health Department; Board of Health.

Sec. 57.1 Nathaniel Witherell Building Committee.

Sec. 58. Nursing home administration.

Sec. 62. Department of Social Services; Board of Social Services.

ARTICLE 6. HOME RULE.

Sec. 66. Mandatory referendum; approval.

Sec. 67. Home Rule Procedure.

ARTICLE 7. ORDINANCES.

Sec. 71. Authority to adopt ordinances.

Sec. 72. Notice by publication.

Sec. 73. Substituted notice.

ARTICLE 8. PARKS AND RECREATION.

- Sec. 80. Board of Parks and Recreation**
- Sec. 81a. Bruce Museum.**

ARTICLE 9. PLANNING AND ZONING.

- Sec. 82. Definitions.**
- Sec. 84. Planning and Zoning Board of Appeals; organization.**
- Sec. 85. Commission membership.**
- Sec. 86. Alternative members; creation; term; vacancies.**
- Sec. 92. Plan of Development.**
- Sec. 96. Approval of Plan by Representative Town Meeting.**
- Sec. 97. Plan of Development; purpose.**
- Sec. 99. Municipal improvements; approval.**
- Sec. 100. Municipal improvements; referral to Representative Town Meeting.**
- Sec. 101. Subdivision of land; procedure; regulations.**

ARTICLE 11. PUBLIC PARKING.

- Sec. 125. Determination of allotments; notice; amounts.**
- Sec. 127. Appeal to Condemnation Commission.**
- Sec. 128. Acquisition of real property; procedure.**
- Sec. 141. Parking notes or bonds; issuance.**

ARTICLE 12. PUBLIC WORKS.

- Sec. 157. Condemnation Commission.**

ARTICLE 13. REPRESENTATIVE TOWN MEETING.

- Sec. 167. Representative Town Meeting; powers.**
- Sec. 168. Ex officio members.**
- Sec. 169. Members qualifications, removal.**
- Sec. 170. Tie votes for candidates; procedure.**
- Sec. 171. Resignations; vacancies.**
- Sec. 172. Organization of Representative Town Meeting.**
- Sec. 173. Meetings; procedures.**
- Sec. 174. Referendum; requirements.**
- Sec. 175. Referendum; appropriations.**

ARTICLE 14. RETIREMENT SYSTEM.

- Sec. 176. Definitions.
- Sec. 177. Name and Date Operative.
- Sec. 178. Eligibility for Membership in System.
- Sec. 197. Retirement Board; Composition; Terms; Liability.
- Sec. 207. Appropriations.
- Sec. 208. Management of Funds; Rules and Regulations.
- Sec. 212. Termination of System.

ARTICLE 15. SELECTMEN.

- Sec. 219. Failure of Representative Town Meeting to appoint.
- Sec. 224. Reports required.

ARTICLE 16. SEWERS

- Sec. 244. Initiation of sewer construction.
- Sec. 246. Appropriations for sewers and facilities; approval procedure.
- Sec. 253. Issuance of notes and bonds.
- Sec. 280. Special charges; rules.
- Sec. 285. Existing laws and ordinances.
- Sec. 286. Amendment relating to sewer taxes.

ARTICLE 17. TAXATION

- Sec. 287. Power to levy taxes.
- Sec. 288. Determination of tax rate; certification.
- Sec. 289. Failure of Board to determine and levy taxes.
- Sec. 290. Extension of time; State Tax Commissioner.
- Sec. 291. Failure to fix tax rate.

ARTICLE 18. TOWN CLERK.

- Sec. 301. Town Clerk, salary.

ARTICLE 19. MISCELLANEOUS.

- Division 1. Officers of Boards and Commissions.
- Sec. 306. Appointments of officers and members; vacancy.

APPENDIX D

D-1 RESPONSIBILITIES OF CHAIRMEN AND MEMBERS

A. District chairmen and committee chairmen must take full responsibility for the conduct, content and analyses of the meetings over which they preside.

B. Chairmen, as with the Moderator and Moderator Pro Tempore, should be required to know basic parliamentary rules and conduct meeting in accordance with those rules. Chairmen need to assure that attendance cards and vote records are submitted to the Town Clerk within 48 hours in compliance with the Freedom of Information Act. Committee chairmen should report the attendance of all RTM members at their meetings.

C. Individual members should be thoroughly prepared before committee or district meetings by having read and analyzed Call items prior to meetings. All RTM members are encouraged to attend committee, board and commission meetings even without a specific assignment.

D. The Moderator should brief all chairmen outlining the chairmens' responsibilities and expected performance. The Moderator should have at least one annual meeting with the Moderator Pro Tempore and the committee chairmen and a separate annual meeting with the Moderator Pro Tempore and the district chairmen.

E. Newly elected RTM members are expected to attend the Moderator's seminar for new members as outlined in the Rules of the RTM, Section II C., "Orientation for New Members". This information is essential to the understanding of individual responsibility as well as RTM procedure.

D-2 RESPONSIBILITIES OF COMMITTEES

A. RTM committees are the most important bodies affecting the work agenda of the RTM Committee involvement is a serious responsibility to be filled by elected RTM members.

B. The standing committee meeting provides the forum for the most searching discussion and analysis of an item on the Call. Moreover, usually the minimal size of the committee permits an individual to ask questions and encourages dialogue without having strict enforcement of parliamentary procedures. There should be no restraint to thorough discussion of Call items in committee meetings.

C. The role of the committee is to thoroughly analyze the merits of a Call proposal, and not to provide automatic support or opposition to the Town department with which the item is primarily identified. Anyone, RTM member or otherwise, who may have an interest in the item for consideration, is strongly encouraged to participate in discussion on the item at scheduled committee meetings.

D. Committees should avoid considering a Call item if there has been no specific charge to that committee unless the item is of sufficient import to warrant such ancillary consideration. Committees are most effective when making sufficiently comprehensive reports relating to items specifically charged to its review to allow RTM members to make informed and objective decisions.

E. A Committee should maintain knowledge about the operation of Town departments within its purview, and from time to time discuss and evaluate long term plans of those departments.

F. To provide greater awareness of extraordinary issues, committees may appoint sub-committees to study such issues and report findings and recommendations to the committee. A sub-committee may not represent its committee or the RTM, and it should not make statements to the media.

G. During the process of reviewing a Call item presented to a committee, it has the power to recommend amendments, referrals or postponement, as may be necessary. Additionally, committees, as well as individuals, may introduce new items for a future Call.

H. When more than one committee intends to amend an item, the respective chairmen should confer and decide with the Moderator on the appropriate method to achieve the desired change with a minimum of delay and confusion.

I. Use may be made of joint committee meetings to facilitate and expedite sharing and analysis of information on items of concern. When appropriate, a joint item may be brought to the floor by direction of the joint committees.

J. Effective chairmanship includes the following responsibilities:

- 1. To guide discussion to bring out all aspects of the item as far as possible.**
- 2. To encourage all viewpoints to be expressed, including those of any non-delegates or guests present.**
- 3. To report the committee's vote, attendance and item discussion, in condensed form.**

K. In fulfillment of responsibilities, a committee chairman should invite a department spokesman or organization representative to schedules meeting to provide information and respond to any questions of the members. In the event that there is evidence of an opposed or contrary view, the chairman should insure that there is a qualified representative at the meeting to provide the contrary viewpoint. In all cases, the chairman must present a courteous and impartial attitude or, alternatively, relinquish the chair during presentation and discussion of the issue in point.

L. If any district is not represented at a committee meeting, the committee chairman and/or secretary should provide a synopsis of the meeting discussions and the voting result to the district chairman.

M. If the committee votes to offer a motion to the RTM, the chairman should so state during the report in question, and it is always good practice to forewarn the Moderator of the intended motion prior to the meeting. Any revisions in an item should be presented in the form of a motion to amend offered on behalf of the committee. If the committee's consensus is that an item should be referred to a committee, postponed or postponed indefinitely, the appropriate motion should be offered on behalf of the committee. All committee motions should be in written form, to be tendered to the Town Clerk after moved.

N. Standing Committee reports should be factual and concise. They should include:

- * the date of the meeting.**
- * the number of districts represented.**
- * report of vote**
- * the names and titles of any guests present.**
- * key points of committee concern.**
- * questions remaining.**
- * additional information requested.**
- * recommended treatment.**

If chairman has a personal view differing from that of committee decision, chairman should seek individual recognition at a later time and deliver the point. It is not fair to deliver a personal opinion together with committee report.

D-3 RESPONSIBILITIES OF DISTRICTS

- A. District chairmen should insist upon members' preparation at each meeting.**
- B. Alternates should make every effort to attend their assigned committee meetings even when the delegate is in attendance. Delegates should explain reasoning of committee members and basis for vote on an item, and invite comments from the alternate during district meeting reports.**
- C. All district members should be encouraged to attend other committee meetings and public meetings of other Town agencies and departments.**
- D. Unnecessary expense may be avoided if all RTM members will return the green 3-ring notebook and Charter copy to the district leader upon those members' departure from the RTM for use of the new member(s) joining the district delegation.**

D-4 RECRUITING CANDIDATES FOR THE RTM

A. If there should be fewer candidates for the RTM than the number of seats apportioned to a district, write-in votes can elect a person to the RTM. The volume of write-ins is generally small, so that a person might become a member of the RTM with practically no constituency.

B. Before September 1 of an election year, the District Chairman should poll all incumbents in their respective districts as to whether they plan to stand for re-election. If the resultant number is less than the district's apportionment, Chairman should take steps to enlist additional candidates to complete the district roster, preferably with an excess so there will be a contested election.

C. The Chairman may wish to enlist the help of other district members in developing candidates. Suggestions might be obtained from PTAs, neighborhood associations, etc. Prospective candidates should be given a clear picture of the demands of the job (24 meetings a year including RTM, district, and committee). They must be registered voters (electors) in that district. The chairman may wish to review the names of prospective candidates with the other members before proceeding further.

D. Petitions must be circulated for the new candidates and filed with the Town Clerk by September 15th. This can be simplified by listing all candidates on a single petition. 25 signatures are required of registered voters in that district. To guard against invalid signatures, it would be wise to get an additional five signatures. Circulating the petition may be done by any interested party. Incumbents who have attended at least one-half of all RTM's and one-half of all of their district meetings held during the current term of office, are automatically renominated, provided they so notify the Town Clerk by September 15th.

E. If appropriate, candidates should be advised by their distinct chairman that they are in a contested election and should electioneer.

F. If for any reason a sufficient number of candidates is not obtained by the deadline for petitions, strong efforts should be made to recruit desirable write-in candidates. The recruitment procedure would be the same as for petition candidates, but thereafter the procedure differs. No petition is circulated, but Connecticut law requires a candidacy to be registered with the Town Clerk in advance of the election. Appropriate forms may be obtained and filed with the Town Clerk.

G. Write-in candidates should be urged to electioneer aggressively. They should not only ask people to vote; they may also wish to advise them how to vote for a write-in candidate and to write the candidate's exact name on the paper. Voter instruction is available at the polls, and a voter should not hesitate to ask for it.

H. Connecticut law (Public Act 05-235) requires all candidates to file Form B-4 with the Town Clerk within ten days after becoming a candidate (as defined by

Connecticut General Statutes 9-33a 10). Failure of a candidate to file within the ten day period will result in the assessment of a late filing fee of \$100 against the candidate. The Town Clerk is required by statute to send notice by certified mail to the candidate who does not file within the ten day filing deadline. If the candidate does not comply with the filing requirement within twenty-one days of the notice, the Town Clerk must refer the matter to the State Election's Enforcement Commission. (Eff. 10/1/2005)

D-5 FILLING DISTRICT VACANCIES

1. Obtaining Candidates

It is important that the public know of RTM vacancies, so that interested voters can run for office. It is desirable that there be more candidates than vacancies.

The suggested first step is for the Chairman to appoint a nominating committee of two members, one of whom might be the Vice Chairman. Notices should be put in newspapers and radio, saying whom to contact. A candidate who failed to be elected in the General Election is not necessarily entitled to fill a later vacancy.

2. Interviewing Candidates

The nominating committee should inform the candidates of the time demands of the job. A discussion of the various committees will help candidates to understand the work of the RTM and at the same time disclose the extent of their interest in being contributing members.

Candidates should be prepared to make brief statements at the district meeting as to why and where they wish to serve.

3. The Election

The special district meeting (RTM Rules, II.B. 4. c) may be held immediately prior to the next regular district meeting. No special election may be held until the Town Clerk has called a special district meeting for the purpose.

All candidates should attend that meeting and make their electioneering appeals.

Following the election, the delegation may consider a review of committee assignments, rather than giving the new member the post held by the predecessor.

D-6 COMMUNICATIONS AND RELATIONSHIPS WITH CONSTITUENTS

- A. Shortly after the district Organizational Meeting, the Chairman may consider ways to inform district residents of the composition of the RTM district organization. One method is to post a notice on the Town website via the Town Clerk’s Office, or in a community library, supermarket, civic center, etc., listing the officers and the members, with addresses, telephone number, and committee assignments. Such information may be presented to the media for dissemination.**
- B. All district members should be alert to any problem or threat facing the district, whether or not it is something that could be dealt with by any branch of town government.**
- C. Occasionally a controversial matter comes before the RTM, with cogent arguments on both sides. Members face the question of whether to vote their best judgment, or to represent their constituencies. Rarely will they receive enough calls or letters to consider them the people’s voice, but they may reveal informed opinions. Those members who feel that the matter is such that the constituency should be represented can find their own ways of getting that feel – sidewalk or supermarket encounters, neighbors, random phone calls, etc.**
- D. Members of the RTM have a responsibility to the community to maintain a high sense of ethics as the legislative body of the town. Members will properly abstain from voting upon any measure in which they have a substantial conflict of interest¹ [e.g. a close family member having a direct financial interest.] It is the responsibility of individual members² to advise their district Chairman of any substantial or**

¹ Connecticut General Statutes §7-148h(b) states: “Notwithstanding the provisions of any special act, municipal charter or ordinance to the contrary, an elected official of any town, city, district or borough that has established a board, commission, council, committee or other agency under subsection (a) of this section, has an interest that is in substantial conflict with the proper discharge of the official’s duties or employment in the public interest and of the official’s responsibilities as prescribed by the laws of this state, if the official has reason to believe or expect that the official, the official’s spouse or dependent child, or a business with which he is associated, as defined in section 1-79, will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of the official’s official activity. Any such elected official does not have an interest that is in substantial conflict with the proper discharge of the official’s duties in the public interest and of the official’s responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to the official, the official’s spouse or dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected official who has a substantial conflict may not take official action on the matter.”

CGS §1-79(b) states: “‘Business with which he is associated’ means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. ‘Officer’ refers only to the president, executive or senior vice president or treasurer of such business.”

² The requirement for members to advise their district chairman of these matters takes into consideration the Advisory Opinion dated November 6, 2006 of the Board of Ethics of the Town of Greenwich.

potential conflict of interest³. A member who has a substantial or potential conflict should disclose the nature of the conflict to the district, committee and/or body prior to participation in any discussion. (Eff. 3/12/07)

³ A potential conflict is a substantial conflict of interest which has not yet occurred.

D-7 DISTRICT DELEGATE APPOINTMENTS TO STANDING COMMITTEES

A. General

Election of delegates and alternates takes place at the district's Organization Meeting, held during December in a town election year. This can immediately precede or follow the district's regular December meeting, with new members participating and retiring members abstaining. It is essential that a district have both a delegate and an alternate to each standing committee.

Seniority is a well established practice at all levels of government. Experience adds to a committee's strength. But this does not necessarily mean that everyone wants to repeat the prior term's assignment. Furthermore, the delegation may wish to replace a delegate if the incumbent has not been satisfactory. Likewise, rotation among the various committees may result in members becoming more knowledgeable about all aspects of the Town's operation. Therefore, just because one member has served two or more terms on a committee, other members should not feel deterred from expressing their own interest in that committee.

B. Suggested Procedure

1. In some districts, the incumbent Chairman or Secretary sends a questionnaire to all persons elected for the coming two-year term. Each member is asked to indicate a first, second and third preference for committee assignments. Some persons may prefer to serve as alternates and may so indicate. Some Chairmen telephone everyone to develop a preliminary committee roster. If applicable, each member should simultaneously disclose any substantial conflict of interest⁴ or potential conflict of interest⁵, which would arise from his serving on each committee requested and should also inform the Chairman of the applicable employment, business interest, or other affiliation which gives rise to the conflict. The Chairman should review the matter with the member and provide the member guidance as to an appropriate assignment in light of the nature of the conflict, the interest of the district in having delegates and alternates who need not recuse themselves frequently in voting on committee issues, and the need to insure integrity in the conduct of the people's business. (Eff. 3/12/07)

2. Ballot paper should be provided at the meeting. If a blackboard or an easel is available, candidates for all committees may be listed. This may be especially helpful to new members.

3. Districts should allow members a minute or two to describe their backgrounds and specific interests in committee assignments. In the event a member has raised with the Chairman an apparent conflict and is not satisfied with the Chairman's

⁴ For the definition of "substantial conflict of interest," please refer to footnote 1 in Appendix Section D-6 D.

⁵ A potential conflict of interest is a substantial conflict of interest which has not yet occurred.

guidance, the member and the Chairman may present their views on the matter to the district. Normal election procedures then follow. A sole candidate for any post may be declared elected. Contested slots are determined by written ballot, with election requiring a majority of votes cast. For the procedure to be followed when there are more than two candidates, see RTM Rules III. A 3 and IV. C. In the event a member believes he has been denied a desired committee assignment because, for example, the possibility of a conflict of interest has been misconstrued as a substantial or potential conflict of interest, the member may refer the matter to the Board of Ethics for an advisory opinion. (Eff. 3/12/07)

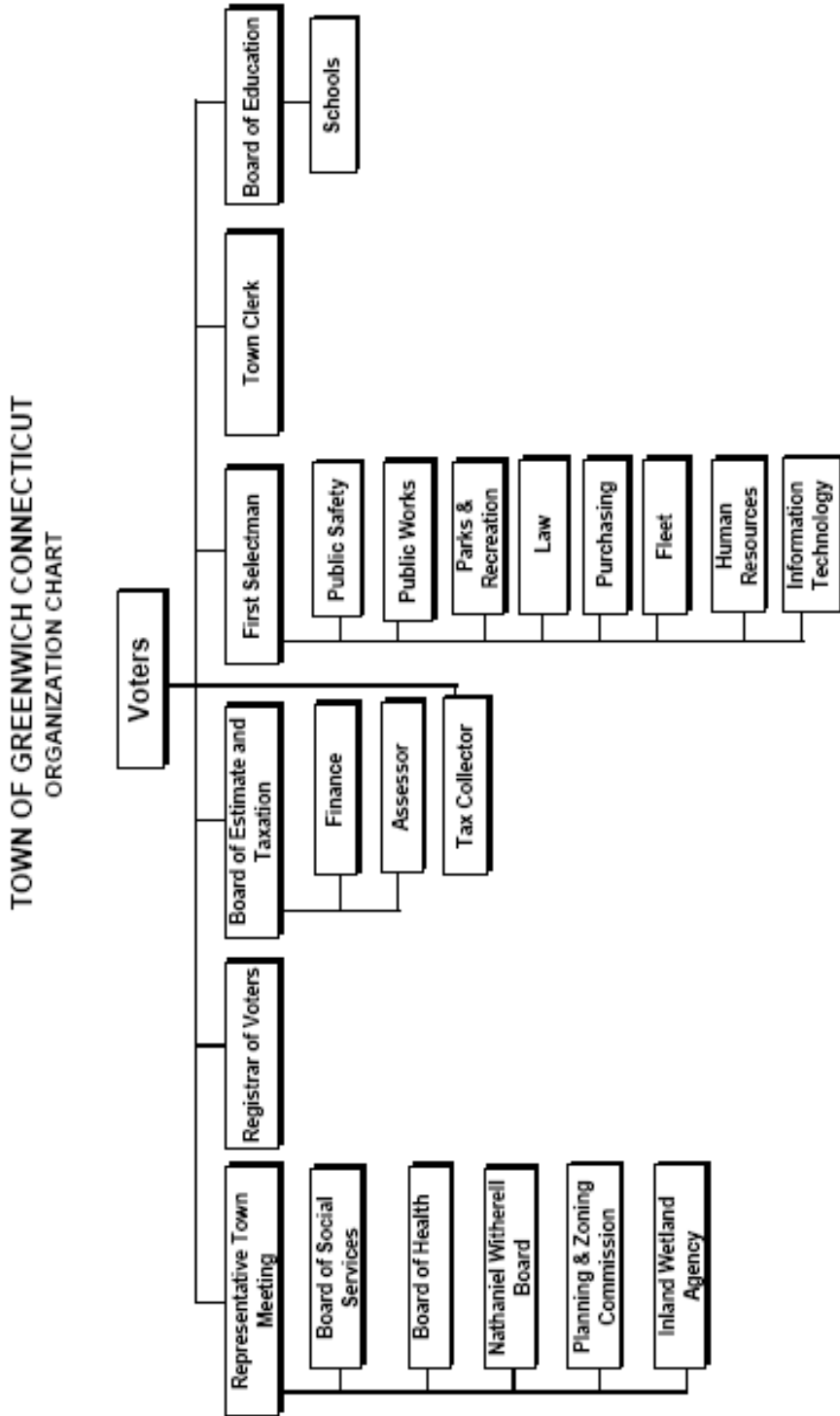
4. When a Delegate post becomes vacant for any reason, committee assignments may be re-assigned. The Alternate may succeed to the Delegate post, but this is not automatic. Any action should be accomplished at a district meeting, with other members eligible to be candidates.

C. Attendance at Committee Meetings

It is the District Chairman's responsibility to see that the District is represented at all standing committee meetings. In the even of a delegate's planned absence the delegate must advise the alternate so that the alternate will attend. If the delegate cannot obtain a firm commitment from the alternate to attend, the delegate is to so notify the District Chairman. It then becomes the District Chairman's responsibility to arrange for some other member of the district delegation to attend, vote, and report.

**APPENDIX E
ORGANIZATION CHART OF
GREENWICH TOWN GOVERNMENT**

See Cover letter from Doug Wells about the conflicting charts which have been scanned and sent with the cover



This chart reflects the principal reporting responsibilities of the major functions of the Town. Not all departments, boards, commissions, or elected positions are included.

**APPENDIX F
PARLIAMENTARY PROCEDURES**

The following motions and parliamentary points are not a complete list of possible actions, but have been selected from Robert's Rules of Order Newly Revised as those most likely to be encountered in RTM proceedings.

The reason for prioritizing motions is to facilitate the desire of the majority, while at the same time protecting the rights of the minority.

A Privileged or Subsidiary motion takes precedence over any lower-numbered motion, and it may in turn be pre-empted by a higher-numbered motion. A higher-numbered motion may be offered when a lower-numbered item is before the body,

Incidental motions are not numbered, because they have no rank among themselves. All Incidental motions rank before Subsidiary motions.

Motion, Rank & Classification		Second Required	Debatable	Amendable	Decision By	Can Be Reconsidered	Can Interrupt
PRIVILEGED							
10	Adjourn	Yes			Maj.		
9	Question of Privilege				Mod.		I.S.
INCIDENTAL							
	Appeal Ruling of Moderator	Yes	Yes		Maj.	Yes	I.P.
	Suspend the Rules (e.g., combine items on Call)	Yes			2/3		I.P.
	Point of Information				Mod.		I.P.
	Point of Order				Mod.		I.S.
	Object to Consideration of Question				2/3	Yes(n)	I.P.
	Withdraw a Motion				Maj.		I.P.
	Divide the Question	Yes		Yes	Maj.		I.P.
	Call for a Standing Vote				Maj.		I.P.
SUBSIDIARY							
8	Table Main Motion	Yes			Maj.		
7	Move Previous Question	Yes			2/3	Yes	
6	Limit or Extend Debate	Yes		Yes	2/3	Yes	
5	Postpone to a Definite Date	Yes	Yes	Yes	Maj.	Yes	
4	Refer to a Committee	Yes	Yes	Yes	Maj.	Yes	
3	Amend a Motion	Yes	Yes	Yes	Maj.	Yes	
2	Postpone Indefinitely	Yes	Yes		Maj.	Yes(a)	
MAIN							
1	Initiate Action on a Matter	Yes	Yes	Yes	Maj.	Yes	
MISCELLANEOUS							
	Reconsider	Yes	Yes		Maj.		I.P.
	Take from the Table	Yes			Maj.		
KEY	I.S. May interrupt a speaker			Yes(n) Reconsider a negative vote			
	I.P. May interrupt a proceeding			Yes(a) Reconsider an affirmative vote			

APPENDIX G

SUMMARY OF FREEDOM OF INFORMATION ACT

The Connecticut Freedom of Information Act applies to meeting conduct, notices, reports and records of the RTM and all meetings held by the full body and its constituent committees.

The Town Attorney from time to time reviews and analyzes the act reflecting updating statutory amendments, administrative decisions and court interpretations.

These analytical summaries are distributed to the RTM Moderator and the Committee and District Chairmen. They are available to RTM members for review upon request to the Town Attorney.

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Freedom of Information Act Update 2003

I. SCOPE OF ACT

The Freedom of Information Act (“the Act”) governs the maintenance and disclosure of public records and files as well as requirements for meetings held by public agencies. In general, the Act requires that each public agency keep and maintain all public records of which it has custody in an accessible place at its office or regular place of business, or in the office of the clerk of the Town. Each public agency must also provide public notice of its meetings and make, keep and maintain records of the proceedings of its meetings.

II. PUBLIC AGENCIES

The Act applies to all public agencies including executive, administrative and legislative offices of towns, any agency, department, institution, bureau, board, commission, official or authority of any town, municipal corporation or school district. This includes any committee of, or created by, any such office, agency, department, institution, bureau, board, or commission, official or authority. “Implementing Agencies” designated by municipalities for manufacturing assistance under the Economic Development and Manufacturing Assistance Act of 1990 are public agencies. In addition, functional equivalents of public agencies may be considered public agencies for purposes of the Act.

In the only exception to the rule that committees are subject to the Act, a public agency may petition the Freedom of Information Commission (the “Commission”) before establishing a committee that is to be composed entirely of individuals who are not members of the agency to determine whether such committee may be exempted from the Act. After fact finding, if the Commission finds that the public interest in exempting the committee from the Act clearly outweighs the public interest in applying the Act, the Commission outweighs the public interest in applying the Act, the Commission will exempt the committee. In the only known request made under this provision, the Commission denied a request by Greenwich to exempt the proceedings of a proposed Human Rights Committee.

III. RECORDS

Public records and files include any recorded data or information relating to the conduct of the public's business which is owned, used, received, prepared, maintained, retained or kept on file by any public agency, whether or not such records are required by any law, rule or regulation. Such data may be hand-written, typed, printed, photostatted, photographed, tape-recorded, or recorded by any other method, such as a computer storage system, e-mail and voice mail. The Act expressly states that any contract of employment to which the state or a political subdivision of the state is a party is a public record.

Each agency shall keep all public records in its custody at its regular office or place of business in an accessible place. If there is no office, the records of the agency must be kept in the office of the Town Clerk.

A. EXEMPT RECORDS. Disclosure is not required of the following:

1. Preliminary drafts and notes, including records of any pre-decisional, deliberative process, provided that the public agency makes a good faith determination that the public interest in withholding such documents clearly outweighs the public interest in disclosure. The statute places the responsibility for making the determination on the agency, which must support its decision by specific well-founded reasons.
2. Personnel, medical and similar files, the disclosure of which would constitute an invasion of an employee's personal privacy. (See Section V for a discussion of the requirements in the event of a request for such files.) A "similar file" is material that would ordinarily be used in deciding whether an individual should be promoted, demoted, given a raise, transferred, reassigned, dismissed or subject to other traditional personnel action. Internal investigation files have also been considered to be "similar files," for example, investigations concerning allegations of sexual harassment.
3. Records of law enforcement agencies not otherwise available to the public and compiled in connection with the detection or investigation of a crime, if the disclosure of such records would contravene the public interest because it would result in the disclosure of:
 - a. The identity of informants not otherwise known, or the identity of witnesses not otherwise known, whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, or the disclosure of signed statements of a witness.
 - b. Information to be used in a prospective law enforcement action, if prejudicial to such action. The Appellate Court has held that an exemption under this section cannot be claimed if a matter is only "potentially criminal" and that prosecution is "possible." Disclosure may be ordered before an investigation is closed.
 - c. Investigatory techniques that are not common knowledge.
 - d. Arrest records of a juvenile, including investigatory files concerning the arrest of a juvenile, compiled for law enforcement purposes.
 - e. Names and addresses of victims of sexual assaults or of acts

constituting injury or risk of injury, impairing of morals, or of an attempt thereof.

- f. Any uncorroborated allegations subject to destruction by law enforcement agencies (see Section VI, B).
4. Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party, until such litigation or claim has been finally adjudicated or otherwise settled. A "pending claim" is defined as a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.
- "Pending litigation" is defined as a pending claim (see above definition) or (1) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or (2) the agency's consideration of action to enforce or implement legal relief or a legal right. The word "action" is not limited to legal action such as bringing a lawsuit.
5. Trade secrets. The definition now extends to: Formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, or customer lists that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy.
6. Commercial or financial information given in confidence, and which is not required by statute.
7. Test questions, scoring keys and other data used in administering licensing, employment or academic examinations.
8. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided, the law of eminent domain shall not be affected by this provision.
9. Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant for a license, certificate or permit in order to establish the individual's personal qualification.

10. Records, reports and statements of strategy or negotiations with respect to collective bargaining. The Appellate Court has held that the filing of a grievance under a collective bargaining agreement that contains limited information does not reveal any strategy or negotiations to fall within this exception to disclosure.
11. Records, tax returns, reports and statements specifically exempted by federal law or other state statutes or communications privileged by the attorney-client relationship. Communications are protected under the attorney/client privilege where the "client" is a municipality provided that the attorney is acting in a professional capacity for the agency, the communications are confidential and made by current employees, and relate to the legal advice sought by the agency.
12. Names and addresses of students enrolled in public schools or colleges without the consent of each student eighteen years or older and without consent of the parent or guardian of students under eighteen years, except that the Board of Selectmen or Board of Finance of the town wherein a student resides may obtain such information regarding a student enrolled in any public school in a regional school district for the purpose of verifying tuition payments of such student.
13. Information obtained by illegal means.
14. Records of an investigation conducted or the name of an employee providing information under Connecticut law (Conn. Gen. Stat. §4-6ldd) governing disclosure of information to auditors of public accounts.
15. Confidential information regarding adoptions pursuant to Connecticut law (Conn. Gen. Stat. §45a-746, §45a-750, §45a-751).
16. Any page of a primary petition, nominating petition, referendum petition, or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official(s) charged with such duty after which time disclosure of such page shall be required.
17. Records of complaints brought to a municipal health authority pursuant to Chapter 368e or a district department of health pursuant to Chapter 368f until the investigation is concluded or thirty days from the date the complaint is received, whichever occurs first.

18. Educational records not subject to disclosure under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.
19. Records that the Commissioner of Correction has reasonable grounds to believe may result in a safety risk if disclosed.
20. Records concerning a municipality that the State Commissioner of Public Works, after consultation with the chief executive officer of a municipality, has reasonable grounds to believe may result in a safety risk to any person government-owned facility or equipment if disclosed, except that such records shall be disclosed to a law enforcement agency upon request of that agency.
21. Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system.
22. All other records of any public agency "as otherwise provided by any federal law or state statute." Based on this provision, the Connecticut Supreme Court has permitted an exclusion from the general rule of disclosure for: a) autopsy reports under Conn. Gen. Stat. §19a-411; b) certain information gathered in preparation of annual financial statements by sheriffs and deputy sheriffs under Conn. Gen. Stat. §1-83; and c) teacher evaluations and records under Conn. Gen. Stat. §10-151c. The Supreme Court has interpreted §10-151c as also exempting documents concerning teacher goals and objectives. Therefore these documents are not accessible to the general public. In a recent case, records concerning serious teacher misconduct in class not connected with the teacher evaluation process have been required to be disclosed (exposing children to sexually-explicit, non-instructional material in class).
23. Records that reveal the residential addresses of certain state and municipal employees, including any sworn member of a municipal police department or any firefighter. This does not apply to Department of Motor Vehicle records.
24. Any record of a personnel search committee that, because of name or other identifying information, would reveal the identity of an executive level employment candidate without the consent of such candidate.
25. Records of a municipal volunteer fire department that concern fraternal or social matters.
26. Address of any participant in the Address Confidentiality Program, which takes effect January 1, 2004. This new legislation is intended to offer protection to individuals that have been stalked or harassed.

- B. Notwithstanding the exceptions stated in Section III A above, disclosure is required of:
1. Interagency or intra-agency memoranda or letters, advisory opinions, recommendations, or any report comprising part of the process by which governmental decisions and policies are formulated. However, disclosure is not required of a preliminary draft of memoranda prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency. The word "staff" includes persons hired on a contractual basis to perform the same or similar tasks as agency personnel.
 2. Records of investigation concerning any tenement house, lodging or boarding house, nursing or rest home, or home for the aged conducted by any municipal building department or housing code inspection department or any local or district health department or any department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation or occupancy of such buildings.
 3. Personnel, birth, and confidential tax records must be disclosed to the individual who is the subject of such information.
 4. A public agency's records concerning its administration.
 5. Non-exempt public records even if there is related litigation is pending in which separate rules of discovery may apply.

IV. REQUESTS FOR INSPECTION OR COPIES OF RECORDS; FEES; COMPUTER STORED INFORMATION

- A. Every person has the right to inspect public records promptly during regular office or business hours. No written request is required to inspect public records.

The public also has the right to receive copies (plain or certified) of public records "promptly" upon written request. The Connecticut Supreme Court has held that, because requests for records are to be construed broadly, a request for "information" will be treated as a request for records.

Upon receipt of a request to inspect records, or a written request for copies, a good faith, thorough search for records that exist which are responsive to the request is generally required. Nothing in the Act requires a public agency to create a record

that does not exist. An agency may be required to demonstrate to the Commission, however, that the record does not exist. The Act does not require a public agency to respond to questions.

Ordinarily, failure to comply with, or respond to, a request to copy a public record within four business days of any such request is deemed to be a denial (see Section VII). Failure to provide inspection or copies of existing, non-exempt public records in response to a proper request promptly may, by itself, constitute a violation of the Act.

- B. When fees are charged, the fees cannot exceed fifty cents per page. Any fees must be waived 1) if the person requesting the records is indigent, 2) the records located are determined to be exempt; 3) in the judgment of the public agency, compliance will benefit the general welfare.
- C. If the copy provided is a transcription, the fee shall not exceed its cost to the agency.
- D. Prepayment may be required if the estimated fee is \$10.00 or more.
- E. No sales tax may be imposed for such transaction.
- F. If a certified copy is requested, a fee of \$1.00 for the first page and fifty cents for each additional page may be charged, unless some other provision of law requires otherwise.
- G. Any individual may copy a public record through the use of a handheld scanner. A fee of up to \$10.00 may be charged each time records are copied in this way.
- H. Where public records are kept in a computer storage system, the agency shall provide any nonexempt data properly identified on paper, disk, tape or other electronic device or medium if the agency can reasonably make or have made such copy. No agency shall enter into a contract, or obligate itself to any person where the public right to access non-exempt records contained in an electronic storage device or computer system is impaired as a result. The agency must consider whether any proposed computer system used to store and receive non-exempt public records provides for the right of the public to access to such records at the least possible cost to the agency and to those entitled to access. The Department of Information Technology for the State of Connecticut is required to adopt written guidelines to assist municipal agencies in this regard.
- I. The fee for copies contained in a computer storage system other than any existing printout shall not exceed the cost to the agency. However, in determining such costs the agency may include only (1) an amount equal to the hourly salary of all

agency employees engaged in providing the computer-stored record, including performance time in necessary formatting or programming functions, but not including search or retrieval costs except as provided below; (2) an amount equal to the cost of engaging an outside professional electronic copying service if needed to provide the copying; (3) the actual cost of the storage devices or media provided to the person; (4) the computer time charges incurred by the agency in providing the requested computer-stored record where another agency or contractor provides the agency with computer storage and retrieval services. The fee for a copy of the names of registered voters shall not exceed three cents per name delivered or the cost to the agency as determined by this section of the Act.

- J. The State Department of Information Technology monitors fees charged for copies of computer-stored public records to ensure reasonableness.

V. EMPLOYEE PERSONNEL FILES

Whenever a public agency receives a request to inspect or copy records contained in an employee's personnel, medical, or similar files and the agency reasonably believes that disclosure of such records would legally constitute an invasion of personal privacy (see note below), the agency shall immediately notify in writing each employee concerned and the collective bargaining representative, if any, of each employee concerned that such request has been made [such notice need not be in writing where impractical due to the large number of employees concerned]. The Act does not define the term "immediately," so the best procedure is to send the written notice on the date the request is made, or as soon thereafter as possible.

Where the agency and/or representative has been notified of receipt of a request for a personnel record as required by the statute, the agency must disclose the records requested unless it receives a written objection from the affected employee or the employee's collective bargaining representative, if any, within seven business days from the receipt by the employee or the collective bargaining representative of the notice or, if there is no evidence or receipt of written notice, within nine business days from the date the notice was actually mailed, sent, posted or otherwise given.

The Act requires that each objection be on a form prescribed by the public agency, which shall consist of a statement, to be signed by either the employee or the employee's collective bargaining representative under the penalties of false statement, that to the best of his or her knowledge, information and belief, there is good ground to support the objection and that it is not being filed for delay purposes. The agency shall not disclose the requested records if an objection is filed unless ordered to do so by the Freedom of Information Commission.

If an employee's collective bargaining representative files a written objection, the

employee may subsequently approve the disclosure of the requested records by filing a written notice to the public agency.

Specific denials are to be issued within ten days if the request for these kinds of records. Failing to comply with the request for records in accordance with these provisions is considered a denial. If an appeal of a denial of the right to inspect or copy records is taken to the Commission, the agency must notify the employee concerned and the employee's collective bargaining representative. Any employee whose file is subject to such an appeal may intervene as a party in the proceedings before the Commission.

Invasion of personal privacy An agency may not withhold from disclosure the contents of any file when it does not reasonably believe the disclosure would legally constitute an invasion of personal privacy. The Connecticut Supreme Court has adopted a stringent test for determining whether a request for personnel, medical and similar files would constitute an invasion of personal privacy. Under that test, an invasion of personal privacy will be found only where the information sought (i) does not pertain to legitimate matters of public concern and (ii) is highly offensive to a reasonable person. Generally, material that may be considered "highly offensive to a reasonable person" is information relating to a public employee's family life, intimate details of a person's life (e.g., sexual relations, family quarrels, disgraceful or humiliating illnesses), personal financial situation, medical condition, and social security number.

The standard that is applied to determine if an invasion of personal privacy does justify nondisclosure is onerous: In order to justify non-disclosure of the material sought, the agency and/or employee involved must prove 1) disclosure of the information would be highly offensive to a reasonable person AND 2) the information does not relate to a matter of public concern.

When records contain 1) material that does not relate to a matter of public concern and 2) material that is reasonably believed to be highly offensive to a reasonable person and 3) the employee or union has filed a written objection, the public agency may deny disclosure and, if an appeal is filed, the Commission will determine at the hearing whether both elements for nondisclosure have been established by the evidence the public agency has offered. If, after inspection, the Commissioner finds certain material to be both highly offensive to a reasonable person and not to be a matter relating to public concern, the Commission will not release that particular material.

Applying this standard, the majority of requests for information contained in employee files were determined by the Commission or the courts to be matters of public concern and have been released. For example, where disclosure of personnel evaluations of municipal employees were at issue and

there was no humiliating or embarrassing information contained in the evaluations, those evaluations were held subject to disclosure even when the employees had objected to the disclosure.

In a circumstance where an investigation of wrongdoing claimed against an employee resulted in exoneration, the information was released regardless of the extremely personal nature of the charges since the manner in which the investigation was made was considered to be a legitimate matter of public concern.

In a case where alleged sexual harassment was involved, and a particular internal investigation focused, not on the personal relationships of the individual but on the individual's official business, the Commission has held that investigatory records were subject to disclosure in a particular case even though personal relationships were mentioned and the information contained in record was perhaps personally embarrassing to the individual but where the information was found not to be highly offensive to a reasonable person.

The presumption in favor of disclosure contained in the Act weighs heavily in these decisions. When a request for this type of information is made, you should ordinarily consult the Law Department to determine the appropriate course of action.

VI. RECORDS OF LAW ENFORCEMENT AGENCIES

- A. An arrest record must be disclosed upon request of persons other than a juvenile or a record erased pursuant to Chapter 961a of the General Statutes. "Record of arrest" means the name and address of the person arrested, the date, time and place of the arrest, and the offense for which the person was arrested. "Record of arrest" also means at least one of the following designated by the law enforcement agency: the arrest report; incident report; news release; or other similar report of the arrest of a person. Disclosure of this type of information is expressly made subject to the provisions regarding exceptions to disclosure of records of law enforcement agencies (See Section III, A, 3 listing records exempted from disclosure if compiled in connection with the detection or investigation of a crime). Further, any personal possessions or effects found on a person at the time of such person's arrest shall not be disclosed unless relevant to the crime for which such person was arrested.
- B. Except where the retention of records is otherwise controlled by regulation or law, the records of law enforcement agencies that consist of uncorroborated allegations regarding an individual's engagement in criminal activity shall be reviewed by the law enforcement agency one year after their creation. If, within ninety days after

the commencement of such review, the existence of the alleged criminal activity cannot be corroborated the law enforcement agency shall destroy such records. The Appellate Court has ruled that any records not corroborated within this fifteen-month period are subject to destruction and there is no requirement that the police determine that it would not be in the public interest before refusing release of such records.

VII. DENIAL OF ACCESS TO INFORMATION

Any denial of a request to inspect or copy the records must be made in writing within FOUR business days of the request by the agency official that has custody or control of the requested records. Failure to comply with a request to inspect or copy within four business days of any such request shall be deemed to be a denial. The only exception to this rule is when the request is determined to be subject to provisions regarding employee personnel files (see Section V).

An appeal procedure is available for any person denied the right to inspect or copy records, or denied the right to attend a meeting of any public agency, or denied any other right conferred by the Act. The person may institute an appeal from the agency's failure to act on the written request or from the agency's written denial of the material by filing a notice of appeal with the Freedom of Information Commission within thirty days of the denial or within thirty days after the person receives notice in fact that a meeting was held.

VIII. MEETINGS

The meetings of all Town departments and agencies, except executive sessions, must be open to the public. The public has the right to be present, to observe and listen, but not to participate or be heard at such meetings. Each agency must keep, make and maintain a record of the proceedings of its meetings. No member of the public shall be required, as a condition to attend a meeting, to register his or her name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to his or her attendance at the meeting.

"Meeting" is defined as:

[A]ny hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.

"Meeting" does not include: any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency ("Caucus" means a convening or assembly of (i) the enrolled members of a single political party, or (ii) the members of different parties who have registered as a caucus, who are members of a public agency within the state or a political subdivision); an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof.

A quorum of the members of a public agency who are present at any event that has been noticed and conducted as a meeting of another public agency shall not be deemed to be holding a meeting of the public agency of which they are a member as a result of their presence at such event.

Field trips or site visits by members of a public agency, relative to a matter over which the agency has jurisdiction, has been determined to constitute a meeting. However, a pre-disciplinary conference that lacks the formalities associated with a hearing has been determined not to fall under the Act.

In relation to grievance hearings that arise out of collective bargaining, the Connecticut Supreme Court has held that grievance hearings are meetings that must be open to the public during the presentation of evidence regarding underlying facts, but may be closed during negotiations regarding appropriate remedies to correct alleged violations.

Connecticut General Statutes §7-314(b) provides that the records and meetings of a municipal volunteer fire department are not subject to the disclosure and open meeting provisions of the Act if such records and meetings concern fraternal or social matters. Records and meetings concerning matters of public safety, expenditures of public funds or other public business are subject to disclosure.

A. Votes and Minutes Recorded

The votes of each member of an agency on all issues must be reduced to writing, made available for public inspection within forty-eight hours and recorded in the minutes of the meeting. The minutes must be made available for public inspection within seven days of the date of the meeting to which they refer.

B. Schedule of Regular Meetings

The chairman or secretary of each Town agency must file with the Town Clerk by

January 31st of each year a schedule of regular meetings of each agency to be held during the ensuing year. It is important to file this schedule as early as possible since no meetings can be held until thirty days after the date the schedule is filed.

C. Agenda

The agenda of each regular meeting of every public agency must be filed and available to the public no less than twenty-four hours before the meeting in the agency's office or place of business, or, if there is none, in the Town Clerk's office. Upon the affirmative vote of two-thirds of the members of the public agency present and voting any business not included on such filed agenda may be considered and acted upon at such meeting.

D. Notice of Special and Emergency Meetings

If any public agency desires to hold a special meeting it must file and post with the Town Clerk a notice of the time and place of such meeting as well as the business to be transacted not less than twenty-four hours before the time set for the meeting. The Clerk must post this notice in his or her office.

Only the business specified in the notice can be transacted at such meeting. The public agency's members must be notified in writing prior to the meeting as well. However, delivery of notice may be waived by any member who, at or prior to the time the meeting convenes, files a written waiver with the clerk or secretary of the agency or who is actually present at such meeting when it convenes.

In cases of *bona fide* emergencies a special meeting may be held without filing a notice with the Town Clerk. Within seventy-two hours of any such emergency meeting, the agency must file with the Town Clerk a copy of the minutes of the meeting setting forth the nature of the emergency, the proceedings occurring at the meeting and the time and place of the meeting.

In calculating the appropriate time schedules within which or by when a notice, agenda, and records of votes or minutes of a special or an emergency special meeting are required to be filed, Saturdays, Sundays, legal holidays and any day on which the agency's office or the Town Clerk's office is closed shall be excluded.

E. (Individualized) Written Notice of Meetings

Generally, any person can file a written request with any Town agency to receive notice by mail of the regular and special meetings. The agency, where practicable, shall give notice by mail at least one week prior to the date of each meeting. Proper notice will be presumed if a notice is timely sent by first-class mail to the address indicated in the request of the person seeking such notice. The agency

may give such notice it deems practical of special meetings called less than seven days prior to the date of the meeting. A person who does not receive proper notice of any meeting of a public agency may appeal within thirty days.

The written request for notice is valid for a period of one year from the filing date. Renewal requests must be filed within thirty days after January 1 of each year. The agency may charge a reasonable fee for sending the notice based upon the estimated cost of providing such service.

F. Executive Sessions

An executive session is defined as a meeting of a public agency at which the public is excluded. The circumstances under which a body may hold an executive session are strictly circumscribed. There are only five purposes for which executive sessions may be held:

1. Discussion concerning the appointment, employment, performance, evaluation, health, or dismissal of a public officer or employee. Such officer or employee however, may require that discussion be held at an open meeting.
2. Strategy and negotiations concerning pending claims and litigation to which the public agency or an individual because of his or her conduct as a member of such agency is a party, until such claim or litigation has been finally adjudicated or otherwise settled. The word "strategy" has been interpreted to be not limited to legal strategy.

A "pending claim" is defined as a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted. "Pending litigation" is defined as a pending claim (see above definition) or (1) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or (2) the agency's consideration of action to enforce or implement legal relief or a legal right. The word "action" is not limited to legal action such as bringing a lawsuit.

3. Matters concerning security strategy or the deployment of security personnel or devices affecting public security.
4. Discussion of the selection of a site or the lease, sale or purchase of real estate by a Town when publicity regarding the same would cause a likelihood of increased price, until such time as all of the property has been acquired or all proceedings or transactions concerning the same have been terminated or abandoned.

5. Discussion of any matter that would result in the disclosure of public records specifically exempted by the Act from disclosure, or the information contained in those exempt records (e.g. records, reports and statements of strategy or negotiations with respect to collective bargaining). See Section III, A.

An executive session may not be convened to receive or discuss oral communications that would otherwise be privileged by the attorney-client relationship if the agency were a non-governmental entity, unless the session is for one of the above permitted purposes.

It should be carefully noted that, even if any of the above permitted purposes exists, a public agency may hold an executive session only upon an affirmative vote of two-thirds of the members of such body present and voting taken at a public meeting and stating the reasons for such executive session. If less than two-thirds of the members vote in favor of a move into executive session, no executive session can be held. When executive sessions are held no minutes should be kept of the discussions held, but the minutes must disclose all persons who are in attendance except job applicants who attend for the purpose of being interviewed by such agency. Further, attendance at executive sessions is limited to members of the agency and persons invited by the agency to present testimony or opinion on the matters being discussed. The attendance of such invitees shall be limited to the period for which their presence is necessary to present such opinion or testimony. No vote shall be taken in an executive session (any type of consensus reached by the agency is deemed a vote and therefore prohibited by the Act). Any votes must be taken when the public meeting is reconvened.

G. Personnel Search Committee Meetings

Because the Act's definition of "meetings" specifically excludes "any meeting of a personnel search committee for executive level employment candidates" such meetings are excepted from the requirement that "the meetings of all public agencies ... shall be open to the public." A personnel search committee includes a body appointed by a public agency whose sole purpose is to recommend to the appointing agency candidates for an executive level employment position. Additionally, disclosure is not required of any record of a personnel search committee meeting which, because of name or other identifying information, would reveal the identity of an executive level employment candidate without the consent of such candidate.

H. Location of Meetings

Each agency shall provide by resolution or ordinance the place where its regular meetings are to be held. If on any occasion the designated place is unsafe, the presiding officer of the agency can designate a different location for the meeting.

However, the minutes of any such meeting shall set forth the nature of the emergency and the proceedings occurring at such meeting. These minutes must be filed with the Town Clerk within seventy-two hours following the meeting.

When a regular meeting falls on a holiday it shall be held on the next business day.

I. Conduct of Meetings

When a meeting is interrupted by any person or group so as to render the orderly conduct of such meeting unfeasible and where order cannot be restored by removing the disruptive individual(s), the agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may then be considered. Duly accredited representatives of the press or other news media, except those participating in such disturbance, shall be allowed to attend any such session. The agency may readmit any individuals not responsible for willfully disturbing the meeting.

J. News Media/ Recording

Any meeting open to the public may be recorded, photographed, broadcast, or recorded for broadcast by any person, newspaper, radio broadcasting company or television broadcasting company (including cable transmissions) subject to such rules as the public agency may have prescribed prior to such meeting.

The equipment used must be handled in an inconspicuous manner so as not to disturb the meeting. Any public agency may adopt rules governing such recording, photography or the use of such broadcasting equipment.

Whenever there is a violation or the probability of a violation of these provisions, a judge of the superior court shall, upon application made by affidavit that such violation is occurring or that there is reasonable probability of such a violation, issue a temporary injunction without notice to the adverse party to show cause why such injunction should not be granted and without the plaintiff's giving a bond. The court may dissolve or modify the injunction upon a hearing. Any action taken by a judge upon such application shall be immediately certified to the court.

K. Adjournment of Meetings

The public agency may adjourn any regular or special meeting to a time and place specified on the order of adjournment. From time to time less than a quorum may so adjourn. If no members are present at any regular meeting the clerk or secretary of the agency may declare the meeting adjourned to a stated time and place and shall provide written notice of the adjournment in the same manner as provided for special meetings (see Section VIII, E) unless notice is waived.

The order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within twenty-four hours from the adjournment. If an order of adjournment does not state the time the meeting is to be reconvened, the meeting shall be held at the time specified for regular meetings by ordinance, resolution, law or other rule.

L. Continued Hearings

Any hearing held, noticed or ordered to be held by the public agency at any meeting may be continued or recontinued by order or notice of continuance to any subsequent meeting of such agency in the same manner and to the same extent as a regular meeting may be adjourned. However, if the hearing is continued to a time less than twenty-four hours after the time specified in the order or notice of hearing a copy of the order or notice of continuance must be posted on or near the door where the hearing was held immediately following the meeting at which the declaration or order of continuance was made or adopted.

IX. PENALTIES

A. Civil Penalty for Wrongful Denial of Rights

In any appeal the Commission may confirm the action of the agency or order the agency to provide relief that the Commission in its discretion believes appropriate to rectify the denial. It may require the production or copying of any record. If on appeal it is found that the denial of any right created by the Act was without reasonable grounds the Commission may fine the custodian of the undisclosed records or other official directly responsible for such denial not less than twenty nor more than one thousand dollars. Such penalty cannot be assessed until a probable cause hearing and a final hearing has been held by the Commission on the alleged violation. The fine shall be paid within thirty days of receipt of written notice of the penalty.

B. Destroying Documents

Any person who willfully, knowingly and with intent to do so, destroys, mutilates or otherwise disposes of any public record without required approval, or who alters any public record, shall be guilty of a Class A misdemeanor. Each such occurrence shall constitute a separate offense.

C. Failure to Give Notice of Meeting

Any person not receiving proper notice of any meeting of a public agency in accordance with the Act may appeal to the Commission. If the Commission determines that notice was improper, it has the power to declare any and all

actions taken at such meeting null and void. That power may be exercised in the Commission's discretion.

D. Frivolous Appeals

If the Commission finds that a person has appealed frivolously, without reasonable grounds and solely to harass the agency against which the appeal has been taken, it may impose a civil penalty against such person of a minimum of twenty and a maximum of one thousand dollars. However, no such penalty can be assessed until the person has been given an opportunity to be heard at both a probable cause and final hearing.

E. Failure to Comply with Commission Order

Any member of any public agency who fails to comply with an order of the Freedom of Information Commission shall be guilty of a Class B misdemeanor. Each occurrence of a failure to comply with such an order shall constitute a separate offense.

X. DISMISSALS/APPEALS

A. Dismissals Without Hearing

The Commission may dismiss an appeal without a hearing at the request of an agency if it finds after examining the appeal notice in a light most favorable to the appellant that the agency did not violate the Act. In addition, the Commission now has the power to dismiss an appeal without a hearing if it finds that a public agency has committed a technical violation of the FOIA that constitutes a harmless error that does not infringe on the appellant's rights under the Act. The public agency is required to file a motion to dismiss for an appeal to be dismissed without a hearing to be considered.

B. Appeals to Superior Court

Appeals may be taken from the decision of the Commission and/or any imposition of the penalties under the Act to the Superior Court in accordance with the Uniform Administrative Procedure Act plus certain additional procedural and /or evidentiary powers granted under the Act. If the Court finds that any such appeal taken is frivolous or taken solely for the purpose of delay, it shall order the responsible party to pay to the party injured by such appeal costs or attorneys' fees of not more than one thousand dollars.

TO: The Chairman and Members of the Board of Estimate and Taxation

FROM: John Wayne Fox, Town Attorney

DATE: January 3, 2006

RE: Freedom of Information Act (the "Act") Update
(Supplement to Memorandum dated December 24, 2003)

The following developments have taken place in the area of Freedom of Information laws since the Law Department's memorandum on the Act dated December 24, 2003:

1. The Act was amended to include a provision stating that nothing in the Act shall be deemed in any manner to require a public agency to transcribe the content of any voice mail message and retain such record for any period of time.

2. The Connecticut Supreme Court held that Greenwich's Department of Information Technology had the burden to seek a public safety determination from the State Commissioner of Public Works in support of a claim that computerized data from the Town's GIS system was protected from disclosure under the Act; Greenwich's GIS system did not constitute a trade secret within the meaning of the trade secret exemption.

3. In another Greenwich case, the Connecticut Appellate Court agreed with the Town that the voluntary disclosure of a letter from outside counsel to the First Selectman did not jeopardize the attorney-client privilege as to other privileged documents from the Town's attorneys because the disclosed document did not contain any legal advice and was not intended to be confidential.

4. The Connecticut Appellate Court held that notes taken by an ethics commission's chairman during a probable cause investigation were exempt from disclosure as preliminary drafts related to advisory opinions, recommendations and deliberations comprising part of the process by which government decisions and policies are formulated.

/js

TO: Chairmen, Representative Town Meeting, District and Standing Committees; Board of Selectmen; Department Heads; and Chairmen of all Town Agencies, Boards and Commissions

FROM: John Wayne Fox, Town Attorney

DATE: March 28, 2007

RE: Freedom of Information Act (the "Act") Update
Supplement to Memorandum dated January 3, 2006

The following developments in the area of Freedom of Information laws have taken place since the Law Department's memorandum on the Act dated January 3, 2006:

1. There were not many significant amendments to the Act in 2006. However, a new provision was included which will impact confidentiality clauses in employment termination agreements entered into by any public agency. The Act was amended to include a provision (General Statutes § 1-214a) stating that an employment termination agreement or an agreement terminating the services of a contractor providing personal services shall be subject to public disclosure even though the agreement may contain a confidentiality clause prohibiting or restricting the public agency from disclosing the existence of the agreement or the cause of the termination. Furthermore, the agreement is not protected from disclosure even if the cause for termination includes alleged or substantiated sexual abuse, sexual harassment, exploitation or assault.

2. In a case involving the Greenwich Board of Ethics, the Connecticut Superior Court ruled that advisory opinions issued by the Board of Ethics are not personnel or similar files under the Act and must therefore be disclosed. The Court noted that its ruling is in keeping with the procedure followed by the Office of State Ethics which compiles and indexes its advisory opinions for public access.

AA/js

APPENDIX H

BUDGET PROCEDURE AND SCHEDULE

The adoption of the Town's annual budget is a lengthy process. It begins within the various departments as early as a year before the final action, by the RTM at its May meeting.

During this process there are opportunities for interested persons to attend meetings, which are public under the Freedom of Information Act. Supervisory and managerial conferences are not classified as public meetings. In some meetings it is possible to participate in the discussions, but in others the discussion is restricted to the principals involved. Hearings are open to the public for their information and comments.

Any member desirous of participating in the formulation of any part of the budget or of becoming better informed, can obtain information about meetings and hearings by calling the appropriate department head. Interest and participation will be welcomed.

Following are the major segments of the budget process. Dates are approximate, as they vary from year to year. Opportunities for RTM members and the public to participate in discussion are indicated in the margin below by the letter "P" and meetings where they can only monitor the proceedings are shown by the letter "M."

1. In August, the Budget Director issues instructions to department heads, including a schedule of dates for specific events in the budget process. School principals will have been instructed by the Board of Education during the spring to develop their capital recommendations and special educational needs. All departmental personnel develop long range plans and specific proposals for the year in question, with estimated costs and revenues. These are reviewed and revised at conferences and meetings at the supervisory and managerial levels, with priorities being established at the executive level. Final action of this phase is the approval of each department's request by its elected official or board, or its appointed board or commission. These conferences are not open to the public. However, constituencies are free to offer suggestions to departmental personnel during this development phase, particularly in the area of capital involvements.

2. In September, RTM standing committees appoint budget sub-committees.

3. Each department's request is forwarded by October 31 to the Budget Director, who then compiles all departmental budgets and within 5 to 10 business days forwards a set to each member of the Board of Estimate and Taxation ("BET") Budget Committee (the "Committee") and two sets to the RTM Budget Overview Committee. The BOC distributes applicable portions of one of the sets to the appropriate standing committees.

- M** **4.** **Beginning as early as mid-November commission members and department heads meet with the Committee, Comptroller, and Budget Director to review budget requests and furnish additional information or explanation that the Committee requires.**
- M** **5.** **Following the completion of these budget reviews, the departments submit any additional information requested by the Committee. The Committee then meets in full day session (prior to the Christmas Holiday) to make decisions regarding its “Recommended Budget.” The Recommended Budget is then compiled for submission to the total membership of the BET, with copies given to the entire RTM and made available to the general public. The Recommended Budget, also known as the “Big Book”, presents the data by “object code”, line items, such as 101, 110, and 111, for expenses and by article or item for equipment and capital improvements. The Recommended Budget is published and distributed in early February, but its contents become known earlier through media publication following the decision-making meeting in December. From their attendance at BET Committee meetings, RTM budget sub-committee delegates will have complete information relating to the Recommended Budget in advance of its publication.**
- M** **6.** **In early to mid-February, the Committee entertains reinstatement requests by department heads who feel that the Committee has misinterpreted information or lacked information when making certain budget decisions. At the end of the reinstatement meetings, the Committee votes as to whether to reconsider some of its budget decisions and whether to recommend changes to the full BET at the public hearings. RTM budget sub-committee delegates should attend the reinstatement meetings.**
- P** **7.** **In mid-March, the Budget Committee meets with various RTM standing committees to review with them the reasons/philosophies for the actions taken in compiling its Recommended Budget. RTM members will have had a full month to study the book and to identify the items they wish to question.**
- P** **8.** **During March-April, the BET hold public hearings over the Recommended Budget. The various department budgets are scheduled over these three nights. The primary purpose of these hearings is to allow the public, departments, and RTM members to offer additional information and explanations to justify reinstatement of items reduced by the Committee, or to recommend reductions or deletions of specific items. The BET then makes its decisions on items in question, and all items in the budget. These constitute the “Proposed Budget.”**
- 9.** **In April, the BET publishes the “little book” containing its Proposed Budget for the**

coming fiscal year. The format is to combine all object codes (e.g., 101, 110, 111) into major object codes (such as 100, 200, 300) through the 800 series. Only items in the 900 series (Equipment and Improvements) are scheduled individually.

- P** **10. The May RTM is normally devoted to the Proposed Budget. Exceptions usually are made only for emergencies or non-deferrable actions such as ratification of a labor contract. Standing committees will have met on scheduled evenings with personnel of the departments for which they are functionally responsible. The RTM consideration of the budget also serves as a public hearing, with the public entitled to speak without a vote.**

The RTM cannot increase or initiate any item of the Proposed Budget. It can only approve, reduce, or eliminate. It deals with numbered codes as they appear in the Proposed Budget, the “little book.”

In the Schools category, the RTM cannot reduce or eliminate a major object code or a divisional total, such as 600, 620, etc. The RTM can, however, vote to reduce the entire Educational budget by a dollar amount, leaving a reasonable amount to operate the educational system. The Board of Education then spreads these reduced dollars to the code(s) they select. The RTM can, however, reduce or eliminate a specific non-educational capital equipment or capital improvement item.

The parliamentary procedure in acting on budget will be to consider, page by page, each coded item. Any challenge of an item will be voted on as a parliamentary resolution before any other items are considered. After every page is considered, and all challenges disposed of, the basic Appropriation Resolution, as drafted on pages of the little book and repeated in the Call of the meeting, as may be amended by the RTM, will be put to a final vote.

- 11. On the third Monday of May, the BET sets the tax rate for the coming year, based on appropriations approved by the RTM and on other fiscal provisions determined by the BET, such as contingency and working capital reserves, revenues from State and Federal agencies and local user fees. The net of all the foregoing is then divided by the Grand List of assessed values as of the previous October 1st, to calculate the mill rate.**

APPENDIX I

OTHER TOWN BODIES WITH GOVERNMENTAL FUNCTIONS OR RELATIONSHIPS

Community Development

The Community Development (CD) Program is funded from an entitlement grant applied for each year from the U.S. Department of Housing and Urban Development. The purpose of these grants is to develop and improve housing facilities and public services for low and moderate income families. The annual block grant has been approximately \$700,000 to \$750,000. All program costs are paid for by the annual grant. These are federal funds are kept entirely separate from town funds.

The Director of Community Development reports to the First Selectman. The staff (3) are town employees, with salaries and employee benefits paid out of CD (federal) funds.

Community organizations which qualify within the stated purpose of the program may apply to the Community Development Advisory Committee for block grant funds. This committee, which is composed of one RTM representative from each district, a representative from the BET, and community leaders, makes budget recommendations to the First Selectman who determines priorities. The Community Development budget and application is then submitted to the BET in September and the RTM in October for review and approval. The approved application is then submitted to the U.S. Department of Housing and Urban Development (HUD) for appropriation of funds. The CD fiscal year is February 14 to February 13.

Housing Authority

The Housing Authority of the Town of Greenwich is an independent body operating under State statute and over-sight. Its purpose is to develop and manage housing for low and moderate income families. It is managed by five commissioners appointed by the Board of Selectmen. It obtains development funds from the Federal Department of Housing and Urban Development, the State Department of Housing, the Connecticut Housing Authority and conventional mortgages.

It operates Adams Garden, Agnes Morley Heights, Armstrong Court, McKinney Terrace I and II, Wilbur Peck Court, Quarry Knoll I, Quarry Knoll II, and Town Hall Annex.

The RTM has no managerial or financial relationship with this body.

Libraries

Greenwich Library with the Byram, Schubert and Cos Cob branches and the Perrot Memorial Library in Old Greenwich, are independent bodies. Their respective boards of trustees, which are elected by their memberships, establish policies and oversee operations.

Funds for capital improvements and cultural programs are raised from their memberships and support groups.

Operating costs are paid by the town. The RTM's only relationship is the final approval of their operating budgets.

The Bruce Museum

Bruce Museum, Inc. ("BMI") is an independent, non-profit corporation. BMI's Board of Directors has a Management Agreement with the Town to operate the Museum under the conditions set forth in that Agreement. Its building, grounds and exhibition collections are owned by the Town. The RTM reviews and passes upon the Town's share of the Museum's operating expenses as part of the budget process. In accordance with the Museum's By-Laws and Management Agreement, the Moderator of the RTM serves as a voting ex-officio member of the Museum's Board.

South Western Regional Planning Agency ("SWRPA")

SWRPA is an advisory body composed of representative from Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, and Wilton. It prepares a regional plan of development and makes transportation and housing studies. It identifies transportation issues in the region and recommends solutions and priorities to the Metropolitan Planning Organization, which is composed of the chief executive officers of the eight towns.

Greenwich has three representatives on this body, one of whom is appointed by the Planning and Zoning Commission, the other two by the First Selectman from among the RTM members.

The Town's contribution to the agency's operating cost is budgeted in Planning and Zoning Commission, object code 160-149.

Transit District

The Transit District, currently inactive and unstaffed, is a planning body for public transportation facilities. When operative, it serves as an advisory and planning unit for the First Selectman. Its two directors would be nominated by the Board of Selectmen and appointed by the RTM.

APPENDIX J

FLEXIBILITIES AVAILABLE FOR FINANCING CAPITAL EXPENDITURES

1. Modified Pay-As-You-Go

In its approach to financing capital acquisitions or improvements, the Town utilizes a unique method of financing over a period of five years. This approach is referred to as the “Modified Pay-As-You-Go” plan. The plan is a basic policy of the Board of Estimate and Taxation (“BET”), affirmed specifically in recent years by resolution of the BET and implicitly each year by incorporation in the budget process.

Simply put, the plan makes use of a provision in the Connecticut General Statutes (Sec. 7-346) which permits a municipality to spread the financing of capital and non-recurring expenditures over a five-year period. Thus the BET, in approving such items, will appropriate the full amount. In setting the tax rate, though, the BET will include in the expenditure calculation only some portion of the total appropriation approved, and postpone additional portions to each of the following four years. The decision as to the annual amounts to be included in each tax rate will reflect the cash flow of that item or project as well as the cash flow of other outstanding items or projects and the general cash flow of the Town over the years involved.

As a result of this practice the Town has generally refrained from borrowing, except for sewer projects, which are supported outside the General Fund tax levy.

2. Reserve Fund

The General Statutes (Sec. 7-360 and 7-346) allow the Town to “set aside” monies, as part of the appropriations process, in a reserve fund for capital items or for unusual appropriations which are required infrequently, not less than three years apart. From time to time the BET has availed itself of this power to appropriate funds to the Capital and Non-Recurring Expenditures Reserve Fund in order to accumulate monies for a future project.

Any monies in the Fund are subject to all the appropriation requirements of the BET and the RTM before they can be spent or transferred out of the Fund.

APPENDIX K

THE CODE OF ETHICS

1. **Code of Ethics.** A code of ethics is hereby established for all town officers.
2. **Definitions.** As used in this code: “town officer” shall include any official, employee, agent, consultant or member, elected or appointed, of any board, department, commission, committee, legislative body or other agency of the Town of Greenwich; “substantial financial interest” shall mean any financial interest, direct or indirect, which is more than nominal and which is not common to the interest of other citizens of the Town; an “indirect interest,” without limiting its generality, shall include the interest of any subcontractor in any prime contract with the Town and the interest of any person or his immediate family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the Town; “transaction” shall include the offer, sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the Town for a valuable consideration, excepting the services of any person as a town officer.
3. **Gifts and Favors.** No town officer or his immediate family shall accept any valuable gift, thing, favor, load or promise which might tend to influence the performance or non-performance of his official duties.
4. **Improper Influence.** No town officer having a substantial financial interest in any transaction with the Town or in any action to be taken by the Town shall use his office to exert his influence or to vote on such transaction or action.
5. **Annual Disclosures.** Within thirty days after the end of each fiscal year, each town officer having substantial financial interest in one or more transactions with the town totaling \$100 or more in such year shall file a written statement disclosing his position as town officer, the nature of his interest in each transaction, and the total amount received from such transactions during such year. Such statements shall be signed under oath and in form prescribed by the Board of Ethics and shall be filed in the office of the Town Clerk.
6. **Violations. Removal.** The violation by any town officer of any of the provisions of this code shall, upon recommendation of the Board of Ethics, constitute good and sufficient cause for proceedings for his suspension or removal from office.
7. **Board of Ethics. Members.** There shall be a Board of Ethics in and for the Town. Said Board shall consist of five members who shall be appointed by the Representative Town Meeting on nomination by the Board of Selectmen. Of the members of the Board first appointed, two shall be appointed for terms respectively expiring on December 31 of the year following their appointment; two shall be appointed for terms

respectively expiring on December 31 of the second year following the year of their appointment; and one shall be appointed for a terms expiring on December 31 of the third year following the year of his appointment. All subsequent appointments of members to the Board, except appointments to fill vacancies for unexpired terms, shall be for terms of three years, commencing on the first day of January of the first year of the term. Members of the Board shall hold office until their successor shall have been appointed and shall qualify. Vacancies in the membership of the Board shall be filled for the unexpired portion of a term in the same manner as regular appointments. All members shall be electors of the Town and shall hold no other town office. The members shall elect a chairman and a secretary.

8. **Board of Ethics. Powers and Duties.** The Board shall receive all complaints of violations of this code, shall investigate the same, and after giving the town officer concerned an opportunity to be heard, shall make such findings and recommendations as it may deem appropriate in each case. Upon written request to this code and shall include all such advisory opinion to such town officer with respect to this code and shall include all such advisory opinions in its annual report with such deletions as may be necessary to prevent disclosure of the identity of town officers requesting the same. Within three months after the end of each fiscal year the Board shall prepare and submit to the Board of Selectmen and to the Representative Town Meeting an annual report of its actions during the preceding year and its recommendations. Additional reports, opinions and recommendations may be submitted by the Board to the Board of Selectmen and the Representative Town Meeting at any time.

**YOUR BOARD OF ETHICS:
A DESCRIPTION AND PROCEDURES**

WHAT IT DOES: It functions primarily in two ways – as a judicial body which reviews complaints of violations of the Code and as a counseling body which provides confidential advisory opinions to Town Officers.

PRINCIPAL POWERS & DUTIES: Complaints of violations of the Code of Ethics will be investigated by the Board. Its finding that a violation had occurred could enable proper agencies to start any appropriate action including removal proceedings against the violator.

An advisory opinion will be furnished to the Town Officers who request them. The right to request such opinions is a valuable privilege, and should be availed of whenever any doubt exists. The Code requires all such opinions to be kept confidential to protect Town Officers from unwarranted publicity.

HOW TO MAKE COMPLAINT OR REQUEST: Complaints and requests for advisory opinions may be made to the Board, care of the Town Hall. The Board will consider only those complaints or requests for advisory opinions that are made in writing.

Revised:
June 30, 1995