

Thompsonville Fire District #2 Charter

Article I. Organization and Territory

Section 1.1 Creation

Established in 1839, the Thompsonville Fire Department was the first organized fire department in Connecticut. It was governed by the CT General Assembly in 1935 and was subject to the provisions of the Special Act of 1935. The Special Act was amended in 1937, 1953 and 2009.

Section 1.2 Statutory Authority

On July 30, 2014, pursuant to CGS § 7-324, revision of 1958, as amended, (the "Statutes"), the District elected to be governed by the provisions of CGS § 7-324 to 7-329, inclusive of the Statutes, to exercise all powers and duties granted therein and otherwise provided by law, and to continue its existing form of organization. This Charter, Article I through Article XIII, provides for the administration of the local affairs of the District.

Section 1.3 Territorial Limits

The geographical boundaries of the District are on file with the Enfield Town Clerk's office. Such territorial limits may be enlarged or reduced in accordance with CGS § 7-325(b). The District office is located at 35 North Main Street, Enfield, CT 06082.

Article II. Definitions

Board: as described in CGS Chapter 105, Board of Directors shall mean the Board of Fire Commissioners of the Thompsonville Fire District No. 2.

CGS: shall be the abbreviation for the Connecticut General Statutes.

Chair: as described in CGS Chapter 105, the President shall mean Chair of the Board.

Clerk: as described in CGS Chapter 105, the Clerk shall be a member of the Board, shall record meeting minutes, and keep a list of the Voters of the District.

Chief: the chief operational officer of the District reporting to the Board.

District: shall mean Thompsonville Fire District No. 2.

District office: shall mean the office located at 35 North Main Street, Enfield, CT 06082.

Fire Department: shall mean the Thompsonville Fire Department.

Motion: a proposal formally submitted to any meeting for discussion and possible adoption as a resolution.

Pronouns: unless the context otherwise requires, pronouns of any gender shall include both the masculine and feminine gender, and the singular pronouns shall be deemed to include both.

Statutes: shall refer to Connecticut General Statutes.

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Treasurer: as described in CGS Chapter 105, the Treasurer shall be a member of the Board and administer the financial assets and liabilities of the District.

Vice-Chair: as described in CGS Chapter 105, the Vice-President shall mean Vice-Chair of the Board.

Article III. Purpose

Section 3.1 Thompsonville Fire District

The District, acting through the Board, shall have full power and authority to staff, fund, operate, and maintain the Fire Department. In furtherance of the District's purpose, the Board shall have the responsibility to purchase and maintain apparatus and equipment for fire protection, provide suitable buildings and places for keeping the same, and do any other act or thing reasonably necessary or associated with the purpose of the District.

Section 3.2 Thompsonville Fire Department

The purpose of the Fire Department shall be to extinguish fires, protect life and property, and provide all other related emergency services within the District, as authorized by the Board. Such services may be provided to other fire districts or municipalities, as set forth in written agreements authorized by the Board.

Section 3.3 Personnel Policy and Procedures

The Board shall be responsible for the personnel policies of the Fire Department. The Board shall ensure these policies are kept up-to-date, subject to the provisions of applicable state statutes and collective bargaining agreements to which the Fire Department is a party. Written policies and procedures shall include:

- (a) A statement of the duties and responsibilities of all employees of the Fire Department, including an organizational chart.
- (b) A set of personnel rules that define the terms of employment in writing. These rules must include the following:
 - (i) Non-union managerial employees, including, but not limited to, chief, assistant chief, or other non-union person of any rank, shall establish their primary residence within the District within six (6) months of signing their contract. Any non-union managerial employee under contract when this Charter is adopted shall be considered "grandfathered" until their contract expires. All future contracts with managerial employees, including renewals, shall include this residency requirement and a warning that failure to fulfill this requirement shall result in contract termination one year from the date originally signed.
 - (ii) Nepotism: No family members shall directly supervise the Chief or his direct subordinate as a member of the Board.
 - (iii) Any contract for non-union employees is not to exceed five (5) years.

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Article IV. Rights and Qualifications of Voters

Notwithstanding any provision to the contrary, no individual may cast more than one vote, irrespective of residence within the District and ownership of other properties within the District.

Section 4.1 Definition of a Voter

A Voter of the District shall be qualified to vote at any Annual or Special Meeting of the District provided they are:

- (a) Duly registered and eligible to vote in a general or special election in the Town of Enfield, with a registered address within the District; or
- (b) The owner of real or personal property within the District, subject to taxation by the District.

Section 4.2 Determination of Property Ownership and Authority to Vote

- (a) The ownership of real or personal property shall be determined by reference to the tax records of the assessor. The records for real property shall be based upon the land records of the Town of Enfield. If the ownership of any real or personal property is held by a Sole Proprietorship, Corporation, Partnership, Limited Liability Company, Trustee under a Trust, or other such entity which is owned by more than one person, then only one vote shall be cast on behalf of such ownership.
- (b) The authority to cast a single vote on behalf of the ownership of an entity shall be determined and evidenced by a sworn affidavit, that the person casting the vote is duly authorized to vote on behalf of the ownership. Affidavits for such purpose shall be made available at the District office.
- (c) The affidavit shall be notarized. Once executed, the affidavit shall evidence the voting authority of the person on behalf of the ownership of real or personal property held by a Sole Proprietorship, Corporation, Partnership, Limited Liability Company, Trustee under a Trust, or other entity. The affidavit shall remain in full force and effect until ownership of the entity is dissolved, or until such time as the District receives an affidavit provided by the District, authorizing another person to vote on behalf of the ownership.

Article V. Meetings and Procedures

Section 5.1 Annual and Special District Meetings

- (a) The Annual Meeting shall be held on the 1st Wednesday in May of each year at a time and place determined by the Board. The Annual Meeting is held for the following purposes: 1) to present the annual report; 2) to announce the results of the vote on the budget; 3) to announce the results of the election of Commissioners or to hold a vote for an unopposed candidate as specified in Section 6.3 Electing Commissioners; 4) to administer an oath of office to any newly elected/appointed Commissioner(s); and 5) to transact any other business to come before the meeting.

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- (b) Special District Meetings shall be held as called and noticed under the provisions of CGS § 7-327.
- (c) Notice shall be made in a newspaper having a circulation in the town of Enfield, at least 10 days prior to the meeting. The notice shall be posted in the District office and at other designated places.
- (d) The moderator shall be noticed in the meeting agenda and chosen from the floor by a majority vote of the Voters present. The moderator shall be present throughout the length of the meeting and shall be a Voter of the District. The moderator shall have the powers noted in Chapter 90, CGS § 7-8. No less than 15 Voters shall constitute a quorum for the transaction of business at any District meeting.

Section 5.2 Board Meetings

- (a) Monthly meetings shall be held on the 3rd Wednesday of the month, unless otherwise mutually agreed upon by a majority of the Board. In December of each year, the Board shall provide the District Clerk with the meeting schedule for the following year. The schedule will include the date, time, and place of the meetings. It shall be the responsibility of each Board member and the Fire Chief to attend Board meetings. A majority of the total number of Commissioners shall constitute a quorum for the transaction of business at a Board meeting.
- (b) Agendas for all Board meetings shall be posted at the District office at least 24 hours in advance.
- (c) Meeting minutes shall be recorded by the Clerk. The Board may hire a recording secretary to record the meeting minutes. The recording secretary shall provide written minutes to the Clerk for signing within seven (7) days after the meeting. A list of Motions made and the voting results that occurred during a Board or District meeting shall be made available at the District office within 48 hours of the meeting.
- (d) Except for a Special Meeting of the Board, all meetings shall have at least one public communication item on the agenda.
- (e) Executive sessions may be conducted for purposes consistent with the CGS.

Section 5.3 Procedure

All meetings of the District and the Board shall be conducted in accordance with Robert's Rules of Order.

Article VI. Board of Commissioners

Section 6.1 Board

- (a) For the purpose of exercising all the powers and duties provided by the CGS, the Board shall be deemed the Board of Commissioners, and any Commissioner shall be deemed a member of the Board.
- (b) All Board members shall be residents and taxpayers of the District, and registered Voters of the Town of Enfield.

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- (c) The Board shall consist of the following Officers: Chair, Vice-Chair, Treasurer, and Clerk. Commissioners shall meet immediately after the Annual Meeting to elect officers, whose terms will expire at the end of the next Annual Meeting. Officers of the Board may hold multiple titles.

Section 6.2 Candidacy

- (a) Minority representation shall apply to all candidates, as described in CGS § 9-167(a).
- (b) All candidates for Commissioner shall live in the District, shall be District taxpayers, and registered Voters. Any person ceasing to live in or be a taxpayer of the District, shall automatically cease to be a Commissioner.
- (c) Not later than 30 days prior to the Annual Meeting, potential candidates for Commissioner shall file a letter of intent with the District Clerk. The letter of intent shall be available for public review at the District office, 14 days prior to the Annual Meeting. Names of the candidates will be published in the newspaper no later than 10 days prior to the Annual Meeting.
- (d) The commencement of the term of a Commissioner is the day they are elected or appointed and sworn in.

Section 6.3 Electing Commissioners

- (a) Ballots for election of Commissioners shall be cast on the day of the District Annual Meeting. Balloting shall be from 6:00 am – 8:00 pm, at a place determined by the Board and noticed in at least one newspaper with circulation in the town of Enfield. If only one candidate is running for a seat on the Board, all-day balloting will be replaced by approval or rejection by a majority of the Voters present at the Annual Meeting.
- (b) Candidates will fill open Commission seats, expired terms first, then vacant positions, according to highest number of votes received.
- (c) In the event that the election of candidates for Commissioner results in a tie vote, the election shall stand adjourned for three (3) weeks and a run-off election shall be held in accordance with the provisions of CGS § 9-332. If either candidate withdraws from such run-off election for any reason, the remaining candidate shall be determined to be elected without the need for a run-off election.

Section 6.4 Terms of Office

- (a) The Board shall consist of five (5) members, who shall serve for terms of three (3) years.
- (b) Under normal circumstances, a new Charter would require the election of a new Board at the first Annual Meeting following adoption. However, this Charter deems that all sitting Commissioners will be allowed to complete their terms according to previously established voting cycles.

Section 6.5 Vacancies

- (a) Upon the removal, resignation, or death of a Commissioner, the Board shall fill the vacancy by appointment within 30 days. Unless otherwise provided by law, any elected or appointed Commissioner resigning from office shall deliver a written notice of resignation to the Clerk.

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Resignations shall become effective on the date specified in the notice, or if no date is specified, upon the date received and stamped by the Clerk.

- (b) The vacant seat will be filled in accordance with the minority representation statutes.

Section 6.6 Removal

- (a) Failure to attend meetings

Any Commissioner who fails to attend three (3) consecutive meetings may be subject to removal from the Board upon a majority vote of the remaining Commissioners. The vacancy created shall be filled in accordance with Section 6.5 Vacancies.

- (b) Inability to Discharge Duties

Any Board member who is unable to discharge the powers, responsibilities, and duties of their position, or who violates the provisions under Article VIII Commissioner Guidelines, after notice and hearing, shall be removed or allowed to remain on the Board by a majority vote of the remaining Commissioners. A vacancy shall be filled in accordance with Section 6.5 Vacancies.

Section 6.7 Committees

The Board may create one or more committees and may appoint members of the Board and/or Voters of the District to serve on them. Each committee shall have at least three (3) members and serve at the pleasure of the Board. A member of the Board will be appointed, by vote of Board members, to serve as a liaison to the committee(s).

Article VII. Duties of District Fire Commissioners

Section 7.1 Duties of the Board

- (a) The Board shall have the authority, power, and duties, as provided in CGS, and any other duties which may lawfully be designated by the Board for managing the affairs of the District.
- (b) The Board shall be responsible for carrying out the acts, policies, and ordinances of the District. They shall maintain an adequate set of books and records reflecting the affairs of the District, shall open bank accounts in the name of the District, and designate signatories required.
- (c) The Board shall review the Fire Department's written personnel policies as well as policies and procedures concerning property and equipment of the District. The Board shall assure that complete and accurate records are maintained and available in a protected area on District property.

Section 7.2 Duties of District Officers

The Chair shall preside at all Board meetings. The Vice-Chair shall act in the absence of the Chair. The Clerk shall keep a true and just account of all meetings and process all matters of necessary correspondence for the Board. The Treasurer shall receive all monies from the collectors, keep a just account of the same, and pay them out upon vote of the Board. The Treasurer will also prepare a report of the financial transactions for each monthly meeting and for the Annual Meeting.

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Article VIII. Commissioner Guidelines

Section 8.1 Code of Ethics

Within 12 months of the effective date of this Charter, the Board shall:

- (a) Establish an ethics committee, to draft an ethics ordinance that establishes ethics guidelines for Commissioners; and
- (b) Draft a Declaration of Ethical Behavior which shall be executed when a Commissioner is sworn in.

Section 8.2 Oath of Office

A Commissioner shall take an oath of office prior to assuming their role as a member of the Board and shall execute a Declaration of Ethical Behavior, as provided by the Board.

Article IX. Non-Union Employee Disciplinary Matters

The Chief has the power to suspend or terminate any non-union member. The Board is responsible for all disciplinary matters pertaining to the Chief. The employee has the right to appeal.

- (a) The Chief has the power to suspend, terminate or otherwise discipline any non-union subordinate for cause. Appeals of suspensions/terminations must be made to the Board within 30 days of the disciplinary action. Upon receipt of an appeal, the disciplinary action will remain in effect until the Board votes to uphold, cancel or modify the Chief's action. The Board will hear both sides of the issue and vote on the matter within 30 days of receiving the appeal.
- (b) The Chief reports to the Board, who are solely responsible for disciplinary matters and appeals.

Article X. Fiscal Policies

Section 10.1 Fiscal Year

The District fiscal year shall begin on July 1st and shall end the following June 30th.

Section 10.2 Budget

- (a) The Chief shall prepare a proposed annual budget for the District and shall deliver it to the Board by February 1st of each year.
- (b) Three (3) weeks prior to the Annual Meeting, the Board shall hold a public hearing to receive public input on the proposed budget. Two (2) weeks prior to the public hearing, the Board shall hold an informational meeting to present/distribute copies of the proposed budget.
- (c) Adoption of the annual budget shall be by vote of the eligible Voters of the District at the Annual Meeting. Balloting shall be from 6:00 am – 8:00 pm, at a place designated by the Board.
- (d) If the Voters fail to approve the budget by a majority of the votes cast, the Board shall hold a Special Meeting within two (2) weeks after the Annual Meeting to present another budget for a new vote.

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- (e) If the second budget proposal is not approved, then the Board will adopt a budget that does not exceed the prior year's budgeted expenditures, except for any increases due to contractual obligations. The Board shall have the authority to increase and decrease individual line item expenditures as they deem necessary, but total expenditures are not to exceed the prior year's expenditures, except for contractual obligations noted above. The Board shall publicly explain all changes at the next Board Meeting.

Section 10.3 Budgeting Process

- (a) The budgeted line item expenditures shall be organized into like "types" of expenditures such as Payroll, Equipment Maintenance, etc. The like "types" shall be referred to as "Budget Departments."
- (b) Line items within a Budget Department shall not be moved from one department to another within the fiscal period. They may only be moved at the beginning of a new fiscal/budget period in the following situations:
 - (i) Appropriations within each department may be transferred between line items within that department by majority vote of the Board.
 - (ii) By majority vote, the Board may make interdepartmental transfers between Budget Departments, up to a maximum of 2% of the total appropriations for the current fiscal year. Once interdepartmental transfers reach a maximum of 2% of the current year's fiscal budget, whether individually or in the aggregate, no transfers shall be made without approval by the Voters at a District meeting called for that purpose.

Section 10.4 Contingency Funds

An established appropriation shall be recognized annually within the budget, to be used at the discretionary approval of the Board. This fund is not to exceed 1% of the annual budget. This fund will be put in a separate bank account and shall not be accessed without majority vote of the Board.

Section 10.5 Excess Funds

Excess funds remaining from a prior fiscal period, with the exception of reserve funds, shall be put in a General Fund account. These funds will be available for budget allocation in the next fiscal period. The funds will be fully disclosed to the Voters at the time the budget is presented for the next fiscal year. This policy does not apply to reserve funds established to exist for more than one fiscal period.

Section 10.6 Other Reserve Funds

An established appropriation may be recognized annually within the budget, to be used for specific purposes as designated by the Board. These funds are only to be accessed for the stated purpose. These funds will be put in separate bank accounts and shall not be accessed without majority vote of the Board.

Section 10.7 Payment Procedures

- (a) All invoices for District expenditures shall be reviewed and approved by the Chief or his direct subordinate, prior to submission to the Board for approval. The signature of at least two (2) Commissioners is required for any invoice in excess of \$1,000. One signature must be the Chair

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or Treasurer. Each signature must be dated on the invoice before it is authorized for payment. Invoices less than \$1,000 require the signature of either the Chair or Treasurer and each signature must be date signed.

- (b) All checks written on behalf of the District in excess of \$500 shall require the signatures of two (2) Board members, one signature being either the Chair or Treasurer. Checks written on behalf of the District less than \$500, shall require the signature of either the Chair or Treasurer.

Section 10.8 Emergency Powers

The Chief, or his direct subordinate, shall have the emergency powers necessary to purchase or repair any equipment necessary to maintain an efficient operating level of the Department. A full report shall be submitted to the Board in writing, justifying the purchase. The purchase shall not exceed \$5,000. For any emergency purchase over \$5,000, two Commissioners must approve the purchase, one of whom must be the Chair or Treasurer.

Section 10.9 Contracts

- (a) All labor contracts shall be voted on and publicly approved by the Board.
- (b) All other contracts and agreements on behalf of the District must be counter-signed by the Chair and at least two (2) other Board members. Contracts and agreements that exceed \$20,000 and where the term exceeds one (1) year shall be fully disclosed to the Voters at the presentation of the budget. Any contract that exceeds \$20,000 and is not part of the budget process must be approved by the Voters.
- (c) No Board member or employee of the District shall expend funds or enter into any contract, which would oblige the District to expend in excess of any approved appropriation. Anyone without authority from this Charter, who expends or causes to expend any money of the District, except in payment of final judgments rendered against the District, shall be liable in a civil action in the name of the District, as provided in the CGS.
- (d) The District shall not be liable for any indebtedness incurred by any member or employee of the District, unless an authorized order has been issued by the Board or specifically appropriated at a District meeting.

Section 10.10 Competitive Bids

- (a) Three (3) competitive bids shall be required on any expenditure that exceeds \$1,000, except in the case of an emergency as described in Section 10.8 Emergency Powers, or in situations where three (3) vendors are not available.
- (b) The creation and utilization of Request for Proposals (RFPs) is required for any purchase of \$20,000 or more and is strongly encouraged for other purchases when appropriate.

Section 10.11 Annual Audit

The Board shall annually designate an independent certified public accountant to audit the books and accounts of the District as provided under CGS.

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Article XI. Taxation and Bonds

Section 11.1 Tax Bills

- (a) The Board shall fix the mill rate annually by the last Thursday of May. The collection of taxes for the District is the responsibility of the Treasurer. The Treasurer shall have the same powers as collectors of taxes and enforce the payment of taxes, as provided in CGS § 7-328.
- (b) The Treasurer may designate any appropriate entity to issue the actual tax bills to the District taxpayers and the collection of such taxes at an appropriate fee.

Section 11.2 Receipts

- (a) All monies received by the District from any source such as tax receipts, receipts from ordinances, etc. shall be received by the Treasurer and deposited into an appropriate banking institution. These accounts are to be monitored appropriately by the Board.
- (b) At each monthly Board meeting, the Treasurer shall produce a bank reconciliation, tracking all financial activity for the District. All activity such as deposited items, cleared items, outstanding items, and any other reconciling items must be documented and available for public discussion at the monthly meeting.

Section 11.3 Bonds and Notes

- (a) The District shall have the power to incur indebtedness by issuing bonds or notes, subject to the limitations defined in the CGS and the provisions of this Charter. The issuance of bonds and notes, where the terms are in excess of one (1) year, shall be authorized by resolution of the Board and passed by a majority vote of District Voters at a Special or Annual Meeting.
- (b) The Board is authorized and empowered to borrow money in anticipation of the disbursement of taxes, in an amount not to exceed \$500,000, for a term not to exceed 90 days.

Article XII. Ordinances and Procedures

This Charter authorizes the adoption of Ordinances and Procedures, for the preservation of the good order, health, welfare, and safety of the District.

- (a) The Board, as provided in this section, shall have the power to adopt ordinances, subject to a review and approval or veto by a majority of District Voters at a Special or Annual Meeting.
- (b) Ordinances may be proposed by the Board, or by Voters who present a petition to the Board, signed by at least 25 Voters in the District. Within 30 days of announcing proposed ordinances, or receiving a petition for the same, the Board shall hold at least one (1) public hearing preceded by a 10 day notice. The notice of the public hearing shall include publication of the proposed ordinance(s) in a newspaper publication with a general circulation within the District. Copies of the proposed ordinance(s) will also be available at the District Office and posted on the District website if applicable.
- (c) After publication and hearing(s), the proposed ordinance(s) shall be adopted or rejected by a majority of the District Voters at a Special or Annual Meeting, to be held no later than 21 days after the public hearing. Adoption or rejection will be effective as soon as the vote is tallied.

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- (d) The procedure for amending or cancelling previously adopted ordinances will follow the steps set forth in paragraphs (b) and (c) above. If either the amended language or outright cancellation is rejected by the Voters, the original ordinance(s) will remain in force.
- (e) The Board has the power to collect all fees and fines associated with the ordinance(s).

Article XIII. Use of District Property

- (a) Without public authorization of the Board, no one shall use any fire apparatus, equipment, name, title, or building for any non-District purpose, nor shall anyone take away or conceal any article used in any way by the District or Fire Department. The Board shall prepare guidelines for community use of meeting space.
- (b) Vehicles and equipment owned or leased by the District are to be used for the purpose of the District. Any other use must be authorized by the Board.
- (c) Fire Department employees who are assigned District vehicles, or who operate District vehicles or equipment, are required to have an appropriate driver's license. Should an employee's driver's license expire, be revoked or suspended, the employee shall immediately notify their supervisor and cease to operate any District vehicle.
- (d) Fire Department employees or members of the Board may be issued District property, including a computer, laptop, cell phone, key card, printer, pager or hand-held mobile device. Employees and Board members are expected to take proper precautions to care for District equipment and to safeguard confidential or sensitive information. Upon separation, employees and Board members are required to return all District equipment in proper working order to the Clerk. Failure to return equipment may be considered theft and may lead to criminal prosecution.

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