



# HILLCREST PARK TAX DISTRICT

## By-Laws

(Updated 2017)

The Hillcrest Park Tax District is a body corporate and politic established in accordance with the provisions of Connecticut General Statutes (C.G.S.) §7-324 et seq. These bylaws provide for the management of the Hillcrest Park Tax District (which is hereinafter referred to as the “Tax District”) and implement the provisions of applicable statutes of the State of Connecticut. It is by design that less than all of the legislative grant of authority has been adopted by the Tax District. The bylaws have been carefully drawn to restrict the scope and powers of the Tax District to meet the perceived needs of the Tax District. Accordingly, where the provisions of the by-laws are narrower than the provisions of the applicable statutes, the bylaws shall govern unless otherwise demanded by law.

ARTICLE 1. Purposes of the Tax District. The purposes to be accomplished by the formation of the Tax District may, in the discretion of the Board of Directors, be to light the streets; to plant and care for landscaping such as shade and ornamental trees and shrubbery; to construct maintain, repair, replace and regulate the use of roads, sidewalks, crosswalks, speed gates, drains, storm sewers, sanitary sewers and underground utilities; to install and maintain fire hydrant and water lines required in connection therewith; to establish park security and safety procedures; and to collect garbage and such other refuse matter from residents of the Tax District as the Board of Directors may deem reasonable and appropriate, and provide for the disposal of such matter.

ARTICLE 2. Place of Annual and Special Meetings of Voters. All meetings of voters shall be held within the Tax District at the place designated in the Notice of the Meeting.

ARTICLE 3. Annual Meeting of Voters. The annual meeting of voters for the election of Tax District officers and directors and the transaction of such other business as may properly come before such annual meeting shall be held on the third Sunday of May or on such other day and at the time and place designated by the directors in the notice of meeting.

ARTICLE 4. Special Meeting of Voters. Special meetings of the Tax District may be called on the application of ten (10) percent of the total number of persons qualified to vote in the meeting of the Tax District, or twenty (20) of the voters of such district, whichever is less, or by the President or any three directors upon giving notice as hereinafter provided in Article 5. Any special meeting called on the application of the voters shall be held no less than ten (10) nor more than twenty-one (21) days after receipt of such application. Any such application by voters shall be given by mail addressed to the President or Clerk of the Tax District, postage paid, certified mail.

ARTICLE 5. Notice of Annual and Special Meetings. Notice of the holding of the annual and all special meetings may be given to each household within the Tax District in any form permitted by C.G.S. § 33-1003, and in addition such notice shall be given by publication of notice of such meeting in the Greenwich Time or another newspaper having a general circulation in the Tax District. Such notice shall be delivered no less than ten (10) nor more than thirty (30) days before the date of such meeting. Notice of meetings shall be signed by the President or any three directors, which notice shall designate the time and place of such meetings and the business to be transacted thereat.

ARTICLE 6. Quorum. Fifteen (15) voters of the Tax District shall constitute a quorum for the transaction of business at any meeting of the Tax District. If fifteen (15) voters are not present at any such meeting, the President or, in his absence, the Vice President, may adjourn such meeting from time to time, until at least fifteen (15) voters are present. Voters may vote by proxy in accordance with C.G.S. § 33-1072 or by ballot delivered concurrently with the notice of meeting.

ARTICLE 7. Legal Voters of District. At any meeting of the Tax District, any person residing within the territorial limits of the Tax District who is an elector (a registered voter) of the Town of Greenwich may vote, or any citizen of the age of eighteen (18) years or more who, jointly or severally, is liable to the Tax District for taxes assessed against him or her on an assessment of not less than One Thousand Dollars (\$1,000.00) on the last completed Grand List of the Tax District, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) and (26) of Section 12-81 of the Connecticut General Statutes, may vote, unless restricted by the provisions of any general or Special Act of the Connecticut Legislature.

ARTICLE 8. Adjournment of Meetings. All meetings of the Tax District where a quorum is present may be adjourned from time to time by a vote of a majority of the voters voting on the question.

ARTICLE 9. Number and Term of Officers and Directors. At each annual meeting of the Tax District, the voters shall elect from their number a president, a vice president, a clerk (who shall be secretary of the Tax District) and a treasurer, each of whom shall be an officer and director of the Tax District, and up to five (5) additional non-officer directors to serve until the next annual meeting.

Neither directors nor officers shall receive a salary or other compensation for their services in such capacity.

Each Officer shall be limited to four consecutive one-year terms in any one office.

ARTICLE 10. Powers of Directors. The Board of Directors may adopt such rules and regulations for the conduct of its meeting, the exercise of its powers and the management of the affairs of the Tax District as it may deem proper, not inconsistent with the laws of the State of Connecticut or the scope of these By-Laws. The powers of the Directors include, without limitation: (a) the right of the Tax District (acting therein by its president) to grant easements over the properties in the Tax District for (i) sanitary sewer easements to the Town and (ii) utility easements to utility companies; (b) the right to borrow funds for capital improvements upon receipt of authorization in accordance with ARTICLE 17; (c) the right to grant and execute a mortgage, assignment of taxes and/or rents, and other forms of collateralization of property or interests of the Tax District as may be deemed reasonable by the Board of Directors upon receipt of authorization in accordance with ARTICLE 17; and (d) to establish and dissolve such standing and other committees as it may deem appropriate.

ARTICLE 11. Meetings of Directors. Meetings of the Directors may be held at such time and place or places, within the Tax District, as shall be fixed by prior resolution of the Board of Directors and stated in the notice of the meeting, upon seven (7) days' written notice. The foregoing notwithstanding, meetings may be held through electronic and other means as provided in Connecticut General Statutes § 33-1095 (b). The Board of Directors may also schedule fixed meetings by vote, and notice thereof shall not be necessary. Meetings shall be open to all qualified tax district voters. The Board shall allocate a reasonable amount of time in its discretion to permit owners to address the Board on topics which have been provided to the President in writing no less than one day prior to the meeting. Attendees will not be permitted to take part in the debate among Board members. The Board may, in its discretion, convene in executive session where authorized by law and it may determine it reasonable and necessary to do so.

ARTICLE 12. Special Meetings of Directors. The President may call, and at the written request of any three Directors, must call a special meeting of the Board of Directors for any stated purpose, with no less than five (5) nor more than twenty-one (21) days written notice (or not less than two (2) days notice if personally delivered to each Director), together with notice of the matter to be taken up thereat.

ARTICLE 13. Waiver of Notice Requirements. The notice requirements provided for Directors' meetings may be waived as to any Director who signs a waiver of notice or who attends a meeting without filing written protest thereat.

ARTICLE 14. Quorum. A majority of the Directors in office shall constitute a quorum at any meeting of the Board and the vote of a majority of a quorum of Directors shall constitute the act of the Board.

ARTICLE 15. Action of Directors Without Meeting. The Board of Directors may not take any action otherwise permitted by law, without holding a meeting, except by written consent signed or electronically assented to by all Directors then in office.

ARTICLE 16. Adjournment of Directors' Meetings. All meetings of the Directors where a quorum is present may be adjourned from time to time by a vote of a majority of the Directors voting on the question. No notice of such an adjourned meeting need be given, other than by announcement at the meeting, and any business may be transacted which might have been transacted at the meetings as originally called.

ARTICLE 17. Limits on Power and Requirements Placed on Directors. No expenditure, contract or obligation which involves an expenditure in excess of Five Thousand Dollars (\$5,000.00) shall be made by the Board of Directors unless the same is either authorized by a vote of the Tax District or authorized by inclusion of such amount in a budget approved by vote of the Tax District.

ARTICLE 18. Vacancies. Except as otherwise provided herein or in Chapter 105 of the Connecticut General Statutes (C.G.S. § 7-324 et seq.), vacancies occurring in the membership of the Board of Directors or among the officers, for whatever cause arising, may be filled by a majority vote of the remaining Directors until the next Annual Meeting of the Tax District.

ARTICLE 19. Number of Officers. There shall be four (4) Tax District officers elected annually at the annual meeting to hold the offices of President, Vice President, Clerk (who may also be known as the Secretary) and Treasurer.

A. The President. The President of the Tax District shall be the Chief Executive Officer thereof and shall be a member of the Board of Directors. He shall preside at all meetings of the voters of the Tax District and at all meetings of the Directors, and at all meetings where he presides he shall vote to dissolve a tie when necessary. He shall designate the duties devolving upon each of the other Directors, shall approve all bills for payment by the Treasurer, shall execute all documents and instruments on behalf of the Tax District and shall be, ex-officio, a member of all committees and boards of the Tax District.

B. The Vice President. The Vice President shall be a member of the Board of Directors, and shall have all the authority, power and duties of the President whenever the President vacates his office, is absent or from any cause is unable to perform his duties.

C. The Clerk. The Clerk, who may also be known as the Secretary, shall be a member of the Board of Directors, shall send out notices for all meetings to voters in the Tax District, shall keep a record of the minutes of all meetings of the voters and of the Board of Directors, shall cause to be published the notice of all annual and special meetings of the Tax District, shall keep at all times a list of the voters of the Tax District, be the custodian of all official records of the Tax District, and shall file with the Secretary of the Office of Policy and Management and the Clerk of the Town of Greenwich or other governmental authorities any filings or reports regarding the business of the Tax District

D. The Treasurer. The Treasurer shall be a member of the Board of Directors. The Treasurer shall, under such resolutions, rules and regulations as shall be prescribed by the Board of Directors, have charge of the collection, investment and payment of all money of the Tax District, shall procure necessary and appropriate insurance for the protection of the Tax District, and shall prepare the annual budget, which shall be reviewed by the Board of Directors and transmitted with the Board's comments and recommendations to the annual meeting of the Tax District for adoption. No bond shall be required of the Treasurer.

ARTICLE 20. Fiscal Year of District. The fiscal year of said Tax District shall begin on July 1<sup>st</sup> and end June 30<sup>th</sup>.

ARTICLE 21. The Budget. The Treasurer shall prepare the annual budget, which shall be reviewed by the Board of Directors and transmitted with the Board's comments and recommendations to the annual meeting of the Tax District for adoption. The annual budget to be submitted to the annual meeting of the Tax District shall include an estimate of the expenses which the Directors consider must necessarily and properly be incurred during the next fiscal year in fulfilling the purposes of the Tax District, classifying such expenses in such manner as reasonable to indicate their nature and purpose, together with a statement of the assessed value of all the real property located in the Tax District based upon the assessment list of the Town of Greenwich last before completed, and an estimate of all expected miscellaneous receipts from sources, if any, other than taxes on real property. If any project as to which expense is to be incurred specially benefits any particular property or properties within the Tax District, such recommendations shall show the proportion of the cost thereof which should be assessed against said property or properties and the balance to be paid from the general funds of the District as set forth in Article 25 below.

ARTICLE 22. The Annual Budget Approval. At the annual meeting held in accordance with Article 3 hereof, the voters of the Tax District shall vote on the proposed annual budget recommended by the Board of Directors, lay the tax and fix the tax rate by a two-thirds vote of those voting. The voters of the tax district shall be provided with a copy of the proposed budget together with the notice of meeting.

Failure to take action on or before any date specified in this Article shall not invalidate any action duly taken at a subsequent date or excuse payment of any tax duly laid as authorized by applicable statutes.

ARTICLE 23. Voters Approval of Annual Budget. Upon obtaining the affirmative vote of two-thirds of those present and legally entitled to vote at the annual budget meeting, the proposed annual budget shall be deemed to be approved and adopted. Approval or adoption of the budget shall be considered a limitation on the amount of expenditures, in total, for the period covered by the budget. In the event the proposed annual budget shall not be approved at the annual meeting, the last approved budget shall continue in effect until such time as a new budget shall have been approved.

ARTICLE 24. Levy and Collection of Taxes. The Tax District taxes in each fiscal year shall be laid proportionately based upon the most current town assessment or assessment list of the town most recently completed, excluding the assessment on automobiles, with such adjustments due to changes in assessment as are generally required by the Town of Greenwich except as set forth in Article 25 below. Each such tax shall be due and payable in full within 30 days of the first day of the fiscal year for which it has been laid.

ARTICLE 25. Duties of Officers and Directors Regarding the Levy and Collection of Taxes. After the assessor of the Town of Greenwich furnishes the Clerk of the Tax District with a copy of the list of the property within the Tax District which has been completed by the Board of Tax Review of the Town, which list the Clerk of the Tax District may adjust to indicate new ownership and after the tax rate has been fixed at the annual meeting, the Treasurer of the District shall prepare tax bills, apportioning to each owner of property his proportionate share of the taxes.. In accordance with C.G.S. § 7-328 the Tax District and the Treasurer thereof shall have the same powers as towns and collectors of taxes to collect and enforce payment of such taxes, and such taxes when laid shall be a lien upon the property in the same manner as town taxes, and such liens may be continued by certificates recorded on the land records of the Town of Greenwich and may be foreclosed in the same manner as liens for town taxes. The tax district shall charge the statutory rate of interest, monthly, in advance on the first day of each month, on the amount of unpaid or delinquent taxes. Furthermore, if the Tax District constructs any drain, sewer, sidewalk, curb or gutter, such proportion of the cost thereof as such Tax District determines shall be assessed by the Board of Directors, in the manner prescribed by such Tax District, upon the property specially benefited by such drain, sewer, sidewalk, curb or gutter, and the balance of such costs shall be paid from the general funds of the Tax District.

ARTICLE 26. Amendment of Tax District Purposes. At any annual or special meeting, the voters may, by a vote of two-thirds of the voters present, discontinue any purposes for which the Tax District has been established or undertake any additional purpose or purposes enumerated in Connecticut General Statutes § 7-326.

ARTICLE 27. Rules and Regulations. The Board of Directors may adopt reasonable rules and regulations, not inconsistent with these By-Laws or with any applicable provision of law, for the conduct of its business and for the holding of any meeting or hearing or for the effective fulfillment of the purposes of the Tax District.

ARTICLE 28. Changes of By-Laws. These By-Laws may be altered or amended at any duly called meeting of the voters of the Tax District by a two-thirds vote of those present and entitled to vote, provided that in the call for such meeting, notice shall have been given of intention to amend the By-Laws and the nature of the amendment.