

ARTICLE _____. DOWNTOWN SPECIAL SERVICES DISTRICT

Sec. ____-1. - Statutory authority; purpose.

- A. In accordance with Chapter 105a of the Connecticut General Statutes, the Town establishes a special services district within its confines, to be created and operated according to the procedures set out in such Chapter 105a.
- B. The purpose of the District is to provide coordinated enhancement and maintenance of the downtown retail and general business environment through a merchant, Property Owner, lessee, resident and Town directed organization that is funded with special tax revenues from the District, as well as Town contributions as may be appropriated by the Board of Finance and the Representative Town Meeting.

Sec. ____-2. - Definitions.

For the purposes of this Article, the following terms, phrases and words and their derivations shall have the meanings given herein:

Assessed value of property. For each fiscal year, the value of property as listed on the grand list of the Town, in effect as of October of the prior year.

Board of commissioners. The executive body that is elected according to the provisions of this Article to govern the District.

Commissioner. Any single member of the Board of Commissioners.

District. The special services district established according to Chapter 105a of the Connecticut General Statutes, whose boundaries are delineated in § ____-4(A) of this Article, including additions thereto made in accordance with § ____-4(B).

Fiscal year. July 1 to June 30.

Holder of record of a taxable interest in real property. The corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator or other form of entity or any combination thereof or an individual who holds interests jointly or in common with another individual or individuals or with any one or more of the foregoing, as shown in the most recent records in the Town Assessor's office.

Lessee of property. The tenant occupying and in possession of premises located on a property.

Property. The real property within the District that is identified in the tax records of the Town as a parcel of land and/or building and/or condominium unit for which there is a map and lot number assigned by the Town Assessor's office.

Property Owner. The holder of record of a taxable interest in real property in the District. In regard to condominium units, the Property Owner shall be the association of unit owners (condominium association) with which that unit is associated.

Town. The Town of Westport

Sec. _____-3. - Legal status; powers.

A. District legal status.

The District is a body politic and corporate, subject to such statutes and regulations that govern such a legal body. The District is a public agency, subject to the Freedom of Information Act.

B. Powers.

The District shall have the following powers, provided, however, all activities of the District must conform to the Town's ordinances, rules, regulations, requirements and policies and all other applicable local, state and federal laws, rules, regulations, requirements and policies, and no powers shall exceed the powers permitted to Special Services Districts pursuant to Chapter 105a of the Connecticut General Statutes:

- (1) To sue and be sued.
 - (2) To acquire, hold and convey any estate, real or personal, provided that the District may not acquire an ownership interest in real property.
 - (3) To contract for goods and services necessary or desirable to carry out the activities of the District that are:
 - (a) Specifically approved by the Board of Commissioners; or
 - (b) Consistent with the budget adopted by the Board of Commissioners.
- All orders or contracts for expenditures approved by the Board of Commissioners on behalf of the District that are greater than five thousand dollars (\$5,000.00) shall be awarded to the lowest responsible qualified bidder only after public invitation to bid, which shall be advertised in a newspaper having general circulation in the District.
- (4) To borrow money and to pledge as security for such borrowing tax levy revenues to be received by the District from Property Owners (District revenue), provided that:
 - (a) Obligations for money borrowed may not exceed at any one (1) time more than twenty-five percent (25%) of the District revenue that is budgeted for the immediately succeeding fiscal year; and
 - (b) Any obligation incurred shall be discharged no later than two (2) years after it is incurred.
 - (5) To recommend to the Representative Town Meeting of the Town the imposition of a levy upon the taxable interests in real property within the District, the revenue from which may be used in carrying out any of the powers of the District.

- (6) To construct, own, operate and maintain public or common improvements within the District, including without limitation solid waste and recycling collection facilities, and to contract with any Property Owner or Lessee of Property in the District for the collection, removal and disposal of solid waste and recycling materials for a fee, subject to the requirements of Chapter 46 of the Town Code of Ordinances.
- (7) To operate promotional and marketing programs and activities.
- (8) Upon the affirmative vote of at least seventy-five percent (75%) of the Commissioners present and voting at a meeting of the Board of Commissioners duly called and held for such purpose, and upon providing the Town with written notice of the effective date of such action, the District may provide within the District the following services to the extent that the Town is authorized to provide such services in the District, subject to the terms of Section ____-8 hereof:
 - (a) to remove snow and ice from Town roads and Town-owned parking lots in the District to at least the minimum standards set by the Town's Director of Public Works; and
 - (b) to provide bins in Town rights of way on sidewalks in the District for the removal of solid waste and recyclables (as defined in Chapter 46 of the Town Code of Ordinances) (together, "Refuse"), and to collect, remove and dispose of all such Refuse from such bins, to at least the minimum standards set by the Town's Director of Parks and Recreation; and
 - (c) to removal snow and ice from any portion of any sidewalk in the District from which the Town is authorized to remove snow and ice, to at least the minimum standards set by the Town's Director of Public Works; and
 - (d) to purchase, install, maintain (including without limitation weeding and watering), and remove, trees, shrubs, flowers, and other plants in Town rights of way on sidewalks in the District, to at least the standards set by the Town Director of Parks and Recreation (provided that tree installation, maintenance and removal shall require the approval of the Town's Tree Warden);
 - (d) to purchase, install, maintain, and remove decorations, plantings, banners, and holiday decorations, on Town-owned light poles located on the portions of all Town-owned streets and sidewalks that are located within the District, subject to the Town's "Requirements for Hanging Banners Across Main Street" and other applicable policies, procedures and requirements.
- (10) To employ and pay staff.
- (11) To retain legal counsel.
- (12) To receive and use gifts, sponsorships, and donations for the purposes of the District.
- (13) To operate revenue-generating facilities and events and to use the revenues for District purposes.

Sec. ____-4. - Boundaries; additions to District.

A. The boundaries of the District shall be as shown on the map entitled _____ and dated _____, which map is on file in the land records of the Town as Map # _____.

MAP NEEDED.

B. Procedure for additions to District.

- (1) Any Property Owner(s) whose property has at least one (1) boundary which is contiguous with the District may submit an application to the Board of Commissioners to join the District.
- (2) Such Property Owner(s) shall request the Board of Commissioners, in writing, to join the District, which request must be signed by the Property Owner(s) having more than a fifty percent (50%) interest in said property.
- (3) If the Board of Commissioners shall approve such request, the District shall notify the appropriate persons in the Town and file a copy of the written notification on the land records at the Town Clerk's office.
- (4) Properties may only join the District no fewer than thirty (30) days prior to the beginning of the next fiscal quarter, and the tax levy imposed on such property shall begin as of the first day of that next fiscal quarter.

Sec. _____-5. - Referendum procedure.

A. Referendum voting procedure.

- (1) Within thirty (30) days after the effective date of this Article (as defined in § _____-14 hereof), the Town Clerk shall mail a ballot to all holders of record, as of the effective date of this Article, of property within the District.
- (2) The referendum question shall appear on a ballot prepared by the Town Clerk in consultation with the Town Attorney's Office. Each ballot shall be accompanied by a (a) copy of the ordinance, (b) ballot instructions, (c) an identification of the Property Owner of each Property in the District and the assessed value of each Property within the District prepared by the Town Assessor, and (d) a copy of the map of the District referred to in Section _____-4(A) hereof. Each ballot shall be signed by the Property Owner or the duly authorized representative of that Property Owner. The signature of any person signing a ballot in his or her capacity as the duly authorized representative of any Property Owner shall also attest to his or her authority to sign said ballot, under penalties of false statement.
- (3) The ballot shall be mailed to the address used by the Town Assessor for tax assessment purposes. The ballots are to be returned by mail or in person to the Town Clerk no later than the close of business on the 60th day following the effective date of this Article.
- (4) Each Property Owner shall be entitled to cast one (1) ballot which will be so counted in determining whether the necessary majority of property owners in the District have voted in favor of the referendum. Each Property Owner shall have one vote for each

Property owned by such Property Owner. Properties that are exempt from Westport real property taxes shall not be entitled to vote.

- (5) For the purposes of this section, any tenant in common of any freehold interest in property shall have a vote equal to the fraction of ownership in said interest. Any joint tenant of any freehold interest in property shall vote as if each joint tenant owned an equal fractional share of such property. A corporation shall have its vote cast by an authorized officer of such corporation. An association of condominium unit owners (condominium association) shall have one (1) vote cast by an authorized officer of such association.

B. Oversight and tabulation of results of referendum.

- (1) The referendum shall be administered by the Town Clerk or his/her designees, who shall, in consultation with the Town Attorney:
 - (a) Arrange for the preparation and counting of the ballots and determine the results of the referendum.
 - (b) Rule on any contested ballots.
 - (c) Maintain a list available for public inspection of which ballots have been returned prior to the close of the referendum period. An updated daily list will be available at the close of each business day.
 - (d) Keep the vote of any ballot secret until the close of the referendum period.
 - (e) Maintain a record indicating the vote of each ballot for a minimum period of one (1) year. Said record shall be available for public inspection.
 - (f) Publish the results of the referendum in a newspaper of general circulation within the District.
- (2) For the purposes of determining whether the majority of Property Owners in the referendum have voted in favor of the creation of the District, each ballot will be counted by the following two (2) methods:
 - (a) Each ballot will be counted as a single vote for or against the creation of the District.
 - (b) Each ballot will be weighted by the assessed value of the property for which the ballot is cast, based on the Town Assessor's assessment for such property as of the effective date of this Article. The Town Assessor shall provide such assessments to the Town Clerk within five (5) days after the effective date of this Article.
- (3) A simple majority of the Property Owners by both number and by assessed value must vote in favor of the District for the District to be approved. An abstention, invalidated ballot or unreturned ballot will be counted as opposed to the District.
- (4) If the District is not approved, this Article shall be null and void.

C. Appeal.

- (1) Election results and documentation shall be available for inspection by Property Owners at the office of the Town Clerk for five (5) business days after the publication of the result by the Town Clerk.

- (2) Property Owners may contest in writing the ballot cast to the Town Clerk. All appeals must be submitted within five (5) business days following publication of the result of the referendum.
- (3) The Town Clerk, in consultation with the Town Attorney, will review evidence submitted by the voter and the appellant in making a determination, which shall be final. The Town Clerk, in consultation with the Town Attorney, may change the tabulation of the ballot and the result of the referendum if sufficient evidence of previously improper tabulation is presented by the appellant. Such evaluation and determination shall be made within fifteen (15) business days following publication of the result of the referendum.

D. Reimbursement to Town of Costs of Referendum.

The District shall, upon receipt of sufficient funds, reimburse the Town for the costs of the referendum, including without limitation the costs of supplies and staff time of all Town departments involved with the referendum. The costs of the referendum shall be determined by the Finance Director and approved by the Representative Town Meeting.

Sec. ____-6. - Organization, election of Board of Commissioners, operations and dissolution.

A. Commencement of District operations.

- (1) Within fifteen (15) business days following publication of the referendum results or within ten (10) business days following the determination by the Town Clerk of any appeal, whichever occurs later, the First Selectman shall call a general meeting of Property Owners to nominate and elect the Board of Commissioners.
- (2) At the general meeting of the Property Owners called by the First Selectman, a majority by number of the Property Owners present and voting at such meeting shall elect the first Board of Commissioners, which shall meet within twenty (20) business days of such general meeting to adopt the bylaws governing their operations. The Board of Commissioners shall serve as provided in Section ____-6(B) of this Article.
- (3) The Board of Commissioners shall prepare the first budgets for the District and submit such budgets for consideration and review to a general meeting of the Property Owners and shall submit the recommended tax levy to the Representative Town Meeting in accordance with procedures set forth in the bylaws.

B. Board of Commissioners.

- (1) Commissioners shall have all rights and powers permitted under Chapter 105a of the Connecticut General Statutes, including the right to vote on all matters which may properly come before the Board of Commissioners.
 - (a) The Board of Commissioners shall consist of fifteen (15) Commissioners and shall include the following individuals:
 - (1) The First Selectman of the Town or his or her designee.

- (2) The Finance Director of the Town or his or her designee.
- (3) The Director of Public Works of the Town or his or her designee.
- (4) The Chairman of the Downtown Plan Implementation Committee (DPIC) or a successor member as designated by the First Selectman
- (5) The President of the Westport-Weston Chamber of Commerce or his or her designee.
- (6) Ten (10) elected Commissioners, who shall be composed of the following three (3) groups, and who shall not be elected officials of the Town of Westport:
 - (a) At least one (1) and not more than eight (8) Property Owners who may or may not be Lessees of Property or managers of businesses within the District. This class of elected Commissioners shall be known as "Owner Commissioners."
 - (b) At least one (1) and not more than eight (8) Lessees of Property or managers of businesses within the District. This class of elected Commissioners shall be known as "Retailer Commissioners." The Retailer Commissioners shall not also be Property Owners in the District.
 - (c) One (1) designee of associations of condominium unit owners (condominium association) located within the District. This elected Commissioner shall be known as the "Condominium Commissioner".
- (b) Board of Commissioner elections shall be held every year. Not less than thirty (30) days before each annual election of Commissioners, the incumbent Board of Commissioners shall, by a majority vote, determine the number of elected Commissioners' posts that shall be filled at the next regularly scheduled election. Commissioners shall be elected in a manner consistent with the intent of staggered terms, as set forth in Section _____-6(B)(2)(a) below.
- (2) Election of members of the Board of Commissioners.
 - (a) At the first meeting of Property Owners at which a Board of Commissioners shall be elected, the ten (10) Commissioners described in Section _____-6(B)(1)(a)(6) shall be elected.
 - (1) The four (4) Commissioners obtaining the highest number of votes shall be the "Group A Commissioners" and shall be elected for a term expiring on June 30, 2022; and
 - (2) The three (3) Commissioners obtaining the next highest number of votes shall be designated "Group B Commissioners" and shall be elected for a term expiring on June 30, 2021.
 - (3) The three (3) Commissioners receiving the lowest number of votes shall be designated "Group C Commissioners" and shall be elected for a term expiring on June 30, 2020.
 - (4) In the event that more than 8 Owner Commissioners or more than 8 Retailer Commissioners are elected, the additional candidates elected shall not be

allowed to serve. The individual receiving the plurality of the votes for Condominium Commissioner shall be deemed elected to serve as Condominium Commissioner.

- (b) At each succeeding annual meeting of Property Owners, Commissioners shall be elected for three-year terms.
 - (c) Nominations for elected members may be made by the current Board of Commissioners or by any ten (10) Property Owners and/or Lessees of Property in the District and may be made at the annual meeting prior to the election.
 - (d) The Board of Commissioners shall be elected by the Property Owners, with each Property Owner having one (1) vote for each property owned by such Property Owner. In regard to condominium units, the association with which that unit is affiliated (condominium association) shall have one (1) vote representing all of the units represented by that association of unit owners. All Property Owners shall be entitled to vote for all types and classes of commissioners. Property Owners may cast votes as follows:
 - (1) In the election of Owner Commissioners, for up to that number of individuals who are to be elected to serve as Owner Commissioners; and
 - (2) In the election of Retailer Commissioners for up to that number of individuals who are to be elected to serve as Retailer Commissioners.
 - (3) In the election of the Condominium Commissioner, for one (1) Condominium Commissioner.
 - (4) Property Owners are not permitted to cumulate their votes for election of commissioners.
- C. There are no term limits for Commissioners.
- D. Vacancies in the Board of Commissioners shall be filled by appointment by the majority vote of the Board of Commissioners. The Board of Commissioners may function as a board notwithstanding vacancies.
- E. The Board of Commissioners shall be responsible for governing the organization, developing, approving and amending the bylaws, approving the annual budget and setting policy as well as determining the mission, vision and goals of the District, and for complying with applicable local, state and federal laws, rules, regulations, requirements and policies. Before July 31 of each year, the Board of Commissioners shall provide to the Town Clerk a written report of the names, mailing and email addresses, and telephone numbers of all then-current Commissioners and officers of the District.
- F. General meetings of Property Owners.
- (1) There shall be an annual meeting of Property Owners to review the yearly budget and to conduct other such business as is determined necessary.
 - (2) Special meetings may be called in accordance with the bylaws of the District.

Sec. _____-7. - Revenue and budget.

A. District budget.

- (1) The fiscal year of the District shall be from July 1 to June 30 of each year. The Board of Commissioners shall adopt an annual budget and shall file the budget with the First Selectman of the Town on or before third Thursday in January of each year or such other date established by the Finance Director, in order to coincide with the delivery of preliminary Town budgets to the First Selectman. The annual budget may be amended as provided in the bylaws of the District. Amended budgets must be filed with the First Selectman by the second Monday in February of each year or such other date established by the Finance Director.
- (2) The Board of Commissioners shall recommend to the Representative Town Meeting of the Town, on or before the agenda deadline for the Representative Town Meeting's annual budget meeting of each year, a levy upon taxable interests in real property within such District, in accordance with § 7-339r(d) of the Connecticut General Statutes. It shall be the obligation of the Representative Town Meeting, at its annual budget meeting, to impose the recommended levy as a municipal levy, and such levy shall be in addition to the regular municipal levy, and it shall be the obligation of the Town to collect such levy for the benefit of the District. All moneys received by the Board of Commissioners or by the Town on behalf of the District shall be paid into the General Fund of the Town, where an account shall be maintained of such moneys for the benefit of the District.
- (3) All funds (and earnings thereon) received by the Town on behalf of the District shall be maintained for the benefit of the District and disbursed to the District in accordance with the annual budget of the District.

B. Tax levy imposition for first fiscal year if a partial year.

If the first fiscal year of the District is a partial fiscal year, then the tax levy shall be for the remaining fiscal quarters of that fiscal year, beginning with the next fiscal quarter that is no fewer than thirty (30) days after the imposition of the levy by the Representative Town Meeting.

C. Collection of levy.

- (1) Following the adoption of the levy for the fiscal year (or portion thereof in the case of the first fiscal year), the District levy upon taxable interests in real property in the District shall be due and payable on the same dates that Town real estate taxes are due and payable. The Tax Collector of the Town shall bill then-current record holders of taxable interest in real property in the District at the same time or times as such holders of taxable interest in real property are billed for their Town real estate taxes.
- (2) Delinquent interest charges shall be assessed on late District tax payments and shall be computed in the same manner as used for establishing delinquent charges on real estate tax bills of the Town. Such delinquent charges shall accrue only to the Town as compensation for any additional efforts by the Town to collect delinquent taxes.
- (3) The Tax Collector of the Town shall collect the District tax and shall deposit funds received in a special fund of the General Fund of the Town to be maintained by the

Finance Director of the Town for the benefit of the District. In the event that only a portion of the combined regular municipal levy and the District levy is paid, the Tax Collector shall prorate the amount received between the Town and the District based on the amount of the District levy compared to the combined levy and deposit the prorated amount of the District levy into the special fund of the District.

(4) In the event that the Town forecloses on any property for failure to pay taxes, the District shall reimburse the Town a prorated portion of unreimbursed legal fees, costs or expenses, including the unreimbursed fully-allocated cost of Town attorneys or other employees associated with such foreclosure. Such reimbursement shall be prorated based on the amount of the District levy compared to the combined levy.

D. Notwithstanding anything set forth in this Article to the contrary, in no event shall the levy on any Property in any fiscal year be greater than six percent (6%) of the regular municipal property tax.

E. Disbursement of funds.

The Finance Director of the Town may disburse funds from the account of the District only upon written request of a duly authorized representative of the District and only in accordance with the then-current approved annual budget of the Board of Commissioners. The District shall set forth in its bylaws procedures for approving disbursement of funds and for requesting such disbursement from the Finance Director of the Town.

F. Exempt properties.

Properties that are exempt from Westport real property taxes shall:

(1) Not be part of this Article.

(2) Not be subject to the tax levy.

(3) Not have any voting rights in connection with the formation or operation of the District.

G. Town administrative fee.

The District shall, upon receipt of sufficient funds, reimburse the Town an administrative fee for services of the Town Assessor, Tax Collector, Finance Director and other Town employees and departments required under this ordinance, and for the postage, supplies and other costs and expenses related thereto. Such administrative fee shall be determined by the Finance Director and approved by the Representative Town Meeting.

Sec. ____-8. - Municipal obligations.

A. Upon notification delivered by the District pursuant to Section ____-3(B)(8) hereof that the District is assuming any of the services that the Town is authorized to provide in the District, the Town shall be excused from providing such services in the District as of the date set forth in such notice as the District's commencement date of providing such services, and the District shall as of such date be obligated to perform such services in the District.

- B. If appropriated by the Board of Finance and the Representative Town Meeting, the Town shall contribute Town funds to the District's annual budget in amounts approximately equal to the Town's then-current contracts for snow and ice removal from Town roads and Town-owned parking lots in the District at the level of service provided by the Town in the District prior to the effectiveness of this Ordinance, in such amount as may be determined by the Board of Finance and the Representative Town Meeting. The Commissioners shall be responsible for requesting such funding from the Town funding bodies. In order to facilitate the Board of Finance and Representative Town Meeting's evaluation of requests for such appropriations, bidding by the District for snow and ice removal from Town roads and Town-owned parking lots in the District shall require separate bids for (a) snow and ice removal from Town roads and Town-owned parking lots, and (b) any other work performed by such contractor or contractors, including without limitation snow and ice removal from Town rights of way on sidewalks in the District, removal of snow mounds, and any snow and ice removal from private streets, lots and sidewalks.
- C. Default; remedies. In the event that the District becomes insolvent, goes into bankruptcy or receivership, voluntarily dissolves or ceases to exist; or fails perform any services the District has assumed pursuant to Section ____-3(B)(8) hereof, the Town or its designee has the right, but not the obligation, in addition to all other remedies available at law or in equity, to assume any such services at the Town's expense, which expense shall be reimbursed to the Town by the District. To the extent there remains any deficiency in the amount to be reimbursed to the Town by the District, such deficiency shall be reimbursed to the Town as a liability under Section ____-9(C) hereof.

Sec. ____-9. - Dissolution.

- A. The District may be dissolved at any time in any one of the following ways:
 - (1) By the Representative Town Meeting's adopting an ordinance repealing this Article; or
 - (2) By the Board of Commissioners, on its own initiative or upon the written request of twenty-five percent (25%) in number of the Property Owners, holding a referendum among all Property Owners on the question of whether the District should be dissolved, if a majority of Property Owners respond affirmatively or if Property Owners, the assessments of which shall constitute more than one-half (1/2) of the total assessments within the District, shall respond affirmatively. Such a referendum shall be conducted in the manner described in Section ____-5 of this Article. The District shall reimburse the Town for costs of such a referendum in accordance with Section ____-5(D) of this Article. Such referendum cannot be held more than once each fiscal year.
- B. If the District is dissolved, the Board of Commissioners shall proceed to wind up the affairs of the District as of the end of the then-current fiscal year.
- C. If, after the dissolution of the District, the District shall have liabilities, whether fixed or contingent, the Representative Town Meeting of the Town may impose, in addition to the regular municipal levy, a levy on the property, in the same manner as is provided for the determination of such levy by the Board of Commissioners in this Article, for as many years as any such liabilities shall remain outstanding, and such levy shall be calculated to produce enough revenues to satisfy and release such liabilities as they become due, and such

revenues shall be deposited into the Town's General Fund and shall be disbursed by the Town, at the direction of the First Selectman, solely for the purposes stated herein. If, after the dissolution of the District, the District shall have assets which remain following the winding up of the affairs of the District, such assets shall be transferred to the Town.

Sec. _____-10. - Severability clause.

If, for any reason, any word, clause, paragraph or section of this Article shall be held to make this Article unconstitutional or in violation of Chapter 105a of the Connecticut General Statutes, this Article shall not thereby be invalidated and the remainder of this Article shall continue in effect. Any provision herein which is in conflict with any other provision of the Town Code of Ordinances or the Connecticut General Statutes is hereby repealed, it being understood that said Code and statutes shall take precedence over this Article.

Sec. _____-11. - Indemnification and protection of Town.

- A. Indemnification. Unless declared unlawful by a court of competent jurisdiction, the District shall hold the Town, its elected and appointed officials, officers, employees, volunteers and agents harmless from any and all liability, negligent or otherwise, and shall indemnify the Town, its elected and appointed officials, officers, employees, volunteers and agents from any and all lawsuits, judgments, claims or actions against them, and any injury to any person or damage to any property, whether owned by the Town or otherwise, that arises out of or is alleged to arise out of the operation of the District. Said indemnification shall include the Town's reasonable attorneys' fees. All contractors and subcontractors of the District performing services in the District shall sign and deliver a hold harmless and indemnity agreement in favor of the Town that is acceptable to the Town's Finance Director.
- B. Insurance and Finance Director approval.
 - (1) The District agrees to provide, and to require all of its contractors and subcontractors performing services in the District, commercial general liability, workers compensation, auto liability, and such other insurance as may be required by the Town's Finance Director, and in the coverage amounts that may from time to time be required by the Town's Finance Director, naming the Town as additional insured, waiving the right of subrogation, and providing that the insurance be primary and non-contributory. Said insurance shall be written by a company acceptable to the Town's Finance Director. The District shall deliver said policies and certificates of insurance evidencing such insurance coverages to the Town's Finance Director prior to the date that the District or such contractors or subcontractors undertake activities in the District, other than activities limited to organizing the District, and shall provide updated certificates of insurance prior to the renewal date of each policy. Additional insurance may be required for activities on Town-owned roads and in Town rights of way, in accordance with the applicable policies and procedures for such activities.
 - (2) All policies shall contain the following clauses:

- (a) This policy includes the interests of the Town of Westport, its elected and appointed officials, officers, employees, volunteers and agents as an additional insured. This insurance is primary and non-contributory. The insurer waives the right of subrogation against the Town of Westport, its elected and appointed officials, officers, employees, volunteers or agents which might arise by reason of any payment under this policy.
- (b) Ten (10) days' advance written notice of cancellation or change in policy shall be given to the Finance Director of the Town of Westport before any cancellation or reduction in coverage of this policy shall be effective.

Sec. ____-12. - Annual report.

- A. **Within one hundred twenty (120) days of the close of its fiscal year**, the District shall provide the First Selectman, Finance Director, Town Clerk and Moderator of the Representative Town Meeting with an Annual Report. The report shall include the following:
 - 1. An executive summary of operations throughout the previous year.
 - 2. The audited financial statements of the District.
 - 3. A list or statement regarding any claims filed or legal actions brought against the District and their status, disposition and resolution.
- B. The Annual Report shall be a public record.

Sec. ____-13. - Records maintenance and inspection.

- A. The District shall maintain or cause to be maintained during the term of its existence complete and accurate records, books, files and other documents. Furthermore, the District will provide access to and permit the Town and/or its duly authorized representative(s) to examine, review and audit all records, books, files and or other documents and to furnish copies thereof to the Town when requested by the Town. The cost of any copying shall be borne by the District.
- B. The Town shall have the right to inspect the records of the District at any time during regular business hours on weekdays (9:00 a.m. to 5:00 p.m.).

Sec. ____-14. – Effective date

This Article shall be effective fourteen (14) days after its publication by the Town Clerk in accordance with § C5-9(A) of the Town Charter.