

**REPORT**  
**OF THE**  
**CHARTER REVISION COMMISSION**  
**CITY OF BRIDGEPORT**  
**THE PROPOSED CHARTER REVISION**  
**FOR SUBMISSION TO**  
**THE CITY CLERK,**  
**THE TOWN CLERK**  
**AND**  
**THE CITY COUNCIL**

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## CHARTER OF THE CITY OF BRIDGEPORT

<b>CHAPTER 1 - CONSTRUCTION OF THE GENERAL PROVISIONS.....</b>	<b>1</b>
Section 1. Title.....	1
Section 2. Definitions and Titles Generally.....	1
Section 3. Time of Appointments and Meetings Generally.....	1
Section 4. Definitions.....	1
<b>CHAPTER 2 - INCORPORATION AND GENERAL POWERS.....</b>	<b>9</b>
<b>CHAPTER 3 - ELECTIONS, ELECTORS, ELECTED OFFICIALS, TERMS OF OFFICE AND     GENERAL PROVISIONS REGARDING THE CONTINUITY OF GOVERNMENT</b>	<b>13</b>
Section 1: Application of the General Statutes.....	13
Section 2: Electors.....	13
Section 3: Date of Election and Terms of Office for Elected Officials.....	13
Section 4: Eligibility.....	15
Section 5: Vacancy.....	16
Section 6: Term of Office.....	18
Section 7: Reapportionment of City Council Voting Districts.....	19
Section 8: Board of Admission of Electors.....	21
Section 9: Public Officials to Deliver Records to Successors.....	21
Section 10: Surety Bond Required of Certain Public Officials.....	22
Section 11: Removal of Elected and Appointed Officials.....	22
Section 12: Conflict of Interest and Ethics.....	29
<b>CHAPTER 4 - THE OFFICE OF THE MAYOR.....</b>	<b>33</b>
Section 1. Chief Executive Officer of the City.....	33
Section 2. Powers and Duties.....	33
Section 3. Appointing Authority.....	35
Section 4. Emergency Powers.....	36
<b>CHAPTER 5 - THE CITY COUNCIL.....</b>	<b>39</b>
Section 1. Legislative Power.....	39
Section 2. Organization of the City Council.....	39
Section 3. Procedures of the City Council.....	41
Section 4. Standards and Practices of the City Council.....	43
Section 5. Salaries of Elected Officials.....	44
Section 6. Legislative Procedures.....	44
Section 7. Printing of City Council Proceedings.....	49
<b>CHAPTER 6 - OTHER ELECTED OFFICIALS OF THE CITY.....</b>	<b>51</b>
Section 1. The City Clerk.....	51
Section 2. The Town Clerk.....	53
Section 4. The City Sheriffs.....	54
Section 5. The Registrars of Voters.....	54
<b>CHAPTER 7- BOARDS AND COMMISSIONS.....</b>	<b>57</b>
Section 1: General Requirements for All Appointed Boards and Commissions.....	57
Section 2: Required Provisions for All Appointed Boards and Commissions Established by Ordinance.....	61
Section 3: Boards and Commissions Established by the Charter.....	62
A. The Board of Education.....	62
B. Civil Service Commission.....	66
C. Board of Police Commissioners.....	71
D. Board of Fire Commissioners.....	72
E. Planning and Zoning Commission.....	73

F. Board of Tax Review.....	75
G. Board of Public Purchases .....	76
H. Airport. Airport Commission .....	76
I. Board of Park Commissioners .....	79
J. Board of Directors of the Bridgeport Public Library .....	80
Section 3: Boards and Commissions Required by the Charter created by Ordinance.....	82
A. Ethics Commission.....	82
<b>CHAPTER 8- THE CITY GOVERNMENT: DEPARTMENTS AND DEPARTMENT HEADS...83</b>	
Section 1: The Authority to Establish the Departments of City Government. ....	83
Section 2: Appointment of All Department Heads and Mayoral Departmental Appointees; General Requirements.....	84
Section 3: General Requirements Pertaining to All Department Heads and Mayoral Department Appointees.....	86
Section 4. The Chief Administrative Officer. ....	91
Section 5. The City Attorney. Law Department. ....	91
Section 6. The Director of Labor Relations. ....	93
Section 7. Government Administration. ....	94
A. The Director of the Office of Policy and Management.....	94
B. The Director of Finance .....	96
C. The Tax Collector.....	100
D. The Tax Assessor.....	101
E. The City Treasurer.....	103
F. The Purchasing Agent.....	104
G. The Personnel Director; Assistants; Civil Service Status.....	107
I. Director of Information Technology Services.....	109
Section 8. Infrastructure, Public Works and Parks. ....	110
A. The Director of Public Facilities .....	110
B. The City Engineer .....	112
C. The Director of Parks and Recreation.....	113
Section 9. Public Safety and Protective Services.....	114
A. The Chief of Police.....	114
B. The Fire Chief .....	117
Section 10. Education, Health and Community Services. ....	120
A. The Superintendent of Schools.....	120
B. The City Librarian .....	121
C. The Director of Health and Social Services .....	122
Section 11. Economic Development, Planning, Zoning Enforcement and Environment. ....	124
A. The Director of Planning and Economic Development. ..	124
B. The Director of Land Use Construction and Review .....	126
<b>CHAPTER 9 - BUDGET AND FISCAL CONTROLS.....131</b>	
Section 1. Fiscal Year; Certain Fiscal Requirements.....	131
Section 2. Appropriations. ....	131
Section 3. Power to Procure Information. ....	131
Section 4. Budget; Mill Rate. ....	132
Section 5. Capital Budget. ....	137
Section 6. Transfers.....	138
Section 7. Monthly Financial Report.....	139
Section 8. Enterprise Funds. ....	139
Section 9. Special Funds.....	140
Section 10. Grants. ....	140
<b>CHAPTER 10 - BONDING AND LONG TERM DEBT.....141</b>	

Section 1. Issuance of Bonds. Authorization.....	141
Section 2. Form of Bonds.....	141
Section 3. Utilization of Premium Received.....	142
<b>CHAPTER 11 - PENSIONS.....</b>	<b>145</b>
Section 1. Continuance of Provisions.....	145
Section 2. Police and Fire Pensions.....	145
Section 3. Janitors' and Engineers' Retirement Fund.....	145
<b>CHAPTER 12 - HISTORIC AND SPECIAL ACT PROVISIONS OF THE CHARTER.....</b>	<b>149</b>
Section 1. Ordinances Authorized by the Special Acts.....	149
Section 2. Responsibilities of the Director of Finance Pertaining to Disbursements and Appropriations.....	151
Section 3. Civil Service and Merit System.....	153
Section 4. Public Improvements.....	167
Section 5. Park Property.....	175
Section 6. Responsibilities of the Director of Public Facilities.....	180
Section 7. Appraisal, Assessment and Apportionment Decisions.....	181
<b>CHAPTER 13 - TRANSITIONAL PROVISIONS.....</b>	<b>183</b>

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## CHAPTER 1 - CONSTRUCTION OF THE GENERAL PROVISIONS

### Section 1. Title<sup>1</sup>.

The title of this Act shall be the "Charter of the City".

### **Section 2. Definitions and Titles Generally<sup>2</sup>.**

The definitions contained in the General Statutes shall govern the interpretation of this Charter; unless a term is otherwise defined herein. Articles and Sections are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

### **Section 3. Time of Appointments and Meetings Generally<sup>3</sup>.**

Except as otherwise provided in this Charter, any appointment to office or election by the City Council to fill a Vacancy required herein to be made on or before a certain Day shall be, if made after that Day, as valid and effective as if made on the Day specified. If the day on which any meeting specified to be held or action is to be taken shall be a Saturday, Sunday or legal holiday, the meeting or action shall be held or taken on the first business day following. Any meeting required by this Charter to be held on a certain Day shall be deemed, for all purposes, to be a regular meeting. The Mayor shall designate the place of all meetings provided for in this Charter, unless the place of meeting is specified herein or fixed by Ordinance. However, in the absence of any such designation by the Mayor, the person responsible for convening the meeting shall designate the place thereof.

### **Section 4. Definitions<sup>4</sup>.**

Whenever used in this Charter:

A. "Appropriation Category" means the legal authorization granted by the City Council to make expenditures and to incur obligations for specific purposes. Appropriations are adopted by the groups called "categories". The Categories shall be established in the budget process.

B. "Board" or "Commission" shall include, for the purposes of this Charter and except as otherwise provided by Law, all Boards, agencies, Commissions, authorities or like entities of the City, whether elected or appointed<sup>6</sup>.

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<sup>1</sup> NEW.

<sup>2</sup> NEW.

<sup>3</sup> NEW.

<sup>4</sup> NEW.

<sup>5</sup> NEW.

<sup>6</sup> NEW.

C. "Budgeted Entity"<sup>7</sup> shall mean each Department and Board or Commission of the City to which funds are appropriated.

D. "Charter"<sup>8</sup> shall mean the Charter of the City.

E. "City"<sup>9</sup> shall mean the consolidated Town and City of Bridgeport.

F. "Classified Service"<sup>10</sup> means the employees of the City, all other offices or positions not in the Unclassified Service, as defined herein, existing at the time of the passage of the applicable special act pertaining to civil service or thereafter created within the Classified Service, including all positions and offices in the Police and Fire Departments, including that of Chief of Police and Fire Chief. The Classified Service is divided into two parts, which shall be designated as the "Competitive Division of the Classified Service" and the "Noncompetitive Division of the Classified Service"<sup>11</sup>, as follows:

(1) The "Noncompetitive Division of the Classified Service" shall comprise the following: (a) Unskilled, manual labor; and (b) positions or classes of positions for which the Civil Service Commission, by vote of a majority of its members, present and voting, decides that it is not practicable to determine the relative merit and fitness of applicants by competitive examination<sup>12</sup>.

(2) The "Competitive Division of the Classified Service" shall include all other offices or positions of the Classified Service<sup>13</sup>.

<sup>7</sup> Recodification of current Charter Chapter 9, Section 2, in lieu of the following: "~~Section 1. Budgeted Agency Defined.~~ As used in this chapter, 'Budgeted Agency' shall mean each Board, or Commission, or Department or officer of the City to which funds are appropriated".

<sup>8</sup> NEW.

<sup>9</sup> NEW.

<sup>10</sup> Recodification of current Charter Chapter 17, Section 205 (second paragraph), modified as follows: "Classified Service' means the employees of the City and the ~~classified service~~ shall include all other offices or positions not in the Unclassified Service, as defined herein, existing at the time of the passage of ~~this~~ the applicable special act pertaining to civil service or thereafter created within the Classified Service, including all positions and offices in the Police and Fire Departments, including that of Chief of Police, and all positions and offices in the Fire Department including that of Fire Chief". Derived from 1935, S.A. No. 407, §3; 1945, S.A. No. 431, §1.

<sup>11</sup> Modification and recodification of current Charter Chapter 17, Section 205.1 (First Sentence), as follows: "The Classified Service is divided into two parts, which shall be designated as the 'Competitive Division of the Classified Service' and the 'Noncompetitive Division of the Classified Service', as follows:".

<sup>12</sup> Modification and recodification of current Charter Chapter 17, Section 205.1 (Second Sentence) by replacing the term "...by unanimous vote of all of its members..." with "...by vote of a majority of its members, present and voting..." and by adding the term "...of the Classified Service" to the term "Noncompetitive Division".

<sup>13</sup> Modification and recodification of current Charter Chapter 17, Section 205.1 (Third Sentence) by (1) adding the term "...of the Classified Service" to the term "Competitive Division"; and, (2) inserting the numeral "(2)" prior to the sentence.

The Civil Service Commission shall designate the position or classes of positions which shall be in the Noncompetitive Division of the Classified Service, and thereafter no position or class of positions shall be placed in said noncompetitive division until after a public hearing, unanimous vote of approval by the membership of the commission and approval by the Mayor<sup>14</sup>. The commission may, at any time, and without restriction, change a position or class of positions from the noncompetitive to the competitive division<sup>15</sup>.

G. "Completion of Service<sup>16</sup>" means the end of employment in the position in any manner whatsoever, including but not limited to the completion of a term of office, retirement, resignation, removal, termination, whether for cause or at will, under the provisions of this Charter, collective bargaining or contract.

H. "Council" or "City Council<sup>17</sup>" means the City Council of the City, the legislative body of the municipality, as required by the General Statutes.

I. "Civil Service" or "Merit System<sup>18</sup>" shall mean the Civil Service and Merit System of the City, as required by this Charter and as further set forth in the Ordinances of the City.

J. "Day(s)<sup>19</sup>" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next City business day; unless otherwise required by law.

K. "Department", "City Department" or "Department of the City<sup>20</sup>" means any major functional or administrative division of the City, including any offices, divisions, institutions, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the City. When used within the section establishing or describing the duties of the particular Department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

L. "Department Head<sup>21</sup>" means an employee who heads any Department in the City, has substantial supervisory control of a permanent nature over other municipal employees, and is directly accountable to the Mayor.

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<sup>14</sup> Modification and recodification of current Chapter 17, Section 205.1 (Fourth Sentence), by adding the term "Civil Service" prior to the word "Commission".

<sup>15</sup> Recodification of current Charter Chapter 17, Section 205.1.

<sup>16</sup> NEW.

<sup>17</sup> NEW.

<sup>18</sup> NEW.

<sup>19</sup> NEW.

<sup>20</sup> NEW.

<sup>21</sup> NEW.

M. "Elected Official" or "Elected Official of the City<sup>22</sup>" means an individual who holds an "Elected Municipal Office" (as defined in the General Statutes but shall not include a justice of the peace) in the City. The Elected Officials of the City are set forth in §3.B (1) of Chapter 3 of this Charter.

N. "Elector<sup>23</sup>" shall have the meaning contained in the General Statutes.

O. "Extraordinary Conditions or Contingencies<sup>24</sup>" means a situation (that is not deemed a Public Emergency) exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against, or because of unusual trade or market conditions or actions required by the federal or state government.

P. "General Statutes<sup>25</sup>" shall mean the General Statutes, as amended from time to time.

Q. "Law<sup>26</sup>" includes, but is not limited to, decisions of courts and administrative bodies, federal or State legislative enactments, rules and regulations and local Ordinance and regulations.

R. "Majority Vote of the City Council<sup>27</sup>" means more than half of the votes have been cast by the members at a meeting of the Council at which a quorum is present.

S. "Mayor<sup>28</sup>" shall mean the chief executive officer of the municipality, as required by the General Statutes.

T. "Meeting (or Hearing) Notice<sup>29</sup>" means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the City Clerk, as well the requirement pertaining to special and emergency meetings. In addition to the above-referenced postings, the City may (1) post notices on its web-site or by other means of electronic media; or, (2) publish notices in a daily or weekly newspaper of general circulation distributed in the City; or, (3) provide notices as otherwise required by Law. Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

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<sup>22</sup> NEW.

<sup>23</sup> NEW.

<sup>24</sup> NEW.

<sup>25</sup> NEW.

<sup>26</sup> NEW.

<sup>27</sup> NEW.

<sup>28</sup> NEW.

<sup>29</sup> Revision of current Charter Chapter 1, Section 6 entitled "Requisites of notice by publication".

U. "Official" or "Public Official"<sup>30</sup> means an individual who holds an elected or appointed municipal office in the City; including but not limited to Elected Officials of the City, all members of Boards and Commission of the City which may be referred to in this Charter or established by Ordinance and all persons appointed in accordance with the provisions of this Charter including but not limited to §2.A of Chapter 8 of this Charter. "Appointed Public Officials" shall include all Public Officials to the exclusion of Elected Public Officials. When the term "officer" is used, it shall be synonymous with the term "Official".

V. "Order" or "Motion"<sup>31</sup> means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed contracts or other matters upon which are conferred temporary power or authority which when its purpose has been accomplished it ceases to require further authority. Orders and Motions shall be enacted in accordance with the provisions of this Charter.

W. "Ordinances" or "City Ordinances"<sup>32</sup> shall mean the powers of the City to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

X. "Park Property"<sup>33</sup> means all parks, squares, and areas of land within the management of said board and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, herbage, flowers, and other things thereon, and enclosures of the same, all shade trees on streets or thoroughfares, resting places, watering stations, playgrounds, parade grounds, or the like, all connecting parkways and roads or drives between parks, all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers, and ornaments of any description, all objects of interest or instruction, and all tools, birds, animals or curiosities, or objects and implements, placed in or on any of such enclosures, ways, parkways, roads, or places; and said included terms shall be liberally construed.

Y. "Public Notice"<sup>34</sup> means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. It specifically includes matters where "publication" was required under the prior Charter or the General Statutes. Said Public Notice requirements shall be specifically set forth in this Charter or as provided by the General Statutes. Public Notice may be posted (1) in the Office of the City Clerk; (2) in the central City Library (and each branch of

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<sup>30</sup> NEW.

<sup>31</sup> NEW.

<sup>32</sup> NEW.

<sup>33</sup> Recodification of current Charter Chapter 12, Section 22. Derived from 1907, S.A. No. 461, §24.

<sup>34</sup> Revision of current Chapter 1, Section 6 entitled "Requisites of notice by publication".

the City Library); (3) on the City web-site or by other means of electronic media; (4) by publication in a daily or weekly newspaper of general circulation distributed in the City; (5) as otherwise required by Law.

Z. "Resolution"<sup>35</sup> means an action or declaratory statement of the Council on a given matter that expresses the sentiment or intent of the Council, which governs the business of the Council or expresses recognition by the Council. "Resolution" may also mean a necessary legislative action required by General Statutes in Order to utilize the provisions of state enabling legislation; which shall be enacted in the same manner as an Ordinance under the provisions of this Charter.

AA. "Special Acts"<sup>36</sup> shall mean the acts of the General Assembly pertinent to the City.

BB. "State" or "Connecticut"<sup>37</sup> shall mean the State of Connecticut.

CC. "State Constitution"<sup>38</sup> shall mean the Constitution of the State of Connecticut.

DD. "Unclassified Service"<sup>39</sup> shall be comprised of (a) The Mayor and all other Elected Officials; (b) all executive offices or other appointed positions specifically created or authorized by Charter and the method of filling which is governed by specific and express provisions of the Charter, including the Civil Service Commissioners, Superintendent of Schools and Assistant Superintendent of Schools, with the exceptions hereinafter noted; (c) members of Boards and Commissions appointed by the Mayor and serving without pay; (d) members of any Board or Commission appointed by, the City Council; (e) all classes of teachers in the school system of the City, so far as their original appointments hereto are concerned; (f) the Deputy Director of Public Works, the Assistant City Treasurer, the Assistant Town Clerk, the Assistant City Attorney and the Assistant City Engineer.

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<sup>35</sup> NEW.

<sup>36</sup> NEW.

<sup>37</sup> NEW.

<sup>38</sup> NEW.

<sup>39</sup> Modification and recodification of current Charter Chapter 17, Section 205 (first paragraph), as follows: "The 'Unclassified Service' shall be comprised of (a) The Mayor and all other Elected Officials ~~officers elected by the people~~; (b) all executive offices or other appointed positions specifically created or authorized by Charter and the method of filling which is governed by specific and express provisions of the Charter, including the Civil Service Commissioners, Superintendent of Schools and Assistant Superintendent of Schools, ~~Superintendent of the Department of Public Welfare~~, with the exceptions hereinafter noted; (c) members of Boards and Commissions appointed by the Mayor and serving without pay; (d) members of any Board or Commission appointed by, the City Council; (e) all classes of teachers in the school system of the City, so far as their original appointments hereto are concerned; (f) the Deputy Director of Public Works, the Assistant City Treasurer, the Assistant Town Clerk, the Assistant City Attorney and the Assistant City Engineer".

EE. "Vacancy<sup>40</sup>" or, in the alternative the use of the word "Vacant" means whenever any Official of the City, including Registrars of Voters, is unable to complete the current term of office due to death, resignation, removal, incapacity or other reason as may be defined by this Charter or by Ordinance.

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CHAPTER 2 - INCORPORATION AND GENERAL POWERS

Section 1. General Provisions.

A. **Incorporation**<sup>41</sup>. The corporation now existing and known by the name of the City of Bridgeport shall be and remain a body politic and corporate by said name, and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all actions and suits whatsoever and of purchasing, receiving, accepting, holding and conveying, in fee simple or otherwise, any and all property, real or personal; and may and shall have a common seal with power to alter the same at pleasure; and shall have and continue to exercise and enjoy all the rights, immunities, powers, privileges and franchises now belonging to, and shall be subject to all the duties, liabilities and obligations, now resting upon, said corporation, except as herein otherwise expressly provided.

B. **Continuance of Rights and Obligations**<sup>42</sup>. The City shall continue to possess all the rights, immunities, powers, privileges and franchises granted to it and shall be subject to all the duties, liabilities and obligations imposed upon it under the provisions of the State Constitution, the General Statutes and any Special Act which provisions are not inconsistent with this Charter.

(1) **Town obligations imposed on City**<sup>43</sup>. All burdens and all expenses of the Town and City shall be borne by said City, and it shall continue to perform all the duties and have and exercise all the rights, powers and privileges of and relative to all matters by Law conferred upon towns, and all Laws of the State imposing such duties, burdens and expenses and conferring such rights, powers and privileges upon towns are hereby made applicable to and operative upon said City.

(2) **Rights, liabilities and property of the town of Bridgeport**<sup>44</sup>. All property and rights of every description that at any time belonged to the town of Bridgeport, or were vested in said town and that were transferred to the City, shall continue to belong to the City and be vested in the City, and said City shall be liable in place of said town in

<sup>41</sup> Recodification of current Charter Chapter 1, Section 1 (First sentence). Derived from 1907, S.A. No. 461, §1. Note: §2 was repealed by a resolution of 7 October 1957 and approved by Referendum of 5 November 1957.

<sup>42</sup> Modification of current Charter Chapter 1, Section 1 (Second sentence), as follows: "The City shall continue to possess all the rights, immunities, powers, privileges and franchises granted to it and shall be subject to all the duties, liabilities and obligations imposed upon it under the provisions of the State Constitution, the General Statutes and any Special Act which provisions are not inconsistent with this Charter, ~~irrespective of whether such acts are specifically referred to in this Charter~~."

<sup>43</sup> Recodification of current Charter Chapter 1, Section 3. Derived from 1907, S.A. No. 461, §4; and, further modified by Resolution of 7 October 1957 and approved by Referendum of 5 November 1957.

<sup>44</sup> Recodification of current Charter Chapter 1, Section 2. Derived from 1907, S.A. No. 461, §3.

respect to all liabilities, debts, and obligations that at any time were owing from said town.

(3) **Continuance of Functions of Boards, Commissions, Departments or Offices**<sup>45</sup>. All Commissions, Boards, Departments or offices abolished by this Charter, whether elected or appointed, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such Commissions, Boards, Departments or offices and until the City Clerk shall have notified the members of such Commissions, Boards, Departments or offices as are abolished by this Charter that their successors have been appointed.

C. **General Grant of Authority**<sup>46</sup>. In addition to all powers granted to municipalities under the State Constitution and the General Statutes, or which may hereinafter be conferred, the City shall have all powers:

(1) specifically granted by this Charter and all powers fairly implied in or incidental to the powers expressly granted by the State to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States Government or any agency thereof, the State or any agency or any political subdivision thereof for services and the use of facilities, the exercise of which is set forth by Law;

(2) conferred by the Special Acts, which the City deems to be of continued applicability; and,

(3) now granted or that may hereafter be granted to municipalities under the State Constitution or the General Statutes.

## **Section 2. Taxation liability of inhabitants and property.**

All of the inhabitants and property within the limits of the City shall be liable to taxation to defray all the burdens and expenses of the City<sup>47</sup>.

## **Section 3. Money payable to the town of Bridgeport.**

The City is exempted from the operation of all Laws of the State<sup>49</sup> requiring moneys to be paid to towns, or to the City Treasurers or other officers of towns, and in said town all such moneys shall be paid to the City Treasurer of the City; and all State, City, and town officers, or other persons or corporations who are required by Law to pay money to towns or to the City Treasurers and other

<sup>45</sup> NEW.

<sup>46</sup> NEW.

<sup>47</sup> Recodification of current Charter Chapter 1, Section 4. Derived from 1907, S.A. No. 461, §5; and further modified by Resolution of 7 October 1957 and approved by Referendum of 5 November 1957.

<sup>48</sup> In lieu of the "town of Bridgeport".

<sup>49</sup> The word "State" is a defined term and is now capped throughout the document.

officers of towns, are authorized and directed to pay to the City Treasurer of said City all moneys to which the town of Bridgeport, or the City Treasurer or other officers of said town are or shall be entitled<sup>50</sup>.

**Section 4. Severability<sup>51</sup>.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**Section 5. Catchlines<sup>52</sup>.**

The catchlines of the several sections of this Charter printed in bold face type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections.

**Section 6. Boundaries<sup>53</sup>.**

The territorial boundaries of the City shall be established in the manner provided by Law.

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<sup>50</sup> Recodification of current Charter Chapter 1, Section 5. Derived from 1907, S.A. No. 461, §6. Current Charter Chapter 1, Section 5 is repealed and addressed in the definition provisions of the charter, as follows: "~~Section 6. Requisites of notice by publication. All notices required by this Charter or by any Ordinance to be made by publication may be published in any daily or weekly newspaper printed in the English language and having a circulation in the City of more than five thousand copies of each edition, upon such terms and conditions as the City Council may prescribe by Ordinance. The publication of any such notice once in any such paper shall be legal publication.~~"

<sup>51</sup> Recodification of current Charter Chapter 1, Section 7.

<sup>52</sup> Recodification of current Charter Chapter 1, Section 8.

<sup>53</sup> Recodification of current Charter Chapter 1, Section 9.

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**CHAPTER 3 - ELECTIONS, ELECTORS, ELECTED OFFICIALS, TERMS OF OFFICE AND GENERAL PROVISIONS REGARDING THE CONTINUITY OF GOVERNMENT**

**Section 1: Application of the General Statutes.**

The General Statutes relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The City Council shall provide by Ordinance for the manner of warning (or Public Notice) of municipal elections and such additional regulations in respect of elections not inconsistent with the General Statutes or this Charter, as may be necessary to accomplish the intent of this chapter. The nomination and elections of all municipal, State and federal elected Officials shall be conducted as prescribed by the General Statutes<sup>54</sup>. At each election, a plurality of votes cast shall elect<sup>55</sup>.

**Section 2: Electors<sup>56</sup>.**

A. Each Elector of this State who shall reside within the limits of the City upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the City. All such Electors whose names are legally registered on the list of voters shall be entitled to vote at such elections.

B. The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the City.

**Section 3: Date of Election and Terms of Office for Elected Officials.**

**A. General.**

(1) **Elected Officials of the City<sup>57</sup>.** The Elected Officials of the City are: (a) Mayor<sup>58</sup>; (b) City Clerk<sup>59</sup>; (c) Town Clerk<sup>60</sup>; (d) Twenty (20) Members of the City Council<sup>61</sup>, consisting of two Council members to be

<sup>54</sup> NEW (the first three sentences).

<sup>55</sup> The last sentence is derived from Chapter 2, Section (e) (Annotation: Amended 11/3/98; effective 11/2/99).

<sup>56</sup> NEW.

<sup>57</sup> NEW.

<sup>58</sup> See, current Charter Chapter 2, Section (b) (Annotation: Amended 11/3/98; effective 11/2/99). Historical Note: This provision was derived from 1907, S.A. No. 461, §10; and, 1925 S.A. No. 299, §13.

<sup>59</sup> See, current Charter Chapter 2, Section (c) (Annotation: Amended 11/3/98; effective 11/2/99).

<sup>60</sup> See, current Charter Chapter 2, Section (d) (Annotation: Amended 11/3/98; effective 11/2/99).

<sup>61</sup> Derived from current Charter Chapter 5, Section 1(a).

elected from each of the ten (10) Council Districts<sup>62</sup>; and (e) six (6) City Sheriffs, serving as Constables of the City<sup>63</sup>. For purposes of this Charter the Registrars of Voters are also considered to be Elected Officials.

(a) **Transition Provision Pertaining to the Board of Education.** The elected Officials of the City also include the five (5) members of the Board of Education elected in 2009 until the expiration of their terms on November 30, 2013 and the four (4) members of the Board of Education elected in a Special Election in September 4, 2012, until the expiration of their terms on November 30, 2015.

(2) **Commencement of the Term of Office<sup>64</sup>** With the exception of those elected in a Special Election, the terms of all Elected Officials declared elected hereunder shall commence at 12:00:01 a.m., local time, on the first day of December next succeeding the date of election.

(3) **Commencement of the Term of Office for Registrars of Voters<sup>65</sup>**. The terms of the Registrars of Voters shall commence on the date set forth in the General Statutes.

(4) **Commencement of the Term of Office Following a Special Election.** In the event an Elected Official is declared elected in a Special Election, the person elected at that time shall take office on the seventh (7<sup>th</sup>) calendar day following said special election and shall serve the unexpired portion of the term of the vacated position<sup>66</sup>.

**B. Date of Municipal Election.**

(1) **Elected Officials of the City.** Except as hereinafter provided, on the first Tuesday after the first Monday in November of each odd numbered year<sup>67</sup>, as the term of office shall fall (as set forth in Chapter §3.C.(1) of this Charter), the Electors of the Town shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter, the Elected Officials of the City as set forth in

<sup>62</sup> Derived from current Charter Chapter 5, Section 1(b) (First sentence). The word "Council" replaces the word "Aldermanic". Historical Note: This provision was derived from 1907, S.A. No. 461, §7; 1967 S.A. No. 213, §1; and, 1969, S.A. No.48.

<sup>63</sup> See, current Charter Chapter 2, Section (e) (Annotation: Amended 11/3/98; effective 11/2/99).

<sup>64</sup> Modification of current Charter Chapter 2, Section 1 entitled "Municipal Elections" (Annotation: Amended 11/3/98; effective 11/2/99).

<sup>65</sup> NEW.

<sup>66</sup> Derived from current Charter Chapter 2, Section 3(c) (Second sentence). This provision originally was contained in a section dealing with the disability of the Mayor. Accordingly, the reference to the "...person elected Mayor at such special election" was changed to "...the person elected at such special election".

<sup>67</sup> Derived from current Charter Chapter 2, Section (a) (Annotation: Amended 11/3/98; effective 11/2/99) and current Charter Chapter 5, Section 1(b) (First sentence).

this Charter.

(2) **State Office - Registrar of Voters<sup>68</sup>.** On the first Tuesday after the first Monday in November 2014 and in the even numbered years thereafter as the term of office shall fall (as set forth in §3.C (2) of this Chapter), the Electors of the Town shall elect Registrars of Voters, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter.

**C. Term of Office.**

(1) **Four Year Term.** The Mayor<sup>69</sup>, the City Clerk<sup>70</sup> and the Town Clerk<sup>71</sup> shall hold their respective offices for a term of four (4) years.

(2) **Two Year Term.** The Members of the City Council<sup>72</sup>, the Sheriffs<sup>73</sup> and Registrars of Voters<sup>74</sup> shall hold their respective offices for a term of two (2) years.

**Section 4: Eligibility.**

**A. Nomination, Appointment or Election to Elected Municipal Office in the City.** No person shall be eligible for nomination, appointment (in the case of a Vacancy)<sup>75</sup> or election to any Municipal Elected Office who is not an Elector of the City, and, in the case of a member of the City Council, a resident of that particular Council District<sup>76</sup>. Any person ceasing to be a resident, where such residence is required for eligibility, shall thereupon cease to hold Elected Municipal Office in the City or applicable Council District<sup>77</sup>.

<sup>68</sup> NEW.

<sup>69</sup> Recodification of current Charter Chapter 2, Section (b) (Annotation: Amended 11/3/98; effective 11/2/99). The quadrennial election for the Office of the Mayor commenced in November 1999.

<sup>70</sup> Recodification of current Charter Chapter 2, Section (c) (Annotation: Amended 11/3/98; effective 11/2/99). The quadrennial election for the Office of the City Clerk commenced in November 1999.

<sup>71</sup> Recodification of current Charter Chapter 2, Section (d) (Annotation: Amended 11/3/98; effective 11/2/99). The quadrennial election for the Office of the Town Clerk commenced in November 1999.

<sup>72</sup> Derived from current Charter Chapter 5, Section 1(c), which included the term "...and until their successors are elected and have qualified", which has been deleted.

<sup>73</sup> Recodification of current Charter Chapter 2, Section (e) (Annotation: Amended 11/3/98; effective 11/2/99).

<sup>74</sup> NEW.

<sup>75</sup> In conformity with the provisions of current Charter Chapter 5, Section 1(d) (Third and Fourth sentences).

<sup>76</sup> Modification of current Charter Chapter 2, Section 2. Current Language of Chapter 2, Section 2 reads, as follows: "All officers of the City, elected or appointed under the provisions of the Charter, shall be residents and registered voters of the City".

<sup>77</sup> NEW.

**B. Voting for Council District Candidates.** Electors may only vote for City Council candidates in the City Council District in which such Elector resides<sup>78</sup>.

**Section 5: Vacancy.**

**A. Mayor.** A Vacancy in the Office of Mayor shall be filled as follows:

**(1) Prior to the first day of December in the Final Year of the Term of Office.**

**(a) Acting Mayor.** Whenever a Vacancy occurs in the Office of the Mayor, prior to the first day of December in the final year of the Term of Office<sup>79</sup>, the President of the City Council<sup>80</sup> shall act as Mayor, until a successor is elected at a special election<sup>81</sup>. Said special election shall be called and held in the time-frame as set forth in the General Statutes<sup>82</sup>. Such Acting Mayor shall have the rights, powers and duties of Mayor. The compensation of the President of the City Council, while acting as Mayor, shall be determined by the City Council, but shall in no case exceed the salary of the Mayor for the same time period.

**(b) Timing of Special Election.** In the event the General Statutes are silent, the special election shall be held not less than one hundred and twenty (120) or more than one hundred and fifty (150) Days from the date that such vacancy occurs<sup>83</sup>, as declared by the City Clerk<sup>84</sup>.

**(c) Term of Office and Rights of the Successor<sup>85</sup>.** The person so elected shall assume the office of Mayor in accordance with the provisions of §3.C (2) of this Chapter and serve for the unexpired term. Such successor shall have the rights, powers and duties of Mayor and shall receive the same compensation otherwise due the Mayor.

**(2) On or after the first day of December in the Final Year of the term of Office.** Whenever a Vacancy occurs in the Office of the

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<sup>78</sup> Derived from current Charter Chapter 5, Section 1(b) (Second sentence).

<sup>79</sup> Modification of current Charter Chapter 2, Section 3(c) (First sentence), as follows: replacing the following term "other than during the final year of such Mayor's term of office".

<sup>80</sup> The term "President of the City Council" is now a defined term and capped throughout the document

<sup>81</sup> Modification of current Charter Chapter 2, Section 3(b).

<sup>82</sup> NEW.

<sup>83</sup> Derived from current Charter Chapter 2, Section 3(c) (First sentence).

<sup>84</sup> NEW. Reference to the City Clerk replaces the current language of Chapter 2, Section 3 (c) which confers the responsibility upon the City Council.

<sup>85</sup> NEW.

Mayor on or after the first day of December in the final year of the term of office, the President of the City Council shall become Mayor and serve for the unexpired portion of the term vacated<sup>86</sup>.

**B. Other Elected Officials of the City.** Whenever a Vacancy occurs, for any reason, in any Elected Municipal Office other than the Office of the Mayor, such Vacancy shall be filled, in conformity with the eligibility requirements of law and this Charter, for the unexpired portion of the term, as follows:

(1) **City Council.** By a majority vote of all of the City Council members from the same political party as the Council member vacating such office<sup>87</sup>. If there are no other members from the same political party as the member vacating such office, the Vacancy shall be filled, by majority vote of the entire membership of the City Council<sup>88</sup>.

(2) **City Clerk and Town Clerk.** By a Majority Vote of the entire membership of the City Council, within thirty (30) Days of the occurrence of a Vacancy in the office of the City Clerk or Town Clerk<sup>89</sup>. the City Council<sup>90</sup>. Whenever such Vacancy occurs, for any reason, the Assistant City Clerk, or the Assistant Town Clerk, as the case may be, shall possess all of the powers and perform all of the duties of the City Clerk or Town Clerk until such Vacancy is filled as provided in the General Statutes and this Charter<sup>91</sup>.

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<sup>86</sup> Modification of current Charter Chapter 2, Section 3(c) (Third sentence), as follows" replacing the following term "during the final year of the Mayor's term".

<sup>87</sup> Derived from and in lieu of current Charter Chapter 5, Section 1(d) (First sentence), as follows:

(1) **City Council.** ~~Whenever a vacancy occurs, for any reason, in the membership of the City Council, such vacancy shall be filled for the unexpired portion of the term by a majority vote of all of the City Council members from the same political party as the Council member vacating such office<sup>87</sup>. If there are no other members from the same political party as the member vacating such office, the Vacancy shall be filled by majority vote of the entire membership whole number of the City Council members.~~

<sup>88</sup> Recodification of current Charter Chapter 5, Section 1(d) (Second sentence) with the following revision: "majority vote of the entire membership of the City ~~whole number of Council members~~".

<sup>89</sup> The terms "City Clerk" and "Town Clerk" are now defined terms and therefore capped throughout the Charter.

<sup>90</sup> Derived from and in lieu of current Charter Chapter 2, Section 4(b) (First sentence), as follows: By a majority vote of the entire membership of the City Council, within thirty (30) Days of the occurrence of a Vacancy in the office of the City Clerk or Town Clerk. the City Council shall meet and elect a new officer who shall serve for the unexpired portion of the term vacated.

<sup>91</sup> Derived from and in lieu of current Charter Chapter 2, Section 4(a), as follows: ~~Whenever such Vacancy occurs, for any reason, in the office of the City Clerk or Town Clerk, the Assistant City Clerk, or the designated Assistant Town Clerk, as the case may~~

(3) **Other Elected Officials**<sup>92</sup>. Unless otherwise provided in this Charter, or the General Statutes, any vacancy in an Elected Municipal Office shall be filled, for the unexpired portion of the term, by a Majority Vote of the entire membership of the City Council.

(4) **Registrars of Voters**<sup>93</sup>. Any Vacancy in the Office of the Registrar of Voters shall be filled as required by the General Statutes.

(5) **Additional Eligibility Requirements**. No person shall be appointed to fill a Vacancy for the Elected Municipal Offices set forth in §§4.B (1), (2) and (3) of this Chapter unless said person is eligible as set forth in §4.A of this Chapter and is a member of the same political party as the person vacating such office<sup>94</sup>, in the event there is no other member of the political party appertaining to the vacating members, the appointment shall not be made from the party containing the majority of members<sup>95</sup>.

### Section 6: Term of Office<sup>96</sup>.

All Public Officials, whether elected and appointed, shall hold their respective offices during the terms for which they shall be elected or appointed and until the choice and qualification of their successor, except in case of their

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be, shall possess all of the powers and perform all of the duties of the City Clerk or Town Clerk until such Vacancy is filled as provided in the Geenal Statutes and this Charter subsection (b) of this section.

<sup>92</sup> NEW.

<sup>93</sup> NEW.

<sup>94</sup> Derived from and in lieu of the following provisions of the current Charter: (a) Chapter 5, Section 1(d) (Third and Fourth sentences) pertaining to the City Council in lieu of the following language: "No person shall be appointed ~~elected~~ to fill a Vacancy on the City Council unless said person is eligible as set forth in Chapter 3, Section 4.A of this Charter and ~~he/she is a resident and registered voter of the City and is a member of the same political party as the person vacating such office. No person shall be elected to fill a vacancy in the office of any Council member unless he/she is also a resident and registered voter in the same Council district as the person vacating such office.~~"; (b) Chapter 2, Section 4(b) (Second sentence). Pertaining to the City and Town Clerks in lieu of the following language: "No person shall be appointed to a Vacancy unless said person is eligible as set forth in Chapter 3, Section 4.A of this Charter ~~Any person elected pursuant to the provisions of this subsection shall be a registered voter and is a member of the same political party as the person vacating such office~~"; and, (c) Chapter 2, Section 5 pertaining to "vacancy in an elective city office" in lieu of the following language: "No person shall be appointed to a Vacancy unless said person is eligible as set forth in Chapter 3, Section 4.A of this Charter ~~The person filling such office shall be a registered voter and a member of the same political party as the person vacating such office.~~

<sup>95</sup> NEW.

<sup>96</sup> Recodification and modification of current Charter Chapter 2, Section 8 entitled "Term of Office", by adding the clause: "...as set forth in §\_\_\_ of this Chapter" and replacing the term "elected and appointed officers of the town and City" with "...Public Officials, whether elected and appointed". Derived from 1907 S.A. No. 461, §34".

prior death, resignation, or removal from office, as set forth in §11 of this Chapter.

**Section 7: Reapportionment of City Council Voting Districts.**

**A. City Council Voting Districts.** The City shall be divided into ten (10) City Council Voting Districts, each of which shall be represented by two members on the City Council<sup>97</sup>. The districts existing at the time of adoption of this charter shall remain in effect until a plan is adopted after the next decennial census of the United States in accordance with §7.B of this Chapter<sup>98</sup>.

**B. Standards Pertaining To Reapportionment and Final Action on Adoption of a Reapportionment Plan<sup>99</sup>.** After the next decennial census of the United States conducted after the adoption of this charter, the City Council shall, by Ordinance, adopt a reapportionment plan for such legislative body on or before a date one year prior to the date set forth in the General Statutes for adoption of a reapportionment plan for a municipal legislative body. Each such district shall be contiguous and shall be at least as equal in population to each other as necessary to be consistent with federal constitutional standards. Such districts shall follow geographical divisions set forth by the United States Census Bureau and shall, to the extent practicable: Be compact; follow geographical and natural boundaries and divisions; and take into consideration state senate and assembly district lines.

**C. Failure of the City Council to Timely Adopt a Reapportionment Plan.** If the City Council fails to adopt a reapportionment plan by the date set forth in §7.B of this Chapter, there shall be created a commission on redistricting composed of six (6) members, three of whom shall be appointed by the leader of the majority party on the City Council and three of whom shall be

<sup>97</sup> Derived from current Charter Chapter 5, Section 2(a)(Second Sentence), in lieu of the following: "The City shall be divided into ten (10) City Council Voting Districts, each of which shall be represented by two members on the City Council and shall be such districts shall be established in conformity with provisions of the general Law and by making each such district as equal in population to each other consistent with federal constitutional standards<sup>97</sup>. The districts existing at the time of adoption of this charter shall remain in effect until a plan is adopted after the next decennial census of the United States in accordance with subsection B of this section natural boundaries and divisions take into consideration senate and assembly district lines".

<sup>98</sup> NEW.

<sup>99</sup> Modification of current Charter Chapter 5, Section 2(a)(First Sentence), in lieu of the following: "On or before the date set forth in the General Statutes, the City Council shall by Ordinance, establish ten (10) Council Districts by adopting a reapportionment plan for such legislative body. At the time of the adoption of this Charter, the reapportionment plan shall be adopted not later than the first (1<sup>st</sup>) Day of June in the year after the first regular General Assembly election following a reapportionment of the General Assembly. ~~On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the City Council shall, by Ordinance, establish ten districts which shall be effective on the first day of January next succeeding.~~"

appointed by the leader of the minority party on the City Council<sup>100</sup>. In the event that there is only one party on the City Council, the minority party members shall be appointed by the Registrar of Voters whose party is not represented on the City Council<sup>101</sup>. Such commission shall forthwith prepare and, not later than a date six months prior to the date set forth in the General Statutes for adoption of a reapportionment plan for a municipal legislative body, adopt a reapportionment plan consistent with the principles set forth in §7.B of this Chapter<sup>102</sup>. The affirmative votes of at least four (4) members of such commission shall be required in order to adopt a reapportionment plan<sup>103</sup>.

D. **Reapportionment Plan to Remain in Place**<sup>104</sup>. Each reapportionment plan adopted pursuant to the provisions of this Section shall remain in effect until the adoption of a plan following the next successive decennial census of the United States.

E. **Polling Places**<sup>105</sup>. The City Council shall provide suitable polling places in such districts and shall define the boundaries of the area to be served by each polling place. The Town Clerk, the Registrars of Voters and all other Officials of the City shall perform the duties required of them by Law with respect to elections in the voting districts.

F. **Continuance in Office**<sup>106</sup>. Notwithstanding the adoption of a reapportionment plan, Council members shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

<sup>100</sup> Modification of Current Charter Chapter 5, Section 2(b)(First Sentence), in lieu of the following: "If the City Council fails to adopt a reapportionment plan of districting by the date set forth in Subsection B of this section the first day of July next following the year in which the decennial census of the United States is taken, there shall be created a commission on redistricting composed of six members, three of whom shall be appointed by the leader of the majority party on the City Council and three of whom shall be appointed by the leader of the minority party in the City Council."

<sup>101</sup> Recodification of current Charter Chapter 5, Section 2(b)(Second Sentence).

<sup>102</sup> Modification of current Charter Chapter 5, Section 2(b)(Third Sentence), as follows: "Such commission shall forthwith prepare and, not later than a date six months prior to the date set forth in the General Statutes for adoption of a reapportionment plan for a municipal legislative body, the first day of December following its appointment, adopt a plan of districting consistent with the principles set forth in subsection B (a) of this section".

<sup>103</sup> Recodification of current Charter Chapter 5, Section 2(b)(Fourth Sentence).

<sup>104</sup> Modification of current Charter Chapter 5, Section 3, as follows: "Each reapportionment A plan of districting adopted pursuant to the provisions of this Section shall remain in effect until the next successive first day of January following the decennial census of the United States".

<sup>105</sup> Recodification of current Charter Chapter 5, Section 2(d).

<sup>106</sup> Recodification of current Charter Chapter 5, Section 2(e).

**Section 8. Board of Admission of Electors<sup>107</sup>.**

Pursuant to the provisions of Section 9-15a of the Connecticut General Statutes, there shall be a Board of Admissions of Electors, as required by the General Statutes, which shall consist of the Town Clerk and the Registrars of Voters.

**Section 9: Public Officials to Deliver Records to Successors<sup>108</sup>.**

**A. The General Rule.** On or before the date a successor takes office, the Mayor, City Clerk, Town Clerk, Registrars of Voters and each Department Head or other Mayoral appointees, upon the expiration of the applicable term of office or termination of employment, shall deliver to the successor all books, data, documents, books of account (or equivalent) records, vouchers, papers of every description and memoranda (in all existing formats including electronic media of any and all types) ("Records") under the control of the named Public Official relating to the business of the City during the entire term of office or employment by the City. This general rule shall also apply to the administrative offices of the City Council; however, the individual members of the Council shall be subject to the rules of the City Council, in accordance with §7.C of Chapter 3 of this Charter, below.

**B. Ordinance.** The delivery of such Records shall be carried out in accordance with an Ordinance establishing the parameters of this provision and the rules necessary to comply with any related provisions of the General Statutes.

**C. The City Council.** The rules of the City Council shall set forth the parameters of the requirements to retain and deliver to their successors Records assembled by individual members of the Council. Said rules shall take into cognizance the provisions of §7.A of Chapter 3 of this Charter as well as the record retention and public information requirements of the General Statutes and other applicable law.

**D. Liability.** The Public Officials set forth in this section shall be personally liable to the City for complete and safe delivery of all such Records to the successor Official. Any such Public Official who shall violate any provision of this section shall be fined in an amount which shall be established by Ordinance<sup>109</sup>.

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<sup>107</sup> Modification of current Charter Chapter 2, Section 11 by restructuring the sentence and deleting the reference to the specific provision of the General Statutes.

<sup>108</sup> NEW.

<sup>109</sup> The following provision was moved to the provisions pertaining to the Other Elected Officials: (a) Chapter 2, Section 6. Notice of Appointments and Elections; Certain officers to be sworn and give bonds. ~~(a) Whenever a person is appointed or elected to any office, including membership on any Board or Commission, the authority responsible for such appointment or election shall give written notice of the appointment or election to the City Clerk. (b) All elected and appointed Officials of the City shall be sworn to the faithful discharge of their respective duties. The person~~

**Section 10: Surety Bond Required of Certain Public Officials<sup>110</sup>.**

The City Clerk, Assistant City Clerk, Town Clerk, Assistant Town Clerks, City Treasurer, Sheriffs, City Attorney, Director of Finance, Purchasing Agent, Tax Collector, Fire Chief and such Officials as the City Council may, by Ordinance, direct shall severally give bonds, with surety, in such amount, manner and form as may be prescribed by Ordinance, for the faithful discharge of their respective duties; and in the case of the refusal or neglect of any such Official to give such bonds, said office shall thereupon become vacant<sup>111</sup>. All bonds, except that of the Director of Finance, shall be set by and lodged with the Director of Finance of said Town. The Director of Finance's bond shall be set by and lodged with the Mayor. In case of the refusal or neglect of any Official or employee to give the bond so required, such office shall be deemed Vacant by reason of such refusal or neglect, and, on a declaration being made to the City Council by the Director of Finance to that effect, such Vacancy shall be filled in the manner provided by this Charter<sup>112</sup>.

**Section 11. Removal of Elected and Appointed Officials<sup>113</sup>.**

**A. Voluntary and/or Temporary Removal of the Mayor from Office<sup>114</sup>.**

~~administering such oath shall file a certificate thereof, under their hand, which certificate shall be recorded in the office of the City Clerk"; (b) Chapter 2, Section 10. Registrars of Voters. "There shall continue to be two Registrars of Voters who shall be elected Citywide in the manner provided by Law. Each registrar shall appoint a deputy who shall serve at the pleasure of the registrar. In the event of the death, removal or resignation of the registrar, the deputy registrar shall become registrar"; and (c) Chapter 2, Section 12. Sheriffs. "The sheriffs shall severally have, within the limits of the City, the same power and authority, and be liable to the same suits or penalties for neglect of their official duty, to all intents and purposes, as sheriffs by Law now have and are, and the City shall be liable for the defaults of its sheriffs in their offices to the extent of the bond given to the City by such sheriffs".~~

<sup>110</sup> Recodification of current Charter Chapter 2, Section 6(c), by replacing the word "officer" with "Official".

<sup>111</sup> The following provision was moved to the provisions pertaining to the City Council: Section 7. Salaries of Elected Officials. ~~"(a) The City Council, by Ordinance, shall have the power and authority to determine and change the salaries or other compensation of all Elected Officials of the City<sup>111</sup>. (b) During each even numbered year the City Council shall review the compensation of all Elected Officials, established under the provisions of this section, taking into account the salaries paid to persons performing similar duties in other cities and towns and the private sector and all other relevant factors, and shall determine whether any adjustment should be made. (c) Any actions taken under the provision of this section, including any increase in the compensation of Elected Officials shall be consistent with the State Constitution and the General Statutes".~~

<sup>112</sup> NEW.

<sup>113</sup> Recodification and modification of current Charter Chapter 2, Section 8 entitled "Term of Office", which includes the provision of "removal from office" of "All officers of the town and city". Derived from 1907 S.A. No. 461, §34".

<sup>114</sup> In lieu of the current Charter Chapter 2, Section 3(a), as follows: "In the event that the Mayor is temporarily absent or unavailable or temporarily disabled and is, because of

(1) **Mayoral Action.** In the event the Mayor files a declaration in writing with the City Clerk that said Mayor will be temporarily unable to fulfill the duties of said office, from whatever cause arising, said office shall be temporarily filled, immediately after such filing, by the President of the City Council. The compensation of President of the City Council, while acting as Mayor, shall be determined by the City Council, but shall in no case exceed the salary of the Mayor for the same time period, consistent with the provisions of this Charter pertaining to compensation. The Mayor shall resume the duties of said office upon the filing of a declaration in writing by said Mayor with the City Clerk stating the Mayor's fitness to resume the duties of said office.

(2) **City Council Action.** In the event the City Council, by a vote of two thirds (2/3<sup>ds</sup>) of the entire membership, determines that the Mayor is temporarily unable to fulfill the duties of said office, from whatever cause arising, said office shall be temporarily filled, immediately after such vote, by the President of the City Council. The compensation of President of the City Council, while acting as Mayor, shall be determined by the City Council, but shall in no case exceed the salary of the Mayor for the same time period, consistent with the provisions of this Charter pertaining to compensation. Absence from the City shall not constitute temporary absence if the Mayor is available to be contacted by the Chief Administrative Officer or other officer designated by the Mayor by any means of electronic communication. The Mayor shall resume the duties of said office upon the filing of a declaration in writing by said Mayor with the City Clerk stating the Mayor's fitness to resume the duties of said office.

**B. Standard for Permanent Removal from Office of Elected or Appointed Officials.**

(1) **General Provisions.** Unless otherwise set forth in this Charter, any Elected or Appointed Public Official may be removed from office, for cause, by the City Council by a vote of two-thirds (2/3<sup>ds</sup>) of the entire membership of the Council; subject to any applicable provisions of the General Statutes<sup>115</sup>.

(a) The applicable provisions of the General Statutes shall be taken into consideration with regard to the removal proceedings of the Town Clerk, Chief of Police, Fire Chief, Fire Marshal, Building Official and any other Appointed Officials

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such absence, unavailability or disability, unable to perform the duties of office, the President of the City Council shall possess all of the powers and perform all of the duties of the Mayor until the Mayor is able to act".

<sup>115</sup> NEW.

designated for protection by the General Statutes<sup>116</sup>.

(b) Notwithstanding the requirements set forth herein, the Mayor shall, at any time, be entitled to remove any Appointed Official serving in accordance with the provisions of §3.A (5) of Chapter 7 and §2.A (1) of Chapter 8 of this Charter. The requirements of notice, cause or hearing shall not apply to such removals<sup>117</sup>.

**(2) Grounds of Cause.**

(a) **Elected and Appointed Officials.** Such grounds for cause pertaining to Elected and Appointed Officials shall be for:

(i) Conviction of a felony<sup>118</sup>;

(ii) Conviction of a lesser crime involving misfeasance or malfeasance in office<sup>119</sup> or fraudulent or dishonest conduct<sup>120</sup>;

(iii) A finding, following a full evidentiary proceeding, by the Ethics Commission of a violation of the conflict of interest policy and ethics provisions of this Charter and/or Ordinances<sup>121</sup>;

(iv) Determination of a physical or mental incapacity to serve and perform the duties of office, based

<sup>116</sup> NEW.

<sup>117</sup> Recodification of current Charter Chapter 2, Section 17(e), as follows: "The provisions of this Section shall not apply to any officer or employee serving at the pleasure of the Mayor or to any employee covered by the provisions of Chapter 19 of this Charter".

<sup>118</sup> NEW.

<sup>119</sup> Restatement of the current standard: "guilty of misfeasance or malfeasance". Modification of current Charter Chapter 2, Section 17(a)(First clause of first sentence), as follows: The Mayor may commence an action against any appointee if the "Mayor believes that such officer is...guilty of misfeasance or malfeasance...". Also in accord with the standard set forth in Recodification of current Chapter 2, Section 17(b)(First clause of first sentence), as follows: the Mayor or Council may commence removal proceedings "...If the Mayor or a majority of the members of the City Council believes that any person appointed to office by the City Council is...guilty of misfeasance or malfeasance....".

<sup>120</sup> NEW.

<sup>121</sup> Restatement of the current standard: "violation of ethics as determined by the ethics commission". Modification of current Charter Chapter 2, Section 17(a)(First clause of first sentence), as follows: The Mayor may commence an action against any appointee if the "Mayor believes that such officer is...in violation of the ethics as determined by the Ethics Commission". Also in accord with the standard set forth in Recodification of current Chapter 2, Section 17(b)(First clause of first sentence), as follows: the Mayor or Council may commence removal proceedings "...If the Mayor or a majority of the members of the City Council believes that any person appointed to office by the City Council is... (sic) violation of ethics as determined by the Ethics Commission".

upon the best evidence as presented by competent authority<sup>122</sup>;

(b) **Appointed Officials.** In addition to the aforementioned grounds for cause set forth in §11.B (2)(a) of this Chapter such additional grounds for cause pertaining to Appointed Officials shall be for:

(i) Determination of incompetence<sup>123</sup>, based upon the best evidence as presented by competent authority<sup>124</sup>;

(ii) Documented poor performance of an Appointed Official kept in the normal course of business<sup>125</sup>; or,

(iii) Habitual or persistent absence from office, as may be defined by the Mayor for Appointed Officials, or by the adopted rules of procedure for a Board or Commission as may be defined by Ordinance or by the rules and policies governing said Board or Commission<sup>126</sup>; or,

(iv) In the case of Members of the Board of Education, failure to comply with the provisions of §§3.A (1) (d) and 4 of Chapter 7 of this Charter<sup>127</sup>; or,

(v) False statement on a disclosure form required for applicants for appointment to Boards and Commissions<sup>128</sup>.

(c) **Statutory Grounds**<sup>129</sup>. In addition to the aforementioned grounds for cause set forth in §11.B (2)(a) and (b) of this Chapter such additional grounds for cause as may be set forth in the General Statutes shall pertain to the Officials covered by the statutes.

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<sup>122</sup> NEW.

<sup>123</sup> Restatement of the current standard: "incompetent". Modification of current Charter Chapter 2, Section 17(a)(First clause of first sentence), as follows: The Mayor may commence an action against any appointee if the "Mayor believes that such officer is incompetent...". Also in accord with the standard set forth in Recodification of current Chapter 2, Section 17(b)(First clause of first sentence), as follows: the Mayor or Council may commence removal proceedings "...If the Mayor or a majority of the members of the City Council believes that any person appointed to office by the City Council is incompetent...".

<sup>124</sup> NEW.

<sup>125</sup> NEW.

<sup>126</sup> NEW.

<sup>127</sup> NEW.

<sup>128</sup> NEW.

<sup>129</sup> NEW.

(3) **Commencement of Action.** Removal proceedings may be initiated by the recitation of charges against Elected or Appointed Officials as follows; however, in all cases the applicable provisions of the General Statutes pertaining to the removal or termination of any person, if any, shall apply:

(a) **Mayoral Action.** The Mayor may commence removal proceedings against any (i) Elected Official; (ii) Appointed Official (except for those set forth in §11.B (3)(c) of this Chapter); or, (iii) current or holdover Mayoral appointees (except for Appointed Officials or appointees appointed pursuant to §2.A (1) of Chapter 8 of this Charter, who may be removed within the sole discretion of the Mayor or persons appointed to office by the City Council)<sup>130</sup>.

(b) **City Council Action.** The City Council may commence removal proceedings against any (i) Elected Official; (ii) any person appointed to office by the City Council; or, (iii) a member of the Board of Education or the Board of Directors of the Bridgeport Public Library, upon action by a majority of the entire membership of the Council<sup>131</sup>.

(c) **Action by the Board of Education, Civil Service Commission and Board of Directors of the Bridgeport Public Library**<sup>132</sup>. The Board of Education, Civil Service Commission and Board of Directors of the Bridgeport Public Library ("other appointing authority") may commence removal proceedings against the Department Head for whom they serve as the appointing authority, upon action by a majority of the entire membership of the Board or Commission.

(4) **Procedures.**

(a) **Notice to the Charged Party and Hearing.** The Mayor, the Council or other appointing authority as set forth in §11.B (3)(c) of this Chapter (the "Commencing Party"), as the case

<sup>130</sup> Recodification of current Charter Chapter 2, Section 17(a)(First clause of first sentence), as follows: "~~The Mayor may commence removal proceedings against any Elected Official, Appointed Official, current or holdover Mayoral appointee (except for Officials and appointees appointed pursuant to 2.A (1) of Chapter 8 of this Charter ) or persons appointed to office by the City Council, if the Mayor believes that person appointed to the office by him/her or any of his/her predecessors to be incompetent, or guilty of misfeasance or malfeasance, or violation of ethics as determined by the Ethics Commission~~".

<sup>131</sup> Recodification of current Chapter 2, Section 17(b) (First clause of first sentence), as follows: "~~The such Mayor or Council may commence removal proceedings as follows If the Mayor or a majority of the entire membership of the City Council believes that any person appointed to office by the City Council is incompetent or guilty of misfeasance or malfeasance, or in violation of the ethics ordinance as determined by the Ethics Commission~~".

<sup>132</sup> NEW.

may be, may, upon written notice to the Elected Official or Appointed Public Official to be charged, as the case may be, under this section (the "Charged Party") at least thirty (30) Days prior to such hearing, summon the Charged Party to a hearing at a place and time specified in such summons, as set forth in §11.B of this Chapter, to show cause why the Public Official should not be removed from office<sup>133</sup> ("Notice to the Charged Party"). Such Notice to the Charged Party shall either be (1) mailed to the Charged Party by registered or certified mail, in each case, return receipt requested and postage prepaid or national recognized overnight courier, with receipt and all fees prepaid; or, (2) addressed to an officer authorized to serve legal process with a direction to make personal service upon the charged party of the same, within the time prescribed<sup>134</sup>.

(i) The Mayor shall preside over any such proceedings against Appointed Officials commenced under §11.C (3) (a) of this Chapter<sup>135</sup>.

(ii) The City Council shall conduct such proceedings against all Elected Officials and such proceedings commenced under §11.C (3)(b) of this Chapter<sup>136</sup>.

(iii) The appropriate appointing authority shall conduct such proceedings initiated under §11.C (3)(c) of this Chapter<sup>137</sup>.

(b) Contents of Summons<sup>138</sup>. Such summons shall

<sup>133</sup> Recodification and consolidation of current Charter Chapter 2, Sections 17(a) and (b) (Second clause of first sentence), as follows: "(1) Hearing<sup>133</sup>. ~~The such Mayor or the Council (the "Charging Party"), as the case may be, may, upon written notice of at least thirty (30) Days prior to such hearing written notice, summon the Elected or Appointed Public Official officer to a hearing before him or her at a place and time specified in such Summons, as set forth in §11.E of this Chapter, to show cause why the Public Official he or she should not be removed from office. (a) The Mayor shall preside over any such proceedings against Appointed Officials commenced under §11.C (1) of this Chapter. (b) The City Council shall conduct such proceedings against all Elected Officials and such proceedings commenced under §11.C (2) of this Chapter".~~

The following provision of current Charter Chapter 2, Section 17(b) (Second clause of first sentence) is repealed: "~~...Such summons shall include a written statement of the charges against the officer".~~

<sup>134</sup> NEW.

<sup>135</sup> NEW.

<sup>136</sup> NEW.

<sup>137</sup> NEW.

<sup>138</sup> Recodification and consolidation of current Charter Chapter 2, Sections 17(a) and (b) (Second sentence) by replacing the word "officer" with "Public Official". The following provision of current Charter Chapter 2, Section 17(b) (Second sentence) is repealed: "~~...such mayor or council may, upon thirty (30) Days written notice, summon the officer~~

include a written statement of the charges against the Public Official.

(c) **Rights of the Charged Parties**<sup>139</sup>. Elected Officials subject to the provisions of §11 of this Chapter shall have the right to (a) appear at any proceeding conducted pursuant to the provisions of this section; (b) representation by counsel; (c) confront and cross examine all witnesses; (d) produce defense witnesses; and, (e) the same compulsory process available the Mayor or the City Council as the case may be. A transcript of any hearing shall be prepared and filed with the City Clerk. Notwithstanding the provisions of this sub-paragraph, Appointed Officials subject to the provisions of §11 of this Chapter shall be entitled to an opportunity to be heard in accordance with the due process requirements of law pertaining to the removal or matters otherwise effecting the property rights of such public employees.

(d) **Determination of Removal**<sup>140</sup>. If, after full hearing, the Mayor, City Council or the appointing authority as set forth in §11.B (3)(c) of this Chapter, as the case may be, finds that such Charged Party, by a preponderance of the evidence has violated the specific charges derived from §11.B (2) of this Chapter, the Charged Party shall be removed from office by order of the Mayor, City Council or such other appointing authority as set forth in §11.B (3)(c) of this Chapter. The City Council or other appointing authority as set forth in §11.B (3)(c) of this Chapter may remove such person following an affirmative vote of two-thirds (2/3<sup>ds</sup>) of the entire membership of the Council or such other appointing authority, as the case may be.

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~~to appear before the City Council at a place and time specified in such summons to show cause why he/she should not be removed from office".~~

<sup>139</sup> Recodification of current Charter Chapter 2, Section 17(c), as follows: "The Charged Party Official charged shall have the right to (a) appear at any proceeding conducted pursuant to the provisions of this section; (b) to be representation ed by counsel; ~~to (c) confront and cross examine all witnesses; and to (d) produce defense witnesses; in his own defense~~ and, to (e) the same compulsory process available the Mayor or the City Council as the case may be. A transcript of any hearing shall be prepared and filed with the City Clerk".

<sup>140</sup> Recodification and consolidation of current Charter Chapter 2, Sections 17(a) and (b) (Third sentence), as follows: "If, after full hearing, the Mayor or City Council, as the case may be, finds that such Charged Party officer is incompetent or guilty of misfeasance or malfeasance, or violation of the ethics ordinance as determined by the Ethics Commission, the Mayor or by a vote of the majority of its members, the City Council, he/she may remove such person from office".

The following provision of current Charter Chapter 2, Section 17(b) (Third sentence) is repealed: "~~If, after full hearing, the City Council finds that such officer is incompetent or guilty of misfeasance or malfeasance, or violation of ethics as determined by the Ethics Commission, it may, upon the affirmative vote of two thirds of the members of the City Council remove such person from his/her office~~".

(e) **Appeal**<sup>141</sup>. Any Public Official removed pursuant to the provisions of this Section may, within thirty (30) Days from the date when the decision to remove is taken following such hearing, take any appeals as may be permitted by the General Statutes<sup>142</sup>.

(f) **Statutory Procedural Requirements**<sup>143</sup>. Notwithstanding the foregoing, such procedural requirements as may be set forth in the General Statutes shall pertain to the Officials covered by the statutes and take precedence in any removal proceeding.

## Section 12. Conflict of Interest and Ethics.

A. **Statement of Purpose**<sup>144</sup>. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by Public Officials affect every citizen of the municipality, and it must be based on honest and fair deliberations and decision. This process must be free from threats, favoritism, nepotism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By setting forth this Statement of Purpose, the City of Bridgeport seeks to articulate a policy that

<sup>141</sup> Recodification and modification of current Charter Chapter 2, Section 17(d), by replacing the word "Official" with "Public Official" and repealing the following provisions: "appeal such removal to the superior court in the manner provided in Section 51-197b of the Connecticut General Statutes".

<sup>142</sup> The following provisions were moved to the provisions pertaining to Boards and Commissions: (a) Chapter 2, Section 9. Vacancies in office; how filled. ~~Except as otherwise provided in this charter, whenever a vacancy shall occur, for any reason, in any appointment office or in the membership of any of the Boards and Commissions, such vacancy shall be filled for the unexpired term in the same manner as the original appointment;~~ (b) Chapter 2, Section 13. Board and Commission Members; Residency Requirement. ~~Except as otherwise provided in this Charter, no person shall be appointed to any Board or Commission established by this Charter who is not a resident and registered voter of the City;~~ (c) Chapter 2, Section 14. Subpoena Powers. ~~The presiding officers of the Boards and Commissions of the City shall have the power to compel the attendance and testimony of witnesses before the respective bodies over which they preside, by the issuance of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice, and when it shall be necessary to secure the attendance of witnesses before said Boards or Commissions, the respective chairman shall have the right to apply to the proper authority for the issue of a capias ad testificandum for that purpose, as provided in number 461 of the Special Acts of 1907;~~ (d) Chapter 2, Section 15. Ethics Commission. ~~The City Council shall provide, by Ordinance, for the establishment of an Ethics Commission for the City;~~ (e) Chapter 2, Section 16. Boards and Commissions: Membership. ~~No person shall be discriminated against, with respect to service on any Board or Commission of the City, on the basis of race, color, religious creed, sex, age, national origin, or ancestry. In making appointments to the various Boards and Commissions of the City, appointing authorities shall endeavor reflect the ethnic and cultural diversity of the City.~~

<sup>143</sup> NEW.

<sup>144</sup> NEW.

will continually strive to maintain and increase the confidence of our citizens in the integrity and fairness of their government. Public Officials and employees must discharge their duties impartially so as to assure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public confidence in the integrity of the competitive process. In all cases, the reality and appearance of impropriety should be addressed by the Conflict of Interest Policy and Ethics Ordinance of this City.

**B. Conflict of Interest Policy and Ethics Ordinance<sup>145</sup>.** The City shall enact, by Ordinance, a code of ethics for all Officials and employees of the City, whether elected or appointed, paid or unpaid, and individuals and entities seeking to and conducting business with the City. The purpose of such code is to establish suitable ethical standards by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the City, and by directing disclosure of private financial interest or personal interest in matters affecting the City by such elected and appointed Officials or employees as well as such individuals and entities seeking to and conducting business with the City. The Ordinance shall designate an Official to provide all Public Officials and employees of the Town with copies of the provisions of §12 of this Chapter and the implementing Ordinances and policies enacted hereunder, upon the commencement of their public service and/or employment.

(1) The Council shall enact a code of ethics by Ordinance (and amendments thereto) following public review and comment by the Ethics Commission, in a manner consistent with the provisions of this Charter.

(2) **Disclosure and Recusal.** The Official or employee filing a disclosure under this Charter or Ordinance with the City Clerk shall refrain from voting, participating or acting on matters which are the subject of such disclosures.

(3) **Violation.** In addition to any remedies or penalties set forth in the Ordinance effectuating this provision of the Charter, any finding of a violation by the Ethics Commission:

(a) shall render any action, including but not limited to any contract or agreement involved voidable at the option of the City;

(b) may result in the discipline of Officials and employees in accordance with the provisions of this Charter and Ordinances; and,

(c) may result in disqualifying individuals or entities from engaging in business with the City for a period of time to be established by Ordinance.

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<sup>145</sup> NEW.

C. **Conflict of Interest and Corrupt Practices**<sup>146</sup>. No Official shall violate the provisions of the General Statutes, this Charter or Ordinances pertaining to conflicts of interest and corrupt practices<sup>147</sup>. The Ordinance set forth in §3-9.B of this Charter shall define and set forth the parameters of conflicts of interest and corrupt practices.

TRANSMITTAL DRAFT 5-24-12

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<sup>146</sup> NEW.

<sup>147</sup> NEW.

TRANSMITTAL DRAFT 5-24-12

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## CHAPTER 4 - THE OFFICE OF THE MAYOR

### Section 1. Chief Executive Officer of the City.

A. The Mayor shall be chosen by the Electors of the City as set forth in Chapter 3 of this Charter. Such Mayor shall be the chief executive officer of the City<sup>148</sup>. The executive and administrative authority of the City are vested in the Mayor; except as otherwise provided in this Charter or as may be provided by law<sup>149</sup>.

B. The Mayor shall devote the full time necessary to the duties of the office<sup>150</sup>.

### Section 2. Powers and Duties.

In addition to the powers and duties specified elsewhere in this Charter or in the constitution and the General Statutes, the Mayor shall:

A. take care that the Laws are executed and enforced within the City; shall be the conservator of the peace with the City; shall have and may exercise, within the limits of the City, all the powers given the sheriffs or other Public Officials as provided by Law; and shall exercise ultimate operational control of all Departments of the City<sup>151</sup>.

B. be responsible for the proper performance of their duties by all the Appointed<sup>152</sup> Public Officials, Departments and employees<sup>153</sup> and, thus, is responsible for the supervision, direction and control of the activities of all departments and of the City to the extent and in the manner provided by the General Statutes this Charter and the Ordinances<sup>154</sup>.

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<sup>148</sup> Modification of current Charter Chapter 3, Section 1(a), as follows: The Mayor shall be chosen by the Electors of the City as set forth in Chapter 3 of this Charter. Such Mayor shall be the chief executive officer of the City ~~shall be a Mayor, elected pursuant to the provisions of Chapter 2 of this Charter.~~

<sup>149</sup> NEW.

<sup>150</sup> Recodification of current Charter Chapter 3, Section 1(c) (First clause).

<sup>151</sup> Recodification of current Charter Chapter 3, Section 1(b), by deleting the following from the outset of the sentence: "~~... (b) The Mayor shall...~~"; and by replacing the word "officers" with "Public Officials".

<sup>152</sup> The term "appointive" has been changed to "appointed" throughout the Charter.

<sup>153</sup> Chapter 3, Section 1(c) (Second clause), by deleting the following from the outset of the sentence: "~~... (c) The Mayor shall devote the full time necessary to the duties of the office and shall...~~"; and by replacing the word "appointed officers" with "Appointed Public Officials".

<sup>154</sup> NEW.

C. be, ex-officio, a non-voting member of every Board and Commission of the City and shall have the right to attend all meetings of every Board and Commission of the City and to address it at any meeting<sup>155</sup>.

(1) No Board or Commission shall have the authority to exclude the Mayor from its meetings<sup>156</sup>.

(2) The Mayor shall have the power to convene a special meeting of any appointed Board or Commission, provided the Meeting Notice specifies the reasons for calling the special meeting and the business to be transacted<sup>157</sup>.

(3) Unless expressly provided for in this Charter or the Ordinance creating the Board or Commission, the Mayor shall have no right to vote at any such meeting<sup>158</sup>.

(4) The provisions of this Section shall not apply to the Planning and Zoning Commission; the Zoning Board of Appeals or any other Board or Commission whose decisions are appealable to the superior court based on the record before such Board or Commission<sup>159</sup>.

D. recommend the adoption of all such measures connected with police, fire, and public safety, public health and social services, public facilities, planning and economic development, finances, policy and management of the City, and the improvements of its government, and improvements all of which

<sup>155</sup> Chapter 3, Section 1(d) (First sentence), by deleting the following from the outset of the sentence: "... (d) The Mayor shall".. In lieu of the following: (a) Board of Police Commissioners - Current Charter Chapter 13, Sec. 2 (b) (second and Third sentences): "(c) Mayor, Ex officio Member<sup>155</sup>. The Mayor shall, ex officio, be a member of the Board of Police Commissioners, but shall have no vote in any of its proceedings except in case of a tie vote. The Mayor may preside at all meetings of said board at which he/she may be present"; (b) Fire Commissioners - Current Charter Chapter 14, Section 2(b) (Second and Third sentences). "(b) Mayor, Ex officio Member. The Mayor shall, ex officio, be a member of the Board of Fire Commissioners, but shall have no vote in any of its proceedings except in case of a tie vote. The Mayor may preside at all meetings of said board at which he/she may be present"; (c) Board of Park Commissioners - current Charter Chapter 12, Section 10(b) (Second sentence). Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §2; 1945, S.A. No. 402, §1; Referendum of 11-6-73, as follows: "(c) Mayor, ex officio Member. The Mayor shall be a member of said board, ex officio, but shall have no vote in the proceedings of said board except in case of a tie vote".

<sup>156</sup> Chapter 3, Section 1(d) (Second sentence).

<sup>157</sup> Modification and recodification of current Charter Chapter 3, Section 1(d) (Third sentence), as follows: "The Mayor shall have the power to convene a special meeting of any appointed Board or Commission, provided the Meeting Notice he/she specifies the reasons for calling the special meeting and the business to be transacted".

<sup>158</sup> Chapter 3, Section 1(d) (Fourth sentence).

<sup>159</sup> Chapter 3, Section 1(d) (Fifth sentence).

shall within ten (10) Days thereafter, be entered in the records of the City Council<sup>160</sup>.

E. have authority at any time to examine all data and property of the City in the possession of any Public Official, Department, Board or Commission, authority established by the City, employee or any other member of the municipal government, and may exercise this authority in person or through any other Official appointed by the Mayor for that purpose by written designation and authority<sup>161</sup>.

F. In September of each year, present an annual report showing the situation of the government, finances and improvements of the City of this chapter, to the City Council. The annual reports of all Public Officials and Boards or Commissions, shall be made to the Mayor on or before the fifteenth day of August in each year<sup>162</sup>.

G. In addition to the powers enumerated herein, have authority to perform such acts and duties as may be prescribed in this Charter or by the General Statutes, the Laws of the United States or by the City Ordinances<sup>163</sup>.

### Section 3. Appointing Authority.

A. Subject to the availability of funds, the Mayor may appoint such assistants as the Mayor deems necessary for the administration of the executive duties and responsibilities of the Mayor under the Charter and by law<sup>164</sup>.

B. Any Mayoral appointment to the positions set forth in §2.A (1) and (2) of Chapter 8 of this Charter, shall possess the requisite academic and professional qualifications generally recognized by professionals in the appropriate field<sup>165</sup>.

<sup>160</sup> Chapter 3, Section 1(e) (First sentence), by deleting the following from the outset of the sentence: "... ~~It shall be the duty of the Mayor to~~".

<sup>161</sup> Chapter 3, Section 1(f), by deleting the following from the outset of the sentence: "... ~~(f) The Mayor shall~~". and by replacing the word "officer" with "Public Official".

<sup>162</sup> Recodification of current Charter Chapter 3, Section 2 entitled "Annual report of the Mayor" by deleting the following phrase: "... ~~the Mayor shall~~" and replacing the term "administrative City officers" with "Public Officials". The revision also adds the clause "of the City" following the term "authority".

<sup>163</sup> Recodification of current Charter Chapter 3, Section 1(g), deleting the following phrase: "... ~~the Mayor shall~~".

<sup>164</sup> Recodification of current Charter Chapter 3, Section 1(h), as follows: "Subject to the availability of funds, the Mayor may appoint such assistants as the mayor deems necessary for the administration of the executive duties and responsibilities of the Mayor under the Charter and by law". Drafting Note: "Office of Mayor" shall be "Office of the Mayor".

<sup>165</sup> Recodification of current Charter Chapter 3, Section 1(i), as follows: "Any Mayoral appointment to the positions set forth in §2.A (1) and (2) of Chapter 8 of this Charter listed below shall possess the requisite academic and professional qualifications generally recognized by professionals in the appropriate field: ~~Directors of Finance;~~

C. It shall be the further duty of the Mayor to fill, by appointment, any vacancies in office in all cases in which the Mayor is given by Law the power to appoint<sup>166</sup>.

#### Section 4. Emergency Powers<sup>167</sup>.

A. **Declaration of a Public Emergency<sup>168</sup>.** A public emergency pertaining to the City may be declared by the (1) President of the United States; (2) Governor of the State of Connecticut<sup>169</sup>; (3) Mayor; or, (4) upon the affirmative vote of two-thirds (2/3<sup>rd</sup>s) of the entire membership of the City Council. If practicable, the declaration of Public Emergency by the Mayor or the Council shall set the duration in the event it is expected to last for more than forty-five (45) Days.

(1) **Public Emergency.** A public emergency is any condition that exists or threatens to arise involving or threatening to damage or injure the lives, health or property<sup>170</sup> of the inhabitants of the City or curtail City services necessary to meet the requirements of the emergency.

(2) **Termination of Public Emergency.** The termination of the emergency shall be determined and declared by the Mayor or by the affirmative vote of two-thirds (2/3<sup>rd</sup>s) of the entire membership of the City Council; however, unless asserted in the declaration or otherwise extended, the Public Emergency shall terminate at 11:59:59 P.M. of the forty-fifth (45th) Day following the declaration.

B. **Authority of the Mayor<sup>171</sup>.** The Mayor shall exercise within the limits of the City all the emergency powers given to the chief executive officer of a municipality under the General Statutes with regard to the allocation of personnel. Upon declaration of a public emergency, the Mayor may mobilize, organize and direct the forces of the City and call upon and cooperate with the federal government of the State or its political subdivisions.

#### C. **Appropriations and Expenditures for Emergencies.**

(1) **Public Emergency Contingency<sup>172</sup>.** The City Council may, by Ordinance, establish a maximum amount of funding for public emergencies in a contingency fund within the budget.

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~~Office of Policy and Management, Health and Social Services, Public Facilities and Planning and Economic Development.~~

<sup>166</sup> Recodification of current Charter Chapter 3, Section 1(e) (Second sentence).

<sup>167</sup> See, C.G.S. §7-521 entitled "Local Emergency Relief Advisory Committee established".

<sup>168</sup> NEW.

<sup>169</sup> See, C.G.S. §28-9 entitled "Civil preparedness emergency; Governor's powers. Modification or suspension of statutes, regulations or other requirements"..

<sup>170</sup> See, C.G.S. Sec. 7-148(c)(2)(D).

<sup>171</sup> NEW.

<sup>172</sup> NEW.

**(2) Emergency Appropriations.** Notwithstanding the pertinent provisions of Chapter 9 of this Charter, in the event that funds in addition to the public emergency contingency are required to meet or mitigate a declared public emergency, the Mayor shall determine the necessary amount and seek City Council approval, at an Emergency Meeting, to authorize transfers.

(a) Notwithstanding any contrary provisions of this Charter, the City Council may, if necessary, appropriate funds in addition to the public emergency contingency.

(b) The affirmative vote of at least two-thirds (2/3<sup>rd</sup>) of the entire membership of the City Council is required to authorize any such emergency appropriation<sup>173</sup>.

(c) The Order of the City Council approving any emergency appropriation shall specify the nature of the emergency and source of revenue. Unless the Mayor certifies that the emergency threatens the immediate public health or safety, the City Council shall hold a public hearing on any proposed special or emergency appropriation.

**(3) Emergency Expenditures.** The Mayor may obligate the City in an amount of money not to exceed one (1%) percent of the current tax levy (or such other additional amount as may be approved by the Council) from the public emergency contingency or, if not available from the contingency, from other unexpended funds identified by the Director of the Office of Policy and Management, to cope with such public emergency until the City Council convenes. The authority set forth in this provision shall not apply in the event the City Council has not been provided with Meeting Notice under §4.D of this Chapter.

**D. Emergency Meetings of the City Council.** In the event a Public Emergency is declared, the Mayor or President of the City Council may call an emergency meeting of the Council upon three (3) hours Meeting Notice and may summon Council members to attend such meeting in such manner as the Council may prescribe by Ordinance. Notwithstanding any provision of law or this Charter to the contrary, at such meeting, the Council may transact any item or items of business relevant to such emergency.

**E. Public Emergency Ordinances and Measures<sup>174</sup>.** Upon the declaration of a Public Emergency, the City Council may enact Public Emergency

<sup>173</sup> See, C.G.S. Sec. 7-148(c)(2)(D), as follows: "Make appropriations for the purpose of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall require a favorable vote of at least two-thirds of the entire membership of the legislative body or, when the legislative body is the town meeting, at least two-thirds of those present and voting".

<sup>174</sup> Recodification and Modification of current Charter Chapter 5, Section 9(d), which reads as follows: "Emergency Ordinances for the immediate preservation of the public peace, health and safety may be passed, without a prior hearing at any regular meeting, special meeting or emergency meeting, provided, in the case of a special or emergency meeting, the subject thereof has been included in the notice for such meeting. An

Ordinances and other measures in order to meet such emergency. Rules and procedures for the adoption of Public Emergency Ordinances and measures shall be governed by the provisions of a Public Emergency Procedural Ordinance which shall establish the terms of Final Action.

(1) **Public Hearing and Meeting Notice Requirements**<sup>175</sup>. No Public Hearing or Meeting Notice shall be required for any Ordinance stated to be a Public Emergency Ordinance or measure, unless otherwise required by the General Statutes.

(2) **Procedural time-frame**<sup>176</sup>. The time-frame set forth in Chapter 5 of this Charter pertaining to the adoption of Ordinances shall not apply to the adoption of a Public Emergency Ordinance or measure; however, the procedural measures set forth in that provision shall be addressed in the Public Emergency Procedural Ordinance, if practicable.

(3) **Requirements**<sup>177</sup>. An emergency Ordinance shall contain a specific statement of the emergency and shall require a Majority Vote of the entire membership of the City Council.

(4) **Effective Date**. An emergency Ordinance shall become effective immediately upon final action as set forth in the Emergency Procedures Ordinance. However, Public Notice of such Public Emergency Ordinance shall take place promptly following final action.

(5) **Automatic Repeal of Public Emergency Ordinance or Measure**. Every such Public Emergency Ordinance or measure, including any amendments thereto, shall automatically stand repealed at the termination of the forty-fifth (45<sup>th</sup>) Day following Final Action of said Ordinance.

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emergency Ordinance shall contain a specific statement of the emergency. A two-thirds (2/3<sup>rd</sup>) affirmative vote of the members present and voting shall be necessary for the adoption of an emergency Ordinance".

<sup>175</sup> NEW.

<sup>176</sup> NEW.

<sup>177</sup> NEW. Modification of the current standard of "...two-thirds (2/3<sup>rd</sup>) affirmative vote of the members present and voting".

## CHAPTER 5 - THE CITY COUNCIL

### Section 1. Legislative Power<sup>178</sup>.

The legislative power and authority of the City shall be vested in the City Council, the legislative body of the City<sup>179</sup>. No enumeration of powers set forth in this Charter shall be deemed to limit the legislative authority of the Council unless otherwise provided for in the General Statutes.

### Section 2. Organization of the City Council<sup>180</sup>.

**A. Presiding Officer.** The Mayor shall preside at the meetings of the City Council, but shall have no vote therein except in case of a tie<sup>181</sup>. The Mayor shall not vote to break a tie in the election of President of the City Council or adoption of an Ordinance<sup>182 183</sup>.

<sup>178</sup> NEW.

<sup>179</sup> Required by C.G.S. Sec. 7-193(a)(1)(C).

<sup>180</sup> NEW.

<sup>181</sup> Recodification of current Charter Chapter 5, Section 3 (First sentence).

<sup>182</sup> Recodification of current Charter Chapter 5, Section 3 (Second sentence).

<sup>183</sup> The following provisions were moved to Chapter 3: (a) Section 1. Selection. ~~“(a) The legislative body of the City shall be a City Council consisting of twenty (20) members to be elected at each municipal election. (b) At the City election in the odd numbered years, two Council members shall be elected from each Council district by the Electors of the City residing in such district and Council members shall be residents and Electors in the district which they represent. No resident of one Council district shall vote for a Council person of any district other than that in which he/she is registered. (c) Council members shall serve for a term of two (2) years from the first day of December next succeeding their election and until their successors are elected and have qualified. (d) Whenever a vacancy occurs for any reason, in the membership of the City Council, such vacancy shall be filled by the unexpired portion of the term by a majority vote of the City Council members from the same political party as the Council member vacating such office. If there are no other members from the same political party as the member vacating such office, the vacancy shall be filled by majority vote of the whole number of Council members. No person shall be elected to fill a vacancy on the City Council unless he/she is a resident and registered voter of the City and is a member of the same political party as the person vacating such office. No person shall be elected to fill a vacancy in the office of any Council member unless he/she is also a resident and registered voter in the same Council district as the person vacating such office”; (b) Section 2. Reapportionment Procedure and Districting. “(a) On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the City Council shall, by Ordinance, establish ten districts which shall be effective on the first day of January next succeeding. Such districts shall be established in conformity with provisions of the general Law and by making each such district as equal in population to each other such district as possible, taking into consideration senate and assembly district lines and natural boundaries and divisions. (b) If the City Council fails to adopt a plan of districting by the first day of July next following the year in which the decennial census of the United States is taken, there shall be created a commission on redistricting composed of six members, three of whom shall be appointed by the leader of the majority party on the City Council and~~

**B. President of the City Council.** At the beginning of each term of office the City Council shall elect from among its members one council member to be President of the City Council who shall serve for a term until November 30 of the next odd-numbered year or until the President of the City Council's successor has been elected<sup>184</sup>.

(1) The President of the City Council shall preside in the absence of the Mayor, and when so presiding shall have a casting vote in case of a tie in addition to the entitlement to vote as a Council member<sup>185</sup>.

(2) In the absence of the Mayor and the President of the City Council at any meeting, the City Council may choose one of its members to act as president for the occasion who, when so presiding, shall have a casting vote in case of a tie in addition to the entitlement to vote as a Council member<sup>186</sup>. In the event of the death, resignation or inability to act of the President of the City Council, the Council shall elect a successor<sup>187</sup>.

~~three of whom shall be appointed by the leader of the minority party in the City Council. In the event that there is only one party on the City Council, the minority party members shall be appointed by the Registrar of Voters whose party is not represented on the City Council. Such commission shall forthwith prepare and, not later than the first day of December following its appointment, adopt a plan of districting consistent with the principles set forth in subsection (a) of this section. The affirmative votes of at least four members of such commission shall be required in order to adopt a plan of districting. (c) A plan of districting adopted pursuant to the provisions of this Section shall remain in effect until the first day of January following the decennial census of the United States. (d) The City Council shall provide suitable polling places in such districts and shall define the boundaries of the area to be served by each polling place. The Town Clerk, Registrars of Voters and all other officers of the City shall perform the duties required of them by Law with respect to elections in the voting districts. (e) Notwithstanding the adoption of a plan of districting, Council members shall continue to represent the districts from which they were elected for the balance of the term for which they were elected".~~

<sup>184</sup> Recodification of current Charter Chapter 5, Section 4(a) (First sentence).

<sup>185</sup> Recodification of current Charter Chapter 5, Section 4(a) (Second sentence), in lieu of the following: "The President of the City Council shall preside in the absence of the Mayor, and when so presiding shall have a casting vote in case of a tie in addition to the entitlement to his/her vote as a Council member".

<sup>186</sup> Recodification of current Charter Chapter 5, Section 4(a) (Third sentence), in lieu of the following: "In the absence of the Mayor and the President of the City Council at any meeting, the City Council may choose one of its members to act as president for the occasion who, when so presiding, shall have a casting vote in case of a tie in addition to the entitlement to his/her vote as a Council member".

<sup>187</sup> Recodification of current Charter Chapter 5, Section 4(a) (Fifth sentence), in lieu of the following: "In the event of the death, resignation or inability to act of the President of the City Council, the Council shall elect a successor ~~another president in his place~~".

C. **Majority and Minority Leaders.** As used in this chapter, the term "majority leader" shall refer to the leader selected by the Council members from the party having the largest number of members on the City Council and "minority leader" shall mean the leader selected by the Council members from the party or parties other than the one having the largest number of members on the City Council<sup>188</sup>.

D. **Clerk of the City Council.** The City Clerk shall be clerk of the City Council and of all committees appointed by the City Council<sup>189</sup>.

E. **Office of Legislative Services.** The City Council may by Ordinance, provide for the establishment of a non-partisan office of legislative services to assist the members of the Council in the performance of their official duties<sup>190</sup>. The employees of the Council shall serve at the pleasure of the President of the Council and be confidential employees<sup>191</sup>.

F. **Committees**<sup>192</sup>. The City Council may establish such Committees necessary to effectuate the operations, administration, legislative and oversight functions of the Council.

### Section 3. Procedures of the City Council.

A. **Regular Meetings.** The City Council shall hold regular meetings at such times as may be fixed by Ordinance, and may be specially convened at any time by the Mayor or upon the written request of three (3) Council members within a reasonable time after they receive such request<sup>193</sup>.

B. **Operations of the Council.** The City Council may:

(1) **Rules of Proceeding**<sup>194</sup>. Determine its rules of proceeding in conformity to the general principles of parliamentary law, including the procedure for introducing legislative items for consideration as Ordinances, Resolutions, Orders or other enactments;

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<sup>188</sup> Recodification of current Charter Chapter 5, Section 13.

<sup>189</sup> Modification of current Charter Chapter 5, Section 4(b) by deleting the term "...and Assistant City Clerk".

<sup>190</sup> Recodification of current Charter Chapter 5, Section 6.

<sup>191</sup> NEW.

<sup>192</sup> NEW.

<sup>193</sup> Recodification of current Charter Chapter 5, Section 5(a), by deleting the following phrase: "~~and shall be convened by him/her~~".

<sup>194</sup> Recodification of current Charter Chapter 5, Section 5(b)(First sentence, first clause), including the addition of the following clause: "...including the procedure for introducing legislative items for consideration as Ordinances, Resolutions, Orders or other enactments".

(2) **Punishment or Removal of Members.** (a) Punish members for disorderly behavior, as may be set forth in the Rules of Proceeding of the City Council<sup>195</sup>.

(b) Remove a member in accordance with the provisions<sup>196</sup> as set forth in §11.B (1) of Chapter 3 of this Charter<sup>197</sup>.

(3) **Quorum.** A quorum shall consist of eleven (11) Council members<sup>198</sup>. At the request of any Council member, the vote upon any question shall be taken by roll call vote<sup>199</sup>.

(a) **Issuance of Warrant to Compel Attendance**<sup>200</sup>. Whenever a regular or special meeting has been called, and no quorum is present, those present may, by vote, request the Mayor or presiding officer, and said Mayor or presiding officer shall, upon request, issue a warrant signed by said presiding officer, directed to a marshal of Fairfield County or any sheriff of the City, to arrest and bring into such meeting the absent Council members so as to make a quorum; and at any such meeting those present shall have the power to make any Orders to compel the attendance of Council members and to summon all necessary assistance

(4) **Issuance of Subpoenas**<sup>201</sup>. The presiding officers of the City Council and of the several committees of the City Council, shall have the power to compel the attendance and testimony of witnesses before the respective bodies over which they preside, by the issue of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice, and when it shall be necessary to secure the attendance of witnesses before said Council or its committees, the respective chairman shall have the right to apply to the proper authority for the issue of a *capias ad testificandum* for that purpose.

<sup>195</sup> Modification of current Charter Chapter 5, Section 5(b)(First sentence, first clause), by replacing the term "in conformity to the general principles of parliamentary law" with "as may be set forth in the Rules of Proceeding of the City Council".

<sup>196</sup> Modification of current Charter Chapter 5, Section 5(b)(First sentence, second clause and remainder), by replacing (a) the word "expel" with the word "remove". The remainder of the provision is addressed in Chapter 3, §11.B (1) of the Charter, including the utilization of the word "cause..."; and the "two-thirds (2/3<sup>rd</sup>s) of all Council members" with "two thirds (2/3<sup>rd</sup>s) of the entire membership of the Council".

<sup>197</sup> NEW.

<sup>198</sup> Recodification of current Charter Chapter 5, Section 5(b)(Second sentence).

<sup>199</sup> Recodification of current Charter Chapter 5, Section 5(b)(Third sentence).

<sup>200</sup> Modification of Current Charter Chapter 5, Section 5(c) as follows: (a) replacing the term "him/her" with "said presiding officer"; (b) replacing the term "the sheriff" with "a marshal"; and, (c) deleting the following ", the sheriff's deputy". Historical Note: This provision was derived from 1907, S.A. No. 461, §46; 1909, S.A. No. 293, §§12, 13; 1939, S.A. No. 48; 1967 S.A. No. 213, §5.

<sup>201</sup> Current Charter Chapter 5, Section 5(e) is derived from "number 461 of the special acts of 1907, §47". The following clause has been deleted: ", as provided in number 461 of the Special Acts of 1907".

(5) **Roll Call Votes**<sup>202</sup>. All elections or appointments to any office or position by the City Council or of any Board or Commission established by this Charter or by Ordinance shall be by roll call vote; and the person receiving a majority of the entire membership of the Council, with the limitations herein provided, and shall be elected.

(a) **Role of the Mayor**<sup>203</sup>. In case of a tie vote for any officer to be elected by the City Council or by any Board or Commission, the Mayor shall have the casting vote.

(b) **Meeting Notice**<sup>204</sup>. No session of the City Council for the purpose of electing to any office shall be held on less than three (3) Days' Meeting Notice, except as in this Charter is otherwise provided.

#### Section 4. Standards and Practices of the City Council.

A. No member of the City Council shall take any official action, or attempt to influence the official action of another person, with respect to any vote or action on any matter whatever in which the member has a direct or special pecuniary interest or where the property of the member will be directly or especially affected thereby<sup>205</sup>.

B. Any member of the City Council who, while holding office, shall directly or indirectly, take or bargain for any fee, compensation or reward to influence said member's vote or action upon any matter pending in the City Council, shall be expelled from the City Council<sup>206</sup>.

C. During the term of office no member of the City Council shall be appointed to or hold any office, the emoluments of which are to be paid from the City treasury<sup>207</sup>.

D. No person while holding office as a member of the City Council shall be a member of any of the Boards or Commissions of the City, and no

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<sup>202</sup> Recodification of current Charter Chapter 5, Section 10(a) (First sentence), by replacing the word "whole" with the term "entire membership of the Council".

<sup>203</sup> Recodification of current Charter Chapter 5, Section 10(a) (Second sentence).

<sup>204</sup> Recodification of current Charter Chapter 5, Section 10(b).

<sup>205</sup> Modification of Current Charter Chapter 5, Section 5(f)(1) as follows: (a) deleting the word "resolution" and adding the following phrase in lieu thereof "...or action on any..."; (b) replacing the term "he/she" with "the member"; and, (c) replace the term "where his property will..." with "where the property of the member will..." .

<sup>206</sup> Modification of Current Charter Chapter 5, Section 5(f)(2) by replacing the word "his" with "said member's..." .

<sup>207</sup> Modification of Current Charter Chapter 5, Section 5(g)(1) by adding the following predicate "During the term of office no..." and deleting the following term "...during the time in which he/she serves as a member of the City Council".

member of the City Council shall be appointed to an office by any of such boards for which compensation is to be paid<sup>208</sup>.

#### Section 5. Salaries of Elected Officials<sup>209</sup>.

A. The City Council, by Ordinance, shall have the power and authority to determine and change the salaries or other compensation of all Elected Officials of the City<sup>210</sup>.

B. In accordance with the provisions of the State Constitution and the General Statutes, the City Council shall review the compensation of all Elected Officials, established under the provisions of this Charter, taking into account the salaries paid to persons performing similar duties in other cities and towns and the private sector and all other relevant factors, and shall determine whether any adjustment should be made<sup>211</sup>.

C. Any actions taken under the provision of this section, including any increase in the compensation of Elected Officials shall be consistent with the State Constitution and the General Statutes<sup>212</sup>.

#### Section 6. Legislative Procedures.

A. Referral to and Action by Committees of the Council<sup>213</sup>. No vote shall be taken upon any Ordinance, Resolution, Order or other enactment of the City Council until the same shall have been referred to and reported upon by an appropriate committee.

(1) Extraordinary Conditions or Contingencies<sup>214</sup>. A matter may be acted upon without being referred to a committee if the City Council determines, by a two-thirds (2/3<sup>rd</sup>s) vote of the members present and voting, that Extraordinary Conditions or Contingencies require immediate action on the matter.

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<sup>208</sup> Current Charter Chapter 5, Section 5(g)(2).

<sup>209</sup> Recodification of current Charter Chapter 2, Section 7.

<sup>210</sup> Recodification of current Charter Chapter 2, Section 7(a).

<sup>211</sup> Modification of current Charter Chapter 2, Section 7(b), replaced the: (a) Term "During each even numbered year" with the term "In accordance with the provisions of the State Constitution and the General Statutes"; (b) Word "section" with the word "Charter".

<sup>212</sup> Modification of current Charter Chapter 2, Section 7(c) by deleted the term "of the State of Connecticut" from the defined term.

<sup>213</sup> Modification of Current Charter Chapter 5, Section 5(d)(First sentence) as follows: adding the term "order" and "enactment" in lieu of "other measure".

<sup>214</sup> Modification of Current Charter Chapter 5, Section 5(d)(Second sentence) as follows: (a) replacing the term "other measure" with the word "enactment"; (b) replacing the word "considered" with the term "acted upon"; and, (c) deleting the term "that an emergency exists" with Extraordinary Conditions or Contingencies", a defined term added to the definition provision.

(2) Oversight Function<sup>215</sup>.

(a) The committees of the City Council may schedule meetings designed to ensure that the policies established by this Charter, the Ordinances or the operations of the City are carried into effect.

(b) With respect to matters pertaining to the budget and finances of the City, the City Council, or a committee thereof, shall conduct periodic oversight meetings (on not less than a quarterly basis) with appropriate City Officials pertaining to the filing of the Monthly Financial Report required by §7 of Chapter 9 of this Charter.

**B. The Power to Make, Alter or Repeal Ordinances.** The City Council shall have power, by the concurrent vote of a majority of the entire membership of the Council, with the written approval of the Mayor, or over the Mayor's disapproval, by veto, as herein provided, to make, alter, and repeal Ordinances not inconsistent with Law, or the provisions of this Charter and all amendments thereto, which shall be valid and operative within the limits of the City, for the government of Bridgeport and the management of its business, for the preservation of good Order, peace and health, for the welfare and safety of its inhabitants and the protection and security of their property. It is authorized and empowered, by Ordinance, to regulate, amplify and define the corporate powers<sup>216</sup>.

(1) The City Council may prescribe fines, penalties, and forfeitures of goods for the violation of any Ordinance, and otherwise provide for the enforcement and collection of the same, when not inconsistent with Law of this Charter<sup>217</sup>.

(2) In addition to such acts of the Council as are required by the General Statutes or by other provisions of this Charter to be by Ordinance, every act creating, altering or abolishing any function, entity or position of employment, or assigning or reassigning the same to Departments, fixing compensation, establishing any rule or regulation for

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<sup>215</sup> NEW.

<sup>216</sup> Modification of current Charter Chapter 5, Section 7(a) (First sentence), as follows: "The City Council shall have power, by the concurrent vote of a majority of the entire membership ~~whole number of the Council members~~, with the written approval of the Mayor or over the Mayor's disapproval, by veto, as herein provided, to make, alter, and repeal Ordinances not inconsistent with Law, or the provisions of this Charter and all amendments thereto, which shall be valid and operative within the limits of the City, for the government of Bridgeport and the management of its business, for the preservation of good Order, peace and health, for the welfare and safety of its inhabitants and the protection and security of their property. It is authorized and empowered, by Ordinance, to regulate, amplify and define the corporate powers".

<sup>217</sup> Recodification of current Charter Chapter 5, Section 7(a) (Second sentence).

the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by Ordinance<sup>218</sup>.

**C. Adoption of Ordinances.** Every proposed Ordinance shall be introduced in writing and in the form required for final adoption<sup>219</sup>. Every Ordinance, except an Ordinance making a general codification of Ordinances, shall be confined to a single subject that shall be clearly expressed in its title<sup>220</sup>. All Ordinances which amend or repeal existing Ordinances shall set forth in full the Section or subsection to be amended or repealed and if it is to be amended shall clearly indicate the language to be omitted from the revised Section or subsection and the replacement language by a clear method of marking or highlighting the edited text to distinguish it from the prior provisions of the Ordinance<sup>221</sup>. The enacting clause of all City Ordinances shall be: "Be it ordained by the City Council of the City"<sup>222</sup>.

**(1) Public Hearing Requirement. Public Emergency Ordinance Exception<sup>223</sup>.** No Ordinance, except a Public Emergency Ordinance as defined in §4.E of Chapter 4 of this Charter, shall be enacted unless a public hearing is first held before the City Council or a committee thereof.

**(a) Role of the City Clerk<sup>224</sup>.** It shall be the duty of the City Clerk to publish the title and/or statement of purpose of every Ordinance introduced, together with a Hearing Notice at least three (3) Days prior to the public hearing.

<sup>218</sup> Modification of current Charter Chapter 5, Section 8, as follows: "In addition to such acts of the Council as are required by the General Statutes or by other provisions of this Charter to be by Ordinance, every act creating, altering or abolishing any function, entity or position of agency, office or employment, or assigning or reassigning the same to Departments, fixing compensation, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by Ordinance".

<sup>219</sup> Recodification of current Charter Chapter 5, Section 9(a) (First sentence).

<sup>220</sup> Recodification of current Charter Chapter 5, Section 9(a) (Second sentence).

<sup>221</sup> Modification of current Charter Chapter 5, Section 9(a) (Third sentence), as follows: "All Ordinances which amend or repeal existing Ordinances shall set forth in full the Section or subsection to be amended or repealed and if it is to be amended shall clearly indicate the language matter to be omitted from the revised Section or subsection by enclosing the same in brackets and the replacement language by a clear method of marking or highlighting the edited text to distinguish it from the prior provisions of the Ordinance new matter by underscoring or capitalization".

<sup>222</sup> Recodification of current Charter Chapter 5, Section 9(a) (Fourth sentence).

<sup>223</sup> Recodification of current Charter Chapter 5, Section 9(b)(First sentence), as follows: "No Ordinance, except an Public Emergency<sup>223</sup> Ordinance as defined in §4.E of Chapter 4 subsection (d) of this Charter, shall be enacted unless a public hearing is first held before the City Council or a committee thereof".

<sup>224</sup> Recodification of current Charter Chapter 5, Section 9(b)(Second sentence), as follows: "It shall be the duty of the City Clerk to publish the title and/or statement of purpose of every Ordinance introduced, together with a Hearing Notice ~~of the time and place at of the public hearing thereon in a daily newspaper of general circulation in the City~~ at least three (3) Days prior to the public hearing".

(2) **Review by the City Attorney**<sup>225</sup>. Following the introduction of any Ordinance it shall be the duty of the City Attorney to examine it for form and legality and to provide a written opinion within sixty (60) Days of the introduction of such Ordinance. No Ordinance shall be passed unless written opinion from the City Attorney thereon is on file in the office of the City Clerk.

(3) **Effective Date of Adopted Ordinance**<sup>226</sup>. Except as otherwise provided in this Charter, every adopted Ordinance shall become effective at the expiration of thirty (30) Days after passage unless another date is specified therein.

(4) **Publication and Indexing of Ordinances**. Every Ordinance after passage shall be given a serial number, printed in the Journal, and recorded by the City Clerk in a book to be kept for that purpose which shall be properly indexed<sup>227</sup>. Public Notice of all Ordinances, except an Ordinance making a general codification of Ordinances (as required by §6.C (5) of this Chapter of the Charter), for the violation of which a penalty is imposed or which impose any burden on or limit the use of private property shall be published by the City Clerk within thirty (30) Days of their passage, in the same manner and form as provided in §4.E of Chapter 4 of this Charter<sup>228</sup>.

(5) **Codification of Ordinances**<sup>229</sup>. "Within a year following the adoption of any revisions of this Charter or no more than ten (10) years following the last recodification, whichever is earlier, there shall be prepared under the direction of the City Attorney a codification of all Ordinances in force, eliminating all obsolete and conflicting provisions. Said codification shall be passed by the Council as a single Ordinance. Upon its passage the City Clerk shall cause it to be published in loose-leaf

<sup>225</sup> Recodification of current Charter Chapter 5, Section 9(c).

<sup>226</sup> Recodification of current Charter Chapter 5, Section 9(e).

<sup>227</sup> Recodification of current Charter Chapter 5, Section 9(f) (First sentence).

<sup>228</sup> Modification of current Charter Chapter 5, Section 9(f)(Second sentence), as follows: "Public Notice of all Ordinances, except an Ordinance making a general codification of Ordinances (as required by §6.C(5) of this Chapter of the Charter), for the violation of which a penalty is imposed or which impose any burden on or limit the use of private property shall be published by the City Clerk once in a daily newspaper of general circulation in the City, within thirty (30) Days of their passage, in the same manner and form as provided in §4.E of Chapter 4 Chapter One, Section 6, of this Charter".

<sup>229</sup> Modification of current Charter Chapter 5, Section 9(g), as follows: "Within a year following the adoption of any revisions of this Charter or no more than ten (10) years following the last recodification, whichever is earlier, Not later than July 1, 1993, there shall be prepared under the direction of the City Attorney a codification of all Ordinances in force, eliminating all obsolete and conflicting provisions. Said codification shall be passed by the Council as a single Ordinance. Upon its passage the City Clerk shall cause it to be published in loose-leaf form. A similar recodification shall be prepared, passed and published as above provided, every ten years thereafter. Copies of all Ordinances shall be printed as promptly as possible after their passage in the same loose-leaf form as the codification, for distribution".

form. Copies of all Ordinances shall be printed as promptly as possible after their passage in the same loose-leaf form as the codification, for distribution.

**D. Adoption of Resolutions, Orders or Other Enactments<sup>230</sup>.** The City Council shall adopt rules pertaining to the adoption of Resolutions, Orders or other Enactments.

**E. Transmittal to Mayor<sup>231</sup>.** Every affirmative vote, and every Resolution, Order or Ordinance or other enactment which passes the City Council shall upon final passage be transmitted to the Mayor.

**(1) Mayoral Approval or Disapproval<sup>232</sup>.** The Mayor shall either approve the Council action, in which case it shall become operative and effectual, or disapprove it, in which case the Mayor shall within twenty-one (21) Days after it is transmitted to the Office of the Mayor, return it to the City Council with a statement of objections;

(a) Any disapproval pursuant to the provisions of this Section shall be filed with the City Clerk not later than the close of business on the twenty-first (21<sup>st</sup>) Day after the matter is transmitted to the Mayor<sup>233</sup>.

(b) In the event that such twenty-first (21<sup>st</sup>) Day falls on a day when the City Clerk's office is closed the period for the Mayor to act and to file such disapproval shall be extended until the close of business on the next day when the City Clerk's office is open for business<sup>234</sup>.

**(2) Council Action Pertaining to Mayoral Disapproval<sup>235</sup>.** The City Clerk shall cause such statement to be placed on the agenda of the meeting of the City Council next following the Mayor's disapproval at

<sup>230</sup> NEW.

<sup>231</sup> Recodification of current Charter Chapter 5, Section 11 (First clause of first sentence), by adding "or other enactment".

<sup>232</sup> Recodification of current Charter Chapter 5, Section 11 (Second clause of first sentence), in lieu of the following: "The Mayor, who shall either approve the Council action in which case it shall become operative and effectual, or disapprove it, in which case the Mayor shall within twenty-one (21) Days after it is transmitted to the Office of the Mayor him".

<sup>233</sup> Recodification of current Charter Chapter 5, Section 11 (Third sentence).

<sup>234</sup> Recodification of current Charter Chapter 5, Section 11 (Fourth sentence).

<sup>235</sup> Modification of current Charter Chapter 5, Section 11 (Third clause of first sentence), as follows: "The City Clerk shall cause After such statement to be placed on the agenda of the meeting of the City Council next following the Mayor's disapproval at which time has been read in said board, another vote shall be taken on such vote, Resolution, Order, or Ordinance or other enactment. and If such legislative item it passes the City Council by a two-thirds (2/3<sup>ds</sup>) vote of the entire membership whole number of the City Council members, it shall become operative and effectual without the approval of the Mayor".

which time another vote shall be taken on such Ordinance, Resolution, Order or other enactment. If such legislative item passes the City Council by a two-thirds (2/3<sup>rd</sup>s) vote of the entire membership of the City Council, it shall become operative and effectual without the approval of the Mayor.

(3) **Failure of the Mayor to Act**<sup>236</sup>. If any Ordinance, Resolution, Order or other enactment which passes the City Council shall not be either approved or disapproved by the Mayor within twenty-one (21) Days after the same shall have been transmitted, it shall thereupon become operative and effectual without each approval.

**Section 7. Printing of City Council Proceedings**<sup>237</sup>.

The City Clerk shall cause the proceedings of the City Council to be prepared in journal form and shall cause as many copies of the official proceedings to be prepared the City Council as may be required. Such publication shall be the only legal publication of said official proceedings.

TRANSMITTAL DRAFT 5/24/12

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<sup>236</sup> Recodification of current Charter Chapter 5, Section 11 (Second sentence), as follows: "If any ~~vote~~, Ordinance, Resolution, Order or other enactment which passes the City Council shall not be either approved or disapproved by the Mayor within twenty-one (21) Days after the same shall have been transmitted, it shall thereupon become operative and effectual without each approval".

<sup>237</sup> Recodification of current Charter Chapter 5, Section 12. Derived from 1907, S.A. No. 461, §82.

TRANSMITTAL DRAFT 5-24-12

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CHAPTER 6 - OTHER ELECTED OFFICIALS OF THE CITY

Section 1. The City Clerk.

A. Duties of the City Clerk. The City Clerk shall:

(1) make and keep true records of all the votes and proceedings of the City Council and an index thereof in alphabetical order<sup>238</sup>;

(2) cause the City Ordinances to be published in the manner provided for by this Charter and, when the same shall have been so published, shall enter upon the records of the City Council a certificate of the fact of such publication<sup>239</sup>;

(3) cause to be served all appropriate notices of Orders passed by the City Council upon the relevant parties and make upon the records of the City Council a return of service of such notices<sup>240</sup>;

(4) prepare the agenda for meetings of the City Council in the manner provided in the rules of the City Council<sup>241</sup>;

(5) perform all such duties as may be required of said clerk by this Charter, the General Statutes, any City Ordinance, Order, Resolution or other enactment of the City Council<sup>242</sup>; and,

(6) be clerk of the City Council and of all committees appointed by the City Council and in such capacity shall be assisted by the Assistant City Clerk<sup>243</sup>.

All such records hitherto kept or which may hereafter be kept shall be, in all courts evidence of the matters therein contained; and a certified copy of any such record, under the hands of the City Clerk or Assistant City

<sup>238</sup> Recodification of current Charter Chapter 4, Section 1 (First sentence), by deleting the following phrase: "...The City Clerk shall".

<sup>239</sup> Recodification of current Charter Chapter 4, Section 1 (Second sentence), by deleting the following phrase: "...The City Clerk shall".

<sup>240</sup> Recodification of current Charter Chapter 4, Section 1 (Third sentence), by deleting the following phrase: "...The City Clerk shall".

<sup>241</sup> Recodification of current Charter Chapter 4, Section 1 (Fourth sentence), by deleting the following phrase: "...The City Clerk shall".

<sup>242</sup> Modification of current Charter Chapter 4, Section 1 (Sixth sentence) by (b) adding the term "order" and "other enactment" in lieu of "vote" and by deleting the following phrase: "...The City Clerk and Assistant City Clerk shall".

<sup>243</sup> Modified current Chapter 3, Section 3(a) by deleting the term "...and Assistant City Clerk".

Clerk, shall be received in all courts as evidence of the same validity as the original record<sup>244</sup>.

**B. Appointment, powers and duties of the Assistant City Clerk.**

The Assistant City Clerk, a member of the Classified Service<sup>245</sup>, shall devote full time to the duties of the office and shall, in the absence or disability of the City Clerk, have power to perform all the duties of said City Clerk, and shall perform all other duties which may be imposed upon such Assistant City Clerk by Ordinance, Order, Resolution or other enactment of the City Council or by the City Ordinances. All acts of the Assistant City Clerk and all records kept by said Assistant shall have the same validity and effect as acts and records of the City Clerk<sup>246</sup>.

**C. Compensation<sup>247</sup>.** The City Clerk shall receive a salary which shall be established pursuant to the provisions of this Charter. The salary of the Assistant City Clerk shall be established in the same manner as other City employees. Neither the City Clerk nor the Assistant City Clerk shall be allowed to draw any other compensation, either directly or indirectly, from the City for performing the duties of such office.

**D. Notification of Appointments and Elections to the City Clerk; Certain officers to be sworn<sup>248</sup>.**

(1) Whenever a person is appointed or elected to any office, including membership on any Board or Commission, the authority responsible for such appointment or election shall give written notification of the appointment or election to the City Clerk<sup>249</sup>.

(2) All elected and appointed Officials of the City shall be sworn to the faithful discharge of their respective duties. The person administering such oath shall file a certificate thereof, under their hand, which certificate shall be recorded in the office of the City Clerk<sup>250</sup>.

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<sup>244</sup> Recodification of current Charter Chapter 4, Section 1 (Fifth sentence).

<sup>245</sup> Derived from current Charter Chapter 3, Section 2 (b), as follows: "~~(b) The Assistant City Clerk shall be in the Classified Service.~~"

<sup>246</sup> Modification of current Charter Chapter 3, Section 2 (a) as follows: (a) deleting the term "said his/her entire time" and replacing with the following in lieu thereof: "full time"; (b) adding the term "order" and "other enactment" in lieu of "vote"; and, (c) deleting the term "him/her" and replacing it with "said Assistant".

<sup>247</sup> Derived from current Charter Chapter 3, Section 3(b).

<sup>248</sup> Recodification of current Charter Chapter 2, Section 6.

<sup>249</sup> Recodification of current Charter Chapter 2, Section 6(a), by replacing "notice" with "notification".

<sup>250</sup> Recodification of current Charter Chapter 2, Section 6(b).

**Section 2. The Town Clerk.**

**A. Duties of the Town Clerk<sup>251</sup>.** The Town Clerk shall possess all of the powers and perform all of the duties vested by the General Statutes<sup>252</sup> in the Town Clerks of towns.

(1) **Certification.** For the purpose of meeting best practices and the highest professional standards, the Town Clerk, upon no more than one hundred and eighty (180) Days following eligibility, shall participate at the next scheduled session regarding the certification program for town clerks, as set forth in the General Statutes.

**B. Assistant Town Clerks<sup>253</sup>.** There shall be one or more Assistant Town Clerks, member(s) of the Classified Service<sup>254</sup>, who shall assist the Town Clerk in the performance of the duties of such office. They shall devote their entire time to the duties of the office. The Town Clerk shall designate one of the Assistant Town Clerks who shall, in the absence or disability of the Town Clerk, have power to perform all the duties of the Town Clerk, and shall perform all other duties which may be imposed upon the Assistant Town Clerk by Law or by Ordinance, Order, Resolution or other enactment of the City Council or by the City Ordinances. All acts of the Assistant Town Clerk and all records kept by them shall have the same validity and effect as acts and records of the Town Clerk.

**C. Salary of Town Clerk<sup>255</sup>; salary of assistant.** The Town Clerk shall receive a salary which shall be established pursuant to the provision of this Charter. The salaries of the Assistant Town Clerks shall be established in the same manner as other City employees.

**D. Accounts of the Town Clerk<sup>256</sup>.** The fees or compensation now or hereafter provided by the laws of this State to be paid to Town Clerks shall be collected by said Town Clerk.

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<sup>251</sup> Recodification of current Charter Chapter 4, Section 4.

<sup>252</sup> NEW See, C.G.S. § 7-22a entitled "Certification program for town clerks" is not mandatory. "(b) any person may participate in the course of training...and upon successfully completing any examination...shall be recommended to the secretary of the state as a candidate for certification as a certified Connecticut town clerk".

<sup>253</sup> Recodification of current Charter Chapter 4, Section 5.

<sup>254</sup> Derived from current Charter Chapter 4, Section 5 (b), as follows: "~~(b) The assistant town clerks shall be in the Classified Service~~".

<sup>255</sup> Recodification of current Charter Chapter 4, Section 6(a).

<sup>256</sup> Recodification of current Charter Chapter 4, Section 6(b). Derived from 1907, S.A. No. 461, §107; 1927, S.A. No. 372, modifying the following: "~~and~~ All moneys collected by the office him/her, in accordance with said Laws or by the Charter or the City Ordinances, shall be deposited by said Town Clerk with the City Treasurer of said City and at the time of making each such deposit, the Town Clerk shall file with said City Treasurer a full statement of such receipts so deposited".

(1) All moneys collected by the office, in accordance with said Laws or by the Charter or the City Ordinances, shall be deposited by said Town Clerk with the City Treasurer of said City and at the time of making each such deposit, the Town Clerk shall file with said City Treasurer a full statement of such receipts so deposited.

(2) The Town Clerk shall also keep a record of the receipts of the office of the Town Clerk, in such form as the City Treasurer may direct. The salaries of the Town Clerk and Assistant Town Clerks shall be in lieu of all fees and other compensation.

(3) The Town Clerk shall file with the assessor daily, a complete abstract of all deeds and conveyances of land or of personal property or of certificates of intention to transfer personal property placed in this custody for record during the Day preceding<sup>257</sup>.

#### Section 4. The City Sheriffs<sup>258</sup>.

The Constables of the City shall be called "City Sheriffs" as such position was established in accordance with the provisions of the Special Act. The Sheriffs shall severally have, within the limits of the City, the same power and authority, and be liable to the same suits or penalties for neglect of their official duty, to all intents and purposes, as Constables by the General Statutes now have and are, and the City shall be liable for the defaults of its sheriffs in their offices to the extent of the bond given to the City by such sheriffs.

#### Section 5. The Registrars of Voters<sup>259</sup>.

There shall continue to be two Registrars of Voters who shall be elected Citywide in the manner provided by Law<sup>260</sup>. Each registrar shall appoint a deputy who shall serve at the pleasure of the registrar. In the event of the death,

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<sup>257</sup> Recodification of current Charter Chapter 8, Section 6(b).

<sup>258</sup> Recodification of current Charter Chapter 2, Section 12, derived from 1907, S.A. No. 461, §14, as follows: "The Constables of the City shall be called "City Sheriffs" as such position was established in accordance with the provisions of the Special Act. The Sheriffs shall severally have, within the limits of the city, the same power and authority, and be liable to the same suits or penalties for neglect of their official duty, to all intents and purposes, as Constables ~~sheriffs~~ by the General Statutes ~~law~~ now have and are, and the City shall be liable for the defaults of its sheriffs in their offices to the extent of the bond given to the City by such sheriffs".

<sup>259</sup> Recodification of current Charter Chapter 2, Section 10, as follows: "There shall continue to be two Registrars of Voters<sup>259</sup> who shall be elected Citywide in the manner provided by Law. Each registrar shall appoint a deputy who shall serve at the pleasure of the registrar. In the event of the death, removal or resignation of the registrar, the deputy registrar shall become registrar". Historical Note: The City once had three Registrars representing "...each of the three political parties polling respectively the highest number of votes..." As derived from 1907, S.A. No. 461, §42; 1947 S.A. No. 398, §1 and 2.

<sup>260</sup> NEW.

removal or resignation of the registrar, the deputy registrar shall become registrar.

TRANSMITTAL DRAFT 5-24-12

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TRANSMITTAL DRAFT 5-24-12

CHAPTER 7- BOARDS AND COMMISSIONS

Section 1: General Requirements for All Appointed Boards and Commissions.

A. **Appointment**<sup>261</sup>. Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Mayor as set forth in this Charter, subject to approval by the City Council; unless otherwise set forth by the General Statutes or this Charter. All Board or Commission members shall serve until the completion of their respective terms or until their successors have been appointed and qualified.

B. **Vacancy**<sup>262</sup>. Unless otherwise set forth in the General Statutes or in this Charter, in the event of a Vacancy on any Board or Commission, a successor shall be appointed by the Mayor, subject to approval by the City Council, for the unexpired portion of the term. Notwithstanding the foregoing, vacancies in the membership of the Board of Directors of the Bridgeport Public Library shall be filled by the Library Board, with the approval of the City Council, for the unexpired portion of the term vacated<sup>263</sup>.

C. **Residency Requirement**<sup>264</sup>. Except as otherwise provided by this Charter, no person may serve on be a Board or Commission established by this Charter unless such person is an Elector of the City. If any such person who is a member of a Board or Commission shall move from the City, such person's membership on such Board or Commission shall be immediately terminated.

<sup>261</sup> NEW.

<sup>262</sup> in lieu of current Charter Chapter 2, Section 9; as follows: "Except as otherwise provided in this chapter, whenever a vacancy shall occur, for any reason, in any appointment office or in the membership of any of the Boards and Commissions, such vacancy shall be filled for the unexpired term in the same manner as the original appointment". Recodification of (a) Civil Service Commission - Current Charter Chapter 17, Section 203(a) (Third sentence); (b) Board of Tax Review - Current Charter Chapter 8, Section 10(b) (Second sentence). "(b) Vacancies. Vacancies shall be filled by appointment of the Mayor, with the advice and consent of the City Council, for the balance of the term vacated"; (c) Board of Park Commissioners - current Charter Chapter 12, Section 10(c) (Second sentence). Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §7; 1945, S.A. No. 402, §1; Referendum of 11-6-73, as follows: "(b) Vacancies. Any vacancy which may occur through death, resignation or otherwise may be filled for the unexpired term by an appointment of the Mayor with the advice and consent of the City Council".

<sup>263</sup> Recodification of current Charter Chapter 16, Section 1(c) (Second sentence). The special acts and historic charter were silent on the number of members. It is not clear when this provision was added to the charter.

<sup>264</sup> Recodification and modification of current Charter Chapter 2, Section 13, in lieu of the following: "Except as otherwise provided by this Charter, no person may serve on be appointed to any a Board or Commission established by this Charter unless such person is an Elector of the Town who is not a resident and registered voter of the City. If any such person who is a member of a Board or Commission shall move from the Town, such person's membership on such Board or Commission shall be immediately terminated".

**D. Restrictions on Appointment.**

(1) **Dual Appointment Prohibited; Exceptions**<sup>265</sup> Except where otherwise specifically permitted by general or special law, no person may serve as an appointed member of more than one Board or Commission at the same time, with the exception of a Charter Revision Commission or other Boards or Commissions of finite duration. Members of the City Council may only serve on a Board or Commission if assigned as a representative to such Board or Commission for the sole purpose of representing the Council.

(2) **Term Limitations**<sup>266</sup>.

(a) No person may be appointed to a new term on any Board or Commission if at the time of the commencement of such new term such person shall have served for ten (10) consecutive years of service on such Board or Commission. Such person may be reappointed to such Board or Commission after a lapse of one (1) year.

(b) Notwithstanding the provisions of §1.D (2) (a) of this Chapter, the calculation of ten (10) consecutive years service for members of Boards and Commissions appointed prior to November 6, 2012 shall commence upon the effective date of this Charter as set forth in §1 of Chapter 13.

**E. Political Composition.**

(1) **Minority Party Representation**<sup>267</sup>. Unless otherwise required by the General Statutes or as otherwise set forth in this Charter, the political affiliation of the members of all appointed Boards or

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<sup>265</sup> NEW.

<sup>266</sup> NEW.

<sup>267</sup> NEW. In lieu of the following provisions:

(a) The Civil Service Commission - current Charter Chapter 17, Section 203(a)(Fourth sentence). Minority Party Representation. Not more than two members shall be adherents of the same political party and no member shall hold salaried public office. Note: Application of appointments subject to minority party representation requirement. See, C.G.S. §7-408, in pertinent part, as follows: "... All appointments to said board, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of appointment, be members of the same political party..."; (b) Board of Tax Review - Charter Chapter 8, Section 10(a) (Second sentence). "(c) Minority Party Representation. Not more than two (2) members of the Board of Tax Review shall be members of the same political party"; (c) Board of Park Commissioners - current Charter Chapter 12, Section 10(b) (third sentence). Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §2; 1945, S.A. No. 402, §1; Referendum of 11-6-73, as follows: "(d) Minority Party Representation. The membership of said board, with the exception of the Mayor, shall at all times consist of no more than four members of one political party".

Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation. This provision shall apply to all Boards or Commissions established or required by this Charter or established by Ordinance.

(2) **Diversity of Membership**<sup>268</sup>. No person shall be discriminated against, with respect to service on any Board or Commission of the City, on the basis of race, color, religious creed, sex, age, national origin, or ancestry. In making appointments to the various Boards and Commissions of the City, appointing authorities shall endeavor reflect the ethnic and cultural diversity of the City.

F. **Compensation Prohibited**<sup>269</sup>. Except as otherwise set forth in this Charter or by Ordinance, no member of any appointed Board or Commission shall receive compensation for services as such member.

G. **Removal**<sup>270</sup>. Unless otherwise set forth in the General Statutes or this Charter, a member of any appointed Board, Commission, or "panel of alternates" may be removed from office in accordance with the provisions of §11 of Chapter 3 of this Charter.

H. **Compliance with Ethics Provisions of the Charter and the Ordinances adopted thereunder**. Unless otherwise set forth in the General Statutes or this Charter, a member of any appointed Board or Commission shall (1) comply with the provisions of §11 of Chapter 3 of this Charter and any Ordinances adopted thereunder; (2) act in accordance with the provisions of the General Statutes pertaining to the conduct of classified municipal employees; including but not limited to the prohibition of serving on any body which has responsibility for direct supervision of such employee; and, (3) not have a direct or indirect financial interest in any contract concerning the public schools.

I. **Quorum**<sup>271</sup>. A majority of the total voting membership of each

<sup>268</sup> Recodification of current Charter Chapter 2, Section 16.

<sup>269</sup> NEW; in lieu of the following: (a) **Board of Public Purchases** - current Charter Chapter 8, Section 14(a) (Fifth sentence): "(c) **No Compensation**. The members of the board shall serve without compensation".

<sup>270</sup> NEW In lieu of the following provisions: (a) **Civil Service Commission** - Current Charter Chapter 17, Section 203(a)(Fifth sentence), in lieu of the following: "...the Mayor may remove a commissioner during his term of office only for misfeasance, nonfeasance or partisan activity while in office, upon stating in writing the reason for the removal and allowing him a hearing his own defense before the City Council and such removal shall then be effective only upon a two-thirds (2/3<sup>rd</sup>) vote of the City Council"; (b) **Board of Police Commissioners** - Current Charter Chapter 13, Section 2(b) (First sentence): "The City Council may, after notice and hearing, by two-thirds (2/3<sup>rd</sup>) vote, remove any member of the Board of Police Commissioners for cause"; (c) **Board of Fire Commissioners** - Current Charter Chapter 14, Section 2(b) (First sentence), as follows: "The City Council may, after notice and hearing, by a two-thirds (2/3<sup>rd</sup>) vote, remove any member of the Board of Fire Commissioners for cause".

<sup>271</sup> Recodification of the following: (a) **Board of Police Commissioners** - Current Charter Chapter 13, Section 2(b) (Fourth sentence), as follows: "At all meetings of said boards,

such Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.

**J. Organization and Procedure**<sup>272</sup>. Boards and Commissions shall: (1) elect a Chair and such other officers as deemed necessary; (2) file such notices, keep records and post agendas as required by the General Statutes; and, (3) actively solicit public participation (including, but not limited to, public speaking). The agendas of Boards and Commissions shall be approved by the Chair of such entity.

**K. Subpoena Powers**<sup>273</sup>. In accordance with the authority set forth by special act, the presiding officers of the Boards and Commissions of the City shall have the power to compel the attendance and testimony of witnesses before the respective bodies over which they preside, by the issuance of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice, and when it shall be necessary to secure the attendance of witnesses before said Boards or Commissions, the respective chairman shall have the right to apply to the proper authority for the issue of a *capias ad testificandum* for that purpose.

**L. Required Cooperation**<sup>274</sup>.

(1) Each Official<sup>275</sup> and employee of any Department<sup>276</sup> of the City shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section.

(2) Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said

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four (4) members, exclusive of the Mayor, shall constitute a quorum and the concurrent vote of four (4) members shall be necessary for the transaction of business"; (b) Board of Fire Commissioners - Current Charter Chapter 14, Section 2(b) (Fourth sentence), as follows: "At all meetings of said boards, four members, exclusive of the Mayor, shall constitute a quorum and the concurrent vote of four (4) members shall be necessary for the transaction of business".

<sup>272</sup> New; in lieu of the following: (a) Board of Public Purchases - current Charter Chapter 8, Section 14(a) (Fourth sentence). "(b) Officers. The board shall elect one of the members appointed by the Mayor as President and may elect such other officers as it deems necessary".

<sup>273</sup> Recodification and modification of current Charter Chapter 2, Section 14, in lieu of the following: "In accordance with the authority set forth by special act, the presiding officers of the Boards and Commissions of the City shall have the power to compel the attendance and testimony of witnesses before the respective bodies over which they preside, by the issuance of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice, and when it shall be necessary to secure the attendance of witnesses before said Boards or Commissions, the respective chairman shall have the right to apply to the proper authority for the issue of a *capias ad testificandum* for that purpose, as provided in number 461 of the Special Acts of 1907". Annotation: Derived from 1907 Special Acts 461.

<sup>274</sup> NEW.

<sup>275</sup> "Official" replaces "officer".

<sup>276</sup> "Department" includes the deleted term "...or agency...".

Board or Commission in formulating and carrying out the operational and management policies of the Department.

(3) Moreover, unless otherwise required by Law, each Board or Commission shall conduct its affairs in accordance with the requirements of this Charter and the Ordinances enacted hereunder, including but not limited to all requirements pertaining to appointment, vacancies, minority party representation and removal of members of Boards and Commissions.

**M. Restrictions Pertaining to Members of the Civil Service Commission and the Board of Education<sup>277</sup>.** No person who has served in the previous three (3) years as a Public Official, other than a member of the Commissions set forth in this sub-section, or a political party officer, shall be appointed to membership on the Civil Service Commission or the Board of Education. For purposes of this section, the term "Public Official" means an individual who holds or has held a municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the City and the term "political party officer" means an officer of a national committee of a political party, state central or town committee or any person employed by such committee for compensation.

**Section 2: Required Provisions for All Appointed Boards and Commissions Established by Ordinance<sup>278</sup>.**

In addition to those Boards and Commissions established by this Charter, the City Council shall by Ordinance establish the Boards and Commissions of the Town. Unless this Charter or Special Acts provides otherwise, the City Council shall set forth, by Ordinance:

(1) The number of Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes, the number shall always be odd and the term of office shall not exceed a term of five (5) years, which may be staggered.

(2) Any such Ordinance shall make provision for (a) the appointment of a chair and a delineation of the responsibilities of the presiding officer; (b) the keeping of records and posting of agendas as required by the General Statutes; (c) minority party representation in accordance with §1.F (1) of this Chapter; (d) public participation (including, but not limited to, public speaking); and, (e) the frequency of meetings of all Boards and Commissions. The agendas of Boards and Commissions shall be approved by the Chair of such entity.

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<sup>277</sup> NEW.

<sup>278</sup> NEW.

**Section 3: Boards and Commissions Established by the Charter**<sup>279</sup>.

**A. The Board of Education.**

(1) **Establishment.** Effective on December 1, 2015, there shall be a Board of Education consisting of nine (9) members all of whom shall be Electors of the City<sup>280</sup>.

(a) **Term.** Commencing prior to the effective date of the term of office on December 1, 2015 and quadrennially thereafter, the Mayor shall appoint, with the approval of the City Council, four (4) members of said board who shall serve a term of four (4) years from the first day of December of the year of appointment<sup>281</sup>. Commencing prior to the effective date of the term of office on December 1, 2017 and quadrennially thereafter, the Mayor shall appoint, with the approval of the City Council, five (5) members of said board who shall serve a term of four (4) years from the first day of December of the year of appointment<sup>282</sup>.

(i) **Ex Officio Members.** The Superintendent of Schools may recommend up to four (4) non-voting ex officio positions on the Board of Education for students of the City's public schools, to be appointed by the Mayor for a one (1) year term. The ex-officio members shall be exempted from the provisions of this Charter pertaining to qualifications; however, shall be residents of the City.

(b) **Qualifications**<sup>283</sup>.

<sup>279</sup> The Board of Appraisal of Benefits and Damages as set forth in current Charter Chapter 11, Section 1 is repealed.

<sup>280</sup> Comment of the 2012 Charter Revision Commission regarding transition. This section is in lieu of current Charter Chapter 15, Section 1(a) and addresses the period following a transition from an elected to an appointed Board of Education. During the transitional period the Board of Education be comprised as follows: (1) **Effective Date of the 2012 Charter Revision - November 30, 2013.** At time of time of adoption of this Charter and through 11:59:59 P.M. November 30, 2013: 5 members elected on November 3, 2009 and 4 members elected on September 4, 2012 and their successors as may be appointed by the Mayor, as set forth in §6.A of Chapter 13 of this Charter; (2) **Transition I: December 1, 2013 - November 30, 2015.** From December 1, 2013 and through 11:59:59 P.M. on November 30, 2015: 4 members elected on September 4, 2012 and 5 members appointed by the Mayor, as set forth in §6.B of Chapter 13 of this Charter; (3) **Transition II: December 1, 2015 (Full Complement of Appointed Members).** From December 1, 2015 and through 11:59:59 P.M. on November 30, 2017: 4 members elected on September 4, 2012 and 5 members appointed by the Mayor, as set forth in §3.A of Chapter 7 of this Charter;

<sup>281</sup> In lieu of current Charter Chapter 15, Section 1(c). See notes to See notes to §\_\_ of Chapter 13 of this Charter.

<sup>282</sup> In lieu of current Charter Chapter 15, Section 1(b) pertaining to the five members elected on November 3, 2009. See notes to See notes to §\_\_ of Chapter 13 of this Charter.

<sup>283</sup> NEW.

(i) **Requirements.** Members of the Board of Education shall comply with the provisions of §1 of Chapter 7 of this Charter.

(ii) **Attributes.** Candidates for the Board of Education shall demonstrate to the Candidates Qualification Board the following attributes: knowledge or experience about current issues and best practices in education in an urban school system, including all current and proposed local, state and federal legislation, as well as current research and policy initiatives across the country; a commitment to public service and public education as well as an understanding of the importance of working with diverse constituencies throughout the City; an ability to exercise a leadership and governance role, collaborate with the Superintendent, and delegate responsibility for the administration of the schools to the Superintendent within the context of the fiduciary obligation required by Law; knowledgeable about current challenges and plans for schools of the City; and/or, experience working collaboratively within a group; and/or such other attributes as may be established by Ordinance not inconsistent with the provisions of Law and this Charter.

(iii) **Diversity of Members.** In addition to the general requirements of statute law and this Charter the Mayor shall consider the following qualifications and experiences with regard to appointments to the Board of Education: training and/or experience in (1) education, (including, but not limited to, familiarity with the school district of the City as a relative or guardian of a child currently or recently in the district); (2) a representative of a PTA/PTO or similar organization of adult supporters of education in the City; (3) financial matters (as evidenced by service as a certified public accountant or having earned a bachelor, master or doctorate degree in business, finance or public administration or having operated or managed either a for profit or not for profit organization or business); (4) construction management; (5) workforce development or job training; (6) law; (7) information technology; (8) facility maintenance; (9) energy and environmental design, energy efficiency initiatives and conservation and sustainability resource management; and/or, (10) such other qualifications as may be established by Ordinance. Of equal weight with the foregoing requirements, the Mayor shall consider appointments reflective of the various neighborhoods and the ethnic, racial and cultural mix of the City.

(c) **Mandatory Training as a Prerequisite for Continued Service**<sup>284</sup>. The Board of Education shall contract with the Connecticut Association of Boards of Education, the State Department of Education,

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<sup>284</sup> NEW.

the National School Boards Association, or some similar organization, to provide an orientation and training course on the role and responsibilities of a board of education and its members. Within ninety (90) Days following appointment by the Mayor and approval by the City Council the members of the Board of Education shall be required to comply with any training or education requirements of as may be established by the General Statutes, this Charter and the policies of the Board of Education. The policies of the Board of Education shall include training updates based upon revisions of law, policy and best practices in the field. With respect to reappointment, no member shall be eligible to continue service on the Board of Education who has not taken updated training courses within three (3) years of the beginning of his or her service, if such courses are required. Failure to comply with this requirement shall be grounds for removal from office.

(2) **The Scope of the Board of Education**<sup>285</sup>. The Board of Education governs within a complex environment shaped by the national focus on improving student achievement and circumscribed by Federal and State laws and regulations, limited resources, and the competing demands from the regulators and the regulated. In the last analysis the Board of Education is obligated to represent and find a balance to meet the needs of the children of the City on an equitable basis. To this end the members of the Board of Education shall exercise their authority as a whole and not advance individual or constituent agendas. The Board shall actively seek to represent the entire community by responding to community expectations and meeting the needs of the families and students of the City. Furthermore, the preeminent importance of education requires the full interest and participation of the Mayor, City Council, the Board of Education, Superintendent of Schools, teachers, administrators, parents and children to ensure that governance from the neighborhood school to district-wide considerations meet the highest and best practices to advance the best interests of the students. The education practices and policies of the City shall be designed and executed to withstand the strictest scrutiny of independent third party reviewing organizations.

(3) **Powers of the Board of Education**<sup>286</sup>. The Board of Education shall perform such duties and have such powers as are or may be imposed by the Law, General Statutes, this Charter and Ordinances and the policies of said board. The Board of Education is the governing body responsible for ensuring that the public schools of the City of Bridgeport provides a high-quality education for all students. The Board is not an administrative or day-to-day operations body, but instead is responsible for defining the vision, mission and goals of the school system; establishing monitoring the annual operating budget; hiring and evaluating the Superintendent of Schools; and setting and reviewing district policies and practices to support student achievement. The Superintendent of Schools shall perform the administrative functions of said Board.

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<sup>285</sup> NEW.

<sup>286</sup> Modification and recodification of current Charter Chapter 15, Section 2.

(4) **Prohibited Acts**<sup>287</sup>. No member of the Board of Education may interfere with the performance by the Superintendent of Schools of those duties vested in or delegated to the or by act of the Board of Education. Such interference specifically includes any attempt by a member of the Board of Education to order or coerce, publicly or privately, any subordinate, official or employee of the District as to any matter within the authority of the Superintendent under the General Statutes, this Charter or Ordinances thereunder or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Failure to comply with this requirement shall be grounds for removal from office.

(5) **Candidate Qualifications Board for the Appointment of the Board of Education**<sup>288</sup>. There shall be a Candidate Qualifications Board composed of five (5) members whose sole function shall be to evaluate and certify the Mayor's prospective appointees to the Board of Education. Said members of this Board shall be subject to the provisions of §1 of this Chapter; unless otherwise exempted by this Charter or Ordinance.

(a) **Members of the Candidate Qualifications Board.** The Mayor shall appoint members representative of the diverse population of the City, as set forth in §3.A (1)(b)(iii) of this Chapter, with consideration given to parents of children in the public school system of the City; teacher and/or principal in the public school system; a representative from the business community of the City; representative(s) of public or private college or universities in the City. Members of the Qualifications Board shall not be eligible to appointment to the Board of Education during their term on the Board or for a period of three (3) years following their departure from the Board.

(b) **Term.** The members of the Qualifications Board shall be selected from time to time and shall serve at the pleasure of the Mayor. Notwithstanding the provisions of §1.A of this Chapter the members of the Qualifications Board are not subject to approval by the City Council. In the event of a vacancy, the Mayor shall appoint a replacement.

(c) **Organization.** The Qualifications Board annually shall from among its membership elect a chair who shall forthwith file a list of the names and addresses of the members of the board with the City Clerk. The Board shall comply with the requirements of the General Statutes pertaining to public meetings; however, shall into consideration the provisions of the General Statutes pertaining to executive sessions. The Board shall establish uniform procedures and criteria for reviewing the candidates for appointment to the Board of Education.

(d) **Responsibilities Pertaining to Appointments.** Prior to the transmitting to the City Council the name of a prospective appointee to the Board of Education, the Mayor shall present potential candidates to

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<sup>287</sup> NEW.

<sup>288</sup> NEW.

the Qualifications Board for the purpose of assuring compliance with the requirements and attributes set forth in §3.A (1)(b) (i) and (ii) and 3.A (1) (c) of this Chapter. Within thirty (30) Days of receipt of the names of the prospective candidates the Board shall report its findings to the Mayor. Notwithstanding the foregoing, in the event of a Vacancy on the Board of Education the Mayor shall set forth a schedule for the selection process that may decrease the time-frame allotted for the issuance of findings by the Qualifications Board.

**B. Civil Service Commission.**

(1) **Continuation of the Civil Service Commission**<sup>289</sup>. There shall continue to be a Civil Service Commission.

(2) **Appointment and Membership**<sup>290</sup>. The Commission shall consist of five (5) Electors of the City appointed by the Mayor as hereinafter provided, including a member selected in accordance with the provisions §3.B(2)(c) of this Chapter.

(a) **Term**<sup>291</sup>. In October of each year, the Mayor shall appoint one person as a successor of the member whose term shall expire, to serve for five (5) years. Notwithstanding the provisions of §1.A of this Chapter the City Employee member is not subject to approval by the City Council.

(b) **Appointment of City Employee**<sup>292</sup>. Commencing with the appointment to the Civil Service Commission to be made next after the passage of this act, the Mayor shall appoint an employee of the City as a member of the Civil Service Commission; and the successors of this particular member shall be employees of the City. In making this appointment and the successor appointments to it, the Mayor shall accept for appointment the person who shall have been elected by the employees of the City. The member of the Civil Service Commission who is also an employee of the City shall be permitted to hold paid public office or position and need not be an Elector of the City.

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<sup>289</sup> Recodification of current Charter Chapter 17, Section 203(a) (First sentence). Annotation: Amended 1986 Referendum.

<sup>290</sup> Recodification of current Charter Chapter 17, Section 203(a) (First sentence), in lieu of the following: "The Commission which shall consist of five (5) Electors of the City members appointed by the Mayor as hereinafter provided, including a member selected in accordance with the provisions §3.B(2)(c) of this Chapter". Annotation: Amended 1986 Referendum.

<sup>291</sup> Recodification of current Charter Chapter 17, Section 203(a)(Second sentence).

<sup>292</sup> Recodification of current Charter Chapter 17, Section 203(b), including the clause "...and need not be an Elector of the City". Derived from 1953 S.A. 591.

(i) **Nominations. Open Meeting**<sup>293</sup>. The nominations for the election called for in §2.B(2)(e) of this Chapter shall be made at an open meeting to be called by the chair of a combined City employees election committee, chosen for the sole purpose of administering these provisions, no earlier than September first and no later than September fifteenth of the year or years in which such an appointment is made, and said chair shall cause to be posted a Meeting Notice at least two (2) weeks prior to the date of said meeting. Such notice shall include the time, place and date of the aforesaid meeting. The chair of the combined-City employees' election committee shall preside over this meeting. The recording secretary of said combined City employees' election committee shall record all nominations that have been duly made and seconded. The combined City employees' committee shall examine credentials of all participating in nominations to see that they are City employees.

(ii) **Election Process**<sup>294</sup>. Within five (5) Days after said meeting the combined City employees election committee shall cause ballots to be printed bearing the names of all nominees. The election committee shall cause to be posted a Public Notice of the list of candidates on or before September twentieth of the year or years such appointments are to be made. One ballot shall be sent, together with a self-addressed return envelope, on or before September twenty-third to each City employee by the election committee. Such ballots shall be sealed and returned to the election committee on or before October first. Said ballots shall be tabulated by the election committee no later than the eighth day of October of said year or years the said appointments are to be made. The election committee shall present to the Mayor, before October tenth, the name of the candidate receiving the highest number of votes, and said candidate shall be appointed a member of the Civil Service Commission.

(iii) **Vacancy in City Employee Member**<sup>295</sup>. Should a vacancy occur in an unexpired portion of a term of a City employee position on the Civil Service Commission the same procedure shall be followed as provided for in a regular appointment except that

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<sup>293</sup> Recodification of current Charter Chapter 17, Section 203(c). Derived from 1953 S.A. 591, by replacing (a) the term "this act" with "§2.B(2)(e) of this Chapter"; (b) the word "chairman" throughout the section with the word "chair"; (c) the term "the provision of this act" with "these provisions"; (d) the term "published in a Bridgeport newspaper a legal notice of such a meeting" with "posted a Meeting Notice".

<sup>294</sup> Recodification of current Charter Chapter 17, Section 203(d), by replacing the term "published in a Bridgeport newspaper a legal notice" with "posting a Public Notice". Derived from 1953 S.A. 591.

<sup>295</sup> Recodification of current Charter Chapter 17, Section 203(e). Derived from 1953 S.A. 591.

the nominations, elections and appointment shall be held at the time such vacancy occurs.

(d) No provision of the General Statutes or Special Acts inconsistent with any provision of §2.A of this Chapter shall apply to the City<sup>296</sup>.

**(2) Powers and Duties of the Civil Service Commission.** The members of the Civil Service Commission shall hold regular meetings at least once each month and may hold additional meetings as may be required in the proper discharge of their duties<sup>297</sup>.

(a) Said commission shall:

(i) After public hearing, adopt and amend rules and regulations for the administration of the Civil Service or Merit System<sup>298</sup> which shall have the force and effect of law, upon a Majority Vote of the City Council and approval by the Mayor;

(ii) After public hearing, adopt, modify or reject such classification and compensation plans for employees in the Classified Service, except teachers, together with rules for their administration, as may be recommended by the Personnel Director after thorough survey of the personnel and departmental organizations included in such plan or plans, which shall become effective after a Majority Vote of the City Council and approval of the Mayor. The classification, rating, assignment, transfer and compensation of teachers shall remain under the control of the Board of Education, anything contained in this chapter<sup>299</sup> to the contrary notwithstanding;

(iii) Make investigations, either on petition of a citizen or on its own motion, concerning the enforcement and effect of this chapter, require observance of its provisions and the rules and regulations made thereunder;

(iv) Hear and determine complaints or appeals respecting the administrative work of the Personnel Department, appeals upon the allocations of positions or concerning promotions, the rejection of an applicant for admission to an examination and such other matters as may be referred to the commission by the Personnel Director;

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<sup>296</sup> Recodification of current Charter Chapter 17, Section 203(f), by replacing the word "act" with the phrase "§2.A of this Chapter". Derived from 1935 S.A. No. 407 §1; 1953 S.A. 591.

<sup>297</sup> Chapter 17, Section 206 (a). Amended 1986 referendum. Derived from 1935, S.A. No. 407, §4; 1957, S.A. No. 85, §2.

<sup>298</sup> Replace the word "chapter" with the term "Civil Service or Merit System"

<sup>299</sup> Replace the word "chapter" with the term "Civil Service or Merit System"

- (v) Make such investigations as may be requested by the governor or the legislature and report, thereon<sup>300</sup>.

<sup>300</sup> Current Charter Chapter 17, Section 206 (b) repealed in accordance with Griffin/Hagen Report, as follows: ~~"As soon as practicable after the passage of this act (1957, S.A.No. 85)"~~ The Personnel Director shall make or cause to be made an investigation of the duties and responsibilities of all positions in the Classified Service in Order to aid the commission in determining the proper class or classes in the classification plan to which such positions should be allocated or reallocated and to report such his findings in writing to the commission. Upon consideration of the facts made available to it through the report of the Director and all other sources available to it, the Commission shall forthwith allocate or reallocate on the basis of merit all such positions to the appropriate existing class or classes in the classification plan or it shall add such new class or classes to the classification plan as it may deem proper in accordance with the formula hereinafter described, and it shall allocate or reallocate on the basis of merit such positions as it may deem proper in accord with said formula to said next class or classes. All permanent positions in the Classified Service in existence on April 18, 1957 shall be allocated or reallocated by the commission in accordance with the provisions of this act within one year of its adoption. Amended 1986 referendum. Derived from 1935, S.A. No. 407, §4; 1957, S.A. No. 85, §2.

Current Charter Chapter 17, Section 206 (c) repealed, as follows: ~~"(c) The Personnel Director in the report called for in subsection (b) of this Section and the commission in determining the classifications and allocations on the basis of merit, as called for in said subsection, shall use only the following formula: Positions which are sufficiently similar in respect to their duties and responsibilities, (i) that the same title may be used with clarity to designate each position allocated to the class; (ii) that the same requirements as to experience, education, capacity, knowledge, ability and other qualifications should be required of the incumbents; (iii) that the same tests of fitness may be used to choose qualified employees; and, (iv) that the same salary range can be applied with equity under the same or substantially the same employment conditions, shall be allocated to the same class. A single position essentially different from all other positions in characteristics enumerated above shall be considered as a class in itself and allocated to same"~~. Amended 1986 referendum. Derived from 1935, S.A. No. 407, §4; 1957, S.A. No. 85, §2.

Current Charter Chapter 17, Section 206 (d), repealed, as follows: ~~"(d) Whenever the appointing authority of any Department desires to establish a new permanent position in the Classified Service, the Personnel Director shall make or cause to be made an investigation of the need of such position and report said findings to the commission. If upon consideration of the facts the commission determines that the work of the Department can not be properly and effectively carried on without the position, it shall classify and allocate the new position to the proper class after the position has been established by the City Council. If the commission determines that the position is not necessary and that the work of the Department can be properly and effectively carried on without the position, it shall promptly transmit such determination to the City Council. Such determination by the commission shall be final unless the City Council, within two months of the date of such disapproving action by the commission, shall by its duly enacted Resolution approve the establishment of such position. In such event the final action of the City Council shall be promptly transmitted to the commission and the commission shall allocate the position or positions therein approved to its proper class in the classification plan. All classifications and allocations made pursuant to this subsection shall be based on the same procedure and formula called for in subsections~~

(3) **Records and Reports of the Civil Service Commission**<sup>301</sup>. The commission shall investigate and report annually to the Mayor concerning the administrative needs of the service, the personnel and positions in the service and the compensation provided therefor, the examinations held by the commission, the appointments made, service ratings and removals in the Civil Service System, the operation of the rules of the commission and recommendations for promoting efficiency and economy in the service, with details of expenditure and progress of work. The Mayor may require a report from said commission at any time respecting any matter within the scope of its duties hereunder. The records of the commission shall be open to public inspection by any person under reasonable supervision.

(4) **Municipal Assistance to the Civil Service Commission**<sup>302</sup>. Notwithstanding to the provisions of this Charter to the contrary, each Civil Service Commissioner shall be paid necessary traveling expenses incurred in the discharge of official duty. The financial authorities of the City shall make adequate provision to enable the Civil Service Commission properly to carry out the purposes of this act. All Officials of the City shall allow the reasonable use of public buildings and rooms for the holding of any examinations or investigations provided for by this act and in all possible ways shall facilitate the work of the Civil Service Commission and the Personnel Director.

(5) **Civil Suits For and Against the Civil Service Commission**<sup>303</sup>. The commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of this act and the rules of the commission and shall defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the City Attorney, but the commission may, in any case, be represented by special counsel if the City Attorney shall not be available. The Comptroller shall pay the compensation and expenses of any such special counsel upon certification by the commission. Any taxpayer of the City may maintain an action in any court of record to recover for the treasury any sums paid contrary to the provisions of this act or of the rules

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~~(a) and (b) of this Section~~". Amended 1986 referendum. Derived from 1935, S.A. No. 407, §4; 1957, S.A. No. 85, §2.

<sup>301</sup> Recodification of current Charter Chapter 17, Section 224. Derived from 1935, S.A. No. 407, §22. Annotation: Says Section 224 "Amended, 1986 referendum". There is no such evidence.

<sup>302</sup> Recodification of current Charter Chapter 17, Section 225, as follows: "~~Notwithstanding to the provisions of this Charter to the contrary, each Civil Service Commissioner shall be paid his necessary traveling expenses incurred in the discharge of his official duty. The financial authorities of the City shall make adequate provision to enable the Civil Service Commission properly to carry out the purposes of this act. All Officials officers of the City shall allow the reasonable use of public buildings and rooms for the holding of any examinations or investigations provided for by this act and in all possible ways shall facilitate the work of the Civil Service Commission and the Personnel Director~~".

. Derived from 1935, S.A. No. 407, §23.

<sup>303</sup> Recodification of current Charter Chapter 17, Section 217, by replacing the word "act" with the word "Charter". Derived from 1935, S.A. No. 407, §15. Amended, 1986 Referendum.

of the commission from the person or persons authorizing any such payment, or to enjoin the commission from attaching its certificate to a payroll in violation of the provisions of this Charter.

(6) **Investigations. Power to Subpoena Witnesses**<sup>304</sup>. In any investigation conducted by the Civil Service Commission or Personnel Director, the power to subpoena may be utilized in order to require the attendance of witnesses and the production by them of books and papers pertinent to the investigation and to administer oaths to such witnesses. Upon application by said commission, all courts of the State are authorized to enforce compliance with said commission's subpoena, to require witnesses to testify thereunder and, in proper cases, upon certification of said commission, to hold witnesses in contempt. The City Attorney shall act as legal advisor to said commission and the Personnel Director.

**C. Board of Police Commissioners.**

(1) **Establishment**<sup>305</sup>. There shall be a Board of Police Commissioners.

(2) **Appointment and Membership**<sup>306</sup>. The Commission shall consist of seven (7) members.

(a) **Term**<sup>307</sup>. The Mayor, in December of each odd numbered year, shall appoint, with the approval of the City Council, four members of said board who shall serve for the term of two (2) years from the first Day of January next succeeding. The Mayor, in December of each even numbered year, shall appoint, with the approval of the City Council, three (3) members of said board who shall serve for the term of two (2) years from the first Day of January next succeeding.

(3) **Duties of Board of Police Commissioners**<sup>308</sup>. The Board of Police Commissioners shall be responsible for<sup>309</sup>: (a) Establishing departmental goals, policies and objectives<sup>310</sup>; (b) Reviewing and approving rules and regulations recommended by the Chief of Police; (c) Conducting periodic reviews of the

<sup>304</sup> Recodification of current Charter Chapter 17, Section 218. Derived from 1935, S.A. No. 407, § 16.

<sup>305</sup> Recodification of current Charter Chapter 13, Section 2(a) (First sentence, first clause), by deleting the term "...continue to..."

<sup>306</sup> Recodification of current Charter Chapter 13, Section 2(a) (First sentence, second clause).

<sup>307</sup> Recodification of current Charter Chapter 13, Section 2(a) (Second and Third sentences).

<sup>308</sup> Recodification of current Charter Chapter 13, Section 3.

<sup>309</sup> NEW. See, C.G.S. § 7-276. "Such boards...shall make all needful regulations for the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulation, including suspension or removal from office of any officer or member of such police department".

<sup>310</sup> NEW. See, C.G.S. § 7-276 "...and such appointees shall hold office during good behavior and until removed for cause upon written charges and after hearing".

operations of the Police Department and advising the Mayor, the City Council and the Chief of Police concerning departmental issues and operations; (d) Hearing and deciding appeals from decision of the Chief of Police pursuant to §9.A (1) (c)(vii) of Chapter 8 of this Charter and imposing penalties in cases where appropriate; (e) Establish upon recommendation of the chief physical fitness standards for all members of the department and require that they be met on a continuing basis; and, (f) Such other duties as may be assigned to it by Law, this Charter, the City Ordinances, collective bargaining agreements and court Orders.

**(4) Traffic Authority.** The Board of Police Commissioners of the City, acting as the traffic authority of the City, is authorized, empowered and directed, from time to time, to make, promulgate and enforce such rules and regulations, and to issue such Orders, as may be necessary in the interests of the public safety, health, welfare or convenience with respect to regulating and controlling the use and manner of use of the public highways in the general area where such building or structures shall be erected, and the land owned, acquired or leased by pedestrians, and with respect to the parking of any vehicles. Any person who shall violate any such rule or fail to comply with any Order, rule or regulation so made or issued, shall be fined not more than one hundred (\$100.00) dollars or imprisoned not more than thirty (30) Days, or both.

**D. Board of Fire Commissioners.**

**(1) Establishment<sup>311</sup>.** There shall be a Board of Fire Commissioners.

**(2) Appointment and Membership.** The Commission shall consist of seven (7) members<sup>312</sup>.

**(a) Term<sup>313</sup>.** The Mayor, in December of each odd numbered year, shall appoint, with the approval of the City Council, four (4) members of said board who shall serve for the term of two (2) years from the first day of January next succeeding. The Mayor, in December of each even numbered year, shall appoint, with the approval of the City Council, three (3) members of said board who shall serve for the term of two (2) years from the first day of January next succeeding.

**(3) Duties of Board of Fire Commissioners<sup>314</sup>.** The Board of Fire Commissioners shall be responsible for: (a) Establishing departmental goals, policies and objectives; (b) Reviewing and approving rules and regulations recommended by the Fire Chief; (c) Conducting periodic reviews of the

<sup>311</sup> Recodification of current Charter Chapter 14, Section 2(a) (First sentence, first clause), by deleting the term "...continue to..."

<sup>312</sup> Recodification of current Charter Chapter 14, Section 2(a) (Remainder of First sentence).

<sup>313</sup> Recodification of current Charter Chapter 14, Section 2(a) (Second and Third sentences).

<sup>314</sup> Recodification of current Charter Chapter 14, Section 3.

operations of the Fire Department and advising the Mayor, the City Council and the Fire Chief concerning departmental issues and operations; (d) Hearing and deciding appeals from decision of the Fire Chief pursuant to §9.B (1) (c)(vii) of Chapter 8 of this Charter and imposing penalties in cases where appropriate; (e) Establish upon recommendation of the chief physical fitness standards for all members of the department and require that they be met on a continuing basis; (f) Such other duties as may be assigned to it by Law, this Charter, the City Ordinances, collective bargaining agreements and court Orders.

**E. Planning and Zoning Commission.**

(1) **Establishment.** There shall be a Planning and Zoning Commission, which shall be the planning and zoning authority of the City<sup>315</sup>. Whenever the term "Planning Commission" or "Zoning Commission" appears in this Charter or the City Ordinances it shall be deemed to mean or refer to the Planning and Zoning Commission<sup>316</sup>.

(2) **Appointment and Membership.** The Commission shall consist of nine (9) members<sup>317</sup>.

(a) **Term**<sup>318</sup>. The terms of office of the members of the commission shall be three (3) years which shall commence on the first day of January. Those terms shall be staggered so that no more than three terms shall expire annually<sup>319</sup>.

(3) **Zoning Rules and Regulations.**

(a) The Planning and Zoning Commission may adopt and from time to time amend, alter or repeal, in the manner provided by Law, any necessary zoning rules and regulations and may establish and alter, in the manner provided by Law, any necessary zoning districts shall, as nearly as feasible, conform to the provisions of the City plan adopted under the provisions of this chapter and of the General Statutes. Whenever such commission adopts any rule, regulation or district which does not conform to the provisions of the City plan it shall specify the reasons why such reasons in the minutes of the meeting at which such

<sup>315</sup> Recodification of current Charter Chapter 19, Section 5(a), in lieu of the following: "There shall be a Planning and Zoning Commission, composed of nine members, which shall be the planning and zoning authority of the City".

<sup>316</sup> Recodification of current Charter Chapter 19, Section 8.

<sup>317</sup> Recodification and modification of the middle clause of current Charter Chapter 19, Section 5(a), in lieu of the following: "The Commission shall consist composed of nine (9) members".

<sup>318</sup> Recodification and modification of current Charter Chapter 19, Section 5(b).

<sup>319</sup> Current Charter Chapter 19, Section 5© is repealed, as follows: "(c) Vacancies on the planning and zoning commission shall be nominated by the mayor and the members of the city council and filled by the mayor, with the advice and consent of sixty per cent of the entire membership of the city council (exclusive of the Mayor), for the balance of the term".

rule, regulation or district is adopted. This requirement shall be in addition to any other requirements established by this Charter or the General Statutes<sup>320</sup>.

(b) The Planning and Zoning Commission shall cause a similar comprehensive review, revision and updating of the zoning rules, regulations and districts at least once every ten years or as may otherwise be required by the General Statutes<sup>321</sup>.

**(4) The City Plan<sup>322</sup>.**

(a) The Planning and Zoning Commission is authorized to make, adopt, amend, extend and carry out a City plan as provided in this chapter and shall undertake a comprehensive review of such plan and revise it as necessary at least once every five (5) years thereafter, unless otherwise required by the General Statutes. The City Council may, by Ordinance, specify the subjects to be addressed in such plans.

(b) The commission may adopt the City plan by a single Resolution, or may, by successive Resolutions, adopt successive parts of the plan and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one (1) public hearing thereon, and provide Hearing Notice there<sup>323</sup>. The adoption of the plan, or any such part or amendment or extension or addition, shall be by Resolution of the commission carried by the affirmative votes of not less than a majority of the members of the Commission or as otherwise may be required by the General Statutes. Attested copies of the plan or any part thereof shall be certified to the City Council and to the Offices of the City and Town Clerks.

<sup>320</sup> Recodification of current Charter Chapter 19, Section 6(a) with the following change: "~~The Planning and Zoning~~ Such".

<sup>321</sup> Recodification of current Charter Chapter 19, Section 6(b), as follows: "(b) ~~Not later than July 1, 1993, the~~ The Planning and Zoning Commission shall ~~adopt the comprehensive review, revision and updating of the zoning rules, regulations and districts mandated by Section 1 of the Charter amendment adopted November 7, 1989.~~ The commission shall cause a similar comprehensive review, revision and updating of the zoning rules, regulations and districts to be undertaken at least once every ten years or as may otherwise be required by the General Statutes thereafter".

<sup>322</sup> Recodification of current Charter Chapter 19, Section 7, by (a) repealing the following clause: "shall adopt such a plan not later than January 1, 1996 and..."; (b) adding the following clause: "unless otherwise required by the General Statutes"; and (c) adding the terms "majority of the" and "...or as otherwise may be required by the General Statutes".

<sup>323</sup> Add the term "provide Hearing Notice thereof" in lieu of the following: "notice of the time, place and purpose of which shall be given by publishing the same once in a newspaper printed in the English language and having a general circulation in said City, at least seven (7) Days prior to the date of such hearing".

(c) Whenever the Planning and Zoning Commission shall have adopted a plan for the City or for one or more sections or districts thereof, no street, square, parkway or other public way, no park, playground or other public ground or open space and no public building or public structure shall be constructed or authorized in any portion of the City included in such plan until the location, character and extent thereof shall have been submitted to and approved by the commission, or by the City Council as provided in §3.E (4)(a) of this Chapter. The failure of the commission to pass upon any such submitted proposal within sixty (60) Days from the date of formal submission thereof to the commission shall constitute approval thereof<sup>324</sup>.

**F. Board of Tax Review<sup>325</sup>.**

(1) **Establishment.** There shall be a Board of Tax Review<sup>326</sup>. Said Board shall possess all of the powers and shall annually perform all of the duties in and for the City imposed by Law on the boards of tax review and assessment appeals<sup>327</sup>.

(2) **Appointment and Membership.** The Commission shall consist of three (3) members appointed by the Mayor, with the advice and consent of the City Council, as provided in this section<sup>328</sup>.

(a) **Term.** During the month of December, annually the Mayor shall, with the advice and consent of the City Council, appoint a member of the Board of Tax Review to serve for a term of three (3) years from the first day of January next succeeding and until his successor is appointed and has qualified<sup>329</sup>.

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<sup>324</sup> Chapter 19, Section 9 is repealed, as follows: "Transition Provisions. (a) The regulations of the Planning Commission or the Zoning Commission in effect on the effective date of the amendment shall continue in force until altered or amended by the Planning and Zoning Commission. (b) All matters pending before the Planning Commission or the Zoning Commission of the effective date of this amendment shall be transferred to the Planning and Zoning Commission which shall hear and decide such matters in the same manner as matters originally filed with the Planning and Zoning Commission".

<sup>325</sup> Recodification of current Charter Chapter 8, Section 10.

<sup>326</sup> Recodification of current Charter Chapter 8, Section 10(a) (First sentence, first clause) in lieu of the following: "There shall continue to be a Board of Tax Review".

<sup>327</sup> Recodification of current Charter Chapter 8, Section 10(a) (Third sentence), in lieu of the following: "Said ~~The Board of Tax Review so constituted~~ shall possess all of the powers and shall annually perform all of the duties in and for the City imposed by Law on the boards of tax review and assessment appeals".

<sup>328</sup> Recodification of current Charter Chapter 8, Section 10(a) (First sentence, second clause), in lieu of the following: "~~The Commission which~~ shall consist of three (3) members appointed by the Mayor, with the advice and consent of the City Council, as provided in this section".

<sup>329</sup> Recodification of current Charter Chapter 8, Section 10(b) (First sentence).

(3) **Public Records.** The Board of Tax Review shall keep a record of its actions and activities and shall, on request, report, in writing, to the Mayor and City Council concerning the performance of its duties<sup>330</sup>.

**G. Board of Public Purchases<sup>331</sup>.**

(1) **Establishment.** There shall be a Board of Public Purchases<sup>332</sup>.

(2) **Appointment and Membership.** The Board shall consist of the Director of Finance and four (4) members appointed by the Mayor<sup>333</sup>.

(a) **Term.** In December of each year the Mayor shall appoint two (2) persons to serve for a term of two (2) years from the first day of January following their appointment and until a successor is appointed and has qualified<sup>334</sup>.

(b) **Qualifications.** The members appointed by the Mayor shall be knowledgeable concerning or experienced in procurement, finance, business or public administration or other disciplines related to the work of the department<sup>335</sup>.

(2) **Duties of the Board of Public Purchases<sup>336</sup>.** The Board of Public Purchases shall: (a) advise the City concerning the affairs of the Office of Public Purchases; (b) approve the City's annual purchasing policy statement; (c) approve all procedural rules and regulations promulgated pursuant to the provisions of this part; and, (d) hear such appeals from the decisions of the Purchasing Agent as may be authorized by Law.

**H. Airport. Airport Commission.**

<sup>330</sup> Recodification of current Charter Chapter 8, Section 10(a) (Fourth sentence).

<sup>331</sup> Recodification of current Charter Chapter 8, Section 14.

<sup>332</sup> Recodification of current Charter Chapter 8, Section 14(a) (First sentence, first clause).

<sup>333</sup> Recodification of current Charter Chapter 8, Section 14(a) (First sentence, second clause), in lieu of the following: "The Board shall consist of the Director of Finance and four (4) members appointed by the Mayor".

<sup>334</sup> Recodification of current Charter Chapter 8, Section 14(a) (Third sentence).

<sup>335</sup> Recodification of current Charter Chapter 8, Section 14(a) (Second sentence).

<sup>336</sup> Recodification of current Charter Chapter 8, Section 14(b).

(1) **Establishment.** There shall be an Airport Commission<sup>337</sup>, which commission shall have the care, management, control, operation and administration of, and the use of, all airports, and all buildings and real and personal property used in connection therewith, owned or controlled by said City, both within and without the corporate limits of said City, and the maintenance, operation and use of such airports and of all buildings and real and personal property used in connection therewith shall be an essential governmental function of said City, both as to said City and as to its servants and agents<sup>338</sup>.

(2) **Appointment and Membership.**

(a) **Generally.** The Commission shall consist of the Mayor, the Director of Finance/Comptroller, the City Clerk and the President of the City Council, all acting ex officio<sup>339</sup>.

(b) **With respect to the Airport.** In all matters relating to the care, management, control, operation, administration and use of the Bridgeport Municipal Airport located in the town of Stratford, the administrative head of said town, acting ex officio, shall be a member of said Airport Commission, and said Airport Commission shall consist of the above indicated Officials of the City and said administrative head of the town of Stratford<sup>340</sup>.

(3) **Powers and Duties of the Airport Commission.**

(a) The City Council is authorized, from time to time, to prescribe by Ordinance the powers and duties of said Airport Commission and to enact such Ordinances as may be needful or proper for the use, care, management, control, operation and administration of and for the maintenance of safety and the preservation of order and property at any such airports, whether such airports be within or without the corporate limits of said City, and to provide fines and affix penalties for the violation or disobedience of such Ordinances<sup>341</sup>.

(b) Said Airport Commission shall have the power to make and enforce rules and regulations governing said airports and their use, and governing all buildings and real and personal property used in connection

<sup>337</sup> Recodification of current Charter Chapter 12, Section 7(a)(First sentence, first clause), deleted the term "~~in the City~~". Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

<sup>338</sup> Recodification of current Charter Chapter 12, Section 7(a)(First sentence, the remainder). Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

<sup>339</sup> Recodification of current Charter Chapter 12, Section 7(a)(First sentence, second clause), in lieu of the following: "~~The Commission which~~ shall consist of the Mayor, the Director of Finance/Comptroller, the City Clerk and the President of the City Council, all acting ex officio". Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

<sup>340</sup> Recodification of current Charter Chapter 12, Section 7(a). Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

<sup>341</sup> Chapter 12, Section 7(b). Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

therewith, not inconsistent with any City Ordinance or any General Statute or Special Act, which rules and regulations shall have the force and effect of Ordinances of the City; provided no such rule or regulation shall be of any effect unless it shall have been first approved by the City Council, and then published in full in a newspaper published in Bridgeport and printed copies thereof posted in conspicuous places within the limits of the airport to which such rule or regulation is intended to apply. For the purpose of enforcing such rules and regulations and the Ordinances authorized in this sub-section, and the penalties prescribed thereby, all such airports and property, whether within or without the corporate limits of said City, are placed under the police jurisdiction of the City; and complaints for violations of such rules, regulations or Ordinances may be made by the prosecuting attorney to the superior court of said City. Any member of the Police Department of said City may arrest without warrant in or upon any such airport, whether within or without the corporate limits of the City, any person who has violated or failed to comply with any such rule, regulation or Ordinance, or committed an offense in or upon said airport; and the superior court of said City shall have jurisdiction of all offenses and violations of such rules, regulations and Ordinances committed within the limits of said airport, in the same manner and to the same extent as if they had occurred within the corporate limits of said City<sup>342</sup>.

(4) **Power and Duties of Certain City Officials and Boards**<sup>343</sup>. The powers, duties and functions of the City Engineer, the Director of Public Facilities, the Director of Parks and Recreation and the Board of Park Commissioners and of all other Officials, Boards or Commissions and Departments of said City shall respectively, extend and apply to municipal airports of the City, whether within or without the corporate limits of said City, so far as the services, facilities and equipment of such Officials, Boards or Commissions and Departments are or may be required for or in connection with the care, use, operation, maintenance and construction thereof or any part thereof.

(5) The terms of any general statute, or any part thereof, inconsistent with any of the terms of this act, shall not apply to the City, but nothing herein contained shall impair or abrogate any rights of the Town of Stratford under Section one thousand one hundred and fifty-five of the General Statutes<sup>344</sup>.

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<sup>342</sup> Recodification of current Charter Chapter 12, Section 7(c). Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

<sup>343</sup> Recodification of current Charter Chapter 12, Section 7(d) by replacing "officers' with "Officials". Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

<sup>344</sup> Chapter 12, Section 7(e). Derived from 1941 S.A. §§1- 6; 1952 S.A. No. 317.

**I. Board of Park Commissioners.**

(1) **Establishment**<sup>345</sup>. There shall be a Board of Park Commissioners<sup>346</sup>, which shall manage, care and control the public parks of the City now in existence and those that may hereafter be established, whether within or without the corporate limits of the City, with all park property which may be acquired.

(2) **Appointment and Membership**. The Commission shall consist of nine (9) members to be appointed as hereinafter provided<sup>347</sup>.

(a) **Term**<sup>348</sup>. The Mayor, during the month of December of each year, shall, with the advice and consent of the City Council, appoint two (2) members of said board to serve for four (4) year terms, commencing the first day of January next succeeding and until a successor has been appointed and qualified. Following the effective date of this Charter as set forth in §1 of Chapter 13, the Mayor shall appoint a ninth member in December of 2012 for a term of four (4) years commencing the first day of January 2013 and until a successor has been appointed and qualified.

(3) **Staff**. The Board of Park Commissioners shall elect such officers as it deems necessary and may appoint a clerk<sup>349</sup>.

(4) **Advisory Boards**<sup>350</sup>. The City Council may, by Ordinance, provide for an advisory board of recreation and such other advisory boards and committees as it deems appropriate. Such boards and committees shall advise the Board of Park Commissioners with respect to such matters as are assigned to them.

<sup>345</sup> Recodification and modification of current Charter Chapter 12, Section 10(a), in lieu of the following: "~~There shall be a The Board of Park Commissioners<sup>345</sup>, which shall manage, care and control the public parks of the City now in existence and those that may hereafter be established, whether within or without the corporate limits of the City, with all park property which may be acquired, shall continue to be under the management, care and control of a board under the name and style of the Board of Park Commissioners.~~" Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §2; 1945, S.A. No. 402, §1; Referendum of 11-6-73.

<sup>346</sup> Recodification of current Charter Chapter 12, Section 10(b) (First sentence, first clause). Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §2; 1945, S.A. No. 402, §1; Referendum of 11-6-73.

<sup>347</sup> Recodification of current Charter Chapter 12, Section 10(b) (Remainder of the first sentence), as follows: "~~The Commission shall consist of eight (8) nine (9) members to be appointed as hereinafter provided~~". Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §2; 1945, S.A. No. 402, §1; Referendum of 11-6-73.

<sup>348</sup> Recodification of current Charter Chapter 12, Section 10(c) (First sentence). Derived from 1907, S.A. No. 461, §17; 1917, S.A. No. 140, §2; 1945, S.A. No. 402, §1; Referendum of 11-6-73

<sup>349</sup> Recodification of current Charter Chapter 12, Section 10(d). Derived from 1907, S.A. No. 461, §18; 1909, S.A. No. 293, §12; Referendum of 11-6-73

<sup>350</sup> Recodification of current Charter Chapter 12, Section 10(e).

**J. Board of Directors of the Bridgeport Public Library.**

(1) **Establishment**<sup>351</sup>. There shall be a Board of Directors of the Bridgeport Public Library which shall be responsible for the management and direction of the Bridgeport public library and shall possess all of the powers and shall perform all of the duties of library directors, as may be set forth by Law.

(2) **Appointment and Membership**<sup>352</sup>. The Board shall consist of nine (9) members.

(a) **Term**. The Board of Directors of the Bridgeport Public Library, in June of each year, shall appoint, with the approval of the City Council, three (3) members to succeed those whose terms are to expire in that year<sup>353</sup>. Said members shall serve for terms of three (3) years from the first day of July next succeeding their appointment<sup>354</sup>.

(3) **Annual Report**<sup>355</sup>. The Board shall make an annual report to the Mayor and City Council within ninety (90) days of the conclusion of the fiscal year. Such report shall be for the year ending June 30th<sup>356</sup>.

<sup>351</sup> Recodification of current Charter Chapter 16, Section 1(a), in lieu of the following: "There shall ~~continue to~~ be a Board of Directors of the Bridgeport Public Library which shall be responsible for the management and direction of the Bridgeport public library and shall possess all of the powers and shall perform all of the duties of library directors, as set forth in the General Statutes". Derived from 1918, G.S. §1116. This special act was omitted from the special acts of 1931 and printed with the special acts of 1931 pursuant to 1929 P.A. No. 258. The name of the library was changed to the "Bridgeport Public Library" by 1967, S.A. No. 383, amending the charter.

<sup>352</sup> Recodification of current Charter Chapter 16, Section 1(b) (First sentence, first clause), in lieu of the following: "The Board of Directors of the Bridgeport Public Library shall consist of nine (9) members ". The special acts and historic charter were silent on the number of members. It is not clear when this provision was added to the charter.

<sup>353</sup> Recodification of current Charter Chapter 16, Section 1(c) (First sentence), in lieu of the following: "~~In June of each year, The Board of Directors of the Bridgeport Public Library, in June of each year, shall appoint, with the approval of the City Council, three (3) members persons as library directors to succeed those whose terms are to expire in that year".~~ The special acts and historic charter were silent on the number of members. It is not clear when this provision was added to the charter.

<sup>354</sup> Recodification of current Charter Chapter 16, Section 1(b) (First sentence, first clause), in lieu of the following: "~~Said members shall serve who shall be appointed, as provided in subsection (c) of this section, for terms of three (3) years from the first day of July next succeeding their appointment".~~ The special acts and historic charter were silent on the number of members. It is not clear when this provision was added to the charter.

<sup>355</sup> Recodification of current Charter Chapter 16, Section 2, in lieu of the following: "The Board of Directors of the Bridgeport Public Library shall make an annual ~~the~~ report ~~required by Section 11-34 of the General Statutes~~ to the Mayor and City Council ~~within ninety (90) days of the conclusion of the fiscal year. on or before the fifteenth of July in each year.~~ Such report shall be for the year ending June 30th". Derived from 1927, S.A. No. 230; 1967, S.A. No. 383.

<sup>356</sup> **The provisions of the current Charter pertaining to "Parking. Parking Authority" are repealed, as follows:** "(1) For the purposes of this chapter "parking facilities" shall mean and include lots, garages, parking terminals and other structures and accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge. "Parking Authority" shall mean the commission established under subsections (2) and (3) of this Section and exercising the powers herein provided [Current Charter Chapter 12, Section 8(a), which is derived from the original Special Act language]. (2) The City, acting through its City Council, when in legal meeting assembled, by a vote of the majority of the members present and voting, subject to the approval of the Mayor as provided by the Chapter 5 of this Charter, shall have the power and authority to create and establish off-street parking facilities; acquire by purchase, gift, devise, lease or condemnation in the manner provided by Law for the taking of land for highway purposes, real property or any interest therein necessary for or incidental to the construction, maintenance or operation of off-street parking facilities, including the erection, construction and improvement of, buildings and other structures and the installation therein of such equipment, furnishing, fixtures, mechanisms, and apparatus as may be necessary or incidental for use thereof as a public bus terminal and waiting room, public garage, public comfort station, and for such other and like purposes as may be determined by said City Council, in like manner, including the erection and installation therein of such stands, stores, shops or shopping facilities as may serve the convenience, necessity of welfare of the public utilizing such structure or structures; prepare necessary plans and drawings for the same; construct and improve or cause to be constructed and improved such parking facilities and structures by contract or otherwise, maintain and operate of all such parking facilities and structures; establish and collect reasonable parking fees and other fees and rentals for the use thereof [Current Charter Chapter 12, Section 8(b)]. (3) When and after said land has been acquired and the construction and erection of such building or buildings, structure or structures has been completed, and said equipment, furnishings, fixtures, mechanisms and apparatus have been installed, the City is authorized, empowered and directed to conduct, operate, maintain and improve all of the same under the supervision and direction of the Director of Transportation. Any land owned, acquired or rented by the by the City for or in connection with the purposes hereinbefore authorized, and adjoining or abutting upon any building or structure hereinbefore authorized to be erected and constructed, shall not be or be deemed to be public highways of the City, notwithstanding that the same may be used by motor vehicles or pedestrians in connection with the purposes for which such building or structure may be erected and maintained. The City shall not be immune from liability for damages by reason of injuries caused to a person or for damages caused to property by the negligence of said City unless written notice of such damage and a general description of the same and of the cause thereof and of the time and place of its occurrence shall, within ten (10) Days thereafter, be given to the clerk of said City [current Charter Chapter 12, Section 8(c)]. (4) The City is authorized and empowered, upon approval of the City Council and the Mayor as provided in this Charter, to enact Ordinances relating or with respect to or regulating or controlling the use, operation and conducting of said buildings and structures and the public operations conducted therein, and the use thereof by members of the general public, which Ordinances may contain such penalties for their violation as said City is permitted by Law to prescribed Current Charter Chapter 12, Section 8(d)]. (5) **Section 9.** (a) Effective July 1, 1993, the Parking Authority and the Department of Transportation of the City, as it existed at the passage of this Charter is abolished. All powers vested in and duties heretofor placed upon the Parking Authority and the department of transportation by Law or by the Charter are vested in and transferred to the Department of Public Facilities. (b) Nothing in this Section shall prevent the City from establishing a Parking Authority in the manner provided in the

**Section 3: Boards and Commissions Required by the Charter created by Ordinance.**

**A. Ethics Commission<sup>357</sup>.**

The City Council shall provide, by Ordinance, for the establishment of an Ethics Commission for the City.

TRANSMITTAL DRAFT 5-24-12

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General Statutes. Notwithstanding any provision of this Charter, any authority so established may exercise all the powers granted to it by the General Statutes. (c) Nothing in this chapter shall effect, in any manner, the validity of any bonds issued under the authority of Special Act 560 of the 1951 session of the Connecticut General Assembly. Any obligations imposed on the former Parking Authority by virtue of the issuance of such bonds are hereby imposed upon and shall be assumed by the City [Section (a) and (b) are current Charter Chapter 12, Section 9, Annotation: 1951 Special Act 560].

<sup>357</sup> Current Charter Chapter 2, Section 15.

**CHAPTER 8- THE CITY GOVERNMENT: DEPARTMENTS AND DEPARTMENT HEADS**

**Section 1: The Authority to Establish the Departments of City Government<sup>358</sup>.**

A. **Powers and Purposes<sup>359</sup>.** In addition to the Departments specifically set forth in this Charter, the City, acting within the powers and duties enumerated in the General Statutes, any applicable Special Acts and this Charter may establish, by Ordinance, such Departments necessary to carry out and organize the functions of government. The express intent of this Charter is to afford the Mayor and the City Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City.

B. **Creation of Departments<sup>360</sup>.** Accordingly, the City Council may, by Ordinance proposed by the Mayor, establish the Departments<sup>361</sup> of the City. Each of these Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and Ordinances. Moreover, the head of each Department established by Ordinance shall be subject to the provisions of this Charter generally applicable to Department Heads and shall serve at the pleasure of the Mayor; unless otherwise provided by the General Statutes or this Charter. All Departments shall be entitled to office space provided by the City and shall remain open during such hours as the Mayor may direct.

C. **Reorganization Plans.**

(1) The delineation of departmental categories in this Charter is advisory and may be altered pursuant to a reorganization plan proposed by the Mayor and approved by the City Council. Accordingly, any departmental categories may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by law). The reorganization plan is subject to the limitation that all governmental functions set forth in this Charter shall continue to be provided to the residents of the City; unless such function was eliminated as the result of a repealed Federal or State mandate and not otherwise in the best interest of the Town to continue. Moreover, any reorganization plan shall include specific reference to the departmental function(s) set forth in this Charter that will be carried out in said reorganization and shall be accompanied by an opinion of the City Attorney verifying that the reorganized function complies with the Charter requirements<sup>362</sup>.

(2) Any internal departmental reorganization plan proposed by a Department Head, pertaining to non-budgetary matters, shall be

<sup>358</sup> NEW.

<sup>359</sup> NEW.

<sup>360</sup> NEW.

<sup>361</sup> "Department" includes "...and agencies".

<sup>362</sup> NEW.

forwarded to the Mayor for review, approval and final action, prior to announcement and implementation of the plan by the Department<sup>363</sup>.

**Section 2: Appointment of All Department Heads and Mayoral Departmental Appointees; General Requirements<sup>364</sup>.**

A. **Appointment<sup>365</sup>.** Except as otherwise provided by law or the provisions of this Charter, all Department Heads and other Mayoral appointees shall be appointed by and be subject to the authority of the Mayor.

(1) The following Department Heads and appointed officials shall serve at the pleasure of the Mayor: (a) The Chief Administrative Officer<sup>366</sup>; (b) City Attorney<sup>367</sup>; (c) Deputy City Attorney<sup>368</sup>; (d) Assistant City Attorneys<sup>369</sup>; (e) Director of Labor Relations; (f) Director of Policy and Management<sup>370</sup>; (g) Director of Finance<sup>371</sup>; (h) The Tax Collector; (i) The Tax Assessor; (j) Director of Public Facilities<sup>372</sup>; (k) Director of Health and Social Services<sup>373</sup>; (l) The Park Director; (m) Heads of the units or divisions of the Department of Health and Social Services<sup>374</sup>; (n) Director of Planning and Economic Development<sup>375</sup>; (o) Director of Land Use Construction and Review; and, (p) such positions as may be established by Ordinance or set forth in the annual budget<sup>376</sup>. These appointees shall be members of the Unclassified Service and unaffiliated confidential employees<sup>377</sup>.

(2) The following Department Heads and appointed officials shall be appointed by the Mayor, as a member of the Classified Service, in accordance with the requirements of §2.K of this Chapter, below, subject to removal for just cause, as set forth in §11 of Chapter 3 of this Charter: (a) The Purchasing Agent; (b) The City Engineer; (c) The Chief of Police; and, (d) The Fire Chief.

(3) Other Department Heads

(a) **The Superintendent of Schools<sup>378</sup>.** The Superintendent of Schools shall be elected by the Board of

<sup>363</sup> NEW.

<sup>364</sup> NEW.

<sup>365</sup> NEW.

<sup>366</sup> NEW.

<sup>367</sup> NEW.

<sup>368</sup> As set forth in current Charter Chapter 7, Section 2(b).

<sup>369</sup> As set forth in current Charter Chapter 7, Section 2(c).

<sup>370</sup> As set forth in current Charter Chapter 6, Section 1(b).

<sup>371</sup> As set forth in current Charter Chapter 8, Section 1(b).

<sup>372</sup> As set forth in current Charter Chapter 12, Section 2.

<sup>373</sup> As set forth in current Charter Chapter 20, Section 2.

<sup>374</sup> As set forth in current Charter Chapter 20, Section 2.

<sup>375</sup> As set forth in current Charter Chapter 18, Section 2.

<sup>376</sup> NEW.

<sup>377</sup> Modification of current Charter Chapter 7, Section 2(d), by adding "City Attorney".

<sup>378</sup> NEW.

Education to hold office for a term not to exceed the number of years permitted by the General Statutes, from the effective date of said appointment, subject to the removal provisions of this Charter. A person holding such position may, only within one hundred and fifty (150) Days of the end of their term of office, be reappointed for an additional term beginning at the expiration of such Official's current term, insofar the Superintendent remains in compliance with all requirements of the General Statutes and this Charter.

(b) **The City Librarian**<sup>379</sup>. The City Librarian shall be appointed by the Board of Directors of the Bridgeport Public Library, as a member of the Classified Service, in accordance with the requirements of §2.K of this Chapter, below, subject to removal for just cause, as set forth in §11 of Chapter 3 of this Charter.

(c) **The Personnel Director**<sup>380</sup>. The Personnel Director shall be appointed as set forth in Chapter 8 §5.G (1) of this Charter.

(d) **The City Treasurer**<sup>381</sup>. In December of each odd number year the City Treasurer shall be appointed by the Mayor for a term of two (2) years commencing on the first day of January next succeeding<sup>382</sup>. Vacancies in the office of the City Treasurer shall be filled by the Mayor for the unexpired portion of the term of the person vacating the office<sup>383</sup>. In the event the City Treasurer is absent or unable to act, the Mayor may designate a person to act as City Treasurer until such time as the City Treasurer returns or is able to act.

B. **Removal**<sup>384</sup>. The Department Head or appointee may be removed from office by the City Council, in accordance with the provisions of Chapter 3 §11 of this Charter or by authority of the Mayor, in accordance with Chapter §11 and the provisions of Chapter VIII of this Charter.

<sup>379</sup> NEW.

<sup>380</sup> Derived from current Charter Chapter 17, Section 204(a).

<sup>381</sup> Recodification of current Chapter 8, Section 11(c).

<sup>382</sup> Recodification and modification of current Chapter 8, Section 11(a)(First sentence); in lieu of the following: ~~In December of each odd-numbered year the Mayor shall appoint a City Treasurer, who shall serve for a term of two (2) years, from the first day of January next succeeding.~~

<sup>383</sup> Recodification of current Chapter 8, Section 11(a)(Second sentence).

<sup>384</sup> NEW.

(1) **Vacancy**<sup>385</sup>.

(a) **§2.A (1) Department Heads or Appointees.** In the event of a Vacancy in the office of any Department Head or other Mayoral appointee, a successor may be appointed as set forth in §2.A of this Chapter.

(b) **§§2.A (2) and (3) Department Heads or Appointees**<sup>386</sup>. In the event of a vacancy in the positions set forth in §2.A (2) and (3) of this Chapter, the appointing authority shall appoint an acting Department Head until such time as a replacement is appointed. The Acting Department Head so appointed shall possess all of the qualifications established for the position. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as said acting Department Head until the position is filled as provided in this section.

**Section 3: General Requirements Pertaining to All Department Heads and Mayoral Department Appointees**<sup>387</sup>.

A **Authority of Department Heads**<sup>388</sup>. Unless otherwise set forth in this Charter or by Law, once appointed as described in this Charter, the Department Head shall appoint, hire, discipline and remove all deputies, assistants and other employees of the Department as provided for in the budget. Such Department Heads and other Mayoral Department Appointees shall be subject to (1) the authority and direction of the Mayor or designee in all matters pertaining to the responsibilities of office, unless otherwise specifically set forth by Law; (2) any specific provisions of this Charter or Law pertaining to the authority of the Department Head and the relationship with a governing Board or Commission or appointing authority, if not the Mayor; and, (3) the applicable rules and regulations of the Civil Service Commission or collective bargaining agreement.

<sup>385</sup> NEW; in lieu of the following: (a) **Director of Parks and Recreation** - current Charter Chapter 12, Section 11(c). "Whenever a vacancy occurs in the office of director, the Mayor may appoint an acting director. The person so appointed shall possess all of the qualifications established for the position of director. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting Director of Parks and Recreation until the position is filled as provided in this section".

<sup>386</sup> In lieu of the following provisions as set forth in current Charter Chapter 8, Sections 3(a)(6) [Tax Collector], 4(a)(6)[Tax Assessor] and 13(b)(5) [Purchasing Agent]; Chapter 12, Section 5(a)(6) [City Engineer]; Chapter 13, Section 4(b)(7) [Police Chief]; Chapter 14, Section 4(b)(7) [Fire Chief]; and, Chapter 19, Section 2(a)(6) [Director of Land Use Construction and Review].

<sup>387</sup> NEW.

<sup>388</sup> NEW; in lieu of the following: (a) **Director of Public Facilities** - current Charter Chapter 12, Section 2 (First sentence), as follows: "The Director shall, under this Charter and Ordinances, be subject to the direction of the Mayor on all matter pertaining to the responsibilities of this Department".

**B Qualifications of Department Heads<sup>389</sup>.** The job qualifications of all Department Heads, in addition to the minimum qualifications enumerated in this Charter, by the General Statutes or Special Act, shall be established by: (1) In the case of those appointed pursuant to §2.A (1) of this Chapter, by the Mayor with the advice and recommendation of the Personnel Director; and (2) in the case of those appointed pursuant to §2.A (2) and (3) of this Chapter, Ordinance following the recommendation of the Personnel Director. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a Vacancy occurs in the position.

**C Compensation<sup>390</sup>.** The salaries and compensation of all Officials, Department Heads and employees of the City shall be set by Ordinance and through the budget, except where otherwise fixed by the General Assembly or as otherwise covered by the Merit System and civil service rules, collective bargaining agreement(s) or contract.

**D Residency<sup>391</sup>.** The City Council may, in its discretion, establish by Ordinance a residency requirement or compensation benefit for residency in the City for all Department Heads, to the extent permitted by law and subject to the provisions of applicable collective bargaining agreements.

**E Terms<sup>392</sup>.** The terms of all Department Heads and other Mayoral appointees established by Ordinance or otherwise shall be at the pleasure of the Mayor unless otherwise set forth by the Charter (including, but not limited to §8-2.K (4) of this Chapter), by agreement of the Mayor and the City Council by Ordinance (for Departments not set forth in this Charter) or by employment contract (as set forth in §8-2.C of this Chapter).

**F Liability<sup>393</sup>.** Any Public Official, any employee of any Department or member of any Board or Commission of the City who shall, in order to provide for the payment of any bill, account or claim against the City, knowingly instruct, or vote to instruct, or in any manner cause, the Director of Finance to draw upon any specific item of the appropriations as made by the City Council other than the item against which such bill, account or claim is properly and legally chargeable, shall be personally liable to the City for the amount of such bill, account or claim.

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<sup>389</sup> NEW.

<sup>390</sup> NEW; in lieu of the following: (a) **City Attorney** - current Charter Chapter 7, Section 2(a), as follows: "The compensation of the City Attorney shall be determined by the City Council from time to time by Ordinance"; (b) **Deputy and Assistant City Attorneys** - current Charter Chapter 7, Section 2(c), as follows: "The compensation for the Deputy City Attorney and the Assistant City Attorney shall be determined by the City Council from time to time by Ordinance".

<sup>391</sup> NEW.

<sup>392</sup> NEW.

<sup>393</sup> NEW.

**G Position Titles<sup>394</sup>.** The position titles of the Department Heads set forth in this Charter reflect the title at the time of the adoption of this Charter. Titles may be changed without altering the method of appointment unless otherwise set forth; however, the functions and fiduciary obligations specifically set forth in this Charter shall not be altered.

**H Full-time Service<sup>395</sup>.** The general rule is that all Department Heads and Mayoral appointees shall devote full time to the duties of office; subject to modification by Ordinance or adoption of the budget, following a written determination by either the Mayor or the City Council that full-time service is not required.

**I Rules pertaining to the Appointment of Department Heads and other Officials set forth in §2.A (2) of this Chapter.**

**(1) Examination<sup>396</sup>.** The examination for the positions set forth in §2.A (2) and §2.A (3)(b) of this Chapter shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee for the City. The examination shall be open and competitive and shall not be promotional.

**(2) Certification by the Personnel Director.** Whenever a vacancy arises in the positions set forth in §2.A (2) and §2.A (3)(b) of this Chapter, the Personnel Director shall certify to the Mayor the name of the (3) candidates standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall within one hundred and fifty (150) days of the creation of the vacancy, hold a test for such position and shall, upon the establishment of an employment list, certify to the Mayor the names of the (3) persons standing highest thereon<sup>397</sup>; with the exception of the Purchasing Agent, in which case the

<sup>394</sup> NEW.

<sup>395</sup> NEW; In lieu of the following: (a) City Treasurer - current Chapter 8, Section 11(a)(Fourth sentence), as follows: "The City Treasurer shall devote his full time service to the duties of this office".

<sup>396</sup> Modification, consolidation and recodification of the following provisions as set forth in current Charter Chapter 8, Sections 3(a)(2) [Tax Collector], 4(a)(2)[Tax Assessor] and 13(b)(2) [Purchasing Agent]; Chapter 12, Section 5(a)(2) [City Engineer]; Chapter 13, Section 4(b)(2) [Police Chief]; Chapter 14, Section 4(b)(2) [Fire Chief]; and, Chapter 19, Section 2(a)(2) [Director of Land Use Construction and Review]. The modification pertains to the reference to Chapter 8, §2.A (2) of this Charter.

<sup>397</sup> Modification, consolidation and recodification of the following provisions as set forth in current Charter Chapter 8, Sections 3(a)(3) [Tax Collector], 4(a)(3)[Tax Assessor] and 13(b)(3) [Purchasing Agent]; Chapter 12, Section 5(a)(3) [City Engineer]; Chapter 13, Section 4(b)(3) [Police Chief]; Chapter 14, Section 4(b)(3) [Fire Chief]; and, Chapter 19, Section 2(a)(3) [Director of Land Use Construction and Review]. The modification pertains to the reference to Chapter 8, §2.A (2) of this Charter. Moreover, with regard to the: (1) Purchasing Agent the term "Personnel Director" is inserted in lieu of the "Civil Service Commission". (2) City Engineer, Police Chief and Fire Chief the term "vacancy" is inserted in lieu of the word "request".

Personnel Director shall certify the name of the one person standing highest thereon<sup>398</sup>.

(3) **Appointment by the Mayor or Other Appointing Authority.** Within sixty (60) Days of receipt of the certification required by subsection J. (3) of this section, the Mayor (or, in the case of the City Librarian, the Board of Directors of the Bridgeport Public Library) shall appoint one (1) of the persons so certified to the positions set forth in §2.A (2) and §2.A (3)(b) of this Chapter and shall notify the Civil Service Commission, the Personnel Director and any supervisory Department Head of such appointment. In the case of the Police Chief, Fire Chief and Purchasing Agent, the Mayor shall also notice the Board of Police Commissioners, Board of Fire Commissioners and Board of Public Purchases, respectively<sup>399</sup>. The Mayor or other appointing authority may designate the time when such appointment shall take effect; provided it shall not be more than ninety (90) Days from the date said certification was received by the Office of the Mayor or the appointing authority. Unless otherwise stated such appointment shall be effective immediately<sup>400</sup>.

(a) **Provisions Pertaining to the Appointment of the Chief of Police and the Fire Chief.** In the event that the Mayor fails to appoint a Chief of Police or the Fire Chief within sixty (60) Days of receipt of said certification, the Board of Police Commissioners or the Board of Fire Commissioners, as the case may be, shall, forthwith, make such appointment<sup>401</sup>.

(4) **Term of Office.** The persons so appointed to the positions set forth in §2.A (2) and §2.A (3)(b) of this Chapter shall hold office for a term of five (5) years from the effective date of said appointment; however, may be removed in accordance with the provisions of §11 of

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<sup>398</sup> Recodification of current Charter Chapter 8, Section 13 (b)(3)(second sentence).

<sup>399</sup> Recodification of the following provisions of the current Charter: Chapter 13, Section 4(b)(4)(First sentence) [Police Chief]; Chapter 14, Section 4(b)(4)(first sentence)[Fire Chief] and, Chapter 8, Section 13(b)(4)(First sentence)[Purchasing Agent].

<sup>400</sup> The first, third and fourth sentences reflect a modification, consolidation and recodification of the following provisions as set forth in current Charter Chapter 8, Sections 3(a)(4) [Tax Collector], 4(a)(4)[Tax Assessor] and 13(b)(4) [Purchasing Agent]; Chapter 12, Section 5(a)(4) [City Engineer]; Chapter 13, Section 4(b)(4) [Police Chief]; Chapter 14, Section 4(b)(4) [Fire Chief]; and, Chapter 19, Section 2(a)(4) [Director of Land Use Construction and Review], in lieu of the following: "The Mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of his receipt of the said certification was received by the Office of the Mayor. Unless otherwise stated such appointment shall be effective immediately".

<sup>401</sup> Recodification and consolidation of current Chapter 13, Section 4(b)(4) (Fourth sentence)[Chief of Police]; and, Chapter 14, Section 4(b)(4) (Fourth sentence)[Fire Chief].

Chapter 3 of this Charter<sup>402</sup>. A person holding such position may, only within one hundred and fifty (150) Days of the end of their term of office, be reappointed by the Mayor or their appointing authority for an additional term of five (5) years beginning at the expiration of such Official's current term, without the need for further examination or testing<sup>403</sup>. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section<sup>404</sup>.

(a) **Provisions Pertaining to the Appointment of the Chief of Police and the Fire Chief.** Not later than one hundred and eighty (180) Days prior to the expiration of the term of the Chief of Police or the Fire Chief, the Board of Police Commissioners or the Board of Fire Commissioners, as applicable shall, by majority vote, advise the Mayor whether the chief should be reappointed and shall specify the reasons for its recommendation. The vote and advice of the respective Board shall be advisory only and is not binding<sup>405</sup>.

(b) **Limitation on the Term of Service**<sup>406</sup>. From the effective date of this Charter until the Completion of Service of any person currently holding the position, no person shall serve as Chief of Police or Fire Chief for more than ten (10) years not including any time served in an acting capacity. Thereafter, this provision shall be null and void and of no force or effect.

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<sup>402</sup> Replace the clause "but may be removed for just cause" with the clause "...however, may be removed in accordance with the provisions of §11 of Chapter 3 of this Charter...".

<sup>403</sup> Modification of the following provisions as set forth in current Charter Chapter 8, Sections 3(a)(5) [Tax Collector], 4(a)(5)[Tax Assessor] and 13(b)(4) [Purchasing Agent]; Chapter 12, Section 5(a)(5) [City Engineer]; Chapter 13, Section 4(b)(5) [Police Chief]; Chapter 14, Section 4(b)(5) [Fire Chief]; and, Chapter 19, Section 2(a)(5) [Director of Land Use Construction and Review].

<sup>404</sup> Modification, consolidation and recodification of the following provisions as set forth in current Charter Chapter 8, Sections 3(a)(5) [Tax Collector], 4(a)(5)[Tax Assessor] and 13(b)(4) [Purchasing Agent]; Chapter 12, Section 5(a)(5) [City Engineer]; and, Chapter 19, Section 2(a)(5) [Director of Land Use Construction and Review].

<sup>405</sup> Recodification and consolidation of current Chapter 13, Section 4(b)(5) (Third and Fourth sentences)[Chief of Police]; and, Chapter 14, Section 4(b)(5) (Third and Fourth sentence)[Fire Chief].

<sup>406</sup> **Modification of current Chapter 13, Section 4(b)(6)[Chief of Police]; and, Chapter 14, Section 4(b)(6)[Fire Chief], as follows: "~~(b) Limitation on the Term of Service. Any provisions of this Charter to the contrary notwithstanding, From the effective date of this Charter until the Completion of Service of any person currently holding the position, no person shall serve as Chief of Police or Fire Chief for more than ten (10) years not including any time served in an acting capacity. Thereafter, this provision shall be null and void and of no force or effect~~".**

**Section 4. The Chief Administrative Officer.**

**A. Appointment<sup>407</sup>.** The Chief Administrative Officer shall be responsible for the roles and responsibilities set forth in §4.B of this Chapter and such other responsibilities assigned by the Mayor. The Chief Administrative Officer shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter.

**(a) Qualifications<sup>408</sup>.** Qualifications shall be established by the Mayor as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>409</sup>.

**(b) Appointment of Deputy, Assistant(s) and Other Employees<sup>410</sup>.** The Chief Administrative Officer may, with the approval of the Mayor, appoint a deputy, assistant(s) and other persons who shall serve at the pleasure of the Chief Administrative Officer. These appointees shall be members of the Unclassified Service and unaffiliated confidential employees.

**B. Role and Responsibilities of the Chief Administrative Office and Members of the Office.** The mission of the Chief Administrative Officer and the members of the office is to coordinate all department management and operational policies and practices on behalf of the Mayor. The Chief Administrative Officer is positioned between the Mayor and department heads and reports directly to the Mayor. All Department Heads shall report to the Chief Administrative Officer unless otherwise instructed by the Mayor.

**Section 5. The City Attorney, Law Department<sup>411</sup>.**

**A. Appointment.**

**(1) The City Attorney.** The City Attorney shall be the Department Head of the Law Department. The City Attorney shall be appointed pursuant to the provisions of §2.A (1) of this Chapter<sup>412</sup>.

**(2) The Deputy and Assistant City Attorneys.** The Mayor may appoint a Deputy City Attorney<sup>413</sup> and such Assistant City Attorneys (as

<sup>407</sup> NEW.

<sup>408</sup> NEW.

<sup>409</sup> NEW.

<sup>410</sup> NEW.

<sup>411</sup> Recodification and elimination of the following: "CHAPTER 7 - LAW DEPARTMENT".

<sup>412</sup> Recodification of current Charter Chapter 7, Section 1, by adding "§2.A (1) of this Chapter" in lieu of "Section 2 of this chapter" and deleting the following: "in the month of December of each odd numbered year."; and, "...shall appoint a City Attorney for a term of years equal to that of the Mayor's from the first day of January next succeeding such appointment".

<sup>413</sup> Recodification and modification of current Charter Chapter 7, Section 2(b), in lieu of the following: "The Mayor may appoint a Deputy City Attorney in accordance with the

set forth in the budget)<sup>414</sup> in accordance with the provisions of §2.A (1) of this Chapter.

(3) **The Associate City Attorneys**<sup>415</sup>. Subject to the provisions of the Charter and the applicable Ordinances pertaining to the civil service and merit system,<sup>416</sup> the City Attorney may employ and appoint such Associate City Attorneys as required. Such associate City Attorneys shall be in the non-competitive division of the Classified Service. No associate City Attorney shall engage in the private practice of law.

**B. Supervision of the Law Department.** The City Attorney shall have the general supervision of the operation and management of Law Department. The City Attorney shall be responsible for the presentation of a consolidated budget to the Director of Policy and Management, the supervision of all employees of the department and the preparation of an annual report of the activities of Law Department<sup>417</sup>. The City Attorney shall report to the Mayor or an Official designated by the Mayor.

**C. Duties of Law Department; Retention of Outside Counsel.**

(1) **General Duties**<sup>418</sup>. The Law Department shall be the legal counsel to every Board or Commission, Department and Official of the City and shall represent the City in the prosecution and defense of all civil actions.

(2) **Retention of Outside Counsel.**

(a) **Generally**<sup>419</sup>. When the interests of the City require, the City Attorney may engage any necessary outside counsel, experts or assistants subject to the approval of the Mayor or an Official designated by the Mayor; provided that funds are available for such purpose.

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~~provisions of Chapter 8, §2.A (1) of this Charter who shall serve at the pleasure of the Mayor~~".

<sup>414</sup> Recodification of current Charter Chapter 7, Section 2(c), in lieu of the following: "The Mayor may appoint such Assistant City Attorneys to such positions as have been created by the City Council, in accordance with the provisions of Chapter 8, §2.A (1) of this Charter. Such Assistant City Attorneys shall serve at the pleasure of the Mayor. The compensation for the Deputy City Attorney and the Assistant City Attorney shall be determined by the City Council from time to time by Ordinance".

<sup>415</sup> Modification of current Charter Chapter 7, Section 2(e) as follows: delete the term "he/she requires" and replace with the following in lieu thereof: "...required".

<sup>416</sup> Replace the phrase "chapters nine and seventeen of this Charter" with "...the Charter and the applicable Ordinances pertaining to the civil service and merit system...".

<sup>417</sup> Recodification of current Charter Chapter 7, Section 3.

<sup>418</sup> Recodification of current Charter Chapter 7, Section 4 (First sentence), by replacing "officer" with "Official".

<sup>419</sup> Recodification of current Charter Chapter 7, Section 4 (Second sentence).

(b) **In the Event of a Conflict**<sup>420</sup>. If a conflict arises between different Boards or Commissions, Departments, Officials, or between any of them and City Council, the City Attorney shall assign different attorneys within the Law Department to represent each said governmental body in conflict and said attorneys shall represent them in the manner required by all rules of professional conduct of attorneys unless the City Attorney determines that the only manner in which a conflict can be avoided is by retention of private legal counsel for one or more of such governmental bodies, in which case the City Attorney shall select said counsel.

(c) **Representation of the City Council**<sup>421</sup>. Notwithstanding anything herein to the contrary, upon affirmative vote of a majority of the City Council, the City Attorney shall retain private legal counsel selected by the City Council to represent it in any matter for which private legal counsel is required due to a conflict of interest between the City Council and another governmental entity, that can only be avoided by retaining private legal counsel; or due to the need for special legal expertise.

(d) **Consent of the City Attorney**<sup>422</sup>. Except as otherwise expressly provided by Law, no Board or Commission, Official or Department of the City shall retain legal counsel to represent it in any matter without the approval of the City Attorney.

## Section 6. The Director of Labor Relations.

A. **Appointment**<sup>423</sup>. The Director of Labor Relations shall be responsible for the administration and management of the employees who shall provide direct assistance to the Mayor in overseeing and coordinating the labor relations, contract negotiation and administration and such other functions and activities of the Mayor. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter.

(a) **Qualifications**<sup>424</sup>. Qualifications shall be established by the Mayor as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>425</sup>.

(b) **Appointment of Deputy, Assistant(s) and Other Employees**<sup>426</sup>. The Director of Labor Relations may, with the

<sup>420</sup> Recodification of current Charter Chapter 7, Section 4 (Third sentence), by replacing "officers" with "Officials".

<sup>421</sup> NEW.

<sup>422</sup> Recodification of current Charter Chapter 7, Section 4 (Fourth sentence), by replacing "officer" with "Official".

<sup>423</sup> NEW.

<sup>424</sup> NEW.

<sup>425</sup> NEW.

<sup>426</sup> NEW.

approval of the Mayor, appoint a deputy, assistant(s) and other persons who shall serve at the pleasure of the Director. These appointees shall be members of the Unclassified Service and unaffiliated confidential employees.

**B. Role and Responsibilities of the Director of Labor Relations and Members of the Office<sup>427</sup>.** The mission of the Director of Labor Relations is to negotiate and administer the collective bargaining agreements between the City and all representatives of collective bargaining units. The Director manages and/or coordinates human resources activities, counsels and advises the Mayor, Department Heads and other management personnel on labor relations and human resources issues, and resolves grievances and labor relations disputes. The Director is responsible for the administration and conduct or arbitrations, hearings before the State Labor Relations Board and related or similar proceedings.

### Section 7. Government Administration.

There shall be established a system of government administration specifically designed to reduce duplication of services and efficiently foster the delivery of services to the City. The benefits of such system shall be conferred upon the general government and, where permitted or by mutual agreement, upon the Department of Education<sup>428</sup>.

**A<sup>429</sup>. The Director of the Office of Policy and Management<sup>430</sup>.**

(1) **Appointment.** The Director of the Office of Policy and Management shall be the Department Head of the office responsible for policy and management functions of the City<sup>431</sup>. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter<sup>432</sup>.

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<sup>427</sup> NEW.

<sup>428</sup> NEW.

<sup>429</sup> Recodification and elimination of the following: "CHAPTER 6 - DEPARTMENT OFFICE OF POLICY AND MANAGEMENT".

<sup>430</sup> Recodification and modification of Current Charter Chapter 6, Section 1 wherein the "department of Policy and Management" shall be the "Office of Policy and Management".

<sup>431</sup> Modification of current Charter Chapter 6, Section 1(b) (Portion of the first sentence) in lieu of the following: "The Director of Policy and Management shall be the Department Head of the office responsible for City policy and management functions of the City ~~shall be the Director of Policy and Management who shall~~".

<sup>432</sup> Modification and recodification of current Charter Chapter 6, Section 1(b)(First sentence), in lieu of the following: "The Mayor shall appointed the Director in accordance with the provisions of Chapter 8, §2.A (1)(a) of this Charter ~~by and serve at the pleasure of the Mayor~~".

(a) **Minimum Qualifications**<sup>433</sup>. The director shall hold a degree in public administration or management, planning, business administration, government, political science, economics, finance or a similar field or shall possess an equivalent combination of education and experience. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter.

(b) **Appointment of Deputy and Unit Heads**<sup>434</sup>. The director may, with the approval of the Mayor, appoint a deputy director who shall serve at the pleasure of the director. The heads of the various units of the office shall be appointed by said Department Head with the approval of the Mayor, and shall serve at the pleasure of the director.

(2) **Responsibilities of the Director of the Office of Policy and Management**. The Director shall be responsible for:

(a) general supervision of the operations and management of the several units and employees of the office and preparation of the department's budget and the annual report on the activities of the office and the Director<sup>435</sup>.

(b) advising and assisting the Mayor, the City Council and the Boards or Commissions and all of the Departments of the City with respect to matters within the jurisdiction of the Director of the Office of Policy and Management as set forth in §5.A (2) (c) - (g) of this Chapter and other applicable provisions of this Charter.

(c) budget analysis, development and administration; operations planning and improvements; program performance evaluation and monitoring; management improvements for all Boards or Commissions and the Departments of the City; intergovernmental relations and such other functions as the Mayor or the City Council may, from time to time, assign to it<sup>436</sup>.

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<sup>433</sup> Modification and recodification of current Charter Chapter 6, Section 1(b)(Second sentence).

<sup>434</sup> Modification and recodification of current Charter Chapter 6, Section 1(b) (Third and Fourth sentences) as follows: change the name of the "Department of Policy and Management" to the "Office of Policy and Management" ..

<sup>435</sup> The sub-paragraphs (a) and (b) of this provision reflect a modification and recodification of current Charter Chapter 6, Section 1(c) as follows: change the name of the "Department of Policy and Management" to the "Office of Policy and Management"; and, adding the following clause: "as set forth in §5.A (2) of this Chapter and other applicable provisions of this Charter".

<sup>436</sup> Modification of current Charter Chapter 6, Section 1(a) as follows: change the name of the "Department of Policy and Management" to the "Office of Policy and Management".

(d) compilation of the operating and capital budgets for the Mayor and shall advise and assist the Mayor, the City Council and the Boards or Commissions and the Departments of the City in matters relating to budget preparation, adoption and administration.

(e) requiring each City Official or employee to furnish all the information which they may possess, and to exhibit to all books, contracts, grants of authority, reports and other papers and documents in their department or in their possession, requisite, in the director's opinion to required to discharge the director's duties, and all City Officials shall furnish and exhibit the same in such manner and form as may be prescribed by said director. Failure to comply with this provision may subject the official to removal in accordance with the provisions of §11.B (2)(a) or (b) of Chapter 3 of this Charter, discipline or discharge<sup>437</sup>

(f) certifying as to the availability of appropriated funds for expenditure and for the payment of every obligation arising by reason of proposed purchases or contracts of every Budgeted Entity of the City, except purchases or contracts made by the Board of Education which shall be certified under the duties and responsibilities of the Superintendent of Schools. No purchase Order or contract shall be the valid obligation of the City unless it bears such certificate of the director<sup>438</sup>.

**B. The Director of Finance<sup>439</sup>.**

(1) **Appointment.** The Director of Finance shall be the Department Head of the Department responsible for City

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<sup>437</sup> Subparagraphs 2(a) and (b) reflect a recodification and modification of current Charter Chapter 6, Section 1(d), by replacing "officer" with "Official" and "officers" with "Officials" and "Resolutions" with "grant of authority"..

<sup>438</sup> Subparagraphs (c), (d) and (e) are a recodification of current Charter Chapter 6, Section 2, as follows: "certifying as to the availability of appropriated funds for expenditure and for the payment of every obligation arising by reason of proposed purchases or contracts of every Budgeted Entity of the City, except purchases or contracts made by the Board of Education, which shall be certified as set forth in §10 of this Chapter. and No purchase Order or contract shall be the valid obligation of the City unless it bears such certificate of the director".

<sup>439</sup> Recodification and elimination of the following: "CHAPTER 8 - DEPARTMENT OF FINANCE".

finances<sup>440</sup>. The Director shall be appointed in accordance with the provisions of §2.A (1) of this Chapter<sup>441</sup>.

(a) **Minimum Qualifications.** The director shall have a bachelors degree in public administration or management, business administration, economics, accounting, finance or other appropriate field, or an equivalent combination of education and experience and shall be knowledgeable concerning all aspects of municipal finances and financial management systems, operations and procedures<sup>442</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>443</sup>.

(b) **Appointment of Deputy and Office Heads.** The director may, with the approval of the Mayor, appoint a Deputy Director of Finance, who shall serve at the pleasure of the director<sup>444</sup>.

(i) Unless otherwise expressly provided in this Charter, the heads of the various offices of the Department responsible for finance shall be appointed by and serve at the pleasure of the Mayor<sup>445</sup>. No person shall serve as Director or Deputy Director of Finance and 1) City Treasurer; 2) Tax Assessor; 3) Tax Collector<sup>446</sup>.

(ii) Such department responsible for finance shall include the offices of Comptroller, Tax Assessor, Tax Collector and City Treasurer, Internal Auditor, and any other

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<sup>440</sup> Modification and recodification current Charter Chapter 8, Section 1(b)(Portion of first sentence), in lieu of the following: "The Director of Finance shall be the Department Head of the Department responsible for City finances shall be the Director of Finance who shall"

<sup>441</sup> Recodification and minor modification of current Charter Chapter 8, Section 1(b)(First sentence), in lieu of the following: "The Mayor shall be appointed the Director in accordance with the provisions of Chapter 8, §2.A (1)(a) of this Charter by and serve at the pleasure of the Mayor".

<sup>442</sup> Recodification and minor modification of current Charter Chapter 8, Section 1(b)(Second sentence).

<sup>443</sup> NEW.

<sup>444</sup> Recodification and minor modification of current Charter Chapter 8, Section 1(b)(Third sentence).

<sup>445</sup> Recodification and minor modification of current Charter Chapter 8, Section 1(b)(Fourth sentence), by deleting the reference to the "Department of Finance" and referring to the "department responsible for finance".

<sup>446</sup> Recodification and minor modification of current Charter Chapter 8, Section 1(b)(Fifth sentence).

offices or functions which the Mayor or the City Council may, from time to time, assign to it<sup>447</sup>.

(2) **Responsibilities of the Director of Finance<sup>448</sup>.** The Director of Finance shall:

(a) have the general supervision and management of the financial matters of the City and shall advise and assist the Mayor, City Council, the Boards or Commissions and all the Departments of the City relative to such matters including bonding<sup>449</sup>.

(b) be responsible for all matters relating to accounting, assessments, collections, financial reporting, fund custody and disbursement, debt administration, investments, purchasing, revenue planning and the levy and collection of taxes<sup>450</sup>.

<sup>447</sup> Recodification of current Charter Chapter 8, Section 1(a)(Second sentence), by the the term "responsible for finance".

<sup>448</sup> Recodification and reorganization of current Charter, Chapter 8, Section 8, in lieu of the following: <sup>448</sup>. ~~The Director of Finance shall: (a) The Director of Finance is be authorized to transfer positions and employees between units of the department as the need arises and funds are available; (b) The Director shall be responsible for the presentation of the department's budget to the Director of Policy and Management; (c) the supervision of supervise all employees of the department; (d) prepare and the preparation of an annual report on the activities of the entire Department of Finance, which shall include the annual reports of the Tax Assessor, Tax Collector and City Treasurer; (e) The Director of Finance shall, to the extent permitted by Law, supervise and coordinate the activities of the Comptroller, Tax Assessor, Tax Collector, City Treasurer, and Internal Auditor<sup>448</sup> and The Director of Finance shall have the power to establish uniform systems, policies and procedures for such offices; (f) Said director shall have the power to inspect and audit the books and records of such officers and may require them to provide such reports and information as may be required in order to discharge the duties of this Department his office; (g) Said director may, from time to time, recommend to the Mayor, the City Council and the responsible officer or officers any measures which, in the judgment of the Director he/she believes are necessary in order to improve the operation of any such office; and, (h) approve the rules and regulations for the conduct of the offices of the Tax Collector and Tax Assessor following preparation of such rules by the Tax Assessor and the Tax Collector. shall make such rules and regulations for the conduct of their respective offices as may be approved by the Director of Finance".~~

<sup>449</sup> Recodification and modification of current Charter Chapter 8, Section 1(c)(First and Second sentences), in lieu of the following: ~~"The Director of Finance shall have the general supervision and management of the several units of the Department of Finance. They financial matters of the City and shall advise and assist the Mayor, City Council, and the Boards or Commissions and all Departments of the City relative to such financial matters including bonding"~~.

<sup>450</sup> Recodification of current Charter Chapter 8, Section 1(a)(First sentence), in lieu of the following: ~~"There shall be a Department of Finance, which shall be responsible for all matters relating to accounting, assessments, collections, financial reporting, fund~~

(c) be authorized to transfer positions and employees between units of the department as the need arises and funds are available;

(d) be responsible for the presentation of the department's budget to the Director of Policy and Management;

(e) supervise all employees of the department;

(f) prepare an annual report on the activities of the entire Department of Finance, which shall include the annual reports of the Tax Assessor, Tax Collector and City Treasurer<sup>451</sup>;

(g) to the extent permitted by Law, supervise and coordinate the activities of the Comptroller, Tax Assessor, Tax Collector, City Treasurer, and Internal Auditor<sup>452</sup> and shall have the power to establish uniform systems, policies and procedures for such offices<sup>453</sup>;

(h) have the power to inspect and audit the books and records of such Officials and may require them to provide such reports and information as may be required in order to discharge the duties of this Department<sup>454</sup>;

(h) from time to time, recommend to the Mayor, the City Council and the responsible Official or Officials any measures which, in the judgment of the Director are necessary in order to improve the operation of any such office<sup>455</sup>; and,

(j) approve the rules and regulations for the conduct of the offices of the Tax Collector and Tax Assessor following preparation of such rules by the Tax Assessor and the Tax Collector.

**(3) Reports of the Internal Auditor<sup>456</sup>.** Copies of all reports and recommendations of the City's Internal Auditor shall be provided to the City Council or a committee designated by it.

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custody and disbursement, debt administration, investments, purchasing, revenue planning and the levy and collection of taxes".

<sup>451</sup> Sub-paragraphs (a) - (d) reflect a recodification and minor modification of current Charter Chapter 8, Section 1(c).

<sup>452</sup> Recodification of current Charter Chapter 8, Section 1(d)(First sentence).

<sup>453</sup> Recodification of current Charter Chapter 8, Section 1(d)(Third sentence).

<sup>454</sup> Recodification of current Charter Chapter 8, Section 1(d)(Second sentence), by replacing "officers" with "Officials".

<sup>455</sup> Recodification of current Charter Chapter 8, Section 1(d)(Fifth sentence), by replacing "officer or officers" with "Official or Officials".

<sup>456</sup> Recodification of current Charter Chapter 8, Section 1 (e).

C. The Tax Collector.

(1) **Appointment**<sup>457</sup>. The Tax Collector shall be appointed in accordance with the provisions of §2.A (1) of this Chapter

(2) **Minimum Qualifications.** The Tax Collector shall be experienced in business or public administration, financial management and collection systems and procedures and shall be thoroughly familiar with the procedures, powers and duties of the Tax Collector under the Charter and the General Statutes, including any certification requirements. Nothing in this Section shall preclude the Civil Service Commission from establishing greater qualifications for the position of Tax Collector, provided that such qualifications shall not include a

<sup>457</sup> Modification and recodification of current Charter Chapter 8, Section 3(a)(4), in lieu of the following: The Mayor shall appoint the Tax Collector shall be appointed in accordance with the provisions of §2.A (1) of this Chapter shall be in the Classified Service and shall be selected pursuant to the provisions of Chapter 17 of this Charter except as follows".

The following provisions of current Charter Chapter 8, Section 3(a)(2)-(6) are repealed and set forth in Chapter 8, §2.A(5):

~~(b) The examination for the position of Tax Collector shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee for the City. The examination shall be open and competitive and shall not be promotional.~~

~~(c) Whenever a vacancy arises in the position of Tax Collector, the Personnel Director shall certify to the Mayor the name of the (3) candidates standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall within one hundred and fifty (150) Days of the creation of the vacancy, hold a test for such position and shall, upon the establishment of an employment list, certify to the Mayor the names of the (3) persons standing highest thereon.~~

~~(d) Within sixty (60) Days of receipt of the certification required by subsection (a)(3) of this section, the Mayor shall appoint one (1) of the persons so certified as the Tax Collector and shall notify the Civil Service Commission, the Director of Finance of such appointment. The Mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of his receipt of the certification. Unless otherwise stated such appointment shall be effective immediately.~~

~~(e) The person so appointed shall hold office for a term of five (5) years from the effective date of this appointment but may be removed for just cause. A person holding the position of Tax Collector may, only within 150 one hundred and fifty (150) Days of the end of his/her term, be reappointed by the Mayor for an additional term of five (5) years beginning at the expiration of such Official's current term, without the need for further examination or testing. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section.~~

~~(f) Whenever a vacancy occurs in the office of Tax Collector, the Mayor may appoint an acting Tax Collector. The person so appointed shall possess all of the qualifications established for the position of Tax Collector. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting Tax Collector until the position is filled as provided in this section.~~

requirement of prior service with the City. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position<sup>458</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>459</sup>.

**(3) Responsibilities of the Tax Collector.** The Tax Collector shall perform all the duties and shall have all the powers prescribed by the General Statutes and by this Charter<sup>460</sup>. Moreover, the Tax Collector shall:

(a) present at such other times as the Mayor or City Council may require, a list of all delinquent taxes owed to the City, together with the name and address of each delinquent taxpayer, with the amount of the tax and, separately, of interest and other charges thereon due<sup>461</sup>.

(b) give bond to the City in the amount established by Ordinance. The City Council may require other persons employed by the collector, who handle the funds of the City to give bond in the like manner in such amount as it may determine. Each such bond shall be conditioned on the faithful performance of the duties of the Official or employee for which it shall have been given<sup>462</sup>.

**(4) Periodic Report to the City Attorney Regarding Delinquent Taxes.** The Tax Collector shall present to the City Attorney, not later than the fifteenth (15<sup>th</sup>) Day of December of each year, a list of all personal taxes which shall have been due and unpaid for six months, and all taxes and assessments secured by a lien which are due and unpaid and the City Attorney shall, forthwith, upon receiving such list, bring any action necessary to obtain judgment upon such overdue taxes assessments and execution thereon. Nothing in this Section shall preclude the Tax Collector from more frequently referring matters to the City Attorney<sup>463</sup>.

**D. The Tax Assessor.**

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<sup>458</sup> Recodification of current Charter Chapter 8, Section 3(a)(1).

<sup>459</sup> NEW.

<sup>460</sup> Recodification of current Charter Chapter 8, Section 7(a) (First sentence).

<sup>461</sup> Recodification of current Charter Chapter 8, Section 7(a) (Second sentence), including the deletion of the phrase "he/she".

<sup>462</sup> Recodification of current Charter Chapter 8, Section 7(b), including the deletion of the phrase "he/she".

<sup>463</sup> Recodification of current Charter Chapter 8, Section 9.

(1) **Appointment**<sup>464</sup>. The Tax Assessor shall be appointed in accordance with the provisions of §2.A (1) of this Chapter.

(2) **Minimum Qualifications**<sup>465</sup>. The Tax Assessor shall be experienced in business or public administration, financial management and real estate assessment and valuation, and shall be thoroughly familiar with the procedures, powers and duties of the Tax Assessor under the Charter and the General Statutes. Nothing in this Section shall preclude the Civil Service Commission from establishing greater qualifications for the position of Tax Assessor, provided that such qualifications shall not include a requirement of prior service with the City. Any qualification so adopted shall be based solely on the

<sup>464</sup> Recodification of current Charter Chapter 8, Section 4(a), in lieu of the following: "The Tax Assessor shall be appointed in accordance with the provisions of §2.A (1) of this Chapter shall be in the Classified Service and shall be selected pursuant to the provisions of Chapter 17 of this Charter except as follows". The following provisions of current Charter Chapter 8, Section 4(a)(2)-(6) are repealed and set forth in Chapter 8, §2.A(5):

~~(b) The examination for the position of Tax Assessor shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the City. The examination shall be open and competitive and shall not be promotional.~~

~~(c) Whenever a vacancy arises in the position of Tax Assessor, the Personnel Director shall certify to the Mayor the name of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall within one hundred and fifty (150) Days of the creation of the vacancy, hold a test for such position and shall, upon the establishment of an employment list, certify to the Mayor the three (3) names of the persons standing highest thereon.~~

~~(d) Within sixty (60) Days of receipt of the certification required by subsection (a)(3) of this section, the Mayor shall appoint the person so certified as the Tax Assessor and shall notify the Civil Service Commission, the Director of Finance of such appointment. The Mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of his receipt of the Personnel Director's certification. Unless otherwise stated such appointment shall be effective immediately.~~

~~(e) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of Tax Assessor may, only within one hundred and fifty (150) Days of the end of his term, be reappointed by the Mayor for an additional term of (5) years beginning upon the expiration of the assessor's current term, without the need for further examination or testing. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section.~~

~~(f) Whenever a vacancy occurs in the office of Tax Assessor, the Mayor may appoint an acting Tax Assessor. The person so appointed shall possess all of the qualifications established for the position of Tax Assessor. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting Tax Assessor until the position is filled as provided in this section.~~

<sup>465</sup> Recodification of current Charter Chapter 8, Section 4(a)(1).

knowledge, skills and experience required for the position. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>466</sup>.

(3) **Responsibilities of the Tax Assessor<sup>467</sup>.** The Tax Assessor shall have all the powers and shall perform all the duties imposed on assessors in towns of this State, together with such other duties as are imposed by this Charter. At the request of the Mayor or City Council the Assessor shall report in writing concerning any matters pertaining to the duties of office.

(4) **Authority Pertaining to the Determination of Assessments<sup>468</sup>.** The Tax Assessor shall have the power to summon to appear before said assessor within sixty (60) Days after November first in each year any person or persons whom said Assessor may have reason to believe to be the owner of any property taxable in said City concerning which additional information shall be desired for the purpose of making an assessment. Such person or persons shall be required to furnish under oath such information to the Tax Assessor. Notice of such summons shall be sent in writing by mail, postage prepaid and registered, and the person so summoned shall appear within one week from the date of the sending of such summons unless directed to appear at a later date. Such notice shall state clearly the purpose of such summons and the property concerning which information is desired. Failure to comply therewith, in addition to any penalty that may be provided by Law, shall debar the right of such person to appeal to the Board of Tax Review and to the superior court, under the statutes in such case provided, from any action which the Tax Assessor may take in the premises, provided, if the Board of Tax Review shall decide that such failure to appear before the Tax Assessor was not willful or was excusable, such appeal may be allowed if made within the time as provided by the General Statutes.

**E. The City Treasurer.**

(1) **Appointment<sup>469</sup>.** The City Treasurer shall be appointed by the Mayor in accordance with the provisions of §2.A (3)(d) of this Chapter.

(2) **Minimum Qualifications.** The City Treasurer shall be experienced in and knowledgeable concerning accounting; municipal finances; investments; department management; and cash revenue and

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<sup>466</sup> NEW.

<sup>467</sup> Recodification of current Charter Chapter 8, Section 5, by deleting the word "his"..

<sup>468</sup> Recodification of current Charter Chapter 8, Section 6(a), by replacing "he/she" with "the Assessor".

<sup>469</sup> Recodification of current Charter Chapter 8, Section 11(a) (First sentence).

management<sup>470</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>471</sup>.

(3) **Responsibilities of the City Treasurer**<sup>472</sup>. The City Treasurer shall have the same powers as City Treasurers of towns and shall be accountable to the City in the same manner and to the same extent as town City Treasurers. Moreover, the City Treasurer shall:

(a) be custodian of all funds belonging to the City and shall deposit the same in any national bank, state bank or trust company within the State in such proportions and under such conditions as the City Treasurer shall determine the interests of the City require, provided any interest or other consideration of value allowed on deposits shall belong to said City.

b) comply with all regulations, Orders and Ordinances consistent herewith which may be made by the City Council respecting the duties of said office.

**F. The Purchasing Agent.**

(1) **Appointment**<sup>473</sup>. The Purchasing Agent shall be the Department Head of the department responsible for the procurements of

<sup>470</sup> Recodification of current Chapter 8, Section 11(a)(Third sentence).

<sup>471</sup> NEW.

<sup>472</sup> Recodification of current Chapter 8, Section 11(b) by rendering gender neutral and correcting syntax. Derived from 1907, S.A. No. 461, §101; 1915, S.A. No. 169.

<sup>473</sup> Recodification of current Chapter 8, Section 13(b), in lieu of the following:

~~"The Purchasing Agent shall be the Department Head of the department responsible for the procurements of the City. The Purchasing Agent shall be appointed by the Mayor in accordance with the provisions of §2.A (2) and 3 of this Chapter. The Office shall be within the Department of Finance shall be selected pursuant to the provisions of Chapter 17 of this Charter except as follows".~~

The following provisions of current Charter Chapter 8, Section 13(b)(1)-(5) are repealed and set forth in Chapter 8, §2.A(5):

~~(a) The qualifications for the position of Purchasing Agent shall not include a requirement of prior service with the City. Any qualification for such position shall be based solely on the knowledge, skills and experience required for the position.~~

~~(b) The examination for the position of Purchasing Agent shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the City. The examination shall be open and competitive and shall not be promotional.~~

~~(c) Whenever a vacancy arises in the position of Purchasing Agent, the Civil Service Commission shall certify to the Mayor the name of the candidate standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall, within one hundred and fifty (150) Days of the creation of the vacancy, hold a test for such position and shall, upon the~~

the City. The Purchasing Agent shall be shall appointed by the Mayor in accordance with the provisions of §2.A (2) and 3 of this Charter. The office shall be within the Department of Finance<sup>474</sup>.

(a) **Qualifications.** Qualifications shall be established as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>475</sup>.

(b) **Responsibilities of the Purchasing Agent.** The Purchasing Agent shall be responsible for the central purchasing system for the City covering the purchase of all supplies, materials, equipment and other commodities for the use and needs of all Departments, Boards and Commissions and Officials of the City, including the Board of Education, Civil Service Commission and Board of Directors of the Bridgeport Public Library, provided, such Boards and Commissions, committees and Officials may prescribe the dimensions, composition, quality, character and general standards of the articles and materials required by them, respectively<sup>476</sup>. The Purchasing Agent shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for said

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~~establishment of an employment list, certify to the Mayor the name of the person standing highest thereon.~~

~~(d) Within sixty (60) Days of receipt of the certification required by subsection (a)(3) of this section, the Mayor shall appoint the person so certified as the Purchasing Agent and shall notify the Civil Service Commission, the Director of Finance and the Board of Public Purchases of such appointment. The Mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of his receipt of the Personnel Director's certification. Unless otherwise stated such appointment shall be effective immediately.~~

~~(e) Whenever a vacancy occurs in the office of Purchasing Agent, the Mayor may appoint an acting Purchasing Agent. The person so appointed shall possess all of the qualifications established for the position of Purchasing Agent. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting Purchasing Agent until the position is filled as provided in this section.~~

<sup>474</sup> Recodification and modification of current Charter Chapter 8, Section 12 (First sentence), in lieu of the following: "There Office shall be; within the Department of Finance, ~~an Office of Public Purchases, which shall be headed by a Purchasing Agent appointed pursuant to the provisions of Section 13 of this chapter~~".

<sup>475</sup> NEW.

<sup>476</sup> Recodification of current Charter Chapter 8, Section 12, by (a) replacing "Office of Public Purchases" with the "Purchasing Agent" and "officers" with "Officials" on two occasions; (b) repealing the term "committees"; (c) adding the phrase "central purchasing system for the City"; (d) adding the phrase "supplies, materials, equipment and other commodities required" in lieu of the term "articles and materials"; and, (e) replace "Board of Park Commissioners" with the "Civil Service Commission".

Board to meet the curriculum and scheduling requirements of the Board<sup>477</sup>.

(c) **Adoption of a Procurement Ordinance and Regulations.** In order to advance the provisions of this Charter, the City Council shall establish by Ordinance the rules and regulations governing the operation of a central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed<sup>478</sup>.

(i) The City Council shall, by Ordinance, establish the rules and regulations governing the purchasing process for the City, including but not limited to, the role and responsibilities of the Purchasing Agent, competitive procurement and solicitation of goods and services for use by the City, advertising and solicitation of bids and proposals and action thereof, consultation with the effected Department or Departments, award and execution of contracts, bonds, exclusions from competitive procurement, waiver of competitive procurement requirements, appeals from decisions of the Purchasing Agent, disposition of surplus property and such other matters as are necessary to carry out the provisions of this provision of the Charter<sup>479</sup>.

(ii) The Purchasing Agent may, with the approval of the Board of Public Purchases, adopt procedural rules and regulations concerning the operation of the Department responsible for public purchases. No such rule shall be

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<sup>477</sup> NEW

<sup>478</sup> NEW

<sup>479</sup> Modification of current Charter Chapter 8, Section 15(a), as follows: "The City Council shall, by Ordinance, establish ~~provide for the~~ rules and regulations governing the purchasing process for the City, including but not limited to, the role and responsibilities of the Purchasing Agent, competitive procurement and solicitation of goods and services for use by the City, and its agencies, including, but not limited to, authorized procurement methods: advertising and solicitation of bids and proposals and action thereof, consultation with the effected Department or Departments, award and execution of contracts, bonds, exclusions from competitive procurement, waiver of competitive procurement requirements, appeals from decisions of the Purchasing Agent, disposition of surplus property and such other matters as are necessary to carry out the provisions of this ~~part~~ provision of the Charter".

inconsistent with the Ordinances adopted pursuant to subsection (i) of this section<sup>480</sup>.

(iii) Nothing in this Charter shall prevent the City or any of its agencies or departments from participating in any joint purchasing program administered by the State of Connecticut, the regional Council of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies<sup>481</sup>.

**G. The Personnel Director; Assistants; Civil Service Status.**

(1) **Appointment.** Notwithstanding the provisions of §2.A of this Chapter, the Civil Service Commission shall appoint a Personnel Director and such examiners, investigators, clerks and other assistants as may be necessary to carry out the civil service provisions of this Charter, Ordinances and any Regulations adopted thereunder<sup>482</sup>.

(a) **Minimum Qualifications.** The Personnel Director shall be a person thoroughly in sympathy with the application of merit and sound business principles in the administration of personnel; shall be thoroughly familiar with the principles and methods of personnel administration and skilled therein and shall have had at least three years of successful experience as director or assistant director in the administration of an employment system involving at least five hundred positions or employees<sup>483</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>484</sup>.

(b) **Appointment of the Personnel Director and Other Employees.** Such persons, including the Personnel Director, shall

<sup>480</sup> Modification and recodification of current Charter Chapter 8, Section 15(b). replace the clause "Office of Public Purchases" with the Department responsible for public purchases".

<sup>481</sup> NEW.

<sup>482</sup> Recodification of current Charter Chapter 17, Section 204(b), in lieu of the following: "Notwithstanding the provisions of §2.A of this Chapter, the Civil Service Commission shall appoint a Personnel Director and such examiners, investigators, clerks and other assistants as may be necessary to carry out the civil service provisions of this Charter, Ordinances and any Regulations adopted thereunder the act". Annotation: "These sections amended 1986 Referendum".

<sup>483</sup> Recodification of current Charter Chapter 17, Section 204(a)(Third sentences). Derived from 1935, S.A. No. 407, §2; 1957, S.A. No. 79.

<sup>484</sup> NEW.

be subject to the civil service laws<sup>485</sup>. The position of Personnel Director of the City, established under the provisions of the Charter is included in the Competitive Division of the Classified Service created under said act, as amended<sup>486</sup>. The Personnel Director shall direct and supervise the administrative work of the personnel bureau and perform such other functions as may be required of said director by the Civil Service Commission<sup>487</sup>.

**(3) Powers and Duties of the Personnel Director<sup>488</sup>.** The Personnel Director shall:

(a) attend the regular and special meetings of the Civil Service Commission, act as its secretary and record its official actions;

(b) supervise and direct the work of the employees of the Personnel Department;

(c) prepare and recommend rules and regulations for the administration of this act, administer such rules and regulations and propose amendments thereto;

(d) establish and maintain in card or other suitable form a roster of Public Officials and employees in the service of the City;

(e) ascertain and record the duties and responsibilities appertaining to all positions in the Classified Service, except teachers, and classify such positions in the manner hereinafter provided. All promotion tests for teachers shall be prepared and corrected under the direction of the Superintendent of Schools, as provided in Section two hundred and eleven;

(f) provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment or promotion to any class of position and as a result

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<sup>485</sup> Recodification of current Charter Chapter 17, Section 204(a)(First and second sentences), in lieu of the following: "Such persons, including the Personnel Director, shall be subject to the civil service laws". Derived from 1935, S.A. No. 407, §2; 1957, S.A. No. 79.

<sup>486</sup> Recodification of current Charter Chapter 17, Section 204(b). **Annotation:** "These sections amended 1986 Referendum".

<sup>487</sup> Recodification of current Charter Chapter 17, Section 204(a)(Fourth sentences), in lieu of the following: "The Personnel Director ~~He/she~~ shall direct and supervise the administrative work of the personnel bureau and perform such other functions as may be required of said director ~~him/her~~ by the Civil Service Commission". Derived from 1935, S.A. No. 407, §2; 1957, S.A. No. 79.

<sup>488</sup> Recodification of current Charter Chapter 17, Section 207, by replacing "officers" with "Public Officials". Derived from 1935, S.A. No. 407, §5; 1963, S.A. No. 65, §2. Amended 1986 Referendum.

thereof establish employment and reemployment lists for the various classes of positions;

(g) and, upon written request, give the name of the person highest on the reemployment or employment list for the class to the Civil Service Commission, who shall certify the name to the appointing authority;

(h) establish records of performance and a system of service ratings to be used in determining increases and decreases in salaries, in promotions, in determining the order of layoffs and reemployment and for other purposes, provided all ratings of teachers shall be made under the direction of the Superintendent of Schools;

(i) keep such records as may be necessary for the proper administration of this chapter;

(j) provide a system for checking payrolls, estimates and accounts for payment of salaries to employees of the Classified Service, as set up by individual Departments and paid<sup>489</sup>, to enable the commission upon satisfactory evidence thereof to establish the fact for its own records that the persons whose names appear thereon have been regularly employed in the performance of the duties indicate at the compensation rates, and for the period for which compensation is claimed, before payment be lawfully made to such employees;

(k) make investigations concerning the administration and effect of the Charter and the rules made thereunder and report any findings and recommendations to the commission; and,

(l) make an annual report to the Civil Service Commission.

Upon appointment to the position, the appointee shall hold the position for a period of not less than three (3) months and not more than six (6) months and shall be on probation for such time; the Personnel Director, the Department Head and a majority of the commissioners shall determine the permanent appointment<sup>490</sup>.

#### **I. Director of Information Technology Services.**

**A. Appointment<sup>491</sup>.** The Director of Information Technology Services shall be responsible for directing the functions of the City pertinent to

<sup>489</sup> Repealed the following clause: "through the Comptroller's office".

<sup>490</sup> Annotation: Section 207 "Amended 1986 referendum".

<sup>491</sup> NEW.

Information Technology. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter.

(a) **Qualifications**<sup>492</sup>. Qualifications shall be established by the Mayor as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>493</sup>.

(b) **Appointment of Deputy, Assistant(s) and Other Employees**<sup>494</sup>. The Director may, with the approval of the Mayor, appoint a deputy, assistant(s) and other persons who shall serve at the pleasure of the Director. These appointees shall be members of the Unclassified Service and unaffiliated confidential employees.

**B. Role and Responsibilities of the Director of Information Technology and Members of the Office**<sup>495</sup>. The Director is responsible for the administration and management of the employees who shall develop and implement cost-effective systems and efficient operations to meet current and future needs and provide city-wide direction in areas of policy and planning for both the long-range (strategic planning) and short-term (budget development and control) of the City and has overall responsibility for the City resources: personnel, procedures, software and hardware.

## Section 8. Infrastructure, Public Works and Parks.

### A. The Director of Public Facilities.

(1) **Appointment**<sup>496</sup>. The Department Head of the Department responsible for the operation and management of the public facilities of the City shall be the Director of Public Facilities. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter<sup>497</sup>.

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<sup>492</sup> NEW.

<sup>493</sup> NEW.

<sup>494</sup> NEW.

<sup>495</sup> NEW.

<sup>496</sup> Recodification of current Charter Chapter 12, Section 2 (First sentence) in lieu of the following: "The Director of Public Facilities shall be the Department Head of the Department responsible for the operation and management of the public facilities of the City of Public Facilities shall be a Director of Public Facilities. The Director shall, under this Charter and Ordinances, be subject to the direction of the Mayor on all matter pertaining to the responsibilities of this Department".

<sup>497</sup> Recodification of current Charter Chapter 12, Section 2 (First sentence), in lieu of the following: "The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter by and serve at the pleasure of the Mayor".

(a) **Qualifications.** Qualifications shall be established as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>498</sup>.

(b) **Appointment of Deputy Director(s)**<sup>499</sup>. The director may, with the approval of the Mayor, appoint one or more deputy directors who shall serve at the pleasure of the director. The qualifications and duties of the deputy directors shall be established by Ordinance.

(2) **Responsibilities of the Director of Public Facilities.** The duties, powers and responsibilities of the Director of Public Facilities and the Department shall be established by Ordinance<sup>500</sup>. Furthermore, the City Council may, by Ordinance, provide for the establishment of a central maintenance bureau and shall designate the services to be provided by such bureau and the agencies to be served<sup>501</sup>. Notwithstanding the foregoing, the Director of Public Facilities shall:

(a) have the general supervision of the operation and management of the several units of the Department which are under its jurisdiction including engineering, streets and sanitation, maintenance and parks and recreation<sup>502</sup>;

(b) advise the Mayor, the City Council and all Boards or Commissions and Departments of the City relative to public facilities matters<sup>503</sup>;

(c) be authorized to transfer positions and employees between units of the Department of Public Facilities as the need arises and funds are available<sup>504</sup>;

(d) be responsible for the presentation of a consolidated budget to the Director of Policy and Management, the supervision of all employees of the department and the preparation of an

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<sup>498</sup> NEW.

<sup>499</sup> Recodification of current Charter Chapter 12, Section 2 (Second sentence).

<sup>500</sup> Recodification of current Charter Chapter 12, Section 1, in lieu of the following: "The duties, powers and responsibilities of the Director ~~Department~~ of Public Facilities and the Department shall be established by Ordinance".

<sup>501</sup> Chapter 12, Section 4.

<sup>502</sup> Recodification of current Charter Chapter 12, Section 3 (First sentence).

<sup>503</sup> Recodification of current Charter Chapter 12, Section 3 (Second sentence) by deleting "he/she shall..."

<sup>504</sup> Recodification of current Charter Chapter 12, Section 3 (Third sentence), in lieu of the following: "~~The director is~~ be authorized to transfer positions and employees between units of the Department of Public Facilities as the need arises and funds are available".

annual report of the activities of the entire Department of Public Facilities<sup>505</sup>.

**B. The City Engineer.**

(1) **Appointment.** The City Engineer shall be the Department Head of the department responsible for engineering<sup>506</sup>. The City Engineer shall be appointed by the Mayor in accordance with the provisions of §2.A(1) of this Chapter<sup>507</sup>.

<sup>505</sup> Recodification of current Charter Chapter 12, Section 3 (Fourth sentence) by deleting "The director shall..."

<sup>506</sup> Recodification of current Charter Chapter 12, Section 5 in lieu of the following: "The City Engineer shall be the Department Head of the department responsible for engineering".

<sup>507</sup> Recodification and modification of current Charter Chapter 12, Section 5(a) in lieu of the following: "The City Engineer shall be appointed by the Mayor in accordance with the provisions of §2.A(1) of this Chapter be in the Classified Service and shall be selected pursuant to the provisions of Chapter 17 of this Charter except as follows".

The following provisions of current Charter Chapter 12, Section 5(a)(2)-(5) are repealed and set forth in Chapter 8, §2.A(5):

~~(ii) The examination for the position of City Engineer shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the City. The examination shall be open and competitive and shall not be promotional.~~

~~(iii) Whenever a vacancy arises in the position of City Engineer, the Personnel Director shall, upon request, certify to the Mayor the names of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall within one hundred and fifty (150) Days of the creation of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the Mayor the names of the three (3) persons standing highest thereon.~~

~~(iv) Within sixty (60) Days of receipt of the certification required by subsection (a)(3) of this section, the Mayor shall appoint one (1) of the persons so certified as the City Engineer and shall notify the Civil Service Commission and the director of personnel and labor relations of such appointment. The Mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of his receipt of the Personnel Director's certification. Unless otherwise stated such appointment shall be effective immediately.~~

~~(v) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of City Engineer may, only within one hundred and fifty (150) Days of the end of his term, be reappointed by the Mayor for an additional term of five (5) years, effective upon to expiration of the City Engineer's current term, without the need for further examination or testing. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section.~~

(a) **Minimum Qualifications**<sup>508</sup>. The City Engineer shall be a licensed professional engineer. Nothing in this Section shall preclude the Civil Service Commission from establishing greater qualifications for the position of City Engineer, provided that such qualifications shall not include a requirement of prior service with the City. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>509</sup>.

(b) **Appointment of Assistant**<sup>510</sup>. The Assistant City Engineer shall be in the Classified Service.

(c) **Duties and Powers**<sup>511</sup>. The duties, powers and responsibilities of the City Engineer shall be established by Ordinance.

**C. The Director of Parks and Recreation.**

(1) **Appointment**<sup>512</sup>. The Director of Parks and Recreation shall be the Department Head of the department responsible for parks and recreations. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter.

(a) **Minimum Qualifications**<sup>513</sup>. The qualifications for the position of Director of Parks and Recreation shall not include a requirement of prior service with the City. Any qualification for such position shall be based solely on the knowledge, skills and experience required for the position. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>514</sup>.

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~~(vi) Whenever a vacancy occurs in the office of City Engineer, the Mayor may appoint an acting City Engineer. The person so appointed shall possess all the qualifications established for the position of City Engineer. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting City Engineer until the position is filled as provided in this section.~~

<sup>508</sup> Recodification of current Charter Chapter 12, Section 5(a)(1).

<sup>509</sup> NEW.

<sup>510</sup> Recodification of current Charter Chapter 12, Section 5(b).

<sup>511</sup> Chapter 12, Section 6.

<sup>512</sup> Modification and recodification of current Charter Chapter 12, Section 11(a), as follows: "The Director of Parks and Recreation shall be the Department Head of the department responsible for parks and recreations. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter ~~appointed every three years in the month of January by the Board of Park Commissioners with the approval of the Mayor~~".

<sup>513</sup> Recodification of current Charter Chapter 12, Section 11(b).

<sup>514</sup> NEW.

(b) **Duties and Powers.** The duties, powers and responsibilities of the Director of Park and Recreation shall be established by Ordinance.

**Section 9. Public Safety and Protective Services.**

**A. The Chief of Police.**

(1) **Appointment.** The Chief of Police shall be the Department Head of the department providing police services for the City<sup>515</sup>. The Mayor shall appoint the Chief of Police in accordance with the provisions of §2.A (1) of this Chapter<sup>516</sup>.

<sup>515</sup> Recodification of current Chapter 13, Section 4(a) in lieu of the following: "The Chief of Police shall be the Department Head of the department providing police services for the City Police Department and".

<sup>516</sup> Recodification of current Chapter 13, Section 4(b) in lieu of the following: "The Mayor shall appoint the Chief of Police in accordance with the provisions of Chapter 8, §2.A(1)(a) of this Charter shall be in the Classified Service and be selected pursuant to the provisions of Chapter 17 of the Charter except as follows".

The following provision of current Charter Chapter 13, Section 4(b)(6). Is repealed: "~~Notwithstanding the foregoing and any provisions of this Charter to the contrary notwithstanding, no person shall serve as Chief of Police for more than ten (10) years not including any time served in an acting capacity~~".

The following provisions of current Charter Chapter 13, Section 4(b)(2)-(5) and (7) are repealed and set forth in Chapter 8, §2.A(5):

~~(2) The examination for the position of Chief of Police shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the City. The examination shall be open and competitive and shall not be promotional.~~

~~(3) Whenever a vacancy arises in the position of Chief of Police, the Personnel Director shall, upon request, certify to the Mayor the names of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall, within one hundred and fifty (150) Days of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the Mayor the names of the three persons standing highest thereon.~~

~~(4) Within sixty (60) Days of receipt of the certification required by subsection (b)(3) of this section, the Mayor shall appoint one (1) of the persons so certified as the Chief of Police and shall notify the Civil Service Commission and the Board of Police Commissioners of such appointment. The Mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of his receipt of the Personnel Director's certification. Unless otherwise stated such appointment shall be effective immediately. In the event that the Mayor fails to appoint a Chief of~~

(b) **Minimum Qualifications.** The Chief of Police shall, at a minimum, be experienced in urban law enforcement, including supervisory experience in the operations and management of a law enforcement agency. Nothing in this Section shall preclude the Civil Service Commission from establishing greater qualifications for the position of Chief of Police, provided that such qualifications shall not include a requirement of prior service on the Bridgeport Police Department. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position and not on the attainment of any rank or ranks<sup>517</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>518</sup>.

(c) **Powers and Duties of the Chief of Police**<sup>519</sup>. Subject to the operational control of the Mayor<sup>520</sup>, the Chief of Police shall be responsible for:

(1) The operation of the department consistent with the directives of the Mayor and the policies of the Board of Police Commissioners as provided in this section<sup>521</sup>.

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~~Police within sixty (60) Days of receipt of said certification, the Board of Police Commissioners shall, forthwith, make such appointment.~~

~~(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of Chief of Police may, only within one hundred and fifty (150) Days of the end of each term, be reappointed by the Mayor for one additional term of five (5) years, effective upon the expiration of the chief's current term, without the need for further examination or testing. Not later than one hundred and eighty (180) Days prior to the expiration of such term the Board of Police Commissioners shall, by majority vote, advise the Mayor whether the chief should be reappointed and shall specify the reasons for its recommendation. The vote and advise of the Board of Police Commissioners shall be advisory only and is not binding.~~

~~(7) Whenever a vacancy occurs in the office of Chief of Police, the Mayor may appoint a member of the Bridgeport Police Department as the acting Chief of Police. The person so appointed shall possess all of the qualifications established for the position of Chief of Police. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting Chief of Police until the position is filled as provided in this section.~~

<sup>517</sup> Recodification of current Chapter 13, Section 4(b)(1).

<sup>518</sup> NEW.

<sup>519</sup> Recodification of current Charter Chapter 13, Section 5(a)(1) - (9). In sub-paragraph (6) and (7) the word "officers" is replaced by "police officers".

<sup>520</sup> Recodification of current Charter Chapter 13, Section 1(a), in lieu of the following: "The Mayor of the City shall exercise, through the Chief of Police ultimate operational control of the Police Department".

<sup>521</sup> Recodification of current Charter Chapter 13, Section 1(c), in lieu of the following: "Accordingly, the Chief of Police shall be responsible for the operation of the

(2) The administration, supervision and discipline of the Police Department including suspension, loss of pay and discharge of members of the department;

(3) The proper care and custody of the property, apparatus and equipment used by the department;

(4) The preservation of the public peace, prevention of crime, apprehension of criminals, the enforcement of traffic laws and regulations, protection of rights of persons and property and enforcement of the General Statutes, and the City Ordinances;

(5) Making all appointments and promotions to positions in the Police Department. The Chief of Police shall be the appointing authority for all subordinate positions in the Police Department;

(6) The assignment of all members of the department to their respective posts, shifts, details and duties;

(7) Making rules and regulations concerning the operation of the department and the conduct of all police officers and employees thereof subject to approval by the Board of Police Commissioners;

(8) Conducting an investigation and initial informal hearing or hearings in relation to any charges against any police officer or member of the department concerning abuse of power, negligence or dereliction of duty, incompetency, incapacity to perform or some delinquency seriously affecting the officer's general character or fitness for office. At the completion of the investigation and hearings the chief shall, forthwith, reported the results of any such investigation and hearings, including the discipline, if any, imposed to the Board of Police Commissioners;

(9) Establishing procedures for the filing and recording of all complaints and the disposition thereof;

(10) Attending meetings of the Board of Police Commissioners as a nonvoting ex-officio member.

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department consistent with the directives of the Mayor and the policies of the Board of Police Commissioners as provided in ~~subsections (a) and (b) of this section~~".

The Board of Police Commissioners shall establish departmental policies, goals and objectives and perform the duties set forth in this Charter, and Ordinances<sup>522</sup>.

**B. The Fire Chief.**

(1) **Appointment.** The Fire Chief shall be the Department Head of the department providing fire, medical and environmental emergency services for the City<sup>523</sup>. The Mayor shall appoint the Fire Chief in accordance with the provisions of §2.A(1) of this Chapter<sup>524</sup>.

<sup>522</sup> Recodification and modification of current Charter Chapter 13, Section 1(b), in lieu of the following: "The Board of Police Commissioners shall establish departmental policies, goals and objectives and perform the duties set forth in ~~Section 3~~ of this Charter, ~~chapter~~ and Ordinances".

<sup>523</sup> Chapter 14, Section 1 in lieu of the following: "The Fire Chief shall be the Department Head of the department providing fire, medical and environmental emergency services for the City of the Fire Department".

<sup>524</sup> Recodification and modification of current Charter Chapter 14, Section 4(b) in lieu of the following: "The Mayor shall appoint the Fire Chief in accordance with the provisions of §2.A(1)(a) of this Chapter shall be in the Classified Service and shall be selected pursuant to the provisions of Chapter 17 of the Charter except as follows".

The following provision of current Charter Chapter 14, Section 4(b)(6.) is repealed: "~~Notwithstanding the foregoing and any provisions of this Charter to the contrary notwithstanding, no person shall serve as Fire Chief for more than ten (10) years not including any time served in an acting capacity~~".

The following provisions of current Charter Chapter 14, Section 4(b)(2)-(5) and (7) are repealed and set forth in Chapter 8, §2.A(5):

~~(2) The examination for the position of Fire Chief shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the City. The examination shall be open and competitive and shall not be promotional.~~

~~(3) Whenever a vacancy arises in the position of Fire Chief, the Personnel Director shall, upon request, certify to the Mayor the names of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the Personnel Director shall, within one hundred and fifty (150) Days of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the Mayor the names of the three persons standing highest thereon<sup>524</sup>.~~

~~(4) Within sixty (60) Days of receipt of the certification required by subsection (a)(3) of this section, the Mayor shall appoint one (1) of the persons so certified as the Fire Chief and shall notify the Civil Service Commission and the Board of Fire Commissioners of such appointment. The Mayor may designate the time when such appointment shall take effect provided it shall not be more than ninety (90) Days from the date of his receipt of the Personnel Director's~~

(b) **Minimum Qualifications.** The Fire Chief shall, at a minimum, be experienced in urban fire protection, including supervisory experience in the operations and management of a Fire Department. Nothing in this Section shall preclude the Civil Service Commission from establishing greater qualifications for the position of Fire Chief, provided that such qualifications shall not include a requirement of prior service on the Bridgeport Fire Department. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position and not on the attainment of any rank or ranks<sup>525</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>526</sup>.

(c) **Powers and Duties of the Fire Police**<sup>527</sup> Subject to the operational control of the Mayor<sup>528</sup>, the Fire Chief shall be responsible for:

(1) Accordingly, the Fire Chief shall be responsible for the operation of the department consistent with the

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~~certification. Unless otherwise stated, such appointment shall be effective immediately. In the event that the Mayor fails to appoint a Fire Chief within sixty (60) Days of receipt of said certification, the Board of Fire Commissioners shall, forthwith, make such appointment.~~

~~(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of Fire Chief may, only within one hundred and fifty (150) Days of the end of each term, be reappointed by the Mayor for one additional term of five (5) years, effective upon the expiration of the Fire Chief's current term, without the need for further examination or testing. Not later than one hundred and eighty (180) Days prior to the expiration of such term the Board of Fire Commissioners shall, by majority vote, advise the Mayor whether the chief should be reappointed and shall specify the reasons for its recommendation. The vote and advise of the Board of Fire Commissioners shall advisory only and is not binding.~~

~~(7) Whenever a vacancy occurs in the office of Fire Chief, the Mayor may appoint a member of the Bridgeport Fire Department as the acting Fire Chief. The person so appointed shall possess all of the qualifications established for the position of Fire Chief. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting Fire Chief until the position is filled as provided in this section.~~

<sup>525</sup> Recodification of current Charter Chapter 14, Section 4(b)(1).

<sup>526</sup> NEW.

<sup>527</sup> Recodification of current Charter Chapter 14, Section 5(a) (1) - (9). In sub-paragraphs (6) and (7) the word "officers" is changed to sworn personnel".

<sup>528</sup> In lieu of current Charter Chapter 14, Section 1(a): "The Mayor of the City shall exercise, through the Fire Chief, ultimate operational control of the Fire Department".

directives of the Mayor and the policies of the Board of Fire Commissioners as provided in this section<sup>529</sup>.

(2) The administration, supervision and discipline of the Fire Department including suspension, loss of pay and discharge of members of the department;

(3) The proper care and custody of the property, apparatus and equipment used by the department;

(4) The prevention and suppression of fires and fire hazards within the City;

(5) Making all appointments and promotions to positions in the Fire Department. The Fire Chief shall be the appointing authority for all subordinate positions in the Fire Department;

(6) The assignment of all members of the department to their respective posts, shifts, details and duties;

(7) Making rules and regulations concerning the operation of the department and the conduct of sworn personnel and employees thereof subject to approval by the Board of Fire Commissioners;

(8) Conducting an investigation and initial informal hearing or hearings in relation to any charges against any sworn personnel or member of the department concerning abuse of power, negligence or dereliction of duty, incompetency, incapacity to perform or some delinquency seriously affecting the person's general character or fitness for office. At the completion of the investigation and hearings the chief shall, forthwith, reported the results of any such investigation and hearings, including the discipline, if any, imposed to the Board of Fire Commissioners;

(9) Establishing procedures for the filing and recording of all complaints and the disposition thereof;

(10) Attending meetings of the Board of Fire Commissioners as a nonvoting ex-officio member.

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<sup>529</sup> Recodification of current Charter Chapter 14, Section 1(c) in lieu of the following: "529. Accordingly, the Fire Chief and shall be responsible for the operation of the department consistent with the directives of the Mayor and the policies of the Board of Fire Commissioners as provided in subsections (a) and (b) of this section".

The Board of Fire Commissioners shall establish departmental policies, goals and objectives and perform the duties set forth in this Charter<sup>530</sup>.

## Section 10. Education, Health and Community Services.

### A. The Superintendent of Schools.

(1) **The Superintendent**<sup>531</sup>. The Department Head shall be the Superintendent of Schools. The Superintendent shall have executive authority over the school system and the responsibility for its supervision. The Superintendent shall devote full time to the duties of office, set priorities for and direct the supervision of all employees under the purview of the Board of Education in a manner consistent with any policies and procedures set forth in the General Statutes, this Charter and Ordinances and the policies of the Board of Education. The Superintendent shall cooperate with the Mayor on the facilitation and coordination of the activities of the Board of Education and the City in the best interest of the students of the City of Bridgeport.

(a) **Appointment**<sup>532</sup>. The Board of Education shall appoint the Superintendent of Schools in accordance with the provisions of §2.A(3)(a) of this Chapter.

(b) **Qualifications**<sup>533</sup>. The Superintendent of Schools shall, at a minimum, meet the certification requirements of the General Statutes and have experience in urban school administration, including supervisory experience in the operations and management of an urban school district. Nothing in this Section shall preclude the Board of Education from establishing greater qualifications for the position of Superintendent of Schools in accordance with the provisions set forth in §3.B of this Chapter.

(c) **Powers and Duties of the Superintendent of Schools**<sup>534</sup>. Subject to the provisions of this Charter, where not inconsistent with the requirements of the General Statutes, the Superintendent of Schools shall be responsible for the development and administration of the policies and procedures of the Board of Education, including, but not limited to personnel and other policies and procedures for employees, purchasing, financial and budgetary. The Superintendent shall consult with the Mayor

<sup>530</sup> Recodification of current Charter Chapter 14, Section 1(b), in lieu of the following: "The Board of Fire Commissioners shall establish departmental policies, goals and objectives and perform the duties set forth in ~~Section 3~~ of this Charter chapter".

<sup>531</sup> NEW.

<sup>532</sup> NEW.

<sup>533</sup> NEW.

<sup>534</sup> NEW.

and other Officials regarding purchasing standards or practices, contracting, facilities maintenance and management In order to identify and capitalize on economies and efficiencies of scale where practicable and shall be required to meet the accountability and reporting obligations of Departments of the City as set forth in this Charter.

**B. The City Librarian.**

(1) **Appointment**<sup>535</sup>. The Department Head of the Department responsible for the operation and management of the public library facilities of the City shall be the City Librarian. The Director shall be appointed by the Board of Directors of the City Library in accordance with the provisions of §2.A (3)(b) of this Chapter <sup>536</sup>.

(a) **Qualifications**<sup>537</sup>. Qualifications shall be established as set forth in accordance with the provisions set forth in §3.B of this Chapter.

(b) **Employees**<sup>538</sup>. The director may hire such employees in accordance with the provisions of the Civil Service and Merit System.

(2) **Responsibilities of the City Librarian**<sup>539</sup>. The duties, powers and responsibilities of the City Librarian and the Department shall be established by Ordinance.

(3) **The Library Fund**<sup>540</sup>. All moneys collected as penalties by the board of directors of the public library for violation of the rules and regulations adopted by the directors for the governance of the library and reading room or that may be collected under other rules and regulations adopted by such directors, and all fines and penalties which may be imposed upon any person for the violation of any City Ordinance relative to the use and governance of said public library and reading room, shall be placed in the treasury of said City to the credit of the "Library Fund", and shall be expended by said directors in the same manner as any other moneys credited to said library fund<sup>541</sup>.

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<sup>535</sup> NEW.

<sup>536</sup> Recodification of current Charter Chapter 12, Section 2 (First sentence), in lieu of the following: "The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter by and serve at the pleasure of the Mayor".

<sup>537</sup> NEW.

<sup>538</sup> NEW.

<sup>539</sup> NEW.

<sup>540</sup> Recodification of current Charter Chapter 16, Section 3. Derived from 1921, S.A. No. 94; 1929, S.A. No. 81.

<sup>541</sup> **Repeal of current Charter Chapter 16, Sections 4 and 5, entitled "Klein Memorial - Operation and Management" and "Klein Memorial - Annual Appropriation for Operation",**

C. The Director of Health and Social Services.

(1) **Appointment.** The Director of Health and Social Services shall be the Department Head of the office responsible for<sup>542</sup> the delivery of health and social services, including, but not limited to, administration, planning and/or coordination of health, human services, programs for the disadvantaged<sup>543</sup> and the needy; and other agencies or programs as may be assigned to it from time to time by the Mayor or by Ordinance<sup>544</sup>. The Mayor shall appoint the Director of Health and Social Services in accordance with the provisions of §2.A (1) of this Chapter.

respectively. The matter is addressed by Chapter 2.120 of the Bridgeport Code of Ordinances, entitled "Klein Memorial Auditorium", as follows: **2.120.010 Klein memorial auditorium.** A. The Klein memorial auditorium was built with a testamentary gift from Jacob B. Klein and Ray R. Klein and is owned by the city of Bridgeport. B. The management and operation of the Klein memorial auditorium shall rest in the Klein Memorial Auditorium Foundation, Inc. pursuant to the court order in City of Bridgeport, et al v. Klein Memorial Auditorium Foundation, Inc. et al, bearing docket number CV 01-0385292S. C. Any income or principal payments from the Jacob B. Klein and Ray R. Klein Trust for the benefit of the Klein memorial auditorium shall be paid to the Klein Memorial Auditorium Foundation, Inc. and shall be used exclusively for the management and operation of the Klein memorial auditorium. D. The city of Bridgeport may audit the management and finances of the Klein Memorial Auditorium Foundation, Inc. E. Seventy-five (75) percent of the board of directors of the Klein Memorial Auditorium Foundation, Inc. shall be appointed by the mayor of the city of Bridgeport with the advice and consent of the city council of the city of Bridgeport and shall be electors of the city of Bridgeport. Twenty-five (25) percent of the directors shall be appointed by the board of directors of the Bridgeport public library. (Ord. dated 8/2/04)

<sup>542</sup> Recodification and modification of current Charter Chapter 20, Section 2 (First sentence) in lieu of the following: "The Department Head shall be the Director of Health and Social Services shall be the Department Head of the office responsible for ~~who shall~~".

<sup>543</sup> Current Charter Chapter 20, Section 5 is repealed, as follows:

~~The Director of Public Welfare shall be responsible to the Director of Health and Social Services for the efficiency, discipline and good conduct of the department of public welfare. Said director shall have all the powers and perform all the duties relating to poor or other persons in need of the services of said department which are now or may hereafter be vested in or required by the General Statutes of the selectmen of towns.~~

<sup>544</sup> Recodification of current Charter Chapter 20, Section 1 in lieu of the following: "The Director shall have general supervision and management of the department responsible for the delivery that re shall be a Department of health and social services, including, but not limited to, consisting of an administration, planning and/or coordination of -ve office, a Department of health, a Department of Welfare; the Department or Departments which administer, plan and/or coordinate all programs relating to a Department of Health and human services, including programs for the disadvantaged<sup>544</sup> and the needy; and other agencies or programs as may be assigned to it from time to time by the Mayor or by Ordinance the City Council".

<sup>545</sup> Recodification and modification of current Charter Chapter 20, Section 2 (First sentence) in lieu of the following: "The ~~who shall be appointed~~ Director of Health and

(a) **Qualifications.** Qualifications shall be established as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>546</sup>.

(b) **The Appointment of Deputy and Office Heads.** The director may, with the approval of the Mayor, appoint a deputy director who shall serve at the pleasure of the director<sup>547</sup>. Except as otherwise provided by Law the heads of the various units of the department of social services shall be appointed in accordance with the provisions of §2.A (1) of this Chapter<sup>548</sup>.

(i) **The Director of Public Health**<sup>549</sup>. (a) The Director of Public Health shall be appointed in the manner provided by the General Statutes<sup>550</sup> and shall possess the qualifications established for directors of public health. The director shall also be, ex-officio, the Registrar of Vital Statistics for the City. (b) The Director of Public Health shall: (1) have the responsibility for the efficiency, discipline and good conduct of the Department of Public Health; (2) have and exercise in the City and over the navigable waters adjacent thereto, all the jurisdiction and powers conferred and all the duties imposed upon City, town or district directors of health of this State in their respective jurisdictions by the General Statutes; (3) regulate the

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~~Social Services in accordance with the provisions of Chapter 8, §2.A (1) of this Charter by and serve at the pleasure of the Mayor.~~

<sup>546</sup> NEW.

<sup>547</sup> Recodification and modification of current Charter Chapter 20, Section 2 (Second sentence).

<sup>548</sup> Recodification and modification of current Charter Chapter 20, Section 2 (third sentence) in lieu of the following: "Except as otherwise provided by Law the heads of the various units of the department of social services shall be appointed in accordance with the provisions of Chapter 8, §2.A (1) of this Charter ~~by and serve at the pleasure of the Mayor~~".

<sup>549</sup> Chapter 20, Section 6.

<sup>550</sup> C.G.S. Sec. 19a-200 (a) states in pertinent part: "The mayor of each city,...shall, unless the charter of such city,...otherwise provides, nominate some person to be director of health for such city..., which nomination shall be confirmed or rejected by...the legislative body of such city...within thirty days thereafter...". BPT Charter does NOT otherwise provide an appointment process for this position - as Charter, Ch. 21, Sec. 6 (a) states: "The director of public health shall be appointed in the manner provided by law and shall possess the qualifications established for directors of public health...". C.G.S. Sec. 19a-200 (a) goes on to state: "Notwithstanding the charter provisions of any city,...with respect to the qualifications of the director of health, such director of health shall either be a licensed physician or shall hold a graduate degree in public health administration, in a recognized school of public health or shall have such combination of training and experience as meets the approval of the Commissioner of Public Health." Clearly then, state statute 19a-200 (a) conclusively determines both: (1) the appointment process (Mayor nominates + City Council approves/rejects), and (2) the qualifications for appointment.

production, processing and distribution of foodstuffs in the City; (4) have the power and duty to Order forthwith the vacating of any land or building unfit for human habitation and to abate nuisances affecting public health after reasonable notice, at the expense of the owners or persons creating or maintaining same; (5) perform such other duties and take such other measures for the prevention of disease and the preservation of public health as provided by the General Statutes and the City Ordinances. (c) The Director of Public Health, in the capacity as registrar of vital statistics, shall perform the duties imposed by Law upon registrars of vital statistics and, accordingly, shall cause to be established a division of vital statistics in the Department of Public Health to be supervised by an assistant registrar of vital statistics.

(d) **Duties and Responsibilities.** The Director of Health and Social Services shall have the general supervision of the operation and management of the department under this Charter and Ordinances in all matters pertaining to the responsibilities of office<sup>551</sup>. The director is authorized to transfer positions and employees between units of the department as the need arises and the funds are available. The director shall be responsible for the presentation of a consolidated budget to Director of Policy and Management, the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department of social services<sup>552</sup>.

**Section 11. Economic Development, Planning, Zoning Enforcement and Environment.**

**A. The Director of Planning and Economic Development.**

(1) **Appointment.** The Director of Planning and Economic Development shall be the Department Head of the department responsible for all matters pertaining to the planning and economic development functions of the City as set forth under this Charter and

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<sup>551</sup> Modification and recodification of current Charter Chapter 20, Section 3, as follows: "The Director of Health and Social Services shall have the general supervision of the operation and management of the ~~several units of the~~ department under this Charter and Ordinances in all matters pertaining to the responsibilities of office".

<sup>552</sup> Repeal of current Charter Chapter 20, Section 4, as follows: "(e) Social Services Advisory Commission. The City Council may, by Ordinance, establish a Social Services Advisory Commission which shall advise and consult with the director of social services pertaining to his duties and to the conduct of the department and its agencies and shall advise the director in regard to policies, rules and regulations of the department".

Ordinances<sup>553</sup>. The Director shall be appointed in accordance with the provisions of §2.A (1) of this Chapter<sup>554</sup>.

(a) **Qualifications.** Qualifications shall be established as set forth in accordance with the provisions set forth in §3.B of this Chapter<sup>555</sup>.

(c) **Appointment of Deputy and Management of Employees<sup>556</sup>.** The director may, with the approval of the Mayor, appoint a deputy director who shall serve at the pleasure of the director.

(d) **Appointment of Director of Housing and Community Development.** The director shall, with the approval of the Mayor, appoint a director of housing and community development<sup>557</sup>. The director of housing and community development shall be responsible for the management and supervision of all housing and community development programs of the City<sup>558</sup>.

(e) **Responsibilities of the Director.** The Director shall have the general supervision of the operation and management of the several units of the department and thus, is<sup>559</sup>:

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<sup>553</sup> NEW.

<sup>554</sup> Recodification and modification of current Charter Chapter 18, Section 2 (First sentence) in lieu of the following: "~~The Director Department Head shall be the Director of Planning and Economic Development who shall be appointed in accordance with the provisions of §2.A (1) of this Chapter by and serve at the pleasure of the Mayor.~~"

<sup>555</sup> NEW.

<sup>556</sup> Recodification of current Charter Chapter 18, Section 2.

<sup>557</sup> Recodification of current Charter Chapter 18, Section 4(a) (Second sentence), in lieu of the following: "~~The director shall, with the approval of the Mayor, appoint a head of the division shall be a director of housing and community development who shall be appointed by the director of planning and economic development with the approval of the Mayor.~~"

<sup>558</sup> Recodification of current Charter Chapter 18, Section 4(a) (First sentence), in lieu of the following: "~~The director of housing and community development There shall be, within the office of planning and economic development a division of housing and community development, which shall be responsible for the management and supervision of all housing and community development programs of the City.~~"

Repeal of current Charter Chapter 18, Section 4(b), as follows: "(i) The City Council shall provide, by Ordinance, for a housing and community development commission which shall advise the Mayor and the director of housing and community development with respect to housing and community development matters and shall perform such other functions as may be assigned to it by Ordinance".

<sup>559</sup> Recodification and modification of current Charter Chapter 18, Section 3 (First sentence) in lieu of the following: "~~The Director of the Office of Planning and Economic~~"

(i) authorized to transfer positions and employees between units of the departments responsible for planning and economic development as the need arises and the funds are available;

(ii) responsible for the presentation of a consolidated budget to the Director of Policy and Management;

(iii) responsible for the supervision of all employees of the department;

(iv) required to prepare an annual report of the activities of the entire Department of Economic Development<sup>560</sup>;

(v) responsible for neighborhood, community and economic development planning and programs and housing programs;

(vi) liaison to State and federal agencies dealing with these areas;

(vii) required to develop the proposed master plan for the City and revisions thereto; and,

(viii) responsible for such other related activities as may be assigned to it from time to time by the Mayor or by Ordinance<sup>561</sup>.

**B. The Director of Land Use Construction and Review.**

**(1) Appointment.** The Director of Land Use Construction and Review shall be the Department Head of the department responsible for the<sup>562</sup> planning and zoning authorities of the City, building department and any other agencies responsible for historic preservation and land use regulation activities as well as such other subject matter as set forth

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Development shall have the general supervision of the operation and management of the several units of the department".

<sup>560</sup> Sub-sections (i) - (iv) represents a recodification of current Charter Chapter 18, Section 3.

<sup>561</sup> Sub-sections (v) - (viii) represents a recodification of current Charter Chapter 18, Section 1 comprised of syntax modifications.

<sup>562</sup> Recodification of current Charter Chapter 19, Section 3 (First Sentence), in lieu of the following: "The Director of Land Use Construction and Review shall be the Department Head ~~head~~ of the department responsible for the..." shall The Director of Land Use Construction and Review shall have the general supervision of the operation and management of the several units of the department".

under this Charter and the Ordinances<sup>563</sup>. The Director shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter<sup>564</sup>.

<sup>563</sup> Recodification of current Charter Chapter 19, Section 1 (First sentence), in lieu of the following: "~~there shall be a Department of Land Use Construction and Review which shall consist of the planning and zoning authorities of the City, building department and any other agencies responsible for historic preservation and land use regulation activities, as well as such other subject matter as set forth under this Charter and the Ordinances~~"

<sup>564</sup> Recodification of current Charter Chapter 19, Section 2(a) in lieu of the following: "~~The Director of Land Use Construction and Review shall be appointed by the Mayor in accordance with the provisions of §2.A (1) of this Chapter who shall be in the Classified Service and shall be selected pursuant to the provisions of Chapter 17 of this Charter except as follows~~".

The following provisions of current Charter Chapter 19, Section 2(a)(2)-(6) are repealed and set forth in Chapter 8, §2.A(5):

~~(b) The examination for the position of *Director of Land Use Construction and Review* shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the City. The examination shall be open and competitive and shall not be promotional.~~

~~(c) Whenever a vacancy arises in the position of *Director of Land Use Construction and Review*, the *Personnel Director* shall, upon request, certify to the *Mayor* the name of the (3) candidates standing highest upon the employment list for such position. If no such list exists, the *Personnel Director* shall within one hundred and fifty (150) Days of the creation of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the *Mayor* the names of the (3) persons standing highest thereon.~~

~~(d) Within sixty (60) Days of *his* receipt of the certification required by subsection (a)(3) of this section, the *Mayor* shall appoint (1) one person so certified as the *Director of Land Use Construction and Review* and shall notify the *Civil Service Commission* and the *Planning and Zoning Commission* of such appointment. The *Mayor* may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) Days from the date of *his* receipt of the certification. Unless otherwise stated such appointment shall be effective immediately.~~

~~(e) The person so appointed shall hold office for a term of five (5) years from the effective date of *his* appointment but may be removed for just cause. A person holding the position of *Director of Land use regulation* may, only within one hundred and fifty (150) Days of the end of *his* term, be reappointed by the *Mayor* for an additional term of five (5) years, effective upon the expiration of the director's current term without the need for further examination or testing. There shall be no limit on the number of times a person may be so reappointed.~~

(b) **Minimum Qualifications.** The Director of Land Use Construction and Review shall, at a minimum, be experienced in Urban Planning, Architecture, Engineering, Building and Construction Regulation, Land Use Regulation or Public Administration. Nothing in this Section shall preclude the Civil Service Commission from establishing greater qualifications for the position of Director of Land Use Construction and Review, provided that such qualifications shall not include a requirement of prior service with the City. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position<sup>565</sup>. These minimum qualifications shall be supplemented in accordance with the provisions set forth in §3.B of this Chapter<sup>566</sup>.

(c) **Restrictions.** Notwithstanding any provision of Law to the contrary, no person serving as Director of Land Use and Construction Review shall be engaged, directly or indirectly, in any enterprise, including self-employment, which is concerned, in whole or in part, with real estate sales, acquisition or development<sup>567</sup>.

(d) **Responsibilities of the Director.** The Director of Land Use Construction and Review shall have the general supervision of the operation and management of the several units of the department<sup>568</sup>, including but not limited to The Department of Land Use Regulation shall also provide all professional and staff assistance to the City's planning and zoning authorities<sup>569</sup>. Accordingly, the Director:

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~~(f) Whenever a vacancy occurs in the office of **Director of Land Use Construction and Review** the Mayor may appoint an acting Director. The person so appointed shall possess all of the qualifications established for the position of **Director of Land Use Construction and Review**. Any provision of this Charter to the contrary notwithstanding, the person so appointed may serve as acting **Director of Land Use Construction and Review** until the position of Director is filled as provided in this section<sup>564</sup>.~~

<sup>565</sup> Recodification of current Charter Chapter 19, Section 2(a)(1).

<sup>566</sup> NEW.

<sup>567</sup> Recodification of current Charter Chapter 19, Section 2(a)(7).

<sup>568</sup> Recodification of current Charter Chapter 19, Section 3 (First Sentence), in lieu of the following: "The Director of Land Use Construction and Review shall be the Department Head head of the department responsible for the..." shall under this Charter and Ordinance, be subject to the direction of the Mayor in all matters pertaining to the responsibilities of this office. The Director of Land Use Construction and Review shall have the general supervision of the operation and management of the several units of the department".

<sup>569</sup> Recodification of current Charter Chapter 19, Section 1 (Second sentence).

(i) is authorized to transfer positions and employees between units of the department of land use regulation as the need arises and the funds are available<sup>570</sup>;

(ii) shall be responsible for the presentation of a consolidated budget to the Director of Policy and Management, the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department<sup>571</sup>.

(iii) shall annually make available to the members of the land use bodies of the City and their alternates instruction and training concerning the duties and responsibilities of such Boards or Commissions including, but not limited to legal principals and statutory requirements concerning planning, zoning, land use, administrative Law and procedure and the requirements of the freedom of information act<sup>572</sup>.

TRANSMITTAL DRAFT 5/24/12

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<sup>570</sup> Recodification of current Charter Chapter 19, Section 3 (Second Sentence).

<sup>571</sup> Recodification of current Charter Chapter 19, Section 3 (Third Sentence).

<sup>572</sup> Recodification of current Charter Chapter 19, Section 4.

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TRANSMITTAL DRAFT 5-24-12

## CHAPTER 9 - BUDGET AND FISCAL CONTROLS

### Section 1. Fiscal Year; Certain Fiscal Requirements<sup>573</sup>.

The fiscal year of the City shall begin on the first day of July in each year and end on the last day of the succeeding June, both days inclusive.

### Section 2. Appropriations.

A. No money, other than that appropriated pursuant to §4 of this Chapter shall be expended for any purpose, unless a special appropriation therefore by the City Council shall first be approved by a Majority Vote of the City Council. The City Council shall have no power to make any such special appropriation unless the unappropriated revenues of the City are sufficient for the purpose, and the Order or Resolution making such special appropriation shall state specifically what the unappropriated revenues of the City thus appropriated consist of. No Budgeted Entity shall contract debts in excess of its appropriations, and if any such debt be so contracted it shall not be paid out of any future appropriation<sup>574</sup>.

B. If a special appropriation in excess of the unappropriated revenues of the City is required for any purpose, an estimate of the same shall be prepared by the Director of Policy and Management with the approval of the Mayor and submitted to the City Council at a special meeting called for that purpose, and the City Council, at said meeting or any adjournment thereof, shall have power to make any such appropriation and to lay a special tax to meet the same; but no such appropriation shall be made unless a special tax is laid sufficient to cover the amount of excess of such appropriation over the unappropriated revenues of the City<sup>575</sup>.

### Section 3. Power to Procure Information.

A. ~~The Mayor~~<sup>576</sup>. The Mayor shall have the power to require every Official and Department Head, including the Superintendent of Schools, the City Librarian and the Personnel Director, to submit to the Mayor or designee such (a) estimates of revenue and expenditures for the ensuing fiscal year; and (b)

<sup>573</sup> Recodification of current Charter Chapter 9, Section 2.

<sup>574</sup> Modification of current Charter Chapter 9, Section 3(a), as follows: "No money, other than that appropriated pursuant to ~~Section 5~~ §4 of this chapter shall be expended for any purpose, unless a special appropriation therefore by the City Council shall first be approved by a ~~two-thirds (2/3<sup>rd</sup>)~~ Majority Vote, ~~taken by yeas and nays, all members~~ of the City Council. The City Council shall have no power to make any such special appropriation unless the unappropriated revenues of the City are sufficient for the purpose, and the Order or Resolution making such special appropriation shall state specifically what the unappropriated revenues of the City thus appropriated consist of. No Budgeted Entity shall contract debts in excess of its appropriations, and if any such debt be so contracted it shall not be paid out of any future appropriation".

<sup>575</sup> Recodification of current Charter Chapter 9, Section 3(b).

<sup>576</sup> NEW.

any additional information which they possess (including, but not limited to, records, books, accounts, contracts, reports and other papers and documents as specified by the Mayor) all of which, in the judgment of the Mayor, are necessary to discharge the duties imposed upon the Mayor by this Charter.

**B. The City Council<sup>577</sup>.** The City Council shall have full power to require the different Officials and Department Heads including the Superintendent of Schools, the City Librarian and the Personnel Director to furnish all the information which they may possess and to exhibit to it all books, contracts, reports and other papers and documents in their respective Departments, or in their possession, requisite, in the opinion of said board to enable it to discharge the duties imposed upon it by this chapter and it is hereby made the duty of all the City Officials to furnish and exhibit the same when so required.

#### Section 4. Budget; Mill Rate.

**A.** The City Council shall have the power to levy taxes on the polls and estates within the limits of the City for such purposes as the City is by Law authorized. Every tax hereafter laid by the City Council shall be laid upon the grand list of the City, which shall have been made according to Law next before the laying of such tax<sup>578</sup>.

**B.** Each Budgeted Entity shall, on or before a date determined by the Mayor, report to the Director of the Office of Policy and Management an estimate of the amount of money required agency for the next ensuing fiscal year, giving details as far as practicable<sup>579</sup>.

**C.** Not later than the first Day of April of each year, the Mayor shall present to the City Council, through the City Clerk, a proposed budget for the ensuing fiscal year. Upon receipt of said proposed budget the City Clerk shall transmit copies to the members of the City Council forthwith; and, the President of the City Council shall assign the matter to the appropriate committee of

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<sup>577</sup> Recodification of current Charter Chapter 9, Section 4, by replacing the word "officers" with "Officials" and deleted the term "and employees".

<sup>578</sup> Recodification of current Charter Chapter 9, Section 5(a).

<sup>579</sup> Recodification of current Charter Chapter 9, Section 5(b), as follows: "Each Budgeted Entity shall, on or before a date determined by the Mayor, report to the Director of the Office of Policy and Management an estimate of the amount of money required agency for the next ensuing fiscal year, giving details as far as practicable".

jurisdiction for immediate review and consideration<sup>580</sup>. The proposed budget shall include the following information<sup>581</sup>:

(1) an itemized statement of appropriations proposed by the Mayor for current expenses, capital items and permanent improvements for each Budgeted Entity for the ensuing fiscal year together with comparative statements, in parallel columns of the requests made by the various Budgeted Entity of the appropriations and expenditures for the current and preceding fiscal years; the increase and decrease between the current and ensuing fiscal years in the appropriations recommended; and the expenditure estimates required by §4.C (3) of this Chapter;

(2) an itemized statement of the taxes required and of the estimated revenues of the City from all other sources for the ensuing fiscal year with comparative statements, in parallel columns, of the taxes and other revenues for current and preceding fiscal years; of the increase and decrease estimated or proposed, and the revenue estimates required by §4.C (3) of this Chapter;

(3) an estimate of the expenditures required by each Budgeted Entity for the fiscal year following the next ensuing fiscal year and an estimate of the taxes required and of the estimated revenues of the City from all other sources for the fiscal year following the next ensuing fiscal year;

(4) a statement of the assumptions on which the estimates required by §4.C (3) of this Chapter are based; and,

(5) such other information as the City Council shall, by Ordinance, require. The estimates and statements required by §§4.C (3) and (4) of this Chapter shall be advisory only.

D. The City Council shall have the power to (1) act upon and approve any reduction or deletion with respect to any item in the budget recommended by the Mayor; (2) increase any item in said budget or add new items to said budget; or, (3) to adopt the budget by the date required in §4.G of this Chapter,

<sup>580</sup> Modification of current Charter Chapter 9, Section 5(c)(First sentence), as follows: "Not later than the commencement of the business day on the first day of Tuesday in April of each year, the Mayor shall present to the City Council, through the City Clerk, a proposed budget for the ensuing fiscal year. Upon receipt of said proposed budget (1) the City Clerk shall transmit copies of the City Council forthwith; and, (2) the President of the City Council shall assign the matter to the appropriate committee of jurisdiction for immediate review and consideration".

<sup>581</sup> Recodification of current Charter Chapter 9, Section 5(c)(Second sentence including clauses 1-5).

all actions being taken by an affirmative majority vote of the entire membership of the City Council"<sup>582</sup>.

E. Prior to taking final action on the proposed budget and mill rate the City Council shall hold at least one (1) public hearing at which members of the public shall be allowed to comment thereon<sup>583</sup>.

F. **Adoption of the Budget and Mill Rate by the City Council.** The budget and mill rate adopted by the City Council shall be submitted to the Mayor not later than the third Monday in May of each year<sup>584</sup>. The Resolution establishing the mill rate for the ensuing fiscal year shall, when combined with other sources of revenue, generate sufficient funds to support the budget adopted by the City Council<sup>585</sup>.

(1) **Actions by the Mayor**<sup>586</sup>. Within seven (7) Days after adoption of the budget and mill rate by the City Council as herein provided, upon review and consideration the Mayor shall be authorized to:

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<sup>582</sup> Modification of current Charter Chapter 9, Section 5(d), as follows: "The City Council shall have the ~~following powers to (1) act upon and approve any reduction or deletion with respect to any item in the budget recommended by the Mayor; (1) it shall have the power to reduce or delete any item in the budget recommended by the Mayor; (2) by a majority vote of the Council members present and voting; (2) it shall have the power to increase any item in said budget or add new items to said budget; or, (3) to adopt the budget by the date required in §4.G of this Chapter, all actions being taken by an the only on a two-thirds (2/3)~~ affirmative majority vote of the entire membership of the City Council".

<sup>583</sup> Recodification of current Charter Chapter 9, Section 5(e).

<sup>584</sup> Modification of current Charter Chapter 9, Section 5(g)(First sentence), as follows: "The budget and mill rate adopted by the City Council ~~as provided in subsection (b)~~ shall be submitted to the Mayor not later than the third Monday ~~second Tuesday~~ in May of each year".

<sup>585</sup> Modification of current Charter Chapter 9, Section 5(f)(First sentence), as follows: "~~Not later than the seventh day after action on the budget is completed, the City Council shall, by The Resolution establishing the set a mill rate for the ensuing fiscal year, which shall, when combined together with other sources of revenue, generate sufficient funds to support the budget adopted by the City Council~~".

<sup>586</sup> Modification of current Charter Chapter 9, Section 5(g)(Second sentence), as follows: "Within seven (7) Days after adoption of the budget and mill rate by the City Council as herein provided, upon review and consideration the Mayor shall be authorized to: (a) approve and sign the adopted budget and mill rate which shall become operative and effectual; or, (b) disapprove, by if he/she approves it, or within fourteen (14) Days after adoption of the budget by the City Council as provided herein, the Mayor may veto, any action taken by the City Council pursuant to §4.G of this Chapter subsection D (d) of this section; or (c) take no action to sign the adopted budget and mill rate or disapprove any action of the City Council relating thereto".

(a) Approve and sign the adopted budget and mill rate which shall become operative and effectual; or,

(b) Disapprove any action taken by the City Council pursuant to §4.F of this Chapter<sup>587</sup>; or,

(c) Take no action to sign the adopted budget and mill rate or disapprove any action of the City Council relating thereto.

(2) **Disapproval by Line-Item Veto by the Mayor.** The power of the Mayor to disapprove shall be that of a line item veto only, and any such veto may be overridden by a two-thirds (2/3<sup>rd</sup>) vote of the entire membership of the City Council<sup>588</sup>.

(a) **Statement of Objections and Disapproval<sup>589</sup>.** If the Mayor shall disapprove any action by the City Council, the Council the proposed budget with a statement of objections shall be transmitted to the City Council by the Mayor. Said transmittal shall occur no later than the close of business on the last day of said fourteen (14) Day period.

(b) **Action by the City Council.**

(i) Upon receipt, the President of the City Council shall call a meeting of said Council to be held no later than seven (7) Days after the receipt of the Mayor's disapproval by line item veto and statement of objections<sup>590</sup>.

(ii) At such meeting the Mayor's statement of objections shall be read to the City Council and thereafter another vote shall be taken on such item(s) contained therein and if such item(s) pass the City Council by a two-

<sup>587</sup> The following provisions of current Charter Chapter 9, Section 5(f)(Second sentence) is taken into account in this section: "Such Resolution may be disapproved by the Mayor in the manner set forth in subsection (e) of this section".

<sup>588</sup> Modification of current Charter Chapter 9, Section 5(g)(Third sentence), as follows: "The ~~the~~ power of the Mayor to disapprove shall be that of a line item veto only, and any such veto may be overridden by a two-thirds (2/3<sup>rd</sup>) vote of the entire membership of the City Council".

<sup>589</sup> Recodification of current Charter Chapter 9, Section 5(g)(Fourth sentence), as follows: "If the Mayor shall disapprove any action by the City Council, the Council the proposed budget with a statement of objections shall be transmitted to the City Council by the Mayor. Said transmittal shall occur ~~he/she shall~~, no later than the close of business on the last day of said seven (7) ~~fourteen (14)~~ Day period, ~~return the proposed budget to the City Council with a statement of objections~~".

<sup>590</sup> Recodification of current Charter Chapter 9, Section 5(g)(Fifth sentence), as follows: "Upon receipt ~~Thereupon~~, the President of the City Council shall call a meeting of said Council to be held no later than seven (7) Days after the receipt of the Mayor's disapproval by line item veto and statement of objections".

thirds (2/3<sup>ds</sup>) vote of the entire membership of the City Council, such item(s) and the budget and mill rate adopted by the City Council shall become operative and effectual without any further action by the Mayor<sup>591</sup>.

(3) **Inaction by the Mayor.** If, within fourteen (14) Days after the adoption of a budget by the City Council, as provided herein, the Mayor neither signs the adopted budget nor disproves any action of the City Council, said budget shall become operative and effectual without such approval<sup>592</sup>.

(4) **Inaction by the Council**<sup>593</sup>. If the City Council fails to adopt the budget by the third Monday in May of any year, the budget proposed by the Mayor shall become the budget of the City for the ensuing fiscal year.

(5) **Final Action on the Budget and Mill Rate.** For the purposes of this section, action on the budget shall be deemed to be completed when (1) the budget takes effect pursuant to §4.F (4) of this Chapter; or (2) the Mayor approves the budget or it becomes effective without the Mayor's approval pursuant to §4.F (3) of this Chapter; or, (3) the City Council completes action on any and all items disapproved by the Mayor pursuant to §4.F (2)(b) of this Chapter<sup>594</sup> and, not later than the seventh (7<sup>th</sup>) Day after such action on the budget is completed, the City Council shall, by Resolution, establish set the final mill rate for the ensuing fiscal year, which when combined with other sources of revenue, shall generate sufficient funds to support the budget adopted by the City Council<sup>595</sup>.

<sup>591</sup> Recodification of current Charter Chapter 9, Section 5(g)(Sixth sentence), as follows: "At such meeting the Mayor's statement of objections ~~the reasons for disapproving any item~~ shall be read to the City Council and thereafter another vote shall be taken on such item(s) contained therein and if such item(s) ~~it~~ pass the City Council by a two-thirds (2/3<sup>ds</sup>) vote of the entire membership of the City ~~whole number of Council members~~, such item(s) and the budget and mill rate adopted by the City Council ~~it~~ shall become operative and effectual without any further action by the approval of the Mayor".

<sup>592</sup> Recodification of current Charter Chapter 9, Section 5(g) (Seventh sentence).

<sup>593</sup> Recodification of current Charter Chapter 9, Section 5(h), as follows: "If the City Council fails to adopt the budget by the third Monday ~~second Tuesday~~ in May of any year, the budget proposed by the Mayor shall become the budget of the City for the ensuing fiscal year".

<sup>594</sup> Modification of current Charter Chapter 9, Section 5(f)(Third sentence), as follows: (1) "subsection (h) of this section" is replaced by "§4.F (4) of this Chapter"; (2) "subsection (g) of this section" is replaced by "§4.F (3) of this Chapter"; and (3) "subsection (g) of this section" is replaced by "§4.F (2)(b) of this Chapter".

<sup>595</sup> Modification of current Charter Chapter 9, Section 5(f)(First sentence), as follows: "and, not later than the seventh day after such action on the budget is completed, the City Council shall, by Resolution, establish set the final ~~a~~ mill rate for the ensuing fiscal year, which when combined ~~shall, together~~ with other sources of revenue, shall generate sufficient funds to support the budget adopted by the City Council".

**Section 5. Capital Budget.**

**A. Planning and Development of the Capital Budget.** Upon the request of and in accordance with a schedule prepared by the Director of Policy and Management, every Budgeted Entity of the City shall submit to said Director an estimate of the capital expenditures required in each of the next five (5) fiscal years<sup>596</sup>. The estimates shall be in such form and supported by such information as the Director of Policy and Management shall prescribe<sup>597</sup>.

(1) The Director of Policy and Management shall review such estimates and shall develop, after consultation with the Director of Finance, a draft capital budget which shall consist of two parts: first, a five (5) year capital improvement plan listing the capital projects required in each of the next five (5) years; and second, an annual element listing programs to be funded during the next fiscal year and the source of such funding<sup>598</sup>.

(2) The draft capital budget shall be submitted to the Mayor in accordance with a schedule prepared by the Director of Policy and Management and approved by the Mayor<sup>599</sup>.

(3) The City Council may, by Ordinance, prescribe the type and dollar value of the projects to be included in the draft capital budget, the proposed capital budget and the adopted capital budget<sup>600</sup>.

**B. Submission to the City Council.** Not later than the first Tuesday in March of each year, the Mayor shall submit a proposed capital budget to the City Council<sup>601</sup>. Such proposed capital budget shall contain the same elements as

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<sup>596</sup> Modification of current Charter Chapter 9, Section 6(a) (First sentence), as follows: ~~"Not later than the first day of November of each year~~ Upon the request of and in accordance with a schedule prepared by the Director of Policy and Management, every Budgeted Entity of the City shall submit to ~~the said Director of Policy and Management~~ an estimate of the capital expenditures required in each of the next ~~five~~ three (5) fiscal years".

<sup>597</sup> Recodification of current Charter Chapter 9, Section 6(a) (Second sentence).

<sup>598</sup> Modification of current Charter Chapter 9, Section 6(a) (Third sentence), as follows: "The Director of Policy and Management shall review such estimates and shall develop, after consultation with the ~~Department~~ Director of Finance, a draft capital budget which shall consist of two parts: first, a ~~five (5) three~~ year capital improvement plan listing the capital projects required in each of the next ~~five (5) three~~ years; and second, an annual element listing programs to be funded during the next fiscal year and the source of such funding".

<sup>599</sup> Modification of current Charter Chapter 9, Section 6(a) (Fourth sentence), as follows: "The draft capital budget shall be submitted to the Mayor in accordance with a schedule prepared by the Director of Policy and Management and approved by the Mayor ~~not later than the first Tuesday in February annually~~".

<sup>600</sup> Recodification of current Charter Chapter 9, Section 6(e).

<sup>601</sup> Recodification of current Charter Chapter 9, Section 6(b) (First sentence).

the draft capital budget and shall also identify those projects to be funded from the general fund budget and those which are to be funded from other sources<sup>602</sup>.

(1) **Review by the City Council.** The City Council shall solicit suggestions, comments and recommendations from City Officials and the members of the public regarding the proposed capital budget and shall conduct at least one public hearing<sup>603</sup>.

(2) **Action by the City Council.** Not later than the first Monday in May, the City Council shall adopt the annual capital budget, including a statement of the funding sources for all projects included in the annual budget, and shall make such changes in the five (5) year plan as it considers appropriate, the first year of the five (5) year plan shall constitute the annual capital budget<sup>604</sup>. The City Council shall include in the general fund budget of the City sufficient funds to support all projects identified in the capital budget as being funded from such general fund<sup>605</sup>.

C. Any provision of this Charter to the contrary notwithstanding, no bonds of the City shall be issued in support of any project which is not included in the capital budget unless a statement of the need for such project is first (1) signed by the Mayor and filed with the City Clerk; or (2) adopted by an affirmative vote of two-thirds (2/3<sup>rd</sup>s) of the entire membership of the City Council<sup>606</sup>.

## Section 6. Transfers.

A. **Interdepartmental Transfers<sup>607</sup>.** Interdepartmental transfers between any designated Appropriation Categories and Budgeted Entities set

<sup>602</sup> Recodification of current Charter Chapter 9, Section 6(b) (Second sentence).

<sup>603</sup> Recodification of current Charter Chapter 9, Section 6(c).

<sup>604</sup> Modification of current Charter Chapter 9, Section 6(d)(First sentence), as follows: "~~Not later than the first Monday Tuesday~~ in May, the City Council shall adopt the annual element of the capital budget, including a statement of the funding sources for all projects included in the annual budget, and shall make such changes in the five (5) year plan as it considers appropriate, the first year of the five (5) year plan shall constitute the annual capital budget".

<sup>605</sup> Recodification of current Charter Chapter 9, Section 6(d)(Second sentence).

<sup>606</sup> Recodification of current Charter Chapter 9, Section 6(f), as follows: "Any provision of this Charter to the contrary notwithstanding, no bonds of the City shall be issued in support of any project which is not included in the capital budget unless a statement of the need for such project is first (1) signed by the Mayor and filed with the City Clerk; or (2) adopted by an affirmative vote of two-thirds (2/3<sup>rd</sup>s) of the entire membership of the City whole number of Council members".

<sup>607</sup> Modification of current Charter Chapter 9, Section 5(i), as follows: "Interdepartmental transfers between any designated Appropriation Categories and Budgeted Entities set forth in line items of the adopted budget may be requested by the Mayor, the Director of Policy and Management or the Department Head or Chair of any Budgeted Entity agency and be approved by the affirmative vote of a Majority Vote of the City Council members".

forth in the adopted budget may be requested by the Mayor, the Director of Policy and Management or the Department Head or Chair of any Budgeted Entity and be approved by a Majority Vote of the City Council. Such transfers may be disapproved in the manner set forth in §6.E (1) of Chapter 5 of this Charter.

**B. Intradepartmental Transfers<sup>608</sup>.** Intradepartmental transfers within any designated Appropriation Category of the adopted budget may be requested by the Department Head or Chair or of any Budgeted Entity and approved by the Director of Policy and Management, following consultation with the Mayor.

### Section 7. Monthly Financial Report.

A. Not later than the first meeting of the City Council of each month, the Mayor shall submit to the City Council a report showing the following items up to the last day of the prior month: (1) budgeted and actual revenues; (2) budgeted and actual expenditures for each Budgeted Entity; and (3) the projected budget surplus or deficit for the fiscal year. Such report shall also be filed in the office of the City Clerk and copies made available to the public<sup>609</sup>.

B. The City Council may, by Ordinance, require that additional information be included in such report<sup>610</sup>.

C. The City Council shall conduct periodic oversight meetings regarding the monthly financial report as set forth in §6.A (2) of Chapter 5 of this Charter<sup>611</sup>.

### Section 8. Enterprise Funds<sup>612</sup>.

A. As used in this Section "enterprise fund" shall mean a fund used solely to support a specified activity or activities of a Budgeted Entity.

B. The City Council may, by Ordinance, provide for the establishment and maintenance of one or more enterprise funds. Such Ordinance shall specify

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present and voting. Such transfers may be disapproved in the manner set forth in §6.E (1) of Chapter 5 of this Charter."

<sup>608</sup> NEW.

<sup>609</sup> Modification of current Charter Chapter 9, Section 7(a), as follows: "Not later than the ~~fourth Friday~~ first meeting of the City Council of each month, the Mayor shall submit to the City Council a report showing the following items up to the last day of the prior month: (1) budgeted and actual revenues ~~up to the last day of the prior month~~; (2) budgeted and actual expenditures for each Budgeted Entity ~~of the City up to the last day of the prior month~~; and (3) the projected budget surplus or deficit for the fiscal year. Such report shall also be filed in the office of the City Clerk and copies made available to the public".

<sup>610</sup> Recodification of current Charter Chapter 9, Section 7(b).

<sup>611</sup> NEW.

<sup>612</sup> Recodification of current Charter Chapter 9, Section 8.

the monies to be deposited in such fund and the activities to be supported by the fund and shall provide for the administration of such funds.

C. The City Treasurer shall be the custodian of all enterprise funds and shall be responsible for investing them in same manner as other City funds.

D. Expenditures form enterprise funds shall be included in the operating budget of the City and shall be subject to the same controls as other appropriations.

### **Section 9. Special Funds<sup>613</sup>.**

The City Council may, by Ordinance, regulate the establishment of and the accounting for grants, bond proceeds, trust and other special purpose funds.

### **Section 10. Grants<sup>614</sup>.**

Each Budgeted Entity may apply for and with the approval of the Mayor and City Council, accept grants from federal, state and private sources to support the activities of such agency.

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<sup>613</sup> Recodification of current Charter Chapter 9, Section 9.

<sup>614</sup> Recodification of current Charter Chapter 9, Section 10.

## CHAPTER 10 - BONDING AND LONG TERM DEBT

### Section 1. Issuance of Bonds. Authorization<sup>615</sup>.

The City Council, by a Majority Vote of the City Council may authorize the issuance of bonds for the use of the City, the property of which are to be used for any public work or improvement of a permanent nature, the purchase or taking of land or interests in land, the improvement of land taken or acquired for such public work or improvements, the purchase of equipment of a lasting character and for any other purpose for which cities and towns are authorized by the General Statutes to issue bonds. Bonds for a single purpose may be authorized and issued at one time or from time to time and bonds for two or more purposes may be consolidated into a single bond issue which may be sold at one time or from time to time. The City Council shall determine or shall authorize the Mayor, City Treasurer, the Director of Finance or such appointees of the Mayor as may be designated by Ordinance, to determine the date, maturities, interest rate or rates, form, manner of sale and other details of the bonds of each authorized bond issue but such bonds shall conform to the provisions of the applicable General Statutes as to maximum term, serial maturities, authentication and maximum rate of interest.

### Section 2. Form of Bonds<sup>616</sup>.

Bonds of the City shall be signed by the Mayor, City Treasurer and Director of Finance of the City, provided that the City Council may permit such signatures to be executed with a facsimile of such signatures printed on the bonds. The coupons annexed to any bonds issued in coupon form shall bear

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<sup>615</sup> Recodification of current Charter Chapter 10, Section 1(a), as follows: "~~The City Council of the City of Bridgeport, by a Majority Vote of the City Council vote of the majority of the whole number of Council members~~ may authorize the issuance of bonds for the use of the City of Bridgeport, the property of which are to be used for any public work or improvement of a permanent nature, the purchase or taking of land or interests in land, the improvement of land taken or acquired for such public work or improvements, the purchase of equipment of a lasting character and for any other purpose for which cities and towns are authorized by the General Statutes to issue bonds. Bonds for a single purpose may be authorized and issued at one time or from time to time and bonds for two or more purposes may be consolidated into a single bond issue which may be sold at one time or from time to time, ~~all as the City Council shall determine~~. The City Council shall determine or shall authorize the Mayor, City Treasurer or the Director of Finance or such appointees of the Mayor as may be designated by Ordinance ~~Mayor~~, to determine the date, maturities, interest rate or rates, form, manner of sale and other details of the bonds of each authorized bond issue but such bonds shall conform to the provisions of the applicable General Statutes as to maximum term, serial maturities, authentication and maximum rate of interest". Derived from 1959, S.A. No. 400, §§1-4.

<sup>616</sup> Recodification of current Charter Chapter 10, Section 1(b), by replacing "officers" with "Officials or employees" and deleting the term "controller". Derived from 1959, S.A. No. 400, §§1-4.

the facsimile signatures of the Mayor, City Treasurer and Director of Finance. Any bonds of the City and any coupons appended thereto, if properly executed, whether or not such execution shall be by manual signature or by the printing of facsimile signatures thereon shall be valid and binding according to their terms notwithstanding that, before the delivery thereof and payment therefor, any or all of such Officials or employees shall have for any reason ceased to hold office.

**Section 3. Utilization of Premium Received<sup>617</sup>.**

Any premium received from the sale of bonds less the cost of preparing, issuing and selling such bonds, may be used to pay the principal of the first of such bonds to mature or for any other purpose for which such premium may be legally permitted to be used. The proceeds of bonds when received shall be delivered to the city treasurer and shall be kept by him/her in separate accounts according to the purpose or purposes for which such bonds were authorized and, except for premium, shall be used solely for such purpose or purposes, provided, if there should be any accumulation of interest from the investment of the proceeds of such bonds pending the accomplishment of the specific purpose or purposes for which such bonds were issued, such interest may be used for the purpose of paying principal and/or interest on the indebtedness of the City or to be used for any purpose for which bonds of the city could be issued. If a surplus remains from the proceeds of bonds issued for a particular purpose or purposes after such a purpose has been accomplished, the City council may determine or authorize the Mayor, Treasurer and/or Director of finance to determine the use of such surplus bond proceeds for any purpose for which bonds of the City could be issued or for paying the principal of such

<sup>617</sup> Recodification of current Charter Chapter 10, Section 1(c), as follows: "Any premium received from the sale of bonds less the cost of preparing, issuing and selling such bonds, shall may be used to pay the principal of the first of such bonds to mature or for any other purpose for which such premium may be legally permitted to be used. The proceeds of bonds when received shall be delivered to the city treasurer and shall be kept by him/her in separate accounts according to the purpose or purposes for which such bonds were authorized and, except for premium, shall be used solely for such purpose or purposes, provided, if there should be any accumulation of interest from the investment of the proceeds of such bonds pending the accomplishment of the specific purpose or purposes for which such bonds were issued, such interest may be placed in a capital account to be used for the purpose of reducing paying principal and/or interest on the bonded indebtedness of the city or to be used for any purpose for which bonds of the city could be issued. If a surplus remains from the proceeds of bonds issued for a particular purpose or purposes after such a purpose has been accomplished, the city council may authorizedetermine or authorize the mayor, treasurer and/or director of finance to determine the use of such surplus bond proceeds for any purpose for which bonds of the city could be issued or for paying the principal of such bonds as they mature. The city council; by vote of a majority ofvote of the City Council, the Council may declare or authorize the whole number of members; maymayor, treasurer and/or finance director to declare that a purpose for which bonds of the city have been issued has been abandoned and thereupon the balance of the proceeds of such bonds available for such purpose shall be deemed surplus bond proceeds and may be used as hereinbefore in this Section provided". Derived from 1959, S.A. No. 400, §§1-4.

bonds as they mature. By Majority Vote of the City Council, the Council may declare or authorize the Mayor, Treasurer and/or Finance Director to declare that a purpose for which bonds of the City have been issued has been abandoned and thereupon the balance of the proceeds of such bonds available for such purpose shall be deemed surplus bond proceeds and may be used as hereinbefore in this Section provided.

B. Nothing in this Charter shall be deemed to affect adversely the validity of any of the outstanding bonds of the City<sup>618</sup>.

TRANSMITTAL DRAFT 5-24-12

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<sup>618</sup> Recodification of current Charter Chapter 10, Section 1(d). Derived from 1959, S.A. No. 400, §§1-4.

TRANSMITTAL DRAFT 5-24-12

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## CHAPTER 11 - PENSIONS

### Section 1. Continuance of Provisions<sup>619</sup>.

The pensions heretofore granted to employees and former employees of the Town or City by Special Act or Charter provision shall continue<sup>620</sup>, as prior to the effective date of this Charter, notwithstanding the fact that such acts or provisions are not set out in this Charter.

### Section 2. Police and Fire Pensions<sup>621</sup>.

The Boards of Police and Fire Commissioners shall continue to be the trustees of the pension funds of their respective Departments.

### Section 3. Janitors' and Engineers' Retirement Fund.

A. There shall be in the City a fund known as the "Janitors' and Engineers' Retirement Fund" for the benefit of janitors and engineers of the public schools of the City, which shall consist of moneys received from the following sources: (1) All bequests or donations made to the fund from private or public sources for the purpose for which said retirement fund is established; (2) the monthly assessments on the salaries of all janitors and engineers, not exceeding two and one-half per cent per annum, as the trustee of said retirement fund shall from time to time determine<sup>622</sup>.

B. The words "janitors" and "engineers" as used in this Section shall include janitors, custodians, supervising custodians, building superintendents, the supervisor of custodians and any other person paying into said janitors' and engineers' retirement fund<sup>623</sup>.

C. All moneys belonging to said retirement fund shall be deposited with the City Treasurer of the City, but the direction, management and investment of said fund shall be under the charge of the Board of Education who shall be trustee of said fund. All Orders on said fund shall be signed by the secretary of the Board of Education and counter signed by the Chair of the Board of Education. The City Treasurer shall, as custodian of said fund, provide the Board of Education with such information and reports as it requires in Order to discharge its duties as trustee<sup>624</sup>.

<sup>619</sup> Recodification of current Charter Chapter 21, Section 1.

<sup>620</sup> **Drafting Note:** Are we aware of any applicable special acts? Should they be specifically referenced?

<sup>621</sup> Recodification of current Charter Chapter 21, Section 2.

<sup>622</sup> Recodification of current Charter Chapter 21, Section 3(a).

<sup>623</sup> Recodification of current Charter Chapter 21, Section 3(b). Sections 3(a) and (b) derived from 1931 S.A. No. 387, §1; 1953, S.A. NO. 547, §1; 1957 S.A. No. 380, §2; 1958, S.A. No. 30, §2.

<sup>624</sup> Recodification of current Charter Chapter 21, Section 3(c), as follows: Replace "president" with "Chair". 1931 S.A. No. 387, §2.

D. From said retirement fund the Board of Education as such trustee, by a majority vote, shall, from time to time, appropriate and cause to be paid such sums as may be needed for the purpose of paying the pensions herein provided<sup>625</sup>.

E. The Board of Education may retire from active service any janitor or engineer who has been continuously in the service of the Board of Education for a period of twenty-five years or has reached the age of seventy years. When any janitor or engineer who has been in the service of the Board of Education for a period of twenty-five (25) years or has reached the age of seventy (70) shall make written application requesting retirement from active service, said board shall Order the immediate retirement of such applicant from active service. The Board of Education may retire any janitor or engineer who has in fact become permanently disabled for the performance of job duties by reason of physical disability resulting from injury received or exposure endured in the performance of such job duty<sup>626</sup>.

F. No person or employee coming within the operation of this Charter shall be employed or engaged by the Board of Education unless such Person shall, after a thorough medical examination, be found to be in proper physical condition. Unless said requirements as to health shall have been complied with, such persons shall not be eligible for the benefits provided by this Charter<sup>627</sup>.

G. Whenever any janitor or engineer shall have been retired as aforesaid, said employee shall receive, yearly, from said retirement fund for the remainder of the employee's life, a sum equal to one-half (1/2) the yearly compensation paid by the City to said employee prior to such retirement, and, in any event, not less than six hundred (\$600.00) dollars per year. In addition, any person entitled to a pension under this act, as amended, shall receive a sum equal to two (2%) per cent of the yearly compensation paid to him prior to such retirement for each year of service over twenty-five (25) years, but the total maximum pension shall not in any case exceed seventy (70%) per cent of the employee's pay prior to retirement<sup>628</sup>.

H. Any janitor or engineer who may be retired and who has not paid into such fund an amount equal to the amount of said annual pension of six hundred (\$600.00) dollars, shall receive such pension, less twenty (20%) per cent thereof, which deduction shall by made, annually, until the amount of such deduction, added to the assessments paid by such pensioner, shall have

<sup>625</sup> Recodification of current Charter Chapter 21, Section 3(d). 1931 S.A. No. 387, §3.

<sup>626</sup> Recodification of current Charter Chapter 21, Section 3(e) by rendering the provision general neutral. 1931 S.A. No. 387, §4; 1935, S.A. No. 341, §1; 1953, S.A. No. 547 §2; 1957 S.A. No. 380, §1; 1958, S.A. No. 30, §1.

<sup>627</sup> Recodification of current Charter Chapter 21, Section 3(f). 1935, S.A. No. 341, §2; 1957 S.A. No. 380, §4; 1958, S.A. No. 30, §4.

<sup>628</sup> Recodification of current Charter Chapter 21, Section 3(g) by rendering the provision gender neutral. 1931 S.A. No. 387, §5; 1955, S.A. No. 387; 1957 S.A. No. 380, §3; 1958, S.A. No. 30, §3.

amounted to six hundred (\$600.00) dollars, and thereafter such pensioner shall receive the full amount of six hundred (\$600.00) dollars per annum<sup>629</sup>.

I. Whenever the employment of any janitor or engineer shall have been terminated, prior to the employee's retirement, for any other than the willful neglect of duty such janitor or engineer shall be entitled to receive from said retirement fund the amount which the employee has contributed thereto by assessment. When any member of the janitors' or engineers' retirement fund, whether active or retired, shall die, the spouse of such member at the time of the employee's death, if the employee is in active service at the time of the enactment of this amendment, or a monthly sum equal to one fourth (1/4) of the salary received by such member just prior to the employee's retirement, if retired after the date of enactment of this amendment. If there be no spouse surviving the employee, then any surviving children shall be entitled to receive from said retirement fund the amount which has been contributed thereto by the employee's assessments only if said member is in active service at the time of the employee's death<sup>630</sup>.

J. No retired janitor or engineer shall have the right to pledge, assign, transfer or create and charge any lien upon the employee's annual pension, nor shall it be subject to any process of attachment, nor shall such annual pension be paid to any person except such retired janitor or engineer<sup>631</sup>.

K. All janitors or engineers employed by the Board of Education, to be in charge of the school buildings, shall receive permanent appointment and shall continue in such employment unless removed by the Board of Education for cause. Before such power of removal shall be exercised the Board of Education shall cause such janitor or engineer to be summoned to appear and show cause why the employee should not be dismissed from office, which summons, with a copy of the charges referred against the employee, shall be left with said employee, or at the employee's usual place of abode, at least six (6) Days before the date of the hearing<sup>632</sup>.

L. Said Board of Education, as such trustee, shall file with the Director of Finance, on or before the first day of January of each year, a statement of said retirement fund, showing the amount thereof, and all payments and disbursements made therefrom, and the securities in which said fund has been invested<sup>633</sup>.

M. If the funds in the janitors' and engineers' retirement fund shall not be sufficient to pay the amount allowed janitors or engineers retired under

<sup>629</sup> Recodification of current Charter Chapter 21, Section 3(h). 1931 S.A. No. 387, §6.

<sup>630</sup> Recodification of current Charter Chapter 21, Section 3(i) by rendering the provision gender neutral. 1931 S.A. No. 387, §7; 1951, S.A. No. 446; 1953, S.A. No. 547 §3.

<sup>631</sup> Recodification of current Charter Chapter 21, Section 3(j) by rendering the provision gender neutral. 1931 S.A. No. 387, §8.

<sup>632</sup> Recodification of current Charter Chapter 21, Section 3(k) by rendering the provision gender neutral. 1931 S.A. No. 387, §9.

<sup>633</sup> Recodification of current Charter Chapter 21, Section 3(l). 1931 S.A. No. 387, §10.

the provisions of this Charter, the City Council shall, from the revenues of said City, appropriate and provide the necessary additional funds which shall be paid into the janitors' and engineers' retirement fund to pay the person or persons, who may be retired, the sums which they may be entitled to receive under the provisions of this act<sup>634</sup>.

N. No amount of allowance payable under the terms hereof shall be allowed or paid to any retired janitor or engineer so long or for such period as such janitor or engineer shall receive compensation under the provisions of the compensation Laws of this State<sup>635</sup>.

O. Any janitor or engineer retired pursuant to the terms of subsection E of this Section shall be required to submit to such medical examinations as the Board of Education as such trustee may, from time to time, prescribe. If, after such examination and any additional inquires made by such trustee, such trustee shall determine that such retired janitor or engineer is no longer disabled or has recovered from such disability, such retired janitor or engineer shall be ordered back to duty by said trustee and his pension or retirement allowance shall cease, and such pension or retirement allowance shall likewise cease if such retired janitor or engineer shall, fail to return to duty when so ordered<sup>636</sup>.

P. All the terms and provisions hereof shall be expressly subject to the terms and provisions of any amendment to the Charter of the City, creating a Civil Service or Merit System for employees of said City<sup>637</sup>.

TRANSMITTAL DRAFT 5/24/12

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<sup>634</sup> Recodification of current Charter Chapter 21, Section 3(m). 1931 S.A. No. 387, §11.

<sup>635</sup> Recodification of current Charter Chapter 21, Section 3(n). 1935 S.A. No. 341, §3.

<sup>636</sup> Recodification of current Charter Chapter 21, Section 3(o). 1935 S.A. No. 341, §4 by rendering the provision gender neutral.

<sup>637</sup> Recodification of current Charter Chapter 21, Section 3(p). 1935 S.A. No. 341, §5.

## CHAPTER 12 - HISTORIC AND SPECIAL ACT PROVISIONS OF THE CHARTER

### Section 1. Ordinances Authorized by the Special Acts.

A. The City Council is authorized and empowered to enact Ordinances concerning, regulating and controlling the production and emission of smoke from chimneys, smokestacks or other sources; concerning, regulating and controlling air pollution caused by the escape of soot, cinders, noxious or harmful or unnecessary acids, fumes, gases, vapors and fly ash or other substances or things; concerning, regulating or controlling the sale, use and consumption of fuels, tending to create or contributing to the creation of air pollution or the emission of smoke of unreasonable, unnecessary, harmful or offensive density; concerning, regulating or controlling the construction, reconstruction, repair, installation, maintenance, use of and additions to furnaces, stoves, ovens, incinerators, refuse-burning equipment and all fuel-burning plants, including all fuel-burning equipment and devices, and requiring parties covered by the Ordinance to notify said City of all purchases and sales thereof; establishing or creating a department for the adequate enforcement of such Ordinance or Ordinances; establishing fees for the examination of plans and issuance of permits, inspection of furnaces or other fuel-burning equipment or devices, issuance of certificates of operation and for other purposes as may be required in connection with the full and adequate enforcement of such Ordinance or Ordinances; providing fines and penalties for the violation of any provision of such Ordinance or Ordinances, within the terms and limits of the fines and penalties permitted to be imposed by Law for violation of any City Ordinance<sup>638</sup>.

(1) The City Council shall have no authority to exempt the City or any public or private industry or enterprise from the provisions of any Ordinance or Ordinances adopted pursuant to the provisions of subsection B of this section<sup>639</sup>.

B. The City Council may, by Ordinance, provide in what manner snow, ice, or sleet shall be removed from the sidewalk in front of any land or building in the City, and may, in like manner, provide for the collection of the expense of such removal, when done by the City, from the owner or occupier of the land or building adjoining any such sidewalk<sup>640</sup>.

(1) If any person or persons, upon whom any of the Orders specified in subsection D of this Section shall have been made, shall neglect to perform the requirements of any such Order, in the manner and within the time specified in such Order, the City Engineer may

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<sup>638</sup> Modification of Current Charter Chapter 5, Section 7(b), by replacing the term "notice to" with the following clause: "requiring parties covered by the Ordinance to notify". Derived from 1955 S.A. No. 652, §1.

<sup>639</sup> Recodification of current Charter Chapter 5, Section 7(c). Derived from 1955 S.A. No. 652, §2.

<sup>640</sup> Recodification of current Charter Chapter 5, Section 7(d).

execute such Order at the expense of the City; and such expense, if such negligent person be only the occupant, and not the owner of such premises, may be collected from such person by warrant of distress, under the hand of the Mayor of the City, in the same manner as town taxes are the Law collected. If such negligent person shall be the owner of such premises, then such expense shall be and remain a lien or real encumbrance on such premises in favor of the City, and the payment thereof may be enforced by the City, in like manner, in all respects as is authorized and provided, in the case of benefits assessed for the layout or alteration of streets and highways and all the provisions in relation to liens and the collection of benefits, are incorporated into this Section and made applicable to such expenses, mutatis mutandis; provided, however, that the lien created by this action shall be good and valid, if the certificate thereof shall be lodged at any time within six (6) months from the time of the commencement of the work for which such lien is claimed, and shall embrace any number of claims for work performed at different times during such period<sup>641</sup>.

C. The City Council shall continue to have power to establish by Ordinance a district or districts in the City within which no person shall erect, enlarge, or elevate any building, or addition to a building, unless the outer walls and the covering of the roof thereof be composed wholly of fireproof materials, and no person shall move any building from one place to another in said district, or from within said district outside the same, or from outside said district into the same, unless the exterior walls and the covering of the roof of such building be composed wholly of fireproof materials. If in the opinion of said City Council public safety shall require, it may by Ordinance establish rules and regulations concerning the compulsory use of fireproof materials, in whole or in part, in the construction within said fire limits of any building or part of building, provided any building of dimensions not greater than twelve feet square and one story in height above the ground, not having the outer walls and the covering of the roof composed of fireproof materials, may be so erected or moved, subject to the restriction that there shall be no chimney, fireplace, stove, furnace, or stovepipe in or attached to such building, and provided the City Council may, by a two-thirds (2/3<sup>rd</sup>) affirmative vote of the entire membership thereof and the approval of the Mayor thereto, remove the prohibitions herein authorized to be imposed concerning any building, upon written petition to the City Council signed by each owner of property located within two hundred (200') feet of the lot on which such building may stand or be proposed to be built<sup>642</sup>.

<sup>641</sup> Chapter 5, Section 7(e).

<sup>642</sup> Modification of current Charter Chapter 5, Section 7(f). Derived from 1907, S.A. No. 461, §78, as follows: "The City Council shall continue to have power to establish by Ordinance a district or districts in the City within which no person shall erect, enlarge, or elevate any building, or addition to a building, unless the outer walls and the covering of the roof thereof be composed wholly of fireproof materials, and no person shall move any building from one place to another in said district, or from within said district outside the same, or from outside said district into the same, unless the exterior walls and the covering of the roof of such building be composed wholly of fireproof materials.

D. The City Council may, by Ordinance, regulate the moving of buildings through the streets of the City<sup>643</sup>. No building shall be moved through any of the public streets or highways within the limits of the City, except in accord with such Ordinance<sup>644</sup>.

E. Every person who shall violate or infringe or aid in violating or infringing any of the provisions or requirements contained in subsections D and E of this Section or any of the provisions, conditions, or regulations of any license granted or of any Ordinance established by the City Council, under any of the provisions of said sections, shall forfeit and pay to the City the sum of one hundred (\$100.00) dollars, to be recovered by the City in any proper form of action; and any person who shall continue or aid in continuing any such violation or infringement, shall forfeit and pay to the City the sum of fifty (\$50.00) dollars for each and every month during which such violation or infringement shall be continued, to be in like manner recovered, and, in addition thereto, such building or addition shall be assessed fourfold in the list of polls and ratable estate of the City<sup>645</sup>.

## Section 2. Responsibilities of the Director of Finance Pertaining to Disbursements and Appropriations.

The Director of Finance shall be responsible for the disbursement of all moneys and for ensuring that appropriations are not exceeded<sup>646</sup>. Accordingly, said director shall<sup>647</sup>:

A. keep or cause to be kept complete books of accounts showing all financial transactions of the several Departments of the City and shall prepare

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If in the opinion of said City Council public safety shall require, it may by Ordinance establish rules and regulations concerning the compulsory use of fireproof materials, in whole or in part in the construction within said fire limits of any building or part of building, provided any building of dimensions not greater than twelve feet square and one story in height above the ground, not having the outer walls and the covering of the roof composed of fireproof materials, may be so erected or moved, subject to the restriction that there shall be no chimney, fireplace, stove, furnace, or stovepipe in or attached to such building, and provided the City Council may, by a two-thirds (2/3<sup>rd</sup>) affirmative vote of the entire membership thereof and the approval of the Mayor thereto, remove the prohibitions herein authorized to be imposed concerning any building, upon written petition to the City Council signed by each owner of property located within two hundred (200') feet of the lot on which such building may stand or be proposed to be built".

<sup>643</sup> Recodification of current Charter Chapter 5, Section 7(g) (First sentence).

<sup>644</sup> Recodification of current Charter Chapter 5, Section 7(g) (Second sentence). Derived from 1907, S.A. No. 461, §79.

<sup>645</sup> Recodification of current Charter Chapter 5, Section 7(h). Derived from 1907, S.A. No. 461, §80.

<sup>646</sup> Recodification of current Charter Chapter 8, Section 2 (First sentence).

<sup>647</sup> NEW.

such reports as may be required by the City Council, the Mayor or the Director of the Office of Policy and Management<sup>648</sup>.

B. certify as to the funds appropriated, encumbered and expended during each fiscal year and shall audit, or cause to be audited, every invoice, bill or claim presented for payment<sup>649</sup>.

C. have full authority to require each City Official or employee to furnish all of the information in their possession, and to exhibit to said director all electronic media, books, contracts, grants of authority, reports or other papers and documents in the applicable Department or the possession of Officials with such Departments, requisite, in the opinion of said director to enable the discharge of the duties of said Director of Finance<sup>650</sup>. Accordingly, all Officials of the City shall furnish and exhibit the same in such manner and form as may be prescribed by the Director of Finance<sup>651</sup>.

D. shall sign warrants on the City Treasurer of the City of the payment of all invoices, bills and claims upon approval of the invoices by the Official of the City having authority to give such approval, except invoices, bills and claims of the Board of Education and checks for the payment of debt and interest of the City (which shall be administered under the authority of the Superintendent of Schools), and approval of such invoices, bills and claims by the City Council shall not be required to authorize said warrants, and the City

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<sup>648</sup> Recodification and modification of current Charter Chapter 8, Section 2 (Second sentence), as follows:

~~"He/she shall keep or cause to be kept complete books of accounts showing all financial transactions of the several departments of the city and shall prepare such reports as may be required by the city council, the mayor or the director of the office of policy and management".~~

Derived from the powers of the Comptroller, 1927 S.A. No. 221, §3; 1959, S.A. No. 396, §2.

<sup>649</sup> Recodification and minor modification of current Charter Chapter 8, Section 2 (Second sentence) by deleting "he/she shall..." at the beginning of the sentence. Derived from the powers of the Comptroller, 1927 S.A. No. 221, §3; 1959, S.A. No. 396, §2.

<sup>650</sup> Recodification and modification of current Charter Chapter 8, Section 2 (Third sentence), as follows: ~~"He/she shall have full power authority to require each city officer or employee to furnish all of the information in their which he/she may possession, and to exhibit to him/her said director all electronic media books, contracts, resolutions, reports or other papers and documents in his/her the applicable department or the possession of Officials with such Departments, requisite, in the opinion of said director to enable him/her to the discharge of the his duties of said Director of Finance. and Accordingly, all city officers shall furnish and exhibit the same in such manner and form as he/she may prescribe".~~

Derived from the powers of the Comptroller, 1927 S.A. No. 221, §3; 1959, S.A. No. 396, §2.

<sup>651</sup> Recodification and minor modification of current Charter Chapter 8, Section 2 (Third sentence, final clause), as set forth in the preceding footnote, by replacing "officer" with "Official"; "City officers" with "Officials of the City" and "Resolutions" with "grants of authority".

Treasurer of the City shall accept and authorize the payment of warrants drawn in accordance with the provisions of this Charter <sup>652</sup>.

E. audit, or cause to be audited, such departmental accounts as said director shall consider should be so audited<sup>653</sup>.

### Section 3. Civil Service and Merit System.

#### A. Equal employment opportunity<sup>654</sup>.

(1) No person in the Classified Service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of race, sex, age, national origin or political or religious opinion or affiliation.

(2) There shall be, under the Civil Service Commission, an equal opportunity officer who shall monitor, review and advise the commission regarding the enforcement of subsection (1) of this section, as well as local, State and federal laws and regulations concerning equal employment opportunity. Such officer shall annually, report to the Mayor and City Council on the equal opportunity activities of office, and shall forthwith report to the commission, the Mayor and the City Council any violations of the equal opportunity provisions of this Charter and of any local, State or federal law.

#### B. Classified and unclassified service; definitions.

(1) The civil service of the City is hereby divided into the unclassified and classified service<sup>655</sup>.

(2) Any provision of 1935, S.A. No. 407 inconsistent with the placing of all classes of teachers in the school system of the City, insofar

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<sup>652</sup> Recodification and minor modification of current Charter Chapter 8, Section 2(Fourth Sentence) by replacing the word "act" with the word "Charter" at the end of the sentence and by replacing "City officer" with "Official of the City". Derived from the powers of the Comptroller, 1927 S.A. No. 221, §3; 1959, S.A. No. 396, §2.

<sup>653</sup> Recodification and minor modification of current Charter Chapter 8, Section 2(Fifth sentence), by deleting "he/she shall..." at the beginning of the sentence and replacing "he/she" with "said director". Derived from the powers of the Comptroller, 1927 S.A. No. 221, §3; 1959, S.A. No. 396, §2.

<sup>654</sup> Recodification of current Charter Chapter 17, Section 203.1 by rendering the provision gender neutral. **Annotation:** Adopted 1984.

<sup>655</sup> Recodification of current Charter Chapter 17, Section 205(a) (First sentence). **Annotation:** "Section 205 amended, 1986 Referendum". The remainder of the provision was moved to the definition section.

as their original appointments thereto are concerned, in the unclassified service of said City is amended to that effect<sup>656</sup>.

**C. Status of various Officials and employees<sup>657</sup>.**

(1) Any person holding a position in the Classified Service when this act (1935, S.A. No. 407) shall take effect<sup>658</sup>, shall be retained without preliminary or performance tests, and shall thereafter be subject in all other respects to the provisions of this act. Any others in the Classified Service at the time this act shall take effect shall be regarded as holding their positions under probationary appointment. Each person holding an office created by Ordinance and serving for a stipulated term shall continue in such office until the expiration of such term, at which time such office shall be filled, pursuant to the provisions of this act.

(2) In the event that the City absorbs or assumes operation of an enterprise or function from, and theretofore conducted or performed by, the federal government, or any agency thereof, the State or another governmental subdivision thereof, or any private individual, business or agency, those employees who have been continuously engaged in such enterprise or function so taken over for not less than one (1) year and who may be considered essential to its operation by the authority or Official of the City who has supervision of such new enterprise or function and the Personnel Director shall be retained without preliminary or performance tests, and shall be regarded as holding their positions under probationary appointment, and shall thereafter be subject in all respects to the provisions of this act.

(3) Any person occupying, under an appointment other than permanent, a teaching position in the Classified Service on July 1, 1947, who shall have continuously served in such position for a period of at least two years immediately preceding July 1, 1947, shall be retained without preliminary or Performance tests, and shall be regarded as holding such position under permanent appointment, and shall thereafter be subject in all respects to the provisions of this act, provided such person shall possess on July 1, 1947, all appropriate state Board of Education certificates of qualification required by Law for said position.

(4) Any person occupying, under an appointment other than permanent, a position in the Classified Service, described as of January 1, 1949, by the Civil Service Commission as bridge operator or bridge

<sup>656</sup> Recodification of current Charter Chapter 17, Section 205(b). **Annotation:** "Section 205 amended, 1986 Referendum".

<sup>657</sup> Recodification of current Charter Chapter 17, Section 208, by replacing "officers" with "Officials". **Annotation:** Derived from 1935, S.A. No. 407, §3; 1947, S.A. No. 448; 1951, S.A. No. 345.

<sup>658</sup> Repeal of the following provision: "with the express exception of employees and Officials of the Department of Public Welfare and all of its branches and divisions, who shall have served in such position for a period of at least three months".

maintenance man, who shall have continuously served in such position for at least two years immediately preceding the passage of this act, shall be retained without preliminary or performance tests, and shall be regarded as holding such position under permanent appointment, and shall thereafter be subject in all respects to the provisions of this act.

**D. Compensation plan<sup>659</sup>.** The Personnel Director shall, after consultation with the appointing authorities, and not later than January first of any year, recommend to the Civil Service Commission a compensation plan including a proposed schedule of compensation for any or all classes of positions in the Classified Service, except teachers, which compensation schedule shall incorporate the provisions of any collective bargaining agreement and shall be based upon experience in filling various positions and upon such data as he may assemble relating to rates of pay and comparable service in commercial and industrial establishments, and in other public employment, prevailing market rates, costs and standards of living, and the City's policies, finances and needs. Such compensation plan, when unanimously approved by the commission, by a Majority Vote of the City Council and by the Mayor, shall constitute the City's compensation schedule for classes of positions in the Classified Service, except teachers, for the ensuing fiscal year, and thereafter, until a new compensation schedule shall be adopted in the manner prescribed. The compensation plan for teachers shall be that adopted by the Board of Education<sup>660</sup>.

**D. Reemployment lists<sup>661</sup>.**

<sup>659</sup> Chapter 17, Section 209. Derived from 1935, S.A. No. 407, §7. Amended, 1986 Referendum.

<sup>660</sup> **Annotation:** Section 209 "Amended, 1986 referendum". **Drafting Note:** Was the entire section amended?

<sup>661</sup> Recodification of current Charter Chapter 17, Section 210 in lieu of the following: "(1) When any employee in the Classified Service, who has been performing ~~his~~ duties in a satisfactory manner as shown by the records of the Department in which ~~he~~ said employee has been employed, shall be laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing with the consent of the Civil Service Commission and the applicable Department ~~under whose jurisdiction he was employed~~, and has withdrawn such ~~his~~ resignation without being restored to ~~the~~ his position, the Personnel Director shall, on Order of the commission, cause the name of such employee to be placed on the reemployment list for the appropriate class, for reemployment within two years thereafter when vacancies in such class shall occur. The Order in which names shall be placed on the reemployment list for any class shall be established by rule. No resigned person shall be reinstated or ~~have his name~~ restored to such list unless such resignation shall be withdrawn within six (6) months after it has been presented and accepted. (2) When an employee in the Classified Service who has performed ~~his~~ duties in a satisfactory manner as shown by the records of the Department to which the employee was assigned ~~in which he has been employed~~ has entered the armed forces of the United States since October 16, 1940, said employee ~~he~~ shall, within six (6) months after ~~his~~ honorable discharge from such armed forces and

(1) When any employee in the Classified Service, who has been performing duties in a satisfactory manner as shown by the records of the Department in which said employee has been employed, shall be laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing with the consent of the Civil Service Commission and the applicable Department, and has withdrawn such resignation without being restored to the position, the Personnel Director shall, on Order of the commission, cause the name of such employee to be placed on the reemployment list for the appropriate class, for reemployment within two years thereafter when vacancies in such class shall occur. The Order in which names shall be placed on the reemployment list for any class shall be established by rule. No resigned person shall be reinstated or restored to such list unless such resignation shall be withdrawn within six (6) months after it has been presented and accepted.

(2) When an employee in the Classified Service who has performed duties in a satisfactory manner as shown by the records of the Department to which the employee was assigned has entered the armed forces of the United States since October 16, 1940, said employee shall, within six (6) months after honorable discharge from such armed forces and within sixty (60) Days after written application for reemployment to the Civil Service Commission, be reassigned to the former position and duties. Such reinstated employee shall received the salary to which he would have been normally entitled and shall be credited with the continuity of service which he would have enjoyed if he had remained in said Classified Service, provided he is mentally and physically qualified to perform the duties of such position.

(3) Any provision of this Charter inconsistent with the provisions of subsection (3) of this Section shall be inoperative and of no effect<sup>662</sup>.

**E. Tests for employment and promotion; lists.**

(1) The Personnel Director shall, from time to time, as conditions warrant, hold tests for the purpose of establishing employment lists for the various positions in the Competitive Division of

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within sixty (60) Days after written application for reemployment to the Civil Service Commission, be reassigned to ~~his~~ the former position and duties. Such reinstated employee shall received the salary to which he would have been normally entitled and shall be credited with the continuity of service which he would have enjoyed if he had remained in said Classified Service, provided he is mentally and physically qualified to perform the duties of such position". Derived from 1935, S.A. No. 407, §8; 1943, S.A. No. 360 §§1,2. Amended, 1986 Referendum.

<sup>662</sup> **Annotation:** Section 210 "Amended, 1986 referendum". **Drafting Note:** Was the entire section amended?

the Classified Service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held with limitations specified in the rules of the commission as to residence, age, health, habits, moral character and prerequisite qualifications to perform the duties of such position, provided applicants shall be citizens of the United States. Promotion tests shall be public, competitive and free only to all persons examined and appointed under or holding an office or position by virtue of Section two hundred and eight of this act and who have held a position for one year or more in a class or rank previously declared by the commission to involve the performance of duties which tend to fit the incumbent for the performance of duty in the class or rank for which the promotion test is held. Efficiency and seniority in service shall be considered in connection with tests for promotion. The Personnel Director shall hold promotion tests whenever there shall be an opening in a superior class to be filled. The examination shall be open to those in inferior rank in the same class, the duties of which directly tend to fit the incumbents thereof for the performance of the duties of the superior grade. A person who has served less than one year in a lower grade shall not be eligible for a promotion test. If fewer than two persons submit themselves for a promotion test, or if, after such test has been held, all applicants shall fail to attain a general average of not less than the minimum standard fixed by the rules of the commission, said director shall forthwith hold an original entrance test and certify from the employment list resulting therefrom.

All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the duties of the position to which appointment or promotion is to be made, and may include tests of physical fitness or of manual skill. No credits shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked, nor shall the identity of any applicant be disclosed to the examiner or to the one correcting the applicant's test. As many tests shall be held as may be necessary to provide eligibles for each class of positions and to meet all requisitions and to fill all positions held by temporary appointees. From the return and report of the examiners or from test by him, the Personnel Director shall prepare a list of eligibles for each grade of the persons who shall attain such minimum mark as may be fixed for the various parts of such test, and whose general average standing upon the test for such position is not less than the minimum fixed by the rules of the commission, and who may lawfully be appointed. Such persons shall rank upon the list in the order of their relative excellence as determined by the tests without reference to priority of time of tests. The markings of all test shall be completed, the resulting employment list and the answers to all questions in competitive written examinations posted as soon as possible thereafter and not later than ninety (90) Days from the date of the test. The commission shall

cancel such portion of any list as has been in force for more than two years. The markings and test papers of each candidate shall be open for candidate inspection. The markings and test papers of all persons upon any list of eligibles may be open to public inspection in the discretion of the Civil Service Commission. An error in the marking of any test, other than the existence of a difference of opinion, if called to the attention of the commission within one month after the posting of an employment list resulting from such test, shall be corrected by it. No certification of appointment shall be made for one (1) month after posting the eligible list. Public Notice of the time, place and general scope of each test and of the duties, pay and experience advantageous or requisite for all positions in the grade for which the test is to be held shall be given by the Personnel Director. Such further Public Notice shall be given as the commission may prescribe. All tests for promotions in the teaching service shall be prepared and corrected under the direction of the Superintendent of Schools, with the approval of the Board of Education, and he shall, in like manner, determine the prerequisite qualifications for admission to such tests, all in the spirit of this act and solely on the basis of merit. The administration and control of such tests and the results thereof shall, in all other respects, be subject to all the terms and provisions of this act<sup>663</sup>.

(2) The Personnel Director may, from time to time, hold promotion tests for any or all positions in the Competitive Division of the Classified Service which are allocated to classes which have been or shall be established to be at the promotion level by the Civil Service Commission. When a position in a promotion class shall become vacant, and no appropriate reemployment list or employment list exists, the Personnel Director shall, within one hundred and twenty (120) Days of the date of the creation of the vacancy, hold a promotion test for such class<sup>664</sup>.

(3) When an employment list for any class in the Noncompetitive Division of the Classified Service expires, the Personnel Director, within one hundred and twenty (120) Days of the date of such

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<sup>663</sup> Modification of current Charter Chapter 17, Section 211(a) by rendering the provision gender neutral, as follows: Add the word "Public" prior to "notice" and repeal the following clause: "Such notice shall be by publication, at least once a week for two weeks preceding the test, in a newspaper printed in the English language and having a circulation in the City of more than five thousand copies of each edition". Derived from 1935, S.A. No. 407, §9; 1945, S.A. No. 431 §§4, 6; 1955, S.A. No. 622, §§1, 2; 1963, S.A. No. 65, §3.

<sup>664</sup> Recodification of current Charter Chapter 17, Section 211(b). Derived from 1935, S.A. No. 407, §9; 1945, S.A. No. 431 §§4, 6; 1955, S.A. No. 622, §§1, 2; 1963, S.A. No. 65, §3. Amended, 1986 Referendum.

employment list expired, shall hold examinations for the purpose of establishing an employment list for such class<sup>665</sup>.

(4) Positions in the Noncompetitive Division of the Classified Service shall be filled by those persons who, upon proper noncompetitive examination, are certified by the Personnel Director as being qualified to discharge the duties of such positions<sup>666</sup>.

F. **Prevention of discrimination**<sup>667</sup>. It shall be the duty of the Civil Service Commission and the Personnel Director to take affirmative steps to insure that examinations conducted under the provisions of this chapter: (1) are non-discriminatory; (2) are based on valid indicators of whether an applicant possesses the skills and abilities required for the job in question; and (3) comply with all State and federal Laws and regulations concerning examinations for public employment<sup>668</sup>.

G. **Rejection of certain persons; appeal**<sup>669</sup>. The Personnel Director may reject the application of any person for admission to a test or refuse to test any applicant or refuse to certify the name of an eligible for employment who is found to lack any of the established qualification requirements for the position for which he applies or for which he has been tested, or who is physically unfit to effectively perform the duties of the position, or who is addicted to the habitual use of drugs or intoxicating liquors, or who has been guilty of any crime or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency, or who has made a false statement of any material fact or practiced or attempted to practice deception or fraud in the employee's application or tests, or in securing eligibility or appointment. Any such person may appeal to the Civil Service Commission from the action of the Personnel Director in accordance with the rules established hereunder.

H. **Appointments to positions in the Competitive Division of the Classified Service**

(1) When a position in the Competitive Division of the Classified Service shall become vacant and when an appropriate reemployment list or employment list exists for the class to which such position is allocated,

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<sup>665</sup> Recodification of current Charter Chapter 17, Section 211(c). Derived from 1935, S.A. No. 407, §9; 1945, S.A. No. 431 §§4, 6; 1955, S.A. No. 622, §§1, 2; 1963, S.A. No. 65, §3. Amended, 1986 Referendum.

<sup>666</sup> Recodification of current Charter Chapter 17, Section 211(d). Derived from 1935, S.A. No. 407, §9; 1945, S.A. No. 431 §§4, 6; 1955, S.A. No. 622, §§1, 2; 1963, S.A. No. 65, §3.

<sup>667</sup> Recodification of current Charter Chapter 17, Section 211.1. Adopted, 1984 Referendum.

<sup>668</sup> **Annotation:** Section 211 "Adopted 1984 referendum". **Drafting Note:** Was the entire section amended?

<sup>669</sup> Recodification of current Charter Chapter 17, Section 212 by rendering this provision gender neutral. Derived from 1935, S.A. No. 407, §10.

the appointing authority within thirty (30) Days of the date said vacancy was created, shall serve notice on the Personnel Director declaring whether or not it desires to fill the vacancy. If it desires to fill the vacancy, the appointing authority shall, within such thirty (30) Days, make requisition upon the Personnel Director for the name and address of a person eligible for appointment thereto. Pursuant to such requisition the Personnel Director shall make or cause to be made an investigation to determine whether or not such a vacancy does exist and to report such findings to the commission. If, upon consideration of the facts, the commission determines that such a vacancy does exist, it shall Order the Personnel Director, within thirty (30) Days of the date such requisition was made, to certify the name of the person who is highest on the appropriate reemployment list, or employment list if no appropriate reemployment list exist, for the class to which the vacant position has been allocated and who is willing to accept appointment. If, upon consideration of the facts, the commission determines that a vacancy does not exist, it shall Order the Personnel Director to serve notice on the appointing authority making the request that no appointment may be made. If the appointing authority declares its desire not to fill a vacant position or if the appointing authority fails to serve notice on the Personnel Director within the thirty (30) Day period set forth in this section, the commission shall at its next regular meeting abolish the position from the Classified Service. If there is no appropriate reemployment list for the class, the Personnel Director shall certify the name of the person standing highest on the employment list established for the class. If more than one vacancy is to be filled, an additional name shall, in like manner, be certified for each additional vacancy. The appointing authority shall forthwith appoint such person to such a vacant position. When requisition is so made, and is approved by the commission in accordance with the provisions of this section, or when a position is held by a temporary appointee and a reemployment list or employment list for the class of such positions exists, the Personnel Director shall forthwith certify the name of the person eligible for appointment to the appointing authority and such appointing authority shall forthwith appoint the person so certified to such position. No person so certified shall be laid off, suspended, given a leave of absence from duty, transferred or reduced in pay or grade except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its content and approval. Appointments shall be regarded as taking effect upon the date when the person certified for appointment shall report to duty. A person tendered certification may waive or refuse certification in writing for a period, for reasons satisfactory to the commission, and such waiver or refusal shall not affect the standing or right to certification to the first vacancy in the class occurring after expiration of such period. If such waiver or refusal shall be filed in writing with the commission, and, if, after one waiver has been filed and the period thereof has expired, a person tendered certification shall fail to report for duty forthwith after tender of certification has been made, said person's name may, at the discretion of the commission, be stricken from all lists for such class.

Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this act shall not affect the standing of any person on the list for permanent appointment. To enable the appointing authority to exercise sound discretion in the filling of positions, no appointment, employment or promotion in any position in the Competitive Division of the Classified Service shall be deemed final until after the expiration of a period of three (3) to six (6) months probationary service, as may be provided in the rules of the Civil Service Commission. The commission, the Personnel Director and the pertinent Department Head shall determine the permanent appointment. During the probationary period, they may terminate the employment of the person so certified, during the performance test thus afforded, upon observation or consideration of the performance of duty, they shall deem said person unfit for service, whereupon the Personnel Director shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon such duties until some person shall be found who is deemed fit for appointment, employment or promotion and who shall have occupied the position for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be permanent<sup>670</sup>.

(2) Any person whose name is or has been on an employment list or promotion list shall, while on active duty with the armed forces of the United States, retain such rights and such status on such list. If such list expires or is exhausted during the time that such person is on such military duty or during the period of one year after the termination of such military duty, such person, upon written request to the Civil Service Commission, provided he has received an honorable discharge from such military duty and provided he has made such written request no later than three months from the date of such honorable discharge, shall be placed on a special employment or promotion list and shall be certified in the order of the person's original standing on the employment list to any available vacancy before certification shall be made from an employment list for the same position. Such names may be placed upon special employment or promotion lists only in the event that such names were reached for certification during the life of the original list and when reached such persons were not available to accept appointment because of their being on active duty with the armed forces of the United States. Such names shall remain on such special employment list or promotion list for a period of two years after the termination of such military service and honorable discharge therefrom<sup>671</sup>.

<sup>670</sup> Recodification of current Charter Chapter 17, Section 213(a) by rendering the provision general neutral and replacing "appointing officer" with "appointing authority". Derived from 1935, S.A. No. 407, §11; 1945, S.A. No. 431 §§4, 8; 1955, S.A. No. 622, §3; 1963, S.A. No. 165, §3. Amended, 1986 Referendum.

<sup>671</sup> Recodification of current Charter Chapter 17, Section 213(b) by rendering the provision gender neutral. Derived from 1935, S.A. No. 407, §11; 1945, S.A. No. 431 §§4, 8; 1955, S.A. No. 622, §3; 1963, S.A. No. 165, §3.

(3) The probationary period for teachers shall comply with the General Statutes and the regulations of the State Board of Education regarding the permanent certification of teachers<sup>672 673</sup>.

**I. Veterans' eligibility for appointments.**

(1) Any person, who is a resident of the City and has served in the armed forces of the United States in time of war and has received therefrom an honorable discharge, and who is not eligible for disability compensation or pension through the veteran's administration, shall have five (5) points added to said person's earned rating on any examination held for the purpose of establishing an original employment list for said City. Any such person shall be entitled to such additional five points on any promotional examination, provided he shall receive at least a minimum passing grade on such examination<sup>674</sup>.

(2) Any such person with a service-connected disability which is substantiated by record or other sufficient documentary evidence on any such examination shall have ten (10) points added to said person's earned rating, provided such disability shall not make it physically impossible for the person to perform the required duties and functions of the employment for which he or she seeks classification on any employment list<sup>675</sup>.

(3) Any such person, having a service-connected disability, shall be exempt from so much of any physical examination required under the provisions of this act as concerns such disability, provided such disability shall not make it physically impossible for such person to perform the required duties and functions of the employment for which he or she seeks classification on any employment list, or any subsequent eligibility list arising therefrom<sup>676</sup>.

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<sup>672</sup> Recodification of current Charter Chapter 17, Section 213(c). Derived from 1935, S.A. No. 407, §1; 1945, S.A. No. 431 §§4, 8; 1955, S.A. No. 622, §3; 1963, S.A. No. 165, §3. Amended, 1986 Referendum.

<sup>673</sup> **Annotation:** Note after Section 213(c) reads: "Amended 1986 referendum". **Drafting Note:** Section 213 (a) was amended in 1986. There is no note after Section 213 (b). Does this final note apply to (b) and (c)?

<sup>674</sup> Recodification of current Charter Chapter 17, Section 213.1(a) by rendering the provision gender neutral. 1943, S.A. No. 300 §§1-4; 1945, S.A. No. 406; 1953, S.A. No. 411. Amended, 1986 Referendum.

<sup>675</sup> Recodification of current Charter Chapter 17, Section 213.1(b) by rendering the provision gender neutral. 1943, S.A. No. 300 §§1-4; 1945, S.A. No. 406; 1953, S.A. No. 411. Amended, 1986 Referendum.

<sup>676</sup> Recodification of current Charter Chapter 17, Section 213.1(c) by rendering the provision gender neutral. 1943, S.A. No. 300 §§1-4; 1945, S.A. No. 406; 1953, S.A. No. 411. Amended, 1986 Referendum.

(4) The names of veterans described herein shall be placed upon the lists of eligibles for appointment in the Order of such augmented ratings<sup>677</sup>.

(5) In addition to such other person as shall be entitled to the privileges and benefits provided in subsections (a) and (d) of this section, such privileges and benefits shall be extended, subject to such other conditions and limitations as therein provided, to those residents of the City who have served as members of the armed forces of the United States during the period from June 25, 1950 to the date of the termination of hostilities as fixed by the United States government<sup>678 679</sup>.

**J. Provisional appointments<sup>680</sup>.** If necessary to prevent the stoppage of public business or inconvenience to the public, but not otherwise, the Personnel Director, with the approval of the commission, may authorize the filling of a position by provisional appointment pending the establishment of a reemployment or employment list. No person who does not possess the minimum required qualifications for such position as may be prescribed by the Personnel Director shall be permitted to serve in such temporary position or office. Such provisional appointment shall continue only until the establishment of a reemployment or employment list. In no case shall such appointment exceed a total of four calendar months. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year. In case of an emergency, an appointment may be made by the appointing authority, such appointment not to exceed five (5) Days. Such appointment shall be immediately reported to the Personnel Director.

**K. Transfer of employees in the Classified Service<sup>681</sup>.** The Personnel Director may, at any time, authorize the transfer of any employee in the Classified Service from one position to another position in the same class and not otherwise, provided persons who have not been examined and certified under the provisions of this act shall not be entitled to transfer. Transfers shall be permitted only with the consent of the Personnel Director and the Departments concerned.

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<sup>677</sup> Modification of current Charter Chapter 17, Section 213.1(d), by repealing the following clause: "under the civil service act of said City". 1943, S.A. No. 300 §§1-4; 1945, S.A. No. 406; 1953, S.A. No. 411. Amended, 1986 Referendum.

<sup>678</sup> Recodification of current Charter Chapter 17, Section 213.1(e). 1943, S.A. No. 300 §§1-4; 1945, S.A. No. 406; 1953, S.A. No. 411. Amended, 1986 Referendum.

<sup>679</sup> **Annotation:** Section 213.1 "Amended 1986 referendum".

<sup>680</sup> Recodification of current Charter Chapter 17, Section 214. Derived from 1935, S.A. No. 407, §12.

<sup>681</sup> Recodification of current Charter Chapter 17, Section 215. Derived from 1935, S.A. No. 407, §13.

**L. Certification of payrolls<sup>682</sup>.** Neither the City Treasurer, the Comptroller nor any other Official of the City shall approve the payment of, or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services to any person holding a position in the Classified Service unless a payroll, estimate or account for such salary, wage or other compensation containing the names of the person to be paid, a statement of the amount to be paid each such person and the services which have been performed, bearing the certificate of the commission that the persons named in such payroll, estimate or account have been appointed or employed in pursuance of Law and of the rules made by the commission and have complied with the terms of this chapter and of the rules of the commission when required to do so, shall first have been filed with the appropriate Official or employee. Before making any such certificate, the commission shall investigate the nature of each item of such payroll, estimate or account, and if it shall ascertain that the provisions of the Law in respect to any such item, have not been strictly complied with, it shall refuse to certify such item. The commission shall refuse to certify the pay of any such public Official or employee who shall willfully or through culpable negligence violate or fail to comply with the provisions of this chapter or the rules of the commission.

**M. Certain acts prohibited<sup>683</sup>.** No person shall deceive or obstruct any person in respect to the right to take a test under the provisions of this act or falsely mark, grade or estimate or report upon the test or standing of any person tested hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment, employment or promotion. No applicant shall deceive the commission for the purpose of improving the applicant's chances or prospects for appointment or promotion. No person shall solicit, orally or by letter, and no public Official or employee shall receive or be in any manner concerned in the receiving or soliciting of any money or valuable thing from any Official or employee holding a position in the Classified Service for any political party or purpose. No person shall use or promise to use influence or official authority to secure any appointment or promotion or prospect of appointment or promotion to any position classified under this act as a reward or return for personal or partisan political service. No public Official or employee shall, by means of threats or coercion, induce or attempt to induce any person holding a position in the Classified Service to resign a position in the Classified Service or to take a leave of absence from duty or to waive any of personal rights under the Civil Service and Merit System of the City. A resignation executed previous to appointment shall be of no effect.

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<sup>682</sup> Recodification of current Charter Chapter 17, Section 216. Derived from 1935, S.A. No. 407, §14, by replacing "officer" with "Official". Amended, 1986 Referendum.

<sup>683</sup> Modification of current Charter Chapter 17, Section 219 by rendering the provision gender neutral and by replacing "officer" with "Official" and adding the following phrase "the Civil Services and Merit System of the City" in lieu of the term "this act". Derived from 1935, S.A. No. 407, §17; 1945, S.A. No. 431, §7; 1955, S.A. No. 622, §4.

**N. Limitation on political activity of officers and employees<sup>684</sup>.** No person holding an office or place in the Classified Service under the provisions of this act shall seek or accept election, nomination or appointment as an officer of a political club or organization or take an active part in a political campaign or serve as a member of a committee of any such club or organization or circulate or seek signatures to any petition provided for by any primary or election Law or act as a worker at the polls, or distribute badges, colors or indicia favoring or opposing a candidate for election or nomination to a public office, whether federal, State, county or municipal; provided nothing in this act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting a vote or from seeking or accepting election or appointment to public office.

**O. Penalty<sup>685</sup>.** Any person who shall, willfully or through culpable negligence, violate any of the provisions of this act, or of the rules of the commission, shall be fined not less than fifty dollars nor more than three thousand dollars or imprisoned not more than six months or be both fined and imprisoned.

**P. Reports to Civil Service Commission<sup>686</sup>.** Immediate report in writing shall be given to the commission by the appointing authority and by such other persons as may be designated by the commission, of all appointments, reinstatements, vacancies or absences or other matters affecting the status of positions or the performance of duties of Officials or employees classified under the provisions of this Chapter, and all such notices shall be prepared in the manner and form prescribed by the commission.

**Q. Discharge or reduction of officers or employees<sup>687</sup>.** No person or employee holding a permanent office or position in the Classified Service shall be removed, discharged or reduced, except for just cause which shall not be political or religious. No such person shall be removed, discharged or reduced unless the appointing authority first gives the person notice and the opportunity to respond. A copy of any such notice of the proposed action and the basis for it and affords such person the opportunity to respond. A copy of any such notice shall immediately be forwarded to the commission. Nothing in this Section shall preclude an employee being suspended pending discharge proceedings.

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<sup>684</sup> Recodification of current Charter Chapter 17, Section 220, subject to gender neutrality. Derived from 1935, S.A. No. 407, §18.

<sup>685</sup> Recodification of current Charter Chapter 17, Section 221. Derived from 1935, S.A. No. 407, §19.

<sup>686</sup> Recodification of current Charter Chapter 17, Section 222, by replacing "officer" with "Official" and replacing "act" with "Chapter". Derived from 1935, S.A. No. 407, §20.

<sup>687</sup> Recodification of current Charter Chapter 17, Section 223. Derived from 1935, S.A. No. 407, §21; 1945, S.A. No. 431, §5; 1955, S.A. No. 622, §4; 1957, S.A. No. 257; 1957, S.A. No. 440. Amended, 1986, Referendum.

Within three (3) Days after the removal, discharge or reduction, an appeal may be made to the commission, in writing, by the employee so removed, discharged or reduced. The commission, on receiving such notice of appeal, shall set a date for a hearing or investigation of the reasons for the removal, discharge or reduction, which date shall not be more than thirty (30) Days after the date of the removal, discharge or reduction. Notice of the time and place of such hearing or investigation shall be served upon the employee appealing, in the same manner that a summons is served in this State. Like notice shall also be given the appointing authority making the removal. The Civil Service Commission, or any committee appointed by said commission, shall conduct the hearing or investigation. The employee appealing shall have full opportunity to be heard and may be represented by counsel of his own choosing or by a duly authorized member of the employee organization of which he is a member, if he so desires. When the employee shall be represented by counsel, the appointing authority making the removal, discharge or reduction may be represented by the City Attorney. If such appointing authority shall choose to be represented by counsel other than the City Attorney, it may do so, but any expense so incurred shall not be paid by the City. In the course of a hearing or investigation as herein provided for, any member of the commission and of any committee appointed by it, shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such hearing or investigation as provided in Section two hundred and eighteen hereof. All evidence may, on the Order of the commission, be taken by a competent reporter. The decisions and findings of the commission, or of the investigation committee, when approved by the commission, shall be final and shall be filed, in writing, with the Personnel Director and shall be forthwith certified to and enforced by the Department Head or appointing authority. Any person or employee holding a permanent position in the Classified Service who is fined in excess of twenty-five (\$25.00) dollars, suspended for a period exceeding ten (10) Days or who is disciplined to an equivalent extent by the person or employee's appointing authority, shall have all the rights of appeal as provided for in this section. If any disciplinary action taken by an appointing authority or Department Head shall cause the appealing employee to lose pay, seniority or privileges, the commission shall have the power to restore the same. The decisions and findings of the commission referred to in this Section may be appealed from the person adversely affected thereby to any judge of the superior court in the manner prescribed by Section two hundred and thirty-eight of the Charter, except that such appeal shall be served, as therein directed, on the chairman of the commission.

**R. Definitions<sup>688</sup>.** The following terms, as used in this section, shall mean as follows: (1) "applicant" shall mean a person who has filed an application for examination; (2) "appointing authority" shall mean the Official or employee, Board or Commission or other body having the power of appointment to subordinate offices or positions in any City Department or Board or Commission; (3) "certified appointment" shall mean an appointment to

<sup>688</sup> Recodification of current Charter Chapter 17, Section 226, by replacing officer" with Official or employee". Derived from 1935, S.A. No. 407, §24; 1951, S.A. No. 25.

permanent position made from an eligible list; (4) "probationary appointment" shall mean appointment to a position for a period of not less than three months until the permanent appointment shall be made; (5) "provisional appointment" shall mean a temporary appointment under Section two hundred and fourteen of this Charter; (6) "appointment" shall be construed to mean "Promotion" where the context shall permit and shall so indicate; (6) "Charter" shall mean the Charter of the City; (7) "class" or "class of position" shall mean a position or a group of positions, either permanent or part time, sufficiently similar in respect to their duties and responsibilities so that the same requirements as to education, experience, knowledge, ability and other qualifications are required of the incumbents and that the same tests of fitness are used to choose qualified employees; (8) "commission" shall mean the Civil Service Commission; (9) "commissioners" shall mean the members of the Civil Service Commission; (10) "employment" shall be construed to mean promotion where the context shall permit and shall so indicate; (11) "position" shall be construed to mean office and "office" to mean position where the context shall permit and shall so indicate; (12) "promotion" shall mean a change from one class of position to another class of position having a higher rate of compensation and involving a change of duties and responsibilities and requiring a competitive civil service examination, and shall be construed to mean appointment or employment where the context shall permit and shall so indicate; (13) "teacher" shall mean any person, including any principal or supervisor certified by the State department of education for a teaching, supervisory, or administrative position in the day or evening classes of the Bridgeport public schools, except the Superintendent of Schools and the Assistant Superintendent of Schools<sup>689</sup>.

**S. Repealing provision<sup>690</sup>.** No provision of the General Statutes or Special Acts inconsistent with any provision of this chapter shall apply to the City.

**T. Severability provision.** The adjudging of any portion of this chapter to be invalid shall not affect the validity of any other portion thereof<sup>691</sup>.

#### **Section 4. Public Improvements.**

**A. Procedure Regarding Assessment<sup>692</sup>.** Before making any such appraisal of benefits and damages, the City Council shall give reasonable notice to all persons having an interest in any land affected by such public improvement, of the time and place it will meet for that purpose. A written or printed notice in the name of a majority of said board sent by registered or certified mail, return receipt requested to the usual place of abode of any

<sup>689</sup> **Annotation:** Section 226 "Amended 1986 referendum".

<sup>690</sup> Recodification of current Charter Chapter 17, Section 227. Derived from 1935, S.A. No. 407, §25. Amended, 1986 Referendum.

<sup>691</sup> Recodification of current Charter Chapter 17, Section 228. Derived from 1935, S.A. No. 407, §26. Amended, 1986 Referendum.

<sup>692</sup> Recodification of current Charter Chapter 11, Section 2(b), by replacing the "Board of Appraisal of Benefits and Damages" with "the City Council". Derived from 1907, S.A. No. 461, §61; 1917, S.A. No. 140 §8; 1919, S.A. No. 177, §1.

person interested as aforesaid at least fourteen (14) Days before the time fixed in such notice for such meeting shall be reasonable and sufficient notice to such interested person. The City Council shall meet at the time and place designated in such notice and at such other times as it may adjourn to, and shall hear all parties in interest who may appear before it. It shall determine the person or persons who will be damaged by such taking of land or such public improvement, and the amount thereof in excess of any special benefits received; also the person or persons who will be specially benefited thereby, and the amount of benefits in excess of any damages received. The amount of benefits assessed for any particular public improvement shall not exceed the amount of damages assessed on account of such public improvement. It shall report the amount of damages and benefits determined and the names of the person to whom the same respectively appertain and belong, to the City Council. Before assessing benefits and damages for such public improvement the City Council shall file in the office of the Town Clerk a notice containing a general description of such public improvement. Such notice shall be signed by the chairman or clerk of the board and shall be recorded by the Town Clerk in a volume kept for such purpose. The provisions of this Section shall not require notice to mortgages, or to persons claiming any lien, or to any person whose interest is not disclosed by the land records.

**B. Completion of Assessment Proceedings<sup>693</sup>.** The report of the City Council shall be continued until the next regular meeting of the City Council before being acted upon, and shall be printed in the journal of the City Council. The City Council may thereupon accept said report or return it to the board for reconsideration and correction. It shall not be necessary that such reconsidered or corrected report be laid over, but the same may be forthwith accepted or otherwise acted upon by the City Council. Upon the acceptance of said report, the City Clerk shall record the same; and said Clerk shall also record and attest the survey and particular description hereinbefore required. The City Council shall cause a notice, signed by the Mayor or City Clerk, containing the names of the persons thus assessed, with the respective amounts thereof, to be published in the manner provided for by this Charter, and such publication shall be legal and sufficient notice to all persons interested in such assessments. When said assessments shall have been recorded in the records of the City Council they shall immediately become due and payable. The City Council shall Order the damages thus assessed to be paid to the person or persons to whom they respectively belong, provided, if any person shall refuse or neglect to receive the amount so found due and Ordered paid, it shall be deposited in the City treasury, to be paid to the person entitled to receive it whenever said person shall apply for the same. The City Council shall fix the time within which such public improvements shall be opened for public use, and may give notice of such limitation as it deems necessary and proper to appropriate the same to such public purposes.

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<sup>693</sup> Recodification of current Charter Chapter 11, Section 2(c) by rendering the provision gender neutral. Derived from 1907, S.A. No. 461, §62; 1917, S.A. No. 140 §9.

**C. Assessment of Liens<sup>694</sup>.**

(1) The assessments of benefits so made shall be and remain a lien upon the land upon which they are respectively made and shall take precedence of all other liens or encumbrances thereon except taxes due the State, and the land on which any such lien may exist shall be liable to be foreclosed in a suit by the City, in the same manner as a mortgage; provided such lien shall not continue to exist for a period longer than sixty (60) Days after the assessments as aforesaid, unless within that period a certificate, signed by the Tax Collector and describing the land upon which such lien exists and the amount claimed as a lien thereon, shall be lodged with the Town Clerk; and provided such lien shall cease to exist whenever a certificate to that effect signed by the Tax Collector, shall be lodged with the Town Clerk. Such assessments may also be collected by warrants in the same manner as municipal taxes are collectible.

(2) All municipal or improvement liens upon private property which shall have been recorded in the land records of the City for more than fifteen years shall be invalid, and such property shall be free from the encumbrance of such lien unless an action or foreclosure shall have been commenced during such period of fifteen (15) years and a notice of lis pendens filed for record in the office of the Town Clerk, the Town Clerk shall, if no such notice shall have been filed, upon the request of any interested person, discharge such lien of record by noting on the margin of such record "Discharged by operation of law" and thereafter no payment of the debt evidenced by such lien shall be enforced against any person or corporation.

**D. Power to lay out, alter or discontinue streets<sup>695</sup>.** The City Council shall have power and authority as it shall deem needful to lay out new highways, streets, public walks, public avenues and public landing places, in the City, and to alter, extend, or enlarge any highway, street, public walk, public avenue, or public landing place in the City, and to discontinue or exchange the same for any other highway, street, public walk, public avenue, or public landing place in the City, and to make and cause to be executed all such Orders relating thereto as it shall judge proper. Any person desiring to lay out any walk, public avenue, or open any new highway, street, or public landing place in the City, shall give notice of such intended layout by publishing a description as near as may be of the same, in the manner provided for by Section before making application to the City Council for such street, public walk, public avenue, or public landing place, and then, having obtained from the City Council permission therefor may lay out the same as, and the same shall become and be, a public highway, street, avenue, walk, or landing place, whenever so laid out or opened; and a

<sup>694</sup> Recodification of current Charter Chapter 11, Section 3(a) and (b). Derived from 1907, S.A. No. 461, §63; 1927, S.A. No. 221 §§1, 2, 4; 1947, S.A. No. 336 §2; 1959, S.A. No. 293, §1.

<sup>695</sup> Chapter 11, Section 5. Derived from 1907, S.A. No. 461, §54; 1913, S.A. No. 425 §3; 1915, S.A. No. 6 §3; Res. of 10-7-57; Referendum of 11-5-57.

survey and particular description thereof, made by the person so opening the same, and approved by the City Council, shall be recorded in the records of the City Council.

E. **Ordinances pertaining to certain uses of streets**<sup>696</sup>. The City Council may, by Ordinance, establish regulations governing corporations or persons using the streets of the City for the purpose of burying conduits, pipes, and wires therein, including limitations upon the use of such streets and the repair thereof by the responsible person or corporation to repair any and all damages resulting from such activity. No such corporation or person shall be permitted to excavate in any street where a permanent pavement is laid unless arrangements for the repair of the pavement, acceptable to the Director of Public Works, are made prior to beginning of such excavation. Every person or corporation who shall violate any of the provisions of this Section shall forfeit and pay to the City a sum not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars, to be recovered by the City in proper form action and shall further be liable for the cost of any necessary repairs.

F. **Establishment of building lines**<sup>697</sup>. The City Council shall have the power to designate and establish a line or lines on the land of any proprietor adjoining any public highway, street, walk or avenue, now or hereafter existing in the City, except where building lines are already established and any building has been constructed on such highway, street, walk or avenue, and provided the City Council may, by Ordinance, permit the extension of cornices and by windows above the first story of any building and not more than thirty inches beyond such line. Every person who shall erect or locate any building, or part of a building, between any such line and any such highway, street, walk or avenue, except as above provided, shall forfeit and pay to the City a sum not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars, to be recovered by the City in any proper form of action; and, in addition to such penalty, all such buildings shall be annually assessed fourfold in the list of polls and ratable estates of the City. An injunction may be obtained by the City or any property owner who has built back of any such line, restraining the erection of any building by any person, if the building being erected or to be erected or located between any such line and the street adjacent shall be within a block in either direction distant from the building of the property owners with a block on either side of the line sought to be modified or abolished.

<sup>696</sup> Recodification of current Charter Chapter 11, Section 6. Derived from 1907, S.A. No. 461, §55.

<sup>697</sup> Recodification of current Charter Chapter 11, Section 7. Derived from 1907, S.A. No. 461, §56; 1917, S.A. No. 140 §6; 1927, S.A. No. 385 §3; Res. of 10-7-57; Referendum of 11-5-57.

**G. Establishment of harbor lines<sup>698</sup>.** The City Council shall have power to designate and establish a line or lines on or along either or both sides of Bridgeport harbor and Pequonnock River, or any part thereof, from the mouth of said harbor to the head of tidewater, and on or along either or both sides of Black Rock harbor, Yellow Mill Pond, Burr Creek, Cedar Creek, Johnson's Creek or River, and all other rivers, creeks, or estuaries, so far as the same lie within the territorial limits of the City, between which line or lines and the channel, no dock, pier, or wharf, or part thereof, shall be erected or constructed; and the City Council shall also have power to take and appropriate any saltwater creek or portion thereof, and the mudflats by Ordering the same, within the limits of the City, for the purpose of a reservoir or basin, from which the tidewater may be or now is excluded by means of a dike or dam, and in which the water discharged therein from any sewer or gutter may be, or now is, retained during high tide and discharged therefrom at low tide.

**H. Public hearing required before making of improvements.**

(1) Before the City Council shall determine to exercise any of the powers referred to in sections six, seven and eight of this chapter it shall hold a public hearing at which or at any adjournment thereof all parties in interest shall be invited to appear and be heard relative thereto. Notice of such public hearing shall be by publication as set forth in this Charter and such notice shall describe in general terms the nature and location of such proposed public improvement and the time and place when and where such public hearing will be held. Such publication shall be made at least six (6) Days before the day set for such hearing<sup>699</sup>.

(2) If after such hearing the City Council shall resolve to make any such public improvement, it shall appoint a committee, whose duty it shall be to make a layout of such public improvement, and to report in writing its doings to the City Council, which report shall embody a survey and particular description of any such public improvement. If such report shall be accepted and approved by the City Council, it shall be referred to the appropriate City Official for action<sup>700</sup>.

**I. Sewers. Construction; assessment procedure<sup>701</sup>.** The City Council shall have power to construct or alter or cause to be constructed or altered, sewers with salls or catch basins, through or along any street or public

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<sup>698</sup> Recodification of current Charter Chapter 11, Section 8. Derived from 1907, S.A. No. 461, §57; 1913, S.A. No. 425 §3; 1915, S.A. No. 6 §3; Res. of 10-7-57; Referendum of 11-5-57.

<sup>699</sup> Recodification of current Charter Chapter 11, Section 9(a).

<sup>700</sup> Recodification of current Charter Chapter 11, Section 9(b), by replacing the "Board" with the "City Council". Derived from 1907, S.A. No. 461, §58; 1909, S.A. No. 298; 1917, S.A. No. 140 §7.

<sup>701</sup> Recodification of current Charter Chapter 11, Section 10. Derived from 1907, S.A. No. 64; 1913, S.A. No. 425, §3; 1915, S.A. No. 6, §3; 1927, S.A. No. 234; Res. Of 10-7-57, §1; Referendum of 11-5-57.

grounds, or across, through, in or upon the land of any person in the City; and to alter and purchase for the City any such sewer already constructed and not owned by the City. It shall have power to cause to be assessed, on a uniform rate basis, an amount not exceeding the total cost of any sewer so constructed or purchased, upon the person or persons whose property may be especially benefited thereby; shall have power to cause to be assessed and apportioned all damages which may arise from the construction of any such sewer and shall have power to cause to be assessed, on a flat rate basis, an amount not exceeding the total cost of any sewer so constructed or purchased, upon the person or persons whose property may be especially benefited thereby, although the land of such person or persons may not abut upon the street through which such sewer may be laid; and, if such sewer be a lateral or connecting sewer, it shall have power to cause to be assessed, not only an amount not exceeding the cost of such lateral or connecting sewer, but, in addition thereto, a reasonable or proportional part of the expense of the main or trunk sewer into or through which such lateral or connecting sewer may be discharged. In case any sewer constructed or purchased by the City shall require relaying or altering on account of defective construction, the entire cost of such relaying or altering shall be borne by the City. Before proceeding to construct or purchase any such sewer, the City Council shall give notice of such proposed construction or purchase, and of a time and place when and where the parties interested therein may be heard by said Council in relation hereto, by publishing the same in the manner provided for by this Charter at least six (6) Days before said hearing; provided, in case any sewer or sewers shall be constructed across, through, in or upon the land of any person, notice shall be given to the owner or owners of such land in the same manner, in all respects as is hereinbefore prescribed to be given in the layout of highways in this Charter. In all proceedings concerning the construction, alteration or purchase of sewers, the City Council may act by itself, through a Water Pollution Control Authority or similar body or by a committee appointed for that purpose from among the members of the City Council.

**J. Connection of sewers within Stratford, Fairfield and Trumbull to Bridgeport system<sup>702</sup>.**

(1) The City, acting through its City Council, may, with the approval of the town council of the town of Stratford, the town council of the town of Trumbull or the representative town meeting of the town of Fairfield, permit any property owner in said towns to discharge storm or sanitary sewers, either directly or through other sewer lines, into the sewer system of the City, upon the payment by the property owner of such sum to said City as may be prescribed by its City Council and subject to the payment of such future sums for the maintenance and improvement of the sewer facilities of said City as its City Council may provide.

<sup>702</sup> Recodification of current Charter Chapter 11, Section 11. Derived from S.A. No. 155, §§1-4.

(2) If such permission shall be granted, the City Ordinances and the penalties therein provided, relating to the construction, installation and maintenance of the sewers within the City and to the substances which may be discharged therein shall apply to the sewers in said adjacent towns which, directly or indirectly, discharge into the sewer system of the City so long as such discharge continues. The Director of Public Facilities of the City shall have the same rights and powers with relation to said sewers and to the sewer lines through which said sewers discharge into the sewer system of the City as said Director would have, under said Ordinances, if said sewers and sewer lines were located within the City. In the installation and maintenance of said sewers and sewer lines, the property owners constructing or maintaining the same shall also be subject to and shall comply with all Ordinances and regulations of the town in which the property is located which is serviced by said sewers.

(3) No sewer in any of said adjacent towns shall be connected with the sewer system of the City, and no sewer shall be connected to any sewer line in any of the said adjacent towns which shall directly or indirectly discharge into the sewer system of Bridgeport, until a permit, as may be required by the Ordinances, shall have been obtained therefor and until such permits as may be required by the Ordinances of said adjacent towns shall likewise have been obtained and until a writing, signed by the owner of said property and said Director of Public Facilities, shall have been entered into and recorded on the land records of said adjacent town setting forth the permission which has been granted to make such connection and describing in general terms the conditions and limitations under which said connection may be made and maintained.

(4) Any person in any of said adjacent towns who shall make any connection to the sewer system of the City, or any connection to any sewer line in said adjacent towns which directly or indirectly discharges into the sewer system of the City, except in accordance with the provisions hereof, shall be fined not more than one hundred (\$100.00) dollars for each offense or imprisoned not more than one year, or both.

**K. Same- Assessments and liens<sup>703</sup>.** After the construction of any such sewer and the assessment as provided in Section eleven has been made and accepted the City Council shall give notice as is provided to be given in relation to assessments on streets, etc., to said property holders, of the several sums so assessed upon them respectively, and of the time when the same shall be due, and thereupon, at the time specified, such assessments shall be deemed to be completed, and said sums shall be due and payable, and the payment thereof may be enforced by the City in like manner, in all respects, as is authorized and provided in case of assessments of benefits for the layout or alteration of highways and streets; and all the provisions of this Charter in

<sup>703</sup> Recodification of current Charter Chapter 11, Section 12. Derived from 1907, S.A. No. 461, §65.

relation to liens and the collection of benefits are incorporated into and made part of this section.

**L. Street paving assessments<sup>704</sup>.** The City Council shall have power to Order that any street, macadamized, asphalted, or otherwise improved, and to cause all Orders to be executed. It shall have power, upon the execution of any such Order, to cause to be assessed one-half (1/2) of such expense upon the persons whose property may be especially benefited thereby; and notice of such proposed improvement shall be given, and the assessments therefor shall be made, published, collected, or secured, as the case may be, in the same manner as provided and required in the case of sewers.

**M. Street connections before paving<sup>705</sup>.** Whenever the City Council shall contemplate Ordering any street to be paved, macadamized, asphalted, or otherwise improved, or shall contemplate repairing any street already paved, macadamized, cobbled, asphalted, or otherwise improved, wherein any sewers or water or gas mains are laid, the City Council shall have power to Order the owners of property fronting on such streets to lay branches or connections from any such sewer, water, or gas main to the gutter or curb in front of their respective premises and to place a stopcock on such branch from water or gas main, on a level with the grade of sidewalk just inside the curb-line; and in case of neglect or refusal so to do, for the period of fifteen (15) Days after such Order is made, and notice thereof given in the manner provided for by Section ten, the City Engineer shall cause such branches or connections to be laid and the expenses thereof shall be and remain a lien or real encumbrance on the property in front of which the same are laid similar in effect, and to be proceeded with, in all respects, as provided in Section nine and such expenses may also be collected by warrant as provided in Section eight.

**N. Construction of sidewalks and gutter<sup>706</sup>.** The City Council shall have power and authority, from time to time, as public convenience may require, to designate and establish the width, course, height, and grade of all sidewalks and gutters in and upon the streets and highways in the City. The City Council may, from time to time, Order the proprietor or proprietors of the land and buildings fronting such sidewalks and gutters, at their own expense, to grade, raise, or form such sidewalks and gutters on their several fronts, according to the width, course, height, and grade designated as aforesaid, and also to lag, pave or make such sidewalks and gutters in such manner and of such materials as the City Council shall direct; and the City Council may limit such time as it may deem reasonable for so grading, raising, forming, flagging, paving, or making such sidewalks or gutters. In cases where the land or buildings fronting such sidewalks or gutters shall be holden for a term of years, or any other estate less than a fee simple, the City Council may, by its Order, apportion in such

<sup>704</sup> Recodification of current Charter Chapter 11, Section 13. Derived from 1907, S.A. No. 461, §67.

<sup>705</sup> Recodification of current Charter Chapter 11, Section 14. Derived from 1907, S.A. No. 461, §68.

<sup>706</sup> Chapter 11, Section 16. Derived from 1907, S.A. No. 461, §70; 1913, S.A. No. 425, §3; 1915, S.A. No. 6, §3; Res. of 10-7-57; referendum of 11-5-57.

manner as it shall judge equitable the expenses of raising, grading, forming, flagging, paving, or making such sidewalks and gutters, among the different persons having an interest in the lands or buildings holden as aforesaid. The giving of said Orders according to the requirements of Section one hundred and thirty shall be good and sufficient notice under the provisions of this section.

**O. Construction of crosswalks<sup>707</sup>.** The City Council may cause any of the crosswalks in the City to be suitably graded, raised, paved, flagged, or made at the expense of the City.

**P. Interest on assessments; lien therefore<sup>708</sup>.** If any assessment or expenses which have been or shall be made a lien or real encumbrance on property situated in the City shall remain unpaid sixty (60) Days or more after legal notice that the same is due, and addition of three-quarters of one per centum shall be made to the amount of such assessments or expenses for each month the same shall so remain unpaid after said lien is filed, and the same shall be collectible as a part of such assessment or expenses and be and remain a lien on such real estate, in like manner and subject to the same modes of enforcement and collection as the principal sum to which the same is added. It shall be the duty of the collector of said assessments to demand payment by a written or printed statement of the character and amount of such assessment, within ten (10) Days from the date when the same shall have been placed in *his* hands, sent to all persons against whom such assessments are laid.

**Q. Taking Land<sup>709</sup>.** The City shall have the power to take land for the purposes and in the manner provided by Law.

**R. Water Pollution Control Authority<sup>710</sup>.** Nothing in this chapter shall be deemed to limit the authority of the City Council to establish, in the manner provided by Law, a Water Pollution Control and to transfer to its duties, powers and responsibilities which this Charter vests in other agencies of the City, including the duties, powers and responsibilities vested in the City Council and the Director of Public Facilities under Section 11 of this chapter. Nor shall it effect the existence, powers or prior acts of the Water Pollution Control Authority heretofore established.

## Section 5. Park Property.

**A. Acquisition of Park Property<sup>711</sup>.**

<sup>707</sup> Recodification of current Charter Chapter 11, Section 20. Derived from 1907, S.A. No. 461, §72; 1913, S.A. No. 425, §3; 1915, S.A. No. 6, §3; Res. of 10-7-57, §1; Referendum of 11-5-57.

<sup>708</sup> Recodification of current Charter Chapter 11, Section 21. Derived from 1907, S.A. No. 461, §77.

<sup>709</sup> Recodification of current Charter Chapter 11, Section 4.

<sup>710</sup> Recodification of current Charter Chapter 11, Section 22.

<sup>711</sup> Recodification of current Charter Chapter 12, Section 12. Derived from 1907, S.A. No. 461, §19; 1915, S.A. No. 137; 1917, S.A. No. 295; 1921, S.A. No. 242.

(1) The Board of Park Commissioners constituted as aforesaid shall have the care, management and control of all parks and grounds used for park purposes, all boulevards connecting parks, and structures thereon, and all parkways now or hereafter owned by or in control of the City, and may give proper designating name thereto.

(2) The board shall have power to acquire, and the City to hold, property, whether within or without the corporate limits of said City, for the purpose of establishing public parks and squares or the enlarging of existing parks, or for boulevards connecting parks or parkways by condemnation or by contract for the same; to accept conveyances thereof; to receive gifts, donations or devises of land or other property for park purposes; to lay out and improve with walks, drives and roads; to build necessary culverts and bridges; to drain, plant and otherwise at their discretion to improve and adorn the parks and other property thus held or acquired by said board; to erect such buildings as may be needed for the purpose of administration, or for the use, protection and refreshment of the public; provided in no case shall any expenditures be made in excess of the amount previously appropriated.

(3) The board shall have power to make and alter, from time to time, all needful rules and regulations for the maintenance of Order, safety and decency in said parks, both within and without the limits of the City, and affix penalties for disobedience thereof, which rules and regulations shall have the force of a City Ordinance when adopted by City Council and approved by the Mayor as provided in the case of Ordinances. For the purpose of enforcing such rules and regulations all such parks and property, whether within or without the limits of said City, are hereby placed under the police jurisdiction of the City; and complaints for violations of such regulations may be made by the State's attorney to the superior court. Any member of the Police Department may arrest without warrant, in any such parks or places whether within or without the limits of the City, and person who has broken any park rule or committed an offense in said park; and the superior court shall have jurisdiction of all misdemeanors, felonies and offenses committed within the limits of said parks.

(4) When said Board of Park Commissioners desires to exercise the power conferred upon it to acquire property either within or without the corporate limits of said City for the purpose of establishing public parks and squares, or enlarging existing parks or for boulevards connecting parks or parkways the City Engineer shall, at the request of said board, prepare a descriptive survey of the property proposed to be acquired, and said board shall ascertain the price of such property from the owners thereof. If said board shall be unable to agree with the parties as to the price to be paid for such land, said board may, on behalf of said City, bring an application to the superior court for the appointment of appraisers and ascertainment of the compensation to be paid for such land, and the superior court shall proceed upon each application in the

same manner as provided this Section of the Charter for the ascertainment of compensation to be paid for property desired to be taken by the City Council. Such land shall not be used or enclosed by said City until such amount shall be paid to the person to whom it is due or shall be deposited for this use with the City Treasurer of said City. Upon such payment or deposit, such land shall become the property of said City. The City shall pay the committee making such assessment a reasonable compensation to be taxes by said court or judge.

(5) Said board shall have the supervision, management and direction of the planting, regulation and care of all shade and ornamental trees in the public highways of the City, and shall have the power to enact such rules and regulation as they may require to carry out this work, provided no such enactment shall in any way conflict with any Ordinances or resolves of the City Council, governing the use and care of the highways of the City. The Director of Parks and Recreation shall act as tree warden of the City and perform all the duties required of said tree warden under the General Statute.

**B. Sale or lease of park land<sup>712</sup>.** No parks or park land belonging to the City shall be sold or capital leased unless such sale or capital lease is recommended by the Board of Park Commissioners and approved by a two-thirds (2/3<sup>rd</sup>s) vote of the entire membership of the City Council, both bodies having conducted a public hearing prior to taking any action. Any such approval may be disapproved by the Mayor, in the manner provided in §6.E of Chapter 5 of this Charter.

**C. Control over use of park properties<sup>713</sup>.** The Board of Park Commissioners shall have sole power to determine the places in said parks and other property under its control, where sewers and gas and water pipes shall be laid; and no trench for these purposes shall be opened until the board shall have designated the location of same and given permission in writing. No railroad, telegraph, telephone or electric light wires, or other wires or posts or supports therefor, shall be erected in, upon, through, or over said parks or parkways, without the consent in writing of said board, which shall designate the place and the manner of erecting and maintaining the same, to be altered at such time and in such manner and under such conditions as the said board may deem best.

**D. Section 15. Beechwood Park; use for school purposes authorized<sup>714</sup>.**

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<sup>712</sup> Recodification of current Charter Chapter 12, Section 13.

<sup>713</sup> Recodification of current Charter Chapter 12, Section 14. Derived from 1907, S.A. No. 461, §20.

<sup>714</sup> Recodification of current Charter Chapter 12, Section 15. Derived from 1959, S.A. No. 361, §§1-3.

(1) The City is authorized and empowered to permit the Board of Education to construct and erect a high school on that portion of land known as "Beechwood Park" in the City, which land was purchased by said City and dedicated as a public park.

(2) The City shall thereupon make available to the Park Department other land to be dedicated for park purposes or provide funds to be used for the further development of existing parks.

(3) If the portion of property so used shall no longer be used for school purposes or said site shall be abandoned as a proposed site for school purposes hereunder, said site shall revert to the control and supervision of the Board of Park Commissioners and be rededicated for park purposes.

**E. Park property exempted from taxation<sup>715</sup>.** Pursuant to the provisions of Section 21 of number 461 of the Special Acts of 1907, all real and personal estate of the City used for park purposes within the limits of any other town shall be exempt from taxation.

**F. Connecting of parks<sup>716</sup>.** The said Board of Park Commissioners shall have power to connect any public park under its control with any other park over which it has jurisdiction, by a boulevard or parkway; and whenever, in its judgment, necessary, it may designate as such any existing highway, or parts thereof, which shall thereupon be deemed a part of said parkway; but the same shall remain under the control of the City authorities now having jurisdiction thereof.

**G. Title to certain beach property<sup>717</sup>.** All the right, title and interest of the State in and to the public lands and public beaches within the town of Bridgeport, lying between the property formerly of P.S. Pearsall and Ash Creek and the waters of Long Island Sound, is hereby granted, ceded and relinquished to the City to be held, improved and enjoyed as a public park. The land and rights herein conveyed shall be under the jurisdiction of the Board of Park Commissioners of the City in the same manner as all other lands and property held as public parks by the City. Whenever the Board of Park Commissioners of the City shall agree with the owners of the property adjoining said public land and public beaches relative to any disputed boundary line between them, said Board of Park Commissioners may, by their agreement, settle such dispute and establish such boundary lines, and for and in the name of the City, make and deliver such deeds of conveyance as may be necessary to carry into effect such agreement for the location and establishment of said boundary lines.

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<sup>715</sup> Recodification of current Charter Chapter 12, Section 16. Derived from 1907, S.A. No. 461, §21.

<sup>716</sup> Recodification of current Charter Chapter 12, Section 17. Derived from 1907, S.A. No. 461, §22.

<sup>717</sup> Recodification of current Charter Chapter 12, Section 18. Derived from 1921, S.A. No. 50.

**H. Procedure in improving land of doubtful title<sup>718</sup>.** The City, before proceeding to lay out, alter, exchange, or extend any public park or part thereof, or any public highway through or upon the property of private individuals, the title and ownership of which, or any part thereof, is deemed to be in doubt, or obscure or unknown, shall cause a notice to be given to all parties in interest, by providing Public Notice, at least six (6) Days before the hearing herein provided, which said notice shall contain a general description of the proposed layout, alteration, exchange, or extension of such park or highway, and of the time when and where a hearing will be had in reference to said extension. Pursuant to the terms of said notice, the City Council shall assemble in manner and form as by this act provided, and shall hear all parties interested in reference to such layout, alteration, exchange or extension. The City shall take such other proceedings for the taking and appropriation of such lands for the aforesaid purposes in the manner and form now specified in this act for the layout of highways. All persons, whose land is taken and appropriated as aforesaid, shall, upon demand and upon proof of title, be entitled to receive, and the City Clerk shall cause to be paid to each of said persons, the value of said land so taken and which belongs to them, less the benefits received by said persons from said improvements.

**I. Gifts of land for park purposes<sup>719</sup>.** The Board of Park Commissioners shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for parks purposes, or the improvements of which would entail an injudicious outlay.

**J. Park Capital improvement fund<sup>720</sup>.**

(1) There shall continue to be a fund to be known as the "Park Capital Improvement Fund." Said fund shall be separate and distinct from any other fund of the City, and shall consist of all moneys received from the sales of any Park Department property. Said fund shall be used for the purposes of relocating, equipping, acquiring or developing park properties at any time leased or owned by the City, or any combination of such purposes.

(2) All moneys belonging to said fund shall be deposited with the City Treasurer of said City, who shall be responsible for the management and investment of said fund. No expenditures shall be made from said fund without the approval of the Board of Park Commissioners. All Orders on said fund shall be signed by the Chair of the Board of Park Commissioners.

<sup>718</sup> Modification of current Charter Chapter 12, Section 19. Derived from 1907, S.A. No. 461, §66, as follows: by utilizing the following term "by providing Public Notice" in lieu of "publishing such notice in the manner provided for in Chapter One, Section six".

<sup>719</sup> Recodification of current Charter Chapter 12, Section 20. Derived from 1907, S.A. No. 461, §25.

<sup>720</sup> Modification of title and recodification of current Charter Chapter 12, Section 21, by replacing the title "President" with "Chair". Derived from 1965, S.A. No. 148, §§1,2.

## Section 6. Responsibilities of the Director of Public Facilities.

A. Completion of work by City upon neglect of owners to comply with Orders of City Council<sup>721</sup>. If any proprietor of any such land or buildings shall neglect to grade, raise, form, flag, or make any such sidewalk or gutter, in such manner, of such materials, and within such time as the City Council may, after such notice, and after the expiration of the time Ordered, instruct the Director of Public Facilities to raise, grade, form, flag, pave, or make such sidewalk or gutter, and may adjust and liquidate the expense thereof, and such expense shall be a lien or real encumbrance on such land and building in favor of the City, and payment thereof may be enforced by the City, and in like manner, as provided in Section one hundred and twenty-eight in the case of benefits assessed for the layout or alteration of streets and highways, and the provisions of said Section in relation to liens and the collection of benefits are incorporated into this Section and made applicable to such expense, mutatis mutandis.

B. Sidewalk repairs- How compelled<sup>722</sup>. The Director of Public Facilities of the City shall have authority, whenever, in his judgment, public convenience or necessity may require, to Order the proprietor or proprietors of any land or building fronting on any highway or street in said City to repair the sidewalks, curbs or gutters on their several fronts in the manner and within the time specified in such Order. A written or printed notice in the name of the Director of Public Facilities left by any person with or at the usual place of abode of such proprietor or proprietors, residing in the City, at least fourteen (14) Days before the time specified in such Order for the making of such repairs or replacement shall be good and sufficient notice under the provisions of this section. If the proprietor or proprietors, as the same shall appear upon the records of the Tax Assessor, at least twenty-one (21) Days before the time specified in such Order for the making of such repairs or replacement shall be good and sufficient notice under the provisions of this section.

C. Sidewalk Repairs- Power of Director of Public Facilities to make<sup>723</sup>. If any proprietor or proprietors of any such land shall neglect to repair or relay any such sidewalks, curbs or gutters in such manner and with such materials and within such time as said Director of Public Facilities shall Order and limit, said director may, after notice given as aforesaid, and after the expiration of the time so limited, repair or relay such sidewalks, curbs or gutters, and may adjust and liquidate the expense thereof; and such expense when reported to and accepted by the City Council shall be a lien or real encumbrance of such land and buildings in favor of the City, and payment thereof may be enforced by the City, and in like manner, as provided in Section one hundred and twenty-eight of the Charter of the City in the case of benefits assessed for the layout or alteration of streets and highways, and the provisions of said Section in relation

<sup>721</sup> Recodification of current Charter Chapter 11, Section 17. Derived from 1907, S.A. No. 461, §71; 1915, S.A. No. 161.

<sup>722</sup> Recodification of current Charter Chapter 11, Section 18. Derived from 1939, S.A. No. 37 §1.

<sup>723</sup> Recodification of current Charter Chapter 11, Section 19. Derived from 1939, S.A. No. 37 §2.

to liens and the collection of benefits are incorporated in this Section and made applicable to such expense, mutatis mutandis.

### **Section 7. Appraisal, Assessment and Apportionment Decisions.**

**A. Appraisal, Assessment and Apportionment Decisions<sup>724</sup>.** The City Council shall have the exclusive jurisdiction of appraising, assessing and apportioning all benefits and damages accruing or resulting to any persons from such public improvement, or from the construction or purchase of any sewer or sewers, or from any other public improvement in the City whatsoever which shall be Ordered or determined upon by the City Council, in connection with which an appraisal of benefits and damages is required by this Charter to be made. Said procedures shall be set forth in accordance with the provisions of Chapter 12 §§2.A, B and C of this Charter.

**B. Appeals from determinations as to benefits and damages<sup>725</sup>.** Any person who shall be aggrieved by any act of the Board of Appraisal of Benefits and Damages or the City Council in making any of the assessments of benefits or damages authorized in this act may, within thirty (30) Days after Public Notice is given of the acceptance of the report of such board by the City Council, make written application for relief to the superior court; provided the aggrieved party shall give notice to the City of such application by causing a copy to be left with the City Clerk, or at the Clerk's usual place of abode, at least twelve (12) Days before the return day of such appeal, and within thirty (30) Days after such Public Notice is given. Said superior court may make such Order as equity may require, and may allow costs to either or neither party and may inquire into the validity of the proceedings upon which such assessment is based. No land taken for a public square, park, street, highway, bridge or walk, or alteration thereof, laid out under the provisions of this act, shall be occupied by the City until the expiration of the time limited for the giving of notice to said City of such an application for relief nor shall any land be occupied as to which such an application for relief has been made until such application shall be finally disposed of by said superior court, except on appeals where no question is raised as to the validity of the proceedings upon which such assessment is based; provided any person claiming to be aggrieved shall be deemed, by taking an appeal as provided in this section, to have waived any claim of illegality arising from the failure of such board to give or file the notices required in Section 2(b) of this chapter.

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<sup>724</sup> Recodification of current Charter Chapter 11, Section 2(a), by adding the City Council in lieu of the Commission. The final sentence is a reference to the Special Act and Historic provisions set forth in Chapter 12 of the Charter..

<sup>725</sup> Recodification of current Charter Chapter 11, Section 15. Derived from 1907, S.A. No. 461, §69; 1919, S.A. No. 177, §2. The term "the aggrieved party" replaced the term "he/she".

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TRANSMITTAL DRAFT 5-24-12

## CHAPTER 13 - TRANSITIONAL PROVISIONS

### Section 1. Effective Date<sup>726</sup>.

The provisions of this Charter and amendments thereto, as to the administration of the City, shall become effective upon adoption by the Electors of the City of Bridgeport; unless otherwise set forth in the Charter.

### Section 2. Repeal of Other Laws<sup>727</sup>.

All Special Acts and provisions of the Ordinances and parts of acts and Ordinance, inconsistent with the provisions of this Charter, are hereby repealed as the time this Charter takes effect<sup>728</sup>; but such repeal shall not affect any rights, privileges or immunities of the City, or of any person or body corporate, or any pecuniary obligations attaching to said City. No tax or assessment laid under any of the provisions of Law herein repealed, or under any Order or Ordinance made under any of said provisions, shall be affected by said repeal.

### Section 3. Saving Clause<sup>729</sup>.

Except as provided in §2 of this Chapter, nothing contained in this Charter shall be construed to repeal or terminate any act of the State or City Ordinance or any rule or regulation of any City Boards or Commissions and Departments. They shall remain in full force and effect when not inconsistent with the provisions of this Charter, to be construed and operated in harmony with its provisions, until amended or repealed as herein provided or required. The powers which are conferred and the duties which are imposed upon any Board or Commission or Department or authority of the City under any statutes of the State, or any City Ordinance or regulation which is in force at the time of the taking effect of this Charter shall, if such Board or Commission or Department or authority is abolished by this Charter, be thereafter exercised and discharged by the Board

<sup>726</sup> Chapter 22, Section 1.

<sup>727</sup> Chapter 22, Section 2.

<sup>728</sup> **Drafting Note:** Do we have any idea how many special acts?

<sup>729</sup> Modification of current Charter Chapter 22, Section 3, as follows: "Except as provided in ~~Section §2 of this Chapter~~, nothing contained in this Charter shall be construed to repeal or terminate any act of the State or City Ordinance or any rule or regulation of any City Boards or Commissions and Departments. They shall remain in full force and effect when not inconsistent with the provisions of this Charter, to be construed and operated in harmony with its provisions, until amended or repealed as herein provided or required. The powers which are conferred and the duties which are imposed upon any ~~office, Board or Commission or Department, agency~~ or authority of the City under any statutes of the State, or any City Ordinance or regulation which is in force at the time of the taking effect of this Charter shall, if such ~~office, Board or Commission or Department, agency~~ or authority is abolished by this Charter, be thereafter exercised and discharged by the ~~office, Board or Commission or Department, agency~~ or authority upon whom similar duties are imposed by the Charter".

or Commission or Department or authority upon whom similar duties are imposed by the Charter.

**Section 4. Continuance of Contracts<sup>730</sup>.**

Any contract entered into by the City, or bond or bonds or undertaking made to or for the benefit of the City before any of the adoption of this Charter take effect, containing a provision that it may be enforced or shall be performed by some Board or Commission; or Department or authority which is abolished by the amendatory provisions of this Charter, shall, notwithstanding continue in full force and effect and shall be enforced and performed by the Board or Commission; or Department or authority upon which are conferred and imposed powers, functions and duties corresponding to those theretofore exercised by the Board or Commission; or Department or authority so abolished.

**Section 5. Continuance of Personnel<sup>731</sup>.**

Except as otherwise provided in this Charter, all persons serving as members of any Board or Commission at the time that this Charter takes effect, whether elected or appointed, shall continue in office unless such office has been abolished or upon the completion of the term of office.

**Section 6. Transfer of Records, Property and Powers<sup>732</sup>.**

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<sup>730</sup> Modification of current Charter Chapter 22, Section 4, as follows: "Any contract entered into by the City, or bond or bonds or undertaking made to or for the benefit of the City before any of the adoption of this Charter take effect, containing a provision that it may be enforced or shall be performed by some ~~office, Department,~~ Board or Commission; or Department or authority which is abolished by the amendatory provisions of this Charter, shall, notwithstanding continue in full force and effect and shall be enforced and performed by the ~~office, Department,~~ Board or Commission; or Department or authority upon which are conferred and imposed powers, functions and duties corresponding to those theretofore exercised by the ~~office, Department,~~ Board or Commission; or Department or authority so abolished".

<sup>731</sup> Modification of current Charter Chapter 22, Section 5, as follows: "Except as otherwise provided in this Charter, all persons serving as members of any Board or Commission at the time that this Charter takes effect, whether elected or appointed, shall continue in office unless such office has been abolished or upon the completion of the term of office".

<sup>732</sup> Modification of current Charter Chapter 22, Section 6, as follows: "A. If a City department, ~~office, agency,~~ or Board or Commission is abolished by this Charter, the powers and duties given it by Law shall be transferred to the City Department designated in this Charter or, if the Charter makes no provision, as so designated by the City Council.

B. All records, property and equipment whatsoever of any Department or authority, ~~office~~ or Board or Commission, ~~authority~~ or any part thereof, of which are assigned to any other ~~office, Department or authority,~~ Board or Commission, ~~authority or agency~~ by

A. If a City Department or Board or Commission is abolished by this Charter, the powers and duties given it by Law shall be transferred to the City Department designated in this Charter or, if the Charter makes no provision, as so designated by the City Council.

B. All records, property and equipment whatsoever of any Department or authority or Board or Commission, or any part thereof, of which are assigned to any other Department or authority, Board or Commission by this Charter, shall be transferred and delivered intact to the Department or authority or; Board or Commission to which such powers and duties are so assigned.

### Section 6. The Board of Education.

A. Until 11:59:59 P.M. on November 30, 2013, the Board of Education<sup>1</sup> of the City shall consist of nine (9) members who shall be Electors of the City and who shall be elected to serve for a term of four (4) years, from the first day of December next succeeding their election.

(1) At the election to be held on the first Tuesday after the first Monday of November, 1993, and quadrennially thereafter through and including the election held on November 3, 2009, there shall be elected five (5) members of said board. Each political party entitled to nominate candidates for election to said board shall nominate three (3) persons and the five (5) persons receiving the highest number of votes at such election shall be elected. Each Elector may vote for any three (3) of the candidates nominated for such office<sup>733</sup>.

(2) At the election to be held on the first Tuesday after the first Monday of November, 1995, and quadrennially thereafter through and including the election held on September 5, 2012 there shall be elected four members of said board. Each political party entitled to nominate candidates for election to said board shall nominate three (3) persons and the four (4) persons receiving the highest number of votes at

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this Charter, shall be transferred and delivered intact to the ~~office,~~ Department or authority or; Board or Commission, ~~authority~~ to which such powers and duties are so assigned".

<sup>733</sup> Modification and recodification of current Charter Chapter 15, Section 1(b), as follows: "At the election to be held on the first Tuesday after the first Monday of November, 1993, and quadrennially thereafter through and including the election held on November \_\_, 2009, there shall be elected five members of said board. Each political party entitled to nominate candidates for election to said board shall nominate three persons and the five persons receiving the highest number of votes at such election shall be elected. Each Elector may vote for any three (3) of the candidates nominated for such office".

such election shall be elected. Each Elector may vote for any three (3) of the candidates nominated for such office<sup>734</sup>.

B. Thereafter and through 11:59:59 P.M. on November 20, 2015, the nine (9) members of the Board of Education shall consist of five (5) members and any successors appointed by the Mayor in accordance with the provisions of §1A. and B of Chapter 7 of this Charter and four (4) members elected on September 4, 2012 and any successors appointed by the Mayor in accordance with the provisions of §1.B of Chapter 7 of this Charter<sup>735</sup>.

C. The members of the Board of Education shall at all times comply with the provisions of §1 of Chapter 7 of this Charter<sup>736</sup>.

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<sup>734</sup> Modification and recodification of current Charter Chapter 15, Section 1(c), as follows: "At the election to be held on the first Tuesday after the first Monday of November, 1995, and quadrennially thereafter through and including the election held on September 4, 2012 there shall be elected four members of said board. Each political party entitled to nominate candidates for election to said board shall nominate three (3) persons and the four persons receiving the highest number of votes at such election shall be elected. Each Elector may vote for any three (3) of the candidates nominated for such office".

Repeal of current Charter Chapter 15, Section 1(d), as follows: "(c) If a vacancy arises for any reason in the membership of the Board of Education, the remaining members shall elect a new member to serve for the balance of the term vacated. The person so elected shall be a resident and Elector and a member of the same political party as the member vacating such office".

<sup>735</sup> Modification and recodification of current Charter Chapter 15, Section 1(a), as follows: "Until 11:59:59 P.M. on November 30, 2013, the Board of Education<sup>735</sup> of the City shall consist of nine (9) members who shall be Electors of the City and who shall be elected to serve for a term of four (4) years, from the first day of December next succeeding their election. Thereafter and through 11:59:59 P.M. on November 20, 2015, the nine (9) members of the Board of Education shall consist of five (5) members and any successors appointed by the Mayor in accordance with the provisions of §1A. and B of Chapter 7 of this Charter and four (4) members elected on September \_\_, 2012 and any successors appointed by the Mayor in accordance with the provisions of §1.B of Chapter 7 of this Charter".

<sup>736</sup> NEW.