
ARTICLE IV

THE COMMON COUNCIL

§4-1 Legislative Power¹⁷.

The legislative power and authority of the City shall be vested in the Common Council, which shall be comprised as set forth in § 3-3, above. No enumeration of powers contained in this Charter shall be deemed to limit the legislative power of the Common Council as provided for in the General Statutes of the State of Connecticut.

§4-2 Powers of the Common Council¹⁸.

The Common Council shall have the following powers:

(a) to enact Ordinances in the manner provided in this Charter not inconsistent with law, or this Charter, for the government of the City 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 or resolution, to regulate, amplify and define the corporate powers. The Common Council may prescribe fines and penalties for the violation of any Ordinance, and otherwise provide for the enforcement and collection of the same when not inconsistent with law or this Charter.

(b) to establish and maintain a budget system including but not limited to the assessment, levy and collection of taxes for general, special or emergency purposes in the manner prescribed by law, and to adopt the capital and operating budgets of the City and the Board of Education in the manner prescribed by law and this Charter and the operative Ordinances adopted hereunder.

(c) to fill vacancies in elective offices, in the manner provided in this Charter and to impeach or remove from office any elected officer in the manner provided in this Charter

(d) to establish a procedure for the adoption of fees charged by City departments¹⁹.

(e) in the name of the City, to receive gifts of money or property in excess of a value to be determined by the Common Council by Ordinance. Gifts of a lesser value may be received by the Mayor or by persons the Mayor may designate, in the name of the City.

(f) to undertake public improvements, approve the issuance of public bonds and other financing instruments related thereto and to assess benefits and damages therefor, in the manner provided for in this Charter or as otherwise provided by law.

(g) to approve the appointment of department heads designated by the Mayor.

(h) to provide for the form and regulate the manner of making - contracts including, without restriction the approval or rejection of collective bargaining agreements and arbitration awards, in accordance with the requirements of the General Statutes. In furtherance of this power all parties charged with the responsibility for negotiating any collective bargaining agreement or participating in subsequent arbitration proceedings are required to submit the contract and the

arbitration award to the Common Council in manner that assures timely consideration within the provisions of the General Statutes. For these purposes, submission means delivery to the Mayor, in the capacity as Presiding Officer of the Council, the President Pro Tempore and the City Clerk. Said Common Council may establish such other reporting requirements as it deems necessary to carry out the purposes of this provision.

(i) to approve the purchase, sale, or lease of real property.

(j) to grant pensions as may be provided in this Charter, Special Act, Ordinance, or as negotiated under the Municipal Employee Relations Act or other provisions of the General Statutes governing collective bargaining.

(k) by a two thirds vote of the entire membership to investigate any officer, department or agency of the City. The Common Council shall have access to all data kept by the office or department or agency and shall have the power to compel the attendance of witnesses and production of books, papers and any other data, electronic or otherwise, at any meeting of the Common Council or any committee thereof, and for that purpose may issue subpoenas which shall be signed by the President Pro Tempore of the Common Council. The investigation may be conducted by a committee of the Common Council's members appointed for this purpose, provided that not more than half of the members of such committee shall be members of the same political party.' Any person who refuses to obey the subpoena of the Common Council or authorized committee shall be fined not more than the amount permitted by the General Statutes or imprisoned not more than the time permitted by the General Statutes, or both²⁰. Said fine and penalties shall be set by Ordinance.

(l) by Ordinance, the provision of penalties by fine, not to exceed the amount permitted by the General Statutes, for anyone offense to be imposed by the court for the violation of any Ordinance adopted under the authority of this Charter and may provide that each day's continuance of such violation shall constitute a separate offense²¹.

(m) to require any officer or employee of the Town or City to furnish a bond or undertaking conditioned upon honesty and faithful performance of duty and to determine the amount, form, and sufficiency of the sureties thereof²².

(n) to establish the rates of compensation for (1) the members of the succeeding Common Council²³ and (2) the Mayor²⁴ and other officers²⁵, department heads and employees subject to the provisions of the budget, contract, collective bargaining agreement or other agreement.

(o) Any other powers that may be granted by this Charter or by the General Statutes, as amended.

§4-3

The Zoning Powers of the Common Council²⁶.

(a) Zoning Authority of the Common Council²⁷. For the purpose of promoting health, safety, morals or the general welfare of the community or the comfort, happiness and prosperity of the inhabitants thereof, the Common Council of the City is authorized, by Ordinance, to establish building districts and restrictions.

(b) Powers and Duties: Derived from the General Statutes. Upon adoption of an Ordinance the Common Council shall have all the powers and duties enumerated in the General Statutes pertaining to zoning. Until such time the Council shall operate in accordance with the terms of the Special Act in existence prior to the effective date of the 2000 amendments to this Charter.

(c) Rules of Procedure Governing The Zoning Authority. The Common Council, upon the advice of the Office of the Corporation Counsel, shall, from time to time, adopt rules of procedures governing the conduct of hearings and proceedings regarding said zoning authority. All hearings and meetings relating to said zoning authority shall be subject to a separate call and shall not be conducted on an agenda containing the general legislative business of the Council. In all other respects the provisions of §4-6 of this Charter shall apply to said zoning authority.

§4-4 Officers of the Common Council²⁸.

(a) Presiding Officer. The Mayor shall preside at the meetings of the Common Council, and shall not be a member thereof and shall have a vote only in the case of a tie.

(b) President Pro Tempore. The Common Council shall biennially choose by a majority vote, from among the members duly qualified a President Pro Tempore of the Common Council who shall perform such duties as may hereinafter be prescribed.

(c) Clerk. The City Clerk shall be clerk of the Common Council and shall record its doings²⁹.

§4-5 Meetings.

Regular meetings of said Common Council shall be held at such time as may be fixed by the City Ordinances; and said Common Council may be specially convened at any time by the Mayor or the President Pro Tempore of the Common Council, or, upon a petition of a majority of said Common Council, in writing, filed with the City Clerk, a meeting of said Common Council shall be called. Said Common Council shall, at the first regular meeting following the commencement of its term of office, determine the rules of the proceedings, in conformity with the general principles of parliamentary law. Furthermore, said Common Council may, punish its members for disorderly behavior, and, by a vote of three fourths of its members, expel a member for due cause. A majority of all the members of said Common Council shall constitute a quorum for the transaction of business, and the vote upon any question shall be taken by yeas and neas at the request of one-fifth (1/5) of the members present. All meetings at which less than a majority of said Common Council is present may be adjourned to such time as the members present shall see fit.

§4-6 Procedure for Enacting Ordinances, Resolutions etc.; when Ordinances effective; approval of Mayor³⁰.

(a) Every vote, resolution, order, or Ordinance passed by said Common Council shall be submitted to the Mayor in writing for approval, and, if such vote, resolution, order, or Ordinance shall be disapproved, the same shall be returned to the Common Council at its next meeting, whether an adjourned, regular, or a special meeting, with the objections thereto in writing, and if two-thirds of the members of the entire Common Council shall again pass such vote, resolution, order, or Ordinance, the same shall be valid as if the same had been approved by the Mayor.

(b) If the Mayor shall approve of any vote, resolution, order, or Ordinance, it shall be in writing, and, if the Mayor shall fail to approve or veto any such vote, resolution, order, or Ordinance within ten days after the same shall have been presented to the Mayor for disposition, the same shall become valid and effectual as if the same had been approved by said Mayor.

(c) The City Clerk shall record upon City records all approvals or disapprovals of such votes, resolutions, orders, or Ordinances by the Mayor, and shall attest

by signature the fact that such vote, resolution, order, or Ordinance has been adopted without the signature of the Mayor whenever the Mayor shall fail to approve or disapprove any such vote, resolution, order, or Ordinance within the time limited for the same³¹.

§4-7 Membership on Other Boards; Conflict of Interest³².

(a) Membership on other Boards; conflict of interest. (a) Membership on other Boards; conflict of interest. No member of the Common Council shall be appointed a member of any Commission or Board, established under Article 7, below, or to any appointive office provided for in this chapter, except President Pro Tempore of the Common Council or Mayor to fill a vacancy. No member of the Common Council shall directly or indirectly become interested in any contract made with said City or any department thereof, except that this provision shall not prevent any member of the Common Council selling to any agents or officials of said City in open competition goods, wares, and merchandise, dealt in customarily by such member and sold to said City at not exceeding current market rates. No member of the Common Council shall be heard to speak upon, nor shall be allowed to vote upon, nor shall be appointed a member of any committee to consider, any matter in which the member has a direct pecuniary interest. Any violation of this provision shall be grounds for expulsion of any member violating the same, and any such contract so entered into shall be null and void³³.

§4-8 Publication of Codification of Ordinances.

Whenever the Common Council shall approve, adopt, and enact any revision, compilation or codification of the Ordinances of the City, it shall be a sufficient publication of such revision, compilation or codification (and all Ordinances, articles, and sections therein contained) to advertise, at least once in a daily newspaper distributed in said City, the vote or resolution of said Common Council, approving, adopting and enacting such revision, compilation or codification, together with a notice of the City Officer or Officers from whom the printed copies of such revision, compilation or codification may be obtained upon application.

§4-9 Staff.

The Common Council may employ staff and other expert and professional consultants necessary to provide assistance to the members of the Council, on a non-partisan basis. Each staff member deemed necessary to carry out the Common Council's legislative function shall be appointed by a majority decision of the President Pro Tempore, and the Majority and Minority leaders.

§4-10 Removal from office³⁴: Elective Officers and Appointees of the Common Council.

The Common Council, after reasonable notice and a hearing before said Common Council, shall be empowered by vote of a majority of the membership of the entire Common Council to remove from office any elective officer of said City or any appointee of said Common Council for dishonesty, incompetency, incapacity, neglect of duty, disobedience of any lawful order of a competent authority, or misfeasance or malfeasance in office. The accused shall have an opportunity to be heard at such hearing³⁵.