DRAFT REPORT
CITY OF NEW BRITAIN
CHARTER REVISION COMMISSION
4/26/2022

Pursuant to Resolution # 35684, dated January 26, 2022, the Charter Revision Commission ("CRC" or "Commission") has been meeting to consider possible changes to the Charter of the City of New Britain. The Commission has discussed all four charges set forth by the Common Council, as well as other sections of the Charter identified by the public and our studies of the Charter. The Commission has solicited input from public officials, City employees, and the general public through public hearings, public participation, and by invitation.

The following is a summary of the Commission's recommendations to the Council, including pertinent information considered in arriving at these decisions. The proposed Charter amendments are attached to this report and shown in blackline form.

The Commission was charged by the Council to address the following:

1) **Change the Collector of Taxes and Town and City Clerk from elective positions to appointed positions.**

   The CRC recommends that title of the Collector of Taxes be changed to Revenue Collector and that the Revenue Collector and the Town and City Clerk be changed from elective positions to appointed positions. The Commission felt that both the Revenue Collector and the Town and City Clerk be appointed through the civil service process and that minimum qualifications be included in the Charter.

2) **Change the Common Council election provisions to a ward system with a minority party representation requirement in each ward as provided in Section 9-167a of the Connecticut General Statutes.**

   The CRC recommends that the Common Council be comprised of fifteen (15) members, consisting of three (3) members elected from each of the five (5) Common Council Districts, with the minority party requirements of the Connecticut General Statutes applying to each of the five (5) Common Council Districts separately. The Commission also recommends limiting the number of candidates that any political party can run in any Common Council District to two candidates, as well as limiting the number of candidates a voter can vote for in any Common Council District to two candidates. The Commission believes this structure will encourage political parties to work together and will support the "one voter one vote" principle.

3) **Remove provisions related to boards and commissions that are unnecessary or no longer exist and replace them with references to existing boards and commissions.**

The Commission considered eliminating the Board of Water Commissioners and the Board of Public Works and replacing them with a combined Public Works/Utilities Board. While the CRC recognizes that two separate boards might not be required due to the combined nature of the water and public works departments, it ultimately decided to leave the Charter as it is currently written.

4) **Include provisions outlining the position of a Chief Administrative Officer to work in conjunction with the Mayor for the daily management of the City of New Britain.**

The Commission recommends that the Charter be revised to include a provision requiring a Chief Operations Officer ("COO") to assist with the daily management of the City and to perform any tasks, duties or functions that are within the scope of the duties of the office of the Mayor and have been delegated by the Mayor to the COO. The Commission felt strongly that the COO be appointed through the civil service process and that minimum qualifications be included in the Charter. The Commission recommends this structure for the COO position as it does not alter the strong Mayor system.

Additional changes recommended by the Charter Revision Commission:

1) Amend the Charter to add a new Section 17 which will require periodic Charter review every five years at a minimum. Beginning no later than January 2027, and no later than every 5 years thereafter, the Common Council shall appoint a Charter Revision Commission pursuant to the Connecticut General Statutes. This new section will not limit the right of the Common Council to appoint a new Charter Revision Commission sooner than every 5 years. *This provision is recommended because the Charter should be revisited more frequently to address the changing needs of the City.*

2) Amend the Charter to remove all references to "his", "her", "him", "they" and "Chairman" and replace such references with a direct reference to the person being discussed. See Sections 1.4(o), 10.3(a), 15.3(d) and (f), 15.4(v), (x), (bb) and (cc), 15.5 (l) and (m) and 15.8.

3) Amend the Charter to replace all references to the "Director of the Water Department" to the "Deputy Director of Public Works Utilities Division". *This change is being recommended to reflect the change in the title of said Director after the City's departmental reorganization.*

Additional items considered by the Charter Revision Commission but not recommended for change at this time:

1) Revising the terms of office for elected officials. *The CRC does not recommend changing the terms of office for any elected officials. Specifically, it was the belief of the Commissioners that the current terms of office of the Mayor and the Common Council make said elected officials accountable to the voters on a more frequent basis.*

2) Revising the process of filling vacancies for elected officials. *The CRC does not recommend that this change be made in the Charter, but rather encourages the Common Council to revise its Standing Rules to provide that party leadership fill any vacancy with a member of the same political party as the person whose seat has been vacated.*

3) Revising the number of members on the Board of Education from an even to an odd number. *The CRC does not recommend that this change be made in the Charter at this time, as it wanted voters to focus on the other recommendations of the Commission.*

Recommended Ballot Questions

1) Shall the Common Council be comprised of fifteen (15) members, consisting of three (3) members elected from each of the five (5) Common Council Districts, with the minority party requirements of the Connecticut General Statutes applying to each of the five (5) Common Council Districts separately?

2) Shall the positions of Revenue Collector and the Town and City Clerk be changed from elected to civil service, appointed positions?

3) Shall an appointed Chief Operations Officer, who shall report directly to the Mayor, be responsible for the daily management of certain City functions?

4) Shall the remainder of the changes to the Charter as recommended by the Charter Revision Commission be approved?

Ministerial Matters

- The Common Council should consider removing the endnotes from the Charter, as they have not been updated on a current basis and are not part of the Charter itself. Accordingly, the proposed Charter amendments do not contain endnotes. Should the Common Council accept this recommendation, the Preface of the Charter should be updated as shown in the attached document.

DRAFT 4/26/22

CHARTER CITY OF NEW BRITAIN, CONNECTICUT

PUBLISHED BY ORDER OF THE COMMON COUNCIL

AS APPROVED BY REFERENDUM OF NOVEMBER 7, 2000

AMENDED NOVEMBER 7, 2000
AMENDED NOVEMBER 5, 2002
AMENDED NOVEMBER 8, 2016

REPUBLISHED BY ORDER OF THE COMMON COUNCIL 2017

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PREFACE

This volume contains the Charter of the City of New Britain, Connecticut. The endnotes contain information that should be helpful to the reader. Generally, the notes attempt to provide the reader with the derivation of the provision. In this respect the references are to the Charter as presently codified. This document also attempts to show the historical derivation of each section by reference to the corresponding Special Law (S.L.) from which the provision is derived. The absence of a historical note indicates that a section was first enacted as part of the 1961 Charter codification and that it has not been subsequently amended.

In addition there are a number of references from the current Charter that remain intact such as "Revision Notes" added by an earlier Revision Commission at the time of the 1961 Charter codification and have been carried forward in this publication, although they have not been reviewed for accuracy. The same is true for cross reference notes that have been split into "State Law Reference Notes" and "Cross Reference Notes" under the provisions of the current Charter.

The endnotes are an attempt to assess the historical development of the Charter and, in some cases, to point specifically to the need for the enactment of facilitating ordinances. They are not part of the Charter and, as such, these annotations may be revised at any time to paint a more complete picture or to correct any inaccurate citations.

CHARTER APPROVED BY THE VOTERS—NOVEMBER 7, 2000

Amended November 5, 2002 and November 8, 2016

PREAMBLE

This Charter codifies the form and structure of the government of the city of New Britain, Connecticut. It establishes a representative democracy and balance of power comprised of a Mayor, as the chief executive, and the Common Council, as the legislative body. The words in this document are premised on the proposition of a government that has the flexibility to serve the people, conserve public resources, efficiently organize the administration of government and meet the needs of the public on the dawn of the new millennium. This Charter stands for one government, one city.

ARTICLE I - CONSTRUCTION OF THE CHARTER OF THE CITY OF NEW BRITAIN

§1-1 - Title.

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

§1-2 - Definitions and Titles Generally.

The definitions contained in the General Statutes govern the interpretation of this Charter. 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.

§1-3 - Time of Appointments and Meetings Generally.

Except as otherwise provided in this Charter, any appointment to office or election by the Common 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 shall be a Saturday, Sunday or legal holiday, the meeting shall be held 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 calling the meeting shall designate the place thereof.

§1-4 - Definitions.

Whenever used in this Charter:

(a) "Board". For the purposes of this Charter and except as otherwise provided by law, the term "Board" shall include all public appointed Boards, agencies, Commissions, authorities or like entities of the City.

(b) "Capital Project" means (1) any physical betterment or improvement or any preliminary studies or surveys relative thereto; (2) the acquisition of real property or other property of a permanent nature;(3) the purchase or acquisition of equipment for any public betterment or improvement when first erected or acquired which cost exceeds an amount set by the Common Council, from time to time; (4) major alterations and repairs to existing buildings, structures or equipment which cost exceeds an amount set by the Common Council, from time to time; or (5) any lease which commits the City to more than one year of aggregate payments in an amount set by the Common Council, from time to time.

(c) "Code of Ordinances" or "Ordinances" shall mean the powers of the municipality in order 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.

(d) "Data" includes all public books, records, papers, files, correspondence, other recorded information and such computer records, as may be further defined by Ordinance, pertaining to the affairs of the City, in the custody of any person holding public office or employment or in the custody of any department or agency as otherwise defined in the General Statutes.

(e) "Department or Agency" shall include, but not be limited to, any department, office, bureau, Board, Commission, Authority, agency, program, or part thereof, within the government of the City created by this Charter or Ordinance.

(f) "Effective Date" unless otherwise specified in this Charter shall mean "January 1, ~~2017~~2023".

(g) "Elector" shall have the meaning contained in the General Statutes.

(h) "General Statutes" shall mean the General Statutes of the State of Connecticut as amended from time to time.

(i) "Law" 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.

(j) "Municipality and/or City" means the City.

(k) "Non-Capital Project" means any project for which indebtedness is incurred pursuant to Article XII of this Charter that is not a Capital Project as defined by this Charter.

(l) "Officer" or "Office" means any Officer or Office in this City.

(m) "Public Notice" means a notice published in a daily newspaper of general circulation distributed in the City. A Public Notice of a meeting or hearing shall state the time and place thereof, and shall be published at least once not more than thirty days nor less than twenty-four hours prior to the meeting or hearing unless otherwise provided in this Charter or prescribed by the laws of the State of Connecticut.

(n) "Special Acts" or "Special Laws" shall mean the acts of the General Assembly pertinent to the City.

(o) Where reference is made to "Action to be taken by a Department Head," the specified action may be taken by that Department Head or ~~his or her~~the designee of the Department Head.

(p) Where reference is made to "Mayor or designee," the identity of the designee shall at all times be determined, in the sole discretion, of the Mayor.

§1-5 - Term of Office.

The officers of the City, whether appointed or elected, shall hold their offices for their respective terms and until their successors shall be chosen and shall have qualified, unless removed for cause as specified in this Charter.

§1-6 - Officers and Appointees as Electors, Requirement.

No person other than an elector of the City shall be appointed to membership on any Board or Commission in the government of the City. Any person who ceases to be an elector of said City while serving on any Board or Commission in the City government shall forthwith forfeit membership thereon and there shall be deemed to be a vacancy on such Board or Commission.

ARTICLE II - INCORPORATION

§2-1 - Incorporation.

All electors of this State dwelling within the limits hereinafter specified shall be a body politic and corporate by the name of the "City", and as such, and by that name, they and their successors shall have perpetual succession, and shall be a person in law capable of suing and being sued, pleading and being impleaded in all suits, may have a common seal and may alter or change the same at pleasure, and shall have the power of purchasing, acquiring by gift, holding and conveying any estate, real and personal, and shall remain absolutely vested with the title of the improvements of all the City lands, tenements, hereditaments, rights and estates which, since the original incorporation of the City, have become vested in the City, and whereof the City never has been lawfully divested.

§2-2 - Territorial Limits.

The territorial limits and boundaries of the City comprise the same territory embraced within a description on a map entitled "Town Line Monuments of the City of New Britain, Oct. 1961 Revised 2/98 Scale 1"=1000'" on file with the engineer of the City.

§2-3 - Continuance of Obligations.

All property, rights of action, and rights of every description, and all securities and liens therefore and all existing debts and obligations are continued.

§2-4 - Powers of the City; Intergovernmental Relations.

In addition to all powers granted to cities under the Constitution and laws of the State of Connecticut or which may hereafter be conferred, the City shall have all powers specifically granted by this Charter and all powers fairly implied in or instant to powers expressly granted and all of the powers instant to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, for services and the use of facilities, the exercise of which is expressly granted by the Constitution and general laws of the State of Connecticut. The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of powers which shall be considered as an addition thereto. Said City shall exercise all the rights, powers, privileges, functions and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon this corporation.

ARTICLE III - ELECTIONS AND ELECTORS

§3-1 - Application of General Laws; Qualification of Electors; Polling Hours.

Except as otherwise provided in this Charter, all elections within and for the City shall be held pursuant to the provisions of the general laws of the State of Connecticut. At any City election, the polls shall be kept open as required by the General Statutes. The Common Council of said City may by Ordinance duly passed and published, divide the City into two or more voting districts; and all provisions of law now existing, or which may hereafter be enacted, regulating the holding of elections in the other voting districts of said City shall be applied to said new voting districts when so established.

§3-2 - Terms of Office of Elective Officers; Date of Elections; Special Elections.

(a) **Commencement Date of the Term of Office.** The term of office of elected officers hereunder shall commence at noon on the Tuesday following their election and until their respective successors are elected and have qualified.

(b) **Date of Election of Elective Offices.** Except as hereinafter provided, on the Tuesday after the first Monday in November and in the odd numbered years thereafter as the term of office shall fall, the electors of the City shall elect from their number by a plurality of ballots the following officers: (1) Mayor; (2) ~~City and Town Clerk; (3) Collector of Taxes; (4)~~ Treasurer; (5~~3~~) Three members of the Board of Assessment Appeals (of whom no person shall vote for more than two members of said Board); (6~~4~~) Eight Constables (of whom no person shall vote for more than four); (7~~5~~) Five members of the Board of Education (of whom no person shall vote for more than three members of said Board), whose terms of office shall be staggered as prescribed by Ordinance ; and, (8~~6~~) Fifteen members of the Common Council (of whom no person shall vote for more than two members of said Common Council), who shall be elected as set forth below in this Charter.

(c) **Term of Office.** All of said officials shall hold their respective offices for a term of two years with the exception of the Town and City Clerk and Board of Education whose term shall be four years.

(d) **Residential Requirements for Elective Office.** All officers elected by said City shall be electors of said City and all members of the Common Council representing districts shall be residents of their respective Districts.

(e) **Oaths of Office.** Every officer of the City shall be sworn before entering upon the duties of office by the Town and City Clerk. The form of the oath to be taken by the ~~clerk~~Town and City Clerk shall be as follows:

"You, A. B., do solemnly swear that you will faithfully perform the duties of the office of Town Clerk and of clerk of the City of New Britain so long as you continue the clerk thereof; that you will make true entries and records of all the votes and proceedings of said City and all such other matters as by law or by the Ordinances of said City are to be recorded in your office; that you will deliver true copies of the records in your office when they shall be required of you, on the receipt of lawful fees therefor, so help you God."

Such oath shall be administered to such clerk by any persons competent to administer oaths, and thereafter said clerk shall administer to all other officials of said City the following oath:

"You, A. B., having been elected to the office of _____ for the City of New Britain, solemnly swear that you will faithfully and honestly perform the duties of the office of _____ for the City of New Britain to the best of your judgment and skill, so help you God," and the fact of the administration of such oath shall be entered upon the City records.

(f) Vacancies in Various Elective Offices.

(1) **Vacancies Resulting From Changes In Member's Residence or Political Party Registration.** A member of the Common Council ~~elected from a district~~ shall be deemed to have resigned upon ceasing to be a resident of that district. ~~A member of the Common Council elected at large shall be deemed to have resigned upon ceasing to be a resident of the City~~. With the exception of the final three (3) months of the term of office, a member of the Common Council who changes political party registration and thereby impacts the balance of political parties in a Common Council District, as required by §3-3, below, shall be deemed to have resigned.

(2) **Filling Vacancies.** A vacancy in any elective office or in office occupied by Common Council appointees, from whatever cause arising, shall be filled by majority vote of the Common Council within sixty (60) days following the vacancy, provided any vacancy shall be filled by appointment of a person of the same political party as the appointee's predecessor and, in the case of a member of the Common Council ~~elected from a district~~, the appointee shall be a resident of the district in which the vacancy occurs. An appointment made after the expiration of sixty (60) days shall nonetheless be valid. The person so chosen shall hold office for the remainder of the term and until such successor shall be elected and shall have qualified.

§3-3 - Composition of the Common Council.

(a) The Common Council shall be comprised of fifteen (15) members, consisting of ~~two~~three (~~2~~3) members elected from each of the five (5) Common Council Districts ~~and five (5) elected at-large~~. The minority party representation requirements of the General Statutes shall apply to each of the five (5) Common Council Districts separately.

(b) No more than two candidates of the same political party shall be candidates for election in each Common Council District.

§3-4 - Establishment of Common Council Districts.

(a) No later than thirty (30) days following the completion of reapportionment of the general assembly, as required by the Constitution of the State of Connecticut, as further set forth in the General Statutes the Common Council shall appoint a districting commission ("Appointment Date")

consisting of four (4) to eight (8) members, no more than fifty (50) percent of whom shall be members of the same political party. The districting commission shall report to the Common Council no later than seventy (70) days following the Appointment Date, setting forth the recommended boundaries of the five (5) Common Council districts. If the districting commission fails to file its report with the Town and City Clerk by the close of business on the seventieth (70th) day following the Appointment Date, the provisions of subsection (f) of this section shall be invoked.

(b) Common Council districts (1) shall be of substantially equal population and otherwise consistent with all federal and state constitutional and statutory requirements; (2) to the extent possible consistent with the preceding, shall maintain the integrity of recognized neighborhood planning areas; (3) shall be geographically contiguous and compact; and (4) to the extent possible consistent with the preceding, shall be consistent with existing legislative districts.

(c) The districting commission shall be supported in its work by appropriate City staff which shall have available to it the necessary support to facilitate the work of the commission as well as such other professional assistance (subject to appropriation) as it shall choose.

(d) The districting commission shall hold a public hearing at least one week before it submits its report to the Common Council, and shall make a tentative map of its proposed districts available to the public electronically, in hard copy available at the Town and City Clerk's office, and by causing it to be published in one or more newspapers of daily circulation in the City at least three (3) days before the public hearing. The districting commission may modify the tentative districts before submitting its report to the Common Council.

(e) The Common Council shall vote on the establishment of Common Council districts within three (3) weeks of its receipt of the districting commission's report. The Common Council may amend the district boundaries recommended by the districting commission before approving districts, but the districts approved by the Common Council must comply with the standards of subsection (b) of this section. A resolution approving districts must be affirmatively supported by a majority of the members of Common Council, and shall not be subject to veto by the Mayor.

(f) If the districting commission shall fail to file its report as set forth in subsection (a), above, or if the Common Council shall fail to approve Common Council districts within the time limit established by subsection (e), the Mayor shall appoint a three (3) member commission, no more than two (2) of whom shall belong to the same political party, which shall file a report with the Town and City Clerk delineating Common Council District boundaries within three (3) weeks of its appointment. The report of this Commission shall establish the boundaries of Common Council Districts.

Transition Provision. No later than thirty (30) days following the adoption of this Charter Amendment the Common Council shall appoint a districting commission as set forth in §3-4(a). The date of appointment in this Transition Provision shall constitute the "Appointment Date" for purposes of apportioning the Common Council Districts for the 2003 general municipal election. In all other respects the procedures set forth in §3-4(b)-(f) pertaining to the apportionment of the Common Council Districts shall proceed from the Appointment Date established in this transition provision and shall be in full force and effect. In no event shall the apportionment exceed the time permitted in C.G.S. §9-169f1*.

Footnotes:

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*DRAFTING NOTE: C.G.S. §9-169g requires the "reapportionment" of a legislative body to be adopted "Not later than June first in the year after the first regular general assembly election following a reapportionment of the general assembly".

ARTICLE IV - THE COMMON COUNCIL

§4-1 - Legislative Power.

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 Council.

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 departments.

(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 Town and 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 both. 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 any one 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 offense.

(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 thereof.

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

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 Council.

(a) **Zoning Authority of the Common Council.** 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 Council.

(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.

Clerk. The Town and City Clerk shall be clerk of the Common Council and shall record its doings.

§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 Town and 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 Mayor.

(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 Town and 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 same.

§4-7 - 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 void.

§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 office : 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 hearing.

§4-11 - Compensation of elected officials and other officers.

Except as prohibited by the State of Connecticut Constitution the Common Council shall review, establish and Act upon in even-numbered years the rates of compensation for (1) the members of the succeeding Common Council, (2) the Mayor, (3) ~~the Collector of Taxes, (4) the City and Town Clerk, (5)~~ the Registrars of Voters, (64) the Corporation Counsel, (~~7~~5) the Clerk of Committees, (86) the Treasurer and (~~9~~7) other officers, department heads and employees subject to the provisions of the budget contract, collective bargaining agreement or other agreement.

ARTICLE V - THE MAYOR

§5-1 - The Authority of the Mayor.

(a) There shall be a Mayor of the City who shall be its Chief Executive and Administrative Officer and all such executive and administrative powers of the City are vested in the Mayor, except as otherwise provided in this Charter or by law.

§5-2 - Powers.

The Mayor shall have the power:

(b) to have and exercise all other executive and administrative powers conferred by the laws of the State of Connecticut upon any municipal Chief Executive Officer except as otherwise provided in this Charter.

(c) to exercise within the limits of the City all the emergency powers given to the Chief Executive Officer under the General Statutes of the State of Connecticut.

(d) to appoint any special assistants that the Mayor may deem necessary for the administration of official duties. All such assistants shall serve at the pleasure of the Mayor.

(e) to appoint all officers, department heads and employees, including the Chief Operations Officer, of the City with the exception of the employees, experts or professional consultants of the Common Council and as otherwise provided by this Charter, the provisions of the Ordinance and regulations governing civil service and collective bargaining agreements, if applicable, and to fill, by appointment, a vacancy in any office for which the Mayor shall be given the power to appoint the incumbent to such office.

(f) to appoint all members of Boards and Commissions, except as otherwise designated by the General Statutes, including vacancies; however, if the Mayor fails to fill a vacancy on said Board

or Commission within one hundred twenty days following the effective date of that vacancy, then the Common Council shall fill the vacancy within sixty days thereafter by a majority vote of those present. If the Common Council fails to fill the vacancy, then the remaining members of the Commission or Board for which the vacancy exists shall fill the vacancy by appointment. Said appointments are subject to the provisions of the General Statutes governing minority party representation. Moreover, said party enrollment shall be determined in the same manner as the General Statutes delineate entitlement to participation in party caucuses and primaries by electors who transfer from the enrollment list of one party to another.

(g) to preside at all meetings of the Common Council but shall not be a member thereof and shall vote only in the case of a tie.

(h) to approve or veto all actions of the Common Council as enumerated in this Charter.

(i) to call special meetings of the Common Council or any Board or Commission of the City government when deemed expedient and to enforce the attendance of members of the same thereat in the manner herein provided.

(j) to assign any employee of one department to the temporary performance of similar duties in another department whenever the interests of the City require, with the exception of employees of the Common Council.

to administer oaths.

§5-3 - Duties.

It shall be the duty of the Mayor to:

(a) cause laws and Ordinances to be executed and enforced and to conserve the peace within the City and to be responsible for the good order of efficient government of the City.

(b) to sign all deeds and all written contracts of the City approved by the Common Council, except as otherwise provided in this Charter, or any department or any office of the City in accordance with authority conferred upon them by this Charter or by the Ordinances, or otherwise by law; provided, the facsimile signature, electronic authorization or other approved form of signature, as approved by the Common Council, of the Mayor or the Treasurer is authorized on all bonds issued by the City.

(c) to sign together with the City Treasurer all bonds and other instruments evidencing City indebtedness.

(d) to see that all contracts and agreements with the City are faithfully kept and performed.

(e) as chief executive officer of the City, to negotiate and enter into such contractual agreements with the employees of the City in a manner governed by the General Statutes.

(f) to submit to the Common Council, at the first regularly scheduled meeting in the month of March in each year, a general statement of the condition, state and situation of the City in relation to its government, finances and improvements, which statement shall be entered on the records of the Common Council and published in such manner as the Common Council may order.

(g) to serve as a member so long as there is no conflict with State law, of all Boards and Commissions established pursuant to State law, this Charter, City Ordinance, or executive order in said City of an executive or administrative nature, but excluding the Civil Service Board, all acts or provisions of the Charter of said City to the contrary notwithstanding. The Mayor's membership is ex officio.

(h) to appoint the Chief Operations Officer in accordance with Section 16 of this Charter.

§5-4 - Reorganization Plan.

The Mayor may prepare a reorganization plan which provides for the enactment of an Ordinance to alter the organization of any and all of the departments, Boards, Commissions or agencies provided for in this Charter, which plan may provide for the combining or separating of the duties of each, unless specifically prohibited from making such alteration by the Constitution or the General Statutes of the State of Connecticut. The Common Council, upon receipt of a reorganization plan, shall conduct a public hearing, and following said public hearing, may vote to adopt an Ordinance implementing said plan. A two-thirds (2/3) vote of the entire membership shall be required for adoption. The Mayor may recommend amendments or modifications to said Ordinance at any time prior to adoption by the Common Council.

§5-5 - Requirements.

The Mayor shall devote the full time necessary to the duties of the office and shall have no other occupation during the term of office and shall keep the office open during such hours of each business day as the Ordinances of the City shall direct.

§5-6 - Removal and Discipline of Officials and Employees.

(a) **Appointees of the Mayor.** The Mayor is authorized, except as may be otherwise provided, to remove, for cause, and discipline any officer appointed by the Mayor, and the Mayor shall be sole judge of such cause of removal and said order of removal shall state the reason therefore. Officers shall include but not be limited to department heads.

(b) **Employees of the City.** The Mayor or designee may terminate the employment of and discipline any employee of the City except as otherwise provided by the General Statutes, this Charter or collective bargaining agreement, where applicable.

(c) **Procedures.** Rules of Procedure for the removal of said officials and employees shall be prescribed by Ordinance.

§5-7 - Penalty for Hindering the Mayor.

If any person shall hinder or obstruct the Mayor in the execution of the duties of office, or, when commanded to assist herein, shall refuse or unreasonably neglect to do so, such offender shall pay a fine not to exceed the amount permitted by the General Statutes, or be imprisoned in a jail not more than the time permitted by the General Statutes, or both.

§5-8 - Acting Mayor, during Temporary Disability or Absence, to Discharge Duties.

Whenever the Mayor shall be absent from the City or prevented by sickness or other cause from attending to the duties of office, the President Pro Tempore of the Common Council, and, in the absence of said President Pro Tempore, the following members of the Common Council (in descending order) shall serve as Acting Mayor: the party leader of the Mayor's political party, the leader of the political party having the greatest representation on the Common Council (other than the Mayor's political party) and then to the senior member of said Common Council of the Mayor's party, being the member who has occupied such office for the greatest number of years. In the case of equal seniority the Common Council shall select said Acting Mayor from among those members of equal seniority. The Acting Mayor shall act as Mayor, and shall possess, exercise, and enjoy all the rights, powers, and duties of the Mayor during the continuance of such absence or inability.

§5-9 - Removal for Total Incapacitation.

In case the Mayor of the City shall, by any cause whatsoever, be totally incapacitated physically or mentally for a period exceeding sixty days from performing the duties of Mayor, the Common Council may, after summons and hearing in the same matter concerning officers and employees of the Mayor, remove the Mayor and declare the office of Mayor to be vacant on account of such incapacity for said period, and the person so removed may appeal from the order of removal in the manner provided by Ordinance.

§5-10 - Vacancies in offices of Mayor, Mayor-elect.

(a) **Acting Mayor and Successor Election; Term of Office.** Whenever a vacancy occurs in the office of Mayor when there is greater than six months remaining in the term of office, the President Pro Tempore of the Common Council shall serve as Acting Mayor until a successor is elected at a special election. Said special election shall be called forthwith to fill the vacancy and shall be held no later than forty-five days from the effective date of the vacancy. The person so elected shall assume the office of Mayor on the date of election 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. In the event the President Pro Tempore shall serve as Acting Mayor the office of President Pro Tempore of the Common Council and a member of the Common Council shall not be deemed vacant although the Acting Mayor may only participate in Common Council proceedings in accordance with the functions and duties of the Mayor. During the absence of the President Pro Tempore for the purposes of this provision the Common Council may thereupon designate an acting President Pro Tempore.

(b) **Final Six Months of the Term of Office: Succession.** Whenever a vacancy occurs in the office of Mayor, the President Pro Tempore of the Common Council shall at once become Mayor for the unexpired term and shall assume office on the date of vacancy 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. In the event the President Pro Tempore shall serve for the remainder of the term of Mayor, the office of the President Pro Tempore of the Common Council and a seat on the Common Council shall become vacant whenever the person holding them shall become Mayor and the Council shall thereupon designate a new or acting President Pro Tempore.

(c) **Death or Incapacity of the Mayor-Elect.** Whenever the Mayor-elect shall die or become permanently incapable of performing the duties of said office between the date of election and the first day of the term for which elected, the Mayor of the City then in office shall continue therein, until the first Tuesday following the election, with all the powers and duties thereto. Thereupon, succession to the Mayoralty shall proceed in the manner provided for in §5-10(a), above.

ARTICLE VI - OTHER ELECTIVE OFFICES

~~§6-1 - City Clerk~~

~~(a) **Duties.** The Town Clerk of the Town of New Britain shall be City Clerk of said City. The Town Clerk shall serve as Registrar of Vital Statistics, indexer of all records and as said Town Clerk and Registrar shall have all powers and duties conferred or imposed by law on Town Clerks and Registrars. The City Clerk shall serve as clerk of the Common Council, and shall record its doings in accordance with the provisions of the General Statutes, Ordinance and legislative procedure.~~

~~(b) **Reports.** All fees collected by the Clerk shall be paid into the general fund of the City. Said Clerk shall provide reports as prescribed by Ordinance.~~

(c) **Deputies.** Said clerk may appoint one or more deputies, who, after having taken the oath or affirmation provided by law for Town and City Clerk, shall assist said clerk, and when acting in the discharge of their clerical duties shall have all the powers and duties of said clerk. All acts of said deputies and all records kept by them shall have the same validity and effect as acts and records of said clerk.

§6-2 - Collector of Taxes.

(a) **Duties.** The Collector of Taxes shall collect all taxes and assessments duly levied by the City, as provided for in the General Statutes of the State of Connecticut, this Charter and the code of Ordinances. In case the collector shall not perform the duties of office, and on complaint of the Common Council, the Mayor shall issue a warrant directed to any proper officer, to collect out of the estate of the negligent collector the sum due, as ascertained by the Common Council.

(b) **Reports.** The Collector of Taxes, on November first of each year, shall report as prescribed by Ordinance on the status of all unpaid taxes that have remained unpaid for a period of two years or more.

(c) **Deliveries to Successor.** It shall be the duty of the Collector of Taxes, at the expiration or other termination of the term of office, to turn over and deliver to such successor in office all warrants, tax lists, tax warrants, books of account, documents, data and papers of every description in any way relating to the office or the business thereof.

(d) **Payments to Treasurer.** The Collector of Taxes shall pay to the City Treasurer each day all monies collected, but shall be obligated to deliver to said Treasurer any information required by Ordinance regarding the sum of monies collected.

§6-3 - Treasurer.

(a) **Duties.** The Treasurer of said City shall have the powers and responsibilities of municipal treasurers conferred by the General Statutes as well as those contained in this Charter and the Ordinances. In addition thereto the Treasurer shall: (1) pay all orders drawn upon the Treasurer by the Director of Finance; (2) comply with all orders that may be made concerning the office by the Common Council; and (3) keep books of account in which shall be set down in detail receipts and payments by the Treasurer, and said accounts shall be open to the inspection of the Mayor, Director of Finance or Common Council at all proper times. Furthermore, each department, Board, Commission, committee or officer of said City and any person who shall collect or receive money belonging to the City shall immediately pay to the City Treasurer all monies so collected or received.

(b) **Deputy.** The Mayor may appoint a Deputy Treasurer, who shall act in case of the absence, inability or disability of the Treasurer, which Deputy Treasurer shall be from the same political party as the Treasurer then holding office, and such person shall furnish a satisfactory bond for the faithful performance of the duties of office.

§6-46-2 - Board of Assessment Appeals.

There shall be a Board of Assessment Appeals which shall have the powers and shall perform all the duties prescribed for Boards of Assessment Appeals in the General Statutes, together with such other powers and duties as may be prescribed by this Charter or the Ordinances of the City.

§6-56-3 - Constables.

There shall be eight Constables who shall have the rights, duties or powers vested in Constables by the General Statutes.

§~~6-6~~6-4 - Board of Education Established.

There shall be a Board of Education of said City consisting of ten members, with all the rights, duties, or powers concerning schools and educational matters vested in Boards of Education by the General Statutes.

§~~6-7~~6-5 - Registrar of Voters.

There shall be Registrars of Voters as required by the General Statutes.

ARTICLE VII - THE GENERAL GOVERNMENT: BOARDS AND COMMISSIONS

§7-1 - General Requirements Concerning Membership on Appointive Boards and Commissions.

(a) **Creation of Boards and Commissions: Number of Members, Terms.** The Common Council shall by Ordinance establish the number of Board and Commission members and terms of office. Except as otherwise provided by the General Statutes, the number shall always be odd, the term of office shall not exceed a term of four years and the following limitations shall be placed on the number of members who may serve: (1) For Boards and Commissions required by §§7-2 and 7-3 of this Charter, there shall be no less than three and no more than nine members; (2) for Department-related Boards and Commissions established by Ordinance pursuant to §7-4 of this Charter, there shall be no less than three and no more than a maximum number of members established by Ordinance; and (3) for Non-departmental Boards and Commissions established by Ordinance pursuant to §7-4 of this Charter, including but not limited to Committees, Task Forces, Blue Ribbon Panels, there shall be no less than three members.

The Common Council in establishing an Ordinance shall make provision for the appointment of a chair, the keeping of records and the frequency of meetings of Boards and Commissions.

(b) **Appointment.** Except as otherwise provided by State law or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Mayor, subject to §5-2(e) of this Charter, for a term established by Ordinance and may not be removed from office during their terms except for cause, which shall not be political. In the event of a vacancy on any Board or Commission, a successor may be appointed, except that during the last month of the term of a Mayor who has not been re-elected to office, the Mayor may not appoint any Board or Commission member except on an acting basis for a temporary period ending no later than sixty days following the commencement of the term of office of the new Mayor. All Board or Commission members shall serve until their successors have been appointed and qualified.

(c) **Publication of Boards and Commissions.** During the month of October of each year, the Town and City Clerk shall cause to be published at least once for general circulation within the City and shall post for thirty days in a conspicuous location available to the public in the office of such Clerk a list of all the Boards and Commissions of the City. Any elector desirous of serving on any Board, may express such desire in writing addressed to such Clerk who shall retain such correspondence on file for two years. The appointing authority of any member of any Board shall review such notices prior to making the appointment to such Board.

(d) **Residency Requirement.** No person may serve on a Board unless such person is an elector of the City. If any person who is a member of a board shall move from the City, such person's membership on such Board shall be immediately terminated.

(e) **Dual Appointment Prohibited; Exceptions.** Except where otherwise provided by general or special law, no person may serve as an appointed member of more than one Board at the same time, with the exception of Charter Revision or other Boards of finite duration or unless such

person is a member of the Common Council assigned as a liaison to such Board to represent the Common Council.

(f) **Political Composition.** The political affiliation of the members of appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation.

(g) **Compensation Prohibited.** No member of any appointive Board shall receive compensation for services as such member.

(h) **Removal.** The Mayor may initiate proceedings to remove a member of any appointive Board, Commission, or relevant position or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set by Ordinance.

§7-2 - Appointive Boards and Commissions Required by Charter.

The following Boards and Commissions shall be established, by Ordinance, subject to the provisions and powers enumerated in the General Statutes, Special Acts and this Charter:

(a) **The Parks and Recreation Commission.** Said Commission shall advise and consult with the department head pertaining to the duties and conduct of the department(s) charged with responsibility of the park and recreation functions of the City. In general, the Commission shall be responsible for policy-making and evaluation with the advice of the department head(s). This shall include, but not be limited to, the adoption of such rules and regulations not inconsistent with the General Statutes, the provisions of this Charter or Ordinance or applicable provisions of trusts and wills, related to the use, preservation and enjoyment of all public parks and recreation areas of the City.

(b) **The Police Commission and The Fire Commission.** Said Police and Fire Commissions shall advise and consult with the Police Chief and Fire Chief pertaining to the duties and conduct of the departments charged with responsibility for the police and fire functions, respectively, of the City. The Commissions shall advise and consult with the respective Chief pertaining to the Chief's duties and to the conduct of the department and together with the Chief shall make all rules and regulations relating to the administration of the department which it may deem necessary or advisable, which rules shall be printed and made available to the public. In general, the Commissions shall be responsible for policy-making and evaluation with the advice of the Chief.

(c) **The Civil Service/Personnel Commission.** Said Commission shall exercise the powers and duties contained in the General Statutes and Special Laws of the State of Connecticut as prescribed by the Code of Ordinances.

(d) **Zoning Board of Appeals.** Said Commission shall exercise the powers and duties contained in the General Statutes or as prescribed by the Code of Ordinances.

(e) **Board of Finance and Taxation.** There shall be a Board of Finance and Taxation.

(1) **Powers and Duties.** Said Board shall exercise the powers and duties necessary to [i] prepare a Proposed Budget Ordinance as set forth in section 10-3 of this Charter, [ii] review and report, to the Mayor, on the financial and budgetary condition of the city, including the Board of Education and Department of Education, based on the monthly financial reports required by section 10-5 of this Charter and in the audited financial statements, and [iii] conduct such other business as may come before it, including, but not limited to, any reports relating to the financial and budgetary condition of the city as may be prescribed by ordinance.

(2) **Financial Review Powers.** Furthermore, said Board has the power and authority, subject to the approval of the Common Council, to audit and examine , or cause to be audited

and examined, the books and accounts of any and all of the departments and officials of the city, including the Board of Education and Department of Education, in any way affecting the finances of the city. Moreover, the Board shall review the contents of the annual audit and make recommendations to the Mayor regarding the manner and means of improving the city's financial and budgetary condition.

(3) **Duties Relating to the Capital Budget.** Said Board shall give recommendations to the Mayor regarding the annual capital budget, in the manner set forth in section 11-2 of this Charter.

(4) **Qualifications.** In addition to the requirements of this Charter and the provisions of the Ordinance a minimum of one-third of the members of said Board shall have training and experience in financial matters as evidenced by being a certified public accountant, having earned a bachelor, master or doctorate degree in business, finance or public administration, having not less than five years service as the financial officer of a business, having not less than five years service as an elected or appointed public official, having not less than five years service as a public administrator, or having a similar degree or experience or such other qualifications as may be further defined by Ordinance.

(f) **Veterans Commission.** Said Commission shall exercise the powers and duties prescribed by this Charter and such as are contained in the General Statutes or Special Acts and as prescribed by the Code of Ordinances. Said Commission shall employ a full time clerk, in accordance with the provisions of §8-2(f), below, and shall maintain an office that shall be open at times designated by ordinance. Said commission shall employ whatever part-time assistance it deems necessary, with the approval of the Common Council.

(g) **Board of Public Works.** Said Board shall advise and consult with the department head pertaining to the duties and conduct of the department(s) charged with responsibility of the streets engineering, fleet and facilities management, maintenance of parks, field services and utility division functions of the City. The Board shall be responsible for policy-making and evaluation with the advice of the department head(s). This shall include, but not be limited to the adoption of such rules and regulations not inconsistent with the General Statutes, the provisions of this Charter or Ordinance.

§7-3 - Appointive Boards and Commissions Required by Special Act.

The following Board shall be established, by Ordinance, by virtue of the provisions of the Special Acts pertinent to this City and subject to the provisions and powers enumerated in the General Statutes, Special Acts and this Charter:

(a) **Board of Water Commissioners.** Said Commission shall exercise the powers and duties prescribed by the Special Laws of the City as codified in this Charter and such as are contained in the General Statutes and as prescribed by the Code of Ordinances.

(b) **Fairview Cemetery Commission.** The care, management, and improvement of the public cemetery, known as Fairview cemetery, in said city, shall be vested in said Commission which shall have all the powers vested by the Special Laws of this City as codified in this Charter and such as are contained in the General Statutes concerning cemeteries. Moreover, there shall be established, as an enterprise fund, a Perpetual Care Fund for the Fairview Cemetery which fund shall be comprised of private donations and fees for the maintenance of said Cemetery. All decisions regarding said Fund shall be within the exclusive control and dominion of the Commission. Said Commission shall establish procedures and safeguards, including the requirement of a surety bond, as determined by the Director of Finance, in order to administer said Fund in a manner consistent with their fiduciary responsibility for said Fund.

§7-4 - Appointive Boards and Commissions Established by Ordinance.

The Common Council may establish, by Ordinance, such Boards and Commissions as are necessary to effectuate the powers and purposes of the City as enumerated in the General Statutes, Special Acts and this Charter.

§7-5 - Discontinuance of Board and Commissions.

Certain such Boards and Commissions shall cease to exist under the authority of prior Charters in the event an enabling Ordinance is not adopted on the effective date of this Charter.

§7-6 - Merger or Consolidation of Boards and Commissions.

The functions of any Board or Commission required under this Article may be merged or consolidated with another by Ordinance.

ARTICLE VIII - THE GENERAL GOVERNMENT: DEPARTMENTS AND DEPARTMENT HEADS

§8-1 - Authority to Establish the Departments of Government.

(a) **Powers and Purposes.** The City acting within the powers and duties enumerated in the General Statutes, special laws applicable thereto 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 allow the Mayor and Common Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City. The delineation of departmental categories in this Charter are advisory and may be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter. However, the powers, duties and functions defined in this Charter shall be assigned to officials of the City.

(b) **Special Provisions Regarding Reorganization.** Any departments and department heads established, by Ordinance, under the authority of this Charter are subject to the power of the Mayor to propose a reorganization plan in accordance with the terms of this Charter.

§8-2 - Appointment of Department Heads; General Requirements.

(a) **Creation of Departments.** The Common Council shall by Ordinance establish the departments and agencies 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 Ordinance. Moreover, the directors of each department established by Ordinance shall be subject to the provisions of this Charter generally applicable to department heads.

(b) **Appointment.** Except as otherwise provided by State law or this Charter, all department heads shall be appointed by and subject to the authority of the Mayor, following the consent of the Common Council, and may not be removed from office except for cause, which shall not be political. In the event of a vacancy in the office of any department head, a successor may be appointed, except that during the last month of the term of a Mayor who has not been re-elected to office, the Mayor may not appoint any department head except on an acting basis for a temporary period ending not later than sixty days following the commencement of the term of office of the new Mayor.

(1) **Terms for Department Heads.** Common Council Discretion. The Common Council may in its discretion establish, by Ordinance, a uniform term of office for all department heads,

which term shall be for a period of no less than four years. Said power is subject to the provisions of the General Statutes and collective bargaining agreements, if applicable.

(c) **Effect of Charter on Department Heads.** Unless otherwise terminated pursuant to law, the status of department heads holding office subject to permanent appointments on the effective date of this Charter shall continue.

(d) **Authority of Department Heads.** Once appointed as described in §8-2(b) of this Charter, the department head shall appoint, hire, discipline and remove all deputies, assistant and other employees of the department as provided for in the budget and subject to the authority of the Mayor or designee, and to the rules and regulations of the Civil Service Commission and collective bargaining agreements, where applicable.

(e) **Qualifications of Department Heads.** The job qualifications of all department heads, in addition to those enumerated in this Charter, by General Statutes or Special Act, shall be established by Ordinance following the recommendation of the Personnel Director. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and shall be reviewed and updated every four years and whenever a vacancy occurs in the position.

(f) **Compensation.** The salaries and compensation of all officials, department heads, agents and employees of the City shall be set by Ordinance , except where otherwise fixed by the General Assembly or as otherwise covered by civil service and collective bargaining agreement.

(g) **Surety Bonds of Certain City Officials.** The following employees of the City, shall severally give bonds, with surety, to said City in such manner and form as the General Statutes or Ordinances shall prescribe, for the faithful performance of the duties of their respective offices: the Director of Finance, Purchasing Agent, Treasurer, ~~Tax~~Revenue Collector, Constables, and any and all officers and employees of said City in any department thereof, charged with the custody and control of property, monies, or goods of said City, or the collection or disbursement of the same, as determined by the Director of Finance or otherwise required by the General Statutes, this Charter or Ordinance. The premiums for said bonds shall be paid by the City.

The bonds of Constables shall be to such amount and in such form as required by the General Statutes and shall be payable to the City. All bonds, except that of the Director of Finance, shall be set by and lodged with the Director of Finance of said City. The Director of Finance's bond shall be set by and lodged with the Mayor. In case of the refusal or neglect of any officer 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 Common Council by the Director of Finance to that effect, such vacancy shall be filled in the manner provided by this Charter.

(h) **Residency for Department Heads.** The Common Council may, in its discretion, establish by Ordinance a residency requirement for all department heads, to the extent permitted by law and subject to the provisions of applicable collective bargaining agreements.

§8-3 - The Law Department. The Corporation Counsel.

(a) **Appointment.** The Mayor shall appoint a Corporation Counsel who shall serve at the pleasure of the Mayor. The Corporation Counsel shall be an attorney and a member of the Connecticut bar of at least five years' standing and an elector of the City for at least one year prior to appointment. Said Corporation Counsel shall be sworn to the faithful discharge of the duties of office.

(b) Assistants and Additional Counsel.

(1) The Corporation Counsel shall, subject to the provisions of civil service, appoint to the legal staff such Assistant Corporation Counsel(s) and other attorneys, as necessary. Said Assistant Corporation Counsel(s) shall be member(s) of the Connecticut bar of at least five years' standing. All other attorneys shall be member(s), in good standing of the Connecticut bar. The Assistant Corporation Counsel(s) and legal staff shall devote full time to the duties of their office.

(2) Additional counsel to assist the Corporation Counsel may be employed only by the consent of the Mayor and said Corporation Counsel, Assistant Corporation Counsel(s) and other counsel shall be the legal advisers of all Commissioners, Boards, committees, and executive officers and of the Common Council of the said City.

(c) **Duties.** The members of the Office of the Corporation Counsel or such additional counsel as permitted by §8-3(b)(2) shall conduct all civil cases and matters of every description in which the City is interested, and shall bring civil actions and defend civil actions and proceedings of every name and nature in the name of the City before all courts, and shall appear in all civil actions brought for or against said City.

§8-4 - Public Safety, Health and Human Services.

(a) **The Police Department.** The department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the State and the provisions of this Charter and Ordinances of the City and all rules and regulations made in accordance therewith. All sworn officers within the department shall have the powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes.

(1) **Chief of Police.** The head of the department shall be the Chief of Police. The Chief shall be responsible for the efficiency, discipline and good conduct of the department.

(b) **The Fire Department.** The department shall be responsible for the protection of life and property in the City from fire and other like disasters and emergencies, and for the enforcement of all laws, Ordinances and regulations relating to fire prevention and fire safety.

(1) **The Fire Chief.** The head of the department shall be the Fire Chief. The Chief shall be responsible for the efficiency, discipline and good conduct of the department.

(2) **The Fire Marshal.** There shall be a Fire Marshal who shall be appointed in the same manner as a department head. The fire marshal's duties shall be governed by the provisions of the General Statutes pertaining to fire hazards and the fire safety code, the provisions of this Charter and Ordinance. Said marshal may be assigned to other responsibilities within the department. The Fire Chief shall not serve as the Fire Marshal.

(c) **Other Governmental Responsibilities.** There may be departments responsible for the preservation and promotion of the public health , welfare, human services and building safety and inspection for the City.

§8-5 - Government Administration.

There shall be established a centralized system of government administration specifically designed to reduce duplication of services and efficiently foster the delivery of services to the City. The City shall effectuate such centralized system upon the general government and shall endeavor, by mutual agreement, to confer such benefits upon the Department of Education.

(a) **The Department of Finance.** The department shall be responsible for the keeping of accounts and financial records, the custody and disbursement of City funds and money, control over expenditures and such other duties and powers as may be required by the General Statutes, this Charter or Ordinance.

(1) **The Director of Finance.** The head of the department shall be the Director of Finance. The director shall be responsible for the efficiency, discipline and good conduct of the department. The Director of Finance shall have a fiduciary responsibility to the City and shall, at all times, be required to accurately report information to the Mayor, Common Council and the Board of Finance and Taxation.

(A) **The Centralized Purchasing System.** There shall be a central purchasing system for the City covering the purchase of all supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the Common Council shall establish by Ordinance the rules and regulations governing the operation of said 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.

(i) **The Purchasing Agent.** The head of the system shall be the Purchasing Agent and shall be appointed or designated by the Mayor. The Purchasing Agent shall make all purchases of supplies, materials, equipment, and contractual services for all departments, offices, Boards, Commissions, institutions and other agencies of the City, in a manner consistent with this Charter. The Purchasing Agent shall be responsible for the efficiency, discipline and good conduct of the system.

(b) **The Office of the City Assessor.** The City Assessor shall have the powers and shall perform all duties prescribed for assessors in the General Statutes, together which such other powers and duties as may be prescribed by this Charter or the Ordinances of the City.

(1) **The City Assessor.** The City Assessor shall be head of the department. The City Assessor shall be responsible for the efficiency, discipline and good conduct of the department. The City Assessor shall be chosen on the basis of training and full-time professional experience in the field of property appraisal and assessment law administration prior to appointment and shall be a certified municipal assessor pursuant to the provisions of the General Statutes.

(c) **The Personnel Department. Labor Relations.** The department shall be responsible for the administration of the civil service system and all other matters affecting civil service employment, collective bargaining and all the employees of the City. In order to advance the purpose of this Charter, the Common Council, upon recommendation of the Civil Service Commission, shall establish all rules and regulations relating to employees of the City.

(1) **The Personnel Director.** The head of the department shall be the Personnel Director. The Personnel Director shall be responsible for the efficiency, discipline and good conduct of the department.

(2) **Equal employment opportunity and affirmative action.** It shall be the policy of the City to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial employment, advancement and general working conditions, without respect to age, race, creed, color, sex, or national origin. The Personnel Director, in consultation with the Civil Service Commission, shall develop and maintain a comprehensive and systematic affirmative action plan which will assure equal opportunity in recruitment and selection, job structure, promotion policies, training to improve job performance and upward mobility, and all other related procedures and practices. Said Affirmative Action Plan shall be effective upon approval by the Common Council.

§8-6 - Government Operations.

There may be departments responsible for the preservation and promotion of public works , parks, recreation, engineering , parking garages, buildings, including, but not limited to school buildings and additions thereto , public trees, cemetery or burial grounds and other city property.

§8-7 - City Planning, Zoning Enforcement and Economic Development.

(a) **City Plan and Zoning Enforcement Departments.** There shall be department(s) responsible for the coordination of the planning and zoning functions, including but not limited to, the development of a master plan or plan of development , building code inspection and enforcement, building zone regulations , subdivision regulation , the renewal activities and the capital planning activities 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, Special Acts, this Charter and Ordinance. The directors of each department established by Ordinance shall be subject to the provisions of this Charter generally applicable to department heads.

(b) **Other Governmental Responsibilities.** There may be departments responsible for the economic development of the City.

§8-8 – Town and City Clerk

(a) **Appointment**. Effective November 11, 2025, the Town and City Clerk shall be hired through an open, competitive process in accordance with the Rules of the Civil Service Commission of the City of New Britain and the Code of Ordinances. The Town and City Clerk shall be appointed by and subject to the authority of the Mayor, following the consent of the Common Council. The minimum qualifications for the Town and City Clerk shall be a Bachelor's Degree in public or business administration or related field and a certification as a Connecticut Certified Town Clerk (CCTC). The Town and City Clerk shall serve a twelve month probationary period.

(b) **Duties.** The Town and City Clerk of the Town of New Britain shall be Town and City Clerk of the City of New Britain. The Town and City Clerk shall serve as Registrar of Vital Statistics, indexer of all records and as said Town and City Clerk and Registrar shall have all powers and duties conferred or imposed by law on Town Clerks and Registrars. The Town and City Clerk shall serve as clerk of the Common Council, and shall record its proceedings and actions in accordance with the provisions of the General Statutes, Ordinance and legislative procedure.

(a) **Reports.** All fees collected by the Clerk shall be paid into the general fund of the City. Said Clerk shall provide reports as prescribed by Ordinance.

(b) **Deputies.** Said clerk may appoint one or more deputies, who, after having taken the oath or affirmation provided by law for Town and City Clerk, shall assist said clerk, and when acting in the discharge of their clerical duties shall have all the powers and duties of said clerk. All acts of said deputies and all records kept by them shall have the same validity and effect as acts and records of said clerk.

§8-9 – Revenue Collector.

(a) **Appointment**. Effective November 14, 2023, the Revenue Collector shall be hired through an open, competitive process in accordance with the Rules of the Civil Service Commission of the City of New Britain and the Code of Ordinances. The Revenue Collector shall be appointed by and subject to the authority of the Mayor, following the consent of the Common Council. The minimum qualifications for the Revenue Collector shall be a Bachelor's Degree in accounting, finance or related field and a certification as a Connecticut Certified Municipal Collector (CCMC). The Revenue Collector shall serve a twelve month probationary period.

(b) **Duties.** The Revenue Collector shall collect all taxes, assessment, fees and other revenues duly levied by and due and owing to the City, as provided for in the General Statutes of the State of Connecticut, this Charter and the Code of Ordinances. In case the collector shall not perform the duties of office, and on complaint of the Common Council, the Mayor shall issue a warrant directed to any proper officer, to collect out of the estate of the negligent collector the sum due, as ascertained by the Common Council.

(c) **Reports.** The Revenue Collector, on November first of each year, shall report as prescribed by Ordinance on the status of all unpaid taxes that have remained unpaid for a period of two years or more.

(d) **Deliveries to Successor.** It shall be the duty of the Revenue Collector, at the expiration or other termination of the term of office, to turn over and deliver to such successor in office all warrants, tax lists, tax warrants, books of account, documents, data and papers of every description in any way relating to the office or the business thereof.

Payments to Treasurer. The Revenue Collector shall pay to the City Treasurer each day all monies collected and shall be obligated to deliver to said Treasurer any information required by Ordinance regarding the sum of monies collected.

ARTICLE IX - BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION

§9-1 - City as Consolidated District.

The City shall be a consolidated school district and it shall be in place of the Town of New Britain in all the duties, obligations, and other matters required by law of or by the Town concerning education, and it shall Act in such matters instead of the Town. All powers, obligations, rights, and property of the Town, whether as a Town or a consolidated school district, shall be vested in and belong to said City.

§9-2 - Board of Education Established.

The Board of Education is established in §~~6~~-~~6~~6-4 of this Charter, above.

§9-3 - Powers of the Board of Education.

The Board of Education shall perform such duties and have such powers as are or maybe imposed by the General Statutes upon Boards of Education unless superseded by Special Acts of the General Assembly applying to the New Britain Board of Education. The Department of Education shall perform the administrative functions of said Board.

§9-4 - Budgetary and Financial Matters.

(a) **Submission of Budget and Applicability of Budgetary Procedures.** The Board of Education and Department of Education shall submit its budget to the Mayor at the same time as the other departments of the City and shall be subject to the provisions of this Charter unless otherwise provided by the General Statutes. The Board and Department shall submit said budget on forms prescribed for all departments by the Mayor or designee.

(b) **Financial Records.** The Board of Education and Department of Education may keep fiscal control records convenient for the administration of the public schools and compliance with State and federal requirements; notwithstanding the foregoing, the Board of Education and Department of Education shall provide the Director of Finance with a full and complete record of all financial, budgetary and fiscal transactions of the Board of Education and Department of Education, including, but not limited to, reports as required by ordinance or the Director of Finance, who shall prescribe the forms, systems and methods to be utilized in this regard.

(c) **Efficient Management of Municipal Resources: Reporting Requirements.** Unless otherwise prohibited by law or collective bargaining agreement, the Board of Education and Department of Education shall adhere to and be bound by the provisions of this Charter and the Ordinances, including, but not limited to, the provisions applicable to legal, financial and purchasing matters. Accordingly, the Board of Education and Department of Education shall cooperate with the Mayor

to achieve the efficient management of municipal resources, reduce duplication of services and adhere to uniform policies applicable to all departments.

§9-5 - Matters Concerning Collective Bargaining.

Pursuant to the provisions of §4-2(h) of this Charter, the Board of Education and the Department of Education shall submit all collective bargaining agreements and arbitration awards in the manner required by the General Statutes and as further required by this Charter and the Ordinances.

ARTICLE X - BUDGETARY PROCEDURES

§10-1 - Fiscal Year.

The fiscal year shall be the Uniform Fiscal Year as determined by the General Statutes.

§10-2 - Tax Districts.

There shall be one taxing district in said City, comprising all the territory within the limits of the City and Town of New Britain, unless as otherwise provided by the General Statutes and approved by the Common Council.

§10-3 - Budgetary Procedures.

(a) **Annual Budget Estimates.** The Mayor or designee shall have the power to require the several City officers to furnish all the information which ~~they~~said City officers may possess and to exhibit all records, books, contracts, reports and other papers and documents in their respective departments, including the Department of Education, or in their possession, requisite, in the opinion of the Mayor, to enable the discharge of the duties imposed upon the Mayor by this Charter; and it is hereby made the duty of all City officers to furnish and exhibit the same when so required.

(1) **Submission of Estimates by Departments.** The officers of the several departments of the City shall, not later than the second Friday in January of each year (unless such day occurs before the tenth day of January in which event the date shall be not later than the third Friday in January), transmit simultaneously to the Mayor or designee and the Board of Finance and Taxation, estimates in detail of the amounts of money required by their several departments for the ensuing fiscal year, with a corresponding statement of the amounts expended the previous fiscal year ("Department Submission"). Said officers shall submit the estimates required by this section using the forms, systems, and/or methods prescribed by the Mayor or designee.

(b) **Annual Budget Preparation.** The Mayor and the Board of Finance and Taxation shall prepare an annual budget of the city.

(1) **Submission of Proposed Budget to Mayor.** Not later than seventy-five days following the receipt of the annual estimates the Board of Finance and Taxation shall present to the Mayor a Proposed Budget Ordinance ("Proposed Budget") for the ensuing fiscal year consisting of those items enumerated in §10-3(c) of this Charter.

(2) **Submission of Mayor's Proposed Budget to Common Council.** Not later than ninety days following the receipt of the annual estimates the Mayor shall present to said Council the Mayor's Proposed Budget Ordinance ("Mayor's Proposed Budget") for the ensuing fiscal year consisting of those items enumerated in §10-3(c) of this Charter.

(c) **Required Contents for Budget Submissions.** The Proposed Budget and Mayor's Proposed Budget shall include the following information:

(1) a budget message outlining the financial policy of the City and describing in connection therewith the important features of the budget proposal indicating any major changes from the current fiscal year in financial policies, expenditures and revenues and the reasons therefore, and containing a clear general summary of its contents;

(2) an itemized statement of proposed appropriations for current expenses for each budgeted City agency for the ensuing fiscal year, with comparative statements of appropriations and expenditures for the current and preceding fiscal year and the increase and decrease between the current and ensuing fiscal years in the appropriations recommended;

(3) an itemized statement of the estimated revenues of the City including all sources other than the property tax with comparative statements for the current and preceding fiscal year ;

(4) the proposed rate of taxation;

(5) a statement of bonds to mature and the interest payable on bonds outstanding; and

(6) the proposed capital budget.

(d) **Publication of Mayor's Proposed Budget.** The Mayor's Proposed Budget shall be filed with the Town and City Clerk concurrently with its submission to the Common Council and within seven business days after its filing the Clerk shall publish the Mayor's Proposed Budget in a newspaper circulated or published in said City and include in the notice that it is available for public inspection at the Clerk's office and on the City's website.

(e) **Deliberations of the Common Council.** The Common Council shall consider and Act upon the Mayor's Proposed Budget until it shall take a final action thereon, which shall not be later than sixty (60) days following the date the Mayor's Proposed Budget Ordinance was submitted to the Common Council. The Common Council shall hold at least one public hearing on the Mayor's Proposed Budget. The Common Council shall have the power by a majority vote of the entire Common Council to increase, decrease or create individual lines of appropriations; to decrease the total appropriation, rate of taxation and estimated revenues; or to increase the total appropriation, rate of taxation or estimated revenues, as recommended by the Mayor; however, final adoption of the Mayor's Proposed Budget shall be governed by the provisions of §10-3(e)(1) of this Charter. The total amount of the annual appropriations for any fiscal year shall not exceed the estimated income for that fiscal year. In the event said Council fails to consider and vote on the budget recommended by the Mayor upon the expiration of the above-referred sixty-day period, then the budget recommended by the Mayor shall be final and the appropriations, revenues and the rate of taxation contained therein shall be the legal appropriations and the legal rate of taxation for the City for the ensuing year.

(1) **Final Vote of the Common Council.** The final vote of the Common Council to approve the Mayor's Proposed Budget for the ensuing fiscal year shall be by majority vote.

(f) **Publication of Due Dates for Taxes.** Moreover, the Common Council shall fix the time or times when such taxes shall become due and payable; and the changes in said estimates made by the Common Council, and the amount of the tax, and the time when it is due and payable shall be published once in each daily newspaper in said City.

(g) **Disapproval of the Budget by the Mayor.** If the Mayor shall disapprove the budget as approved by the Common Council, or any part of such budget, the Mayor shall issue a veto message and proceed as otherwise provided for in this Charter, and a two-thirds (2/3) vote of the entire Common Council shall be required to override said veto.

(h) **Approved Budget.** If either the Mayor approves the budget as approved by the Common Council or the Common Council overrides a budget vetoed by the Mayor, said budget shall be final and the appropriations, revenues and the rate of taxation contained therein shall be the legal appropriation and rate of taxation for the City for the ensuing fiscal year ("Approved Budget"). In the event said Council fails to override the Mayor's veto and sixty-day period referred to in §10-3(e) of this Charter expires, then the Mayor's Proposed Budget shall be the Approved Budget.

§10-4 - Transfers and Budget Amendments During Fiscal Year.

(a) The Common Council shall establish, by Ordinance , an amount of appropriation under the approved budget which the Mayor or designee, shall be authorized to transfer between line items within any department. Said Ordinance may establish individual and/or aggregate transfer limitations.

(b) No such transfer in excess of such authorized amount shall be implemented unless it shall be proposed by the Mayor, the Mayor's designee or a member of the Common Council and approved by the Common Council, provided that such an increase in the total appropriation shall be approved only by vote of a majority of the entire Common Council. Each approved transfer shall be described in the monthly financial report prepared in accordance with §10-5 of this Charter.

(c) Appropriations, in addition to those contained in the annual appropriations, for meeting a necessary emergency expenditure may be made before the close of any fiscal year on the recommendation of the Mayor and approval by a two-thirds vote of the entire Common Council, only if the Director of Finance certifies that there are available unappropriated revenues in excess of the appropriated revenues in the annual budget. The resolution of the Common 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 Common Council shall hold a public hearing on any proposed special or emergency appropriation.

(d) If a special appropriation in excess of the unappropriated revenues of the City is required for any purpose, the Director of Finance shall prepare an estimate of same and shall submit it to the Mayor for submission to the Common Council for approval as described above; however, no such appropriation shall be made unless a special tax is levied sufficient to cover the amount of the excess of such appropriation over the unappropriated revenues of the City.

§10-5 - Monthly Financial Reporting.

(a) **Report.** The Director of Finance shall submit monthly to the Mayor, the Common Council, the Board of Finance and Taxation and any other entity designated by Ordinance a report showing: (1) each appropriation with transfers, if any, to and from the same, the expenditures charged against each appropriation during the preceding month, and the total charges for the year to the end of the preceding month, and the balance remaining in such appropriation; (2) the budgeted revenue estimated to be received from each and every source, the actual receipts from each source for the preceding month, the total receipts from each source for the year to the end of the preceding month, and the balance remaining to be collected or an estimate of the balance that will be collected; and (3) for the last four months of the fiscal year, the projected budget surplus or deficit for the fiscal year. Each monthly report shall also be filed in the office of the Town and City Clerk where it shall be available for public inspection.

(b) **Mayoral Actions in the Event of a Reported Projected Deficit.** If the Director of Finance shall project a deficit, the Mayor shall make recommendations to the Common Council for actions to be taken to eliminate the full amount of the projected deficit.

(c) **Ordinance.** The Common Council may by Ordinance require that additional information be included in such report or that additional entities may be entitled to review such information.

§10-6 - Special Powers of the Mayor with Regard to the Financial Matters of the City.

The Mayor or designee shall have the full power to require each City department, including the Board of Education and Department of Education, or officer to furnish all of the information and to make available all books, contracts, resolutions, reports, financial information or other materials in its possession, requisite to prepare such monthly reports, annual estimates and any other information, as determined by Ordinance, relating to the financial condition of the City.

ARTICLE XI - CAPITAL PROJECTS BUDGET PROCEDURES

§11-1 - Mayor to Initiate the Capital Projects Budget Process.

The Mayor shall initiate the development of a Capital Projects Budget in the same manner, subject to the same powers and in accordance with the same time-frame as the general fund budget as contained in Article X, above.

§11-2 - Capital Improvement Program.

(a) **Annual Capital Projects Program Estimates.** It shall be the duty of the officers of the several departments, including the Department of Education, to submit annually to the Mayor or designee and the Board of Finance and Taxation, a recommended capital projects or improvement program which shall include the proposed method of financing each individual capital project or improvement and shall be based on estimates of the costs of such projects as submitted by each department, office or agency annually in the same manner as the annual estimates prepared for the Proposed Budget, pursuant to §10-3(a).

(1) **Submission of Capital Projects Budget Estimate.** The officers of the several departments of the City shall, not later than the second Friday in January of each year (unless such day occurs before the tenth day of January in which event the date shall be not later than the third Friday in January), simultaneously transmit to the Mayor or designee and the Board of Finance and Taxation in detail the six (6) year Capital Projects Budget. Said officers shall submit the estimates required by this section using the forms, system, and/or methods prescribed by the Mayor or designee.

(b) **Capital Projects Budget Preparation.** The Mayor and the Board of Finance and Taxation shall prepare an annual Six (6) Year Capital Projects Budget for the City.

(1) **Submission of Proposed Capital Projects Budget Ordinance to the Mayor.** The Board of Finance and Taxation, or such other Commission as designated by ordinance, shall submit to the Mayor a proposed Capital Projects Budget within seventy-five days of receipt of the Capital Projects Budget Estimates.

(2) **Submission of the Mayor's Proposed Capital Projects Budget Ordinance to the Common Council.** The Mayor within ninety days of receipt of the Capital Projects Budget Estimates shall present to the Common Council a Mayor's Proposed Capital Projects Budget.

(c) **Required Contents for Estimates and Capital Projects Budget Submissions.** The Capital Projects Budget Estimates, Proposed Capital Projects Budget and the Mayor's Proposed Capital Projects Budget for the ensuing fiscal year will provide the following information: the proposed expenditures for capital projects and the respective amounts proposed to be raised therefore in the annual operating budget and the amounts, if any, proposed to be raised from the issuance of bonds, from special assessments, or from other sources.

(d) **Publication of the Mayor's Proposed Capital Projects Budget.** The Mayor's Proposed Capital Projects Budget shall be filed with the Town and City Clerk concurrently with its submission to the Common Council and within seven business days after its filing the Clerk shall publish the Mayor's Proposed Capital Projects Budget in a daily newspaper circulated or published in said City and include in the notice that is available for public inspection at the Clerk's office and on the City's website.

(e) **Deliberations of the Common Council.** The Common Council shall consider and act upon such Mayor's Proposed Capital Projects Budget until it shall take a final action thereon, which shall not be later than sixty (60) days following the date the Mayor's Proposed Capital Projects Budget Ordinance was submitted to the Common Council. The Common Council shall have the power by

a majority vote of the entire Common Council, to increase, decrease or create Capital Projects. In the event said Council fails to consider and vote on the Capital Projects Budget recommended by the Mayor upon expiration of the above-referred sixty-day period, then the Capital Projects Budget proposed by the Mayor shall be the final Capital Projects Budget.

(f) **Disapproval of the Capital Projects Budget by the Mayor.** If the Mayor shall disapprove the Capital Projects Budget as approved by the Common Council, or any part of such Capital Projects Budget, the Mayor shall issue a veto message and proceed as otherwise provided for in this Charter, and a two-thirds (2/3) vote of the entire Common Council shall be required to override said veto.

(g) **Approved Capital Projects Budget.** If either the Mayor approves the Capital Projects Budget as approved by the Common Council or the Common Council overrides a Capital Projects Budget vetoed by the Mayor, said Capital Projects Budget shall be final.

ARTICLE XII - BONDS

§12-1 - Issuance Authorized.

The City shall have the power to incur indebtedness by authorizing the issuance of its bonds and notes for such purposes, upon such terms and to such extent as is authorized by the General Statutes and applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, emergency bond issues, revenue anticipation notes, tax anticipation notes and other issuances permitted by the General Statutes and applicable Special Acts.

§12-2 - Procedures.

(a) The Common Council shall, by Ordinance, adopt procedures for the authorization, structure and timing of the issuance of bonds and notes for the purposes authorized by the General Statutes, applicable Special Acts and this Charter.

(b) Capital Project Bonds. The vote of the Common Council to approve the issuance of Capital Project Bonds shall be by an affirmative vote of two-thirds (2/3) of all the members of the Common Council.

(c) Non-Capital Project Bonds. The vote of the Common Council to approve the issuance of Non-Capital Project Bonds shall be by an affirmative vote of two-thirds (2/3) of all the members of the Common Council.

§12-3 - Approval of Mayor.

Such bonds shall not be authorized unless in accordance with the provisions of §12-2(b) or (c), whichever is applicable and approved by the Mayor in accordance with the provisions of this Charter.

ARTICLE XIII - CONDEMNATION AND DISPOSITION OF LAND

§13-1 - Condemnation for Municipal Purposes.

The City may take any land which has been fixed upon as a site for a building or buildings or additions thereto for municipal purposes or land fixed upon for municipal purpose or use subject to the payment of just compensation therefore to the owner provided that there shall be prior approval by the Mayor and Common Council. No condemnation for municipal purposes as provided herein shall be commenced unless there has been a public hearing on the project required by the appropriate department, with the exception of condemnations which may occur on the basis of public health, safety or necessity.

§13-2 - Procedure.

The procedure for the condemnation of said land shall be that set forth in the General Statutes or where appropriate the condemnation procedure provided for in this Charter. The owners of the property to be condemned shall be notified in writing by certified mail, return receipt requested, not less than sixty days prior to the condemnation proceedings.

§13-3 - Disposition of Real Estate.

No purchase or lease of real estate by the City and no sale or lease of any real estate belonging to the City shall be valid unless approved by the Mayor and the Common Council. The Common Council is authorized to enact Ordinances governing the purchase, sale, lease or other disposition of such real estate.

ARTICLE XIV - LEGAL EFFECT

§14-1 - Repeal of Other Laws. Exceptions.

All acts and provisions of law, and parts of acts and provisions of law, inconsistent with the provisions of this Charter are hereby repealed as of the time this Charter takes effect; but such repeal shall not affect any rights, privileges or immunities of the City, or any person or body corporate, or any pecuniary obligations attaching to said City. No tax or assessment made under the provisions of law herein repealed, or under any order or Ordinance made under any of said provisions, shall be affected by said repeal. Moreover, no provisions of the General Statutes or Special Acts or laws applicable to the City shall be affected by said repeal.

§14-2 - Saving Clause.

Nothing contained in this Charter shall be construed to repeal or terminate any statute or Special Act of the State or Ordinance of the City or any rule or regulation of any City Board, Commission, department, agency or authority. They shall remain in full force and effect, within the territorial limits of the City 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. The powers which are conferred and the duties which are imposed upon the office, Board, Commission, department, agency or other authority of the City under any statute of the State or any Ordinance or regulation which is in force at the time of the taking effect of this Charter shall, if such office, Board, Commission, department, agency or authority is abolished by this Charter, be thereafter exercised and discharged by the office, Board, bureau, Commission, department, agency or authority upon whom similar duties are imposed by this Charter or Ordinances emanating therefrom.

§14-3 - Effective Date.

The 2000 amendments to this Charter shall take effect on July 1, 2001 and any amendments applying to municipal elections shall apply first to the municipal elections of 2001. The 2016 amendments to this Charter shall take effect on January 1, 2017 and any amendments applying to municipal elections shall apply first to the municipal elections of 2017. The 2022 amendments to this Charter shall take effect on January 1, 2023 and unless as provided otherwise herein, any amendments applying to municipal elections shall apply first to the municipal elections of 2023.

§14-4 - Invalidity.

If any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate or otherwise affect any of the remaining provisions hereof.

§14-5 - Continuance of Contracts.

Any contract entered into by the City or bond or undertaking made to or for the benefit of this City before any of the amendatory provisions of this Charter take effect, containing a provision that it may be enforced or shall be performed by some office, department, Board, Commission, authority or agency 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, Commission, authority, or agency, upon which are conferred and imposed powers, functions, and duties corresponding to those theretofore exercised by the office, department, Board, Commission, authority or agency so established.

§14-6 - Continuance of Personnel.

All persons holding office or membership on any Board at the time any amendatory provisions of this Charter take effect, whether elected or appointed shall continue in office unless such office has been abolished. All employees covered by collective bargaining agreements shall remain in said office until such time as the effect of the abolition has been negotiated if required by the General Statutes.

§14-7 - Continuance of Provisions.

The pensions heretofore granted by the City shall continue as prior to the effective date of this Charter.

§14-8 - Transfer of Records and Property.

All records, property and equipment whatsoever of any department, office, Board, Commission, authority or agency or part thereof, all of the powers and duties which are assigned to any other department, office, Board, Commission, authority or agency by this Charter shall be transferred and delivered intact to the office, department, Board, Commission, authority or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, Board, Commission, authority or agency or part thereof are, by this Charter, assigned to another office, department, Board, Commission, authority or agency or part thereof, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the office, department, Board, Commission, authority or agency to which such powers and duties are so assigned.

ARTICLE XV - SPECIAL ACT POWERS AND CHARTER PROVISIONS

§15-1 - Provisions Regarding the Acquisition of Park Land: Special Power Relating to the Acquisition of Land in the City and Berlin.

The City acting through the Common Council shall have power to acquire by purchase, condemnation, or otherwise, land or interests therein within the limits of the City, or land in the Town of Berlin for the purpose of providing public parks or playgrounds, or enlarging existing parks or playgrounds. Whenever the Common Council shall vote to acquire any tract of land for said purposes, and said City is unable to agree with the owners thereof, or persons interested therein, as to the price to be paid therefor, said City may take the same, and the damages or benefits accruing to any person by reason of such taking shall be appraised and assessed, and proceedings thereon shall be had in the same manner as provided in Article XIII of this Charter for the taking of land, and damages therefor being paid or deposited as provided in said Charter, such land and the interests therein shall remain the property of said City for such purposes, and the benefits assessed shall be collected and said City shall have a lien therefor in the same manner as provided in said Charter concerning highways.

§15-2 - Provisions Affecting the Police Benefit Funds.

(a) **Governed by Collective Bargaining Agreement.** The provisions affecting the police benefit funds are governed exclusively by collective bargaining unit. Any retired members of the police department or the recipients of theirs death benefits not covered by collective bargaining agreement remain covered by the provisions of the Special Acts which govern the police benefit funds of the City.

§15-3 - Provisions Affecting the Firemen's Pension Fund.

(a) **Governed by Collective Bargaining Agreement.** The provisions affecting the firemen's pension fund are governed exclusively by collective bargaining unit. Any retired members of the fire department or the recipients of theirs death benefits not covered by collective bargaining agreement remain covered by the provisions of the Special Acts which govern the firemen's pension fund of the City.

(b) **Contents of Fund.** There shall be in the City a fund to be known as the "firemen's pension fund", to which shall belong, in addition to the present fund:

(1) All bequests and donations, from public or private sources, to the department on account of services rendered, or for the purposes for which such fund is established.

(2) All monies or property presented to any member of the department on account of special service, except such as may, by special vote of the Board of Fire Commissioners and with the approval of the Mayor, be retained by such member.

(3) Such monies as shall be appropriated for that purpose by the City and assessments to be made by the trustees of said fund on the compensation of the regular members of the fire department at the rate of five percent per annum, and a matching assessment of five per cent per annum upon the City, payable weekly as the trustees of the fund may determine.

(4) Said contributions to the firemen's pension fund of five percent per annum of the compensation of the regular members of the fire department and the matching five per cent per annum of the City shall be considered income and shall be added to the principal of said fund.

(c) **Appointment of Bank as Agent for Fund.** Said Board of Trustees may appoint a bank as its agent in the performance of its duties in the care, custody and investment of said fund, in securities in which trust funds may be invested by the laws of the State, at such compensation, if any, as may be fixed by said Board of Trustees and such agent maybe required to give bond, with surety, payable to the City, conditioned for the faithful performance of its duties.

(d) **Investment of Fund.** The firemen's pension fund of said City shall be kept and invested in the name of said City, as trustee, and the securities shall be in the custody of the Treasurer of said City. Said fund shall be kept, invested and reinvested in such manner and in such securities, permitted by the laws of this State relating to trust funds, as shall be designated by the Board of Trustees, consisting of the Mayor, the City Treasurer, the members of the Board of Fire Commissioners and three active members of the fire department, the latter to be appointed by the Common Council of said City once in two years at its May meeting, upon the nomination of the active members of the fire department of the City, for a term of two years and until their successors shall be appointed and shall have qualified. Said Board of Trustees may regulate the manner of disbursements from said fund. The ~~chairman~~chairperson of the Board of Fire Commissioners shall be the ~~chairman~~chairperson of the Board of Trustees and the clerk of the fire department shall be the clerk of the Board of Trustees. Said Board of Trustees shall meet semiannually or more frequently if necessary.

(e) **Annual Reports; Deficiencies.** An itemized report of the conditions of said fund and of receipts and disbursements shall be submitted by the trustees thereof to the Mayor on or before the first

day of December each year for the preceding fiscal year. If the income of the firemen's pension fund shall be found at such time insufficient to meet the requirements upon it, the City, upon the application of said Board of Trustees to the Common Council, shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of said fund shall be provided for by said City in its annual appropriation for the firemen's pension fund.

(f) **State Retirement Fund.** Any regular full-time member of the fire department of the City appointed to ~~his~~said member's office after June 22, 1953, shall be eligible to receive benefits under the provisions of the municipal employees' retirement fund of the State and shall not receive benefits from the firemen's pension fund of said City.

§15-4 - Provisions Regarding the Board of Water Commissioners and the Water Department.

(a) **Establishment of Department and Commission.** The Common Council shall establish, by Ordinance, a Water Department and Board of Water Commissioners ("Commission") with the powers conferred by the Charter of the City or the General Statutes.

(b) Inspection of Books. The books of account and other papers, documents, and books of said water department shall be, at all times, open for the inspection of the Mayor or ~~his~~the Mayor's designee, Common Council, or a committee duly appointed for such purpose by said Common Council.

(c) **Powers and duties of the Commission.** The Commission shall have the power, and it shall be its duty, to construct, maintain, operate and manage the water works of said City, and all property, rights and privileges connected therewith and shall exercise all powers heretofore, or which may hereafter be, granted to or vested in the City, by legislative or other authority, relating, directly or indirectly, to the acquisition, maintenance and operation of the water works and a water supply for the City. Said department is authorized and empowered, subject to the necessary approvals required by the Charter, to: (1) purchase and take conveyances for and in the name of the City of all lands, or other estates or privileges, necessary or convenient for the City water supply; (2) make contracts for labor and materials; to dam and hold in sufficient quantities waters of any streams; (3) lay and construct all necessary pipes, aqueducts or reservoirs; (4) make use of the ground or soil under any railroad, street, or private way, for the purpose of laying pipes or aqueducts in such manner as to least obstruct or impede travel thereon, causing all damage thereto to be repaired; (5) make and establish public reservoirs and hydrants under the direction of the Common Council; to regulate the distribution and use of water and establish the prices to be paid therefor and generally to attend to the construction, supervision, care and management of the water works, and (6) exercise any additional powers that may from time to time be conferred upon the department by Ordinance or otherwise by law. The department may enter upon or into any land or buildings of any resident within said City for the purpose of shutting off or for repairing the water supply of said property, and may call upon the police force or any Constable of said City to assist or protect them in the discharge of their duty.

(1) **Deputy Director of ~~the Water Department~~Public Works, Utilities Division.** The head of the ~~department~~division shall be the Deputy Director of Public Works, Utilities Division.

(d) **Budget estimates.** The department shall comply with all provisions of the Charter relating to finances and budgetary procedures.

(e) **Rates.** The estimates of receipts, to be approved as aforesaid, shall include the rates proposed to be charged for the use of water or other water charges to be collected by or for the use of said water department, and said Board of Water Commissioners shall, during such year, charge the water rents or charges for the ensuing year in accordance with the rates or charges so approved by the Common Council, but no such rate or charge shall be less than actual cost.

(f) **Limitation on expenditures.** Said Board of Water Commissioners shall not, during the year for which said estimates are made, either by entering into contracts or obligations, or by payments, or otherwise, except as hereinafter provided, exceed the estimates of expenditures as approved by the Common Council.

(g) **Supplemental estimates.** If at any time during the year for which such estimates of receipts and expenditures are made, it shall be desirable, in the opinion of the Water Commissioners, to change the same, said Board of Water Commissioners shall make a supplemental estimate, which shall be submitted to the Common Council of said City, for approval, in like manner as hereinbefore provided, and when such estimate is so approved, said Board may make the expenditures or collect the receipts or charges so approved.

(h) **Water Bills.** Said Board of Water Commissioners shall, on such dates as it may by rule provide, make bills for the use of water and for water rents and provide when the same shall become due and payable, which bills shall be made due and payable within thirty days after they are made up, and the receipts from which shall be paid to the City Treasurer by said Board as it collects the same. Said Board may divide the entire territory served by the City into separate districts and may prescribe different due dates in the different districts respectively, all persons liable to pay water rents or charges to be charged for the same semi-annually for each six months' service provided, however, the Board may change the payment schedule to monthly or quarterly if deemed to be in the best interests of the City.

(i) **Shut Off of Water.** Upon failure of any person to pay such bills and charges, or any debts owed to the department, said Board may discontinue the supply of water to such person or to the property of such person, or take such other action for the collection of such rents and charges as is by law provided.

(j) **Interest on Arrears.** The Board shall add to water rents or charges for the use of water interest at the rate of one and one-half percent, per month, or any portion thereof, from the due date for failure to pay the same for more than thirty days after it shall have become due. In cases where liens on property for securing of water rents shall be filed, such penalties shall be secured by such liens.

(k) **Use of revenue.** The proceeds of all water rents, and all other receipts and income of the Board of Water Commissioners, shall be set apart and applied only to the obligations of said City arising out of the construction, maintenance, and operation of its water system, including the principal and interest of the bonds, scrip, or evidences of indebtedness of said City now outstanding or hereafter issued in connection with or for the benefit of said water works.

(l) **Power to issue bonds and notes.** Said Board of Water Commissioners shall not have power to obligate said City in any manner requiring it to issue bonds or notes, or to contract obligations in excess of its appropriations, without having first obtained the approval of the Common Council of said City.

(m) **Extension of mains; assessments.** When, in the opinion of the Board of Water Commissioners, public convenience and necessity shall require the extension of any main pipe within the City or other localities where the Board of Water Commissioners is empowered to make extensions and it shall vote to make such extension, said Board shall assess the cost of such extension, as hereinafter provided, against the land and the buildings thereon, found by said Board to be especially benefited thereby and abutting upon the road, street or highway in which such main is to be laid, in proportion to the frontage of such land upon such road, street and highway.

(n) **Determination of extension costs.** In determining the cost of any extension of water pipes or mains for the purpose of assessments upon owners of property on account thereof, said department may deduct the cost for the laying of any water main of greater size than would reasonably be necessary for the accommodation of the owners of the property assessed for such extension, and, in determining for assessment purposes the cost of any extension of water service, it may base the same upon the average cost of laying an 8-inch main during the last preceding year, provided such cost shall not exceed the special benefits to the property through which such extension is laid.

(o) **Notice of hearing on extension.** Before said Board shall vote to make any such extension, at least ten days' written notice of the proposed extension shall be given by mail to the known owner or owners of the land and buildings upon which the cost of such water mains may be assessed and of the time and place when objections to such extension will be heard by said Board, and

notice of such hearing shall be published at least once not less than five days prior thereto in a daily newspaper of general circulation in the City.

(p) **Rate of assessment; term.** Upon the completion of the construction of such water main, said Board shall assess upon the owners of record of the land and buildings specially benefited thereby a sum equal to ten per cent of the cost of the improvement, less the actual receipts from water rents for each preceding year from date, in proportion to the frontage of such land upon such road, street or highway. Each year thereafter, for not more than ten years from the completion of such extension, said Board shall assess, in the same manner and on the same basis, the owners of record of such property.

(q) **Notice of assessment.** Notice of assessments shall be given by mailing bills for the same to the persons assessed, and all assessments shall be due and payable on the date prescribed by said Board.

(r) **Lien of assessment.** Each amount so assessed, with interest as hereinafter provided, shall be a lien upon the land and buildings on account of which it was assessed from the date of its assessment, but shall not continue for more than six months from such date unless the Board shall, within such period of six months, lodge, for record, with the Town and City Clerk of the town within which such land and buildings are situated, a certificate, signed by the secretary or other authorized representative of the Board, describing the premises and the amount assessed thereon.

(s) **Recording of lien.** Whenever the Board of Water Commissioners shall have approved any projected public improvement all or part of the cost of which may, upon completion, become a lien upon the property benefited thereby, such Board shall file in the office of the Town and City Clerk a notice of such prospective lien listing the names of the record owners of all parcels of land which may be subject to such lien, a description of each parcel sufficient to identify the same and the estimated amount of the prospective lien against each parcel. The Town and City Clerk shall record such notice of prospective lien upon the land records of the Town of New Britain and shall cause the name of each such record owner to appear in the general indices of said land records as a grantor and the City as grantee. Upon completion of such improvement and assessment of benefits therefor, such Board shall file in the office of the Town and City Clerk a certificate of lien listing the same information as in the notice of prospective lien but, instead of an estimated amount, shall State the amount assessed by the Common Council or other body having jurisdiction to fix such amount, against each parcel. Such lien shall take effect as of the date of filing the notice of prospective lien, but, if no notice of prospective lien has been filed, it shall take effect as of the date of filing the certificate of lien. No lien for a public improvement shall exist which has not been recorded in conformity with this Charter.

(t) **Interest; foreclosure of liens.** Interest on the amount of such assessments unpaid thirty days after the same shall have been made shall be at the rates proscribed by the Common Council for the first year and thereafter; and such liens may be foreclosed in the same manner as mortgages on real estate. Such liens shall take precedence over all other encumbrances upon such lands except taxes.

(u) **Release of lien.** When any projected public improvement for which a notice of lien has been filed has been abandoned or completed and paid for or has otherwise ceased to be a lien against any parcel of land mentioned in such notice of lien, the Board filing such notice of prospective lien shall promptly file with the Town and City Clerk a release of such lien listing the names of the record owners of all parcels of land affected by such release and a description of each parcel sufficient to identify the same. The Town and City Clerk shall record such release upon the land records of the Town of New Britain and shall cause the name of each such record owner to appeal in the general indices of such land records as a grantee and the City as grantor.

(v) **Ascertainment of damages; payment.** Whenever disagreement shall be had between said Board and the owner or owners of any property or privileges which may be required for the purposes of this chapter, as to the amount of compensation or damages to be paid to such owner or owners for the same, or whenever such owner shall by law be incapable of contracting or be

absent from this state, such compensation or damages may be assessed by three disinterested persons, under oath, appointed by any judge of the superior court, on application made to said judge, by or on behalf of either party, after such notice shall be given of such application as said judge shall see fit to prescribe; which said appraisers shall be sworn, and having given such notice as ~~they~~said appraisers shall see fit to prescribe to all parties in interest in regard to the time and place of making such estimate, shall assess such damage and shall report their doings, embracing the amount of their assessment, to the clerk of the superior court for Hartford county, to be by ~~him~~said clerk recorded; and thereupon such assessment shall be taken and held to be a final adjustment of said compensation and damages between said parties, and upon payment thereof, said Commissioners may proceed with the construction of said works, without liability to any further claim for compensation or damages.

(w) **Sale of municipal water.** The City, acting by its Board of Water Commissioners, (subject to approval by the Common Council) is authorized to use or to sell or otherwise dispose of any water from its sources of water supply as now existing or hereafter enlarged or extended, for municipal purposes and for domestic, commercial, manufacturing industrial or other uses. The City may sell or dispose of water from its sources of water supply to owners or occupiers of property near its supply pipes or lines. Nothing herein shall compel said City against its will to furnish water outside the limits of said City.

(x) **Sale or lease of unused lands.** The Board of Water Commissioners is authorized to sell, convey or lease any land acquired at any time by the City for the use or benefit of the City water supply, which it shall deem unnecessary or inadvisable for the City to continue to hold and the sale or leasing of which has been approved by the Common Council, provided any deed for the sale or transfer of such land shall be executed on behalf of the City by the ~~chairman~~chairperson of the Board of Water Commissioners and the Mayor of the City or, in ~~his~~the absence or disability of the chairperson or Mayor, such other person as the Common Council may designate in ~~his~~the place of the chairperson or Mayor to Act in the premises.

(y) **Supply of water to other towns.** The City, acting through its Board of Water Commissioners, may supply water and extend its mains into and for the use of the inhabitants of other municipalities for the benefit of the property located therein; or for the use of any fire district or water company within such Towns, in the same manner and subject to the same conditions as provided in this chapter for the supply of water to the inhabitants of the City and upon such terms and other conditions as may be agreed upon by its Board of Water Commissioners, subject to the approval of the Common Council.

(z) **Contracts with Metropolitan District.** The Metropolitan District and New Britain are authorized to enter into contracts with each other for the purchase, sale, exchange or delivery of water and for the conferring of any right or privilege incidental to the use or enjoyment of the same. Such contracts or agreements on behalf of the City shall be made by the Board of Water Commissioners of said City, but shall not become effective until approved by the Common Council and the Mayor of said City; and such contracts or agreements in behalf of the Metropolitan District shall be made by the Board of Water Commissioners of said district, and Mayor of said City. For the purpose of carrying out any such contract or agreement, said City shall have the right to lay and maintain water mains, and suitable connections to such mains, and, in connection therewith, shall have the same rights and be subject to the same duties and obligations in respect thereto and to the laying and repair thereof as though the same were within the limits of the City.

(aa) **Taking of lands in Plainville and Southington.** The Board of Water Commissioners of the City, for the purpose of improving and increasing the water supply of said City, is hereby authorized and empowered on behalf of said City, to take, hold, and use the water of any spring or springs, stream or streams, or other waters, and any land necessary or convenient for constructing aqueducts and reservoirs within the limits of the Towns of Plainville and Southington, to such extent as may be necessary and expedient in carrying into effect the objects of this chapter; and any land or water right, title, privilege, or franchise which may be required, taken, or impaired for the purpose aforesaid shall be compensated for and the damages therefor ascertained,

liquidated, and paid in the manner provided in §15-5(w) of this Charter, provided that this section shall not enable the City to take and appropriate any streams of water whose natural course is westwardly and to or towards the village of Plainville, but only such streams as naturally flow eastwardly and towards New Britain or Shuttle Meadow reservoir.

(bb) **Injury to water; penalty.** If any person shall willfully and maliciously corrupt the water in any reservoir, hydrant, aqueduct pipe or other portion of the City waterworks, or destroy or injure any portion of such works, or any materials or property used or designated to be used in connection therewith, ~~he~~said person shall forfeit and pay to said City treble damages and shall be fined not more than Five Hundred Dollars or imprisoned not more than one year or both.

(cc) **Elector to sit with Board.** The Common Council shall select an elector of said City, to sit with the District Board of the Metropolitan District, and who shall have a vote only on matters concerning water. ~~He~~Said elector shall hold office until December thirty-first in the odd-numbered years, at midnight, and until ~~his~~said elector's successor shall be chosen and shall have qualified. Before January first in the even-numbered years, the Common Council shall choose a successor for a term of two years. In case of the death, resignation, refusal to serve or removal from the City of the member so selected, the Common Council shall fill such vacancy for the unexpired portion of the term.

§15-5 - Provisions Regarding Sewers, Drains and Garbage and Rubbish Disposal.

(a) **Former Powers of the Disposal Commission and Board of Public Works Transferred to the Common Council.** All of the duties, powers, privileges and rights conferred upon the Disposal Commission, or otherwise transferred and vested in the Board of Public Works are hereby transferred to and vested in the Common Council or its designee in order to facilitate the operation of the sewage treatment plant of the Mattabassett District.

(b) **Transfer of functions.** All duties, powers, privileges and rights heretofore vested in the Disposal Commission and the members thereof, or in any other committee or Board and the Board of Public Works, in the maintenance, supervision, control and general management of the sewage disposal plant, the municipal incinerator, all municipal dumps, collection and disposal of garbage and rubbish shall be and are hereby transferred to and vested in the Common Council or its designee which hereafter shall maintain, supervise, control and manage the sewage disposal plant, the municipal incinerator, all municipal dumps, and the disposal of garbage and rubbish.

(c) **Construction of sewers and drains.** The Common Council shall have power to lay out, build, construct, and repair drains, conduits, and sewers, or a system of sewerage, wherever it may deem the same necessary, through or along any street, highway, or public or private grounds in said City and, if in the judgment of said Common Council it is necessary or expedient, to extend, build, and construct said drains and sewers, or a system of sewerage, and the outlet or outlets of said system, and the connections thereof, beyond the limits of said City, in or through the Towns of New Britain, Newington, and Berlin, or in or through either of said Towns, and in, through, over, and upon the streets, highways, and public and private lands in any of said Towns, and under the right-of-way of any railroad in any of said Towns, and in said City or Towns, or either or any of them, except as hereinafter provided, for the disposal of sewage and sewerage of said City and of the inhabitants and corporations therein.

The Common Council shall have power to construct, operate, and maintain sewer works and sewer beds for filtration and other purposes connected with the disposal of the sewage and sewerage of said City and of the inhabitants and corporations therein.

(d) **Acquisition of land; power.** For the purpose of improving and utilizing lands and estates acquired or to be acquired for any of the purposes of this Article, the City may take and acquire by purchase or otherwise any lands in fee, and any rights or easements in lands, water courses, or ways, within the limits of said City and the Towns of New Britain, Newington and Berlin, or either or any of them, that the Common Council may deem.

(e) **Separation of sewage.** The Common Council may cause all roof, storm, and ground water and steam, as well as all acids, unless neutralized to its satisfaction and acceptance, to be separated from house or crude sewage, and from the system that may be adopted for the carrying of such sewage.

(f) **Territorial limits and routes.** No such sewer works or sewer beds, other than drains, conduits, sewers, and necessary appurtenances for carrying sewage and sewerage, shall be established outside the limits of said Town of New Britain, except in the section of country in the Town of Berlin bounded north by the Berlin Town line, east by the north and south highway next east of Christian Lane, and the Hartford and New Haven turnpike, south by the Mattabesett River and land now or formerly of Gustave Wahl, and west by Christian Lane. The only routes to be followed in conducting sewage and sewerage from the City and Town of New Britain to the filtration beds and sewer works to be established under this Charter, so far as said routes lie outside of the Town of New Britain, are described as follows, to wit: The route leading from the Piper Brook outfall in the City, after it leaves the New Britain Town line, passes through the lands now or formerly of William Richards, H. Fields, J.G. Petterson, J.W. Holmes, and W.L. Davis, in the Town of Newington, east of the highway known as Christian Lane, and through the lands now or formerly of W.L. Davis, J. Sauter, Frederick Splettstoeszer, and August Splettstoeszer, passing under the Middletown branch of the New York, New Haven, and Hartford Railroad Company's tracks and crossing the highway known as the Beckley Quarter Road, and through lands now or formerly of Charles Leigey, all in the Town of Berlin. The route leading from the Glen Street outfall in the City, after it leaves the New Britain Town line, passes through lands now or formerly of Joseph Towers, estate of Patrick Devitt, deceased, and under the Berlin branch of the New York, New Haven, and Hartford Railroad Company, and through the farms now or formerly of Theodore A. Stanley and Charles Ellis in the Town of Berlin near the Town line of New Britain; also through lands now or formerly of J. W. Holmes and W. L. Davis in the Town of Newington, and through lands now or formerly of John Sauter, Frederick Splettstoeszer, and August Splettstoeszer, passing under the Middleton branch of the New York, New Haven and Hartford Railroad Company, and crossing the highway known as the Beckley Quarter Road, and through lands now or formerly of Charles Leigey, all in the Town of Berlin. As an alternative route from both said outfalls, after said routes come together at Christian Lane near the New Britain Town line, the route may follow in Christian Lane southerly to the north line of John Sauter's farm; thence through Sauter's farm to the routes above described on said Sauter's farm; and thence to the terminus of said route on land now or formerly of Charles Leigey it shall be as first above described. In addition to the route to be followed in conducting sewage from the City to the filtration beds and sewer works established or to be established, a route leading from the collecting system in the north and northeast sections of the City may be laid out through that portion of the Town of Newington bounded northerly by Wells Avenue, so-called, easterly by the main line of the New York, New Haven and Hartford Railroad Company, southerly by Newington Avenue leading to Elm Hill, so-called, and westerly by New Britain-Newington Town line, and the rights to acquire and the method of acquiring such lands shall be the same as provided in section 1301 et seq. of this chapter. It shall be lawful for said City to permit persons owning land within said described portion of the Town of Newington to connect their properties with said trunk sewer on such reasonable conditions and for such uses as the City may determine on payment of such sums as may be assessed and approved by the Common Council of the City.

(g) **Inspection and supervision.** The Common Council shall at all times have the right of inspection and supervision of such sewers as shall connect with its sewer system and may revoke permits therefor whenever the conditions thereof shall be disregarded.

(h) **Private drains.** Said Common Council is authorized and empowered to attend to the supervision over the construction of such portions of private drains or sewers as are within the limits of any public street, and to exercise any powers conferred upon it by the General Assembly of this State and by the Common Council.

(i) **Right of entry; order of discontinuance.** Said Common Council and its agents are authorized and empowered to enter into or upon any and all property or State connected in any way with the public sewers or drains to investigate and examine such connections, and shall have authority to

order the discontinuance of any improper use of said sewers, drains, or sewer connections, and of any use not conforming to the regulations adopted by said Council.

(j) **Rules and regulations.** Said Common Council shall have full authority over the use to be made of all connections, and shall prepare a set of rules, regulations, and requirements covering the use and construction of all branches and connections, private or public, that are now made or are to be made to said sewer system, and may exercise any additional powers conferred upon them by said Common Council.

(k) **Records and reports.** In the event the Common Council delegates the deliberative functions to another entity said Board or Commission shall keep a record of their official proceedings, and shall render a report of their doings to said Common Council annually, and oftener if by said Common Council requested, including a general exhibit of the State of the public works, and an account of sums required to be expended therefor, and such other matters or information as may be called for by said Common Council; provided, that said Commissioners shall always be under the direction of the Common Council of said City.

(l) **Assessments for improvements.** (1) Said Common Council shall have power to assess such portions as it may deem reasonable of the cost of the public works and improvements upon the property within the limits of said City not having already paid a regular assessment for sewer benefits, for the carrying off of the stagnant, surface, or other drainage for which said sewer, drain, or improvement may be constructed, or which may be in any way improved or benefited thereby; and the sum so assessed shall be a lien upon the said property, subject to the provisions of this Charter as to the continuance, foreclosure, collection, and release of the same and subject also to all the other provisions relating to liens; and, in assessing such benefits, said Common Council shall not be limited to the property abutting on said improvements, but benefits may be assessed upon any person or corporation whose property is benefited by the construction of such sewer drain or improvement. (2) Upon the execution of any order of the Common Council of said City for the construction of any lateral branch or connecting public sewer, there may be assessed by the Common Council of said City, upon all persons whose property is, in the judgment of said Common Council, especially benefited thereby, a reasonable part of the expense of such lateral branch or connecting public sewer, and of the main or trunk sewer into and through which such lateral branch or connecting sewer is discharged; always provided, that no person shall be assessed for sewer purposes under this Article beyond the amount to which ~~his~~said person's property is especially benefited, whether the property on account of which such assessments are made is located along the line of a main or trunk sewer, or of a lateral branch, or a connecting sewer.

(m) **Limitation on assessments.** No person owning land fronting on the line of a street in which a sewer is constructed shall be assessed more than $6 or such other maximum amount as may from time to time be established by Ordinance per front foot of such land, unless, in the opinion of the Common Council, the owner thereof is the owner of land in the rear that will be especially benefited by such sewer. No such assessment of benefits shall be made until the sewer on which assessments are based shall be completed. The date when such sewer assessments are payable shall not be postponed, and such sewer assessments shall be due and payable and shall bear interest at the rate of six per cent per annum from thirty days after the date of the final action of the Common Council thereon.

(n) **Acquisition of land or rights; damages.** Whenever, under the provisions of this article, it shall in the judgment of the Common Council become necessary or expedient for said City to take and acquire any land, or rights or easements in lands, watercourses, or ways within the limits in said City or Town of New Britain or the Town of Berlin and Newington, or either of them, the Common Council of said City shall appoint a committee to prepare a descriptive survey of the work contemplated being done therewith or thereupon and to agree with the parties as to the damages on account of such work; and the agreement made by them, if any, having been ratified by said Common Council and the sums agreed upon as to damages having been paid to the parties entitled thereto, or deposited to their credit in the City treasury, said City may go on to the completion of said improvement and do the acts necessary or convenient for that purpose; but if

said Common Council shall be unable to agree with the parties interested as to the damages aforesaid, any judge of the superior court or of the supreme court of errors may, on application of said City or of any party in interest, after causing such notice to be given of the pendency of such application as ~~he~~said judge shall deem just and reasonable, appoint three judicious and disinterested freeholders of the county of Hartford to estimate such damages; and said committee, having been duly sworn and having given notice of the time and place of its meeting for the purpose aforesaid, in the manner prescribed by said judge, shall meet at the time and place designated, and having heard all of the parties in interest who shall appear before it, shall determine the amount of the damages sustained by any and all persons or corporations whose lands, watercourses, or ways, or rights or easements therein, shall have been taken by said City pursuant to the provisions of this article, and in determining said damages, said committee may take into account the special benefits received by said parties. Thereupon said committee shall report in writing to said judge who may confirm, correct or set aside said report as ~~he~~said judge may deem just, in which latter case, said committee or a new one to be then appointed by said judge, shall proceed as before, and said report being finally accepted by said judge shall be recorded by the clerk of the superior court for Hartford county, and the award of damages therein contained shall be final between the parties; all papers connected with case, by whomsoever held, shall then be delivered to the clerk of the City, who shall keep the same on file for public inspection, and said damages being paid or deposited as aforesaid, said City may proceed to complete said public improvement and do all acts necessary or convenient for the purpose.

(o) **Liability for damages.** Nothing contained in this Article shall be construed as absolving the City from any liability to any person or corporation for damages which may be occasioned to the person or property of such person or corporation in addition to the damages agreed upon or ascertained in the manner provided in §15-6(n) of this Charter by reason of the use made by said City of any land or rights or easements in land, watercourses, or ways, acquired by said City under the authority of this Article. If the land, or rights or easements in lands, watercourses, or ways are within the limits of said City, the Common Council may proceed to take the same in the manner provided in §15-6(n) of this Charter.

(p) **Petitions for improvements.** When the majority of the property owners on any street shall bring a petition to the Common Council of said City for the construction or extension of sewers in such street, said Common Council may order the construction or extension of such sewer, and assessments for benefits therefor may be made upon any person or corporation whose property is benefited by the construction or extension of the same, to the same extent and in the same manner as set forth in §15-6(n) of this Charter; and said Common Council may, in addition to such assessments, require the petitioners for such sewer to pay, or give a satisfactory bond, payable to said City, to secure the payment of the expenses to which the City shall be put in making maps, surveys, and assessments for said sewer and the construction and extension of the same, and may require the payment of an additional sum for the privilege of making connections with said sewer.

§15-6 - The Lighting Plant.

If said City determines to operate a plant for the manufacture and distribution of electricity for lighting purposes in accordance with the provisions of 1958 General Statutes §7-213 et seq., and any corporation owning or operating an electric light plant in said City attempts to compel said City to purchase said plant in whole or in part in accordance with said provisions after the valuation and amount of the plant to be purchased has been determined in accordance with said chapter, said City shall have the right within one year after the valuation of such plant has been fixed by the court to recede from its former action to establish and operate such municipal lighting plant, by a vote of its Common Council and if said Common Council shall vote to recede from said action said City shall not be under any obligation to purchase such plant. No court to which application is made under said provisions shall pass a final decree directing said purchase to be made by said City until said City has had one year in which to determine whether or not it will recede from said proposed plan. The decree of the court as to the amount and value of the property to be taken or purchased and other matter described in 1958 General Statutes section 7-213 et seq. shall be a decree conditional upon said City failing to recede from its former action within 1 year from the date of

such decree. If said City establishes a plant or plants for the manufacture and distribution of electricity for lighting purposes said City is hereby authorized to maintain, repair, enlarge, and operate said plant or plants for the manufacture and distribution of electricity for power; and to purchase electricity for lighting or power purposes from any corporation located or operating in the state, and said City is hereby empowered to lease any electric plant owned or operated by it to any person or corporation for such period not exceeding twenty-five years as the Common Council may determine.

§15-7 - Lien for Improvements.

(a) **Notice and recording of lien.** Whenever the appropriate Boards or Commissions of jurisdiction shall have approved any projected public improvements all or part of the cost of which may, upon completion, become a lien upon the property benefited thereby, such Board shall file in the office of the Town and City Clerk a notice of such prospective lien listing the names of the record owners of all parcels of land which may be subject to such a lien, a description of each parcel sufficient to identify the same and the estimated amount of the prospective lien against each parcel. The Town and City Clerk shall record such notice of prospective lien upon the land records of the Town of New Britain and shall cause the name of each such record owner to appear in the general indices of said land records as a grantor and the City as grantee. Upon completion of such improvement and assessment of benefits therefor, such Board shall file in the office of the Town and City Clerk a certificate of lien listing the same information as in the notice of prospective lien but, instead of an estimated amount, shall State the amount assessed by the board of compensation and assessment or other body having jurisdiction to fix such amount, against each parcel. Such lien shall take effect as of the date of filing the notice of prospective lien, but, if no notice of prospective lien has been filed, it shall take effect as of the date of filing the certificate of lien. No lien for a public improvement shall exist which has not been recorded in conformity with this Article.

(b) **Release of lien.** When any projected public improvement for which a notice of lien has been filed has been abandoned or completed and paid for or has otherwise ceased to be a lien against any parcel of land mentioned in such notice of lien, the board filing such notice of prospective lien or the collector to whom such assessment has been paid with interest, fees and charges as provided by law shall promptly file with the Town and City Clerk a release of such lien listing the names of the record owners of all parcels of land affected by such release and a description of each parcel sufficient to identify the same. The Town and City Clerk shall record such release upon the land records of the Town of New Britain and shall cause the names of each such record owner to appear in the general indices of such land records as a grantee and the City as grantor.

§15-8 - The Police Power of Arrest.

Chapter 19 of number 420 of the Special Acts of 1961 is amended by adding section 1907 as follows: The members of the police department of the City shall have the same authority and power to arrest any person or persons for crimes or misdemeanors committed on the lands, property or estate of the City, situated in any town in this State and owned or used by said City, and within the distance of one hundred rods from said lands, property or estate, as ~~they~~said members of the police department have to make arrests within the limits of the City. Nothing in this section shall affect the police jurisdiction of any other town in which the City may own or possess property.

§15-9 - Provisions Affecting the Retirement and Pension of Elective Officials.

Any full-time or part-time elective official of said city who has served as an elective official for a period of twenty years, either continuously or cumulatively, shall be entitled at their request to an annual pension for life of one-half of the compensation attached to the office at the time of their request for said pension, payable in monthly installments. As used in this section, "elective official" means any official elected by the electors of the city or any subdivision thereof, inclusive of appointments by the Common Council to fill a vacancy of an elective office. Upon the death of any elective official or of any person who has been an elective official, the surviving spouse of such elective official shall receive a pension for life or

until such surviving spouse remarries in an amount equal to one-half of the amount to which such official was entitled, but not less than one thousand dollars per year, payable in monthly installments.

§15-10 - The Fairview Cemetery.

(a) **Contracts; regulations; fees; superintendent; investments.** The Fairview Cemetery Commission shall have power to make contracts for the purchase of land and may take lands in the name of said city, for the uses and purposes of said cemetery, in the manner provided by law. The Commission shall make all needful rules and regulations concerning the use, management, and care of said cemetery, and of the lots therein, and establish and fix, and, from time to time, in its discretion, change or alter all fees and charges in connection with said cemetery; shall, in accordance with rules and regulations of the Civil Service Commission, fix the compensation of all persons employed by it; shall have power to sign, on behalf of said city, deeds of lots in said cemetery without being authorized to do so by the common council, and shall cause all deeds or other certificates of title to lots in said cemetery to be recorded in the ~~town clerk~~Town and City Clerk's office. The Fairview Cemetery Commission shall be trustees of all funds heretofore left to the town of New Britain or its Commission, by gift or bequest for the care of cemetery lots, or for any other purpose in connection with said cemetery; may be appointed by the probate court trustee of any fund for cemetery purposes in connection with said cemetery or for the care of private lots; may take such fund either in trust or absolutely and by gift or devise for cemetery purposes, and shall invest the same in accordance with the laws governing the investment of trust funds; may approve all contracts for cemetery purposes; and shall be custodian of all cemetery records, maps, and papers. No investment shall be changed or principal funds withdrawn from deposit without the written order of the full Commission. The income from the funds maybe collected by the Commission.

(b) **Trustee; revenue; payment of bills; reports.** Said Commission may appoint a bank as its agent in the performance of its duties in the care and custody of said trust funds and the investment thereof in securities in which trust funds may be invested by the laws of the state, at such compensation, if any, as may be fixed by said Commission, and such agent may be required to give bond, with surety, payable to the city, conditioned for the faithful performance of its duties. The Commission shall cause to be paid to the city treasurer all moneys received from the sale of lots, from burials and from any and all sources of income other than the principal of trust funds the income of which is to be used for the perpetual care of lots. Said Commission, from time to time, shall report to the director of finance a list of bills and accounts for such expenses as have been incurred by said Commission and approved by it, and the director of finance shall thereupon verify with the city treasurer whether the balance in the city treasury to the credit of the Commission is sufficient to pay such bills or accounts, and, if sufficient, the Commission, by such officer of the department as it may empower, may draw orders upon the treasurer of the city in favor of the person entitled to payment of the bills so approved and the director of finance shall countersign such orders and shall keep a record of all bills presented. Said Commission shall make an annual report for printing in the municipal record, which report shall contain a statement of all receipts and payments, together with a statement of the principal of the trust funds and the manner in which they are invested.

ARTICLE XVI CHIEF OPERATIONS OFFICER

§16-1 Chief Operations Officer

There shall be a Chief Operations Officer who shall work with, and report directly to, the Mayor. The Chief Operations Officer shall perform any tasks, duties or functions that are within the scope of the duties of the office of the Mayor and have been delegated from the Mayor to the Chief Operations Officer. The Chief Operations Officer shall make periodic reports to the Common Council and shall attend its meetings.

(a) **Appointment. The** Chief Operations Officer shall be hired through an open, competitive process in accordance with the Rules of the Civil Service Commission of the City of New Britain and the Code of Ordinances. The Chief Operations Officer shall be appointed by and subject to the authority of the Mayor, following the consent of the Common Council. The Chief Operations Officer shall be given a contract of at least four (4) years, subject to a twelve month probationary period.

(b) **Job Description**. The Personnel Director, after consultation with the Mayor, shall establish a detailed job description for the Chief Operations Officer. Such job description shall include the requirement that the Chief Operations Officer shall be a full-time employee who is responsible for the daily management of the City, including the administration and supervision of all departments and offices.

(c) **Qualifications**. The Chief Operations Officer shall have a Master's Degree in Public Administration or Business Administration or a minimum of ten years of progressively responsible municipal government experience as a City/Town Manager, Assistant Manager or Senior Municipal Department Director. Any additional job qualifications shall be established by Ordinance following the recommendation of the Personnel Director. At the time of the Chief Operations Officer's appointment, said person need not be a resident of the City or of the State of Connecticut, provided, however, the Chief Operations Officer must become a resident of the City within one (1) year [of said person's appointment.

(d) **Removal.** The Chief Operations Officer may be removed from office for cause, which shall not be political, upon the recommendation of the Mayor and the affirmative vote of two-thirds of the Common Council.

ARTICLE XVII CHARTER REVISION

§17-1 Charter Revision

No later than January 2027, and no later than every five (5) years thereafter, the Common Council shall appoint a Charter Revision Commission, pursuant to the General Statutes. Nothing in this section shall limit the right of the Common Council to appoint a Charter Revision Commissions other than the Commission required by this section.