

CITY OF NEW BRITAIN, CONNECTICUT

Charter Revision Commission
Regular Meeting
April 26, 2022

MINUTES

1. Call to Order.

Sharon Beloin-Saavedra called the meeting to order at 6:02 p.m.

2. Roll Call.

Members in Attendance: Sharon Beloin-Saavedra, Daniel Salerno, Neil Connors, Nathan Amos, Justin Dorsey, Carmelo Rodriguez and John Buckley.

3. Public Comment.

Beloin-Saavedra opened the floor to public comment. There were no comments from the public.

4. Approve April 21, 2022 Meeting Minutes.

The Commissioners were provided a copy of the draft minutes from the April 21, 2022 Regular Meeting for review and approval. A motion was made by Dorsey to approve the minutes. Motion was seconded by Amos. Approved 7-0.

5. To tentatively vote on draft language to revise the Charter to include a position of Chief Operations Officer to work with the Mayor for daily management of the City of New Britain.

Beloin-Saavedra informed the Commissioners that Shipman & Goodwin LLP had prepared a blackline of the Charter with all of the changes recommended by the Commission, including draft language regarding the Chief Operations Officer. The Commissioners decided to discuss Agenda items #5 and #7 under Agenda item #8 below, reasoning that they could review all of the draft language in the blackline of the Charter and the draft report and then vote on them as a whole.

6. To tentatively vote to revise the Charter to change the number of members on the Board of Education and the election process.

Beloin-Saavedra commented that upon further consideration of this topic, she would like to keep the Charter as it is currently written. She stated her belief that the Commission should minimize the number of changes to the Charter so that the public is able to better focus on the proposed changes the Commission deems most important. She asked the other Commissioners if any of them wanted to revise the Charter to change the number of members on the Board of Education. Discussion ensued and none of the members expressed an interest in taking action on this item.

7. To tentatively vote on draft language for housekeeping and general language revisions in the Charter.

As discussed in item #5 above, the Commissioners opted to discuss this item under Agenda item 8 below.

8. Review and provide comments on preliminary draft report of the City of New Britain Charter Revision Commission.

Beloin-Saavedra directed the Commissioners to the draft report and the blackline changes to the Charter contained in their meeting packages. The Commissioners asked Danielle Braun from Shipman & Goodwin to read the revised Charter in blackline form on a line-by-line basis. Danielle Braun began to read the Charter and asked the Commissioners to stop her with any questions or concerns.

The Commissioners first asked a question regarding the language in new Section 8-8 (Town & City Clerk) and Section 8-9 (Revenue Collector). The Commissioners asked Braun and Mary Pokorski from Corporation Counsel whether these sections should use the same phrases describing appointment as are used in Section 8-2b regarding the appointment of department heads. After some discussion, the Commissioners agreed that the language in Sections 8-8 and 8-9 should be consistent with the appointment language in Section 8-2b. Braun wrote down the language and read it back to the Commissioners for their approval.

After Braun read the new Article XV (Chief Operations Officer) the Commissioners engaged in a discussion regarding the pros and cons of including a detailed job description and list of qualifications in the Charter. The Commissioners agreed on minor revisions to the

proposed language, including inclusion of the language in Section 8-2b language regarding appointment of Department Heads.

Braun read the new Article XVII Charter Revision to the Commissioners and members of the public in attendance. The Commissioners discussed and agreed upon revisions to the draft language provided.

Braun directed the Commissioners to a partial list of endnotes to the Charter. She explained that these are not technically part of the Charter and have not been updated on a regular basis causing them to be inconsistent. After discussion, the Commissioners agreed that they the draft report to the Common Council should include a direction to the Common Council asking them to revise or update them.

Connors made a motion to approve the revised Charter, including the additional revisions approved today as well as any other clean-up/conforming changes suggested by legal counsel. Motion seconded by Rodriguez. Approved 7-0.

Beloin-Saavedra directed the Commissioners to the draft report contained in their packages. Braun reviewed each of the sections of the draft report with the Commissioners. Discussion ensued amongst the Commissioners and they suggested minor revisions to the report.

Beloin-Saavedra indicated that she believed that the recommendation regarding filling vacancies for elected officials should include language encouraging the Common Council to include party leadership when filling any vacancy. Other Commissioners agreed with the change. Salerno noted that he was opposed to adding this language.

Before the Commissioners voted on the draft report, Braun reviewed the additional changes suggested by the Commission. Dorsey made a motion to approve the revised draft report, including the additional revisions approved today as well as any other clean-up/conforming changes suggested by legal counsel. Motion seconded by Amos. Approved 7-0.

Beloin-Saavedra requested that Braun send the Commissioners revised versions of the blacklined Charter and the draft report, including the changes voted on by the Commission and any clean-up/conforming changes suggested by Shipman & Goodwin and/or Corporation Counsel. She asked Braun to send a copy of the revised draft report and the blacklined copy of the Charter to the Town Clerk. Braun agreed.

9. Discuss Charter Revision.

Beloin-Saavedra reminded the Commissioners that there is a meeting scheduled for Tuesday, May 10th (immediately following the public hearing). She told the Commissioners that given the fact that they voted on the draft report and the blacklined Charter at tonight's meeting, she would like to cancel the May 3rd meeting. She also said she wanted to cancel the May 19th meeting, and that after the May 10th meeting, the Commissioners could decide whether they wanted to also cancel the May 12th meeting. Discussion ensued. The Commissioners agreed to cancel the meetings on May 3rd and May 19th.

10. Adjournment.

Motion made by Salerno to adjourn the meeting at 7:18 p.m. The Motion was seconded by Connors. Approved 7-0.

Submitted by:

Cheryl A. Rodzen
Acting Recording Clerk

CITY OF NEW BRITAIN, CONNECTICUT

Charter Revision Commission
Regular Meeting
April 21, 2022

DRAFT MINUTES
(Subject to Approval)

1. Call to Order.

Sharon Beloin-Saavedra called the meeting to order at 6:02 p.m.

2. Roll Call.

Members in Attendance: Sharon Beloin-Saavedra, Daniel Salerno, Neil Connors, Nathan Amos, Justin Dorsey and Carmelo Rodriguez. John Buckley arrived at 6:04 p.m., see below.

3. Public Comment.

Beloin-Saavedra opened by explaining that the Commission was going to discuss whether a provision for minority party representation should be included in the Charter and if so, how it should be implemented. Beloin-Saavedra then opened the floor to public comment.

Alderman Paul Catanzaro stated that he is against all of the changes before the Commission, including minority party representation. He explained that he strongly supports the current composition of the Common Council, with two members elected from each of the five wards and five members elected at large, reasoning that the people with the highest number of votes are elected into office. He also commented that he is against Town Managers, stating that New Britain has been a political city since its inception and being elected keeps a person accountable. He does believe in a full time, second in charge person, appointed by the Mayor. He commented that changing the water board should be done in an ordinance (as opposed to in the Charter). Catanzaro concluded by expressing his belief that the Town Clerk and Tax Collector positions should remain elected positions.

Alderman Michael Thomson stated that does not agree with minority party representation and that he also feels that the people with the most votes should be elected to office.

Don Naples stated that he agreed with Alderman Catanzaro's position on minority party representation.

Alderwoman Desiree Costa confirmed with the Commissioners that they had received an email from Alderwoman Luz Ortiz-Luna regarding the ward system and minority party representation. Beloin-Saavedra noted that such email would be attached to the minutes from this meeting. Costa expressed her support for minority party representation, noting that it is innovative and that the current political climate demands that this concept be considered. She expressed her concern about having a super majority in the Common Council in the future. Costa added that she believes that minority party representation could bring people together and move the City forward in a positive direction.

Francisco Santiago stated that he likes the idea of minority party representation, as it opens the door to other parties and affiliations. He also expressed his concern with members of the Common Council who are also employees of the City and said there could be a conflict of interest. Santiago also stated his belief that vacancies should be filled by a person who is a member of the same political party.

Carlo Carlozzi provided a brief recap of the election process and political party representation of recent Common Councils. He stated he is in favor of minority party representation, that government works best when parties have to work together.

There being no further public comments, Beloin-Saavedra closed the floor to public comment.

4. Approve April 12, 2022 Meeting Minutes.

The Commissioners were provided a copy of the draft minutes from the April 12, 2022 Regular Meeting for review and approval. A motion was made by Salerno to approve the minutes. Motion was seconded by Dorsey. Approved 7-0.

5. To tentatively vote to revise the Charter to include changing the Common Council election provisions to a ward system with a minority representation requirement in each ward, as provided in Section 9-167a of the Connecticut General Statutes.

Beloin-Saavedra opened the discussion by stating she was going to ask all of the Commissioners to first state their individual positions on minority party representation, and if they supported minority party representation, how it should be implemented. She expressed her support in revising the Charter to require minority party representation and that each of the five wards should elect three candidates from each ward. She stated that political parties would be limited to running two candidates in each ward, so that the highest vote getters would be elected.

Dorsey expressed his support in revising the Charter to include minority party representation and agreed with the proposal expressed by Beloin-Saavedra for implementation.

Amos stated his support for minority party representation, as long as there is a good formula for implementation. He stated that he also agreed with the plan proposed by Beloin-Saavedra.

Buckley stated that he believes that given the political climate, minority party representation is important. He noted that he is impressed that the current Mayor, who has a super majority, suggested this change. He stated that he is in favor of the plan for implementation proposed by Beloin-Saavedra.

Connors commented that he believes that the current combination of ward and at large system can be confusing to new members of the community and believes that the system proposed by Beloin-Saavedra may be easier for residents to understand. He stated that he agrees with revising the Charter to include minority representation, including the plan set forth by Beloin-Saavedra.

Rodriguez stated that he is also in favor of minority representation and Beloin-Saavedra's proposed implementation plan. He reminded everyone that the Commission will likely propose language requiring a periodic Charter review, so if this new process doesn't work, it can be looked at during the next review process (if not sooner).

Salerno commented that he feels that this is an important decision and noted that public participation has really only been from current or former Alderman or those "in the know". He noted that he does not agree with the current ward system or minority party representation. He commented that the number of unaffiliated voters in the City has increased exponentially over the years and that he believes that the City has outgrown both geographic and political tribalism. He noted that he agreed with Alderman Ortiz-Luna's comments in her email to the

Commissioner regarding the merits of the at large system. He indicated that he would likely vote to against minority party representation, as he doesn't believe there is a need for it.

Discussion ensued amongst the Commissioners regarding the various points made by the Commissioners. Beloin-Saavedra reminded the Commissioners that direction chosen by the Commission was not the end point, it was only the beginning, as ultimately, the decision will be in the hands of the voters.

Dorsey made a motion to tentatively revise the Charter to change the Common Council election provisions to an all ward system, with a minority party representation requirement for each ward. The motion was seconded by Amos. Approved 6-1. Salerno was opposed.

6. To tentatively vote on draft language to require periodic Charter review.

Danielle Braun of Shipman & Goodwin LLP directed the Commissioners to sample language in their meeting package regarding periodic Charter review. Discussion ensued amongst the Commissioners regarding wording. Dorsey made a motion to include language stating "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 one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Common Council from appointing a Commission as required by this section". The motion was seconded by Salerno. Approved 7-0.

7. Discuss remaining Charter revision topics, including: (a) eliminating the Board of Water Commissioners and the Board of Public Works and replacing them with a combined Public Works / Utilities Board, (b) revising the number of members on the Board of Education and the Election Process, (c) revising the terms of office for elected officials, (d) revising the process for filling vacancies for elected officials, and (e) housekeeping/general language revisions.

(a) The Commissioners discussed eliminating the Board of Water Commissioners and the Board of Public Works and replacing them with a combined Public Works / Utilities Board. The Commissioners concluded that great care would need to be taken to make sure a revised

structure made sense and given the time allotted in the Charter revision timeline, and the complexity of any such changes, they were not going to pursue this change at this time.

(b) The Commissioners discussed revising the number of members on the Board of Education and the Election Process and concluded that they would continue to discuss this topic at the meeting on Tuesday, April 26, 2022.

(c) The Commissioners discussed revising the terms of office for elected officials. Salerno noted that he believed that the topic needed further consideration. Dorsey, Amos and Rodriguez indicated that they are in favor of two year terms. Connors, John Buckley and Beloin-Saavedra noted that they believe no action should be taken on this matter at this time. The Commissioners concurred that they would not take any action on this item.

(d) The Commissioners discussed revising the process for filling vacancies for elected officials and determined that this was not an issue for the Charter. They determined that they will include a suggestion in the report to the Common Council recommending that this change be put in the standing rules for the Common Council.

(e) The Commissioners discussed housekeeping / general language revisions and concurred that the reference to Director of Water be changed to Deputy Director of Utilities and to remove a few references to "he" in the Charter and replace with language consistent with the position being referenced in the particular section.

8. Review and provide comments of preliminary draft report of the City of New Britain Charter Revision Commission.

Braun directed the Commissioners to a copy of the draft report submitted by the prior Charter Revision Commission in 2016 and a form of draft report for the current Commissioners to consider. She explained that the 2016 report included an explanation of the topics that were considered and a blacklined copy of the Charter showing the recommended changes. The Commissioners agreed to use a similar form of report for their current recommendations.

9. Discuss Charter Revision.

Beloin-Saavedra recapped the schedule for the remaining meetings. She noted that there would be a Commission meeting after the public hearing on May 10th. She said the final draft report would be sent to the Town Clerk, when appropriate, and the Town Clerk would send it to

the Common Council. She noted to the Aldermen in attendance that she is hopeful that the Common Council would allow the Commissioners to present the report and their findings at a future Common Council meeting.

10. Adjournment.

Motion made by Dorsey to adjourn the meeting at 7:25 p.m. The Motion was seconded by Amos. Approved 7-0.

Submitted by:

Cheryl A. Rodzen
Acting Recording Clerk

DRAFT REPORT
CITY OF NEW BRITAIN
CHARTER REVISION COMMISSION

5/3/2022

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 City and Town 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 City and Town Clerk be changed from elective positions to appointed positions. The Commission felt that both the Revenue Collector and the City and Town 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" principal.

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 from 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.

Additional changes recommended by the Charter Revision Commission:

- 1) Amend the Charter to add a new Section ____ 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 "he", "they" and "Chairman" and replace such references with a direct reference to the person being discussed. See Sections _____ and _____.
- 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 fill any vacancy with a member of the same political party as the person whose seat has been vacated.*

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 City and Town Clerk be changed from elected to appointed positions?
- 3) Shall an appointed Chief Operations Officer, who shall directly report 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? (including periodic Charter revision?)

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.

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 City¹.
- (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 Charter³.

§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** ¹⁰. 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) Three members of the Board of Assessment Appeals ¹¹ (of whom no person shall vote for more than two members of said Board); (6) Eight Constables (of whom no person shall vote for more than four); (7) 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 ¹²; and, (8) 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 City Clerk and Board of Education whose term shall be four years.
- (d) **Residential Requirements for Elective Office** ¹³. 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** ¹⁴. Every officer of the City shall be sworn before entering upon the duties of office by the City Clerk. The form of the oath to be taken by the 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** ¹⁵.

- (1) **Vacancies Resulting From Changes In Member's Residence or Political Party Registration.** A member of 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 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 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 (23) 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 political party shall run more than two candidates 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

- (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 ⁸⁰ 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 ⁸¹, 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 ⁸².

- (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 ⁸⁴.** 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 ⁸⁵ and Additional Counsel ⁸⁶.**
 - (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 ⁸⁷.
 - (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 ⁸⁸.
- (c) **Duties ⁸⁹.** 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.

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

§8-8 - City Clerk [other option is to put this with Boards and Commissions, but those are more true "appointment" versus hiring process OR can combine with the new COO section]

- (a) **Appointment.** Effective November 11, 2025, the Town 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 Clerk shall be appointed upon the recommendation of the Mayor and an affirmative vote of the Common Council. The minimum qualifications for the Town Clerk shall be a Bachelor's Degree in public or business administration or related field and a certification as a Connecticut Certified Town Clerk (CCCTC). The Town Clerk shall serve a one-year probationary period.
- (b) **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.
- (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 ⁵².
- (b) **Deputies** ⁵³. 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 Town Clerk shall be appointed upon the recommendation of the Mayor and an affirmative vote 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 one-year probationary period.
- (b) **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 ⁵⁵.
- (c) **Reports** ⁵⁶. 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 ⁵⁷.
- (d) **Deliveries to Successor** ⁵⁸. 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.
- Payments to Treasurer** ⁵⁹. 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.

§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** ¹¹⁶. 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 ¹¹⁷ 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;

§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 their 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 their 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** ¹³³. 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** ¹³⁴. 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** ¹³⁵. 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** ¹³⁶. 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** ¹³⁷. 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 ¹³⁹.

- (b) **Inspection of Books** ¹⁴⁰. 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** ¹⁴¹. 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 shall be the Deputy Director of Public Works Utilities Division.

- (d) **Budget estimates** ¹⁴². The department shall comply with all provisions of the Charter relating to finances and budgetary procedures.

- (e) **Rates** ¹⁴³. 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** ¹⁴⁴. 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

- (v) **Ascertainment of damages; payment** ¹⁵⁹. 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** ¹⁶⁰. 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** ¹⁶¹. 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** ¹⁶². 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** ¹⁶³. 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** ¹⁶⁴. 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**~~¹⁶⁵. ~~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.~~Left Intentionally Blank.
- (b) **Transfer of functions** ¹⁶⁶. 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** ¹⁶⁷. 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** ¹⁶⁸. 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

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** ¹⁷². 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** ¹⁷³. 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** ¹⁷⁴. 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** ¹⁷⁵. (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** ¹⁷⁶. 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** ¹⁷⁷. 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 hesaid 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 hesaid 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** ¹⁷⁸. 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** ¹⁸¹. 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 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 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 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** ¹⁸². 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 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 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 ¹⁸³.

§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

ARTICLE XV 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 upon recommendation of the Mayor and the affirmative vote of two-thirds of the Common Council. The Chief Operations Officer shall be given a contract of at least four (4) years, subject to a probationary period [as described in the job description.]
- (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. The job description shall include any probationary period for the position. [or 12 month probationary period].
- (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 OR after the end of the probationary period].
- (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 one or more Charter Revision Commissions other than the Commission required by this section, but no such Commission shall be appointed if its appointment would preclude the Common Council from appointing a Commission as required by this section.

¹ Derived from S.L. 1905, No. 411, § 1.

² Formerly §133 of the **Charter** entitled "Term of office".

³ Derived from S.L. 1939, No. 4, §6.

⁴ Formerly §137 of the **Charter** entitled "Officers as electors, requirement"; derived from S.L. 1961, No. 420.

⁵ Formerly §101 of the **Charter** derived from S.L. 1905, No. 411, § 1. **STATE LAW REFERENCES** - Boundaries, marking and establishing, C.G.S. §7-113; Petition for change of Charter, C.G.S. §7-187 et seq.

⁶ Replaces §1101 of the **Charter** .

⁷ Replaces §102 of the Charter entitled "Rights and Obligations" derived from S.L. 1905, No. 411, Section 2. **STATE LAW REFERENCES** - Contracts in excess of appropriation forbidden, G.S. §4-100; Service of process on municipality, G.S. §52-57.

⁸ Replaces §103 of the Charter entitled "Execution of Powers....". **STATE LAW REFERENCE** -Municipal Ordinance powers, C.G.S. §7-14.

⁹ Replaces §§1102—1106 of the Charter entitled "Polling Places; notice", "Hours of Voting", "Manner of Operation; use of machines; challenges", "Voting Instructions" and "Tie Votes". Also replaces §§1121—1125 of the Charter entitled "Admission of electors, oaths", "Qualifications of voters, change of residence", "Voting Lists", "Arrangement of Lists; expenses" and "Removals from Voting Lists; changes".

¹⁰ Derived from §1141 of the **Charter** .

¹¹ Formerly the Board of Tax Review.

¹² This matter should be addressed in the Omnibus Ordinance.

¹³ Formerly §1142 of the **Charter** , derived from S.L. 1905, No. 411, § 15; Ref. of 4-23-63.

¹⁴ Formerly §1144 of the **Charter** , derived from S.L. 1905, No. 411, §23.

¹⁵ Formerly §1145 of the **Charter** , derived from S.L. 139, No. 4, §§ 4, 6. **STATE LAW REFERENCE** -Vacancies, how filled, C.G.S. §9-221.

¹⁶ **Note:** This provision replaces §1101 of the **Charter** entitled "Wards" and, quite simply, codifies the current State of affairs in New Britain.

¹⁷ Derived from §501 of the **Charter** . **REVISION NOTE** - This section was added to comply with 1957 Public Act No. 465, § 7 (Home Rule). **STATE LAW REFERENCES** - Barbed wire fences, consent to use of, C.G.S. §§47-47, 47-48. Contest in election of municipal officers, C.G.S. § 9-328. Health officer, fixing compensation of, C.G.S. §19-78. Memorials, consent to, C.G.S. §4-135. Police benefit fund, appropriation for, C.G.S. §7-296. Removal of Tax Collector from office, C.G.S. §12-167 Reports by collector to Common Council, C.G.S. §12-167. State building code administrator, appointment of, C.G.S. §19-396.