

CHARTER OF THE CITY OF HARTFORD, CONNECTICUT

- Ch. I. Incorporation and Boundaries, '' 1, 2
- Ch. II. Powers of the City, '' 1--6
- Ch. III. The Council, '' 1-21
- Ch. IV. The Mayor, §§ 1--6
- Ch. V. Elections, '' 1--3
- Ch. VI. Budget, '' 1--15
- Ch. VII. Borrowing, '' 1--6
- Ch. VIII. Financial Administration, '' 1--11
- Ch. IX. City Treasurer, '' 1--3
- Ch. X. Departments of Police and Fire '' 1--6
- Ch. XI. Department of Human Resources, '' 1--15
- Ch. XII. Pensions, '' 1--4
- Ch. XIII. Other City Officers and Boards, '' 1--5
- Ch. XIV. Planning and Zoning and Economic Development, '' 1--9
- Ch. XV. Miscellaneous and Transition Provisions, '' 1--5

Sec. 1. Incorporation.

The inhabitants of the State of Connecticut, dwelling within the territorial limits of the City of Hartford as the same now are or may hereafter be, shall continue forever hereafter to be a body politic and corporate by the name of the "City of Hartford"; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, and of

purchasing, holding, managing and conveying any estate real or personal; and may have a common seal and change and alter the same at pleasure. By virtue of this Charter said city shall be absolutely vested with, possess and enjoy all lands, tenements, hereditaments, property and rights, choses in action and estates, which at the effective date of this Charter were vested in said city.

Sec. 2. Boundaries.

The territorial limits of the body politic and corporate existing under the name of the City of Hartford shall continue to consist of all the land and territory situate within the present limits of the Town of Hartford, and the limits of said town and city shall be the same. The boundaries of the City and Town of Hartford are declared to be as follows:

- (a) Line between City and Town of Hartford and Town of Windsor. Beginning in the Connecticut River at the point of intersection of the east line of the Town of Windsor and the north line of the Town of Hartford which point is also the point of intersection of the west line of the Town of South Windsor and the north line of the Town of Hartford, thence westerly in a straight line, on a true bearing of north 88 degrees 13.00 minutes west, which line is the same line having a magnetic bearing of north 77 degrees 15 minutes west on December 8, 1905, to a stone (3) 17.80 feet northerly from the northwest corner of the foundation of the old farmhouse east of the railroad, now owned by A. Christiansen and formerly called the Hezekiah Marsh house, said stone being also 31.37 feet northwesterly from the northeast corner of said foundation. At the above described merestone (3) the city line deflects 5 degrees no minutes southerly and extends southerly about 236.9 feet to another merestone (4) marked "W" on its northerly side and "H" on its southerly side. Thence the city line deflects south 10 degrees 12 minutes and extends southerly about 369.6 feet to a brownstone merestone (5) with a grooved top, west of the railroad, set in 1889 on the site of a former stone. Thence the city line deflects about 33 degrees no minutes east or south and extends about 396 feet to a merestone (6) set December 8, 1905, on the site of a former stone. Thence the city line deflects east about 7 degrees 39 minutes and extends southerly about 1605.28 feet, passing through the building known as 16

Violet Street, through the building formerly known as 1168 Windsor Avenue; through the northwest corner of the building known as 12 Sunset Street, to a merestone (6A) marked "H" and "W" on opposite sides, located near the southeast corner of the brick garage building formerly known as 1134 Windsor Avenue, which merestone (6A) is about 96.74 feet south of the south line of Sunset Street measured along the city line, and 102.48 feet east of the east line of Main Street, formerly Windsor Avenue, as established by the city, measured along the city line. The last-described line intersects the north line of Violet Street at a point 290.95 feet west of the northwest corner of Violet and Midland Streets, making an angle with Violet Street of about 101 degrees 17.8 minutes, reading from west to north, intersects the north line of Sunset Street about 350.88 feet west of the northwest corner of Sunset and Midland Streets, making a similar angle with said street. Thence the city line deflects west about 50 degrees 19.7 minutes crossing Main Street, formerly known as Windsor Avenue, making an angle of about 62 degrees 25.75 minutes with said street, reading from south to west, about 701.9 feet to a point in the east line of Keney Park (7), which point is 4.34 feet north of a merestone marking an angle in said line of Keney Park. From the Connecticut River to this point (7) the line described herein is supposed to correspond with the ancient line of the Town of Hartford, as described in a perambulation of that line made in 1889, recorded in Hartford land records, volume 214, page 145, and resurveyed and markers replaced in 1905 jointly by the city engineer of Hartford and E. N. Phelps, surveyor for the Town of Windsor. From the above point (7) to a point (27) hereinafter described, the city and town line follows that established in 1897, special laws, volume XII, page 1174, as resurveyed in 1924 by Herbert G. Clark, engineer for the trustees of Keney Park, as follows: At the above-described point (7) in the east line of Keney Park 4.34 feet north of a merestone marking an angle in the line of said park, the city line deflects north about 103 degrees 48.50 minutes along the east line of Keney Park about 410.21 feet to a merestone (8), thence deflecting left about 0 degrees 30.4 minutes about 531.7 feet to another merestone (9), thence deflecting west about 15 degrees 28 minutes continuing along the line of said park about 461.70 feet to another merestone (10) at the northwest corner of a projection of the Town of Windsor. Thence deflecting about 84 degrees 42.8 minutes easterly about

796.11 feet along the line of Keney Park to another merestone (11); thence deflecting southerly about 17 degrees 57.5 minutes about 247.64 feet to a chisel mark on top of an ornamental fence post built of trap rock (12) marking the south end of the frontage of Keney Park on Windsor Avenue. Thence the city line deflects 77 degrees 09.5 minutes northerly along the west line of Windsor Avenue, 18.43 feet to a granite merestone (13), thence deflecting left 13 degrees 17.4 minutes about 169.28 feet, to a merestone (14) on said street line; thence deflecting west 17 degrees 31.4 minutes and continuing about 461.96 feet to a chisel mark on top of stone cap of another ornamental stone fence post of trap rock (15), marking the northeast corner of Keney Park. Thence the city line deflects west making an angle of 88 degrees 47.70 minutes, reading from the south, and runs along what was at one time the north line of Keney Park about 7529.52 feet to a concrete merestone (27) in the east line of the Town of Bloomfield, which stone also marks the southwest corner of the Town of Windsor, and is marked "H.C.M.S." on a bronze cap on its top. This course is marked by granite stones, each marked "H" and "W" set at the following-described intervals along the last-described line, beginning at the east or Windsor Avenue end: 660.25 feet, 590.05 feet, 729.92 feet, 659.90 feet, 600.10 feet, 720.04 feet, 660.08 feet, 729.90 feet, 589.96 feet, 659.88 feet, 660.00 feet and 269.44 feet to the merestone at the southwest corner of the Town of Windsor, described above.

- (b) Line between City and Town of Hartford and Town of Bloomfield. The line between the City and Town of Hartford and the Town of Bloomfield begins at a merestone (27) at the southwest corner of the Town of Windsor and at the northwest corner of Keney Park; thence southerly in a straight continuation of the line between the Towns of Windsor and Bloomfield north of said stone (27), along the west line of Keney Park about 944.93 feet to a concrete merestone (28) set in 1928 about 18.67 feet north of the north line of Tower Avenue, measured on said city line extended. Said stone is about 0.82 feet south of the boulder marked "H," "W," "B" and "1835" described in the perambulation of the town line in 1889, recorded in Hartford land records, volume 214, page 145. The line thus far described is the western side of the area added to the City and Town of Hartford in 1897, special laws, volume XII, page 1174, being the former line between Windsor

and Bloomfield; which line if extended south will pass through a granite merestone at the point of curvature of the north line of Tower Avenue. Thence the town line deflects west about 88 degrees 35 minutes and extends about 66 feet to a point in the north line of Tower Avenue as established by vote of the court of common council of the City of Hartford on April 18, 1904. Thence the town line continues as established by an act approved May 15, 1939, (1939 S.L. 163) i.e., westerly along and coincident with the north line of Tower Avenue, being a straight extension of said north line established as above to the intersection of said line with the east line of Coventry Street, as established by The Metropolitan District Commission on July 11, 1932. Thence the town line extends northerly along and coincident with the east line of Coventry Street, established as above, to a point about 118 feet south of the south line of East Burnham Street. Thence said line continued northerly along and coincident with the east line of a street variously known as Coventry Street and Fairlawn Avenue, to a point opposite the north line of the building lots on the north side of East Morningside Street, being 100 feet north of the northeast corner of said Fairlawn Avenue and East Morningside Street. Thence the town line crosses Fairlawn Avenue and continues west along the north line of lots on the north side of East Morningside Street, 100 feet north of and parallel to the north line of said East Morningside Street as said street line was established by vote of the court of common council of the City of Hartford on June 13, 1932, to the east line of Blue Hills Avenue. Said point in the east line of Blue Hills Avenue is the westerly terminus of the portion of the Hartford-Bloomfield town line which was altered and established by the act approved May 15, 1939. Thence the town line extends westerly to a brownstone merestone (40) marking the northwest corner of the City and Town of Hartford and the northeast corner of the Town of West Hartford. This course of the city line passes through two merestones (35) and (36) 2 feet out from the street lines of Blue Hills Avenue; a stone 2 feet west of the east line of Cornell Street (37); a stone 2 feet east of the west line of Palm Street (38); and a granite monument marked "H" and "B" on its respective sides, located about 1476 feet east of the center of the Central New England Railroad tracks and about 2509.3 feet east of the brownstone merestone (40) at the northwest corner of the city. West of Blue Hills Avenue this course of the city line

is 100 feet north of and parallel to the north line of Morningside Street west as that street is now laid out between Blue Hills Avenue and Canaan Street. The last-described course of the line between the City and Town of Hartford and the Town of Bloomfield follows the westerly portion of the perambulation of 1890, recorded in Hartford land records, volume 214, page 208, as that line was resurveyed and in part re-marked by the department of engineering of the City of Hartford and by E. M. Peck acting as surveyor for the Town of Bloomfield in January, 1928.

- (c) Line between City and Town of Hartford and Town of West Hartford. Beginning at a brownstone merestone (40) which marks the northwest corner of the City of Hartford and the northeast corner of the Town of West Hartford, thence southerly making an interior angle with the south line of the Town of Bloomfield of about 85 degrees 41 minutes about 7170 feet, more or less, to a merestone (43) in the north line of Albany Avenue. This course of the city line is further marked as follows: About 2556.18 feet south of the point of beginning (40) it passes through a granite monument (41) about 300 feet north of the north bank of the Park or Woods River, which monument is marked "H" and "WH" on its east and west sides and which was reset in perambulating the line in 1890, see Hartford land records, volume 214, page 200. The line is also marked by a brownstone monument (42) marked "H" and "WH" located about 2262.2 feet south of the last-described stone (41) at the east side of Bloomfield Avenue. The city line crosses Bloomfield Avenue obliquely, making an angle with the line of that street south of this intersection of about 12 degrees 33.25 minutes, also passing through the veranda of the house known as 145 Bloomfield Avenue at a distance of about 1.45 feet from the brickwork at the southeast corner of that house. The present highway stone (43) at the north line of Albany Avenue is about 2.43 feet north of the site of the former town line stone (44) at that point. Thus far the line between the City and Town of Hartford and the Town of West Hartford follows the line of the Parish of the Society of West Hartford, as established in 1806 by special laws, volume 1, page 555, which parish later became the Town of West Hartford, so far as those lines can be reproduced. For further description of this line see Hartford land records, volume 214, page 200. From the north line of Albany Avenue to the north line of Farmington Avenue the west line of the City of Hartford

is coincident with the west line of Prospect Avenue by 1915 special laws, page 214. From the north side of Albany Avenue south about 1176 feet from the west line of Prospect Avenue was coincident with the former town line marked by the former stone (44) near the present stone (43) at the north line of Albany Avenue and a stone (45) near the property line between numbers 1155 and 1161 Prospect Avenue. Thence to a granite merestone (46) on the northwest street corner of Prospect Avenue and Asylum Avenue the west line of Prospect Avenue follows the line of land deeded by Beach for said street, or about 10 feet west of the older line. Thence across Asylum Avenue about 60.09 feet to a granite stone (47) under the roadway at the southwest corner of Asylum and Prospect Avenues, 61.37 feet west of the east line of Prospect Avenue. Thence southerly along the west line of Prospect Avenue, 903.72 feet to a stone (48) at the south line of Elizabeth Park, about 62.12 feet west of the east line of Prospect Avenue; thence deflecting west, about 1484 feet to a granite stone (49) on the northwest street corner of Prospect Avenue and Fern Street, about 74.67 feet west of the east line of Prospect Avenue at right angles thereto; thence to Farmington Avenue 70 feet from the east line of Prospect Avenue. From the north line of Farmington Avenue southerly to the north line of Park Road as at present laid out in West Hartford, the city line is coincident with the west street line of Prospect Avenue. Thence the city line extends easterly on a straight extension of the north line of Park Road as at present laid out west of Prospect Avenue to the extension southerly of the east line of Prospect Avenue as laid out north of Park Street. Thence the city line extends southerly along a straight extension of the east line of Prospect Avenue as laid out north of Park Street to the intersection of said straight extension with a straight northerly extension of the east line of Prospect Avenue as laid out south of Park Street. Thence the city line extends southerly along said extension of the east line of Prospect Avenue, and along the east line of said Prospect Avenue as laid out in 1898 to a point 410 feet northerly from the north line of Merrill Street. Thence east at right angles to said east line 4.00 feet. Thence southerly along the east line of Prospect Avenue, as laid out by the City of Hartford on October 14, 1969, and its southerly extension to the east line of New Park Avenue. Thence the city line runs south along an extension northerly of the east line of New Park Avenue as laid out by the

Town of West Hartford by vote of the West Hartford town council July 16, 1935, as described above, about 353.35 feet to the intersection of said east street line with a former town line and is marked by a granite merestone (51). The town line along this portion of New Park Avenue was altered in 1939 (1939 S.K., p. 165) to make the town and city line coincident with the east line of New Park Avenue as that avenue had then recently been widened. From Farmington Avenue to the point in the east line of Prospect Avenue, 410.00 feet north from the north line of Merrill Street, the town line as described herein follows the line established by an act approved May 15, 1939, to be found in 1939 special acts, page 165. Thence the town line deflects easterly about 30 degrees 37.50 minutes and extends southerly about 4651.57 feet to the southerly line of New Britain Avenue. This course was more particularly marked, or defined in 1928 as follows: About 699.90 feet south of east line of New Park Avenue the city line passes through a concrete merestone (52), 2 feet north of the south line of Flatbush Avenue near the east line of the right-of-way of the Penn-Central Company, formerly known as the New York, New Haven and Hartford Railroad Company, and about 176.49 feet west of a city merestone opposite beveled street corner of Flatbush Avenue and Newfield Avenue. This stone (52) was set in 1924 to supersede a former monument near the same point. About 1691.30 feet south of the merestone (52) at Flatbush Avenue, the city line passes through a granite stone (53) marked "WH" and "H" described in the perambulation of this line made in 1890, recorded in Hartford land records, volume 214, page 200. About 2260.26 feet south of the last-named stone (53), the city line crosses New Britain Avenue and passes through a stone (54), 2.09 feet north of the south line of New Britain Avenue (measured in said city line) to the south line of New Britain Avenue. The city line makes an angle with New Britain Avenue of about 72 degrees 50.125 minutes reading from north to east. Thence westerly along the south line of New Britain Avenue 9.22 feet to the point of intersection of the south line of New Britain Avenue and the east line of Hollywood Avenue. Thence southerly along the east line of Hollywood Avenue, as established by the Town of West Hartford September 3, 1941, to the point of intersection of the east line of Hollywood Avenue and the north line of Marion Street (referred to in the 1890 perambulation as Mountain Avenue). Thence east along the north line of Marion Street 0.69 feet to the point of intersection of the north line of Marion

Street and the existing city line. Thence southerly to a concrete merestone (55) set at a point 367 feet south of the south line of Marion Street, marking the southwest corner of the City and Town of Hartford and the southeast corner of the Town of West Hartford.

- (d) Line between City and Town of Hartford and Town of Newington. The south line of the city begins at a concrete merestone (55) about 367 feet south of Marion Street and about 1.79 feet east of the range of the east line of Hollywood Avenue produced southerly, which stone marks the southeast corner of the Town of West Hartford. Thence the city line makes an interior angle of 86 degrees 33.50 minutes, reading from north to east, and extends easterly about 1265.87 feet to a concrete merestone set on the site of a former brownstone merestone (56) near Newington Avenue. Thence it deflects northerly about 0 degrees 26.3 minutes and extends about 997.26 feet to a granite merestone (57) marked "1891" standing on top of Cedar Mountain, so-called, at the northeast corner of the Town of Newington and the northwest corner of the Town of Wethersfield.
- (e) Line between City and Town of Hartford and Town of Wethersfield. The boundary between the City and Town of Hartford and the Town of Wethersfield begins at a granite merestone (57) marked "1891" standing on top of Cedar Mountain at the northeast corner of the Town of Newington; and extends thence easterly in a straight line about 4071.29 feet to an angle point (61) in Ridge Road 32.23 feet beyond a concrete stone on this line, passing through a stone (59) marked "C.H.D." standing at the west side of the New Haven Turnpike as that highway is marked south of the city, or about 11.7 feet east of the west line of Maple Avenue as that street line has been established by the city; about 138.22 feet east of this last stone (59) the city line passes through a concrete stone (60) marked "H.C.M.S." on four top corners, set 2 feet east of the west line of Ridge Road as established by the city, 32.23 feet east of this last stone (60) is the site of a former stone (61) in Ridge Road at which point is an angle in the city line. At the point (61) last above-described, in Ridge Road, the city line deflects northerly about 4 degrees 27 minutes and extends thence easterly about 4456.93 feet to a red sandstone merestone (63) about 500 feet west of Franklin Avenue standing in the north fence line of property formerly of Goodrich and located about

138 feet from the south line of Victoria Road in the rear of premises known as 161 Victoria Road. At the stone last mentioned (63), the line deflects northerly about 0 degrees 40 minutes and continues east in general along the rear lines of lots facing the south side of Victoria Road, passing through a granite merestone (64) marked "1891" standing in the rear of premises known as 21 Victoria Road. This last-named course is parallel to and 140 feet south of the south line of Victoria Road as established between Franklin Avenue and Wethersfield Avenue. From the stone (64), the city line extends east, crossing the former bed of Folly Brook, Wethersfield Avenue and the tracks of the Connecticut Valley Railroad to a granite merestone (65) set in 1891, marked on its west face "1891" and on its east face "NF 1636," being the monument commonly known as the "NF" or Nathaniel Foote stone. This "NF" stone (65) is about 10.23 feet east of the east line of property of the Standard Structural Steel Company and within property purchased by the City of Hartford in 1930 for the South Meadows dike. At the "NF" stone (65), the city line deflects southerly about 1 degree 52 minutes and runs easterly across the South Meadows about 1635.10 feet to another merestone (66) standing on what was formerly known as "Standish Island." Thence the line continues in the same course about 1177.64 feet to a concrete merestone (67) marking the site of a former brownstone merestone. This concrete merestone (67) is at the intersection of this line, formerly known as the "Pennywise line" and the line formerly known as the "Pewter Pot Brook line." At the last-described stone (67), the city line deflects southerly about 27 degrees 32 minutes and runs about 1376 feet to another stone (68) about 300 feet west of the Connecticut River. Thence deflecting to the south about 0 degrees 15.50 minutes the line extends to and across the Connecticut River to the southeast corner of the City of Hartford. This line between the City and Town of Hartford and the Town of Wethersfield follows the line perambulated in 1892 by representatives of the two towns concerned as recorded in Hartford land records, volume 222, page 229, to which reference may be made.

- (f) Line between City and Town of Hartford and Town of East Hartford. The eastern boundary of the City and Town of Hartford is the centerline of the Connecticut River (at the ordinary stage of water therein).
- (g) Line between City and Town of Hartford and Town of

South Windsor. The easterly boundary of the Town and City of Hartford is the centerline of the Connecticut River (at the ordinary stage of water therein).

CHAPTER II. POWERS OF THE CITY

Sec. 1. General grant of powers.

The city shall have not only all the powers specifically granted by this Charter but all powers fairly implied in or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the city the exercise of which is not expressly forbidden by the constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as in addition thereto.

Sec. 2. In addition to all powers specifically granted by this Charter, the city shall have all powers now granted or that may hereafter be granted to ~~cities~~ municipalities under the Constitution and laws of Connecticut.

Sec. 3. Subject to the provisions of this Charter, the City shall have power to defray the whole or any part of the cost of any public work or improvement by the assessment of benefits on the owners of real estate, including the State of Connecticut, specially benefited by such work or improvement, whether or not such real estate abuts upon such work or improvement, and to enforce and collect such assessments as a personal liability of the owner or directly as a lien on the lands benefited; provided the owner of any property damaged by such improvement shall be entitled to receive from the city the actual amount of such damage apart from any benefits on account of such work or improvement, and the amount of benefits assessed shall be set off against the amount appraised as damages or vice versa as the case may be. The city shall provide by ordinance for the extension of time for, and the manner of payment of, all such assessments and may issue and dispose of assessment certificates covering the

amounts of any extended assessments. Nothing in this section shall apply to the mere repairing or reconstructing of any existing work or improvement once completed.

Sec. 4. Liens for work performed by the City.

If the owner of any building, the condition of which constitutes an immediate threat to life, health, or safety or is otherwise unfit for human habitation fails to comply with any order to repair or remove such building or portion thereof, issued pursuant to the General Statutes or to the ordinances of the city, or when there exists actual and immediate danger of the falling of any structure or part thereof, so as to endanger life or property, the official charged with enforcement of such provisions may proceed forthwith to cause to be done all work required to be done in compliance with such an order, and if necessary, to demolish any structure or structures covered by any such order, and the city shall have a lien on such building and land for the cost of such work or demolition, which lien, if for work done rather than for demolition, shall take precedence over any other lien on the premises recorded after the effective date of this act, including mortgage liens but excepting liens for real estate taxes, provided that the person entitled to such other lien shall have been given written notice of the city's intention to undertake said work at least ten (10) days prior to the commencement thereof, and the city may recover the cost of the work or demolition from the owner of such building or structure by appropriate proceeding on complaint of said ~~director~~official.

Sec. 5. Power to adopt regulatory ordinances.

The city shall have power to adopt ordinances not in conflict with the General Statutes or the provisions of this Charter, for the preservation of the public peace, health, safety, comfort and welfare of the inhabitants of the city, and to provide penalties for the violation thereof enforceable in the city and police court but not exceeding a fine of one hundred dollars (\$100.00) or imprisonment for more than thirty (30) days or both. Any individual, firm, corporation or association violating any such ordinance shall be liable to the city in a civil action for any damages caused by or arising out of such violation. The city shall have power to require wherever necessary in the execution of its powers permits or licenses and to fix the amount to be paid therefor.

6. Eminent domain.

The city, in carrying out the powers and duties conferred or

imposed on it by this Charter or the General Statutes, shall have power to acquire within or without the city lands, buildings and other structures, any interest or estate in land and air rights over land, and may take the same upon paying just compensation to the owner thereof in the manner provided in Title 48 of the General Statutes as amended.

CHAPTER III. THE COUNCIL

Sec. 1. The Council.

The Council shall consist of fifteen members elected in accordance with the provisions of Section 2 of this Chapter. The legislative power of the City shall be vested in the Council.

Sec. 2. Allocation of Members

Three (3) members of Council, no more than two (2) of whom may be members of the same political party, shall be elected from each of five electoral districts established pursuant to section 17 of chapter III of this charter. No one who is not a resident of an electoral district shall be eligible to be elected to represent that district.

Sec. 3. Term of Office

The term of office of a member of Council shall be ~~two~~ (2)four (4) years and shall commence at 12:01 A.M. on January 1, 2002 and quadrennially thereafter. ~~next succeeding the date of the election at which that member of Council was elected.~~

Sec. 4. Vacancies Resulting From Changes In Member's Residence or Political Party Registration

A member of Council elected from a district shall be deemed to have resigned upon ceasing to be a resident of that district. If as a result of the change in political party registration of a member of Council more than two (2) of the members of Council from a single electoral district are members of the same political party, the member who changed political party registration shall be deemed to have resigned.

Section 5. Filling Vacancies

A vacancy in the Council, from whatever cause arising, shall be filled by majority vote of the 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 further provided

that any 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. Subject to the provisions of section 7 of this chapter and of section 9-221 of the general statutes, the Council shall fill any vacancy in any elected office by appointment until the next municipal election. The appointee shall be of the same political party as the appointee's predecessor.

Sec. 6. Compensation and Restrictions on Holding Office

Each member of council shall receive no less than the sum of fifteen thousand dollars (\$15,000.00) annually as compensation, together with reimbursement for just and necessary expenses incurred in the performance of the member's duties. The council may review the amount of said compensation and of compensation of the Mayor and enact revisions thereof by ordinance. Except as provided in chapter III, section 18(k) of this Charter, any such ordinance which provides for an increase in compensation or non-cash benefits shall become effective only upon approval of said ordinance by the electors of the city at a referendum held at the next regular municipal election, whereupon it shall become effective at the next term of the council. No member of the council shall hold any office of profit under the government of the United States, the State of Connecticut, or any subdivision thereof, except that of notary public, nor shall any member of Council, during the term of office for which the member was elected and for one (1) year thereafter, be appointed to any other office of profit under the government of the City of Hartford.

Sec. 7. Organizational Meeting and the Council President

The Council shall be convened by the Mayor at 7 p.m. on the first Monday immediately following January 1st of each even-numbered year for an organizational meeting. The City Clerk shall administer the oath of office to all members. Thereafter, the first order of business shall be to elect from among the Council's membership a presiding officer, who shall be designated the Council President. The Council President shall serve as such for two years, and a member may be elected to an unlimited number of successive two-year terms as Council President. The Council shall fill any vacancy in the office of Council President by election of a new Council President, who shall serve for the remainder of the two-year term, from among its members.

The Council President shall preside over meetings of the Council, without thereby losing the right to vote or to speak as a member of Council, and shall have such other powers and obligations as may be assigned to the presiding officer by the Council's rules, by ordinance, or by this Charter. The Council may provide in its rules for the designation of a member to preside in the absence of the Council President and, if there is

no such provision in the Council rules, the Council President shall designate a temporary presiding officer whenever the Council President is absent from a Council meeting.

In the event that the position of Mayor becomes vacant, the Council President shall succeed to the position of Mayor for the remainder of the Mayor's term, and the Council President's position on the Council shall be filled as provided in section 5 of this chapter.

The Council may remove the Council President from the presidency at any time by a vote of a majority of its full membership, exclusive of vacancies, at a special meeting duly called for that purpose.

Sec. 8. Meetings

(a) *Regular Meetings.* The Council shall have regular meetings at a time and place determined by resolution, except that the Council shall have at least one regular meeting a month.

(b) *Special meetings.* Special meetings may be held at any time the council may direct and also may be called on forty-eight (48) hours' notice by the mayor, the Council President, or any five (5) members of the council. The notice of any special meeting shall be in such form and shall be delivered in such manner as the council shall prescribe by ordinance. It shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such special meeting.

(c) *Emergency meetings.* In the event a public emergency arises or threatens to arise involving or threatening the lives or property of the inhabitants of the city or the property of the city, the mayor may call an emergency meeting of the Council upon three (3) hours' notice and may summon Council members to attend such meeting in such manner as the Council may prescribe by ordinance. Notwithstanding any provision of law or this Charter to the contrary, at such meeting, the Council may transact any item or items of business relevant to such emergency.

(d) All meetings shall be open to the public.

Sec. 9. City clerk.

The council shall appoint a town and city clerk to serve for an indefinite term. The town and city clerk holding office at the effective date of this amendment shall continue to hold office until resignation, retirement, death or removal for other cause. The town and city clerk, hereafter referred to in this Charter as the city clerk, shall have all the powers and duties conferred or

imposed by law on town clerks, shall act as clerk of the council and shall have such other powers and duties as are prescribed in this Charter or by the council. The city clerk shall appoint and remove, subject to the provisions of Chapter XVI of this charter, all deputies, assistants or employees in the city clerk's office. The city clerk shall receive a compensation to be fixed by the council and all fees collected by the city clerk shall be paid into the city treasury. It shall be sufficient attestation of the land records in the care or custody of the city clerk when each volume of such land records shall bear a certificate of attestation with the written signature of the officer charged with the care of such records and authorized by law to record or file the same, providing nothing herein contained shall relieve the city clerk or the city clerk's assistant from noting the discharge of a mortgage, lien or other encumbrance on the margin of the record of such mortgage, lien or other encumbrance.

Sec. 10. The Council Journal.

The Council shall keep for public inspection a journal which shall be the official record of its proceedings. The Council journal shall be available to the public electronically and shall be published in such manner as the Council shall determine.

Sec. 11. Rules of procedure.

The Council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure.

Sec. 12. Voting.

No ordinance, resolution, motion or vote shall be passed by the Council, except motions of a purely procedural nature, unless it shall have received the affirmative votes of at least a majority of the full membership of the Council, exclusive of any vacant positions. All voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

Sec. 13. Ordinances, when required.

In addition to such acts of the council as are required by the General Statutes or by other provisions of this Charter to be by ordinance, every act creating, altering or abolishing any

agency, office or employment, or assigning or reassigning the same to departments, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

Sec. 14. Form of ordinances.

Every ordinance, except the annual budget ordinance and an ordinance making a general codification of ordinances, shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in written or printed form. All ordinances which amend or repeal existing ordinances shall set forth in full the section or subsection to be amended or repealed and if it is to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring. When published prior to enactment in a newspaper or otherwise the same indications of omitted and new matter shall be used except that italics may be substituted for underscoring. The enacting clause of all ordinances shall be: "Be it ordained by the court of common council of the City of Hartford." Unless another date is specified therein an ordinance shall take effect on the tenth day following its passage.

Sec. 15. Procedure for passage of ordinances.

- (a) *Introduction, first reading and publication.* An ordinance may be introduced at any meeting by the mayor, by any member of the Council, or any committee thereof. Upon introduction it shall be read a first time and a day and hour set, not earlier than the seventh day thereafter, at which the Council or a committee thereof shall hold a public hearing thereon. Such hearing may be at a regular meeting of the Council or at such time and place as the Council may order and may be adjourned from time to time. It shall be the duty of the city clerk to publish the title and/or statement of purpose of every ordinance introduced, within three (3) days after its introduction, as a paid advertisement once in a daily newspaper of general circulation in the city, together with a notice of the time and place at which the public hearing thereon shall be held and notice that a full copy of the ordinance is on file in the office of the city clerk for public inspection. Immediately upon publication, the city clerk shall place a copy of the publication clipped from

such newspaper, together with a copy of the ordinance, in a file for use of the Council. Copies of the ordinance shall be maintained in the office of the city clerk in suitable form for inspection and distribution.

- (b) *Public hearing, second reading and passage.* No ordinance, except an emergency ordinance as defined in subsection (c) of this section, shall be read the second time and passed less than three (3) weeks following its introduction nor until the conclusion of public hearings thereon. The council shall have the option to accept or reject an amendment at that meeting, or, to reassign the entire matter for public hearing as an original ordinance. If the amendment is approved and if the amendment is substantial, the proposed ordinance, as amended, shall be republished and assigned for public hearing, as provided in the case of a newly introduced ordinance, and shall not be finally passed prior to two (2) weeks following such amendment. If the amendment is defeated, the ordinance may be finally passed at that meeting.
- (c) *Emergency ordinances.* Emergency ordinances for the immediate preservation of the public peace, health and safety may be introduced at any meeting. An emergency ordinance shall be read a first time and published as provided in the case of other ordinances and may be read a second time and passed with or without amendment at any regular, special or emergency meeting subsequent to such publication. An emergency ordinance shall contain a specific statement of the emergency. The affirmative votes of four-fifths (4/5) of the entire membership of the Council, exclusive of vacancies shall be necessary for the adoption of an emergency ordinance.
- (d) *Approval of ordinances and appropriations by the mayor.*
 - (i) Every ordinance, except an emergency ordinance, a budgetary appropriation ordinance, and a tax levy ordinance, shall, before it becomes effective, be certified by the city clerk to the mayor for the mayor's approval. The mayor may sign the proposed ordinance, whereupon it shall become effective in accordance with its terms. The mayor may, within seven (7) days, return a proposed ordinance to the city clerk with a statement of the reasons for disapproval, which statement shall be transmitted by said clerk to the council at its next regular meeting. If the council shall pass the proposed ordinance by an affirmative vote of at least ten (10) members within fourteen (14)

days or at the next meeting of the council held after such ordinance has been returned with the mayor's disapproval, whichever is later, it shall become effective without the mayor's approval. If the mayor does not return the proposed ordinance within the time required, it shall become effective without the mayor's approval.

- (ii) Subject to the provisions of chapter VI section 8(a), chapter XII section 4(k), and chapter XIII section 6(d), the mayor may disapprove or reduce any item or items of expenditure in any proposed appropriation. If the mayor disapproves or reduces any item or items of expenditure, the mayor shall, within two (2) days after submission to the mayor pursuant to section 8(b) of Chapter VI hereof, return it to the city clerk together with a statement of the reasons for the disapproval or reduction. The city clerk shall transmit said statement to the council forthwith. In the event the mayor shall disapprove or reduce any item or items of expenditure, the approved portion thereof shall become effective unless the disapproved or reduced portion thereof is passed over the mayor's veto by an affirmative vote of ten (10) members of council within the time allowed for adoption of the budget or passage of an appropriation hereunder, whereupon the item or items of expenditure shall become effective as finally passed. Failure of the mayor to act upon any proposed item or items of expenditure within two (2) days as above set forth shall constitute approval of the proposed item or items of expenditure.

- (e) *Waiver of reading.* By the unanimous consent of the council members present, any first or second reading, or both, of an ordinance may be waived and said ordinance read by title and statement of purpose.

Sec. 16. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number, printed in the journal, and recorded by the city clerk in a book to be kept for that purpose which shall be properly indexed. All ordinances for the violation of which a penalty is imposed or which impose any burden on or limit the use of private property and all ordinances authorizing the issuance of bonds shall be published by the city clerk once in a daily newspaper of general circulation in the city, within three (3) days of their passage, in the same manner and form as provided in section 15(a) of Chapter III of this charter. At least every ten (10) years,

there shall be prepared under the direction of the corporation counsel by a competent legal publishing house employed by the city a codification of all ordinances in force, eliminating all obsolete and conflicting provisions. Said codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage it shall be published in loose-leaf form. Copies of all ordinances shall be printed as promptly as possible after their passage in the same loose-leaf form as the codification, for distribution.

Sec. 17. Establishment of Council Districts

(a). No later than February 1 in the year following the year of the decennial federal census, the Council shall appoint a districting commission consisting of seven (7) to fifteen (15) members, no more than fifty (50) percent plus one of whom shall be members of the same political party. The districting commission shall report to the Council no later than the second Monday in April, setting forth the recommended boundaries of five (5) council districts. If the districting commission fails to file its report with the Council Clerk by the close of business on the second Monday in April, the provisions of subsection (f) of this section shall be invoked.

(b). 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; and (3) shall be geographically contiguous and compact.

(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.

(d). The districting commission shall hold a public hearing at least one week before it submits its report to the Council, and shall make a tentative map of its proposed districts available to the public electronically, in hard copy available at the 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 Council.

(e). The Council shall vote on the establishment of Council districts within three (3) weeks of its receipt of the districting commission's report. The Council may amend the district boundaries recommended by the districting commission

before approving districts, but the districts approved by the 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 Council, exclusive of vacant positions, and shall not be subject to veto by the Mayor.

(f). If the Council shall fail to approve 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 City Clerk delineating Council District boundaries within three (3) weeks of its appointment. The report of this Commission shall establish the boundaries of Council Districts.

Sec. 18. Powers of the Council.

The council shall have the power:

- 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, and to implement all of the powers set forth herein or otherwise conferred upon the City for which regulation or legislation is required;
- b. To adopt the capital and operating budgets of the City and the Board of Education budget, as provided in this Charter;
- c. To exercise the powers specifically granted to the Council in this Charter or by statute;
- d. To approve, by majority vote of its membership, exclusive of vacancies, appointments to all boards and commissions and all appointments by the mayor to permanent positions pursuant to chapter IV §§ 5(p) and 6. Pending action by the Council, which shall be completed within thirty (30) days of the submission of the nomination by the Mayor, a proposed appointee to a position may perform the duties and exercise the powers of the position. The Mayor may continue a rejected nominee in office in an acting capacity by resubmitting the candidate's name for approval at the Council's next regular meeting, but the Mayor may not submit the same name more than two times. The Mayor may designate an individual to hold a position in an acting capacity pending the selection of a nominee, but no person may hold such a position for more than six (6) months without being submitted for confirmation by the Council. - If a nomination to a position or to a board or commission provided that if a nomination has not been affirmed or rejected by vote of the Council within two (2) regular meetings thirty (30) days of the

- submission of the nomination by the Mayor, it shall be deemed to have been approved;
- e. To establish the fees charged by City agencies;
 - f. In the name of the City, to receive gifts of money or property in excess of a value to be determined by the Council from time to time by ordinance. Gifts of a lesser value than specified in such an ordinance may be received by the Mayor, or by persons the Mayor may designate, in the name of the City;
 - g. To undertake public improvements and to assess benefits and damages therefor, in the manner provided in this Charter;
 - h. To approve labor agreements and employment contracts, but excepting employment arrangements for the ~~Corporation Counsel, Deputy Mayors, and other~~ non-classified appointees of the Mayor;
 - i. To approve the purchase, sale, ~~or~~ lease or other transfer of real property;
 - j. To provide by ordinance for such staff and other assistance as the Council may deem appropriate to meet its needs, providing that due appropriation has been made therefor, and to provide by ordinance for the method of hiring and terminating such staff.
 - k. To increase by ordinance any dollar amount in this Charter, including the compensation of the Council and Mayor, by an amount no greater than the change in the consumer price index, or any similar published index in the event the consumer price index is discontinued, provided that any such ordinance increasing the compensation of the Council and Mayor shall be enacted only in the first five (5) months of the calendar year in which a mayoral election is to be held and shall become effective on January 1 of the next year.
 - l. To appropriate, notwithstanding other provisions of this charter, not more than one million dollars (\$1,000,000) in any one (1) fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of citizens; provided such appropriation shall require at least twelve (12) affirmative votes in the council;

Sec. 19. Impeachment

Any appointive or elective officer may be impeached and removed from office for cause by a vote of three-quarters (3/4) of the entire membership of the Council, exclusive of vacancies.

No elective officer may be removed except upon charges, which shall be preferred by vote of a majority of the membership of the Council exclusive of vacancies, and after a hearing thereon before the full Council. Written notice by the Council of the charges and time and place of hearing shall be given to the officer at least two weeks before such hearing. Such charges shall be for neglect or dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting the officer's general character or fitness for office. Such officer shall have the right to be represented by counsel at the hearing, to present testimony personally and through witnesses, to cross-examine witnesses presented in favor of removal, and to compel the attendance of witnesses by subpoena issued in the name of the Council. In a hearing concerning the impeachment of the Mayor, the Council shall designate an attorney who is an elector of the city and has been a member of the bar of the State of Connecticut for at least fifteen (15) years as the temporary presiding officer in place of the Council President. In a hearing concerning the impeachment of the Council President, the Council shall designate a temporary presiding officer from among its members.

Sec. 20. Power of investigation.

The council, or any committee thereof when so authorized by the council, shall have power to investigate the official conduct of any department or agency of the city government or of any officer or employee thereof. For the purpose of conducting any such investigation and hearings relating to the removal of appointive or elective officers any member of the council shall have power to administer oaths and the council or authorized committees thereof may compel the attendance of witnesses and require the production of books and papers. Any person who refuses to obey the subpoena of the council or an authorized committee thereof shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days or both. The Council may appropriate from available funds amounts necessary to cover expenses incurred pursuant to this section.

Sec. 21. Annual audit.

The council shall designate annually an independent public accountant or firm of independent public accountants to audit the books and accounts of the city as provided in the General Statutes.

CHAPTER IV. THE MAYOR

Sec. 1. Chief Executive Officer. Term of office. The Mayor shall be the chief executive officer of the City. The executive and administrative powers of the City are vested in the mayor, except as otherwise provided in this Charter or by law. The Mayor shall be elected in the election of November, 2001 and quadrennially thereafter to a four (4) year term commencing at 12:01 A.M. on January 1 of the next year.

Sec. 2. Office of the Mayor. The Council shall provide appropriations for an Executive Assistant and such Special Assistants and clerical staff as the Mayor may deem necessary for the administration of official duties. All such Assistants and staff shall be appointed by the Mayor, provided the necessary appropriation has been granted therefor, and shall serve at the pleasure of the Mayor.

Sec. 3. Temporary Absence or Disability. In the event that the Mayor is temporarily absent or disabled and is, because of such absence or disability, unable to perform the duties of the Mayor's office, the Council President, or in the President's absence or disability, such member as the Council shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The compensation for the Acting Mayor shall be determined by the Council but shall in no event exceed in proportion the salary of the Mayor.

Sec. 4. Compensation of the Mayor. The Mayor shall be paid an annual salary of \$105,000 commencing at 12:01 A.M. on January 1, 2002. The salary of the Mayor may be adjusted thereafter as provided in section 6 and subsection ~~1k~~ of section 18 of Chapter III of this Charter.

Sec. 5. Powers and Duties of the Mayor. In addition to the powers and duties specified elsewhere in this Charter or in the constitution and general statutes, the Mayor shall:

- a. take care that the laws and ordinances be faithfully executed within the boundaries of the City, insofar as it is the obligation of the City and its employees to do so;
- b. be responsible for the performance of their duties by all the appointive officers and departments and

- employees of the City and exercise ultimate operational control over the departments and agencies of the city;
- c. devote full time to the duties of the office;
 - d. appoint, subject to sections 17(a) and 18(d) of Chapter III, all members of all boards, commissions, agencies, authorities and other bodies of the City created by the general statutes or by ordinance, provided that the mayor shall not make any such appointment between October 15 of a year in which there is a mayoral election and January 1 of the next year;
 - e. act as the principal representative of the City in relations and affairs with the federal government, the state government, other municipalities, regional agencies, and any subdivisions, departments or agencies thereof;
 - f. act as the principal strategist and spokesperson of the City in the creation and implementation of plans for economic development;
 - g. have the right to appear and speak at meetings of the City Council and to cause proposals to be included on the agenda of the City Council;
 - h. deliver a written and oral report on the state and condition of the City and on any recommendations the Mayor deems appropriate at the first meeting in March of the City Council;
 - i. prepare and submit to the Council not later than its first meeting in September of each year a concise and comprehensive report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding thirtieth day of June;
 - j. prepare and submit the annual budget as provided in Chapter VI of this Charter;
 - k. exercise within the limits of the City all the emergency powers given to the chief executive officer of a municipality under the general statutes;
 - l. examine, in person or through one or more designees, all data and property of the city in the possession of any officer, agency, department, commission, board, authority, employee or member of any part of the municipal government, provided that the Mayor shall not have the right to demand information about or interfere in any way in any investigation connected with the enforcement of any law or regulation, and further provided that the official responsible for any such investigation shall inform the Mayor of information relating to such

- investigations when, and to the extent that, in the judgment of the responsible official doing so (1) will be in the interest of the City; (2) will not impair the integrity of the investigation; and (3) is otherwise consistent with applicable law;
- m. have the right to appear and speak before any board, committee, agency or commission of the City, except where the decision of the board, committee, agency or commission is appealable on the record to the superior court;
 - n. be the traffic authority of the city as defined in the General Statutes, provided that this section shall not affect the powers of a parking authority formed pursuant to chapter 100 of the general statutes;
 - o. declare a public emergency that exists or threatens to arise involving or threatening the lives or property of inhabitants of the city or property of the city and mobilize, organize and direct the forces of the city and call upon and cooperate with the forces of the state and other political subdivisions. The mayor may summon, marshal, deputize or otherwise employ other persons or do whatever the mayor may deem necessary for the purpose of meeting the emergency. The mayor may obligate the city in an amount of money not to exceed one hundred thousand dollars (\$100,000.00) to cope with such emergency until the council convenes. The termination of the emergency shall be determined and declared by the mayor.
 - p. appoint, subject to subsection 18(d) of chapter III, the heads of all departments, except as otherwise provided in this charter, and such other officers and employees of the city as this Charter or an ordinance of the council consistent therewith may provide. The ~~appointing authority~~ mayor shall have power to remove any appointee, except a member of the classified service, ~~provided the appointee shall have been served with a written notice of the intended removal by the appointing authority, containing a clear statement of the grounds for such removal and of the time and place, not less than ten (10) days after the service of such notice, at which the appointee shall be given the opportunity to be heard thereon. After such hearing, which shall be public at the option of such appointee, the action of the appointing authority shall be final.~~ The

~~appointing authority~~mayor may suspend from duty for not more than thirty (30) days any such appointee pending final action.

Sec. 6. ~~Deputy Mayers~~Coordinators.

~~a.~~The budget shall provide for at least two ~~deputy mayors~~ departmental coordinators, who shall be the senior executive officials of the city government other than the Mayor and shall perform such tasks as the Mayor shall assign to them.

~~Each Deputy Mayor shall be professionally qualified by education and training to act as the professional coordinator and leader of the various departments or units assigned to that Deputy Mayor.~~

~~a.~~ It shall be the duty of each Deputy Mayor to organize the functions assigned to that Deputy Mayor by the Mayor subject to any applicable federal law, State law or local ordinance and in the manner best calculated to efficiently and effectively provide municipal services.

~~d.b.~~ Each Deputy Mayorcoordinator shall be an unclassified employee of the City and shall be appointed by and serve at the pleasure of the Mayor, subject to confirmation by the Council. ~~Pending action by the Council, which shall be completed within thirty (30) days of the submission of the nomination by the Mayor, a proposed Deputy Mayor may perform the duties and exercise the powers of the office as acting Deputy Mayor. The Mayor may continue a rejected nominee in office as acting Deputy Mayor by resubmitting the candidate's name for approval at the Council's next regular meeting, but the Mayor may not submit the same name more than two times. The Mayor may designate an Acting Deputy Mayor to hold the position pending the selection of a nominee, but no person may hold the position of Acting Deputy Mayor for more than six (6) months without being subject to confirmation by the Council as a Deputy Mayor.~~

~~e.~~Deputy Mayers shall serve at the pleasure of the Mayor and may be removed by the Mayor without cause shown. The Mayor may enter into an employment agreement with a Deputy Mayor that may provide for a salary within the range established by the Council, such benefits as are customary for City employees of comparable rank, and no more than four (4) months of severance pay, provided that (a) no severance shall be paid if the proposed Deputy Mayor is not confirmed by the Council; (b) any severance payment shall not exceed the amount paid to

~~the Deputy Mayor prior to termination; (c) no severance payment shall be made if the Deputy Mayor leaves the City's employ for another job; and (d) no severance payment shall exceed the amount the Deputy Mayor would have been paid if the Deputy Mayor had continued as such until the end of the term of the Mayor who appointed the Deputy Mayor.~~

Section 7. Temporary transfers of personnel between departments.

The Mayor shall also have power, whenever the interests of the city require, to assign any employee of one (1) department to the temporary performance of similar duties in another department.

Section 8. Residency of Department Heads and Coordinators

Within six (6) months of appointment, every department head and coordinator shall have established his or her principal residence within the City and shall maintain Hartford as his or her principal residence while holding that position. The Mayor shall require all department heads and coordinators to certify their compliance with this provision, under penalty of perjury, within six (6) months of their appointment and at least annually thereafter. Failure to establish or maintain residency as required by this provision shall result in termination, provided that at the request of the Mayor, the Council by resolution may waive or modify the requirement of this provision.

CHAPTER V. ELECTIONS

Sec. 1. Applicability of General Statutes.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this charter. The council shall provide by ordinance for the manner of warning municipal elections and such additional regulations in respect of elections, not inconsistent with the statutes or this charter, as may be necessary to accomplish the intent of this chapter.

Sec.2. Registrars of voters, selectmen, and constables.

There shall be two registrars of voters, seven constables, and such number of selectmen as the Council shall provide. The

date of election and term of office of registrars of voters, constables and selectmen shall be as provided by ordinance consistent with the general statutes. To the extent consistent with the general statutes, the Council may by ordinance provide for the appointment of registrars, constable, or selectmen.

Sec. 3. Special elections.

Special elections when required under the provisions of this Charter or by the General Statutes shall be called and warned by the council. Such a special election may be held coincidentally with the general state election.

CHAPTER VI. BUDGET

Sec. 1. Fiscal year.

- (a) The fiscal year of the city government shall be as provided in the general statutes and ordinances conforming thereto.

Sec. 2. Submission of the budget and public hearing.

- (a) *Submission.* On or before a date specified by ordinance, the Mayor shall submit to the council through the city clerk:
 - (i) An annual or current expense budget, hereafter referred to as the budget, which shall be a complete financial plan for the ensuing fiscal year, consisting of the budget proper and the budget message; and
 - (ii) A capital budget.
- (b) *Public hearing.* Upon receipt of said budget, the city clerk shall transmit copies to the council forthwith and shall call a public hearing on the budget to be held by the council no less than seven (7) days nor more than ten (10) days after its submission. Notice of the date, time and place of said hearing shall be published within three (3)

days after the submission of the budget in the manner provided herein for the publication of ordinances.

Sec. 3. Scope of annual budget.

The budget shall contain:

- (a) An estimate of all revenue cash receipts anticipated from sources other than the tax levy of the ensuing fiscal year. The Council may, by ordinance, establish criteria that the Mayor must use for estimating cash receipts from sources other than the tax levy;
- (b) An estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
- (c) The estimated expenditures necessary for the operation of the several departments, offices and agencies of the city;
- (d) Debt service requirements for the ensuing fiscal year;
- (e) An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, assuming a rate of collection not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years; and
- (f) A balanced relation between the total estimated expenditures and total anticipated revenue cash receipts, taking into account the estimated general fund cash surplus or deficit at the end of the current fiscal year.

All estimates shall be in detail showing revenues by sources and expenditures by organization units, activities, character and object. The budget shall be so arranged as to show comparative figures for receipts and expenditures for prior years and for the current year and the Mayor's recommendations for the ensuing year.

Sec. 4. The budget message.

The budget message shall contain the recommendations of the Mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all major increases or decreases in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget

proper, itemized by principal sources of revenue and the main heads of expenditure.

Sec. 5. Departmental estimates.

The head of every department, office or agency shall submit to the Mayor, at such date as the Mayor shall determine and in accordance with such procedures as the Mayor shall establish, estimates of revenue and expenditure for that department, office or agency. Such estimates shall be submitted upon forms furnished by the Mayor and shall contain all necessary information. The Mayor shall review the estimates and in preparing the budget may revise them, except that in the case of the Board of Education, the Mayor shall have power to revise only the total estimated expenditure.

Sec. 6. Appropriation and tax levy ordinances.

Simultaneously with the submission of the budget, the Mayor shall also introduce an appropriation ordinance and an ordinance making a levy in mills upon all the ratable estate within the city for the ensuing fiscal year. The appropriation ordinance shall be based on the budget but need not be itemized further than by departments and the major divisions thereof and by each independent office and agency and by the principal objects of expenditure. Neither of the above ordinances shall be acted upon until after the adoption of the budget. The hearing upon the budget shall be taken to be the hearings upon the appropriation and tax levy ordinances.

Sec. 7. Budget a public record.

Both parts of the budget shall be a public record in the office of the city clerk and shall be open to public inspection. The budget message shall be printed by the Mayor for general distribution at the time of its submission to the council, and sufficient copies of the budget proper shall be made available at the same time for the use of the council and the public.

Sec. 8. Changes by the council.

- (a) After the conclusion of such public hearing, but not later than a date specified by ordinance, the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure, except that no item of appropriation for debt service and no item of appropriation necessary to fulfill the obligations of the City as determined by the pension commission shall be reduced. The council shall not increase the Mayor's estimates of

receipts. It may, however, decrease the amount of the tax levy for the ensuing fiscal year as proposed by the Mayor in proportion to such decrease in the total of expenditures proposed by the Mayor as it may have determined. If it shall increase the total proposed expenditures such increase shall be reflected in full in the tax rate.

- (b) The Council shall specify by ordinance the date by which the budget or the budget as amended shall be submitted to the mayor in accordance with the provisions of Chapter III hereof.

Sec. 9. Adoption of the budget.

Upon approval, reduction and/or disapproval, of budgetary provisions by the mayor, but not later than a date specified by ordinance but at least one (1) calendar month before the end of the current fiscal year, the council shall adopt the budget, the appropriation ordinance and tax levy ordinance. If it fails to adopt the budget by that date the budget as certified by the mayor shall be deemed to be the budget of the city for the ensuing fiscal year and expenditures shall be made in accordance therewith. The council shall thereupon adopt the appropriation ordinance and the ordinance making a tax levy in accordance with the budget adopted.

Sec. 10. Work program and allotments.

After the annual appropriation ordinance has been adopted and before the beginning of the fiscal year the head of each department, office or agency, except the department of education, shall submit to the Mayor in such form as the Mayor shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the Mayor may direct. Before the beginning of the fiscal year the Mayor shall approve, with such amendments as the Mayor shall determine, the allotments for each such department, office or agency, and shall file the same with the director of finance, who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments. The aggregate of such allotments shall not exceed the total appropriation available to said department, office or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the Mayor shall ascertain that the revenue cash receipts for the year, plus general fund cash surplus from the preceding year, will be less

than the total appropriations, the Mayor shall reconsider the work programs and allotments of the several departments, offices and agencies, and revise the allotments so as to forestall the incurring of a deficit.

Sec. 11. Transfers of appropriations.

The Mayor may at any time transfer any unencumbered appropriation balance or portion thereof from one (1) classification of expenditure to another within the same department, office or agency. At the request of the Mayor, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one (1) department, office or agency to another, except that no funds may be transferred from the appropriation to the Board of Education.

Sec. 12. Additional appropriations.

Appropriations in addition to those contained in the budget, except for the purpose of meeting a public emergency as provided in subsection (d) of section 1 of Chapter II of this charter, shall be made only on the recommendation of the Mayor and only if the director of finance certifies that there is available general fund cash surplus sufficient to meet such appropriation.

Sec. 13. Appropriations to lapse at close of year.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.

Sec. 14. Certification of funds, penalties for violation.

No payment shall be made and no obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be deemed illegal and all officials who shall knowingly authorize or make such payment or take part therein and all persons who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein such action shall be cause for removal.

Sec. 15. Capital budget.

As a part of the budget message or as a separate report attached thereto the Mayor shall present a program of proposed capital projects for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually in the same manner as estimates of other budgetary requirements are prepared for the Mayor. The Mayor shall recommend to the council those projects to be undertaken during the ensuing fiscal year and the method of financing the same. The council may levy annually a tax of not more than two (2) mills to be assessed upon the ratable estate within the city at the same time as the regular annual taxes for city expenses, for the benefit of a fund to be known as "The Capital Improvement Fund" established for the purpose of paying the cost of capital improvements for which the city is authorized by this Charter to issue bonds and for no other purpose. The proceeds of such levy shall be kept by the city treasurer in a special bank account until invested as provided in Chapter IX of this charter. The council shall have power to transfer from time to time to the capital improvement fund any portion of the general fund cash surplus not otherwise appropriated. Appropriations for construction or other permanent improvements, from whatever source made, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three (3) fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor, provided, at the request of the Mayor, the council may, at any time by resolution, transfer any unencumbered balance or portion thereof from one project to another.

CHAPTER VII. BORROWING

Sec. 1. Borrowing power.

The city shall have power to incur indebtedness by issuing its negotiable bonds or notes, as provided in this chapter, for the following purposes:

- (a) To pay for permanent public improvements by issuing bonds and notes in anticipation of bonds duly authorized. Such improvements shall include the opening, widening, relocating or permanent paving of streets and other public ways, the construction of bridges, dikes, conduits and other works, buildings or structures, including moderate rental housing projects,

and all other improvements permitted by the General Statutes, necessary or useful in carrying out the powers and duties of the city under this charter; and the acquisition and development of land inside or outside the city for such purposes;

- (b) To anticipate by issuing notes the collection of taxes of the current fiscal year to be repaid from the proceeds of such taxes, and if not paid in full before the end of such year an amount equal to the unpaid balance thereof shall be included in the budget for the ensuing fiscal year;
- (c) To fund by issuing bonds an emergency expenditure made as provided in subsection (1) of section 18 of Chapter III of this charter;
- (d) To meet by issuing bonds the cost in whole or in part, including damages incurred, of any public improvement duly authorized the cost of which is ultimately to be defrayed from benefits assessed which cannot be immediately collected, provided nothing in this section shall be taken to interfere with the power of the council to provide for the issuance of assessment certificates as provided in section 3 of Chapter II of this charter;
- (e) ~~(e)~~—To prevent the city from defaulting on the principal or interest on its bonded debt, but only by issuing notes the full amount of which, with interest to maturity, shall be included in the budget for the ensuing fiscal year.
- (f) Any other purpose for which municipalities are authorized, or may hereafter be authorized, to issue bonds or notes by the Connecticut General Statutes, as amended.

Sec. 2. Limitation of indebtedness.

No bonds or notes in anticipation of bonds shall be issued if such issue shall bring the total of all such bonds and notes outstanding to an amount in excess of allowable amounts under the provisions of the General Statutes.

Sec. 3. Term and form of bonds and notes.

No bonds shall be issued for any public work or improvement for a term longer than the estimated life of the improvement for which they are issued. No bonds shall be issued for any public work or improvement for a term longer than

twenty (20) years except that bonds issued for moderate rental housing projects or public recreational facility projects described in Section 7-130a of the General Statutes may be issued for terms not to exceed forty (40) years. Notes in anticipation of bonds issued for a public improvement not a moderate rental housing project shall mature not later than three (3) years after the date of the first of said notes to be issued, notes in anticipation of bonds for a moderate rental housing project shall mature not later than three (3) years after the date of the first of said notes to be issued, and tax anticipation notes shall mature before the end of the fiscal year in which issued. Notes issued to prevent default on the principal and interest of the city's bonded debt shall mature not later than the first day of June of the ensuing fiscal year. All bonds shall be in serial form payable as consecutively numbered in substantially equal amounts each year beginning one (1) year from the date of issue, provided, if dividing the amount of the issue by the number of years for which the issue is authorized does not result in even thousands, the maturities of the last year may be reduced sufficiently to produce such a result. Bonds and notes shall be authenticated by the seal of the city and the signatures of the Mayor and the city treasurer or may be executed with a facsimile of any signature or seal, provided at least one (1) signature required or permitted to be placed thereon shall be manually subscribed.

Sec. 4. Bonds and notes, how authorized.

The issuance of bonds shall be authorized only by an ordinance adopted by the council by the affirmative votes of at least ten (10) members. If the total estimated costs of any improvement for which bonds are proposed to be issued exceeds five hundred thousand dollars (\$500,000.00), the ordinance authorizing the issuance of bonds shall be subject to the approval of a majority vote of city electors voting thereon if, within forty-five (45) days after published notice of the enactment by Council, a sufficient petition is filed with the city clerk requesting that such ordinance be either repealed or submitted to a vote of the electors. In order for the petition to be sufficient it must be signed in ink by not less than three percent (3%) of the city electors as determined by the last-compiled registry list. If the petition is found sufficient, the city clerk will notify the Council, which shall either repeal the ordinance or submit it to referendum of the electors at the next

general election or at such earlier date as the Council may determine in accordance with the relevant statutes. Upon the filing of a sufficient petition, the ordinance will remain without effect until the electors vote on the question as provided above. Notes in anticipation of taxes shall be authorized by the council by resolution upon recommendation of the Mayor with the concurrence of the director of finance. Notes in anticipation of bonds may be issued by the city treasurer on the recommendation of the Mayor with the concurrence of the director of finance. Notes to prevent default on the principal and interest of the city's bonded debt shall be authorized only by ordinance passed by at least ten (10) affirmative votes following certification to the council by the Mayor, with the concurrence of the director of finance that except for such borrowing a default on the part of the city would take place. Such certification shall be spread on the minutes of the council.

Sec. 5. The bond ordinance.

The bond ordinance shall include a description of the public improvement for which the bonds are to be issued; an estimate of its cost; the portion, if any, of such cost to be defrayed from sources, specifying the same, other than the proposed bond issue; the amount of the proposed issue; a statement showing that the proposed issue is within any debt limit prescribed by law; a determination of the estimated life of the improvement; a determination that the principal of and interest on the proposed issue are to be paid from property taxation to the extent not paid from other funds available for the payment thereof and that the full faith and credit of the city is pledged to such payment; the form of the bond and the procedure for the sale of the proposed issue which shall be at public sale. The bond ordinance need not specify the date of issue; the date of the first and last serial maturity; the rate of interest which the bonds are to bear; the dates on which interest shall be paid; the name of the certifying bank, and the place of payment, provided such provisions shall be fixed by the council resolution after sale, on the basis of the accepted bid.

Sec. 6. Short period of limitation.

When twenty (20) days shall have elapsed after the passage and publication of a bond ordinance, as provided in section 16 of Chapter III of this Charter or, in the event of a referendum of such ordinance as provided in section 4 of this chapter, after the declaration of the result of such referendum, the recitals or statements of fact therein shall be deemed to be true for the purpose of determining the validity of the bonds, the ordinance shall be conclusively presumed to have been duly and regularly

passed and to comply with the provisions of this charter, and the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant except in a suit, action or proceeding commenced prior to the expiration of such twenty (20) days.

CHAPTER VIII. FINANCIAL ADMINISTRATION

Sec. 1. Director of finance.

The director of finance shall be a person skilled in municipal accounting, budgeting and financial control. ~~and shall have been a member of the Government Finance Officers Association or any similar national organization of government finance officials for at least five (5) years prior to appointment.~~ Commencing on January 1, 2004, the director of finance shall be appointed by the Mayor, subject to confirmation by the Council, to a term of four (4) years and shall be subject to removal only for cause during that term. The director of finance shall:

- (a) Compile for the Mayor the estimates for the budget and the capital budget.
- (b) Supervise and control all encumbrances, expenditures and disbursements to ensure that budget appropriations are not exceeded.
- (c) Submit monthly to the Mayor and to the City Council a public statement showing the amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against each appropriation during the preceding month, the total of such charges for the year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof. The director of finance shall also submit at the same time a statement showing the revenue estimated to be received from each 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. The director of finance shall furnish to the head of each department, office and agency a copy of the portion of the above statement relating to that official's department, office or agency.

- (d) Prepare for the Mayor as of the end of each fiscal year a complete financial statement and report of the financial transactions of the city for the preceding year.
- (e) Maintain a general accounting system for the city government and each of its departments, offices and agencies in conformity with the best recognized practices in governmental accounting; keep records for and exercise financial budgetary control over each such department, office or agency; keep separate accounts for the items of appropriation contained in the budget and appropriation ordinance and the allotments thereof and encumber such items of appropriation and their respective allotments with the amount of each purchase order, payroll or contract approved by the director of finance immediately upon such approval; and keep such records as shall show at all times for each account the amount of the appropriation and the allotments thereof, the amounts paid therefrom and remaining unpaid, all encumbrances thereof and the unencumbered balance; require daily or at such other intervals as the finance director may deem expedient a report of receipts and disbursements from each of the several departments, offices or agencies; and prescribe the times at and manner in which moneys received by them shall be paid to the city treasurer or deposited in a city bank account under the city treasurer's control;
- (f) Prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices and agencies of the city government and provide suitable instructions for the use thereof;
- (g) Examine all contracts, purchase orders and other documents which involve financial obligations against the city and approve the same only upon ascertaining that moneys have been appropriated and allotted and that an unexpended and unencumbered balance is available in such allotment to meet the same;
- (h) Audit before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city and approve the same if proper, legal and correct;
- (i) Inspect and audit the accounts or records of financial transactions as maintained in each department, office or agency of the city government apart from or subsidiary to the accounts kept in the finance director's office.

Sec. 2. Tax collector.

The tax collector shall receive and collect all taxes and assessments payable to the city and such other fees and licenses as may be designated by the council by ordinance or by order of the Mayor. The tax collector shall keep such books and records of transactions and use such forms of bills and receipts as may be prescribed by the director of finance. Except as otherwise provided in this Charter the tax collector shall have such powers and duties as are conferred or imposed on tax collectors of towns by the General Statutes.

Sec. 3. Abatement of taxes and assessments.

There shall be a committee on abatement of taxes and assessments consisting of the city treasurer, director of finance and corporation counsel, which shall have and exercise all the powers with relation to the abatement of taxes and assessments heretofore or hereafter conferred by law on the council or any committee, board or officer of the city. The committee on abatement of taxes and assessments shall have the power to abate taxes and assessments on dwelling units constructed by a private, nonprofit corporation for the public purpose of providing relocation housing under section 221 of the National Housing Act, as amended. Such abatements shall reflect the amounts necessary to maintain rent levels for such housing within the financial reach of families to be relocated, as approved by the court of common council, and such abatements shall be subject to review annually.

Sec. 4. Purchasing agent.

There shall be a purchasing agent who, pursuant to rules and regulations established by ordinance, shall contract for and purchase all supplies, materials, and equipment ~~and contractual services~~ required by any department, office or agency of the city government except the Board of Education, which shall manage its own purchasing in a manner consistent with the requirements of this chapter. The purchasing agent shall have the following powers and duties:

- (a) To establish, with the approval of the Mayor and after

consultation with the heads of the departments concerned, and enforce standard specifications for all supplies, materials and equipment required by the city government, except as to purchases for the Board of Education above, provided that the purchasing agent or the Council by ordinance may waive the requirement of standard specifications for categories of supplies, materials and equipment as to which the purchasing agent or the Council determine that the cost, including the time required, of preparing such specifications outweighs the benefits of doing so;

- (b) To prescribe the time of making requisitions for such supplies, materials and equipment and the future period which said requisitions are to cover;
- (c) To inspect or cause to be inspected all deliveries of such supplies, materials and equipment, and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications;
- (d) To supervise and control such central storerooms as the council may provide by ordinance to serve the several departments, offices and agencies;
- (e) To sell supplies, materials and equipment, determined after consultation with the head of the department, office or agency concerned to be surplus, obsolete or unused, provided that the Mayor may transfer such supplies, materials and equipment to any other agency or department of the City and the Council may by ordinance provide procedures for the preferential disposition of such supplies, materials and equipment to nonprofit organizations located within the City;
- (f) To maintain an inventory of all movable equipment belonging to the city, unless that task be assigned by the Mayor to another office within the city government;

Sec. 5. Competitive bidding.

A. Before making any purchase, the city purchasing agent shall give opportunity for competitive bidding under such rules and regulations as the council shall prescribe by ordinance. All single purchases which shall involve an expenditure of ten

thousand dollars (\$10,000.00) or less shall wherever possible be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder. If any single purchase or contract shall involve an expenditure of more than ten thousand dollars (\$10,000.00) it shall be made from or let by sealed bids, after such public notice as may be prescribed by ordinance, to the lowest responsible bidder, provided the Mayor shall have power to reject all bids and to direct the purchasing agent to advertise again for bids. In applying this section to the purchase of insurance, surety bonds, and any other service or financial arrangement designed to manage risk, the purchasing agent shall solicit proposals that address all of the parameters identified by the official charged with the risk management function and shall award a contract to the proposal that best serves the financial interests of the City as evaluated by the individual charged with the risk management function and the director of finance. ~~The provisions of this section as to the taking of bids for purchases shall apply to contracts for public works and improvements.~~ All record of all bids showing the name of the bidders and amounts of bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved for not less than six (6) years in a file which shall be open to public inspection. Nothing in the provisions of this section ~~or section 6 of this chapter~~ shall prevent the purchasing agent by rule or the Council, by ordinance, from providing for alternative means of soliciting and receiving bids, including electronic means, provided that any such alternative shall 1) preserve the integrity of the competitive bidding system; 2) assure that the City's solicitation of bids is widely circulated among likely bidders; and 3) assure the maintenance and public availability of information comparable to that provided by this section. Nothing in this Chapter shall prevent the City or any of its agencies or departments from participating in any joint purchasing program administered by the State of Connecticut, the Capitol Region Conference of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality, or other nonprofit organization the members of which are public bodies.

B. All single sales of city property which in the opinion of the purchasing agent shall involve an amount in excess of ten thousand dollars (\$10,000.00) shall be made at the direction of the purchasing agent by either following the provisions for the taking of bids as outlined above except that such sales shall be to the highest responsible bidder, or, in the alternative, by placing the property for sale at public auction, after such public notice and subject to such conditions as may be prescribed

by ordinance, at which auction all sales shall be final. A record of all sales showing the name of the purchaser and the purchase price and all other documents pertaining to the auction shall be preserved for not less than six (6) years in a file which shall be open to public inspection. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.

C. Notwithstanding the provisions hereof, the city may combine into a single transaction the purchase and sale of a similar item or items, when doing so is customary in the market for the item at issue, in which case the contract shall be awarded to the responsible bidder which offers the lowest net cost or highest net proceeds to the City. In any such combined transaction, the determination whether sealed bids must be taken shall be made by the purchasing agent based on the value of the purchase transaction involved, not on the expected net cost or proceeds to the City.

D. Notwithstanding the provisions hereof, the city may transfer, convey, exchange, lease or otherwise dispose of city land or any interest which it may have in real property, including air rights, but excluding all real property received by the city as a gift, devise or bequest for a specific purpose, without competitive bid, provided any such transfer, conveyance, exchange, lease or other disposition is made on the recommendation of the Mayor, with the written concurrence of the finance director and, after a public hearing, is authorized and approved by an affirmative vote of two-thirds of the council.

E. Notwithstanding the provisions hereof, the council may establish by ordinance the procedure for awarding professional services contracts.

Sec. 6. Contracts for public works and improvements.

The council shall establish by ordinance rules and regulations under which contracts shall be made and carried out for all public works and improvements. In accordance with these rules ~~and the provisions of section 5 of this chapter the purchasing agent~~ the Mayor or the Mayor's designee shall, on the basis of specifications prepared by the city engineer and approved by the head of the department concerned and the Mayor, advertise for and receive bids for any public work or improvement and shall open and tabulate the same and present the results to a committee of award consisting of the Mayor, the city engineer and ~~the director of public works, or~~ such other administrative officials in addition to the Mayor as the Council may designate by ordinance, which shall either accept the lowest responsible bid, reject all bids and order ~~the purchasing agent to readvertise for readvertisement for~~ bids, or recommend to the council that it authorize the City Mayor to execute the work or

improvement.

Sec. 7. Accounting control of purchases and contracts.

All purchases made and contracts executed by the city purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the department, office or agency whose appropriation is to be charged. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a stores revolving fund if one be created by ordinance and of making transfers from stores to the several departments, offices and agencies of the city, to be charged to their appropriations subject to the provisions of section 14 of Chapter VI of this charter.

Sec. 8. City Assessor.

There shall be a city assessor, who shall be a member of the classified service and shall be appointed by the Mayor, from a list of eligibles determined by open competitive examination as provided in Chapter XI of this charter. All deputies and other employees of the organizational unit responsible for assessment shall be appointed and removed by the city assessor subject to the provisions of said Chapter XI.

Sec. 9. City assessor, powers and duties.

The city assessor shall have all the powers and shall perform all the duties imposed on assessors in towns of this state, together with such other duties as are imposed by this charter. The assessor shall act in all respects with regard to the assessment of property as required by the general statutes. All departments and employees of the City and all owners of taxable property within the city shall provide such assistance and information to the assessor, consistent with applicable law, as the assessor shall require to carry out the duties of that office.

Sec. 10. Board of assessment appeals, appointment, vacancies.

The Board of tax review shall is renamed the board of assessment appeals. Each member of the board of assessment appeals at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The board of

assessment appeals shall consist of three (3) persons appointed by the Mayor and confirmed by the Council, one (1) member to be appointed each year for a term of three (3) years. Any vacancy shall be filled in the same manner for the unexpired portion of the term. Their compensation shall be determined by ordinance. The members of the board of assessment appeals shall be electors of the city and shall be selected for their knowledge of taxation and real estate values. They shall not hold any other office of profit under the United States, the State of Connecticut or any subdivision thereof, except that of notary public. No member of the board of assessment appeals shall hold any office in a political party, organization or club. If a member shall cease to be a resident of the city that member's place on the board shall become vacant.

Sec. 11. Board of assessment appeals, powers and duties.

The board of assessment appeals shall have the same powers and perform the same duties as boards of assessment appeals of towns. The board of assessment appeals shall act in accordance with the provisions of the general statutes applicable to the board of assessment appeals of towns.

CHAPTER IX. CITY TREASURER

Sec. 1. City treasurer.

The city treasurer shall be elected in the election of November 2001 and quadrennially thereafter to a four-year term commencing at 12:01 A.M. on the first day of January following the election. If state law does not allow a four-year term, the term of the treasurer shall be two years. The city treasurer shall have custody of and disburse all funds belonging to the city and shall deposit the same in such banks and trust companies as may be designated by the council on the recommendation of the Mayor following consultation with the treasurer. The city treasurer shall be the treasurer of the town deposit fund and the capital improvement fund and shall have authority to invest and reinvest the same in securities legal for investment of trust funds under the General Statutes, provided the amount and term of such investments shall be determined by resolution of the council. Nothing herein shall be construed to prevent sinking funds and trust funds from continuing to be managed by the trust companies managing them at the effective date of this Charter unless the appointment is revoked by the council for cause. Whenever a vacancy occurs, or any trust fund is hereafter created, the council shall have power on the recommendation of

the city treasurer to designate a trust company or companies located in the city to manage the same, which designation shall continue until revoked by the council for cause.

Sec. 2. Disbursements.

No disbursement shall be made from any funds of the city except by check or electronic transfer signed or authorized by the treasurer. Each check or transfer shall be based upon a voucher or payroll duly audited by the director of finance. Before signing any check or authorizing any transfer the treasurer shall be satisfied that such check represents the payment of a duly authorized obligation of the city. The treasurer shall keep such books and records as the director of finance shall prescribe. The treasurer's official bond shall be a surety company bond in an amount sufficient to satisfy the requirements of the General Statutes and the ordinances of the city.

Sec. 3. Assistant city treasurer.

The city treasurer shall appoint to serve at the treasurer's pleasure an assistant treasurer and shall file with the city clerk a certificate of such appointment and the city clerk shall record such certificate in the minutes of the council. Said assistant shall perform such duties as may be required by the treasurer and shall have all the powers and duties of the treasurer during the treasurer's absence or disability. Subject to the provisions of Chapter XI of this Charter the treasurer shall appoint and remove such other employees as may be provided by ordinance.

CHAPTER X. DEPARTMENTS OF POLICE AND FIRE

Sec. 1. Department of police.

There shall be a department of police which shall consist of the chief of police and such other officers and employees of such ranks and grades as may be prescribed by ordinance. The department of police shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws of the state, and the ordinances of the city and all rules and regulations made in accordance therewith. All members of the department shall have the same 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.

Sec. 2. Chief of police.

The chief of police shall be in direct command of the department of police and shall be responsible for the operation of the department consistent with the policy directives of the mayor. Subject to the provisions of Chapter XI of this Charter the chief of police shall appoint and remove all other officers and employees of the department. The chief of police shall assign all members of the department to their respective posts, shifts, details and duties and shall make rules and regulations, in conformity with the ordinances of the city, concerning the operation of the department and the conduct of all officers and employees thereof. The chief shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders of the chief or to the rules and regulations aforesaid shall be ground for dismissal or for other appropriate disciplinary action taken in accordance with the provisions of Chapter XI of this charter.

~~**Sec. 3. Special police.**~~

~~Upon application of any individual, firm, corporation or association, showing the necessity therefor, the chief of police may appoint one (1) or more special officers to be paid by the applicant. The chief may also appoint, at the request of the Mayor, any employee of any department of the city as a special police officer. Special police shall take the oath required of members of the police force; shall wear when on duty in full sight a badge in the form prescribed by the chief; and while in or on the premises of the individual, firm, corporation or association requesting the officer's appointment, and in the case of a city employee while in the performance of the employee's official duties, shall have all the powers and duties of police of the city and shall be subject to the rules and regulations of the department of police. Such appointments shall be revocable by the chief of police at any time.~~

Sec. 34. Department of fire.

There shall be a department of fire which shall consist of the fire chief, the fire marshal and such other officers and employees of such ranks and grades as may be prescribed by

ordinance. The department of fire shall be responsible for the protection of life and property within the city from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.

Sec. 45. Fire chief.

The fire chief shall be in direct command of the department of fire and shall be responsible for the operation of the department consistent with the policy directives of the mayor. Subject to the provisions of Chapter XI of this Charter the chief shall appoint and remove all other officers and employees of the department. The chief shall assign all members of the department to their respective posts, shifts, details and duties and shall make rules and regulations in conformity with the ordinances of the city concerning the operation of the department and the conduct of all officers and employees thereof. The chief shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders of the chief or to the rules and regulations aforesaid shall be ground for dismissal or for other appropriate disciplinary action taken in accordance with the provisions of Chapter XI of this charter. The chief shall have further power to make regulations with the force of law, implementing and giving effect to the laws and ordinances relating to fire prevention and fire safety.

Sec. 65. Appointment of the Police Chief and the Fire Chief.

The Mayor shall appoint the police chief and the fire chief and, upon confirmation by the Council in accordance with the provisions of paragraph d of section 18 of chapter III, shall enter into an employment contract with each of them, on behalf of the City, for a term of up to four (4) years, subject to removal in accordance with the applicable state statute. No one shall be appointed chief of police who is not experienced in urban law enforcement, including supervisory experience in the operations and management of an urban law enforcement agency, and no one shall be appointed fire chief who is not experienced in urban fire fighting and related matters, including supervisory experience in the operations and management of an urban fire department. A police chief or fire chief may be reappointed, ~~for one additional four (4) year term,~~ but any such reappointment shall be subject to confirmation by the Council.

In the event of a vacancy in the position of police chief or fire chief, or if the police or fire chief is temporarily unable to fulfill the obligations of the office, the Mayor may appoint an acting chief, subject to the limitations of chapter III §

~~18(d). from among the supervisory ranks of the appropriate department.~~

CHAPTER XI. DEPARTMENT OF HUMAN RESOURCES

Sec. 1. Department of Human Resources.

There shall be a department of human resources the head of which shall be the director of human resources, who shall be a member of the classified service and shall be selected on the basis of merit and fitness after an open competitive examination as provided in section 4 of this chapter.

Sec. 2. Director of human resources, powers and duties.

The director of human resources shall have the following powers and duties:

- (a) To hold competitive examinations for all original appointments and, whenever determined to be practicable in accordance with the provisions of this chapter, for promotions in the classified service; any such examinations shall be restricted to persons reasonably qualified by education and experience to perform the duties of the position;
- (b) To maintain eligible lists based on such examinations for each class of position in the classified service and whenever a vacancy is to be filled to certify to the appointing officer the names of the five (5) persons standing highest on the eligible list applicable to the position concerned, unless there are fewer than five (5) persons on such eligible list, in which case the director may certify the names of all persons on such list or include them in a new list resulting from a new examination; and no appointment shall be made except from such list; provided that, in certifying names to the appointing officer, the human resources director may certify the names of all candidates whose scores are within one standard

deviation of the five highest scores from the candidate with the fifth highest score.

- (c) To authorize in writing temporary appointments to vacancies in positions for which there is no eligible list or in situations of extended employee absence, provided no such temporary appointment shall be for a longer period than one (1) year and shall not be subject to renewal unless specifically renewed by action of the personnel director for reasons that are set forth in writing and submitted to the Mayor and Council;
- (d) To give wide publicity through appropriate channels in each case to all announcements of competitive examinations;
- (e) To prepare and recommend to the personnel board rules to carry out the provisions of this chapter;
- (f) To maintain classification and pay plans based on the duties, authority and responsibility of positions in the city's service;
- (g) To maintain a roster of all persons in the city's service, in which there shall be set forth as to each officer and employee:
 - (1) The class title of the position held,
 - (2) The salary or pay,
 - (3) Any changes in class title, pay or status, and
 - (4) Such other data as may be deemed desirable or useful to produce significant facts pertaining to human resources administration;
- (h) To certify all payrolls for persons in the classified service. No payment for personal service to any person in the classified service of the city shall be made unless the payroll voucher bears the certification of the human resources director or the director's authorized agents that the persons mentioned therein have been appointed and employed in accordance with the provisions of this chapter;
- (i) To assist in developing programs of training and education for persons in the municipal service;

- (j) To investigate periodically the operation and effect of the personnel provisions of this Charter and the rules promulgated thereunder and report annually findings and recommendations to the Mayor;
- (k) To appoint and remove, subject to the provisions of this chapter, all employees of the department.

Sec. 3. Personnel board.

There shall continue to be a personnel board consisting of two (2) electors of the city, appointed in accordance with the provisions of Chapter IV hereof, and a third member who shall be that member of the classified service who shall have received the highest number of votes at an election among city employees. In the event a vacancy shall occur in the employee member position, it shall be filled by a similar election, to fill the unexpired portion of the term. Vacancies in either of the other two (2) offices shall be filled as hereinabove set forth for the unexpired portion of the term. The two (2) elector members of the board shall be known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any other public office or position, and shall not be a member of any local, state or national committee of a political party or an officer in any partisan club or organization. The term of office shall be three (3) years. The director of human resources shall designate an employee of the department to act as secretary of the board, who shall keep records of all business and official actions. The members of the board shall serve without pay.

Sec. 4. Appointment of director.

~~Immediately after the first members of the personnel board have been appointed and qualified, and thereafter w~~Whenever a vacancy exists in the office of director of human resources, the personnel board shall appoint an examining committee of three (3) persons to examine the qualifications of all persons applying for appointment to the office of director of human resources. At least two (2) members of the examining committee shall be public human resources administrators or public human resources specialists of recognized standing, who need not be residents of the City of Hartford. As soon as practicable after its appointment the examining committee shall hold open competitive examinations for applicants for the position of director of human resources who need not at the time of taking the examination be residents of the city or of the State of Connecticut, and shall certify to the Mayor the names of the five (5) persons rated highest in the competitive tests and found by the committee to

possess the necessary qualifications for said position. The Mayor shall then appoint one (1) of the persons so certified to be the director of human resources. Compensation of the members of the examining committee and payment of their necessary expenses shall be authorized by the personnel board.

Sec. 5. Powers and duties of personnel board.

It shall be the duty of the personnel board:

- (a) To hear appeals from any action pertaining to classification, reclassification and allocation of positions and from any disciplinary action suspending, reducing or removing any officer or employee in the classified service, as hereinafter provided, and to report in writing to the officer taking the action appealed from its findings and decisions therein, provided that this subsection shall apply only to non-union positions;
- (b) To consider the rules recommended by the director of human resources and to adopt or amend the same, but only after public hearing thereon, of which at least five (5) days' notice shall be given by advertisement once in a daily newspaper of general circulation in the city;
- (c) To adopt or amend the classification plan recommended by the director of human resources, unless prohibited by a collective bargaining agreement;
- (d) To investigate any or all matters relating to conditions of employment in the city and to make at least annually a report of its findings to the council;
- (e) The council shall have the power to approve or disapprove the rules adopted by the personnel board, and, if not approved or disapproved by the council within two (2) regular meetings after their adoption, they shall be deemed approved. This subsection shall be administered in compliance with the City's duty to bargain as specified in applicable statutes and with all collective bargaining agreements.

Sec. 6. Rules.

The rules adopted in accordance with the provisions of this

chapter shall have the force and effect of law. Among other things they shall provide for the method of holding competitive examinations; the method of certifying eligibles for appointment; the establishment, maintenance, consolidation and cancellation of eligible lists; administration of the classification plan and the pay plan and methods of promotion and the application of service ratings thereto; probationary periods of employment; transfer of employees within the classification plan; hours of work, vacations, sick leaves and other leaves of absence; overtime pay; the order and manner in which layoffs shall be effected, and suspensions and dismissals and appeals therefrom; and such other rules as may be necessary to provide an adequate and systematic procedure for handling the human resources affairs of the city. This section shall be administered in compliance with the City's duty to bargain as specified in applicable statutes and with all collective bargaining agreements.

Sec. 7. Classified and unclassified service.

The civil service of the city shall be divided into the unclassified and the classified service. The unclassified service shall comprise:

- (a) Officers elected by the people and persons appointed to fill vacancies in elective offices;
- (b) Members of boards and commissions and any officers appointed by the council;
- (c) The heads of departments appointed by the Mayor, and deputy heads of departments who shall be appointed by the respective department heads, with the concurrence of the Mayor, and shall serve at the pleasure of the respective department heads, and not more than one (1) confidential secretary in each department, except that the city assessor, the director of human resources, and the tax collector shall be members of the classified service;
- (d) Employees of the board of education;
- (e) Staff in the office of the Council and in the office of the Mayor, including Deputy Mayors departmental coordinators and assistants to such coordinators;
- (f) The corporation counsel and special counsel appointed by the corporation counsel;

(g) The assistant city treasurer;

(h) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination;

The classified service shall comprise all positions not specifically included by this section in the unclassified service and all appointments and promotions therein shall be made according to merit and fitness to be ascertained so far as practicable by competitive examinations. No member of the classified service shall be suspended for more than thirty (30) days, reduced in rank or pay, or removed except after notice in writing of the grounds of the proposed disciplinary and an opportunity to be heard thereon by the personnel board at a hearing which may be public at the employee's option and at which the employee may be represented by counsel, to be held not less than five (5) nor more than ten (10) days after the service of such notice at a time to be specified therein. The decision of the personnel board either sustaining, reversing or modifying the disciplinary action appealed from shall be final. This section shall apply only to non-union positions.

Sec. 8. Classification plan.

The director of human resources shall prepare and maintain an up-to-date record of the authority, duties and responsibilities of each position in the classified service. Changes in the classification plan shall be recommended by the Mayor or director of human resources from time to time and shall become effective when approved by the personnel board. The class titles set forth in the classification plan shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved by the board as appropriate to the duties to be performed. The classification plan shall include the normal lines of promotion from one (1) class to another. Employees affected by the allocation or reallocation of a position to a class or by any changes in the classification plan shall be afforded an opportunity to be heard thereon by the personnel board after filing with the director a written request for such hearing. This section shall apply only to non-union positions.

Sec. 9. Pay plan.

There shall be a pay plan consisting of a salary range for each class in the classification plan. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility of characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the city service, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the range, provided that the pay plan in force at the effective date of this Charter shall remain in effect until amended in accordance with the provisions of this chapter. The Mayor shall, from time to time, recommend to the council changes in the pay plan which shall take effect when adopted by ordinance. Changes in compensation as a result of collective bargaining or binding arbitration shall be considered and accepted or rejected in accordance with the applicable statutes.

Sec. 10. Promotions.

Vacancies in higher positions in the classified service of the city shall, as far as practicable, be filled by promotion from lower classes upon the basis of competitive tests, including a consideration of service ratings, provided, in case the personnel board on the recommendation of the director of human resources so direct, such positions shall be filled by competitive tests open not only to members of the classified service but also to all other qualified persons. Nothing in this section shall prohibit the personnel director from proceeding simultaneously with promotional and open competitive announcements.

~~**Sec. 11. Present employees to retain positions.**~~

~~All persons holding permanent positions in the service of the city, including employees of any board or commission, at the effective date of this charter, whose positions are included in the classified service by the terms of this chapter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced or removed in accordance with the provisions of this chapter. All other employees of the city at the effective date of this charter, whose positions are not abolished thereby, shall retain such positions pending action by the council or the appropriate officer charged by this Charter with powers of appointment and~~

~~removal.~~

Sec. 12. Prohibited practices.

No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of that person's race, national origin, political or religious opinions or affiliations, gender or sexual orientation. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution thereof or of the rules and regulations made in accordance therewith. No person shall either directly or indirectly, pay, render or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which either party is concerned. Any person who alone or with others willfully or corruptly violates any of the provisions of this section shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the city service and shall, if an officer or employee of the city, immediately forfeit the office or position he or she holds.

Sec. 13. Limitation on political activities of employees in the unclassified service.

No employee in the unclassified service of the City, other than persons holding an elected position, whether appointed or elected to that position, shall be a member of any local, state or national committee of a political party or an officer in any partisan club or organization.

Sec. 14. Powers of personnel board to conduct investigations.

For the purpose of the administration of the provisions of this chapter each member of the personnel board shall have the power to administer oaths and the board may, by majority vote, compel the attendance of witnesses and the production of books and papers. Any person disobeying the subpoena of the personnel board shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days or both.

Sec. 15. Veterans' preference.

- (a) Any person who has served in time of war in the army, navy, marine corps, coast guard or air force of the United States and has been honorably discharged therefrom shall be entitled to have added to his or her rating in any examination for initial employment in the classified service ten (10) points on a scale of one hundred (100) if he or she is eligible for disability compensation or pension from the United States through the veterans' administration, or five (5) points on a scale of one hundred (100) if he or she is not so eligible, provided he or she is within the age limit specified for appointment to the position or class of position for which the examination is held, physically capable of performing the duties of such position and attains in the examination without such added points the minimum rating prescribed for passage of such examination.
- (b) Any employee in the classified service whose employment has been interrupted in time of war in the army, navy, marine corps, coast guard or air force of the United States and has been honorably discharged therefrom shall be entitled one (1) time to have added to his or her rating in any examination held under the provisions of this chapter ten (10) points on a scale of one hundred (100) if he or she is eligible for disability compensation or position from the United States through the veterans' administration, or five (5) points on a scale of one hundred (100) if he or she is not so eligible, provided he or she is within the age limit specified for appointment to the position or class of position for which the examination is held, physically capable of performing the duties of such position and attains in the examination without such added points the minimum rating prescribed for passage of such examination.

CHAPTER XII. PENSIONS

Sec. 1. Continuance of provisions.

The pensions heretofore granted to employees and former employees of the City by special act or charter provision and the programs, systems, and funds established to provide for pensions shall continue, as prior to the effective date of this Charter, notwithstanding the fact that such acts or provisions are not set out in this charter. No change in existing pension provisions,

programs, systems, or funds shall be made other than by ordinance or in accordance with the statutes governing collective bargaining.

Sec. 2. Pension commission.

There shall be a pension commission of five (5) members. Three (3) of the members, none of whom shall hold any other office in the city government and one (1) of whom shall be a fellow or associate of either the Actuarial Society of America or the American Institute of Actuaries, shall be appointed by the Mayor, one (1) each year for a term of three (3) years commencing on the first Monday of February. Vacancies shall be filled by the Mayor for the unexpired portion of the term. The members of the pension commission in office at the effective date of this provision shall continue in office until the expiration of their terms. The city treasurer shall be a voting member of the commission and shall act as its secretary. There shall be one (1) voting member of the commission elected by members of the municipal employees' retirement fund. The human resources director shall attend all meetings of the commission but shall not have a vote. The commission shall continue to administer all of the retirement programs, systems and funds of the City. ~~and shall continue to have all of the powers it had immediately prior to the effective date of this charter.~~

Sec. 3. Statement of earnings by employees retired on account of disability.

Every employee of the city retired on account of disability under any provisions of this chapter shall, by March 31st of each year, file with the pension commission a sworn statement of all earnings received by him or her from employment of any kind during the year ending on the thirty-first of December preceding the filing of such statement, or, if no such earnings have been received, a sworn statement to that effect. If any employee shall fail to make the report required above, the payment of his or her retirement allowance shall be suspended until such report has been filed.

Sec. 4. Administration.

(a) For purposes of this section, the following terms shall have

the meaning ascribed thereto below:

- (i) "Savings accounts" shall mean any of such deposits in or accounts with (including, without limitation, certificates of deposit issued by) any banking institutions as referenced in C.G.S. Sections 45a-203 (a)(2) and (3).
 - (ii) "Equity investments" shall mean and include any and all securities, real property and other investments (including, without limitation, common stocks, and shares of (or units in) any closed or open-end investment companies or trusts) except the following: (A) cash and cash-equivalent securities, (B) savings accounts, (C) any corporate or government bonds, (D) mortgages, or (E) other fixed-income instruments or securities;
 - (iii) A "qualified custodian" shall be any state bank, trust company, state bank and trust company or national banking association located in the states of Connecticut or New York or in the commonwealths of Massachusetts or Pennsylvania which is a member of the Federal System and whose capital, surplus and undivided profits in the aggregate are not less than fifty million dollars;
 - (iv) "Administrative expenses" shall mean and include (A) the salaries of all personnel hired by the pension commission, (B) that portion of the salaries, benefits and other compensation of those other city officials and employees who provide services to the funds to the extent their duties are fairly allocable to performing such work as determined by the pension commission, and (C) the cost and expense of all goods and services (other than investment expenses) which are procured on the funds' behalf; and
 - (v) "Investment expenses" shall mean and include (A) the cost and expense of any and all custodial arrangements and investment advisory, consultant and management services, and (B) any and all costs and expenses such as brokerage fees and commissions which are typically added to, or subtracted from, the purchase price, or proceeds realized from the disposition, of any investment.
- (b) In addition to its other responsibilities hereunder, the pension commission shall administer any and all of the

city's other retirement and savings plans and benefits, which, together with the funds, shall be known as the city's retirement system. It shall appoint a plan administrator of, and, with the approval of the corporation counsel, a general counsel for, the system. It also shall appoint a chief investment officer and, subject in all cases to the provisions of subparagraphs (e) and (j) below, may appoint and remove such other employees as it deems necessary or desirable to carry out its responsibilities hereunder. At the pension commission's election, the general counsel may serve either as an employee or, pursuant to subparagraph (h) below, an independent contractor, and, if and so long as he or she serves as an employee, also as the plan administrator. Except as otherwise provided in this section, the pension commission shall have the sole authority for determining the titles, qualifications, duties, compensation and terms of office or employment of each official or employee which is appointed by it. All such personnel who are employed by the pension commission shall, however, be members of the Fund and entitled to the same retirement and insurance benefits as nonbargaining unit employees of the city in the unclassified service, and, at the discretion of the pension commission, other benefits similar to nonbargaining unit employees of the city in the unclassified service; providing that all the employer contributions required to fund or otherwise purchase or pay for such benefits, as well as the salaries and any other compensation payable to such personnel, shall be paid from the income of the funds. The pension commission shall be the sole authority capable of removing any employee which it has appointed from office. The pension commission shall only exercise such authority after (i) an employee has been served with written notice of the pension commission's intent to consider removing him or her therefrom, containing a clear statement of the grounds for such removal and of the time and place, not less than ten (10) days after the service of such notice, at which he or she will be given the opportunity to be heard thereon, and (ii) such hearing is then concluded. After such hearing, which shall be public at the option of such employee, the action of the pension commission shall be final. The pension commission may suspend any such employee from duty for not more than thirty (30) days pending such final action at any time after the aforesaid notice has been served thereon. The pension commission shall select, appoint, retain and discharge any employees within its jurisdiction only in accordance with the standard of care set forth in subparagraph (e) below.

- (c) The plan administrator shall be the head of the retirement

system and, in that capacity, shall have responsibility for implementing the administration of the provision of benefits from the funds, including, without limitation, the calculation and payment thereof, and shall perform such other duties relative to the funds as may be prescribed by the pension commission. Such duties may include, without limitation, providing such assistance to the city treasurer in the performance of any of his or her duties under this section as is required by the pension commission. No changes shall be made in the nature or level of any pension benefits provided to any members of the funds, or to the qualifications for membership, unless the plan administrator is first given an opportunity to comment on the impact any proposed changes would have on the interpretation, administration or other matters affecting the provision of benefits from the funds, any of which comments shall be provided in writing within ten (10) days of the Mayor's written request therefor or such additional period of time as is reasonably required in the circumstances. The general counsel shall represent the pension commission and the system in all legal proceedings affecting the same and provide such advice and counsel to the pension commission, plan administrator and city treasurer in connection with the system as the pension commission directs, providing, however, that no claims which are made or actions which are brought by or against, or which otherwise affect, the system, or any one or more of its plans or funds, or any person or body acting on their behalf shall be compromised without the approval of each of the pension commission, corporation counsel and the city council.

- (d) The city treasurer shall have the care and custody of all of the assets in all of the pension funds and, with the approval of the pension commission and subject to the other provisions of this section, shall have power to invest and reinvest the same in securities, real property and other investments permissible by law for the investment of trust funds pursuant to the Connecticut Uniform Prudent Investor Act, Public Act 97-140; providing, however, that no more than sixty percent (60%) of the assets of any fund shall be invested in equity investments, at any one time. For purposes of making the foregoing calculations only, assets shall be taken at book value (carrying value) rather than market value, and assets held by insurance companies on behalf of any fund, including actuarial reserves for annuity contracts, shall be included within the fixed dollar portion of the account. Any investment which was made prior to April 27, 1998, and any investment which complies with the provisions of this section in effect at the time it is made,

may be retained even though its purchase otherwise would be prohibited hereunder unless the standard of care set forth in subparagraph (e) below requires its sale or other disposition.

- (e) The city treasurer, plan administrator and the pension commission shall be fiduciaries of the system and, in that capacity, shall fulfill their duties hereunder with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would then use in the conduct of an enterprise of like character and purpose. Without limiting the generality of the foregoing, the city treasurer, plan administrator and the pension commission shall discharge their duties:
 - (i) Solely in the interests of, and for the purpose of providing benefits to, participants and beneficiaries of the applicable fund or plan consistent with the other provisions of this chapter and applicable law;
 - (ii) Impartially, taking into consideration any differing interests of various participants and beneficiaries within each fund and plan;
 - (iii) By diversifying the investments of the assets of the funds so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so;
 - (iv) Except to the extent they may be paid by the city as contemplated by subparagraphs (g) and (i) below, incurring and paying all reasonable and appropriate expenses of administering the funds and plans; and
 - (v) In accordance with a good faith interpretation of the terms of this chapter and other applicable law.
- (f) Circumstances which shall be considered by the city treasurer, pension commission and any other fiduciaries when investing and managing any funds' assets also shall include, but not be limited to the following, to the extent relevant thereto:
 - (i) General economic conditions;
 - (ii) The possible effect of inflation or deflation;
 - (iii) The expected tax consequences, if any, of

investment decisions, strategies and distributions;

- (iv) The role that each investment or course of action plays within a fund's overall portfolio, which, except as otherwise provided in this section, may include financial assets, interests in closely held enterprises, tangible and intangible personal property and real property;
- (v) The expected total return from income and the appreciation of capital;
- (vi) Related trusts and other income and resources of the participants and beneficiaries;
- (vii) Needs for liquidity, regularity of income and preservation or appreciation of capital;
- (viii) An asset's special relationship or special value, if any, to the purposes of the fund;
- (ix) The size and actuarial funding status of the fund; and
- (x) The nature and estimated duration of the fund.

The fiscal integrity and economic well being of the city being of primary significance in its ability to ultimately fulfill its obligations to financially support the funds, the city treasurer and the pension commission, also may, when possible and consistent with their other fiduciary duties imposed hereunder and applicable law, consider whether the investment of any assets of, or expenditure of any income from, any fund will enhance or promote the general welfare of the city and its residents.

- (g) The city treasurer, with the approval of the pension commission, may provide by contract with any qualified custodian for the care and custody of any or all securities and other assets of the pension funds by such custodian, or for investment advice with respect to such funds, or for both such care and custody and investment advice. Any securities held by the city treasurer or any qualified custodian also may, in turn, be deposited in a clearing corporation subject to and in accordance with the provisions of Section 45a-208 of the connecticut General Statutes. Subject to approval by the pension commission, each of the city treasurer and plan administrator also may procure such other goods and services (including, but not limited to, the services of investment counsel, investment advisors,

investment managers, actuaries, and pension benefit administrators) as may be reasonably required by them in connection with the efficient and effective administration of, or investment of any of the assets in, the funds. Subject to approval by the pension commission and the corporation counsel, the general counsel also may procure additional legal and other services as may be reasonably required in connection with his or her representation of the funds.

- (h) The selection of and award of contracts to any persons or entities which are to provide any goods or services to any plan or fund shall be governed by the standard of care set forth in subparagraph (e) above, but shall not be subject to the provisions of Chapter VIII, Sections 8-11 or Chapter XVI of this Charter. The charges for all goods and services which are procured pursuant to subparagraph (g) above, together with any and all other administrative expenses, shall be paid from the income of the funds, except to the extent that any appropriations have been made therefor.
- (i) Any person or entity (including, but not limited to, any qualified custodian) which is contracted to invest, or direct or manage the investment of, any assets of the funds shall be, and shall specifically acknowledge in writing that such advisor is, (i) a fiduciary of the assets of the fund(s) for which such advisor has agreed to provide such services, (ii) registered as an investment company or investment adviser in good standing under the Investment Company and Advisers Acts of 1940, as amended, unless exempt from such registration, (iii) subject to the same limitations and standards governing the investment and reinvestment of such assets as apply to the city treasurer and the pension commission under or by reason of this section (unless, and then only to the extent, with respect to the standard set forth in subparagraph (e)(iii) above, the city treasurer, with the pension commission's approval, agrees that such is not the case), and (iv) in compliance, and that such advisor will comply, with all applicable laws and regulations governing the investment of the assets of the funds. Any duty or responsibility which is imposed or otherwise pertains to the investment of the assets of any fund hereunder shall apply, without limitation, to the selection, acquisition, retention and disposition of each security or other investment vehicle which is, or is to be, held by such fund; provided, however that any investment decisions respecting individual assets shall be evaluated not in isolation, but in the context of the entire portfolio of the fund of which they constitute a part and as a portion

of an overall investment strategy for such fund which is consistent with the requirements of this section; and, provided, further, that the city treasurer and the pension commission shall not be liable for any specific investments which are made by any investment advisor, custodian or other fiduciary so long as said person or entity is selected, appointed and retained (and the performance of such person or entity is therefore reviewed), and any assets of the fund for which the same is delegated investment responsibility are allocated, in accordance with the standards and limitations otherwise set forth in this section. Except as otherwise provided by the city treasurer or the pension commission, the limitations placed on the percentage of any fund's assets which may be invested in equity investments as set forth in subparagraph (d) above shall be calculated on the basis of all of the assets in a fund as opposed to any portions thereof for which the city treasurer retains, or any investment managers or custodians may be delegated, investment responsibility hereunder.

- (j) On or before the thirtieth day prior to the date set by the Mayor for submitting budget requests in any year, the city treasurer, after consultation with the plan administrator, shall provide the pension commission with the city treasurer's recommended budget for all of the administrative expenses to be incurred in connection with the administration of the funds in the ensuing fiscal year. Each such budget shall identify (i) the amounts anticipated to be required to be paid for all administrative expenses in the ensuing year, (ii) the nature and source of all such expenses, (iii) the source of revenue (including, without limitation, soft dollars) which are anticipated to be used to pay such expenses, and (iv) the extent to which any of the foregoing differs from both the current and prior year's budgeted and actual expenses. At the time set by the Mayor for making budget requests, the pension commission shall submit estimates of the sums necessary to be appropriated for the ensuing fiscal year for the purpose of meeting the obligations of the city under the provisions of this chapter, and an estimate of the appropriation necessary to meet the expenses of the commission in the performance of its duties during such year. The pension commission shall have sole authority to establish its budget each year, providing, however, that none of its expenses shall be paid from the city's general fund except within the amounts appropriated by the council therefor. Additionally, except as clearly may be required to fulfill the city treasurer's, plan administrator's and/or pension commission's duties pursuant to the standard of care set forth in subparagraph

(e) above, the cumulative amount of any administrative expenses which are to be paid from the income of the funds in any fiscal year shall not exceed the total of such expenses reflected in the city treasurer's recommended budget for, or one percent (1%) of the carrying value of the funds as of the first day of, said year, whichever is less.

(k) *Contributions by city.* The city shall pay annually into the fund such proportion of the pay of all members employed by the city as may be determined from time to time by the pension commission on sound actuarial principles to be necessary in addition to the contributions by members to provide future pensions based on service rendered by members. The pension commission shall make a complete actuarial study of the experience of the retirement system established by this section at intervals of no more than five (5) years and shall thereupon readjust the contributions to be made by the city.

(l) The pension commission shall adopt a statement of investment policies and objectives for each fund which includes, without limitation, the following: (i) the desired rate of return for the fund as a whole; (ii) the desired rate of return and acceptable levels of risk for each asset class within the fund; (iii) the asset allocation goals for the fund; (iv) the guidelines which will apply to the selection and retention of custodians and investment managers for the fund; and (v) information on the types of reports which will be used to evaluate investment performance for the fund. The pension commission shall review such statement, and either change it or reaffirm or, at least once each year.

(m) The city treasurer, with the approval of the pension commission, may provide part or all of the pensions to which retired employees of any class, as determined by the rules of the commission, are entitled by contracting with one (1) or more life insurance companies authorized to do business in the State of Connecticut for the payment of annuities to such employees, and the purchase of an annuity for any employee shall satisfy the pension obligations of the city to such employee to the extent of the annuity payments made under such contract.

(n) The pension commission shall have the power to make rules and regulations for the purpose of carrying out the provisions of this chapter.

CHAPTER XIII. OTHER CITY OFFICERS AND BOARDS

Sec. 1. Board of education.

There shall be a board of education of seven (7) members. It shall have all the powers and duties conferred and imposed by law on boards of education in respect of the control and management of schools except as otherwise provided in this Charter. It shall be the duty of the board of education to submit its budget estimates to the Mayor at the same time as other departments of the city and in the form required by the Mayor . The action of the mayor and council on such requests shall relate to their total only and the board of education shall have authority to expend in its discretion the sum appropriated for its use, provided, if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure in accordance therewith and report at the conclusion of the city's fiscal year its actual in comparison with its estimated expenditures.

A. Mandatory training as a prerequisite for service.

The Board of Education shall contract with the Connecticut Association of Boards of Education, the State Department of Education, the National School Boards Association, or some similar organization, to provide a training course on the role and responsibilities of a board of education and its members. The Board of Education shall assure that the course is available at alternative times at no charge to city residents and is provided in a central location accessible by public transportation, and that childcare is available if needed by a resident who desires to take the course. No one shall be eligible to begin service on the Board of Education who has not taken the course within three (3) years of the beginning of his or her service.

B. Prohibited Acts.

No member of the Board of Education may interfere with the performance by the Superintendent of Schools of those duties vested in or delegated to the Superintendent by statute or by act of the Board of Education. Such interference specifically includes any attempt by a member of the Board of Education to order or coerce, publicly or privately, any subordinate, official or employee of the District as to any matter

within the authority of the Superintendent under statute or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Such interference will constitute official misconduct that may be grounds for removal pursuant to chapter III, section 19 of this charter.

C. Election and appointment of Board of Education members.

Four members of the Board of Education shall be elected to four year terms. The provisions of section 9-167a of the general statutes, or any successor statute governing minority representation, shall apply to the Board of Education. The remaining three members shall be appointed by the Mayor, subject to confirmation by the Council, to four-year terms. The mayoral appointments shall be made in ~~January-February~~ of the even numbered year immediately following a mayoral election. In making such appointments, the Mayor shall endeavor to assure that the Board of Education contains individuals knowledgeable in matters of education, finance and budget, construction and facility maintenance.

TRANSITION PROVISION. To the extent allowed by state statute, in March of 2002, the Mayor shall appoint, subject to confirmation by the Council, seven people to be members of the Board of Education. Four of the seven shall be appointed to terms to expire at 12:01 a.m. on December 1, 2003, and their successors shall be elected to four (4) year terms commencing at 12:01 a.m. -on December 1 in the election in November of 2003 and quadrennially thereafter. The remaining three (3) members appointed by the Mayor in ~~March-February~~ of 2002 shall be appointed to terms to expire at 12:01 a.m. on March 1, 2006, and their successors shall be appointed by the Mayor to four (4) year terms commencing at 12:01 a.m. on March 1 in ~~January-February~~ of 2006 and quadrennially thereafter.

D. Filling of vacancies.

In the event an elected position on the Board of Education becomes vacant, it shall be filled by majority vote of the remaining members of the Board until the next regular municipal election, at which a successor shall be elected for the remainder of the vacant term and shall assume office at the first meeting of the Board following the certification of the results of the election, provided that if the next

municipal election is the election at which the successor to the departed member of the Board would have been chosen in ordinary course, the member so appointed shall continue in office for the remainder of the vacant term, and further provided that if the vacancy occurs too close in time to the next regular municipal election for the process of nomination to be completed in accordance with the general statutes, the vacancy shall be filled by appointment for the remainder of the vacant term. Any person so appointed by the Board of Education shall be of the same political party as the departed member. Any vacancy in an appointed position on the Board of Education shall be filled by the Mayor, subject to confirmation by the Council, for the remainder of the vacant term.

Sec. 2. Selectmen.

The selectmen shall have only such powers and duties as are conferred or imposed by the constitution and laws of the state in respect of the making of voters. The selectmen shall receive such compensation for the time actually spent in the performance of their duties as may be prescribed by ordinance.

Sec. 3. Registrars of voters.

The registrars of voters shall have such powers and duties as are conferred or imposed on them by the General Statutes and the provisions of this Charter.

Sec. 4. Corporation counsel.

- (a) There shall be a corporation counsel who shall be appointed by the Mayor, subject to confirmation by the Council in accordance with paragraph d of section 18 of chapter III as of the first Monday of January 2002, and quadrennially thereafter, provided that the corporation counsel shall serve at the pleasure of and may be removed by the Mayor at any time. The corporation counsel shall be an elector of the city and an attorney of at least five (5) years' practice. Subject to the provisions of chapter XVII, the corporation counsel shall be the legal advisor of the Mayor, the council, and all other departments, officers, boards, commissions or agencies of the city in all matters affecting the interests of the city, and shall upon request furnish them with a written opinion on any question of law involving

their respective powers and duties, provided that the council may by ordinance authorize the board of education and commissions established by ordinance to retain their own counsel, for such purposes as are specified in the authorizing ordinance, out of sums appropriated to the board of education or commission. The corporation counsel shall appear for and protect the rights of the city in all actions, suits or proceedings brought by or against it or any of its departments, officers, boards, commissions or agencies and shall have power, with the approval of the Mayor, to appeal from orders, decisions or judgments in such cases, and, with the approval of the Mayor and council, to compromise and settle any claims by or against the city. The corporation counsel shall prepare or approve all forms of contracts or other instruments to which the city is a party or in which it has an interest. The corporation counsel shall attend in person or assign an assistant to attend all meetings of the council. The corporation counsel shall have power, within the limitations of the appropriation therefor, to employ counsel in special matters, and, subject to the provisions of Chapter XVI of this Charter to appoint and remove such other employees of the corporation counsel's office as may be prescribed by ordinance.

- (b) In addition to such other personnel as may be provided by ordinance, the corporation counsel shall appoint such full-time assistants as shall be provided by ordinance, each of whom shall be an elector of the City of Hartford and who shall have been a member of the bar of the State of Connecticut for at least three (3) years prior to appointment. Each shall be a member of the classified service and subject to all the provisions of Chapter XVI, sections 7, 8, 9, 12 and 14, except that the corporation counsel may waive the requirement of competitive exam.

Section 5. Internal Audit Unit and Commission

A. The internal audit unit established by section 2-41(a) of the Municipal Code shall be continued. The unit shall have authority to examine into all matters relating to the integrity and efficiency of the government of the city, including the Board of Education.

B. The internal audit unit shall report to and be under the direction of an internal audit commission consisting of three members, no two of whom are members of the same political party. One member of the commission shall be appointed by majority vote

of the Council; one member of the commission shall be appointed by the Treasurer; and one member of the commission shall be appointed by the ten (10) largest owners of taxable property as determined by the most recent grand list in accordance with a procedure to be established by ordinance. The internal audit commission and the head of the internal audit unit shall give due consideration to requests from the Council or any member thereof and from the Mayor in establishing and modifying the work plan of the unit.

C. The head of the internal audit unit shall be a member of the classified service, shall be certified as an internal auditor or fraud examiner and shall have an advanced degree in accounting, business management, or a related field, and shall be appointed by the internal audit commission.

D. The internal audit commission shall adopt and forward to the Mayor, in accordance with the procedures and timetable established for other City departments, a proposed annual budget. The Mayor's budget shall include, and the Council shall appropriate, for support of the internal audit unit at least the amount necessary to maintain the staffing of the unit as approved in the previous annual budget unless the commission requests a smaller amount.

E. All reports of the internal audit unit shall be public and shall be submitted to the Council and to the Mayor. The Council may by ordinance specify the procedures the internal audit unit shall follow.

Sec. 6. Economic Development Commission

There shall continue to be an economic development commission with at least the powers and duties set forth in Ordinance No. 6-99, adopted January 25, 1999, subject to the provisions of chapter IV § 5(f) of this charter. The Council may by ordinance assign other powers and duties to the economic development commission.

CHAPTER XIV. PLANNING AND ZONING ~~AND ECONOMIC DEVELOPMENT~~

Sec. 1. Planning and Zoning Commission.

- A. There shall be a planning and zoning commission to consist of nine (9) electors appointed by the mayor in accordance with chapter IV of this charter, provided that the members of the commission on the city plan at the effective date of this provision shall become members of the planning and zoning commission for the remainder of the terms to which they were appointed.

The terms of commission members shall be arranged so that the terms of not more than three (3) members shall expire in any one year and shall be of such length as established by ordinance. A vacancy on the planning and zoning commission shall be filled as prescribed by ordinance. The Mayor and Council shall assure that the membership of the planning and zoning commission includes individuals with skills and knowledge in related fields such as planning, architecture, landscape architecture, real estate, or law.

- B. The planning and zoning commission shall have all the powers and duties of both a planning commission and a zoning commission under the general statutes and, upon the effective date of this provision, shall supersede the commission on the city plan as the city's planning commission and the city council as the city's zoning commission. All ordinances and regulations adopted by the city council related to planning and zoning prior to the effective date of this provision shall continue in full force and effect until modified, repealed or superseded in accordance with this charter and the general statutes. The decisions of the planning and zoning commission shall be consistent with the plan of development unless the commission concludes that changes in circumstances since the adoption of the plan of development support a deviation from the plan. The commission shall set forth the basis for any deviation from the plan of development in its decision.

C. The commission shall choose one (1) of its own number to be its chair and shall adopt rules for the conduct of its business consistent with this charter. Subject to the provisions of Chapter XI of this Charter the Mayor shall appoint a secretary and such other regular employees as may be prescribed by ordinance, and may within the limits of the appropriation therefor employ planners, engineers, architects or other technical assistants. The members of the commission shall serve without compensation.

Sec. 2. Duty to plan.

It shall be the duty of the commission to prepare and recommend from time to time, but no less than every ten (10) years, plans for the development of the city or any portion thereof which may include:

- (a) The general location and character of streets, bridges, boulevards, esplanades, squares, parks, playgrounds, playfields, aviation fields, parking spaces, public

buildings and the facilities and terminals of public utilities whether publicly or privately operated; and

- (b) Proposed regulations as to the use and occupancy of land and buildings. The commission shall make or cause to be made a map or maps of the city or any portion thereof illustrating such plans of development.

Sec. 3. Duties in relation to capital budget.

The commission shall prepare and revise annually a program of public improvements for the ensuing five (5) years and shall submit annually to the Mayor, at such time as the Mayor shall direct, its recommendations of such projects to be undertaken in the ensuing fiscal year and in the full five-year period. review all projects proposed for inclusion in the capital budget for consistency with the existing plan and shall report to the Mayor and Council the results of its review.

Sec. 4. Certain ordinances to be referred to planning and zoning commission.

Every ordinance or resolution of the council relating to the location of any street, bridge, boulevard, esplanade, square, park, playground, playfield, aviation field, parking space, public building, or to the facilities or terminal of any public utility, shall be at once referred to the planning and zoning commission and final action shall not be taken on any such ordinance or resolution until the commission shall have reported thereon, provided the council may establish by ordinance a period of not less than sixty (60) days within which the commission shall file its report with the city clerk and if no report is filed within such period the approval of the commission shall be assumed.

Sec. 5. Zoning board of appeals.

There shall be a zoning board of appeals consisting of five (5) members appointed in accordance with Chapter IV hereof, one (1) each year for a term of five (5) years commencing on the first Monday in February. The Council may by ordinance provide for the appointment of alternate members of the zoning board of appeals. The board shall serve without compensation. It shall choose one (1) of its number to be its chair, adopt rules for its procedure, and meet at the call of the chair and at such other

times as the board may determine. The Mayor shall assign an employee to act as its secretary and such other employees as may be necessary to assist it in the performance of its duties. It shall have power, within the limits of the appropriation therefor, to employ such assistance as may be necessary in keeping the minutes of its hearings and of its proceedings. All meetings of the board shall be open to the public and it shall keep minutes of its proceedings showing each order, decision or requirement or other official action of the board and the vote of each member on each question, and if a member is absent or fails to vote that fact shall be indicated. The minutes and files of the board shall be public records and open to inspection. The chair of the board and in the chair's absence the acting chair shall have the power to administer oaths and compel the attendance of witnesses. Any person who fails to obey a lawful subpoena of said chair or acting chair shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days or both.

Sec. 6. Appeals to and from the zoning board of appeals.

Appeals to and proceedings before the zoning board of appeals and appeals from the actions of the zoning board of appeals shall be governed by the general statutes.

Sec. 7. Violation, punishment and remedies.

Zoning regulations as provided in this chapter shall be enforced by such employees of the city as the Council may by ordinance designate. Violations of such regulations shall be punished and such other remedies shall be available as provided in Sections 8-12 and 8-12a of the General Statutes and any amendments thereto.

~~Sec. 8. Economic Development Commission~~

~~There shall continue to be an economic development commission with at least the powers and duties set forth in Ordinance No. 6-99, adopted January 25, 1999. The Council may by ordinance assign other powers and duties to the economic development commission.~~

Sec. 98. Conflict of Interest.

In addition to all applicable conflict of interest provisions of the general statutes and of the municipal code, no member of the Planning and Zoning Commission, the Zoning Board of Appeals, or the Economic Development Commission shall participate in the hearing or decision upon any matter in which

he or she is directly or indirectly interested in a personal or financial sense.

CHAPTER XV. MISCELLANEOUS AND TRANSITION PROVISIONS

Sec. 1. Present ordinances and rules effective.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this amended Charter and not inconsistent herewith, shall remain in force until amended, repealed or superseded as provided herein.

Sec. 2. Constitutionality.

In case any portion of this Charter shall at any time be found to be unconstitutional such finding shall not affect the remainder thereof, but as to such remainder this Charter shall remain in full force and effect until amended or repealed.

Sec. 3. Transition Provisions.

All departments, agencies, commissions and other units of the city government previously provided for in the charter but not provided for in this amended charter and in existence as of the effective date of this amended charter, and the positions associated therewith, shall remain in existence unless and until they are altered or abolished by ordinance. The Directors, Deputies and Assistants of said departments, agencies and commissions shall continue until replaced by the Mayor. The positions provided for the office of the City Manager shall, on January 1, 2002, become positions in the office of the Mayor and the holders of those positions shall serve at the pleasure of the Mayor.

The terms of all elected officials holding office when this amended charter is approved by the electors of the City shall be extended until the terms of the officials elected in the election of November 2001 commence in accordance with the provisions of this amended charter. Elected officials who are compensated . 0shall be paid a pro rata portion of their salaries during the period of the extension.

Sec. 4. Effective dates of the provisions of this charter.

The provisions of this amended Charter shall take effect as

follows:

- (a) Those of Chapter III, proposed section 17 concerning the establishment of districts for the Council election in November of 2001 shall take effect upon approval by the electors of the City.
- (b) Those of Chapter VII, proposed section 4 concerning purchasing for the Board of Education shall take effect on January 1, 2001.
- (c) All other provisions shall take effect on January 1, 2002, except that the Council is authorized upon approval of this amended charter by the electors of the City to enact all ordinances necessary and proper to the implementation of the provisions of this amended charter as of its effective date.

Sec. 5. Periodic review of the charter.

In April of 2009, and every ten (10) years thereafter, the Council shall appoint a charter revision commission, pursuant to chapter 99 of the general statutes or the then-comparable provisions. Nothing in this section limits the right of the 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 Council from appointing a commission as required by this section.