

**CHARTER**

**OF THE**

**CITY OF WATERBURY**

**Hon. Michael J. Jarjura,  
Mayor**

**Hon. Michael J. Dalton  
City Clerk**

**Hon. Antoinette C. Spinelli  
Town Clerk**

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**Adopted by the Electors of the City of Waterbury  
November 5, 2002; as further amended by said Electors on  
November 2, 2004 (including implementation of sunset  
provisions approved in 2002) and November 2, 2010**

**Published pursuant to §1C-1 of said Charter**

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**TABLE OF CONTENTS**  
**CHARTER OF THE CITY OF WATERBURY**

PREAMBLE..... x

CHAPTER 1. CITY LIMITS AND POWERS..... 1

PART A. TERRITORY AND CORPORATE POWERS ..... 1

    Sec. 1A-1. Territory. .... 1

    Sec. 1A-2. How Constituted. Corporate Powers..... 1

    Sec. 1A-3. Enumerated Powers Not Exclusive..... 1

    Sec. 1A-4. City Succeeds All Other Municipal Governments. .... 1

PART B. TAXATION DISTRICTS ..... 2

    Sec. 1B-1. How Constituted. .... 2

    Sec. 1B-2. When Taxes Become Due And Payable; Discount of Taxes..... 2

    Sec. 1B-3. Postponement of Taxes. .... 2

    Sec. 1B-4. Liens for Taxes on Real Property. .... 3

    Sec. 1B-5. Liens for Assessments, Water Charges, Sewer Charges and Other Charges. 3

    Sec. 1B-6. Expiration of liens. .... 4

PART C. CHARTER AMENDMENTS AND COMPILATIONS. .... 4

    Sec. 1C-1. Compilation of Ordinances, Charter Sections and Special Acts. .... 4

    Sec. 1C-2. Penalties for Charter Violations. .... 5

PART D. LEGAL MATTERS. .... 5

    Sec. 1D-1. Sufficiency of Notice. .... 5

    Sec. 1D-2. Appeals from Acts of City..... 5

    Sec. 1D-3. Joinder of Co-Defendants in Actions against City..... 5

    Sec. 1D-4. Payment of Judgments and Costs by City; Bonds..... 6

    Sec. 1D-5. Officers to Arrest Without Warrant..... 6

CHAPTER 2. TERMS OF OFFICE AND ELECTIONS ..... 7

PART A. GENERAL ..... 7

    Sec. 2A-1. Applicability of General Statutes. .... 7

    Sec. 2A-2. Bonds..... 7

    Sec. 2A-3. Officers to Deliver Records to Successors. .... 7

PART B. ELECTIONS..... 8

    Sec. 2B-1. Electors..... 8

    Sec. 2B-2. Date of Election and Terms of Office of Elective Offices. .... 8

    Sec. 2B-3. Oaths of Office..... 9

    Sec. 2B-4. Vacancies in Elective Offices..... 9

Sec. 2B-5.	Town Clerk to Examine and Admit Electors.....	9
Sec. 2B-6.	Elections Clerk.....	9
Sec. 2B-7.	Informality Need Not Invalidate Results.....	9
PART C.	CONFLICT OF INTEREST.....	10
Sec. 2C-1.	Conflict of Interest and Ethics.....	10
PART D.	COMPENSATION OF ELECTED OFFICIALS.....	10
Sec. 2D-1.	Mayoral Compensation.....	10
Sec. 2D-2.	Compensation for the Board of Aldermen. Referendum.....	11
Sec. 2D-3.	Compensation for City Clerk and Town Clerk.....	11
Sec. 2D-4.	Compensation for the City Sheriff.....	11
CHAPTER 3.	THE BOARD OF ALDERMEN.....	13
PART A.	POWERS.....	13
Sec. 3A-1.	Board of Aldermen Vested with the Legislative Powers of the City.....	13
Sec. 3A-2.	Powers of the Board of Aldermen.....	14
Sec. 3A-3.	Regulation of Trade and Commerce.....	17
PART B.	PROCEDURES.....	17
Sec. 3B-1.	Organization and Officers of the Board of Aldermen.....	17
Sec. 3B-2.	Meetings; Quorum.....	18
Sec. 3B-3.	Rules of Proceedings; Punishment of Members; Removal of City Officers.....	19
Sec. 3B-4.	Votes.....	19
Sec. 3B-5.	Procedure for Enacting Ordinances.....	19
Sec. 3B-6.	Approval or Veto by Mayor.....	20
PART C.	ASSESSMENT OF BENEFITS AND DAMAGES.....	21
Sec. 3C-1.	Board of Aldermen to Assess Benefits and Damages.....	21
Sec. 3C-2.	Assessment Procedure.....	21
Sec. 3C-3.	Bureau of Assessment.....	22
Sec. 3C-4.	Notice and Hearing.....	22
Sec. 3C-5.	Report Upon and Completion of Assessment and Taking.....	22
PART D.	INTERLOCAL AGREEMENTS.....	23
Sec. 3D-1.	Board of Aldermen to Regulate Minimum Requirements of Interlocal Agreements by Ordinance.....	23
CHAPTER 4.	THE MAYOR.....	25
Sec. 4-1.	The Executive Power and Authority of the Mayor.....	25
Sec. 4-2.	Duties.....	25
Sec. 4-3.	General Powers and Duties.....	27
Sec. 4-4.	Mayor Not Succeeding to a Subsequent Term in Office: Powers, Duties Restrictions.....	28
Sec. 4-5.	Vacancy in Office of Mayor.....	29
Sec. 4-6.	Acting Mayor.....	29
Sec. 4-7.	Assignment of Rights or Duties to Town or City Officers.....	29
Sec. 4-8.	Annual Reports of Departments and Recommendations Thereon.....	29
Sec. 4-9.	Water Police.....	30

Sec. 4-10. Hydroelectric Products.....	30
CHAPTER 5. OTHER ELECTIVE OFFICIALS.....	32
PART A. CITY CLERK.....	32
Sec. 5A-1. City Clerk. Powers and Duties.....	32
Sec. 5A-2. Assistant City Clerk.....	32
Sec. 5A-3. Validity of Records.....	33
PART B. TOWN CLERK.....	33
Sec. 5B-1. Powers, Duties and Compensation.....	33
Sec. 5B-2. Vital Statistics.....	33
PART C. REGISTRARS OF VOTERS.....	33
Sec. 5C-1. To Officiate at City Elections.....	33
Sec. 5C-2. List of Voters by Districts; Moderators and other Personnel.....	33
Sec. 5C-3. Deputy Registrars and Clerks.....	34
Sec. 5C-4. Both Registrars to Sign Requisitions.....	34
PART D. CITY SHERIFF.....	34
Sec. 5D-1. Powers, Duties and Compensation.....	34
CHAPTER 6. BOARDS AND COMMISSIONS.....	37
PART A. GENERAL REQUIREMENTS FOR APPOINTIVE BOARDS AND COMMISSIONS ...	37
Sec. 6A-1. Creation of Boards and Commissions: Number of Members, Terms.....	37
Sec. 6A-2. Appointment.....	37
Sec. 6A-3. Vacancy.....	37
Sec. 6A-4. Publication of Boards and Commissions.....	37
Sec. 6A-5. Residency Requirement.....	37
Sec. 6A-6. Dual Appointment Prohibited. Exceptions.....	38
Sec. 6A-7. Conflict of Interest.....	38
Sec. 6A-8. Minority Party Representation.....	38
Sec. 6A-9. Compensation Prohibited.....	38
Sec. 6A-10. Removal.....	38
PART B. INDEPENDENT COMMISSIONS REQUIRED BY CHARTER: FINANCE AND AUDIT REVIEW COMMISSION, DEPARTMENT OF AUDIT, THE ETHICS COMMISSION AND CIVIL SERVICE COMMISSION.....	39
Sec. 6B-1. Finance and Audit Review Commission.....	39
Sec. 6B-2. Department of Audit.....	40
Sec. 6B-3. Board of Ethics.....	41
Sec. 6B-4. Civil Service Commission.....	42
PART C. APPOINTIVE BOARDS AND COMMISSIONS REQUIRED BY CHARTER.....	45
Sec. 6C-1. Generally.....	45
Sec. 6C-2. Board of Commissioners of Public Health.....	45
Sec. 6C-3. Board of Park Commissioners.....	46
Sec. 6C-4. City Plan Commission.....	47
Sec. 6C-5. Board of Police Commissioners.....	49

Sec. 6C-6.	Board of Fire Commissioners. ....	50
Sec. 6C-7.	The Zoning Commission. ....	50
Sec. 6C-8.	Board of Assessment Appeals.....	50
Sec. 6C-9.	Board of Commissioners of Public Works.....	50
Sec. 6C-10.	Retirement Board.....	50
PART D. APPOINTIVE BOARDS REQUIRED BY ORDINANCE .....		51
Sec. 6D-1.	Authority to Create Boards and Commissions. ....	51
PART E. APPOINTIVE BOARDS AUTHORIZED BY SPECIAL ACT .....		51
Sec. 6E-1.	Board of Agents of the Silas Bronson Library.....	51
Sec. 6E-2.	Redevelopment Agency.....	53
CHAPTER 7. DEPARTMENTS AND DEPARTMENT HEADS .....		55
PART A. GENERAL REQUIREMENTS FOR DEPARTMENTS AND DEPARTMENT HEADS..		55
Sec. 7A-1.	Authority to Establish the Departments of Government.....	55
Sec. 7A-2.	Appointment of Department Heads: General Requirements. ....	55
Sec. 7A-3.	Liability of Officers and Members of Departments or Boards and Commissions. ....	56
Sec. 7A-4.	Continuance in Office. Removal of Department Heads. ....	57
PART B. THE LEGAL DEPARTMENT.....		57
Sec. 7B-1.	The Legal Department and Corporation Counsel. ....	57
Sec. 7B-2.	Special Duties and Powers with Respect to Taxes.....	58
PART C. GOVERNMENT ADMINISTRATION.....		59
Sec. 7C-1.	Department of Finance. ....	59
Sec. 7C-2.	Department of Budget Control. ....	64
Sec. 7C-3.	Department of Information Services. ....	65
Sec. 7C-4.	Department of Purchases. ....	65
Sec. 7C-5.	Department of Human Resources. ....	66
Sec. 7C-6.	Office of the City Assessor.....	68
PART D. PUBLIC SAFETY, HEALTH AND COMMUNITY SERVICES .....		68
Sec. 7D-1.	Police Department. ....	68
Sec. 7D-2.	Fire Department. ....	69
Sec. 7D-3.	Department of Health.....	70
Sec. 7D-4.	Community Services.....	70
PART E. GOVERNMENT OPERATIONS AND DEVELOPMENT .....		70
Sec. 7E-1.	Government Operations and Development. ....	70
Sec. 7E-2.	Department of Inspection.....	71
PART F. CONSTABLES .....		71
Sec. 7F-1.	Constables.....	71
Sec. 7F-2.	Special Constables. ....	71

CHAPTER 8. EDUCATION .....73

PART A. THE DEPARTMENT OF EDUCATION .....73

    Sec. 8A-1. Department Established. ....73

    Sec. 8A-2. Superintendent of Schools.....73

PART B. THE BOARD OF EDUCATION .....73

    Sec. 8B-1. Board of Education. ....73

    Sec. 8B-2. Powers and Duties.....74

    Sec. 8B-3. Acquisition and Holding of Property.....75

    Sec. 8B-4. Budget Preparation.....75

    Sec. 8B-5. Annual Report.....75

    Sec. 8B-6. School Crossing Guards.....76

CHAPTER 9. BUDGET .....77

PART A. GENERAL PROVISIONS.....77

    Sec. 9A-1. Fiscal Year.....77

    Sec. 9A-2. No Liability or Expense to be Incurred in Excess of Appropriation. ....77

    Sec. 9A-3. No Public Improvement to be Ordered Without Appropriation.....77

PART B. BUDGETARY PROCEDURES.....77

    Sec. 9B-1 Annual Departmental Budget Estimates.....77

    Sec. 9B-2. Submission of the Mayor’s Proposed Budget. Public Hearing.....78

    Sec. 9B-3. Required Contents for Budget Submission.....79

    Sec. 9B-4. Budget Deliberations of the Board of Aldermen.....80

PART C. CAPITAL PROJECTS.....81

    Sec. 9C-1. Capital Budget. ....81

PART D. POST-ADOPTION FINANCIAL PROVISIONS.....81

    Sec. 9D-1. Transfer, Additional and Lapse of Appropriations during the Fiscal Year.....81

    Sec. 9D-2. Special Appropriations to Require Special Tax.....82

    Sec. 9D-3. Appropriation of Insurance Loss Proceeds.....82

CHAPTER 10. PUBLIC FUNDS AND FINANCE .....83

PART A. BORROWING BY THE CITY .....83

    Sec. 10A-1. Issuance Authorized. ....83

    Sec. 10A-2. Procedures. ....83

    Sec. 10A-3. Approval of Mayor.....84

    Sec. 10A-4. Short Period of Limitation.....84

    Sec. 10A-5. Capital Purpose. Defined.....84

CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS.....85

PART A. PUBLIC WORKS: THE WATER SUPPLY .....85

    Sec. 11A-1. Punishment for Offenses regarding Water etc. ....85

    Sec. 11A-2. Water Supply; Uses.....85

    Sec. 11A-3. Authorization Regarding the Water Supply.....86

    Sec. 11A-4. Amending Authorization to Increase Water Supply. ....87

**CHARTER OF THE CITY OF WATERBURY**

Sec. 11A-5. Amendment to Authorization to Increase Water Supply.....	87
Sec. 11A-6. Validation Act regarding Water Supply.....	87
Sec. 11A-7. Amendment regarding Water Supply System.....	88
PART B. PUBLIC WORKS: CITY STREETS.....	88
Sec. 11B-1. Individuals May Not Lay Out Streets.....	88
Sec. 11B-2. Property Owners to Clear Sidewalks of Snow and Ice.....	89
Sec. 11B-3. Construction and Use of Electric Wire Conduits; Appeals.....	89
Sec. 11B-4. Private Conduits May Continue in Use or Be Taken by City.....	90
PART C. PUBLIC WORKS: CITY SEWERS.....	90
Sec. 11C-1. Assessment for Construction of Sanitary Sewers.....	90
Sec. 11C-2. Establishment of Assessment Rates.....	91
Sec. 11C-3. When Sewer Assessment Payable; Penalty for Nonpayment.....	92
PART D. PARKS AND RECREATION.....	92
Sec. 11D-1. Board to Acquire, Improve, Manage and Control Park Property.....	92
Sec. 11D-2. Grants and Devises of Property for Park Purposes.....	93
Sec. 11D-3. Establishment of Boulevards and Parkways.....	93
Sec. 11D-4. Location of Pipes and Wires in Parks.....	93
Sec. 11D-5. Issuance and Enforcement of Regulations.....	93
PART E. MICELLANEOUS ISSUES.....	94
Sec. 11E-1. Group Insurance Policies for Employees.....	94
PART F. PUBLIC MONEYS.....	94
Sec. 11F-1. General Fund.....	94
Sec. 11F-2. Redevelopment Fund.....	94
Sec. 11F-3. Revolving Working Capital Funds.....	95
Sec. 11F-4. Sidewalk Construction Fund.....	95
Sec. 11F-5. Street Improvement Fund; Special Assessments; Assessment Procedure.....	95
Sec. 11F-6. Water Fund.....	96
Sec. 11F-7. Bonds for Capital Outlay Projects.....	96
Sec. 11F-8. Special Sewer Fund.....	97
Sec. 11F-9. Creation of a Capital Revolving Fund for Waterbury.....	97
Sec. 11F-10. Creation of a Park Department Capital Improvement Fund.....	97
Sec. 11F-11. Penalty for Failure to Account for City Money.....	98
PART G. RESERVATION OF RIGHTS.....	
Sec. 11G. Reservation of Rights.....	100
CHAPTER 12. Miscellaneous and Transition Provisions.....	100
Sec. 12-1. Present Ordinances and Rules Effective.....	99
Sec. 12-2. Constitutionality.....	99
Sec. 12-3. Effective Dates of the Provisions of this Charter.....	99
Sec. 12-4. Periodic Review of the Charter.....	99
ADDENDUM #1. SPECIAL ACT NO. 01-1: AN ACT AUTHORIZING THE ISSUANCE OF CERTAIN BONDS BY THE CITY OF WATERBURY.....	101



ADDENDUM #2. SPECIAL ACT NO. 01-2: §96 OF AN ACT CONCERNING AUTHORIZATION OF BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS AND OTHER PURPOSES AMENDING S.A. NO. 01-1..... 119

ADDENDUM #3. SPECIAL ACT NO. 01-2: §64 OF AN ACT CONCERNING STATE EXPENDITURES AMENDING S.A. NO. 01-1..... 121  
ENDNOTES ..... 123



## **PREAMBLE<sup>1</sup>**

We the people of the City of Waterbury, in order to create an efficient and effective structure of government, to establish a balance of power and facilitate cooperation between the executive and legislative bodies, to provide for the effective management of City finances, to establish the City as an entity with which businesses will be eager to transact, to ensure that government will work for the people, to acknowledge and preserve the history of this proud document, and to affirm our pride and faith in the government of this great City, do establish this Charter of the City of Waterbury. Let this document serve as a blueprint for people of good heart, able mind, sincere purpose and willingness to unselfishly serve the people. May it parallel our heritage of brass, service, reliability and endurance with luster.

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**CHARTER OF THE CITY OF WATERBURY**

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xi

**CHARTER OF THE CITY OF WATERBURY**

## **CHAPTER 1. CITY LIMITS AND POWERS**

### **PART A. TERRITORY AND CORPORATE POWERS**

#### **Sec. 1A-1. Territory<sup>2</sup>.**

The territorial limits of the body politic and corporate existing under the name of the City shall include all the land and territory situated within the limits of the Town of Waterbury.

#### **Sec. 1A-2. How Constituted. Corporate Powers<sup>3</sup>.**

All the electors of this State of Connecticut ("State", State of Connecticut" or "State") , dwelling within said limits, shall continue to be a body politic and corporate by the name of "The City of Waterbury" (hereinafter referred to as "City"), and by that name they and their successors shall have perpetual succession and shall be capable of suing and being sued, pleading and being impleaded, in all suits and actions, in law or in equity; shall have power to purchase, hold and convey any estate, real or personal; may have a common seal and may change and alter the same at pleasure and shall be and remain absolutely vested with the title to the improvements of all the lands, tenements, hereditaments, rights and estates which, since the original incorporation of the City, have become vested in the City, and whereof the City has never been lawfully divested.

#### **Sec. 1A-3. Enumerated Powers Not Exclusive<sup>4</sup>.**

The enumeration of particular powers by this Charter shall not be held to be exclusive, but it is intended that the City shall have, in addition to the powers so enumerated, all municipal powers within and without the City limits which may be reasonably necessary or convenient for the government and regulation of its inhabitants and its local affairs and for the performance of public services, not inconsistent with law or this Charter.

#### **Sec. 1A-4. City Succeeds All Other Municipal Governments<sup>5</sup>.**

All rights and powers conferred and duties and obligations imposed by law, upon towns and cities, or any officers of them, shall be held to be conferred or imposed upon the City, except as herein otherwise provided, to be exercised or discharged by such officer or officers of the City as may be specified by this Charter or in accordance with its provisions. There shall be no other municipal government within the City limits, but the City shall be the successor in every respect to the corporation of the same name existing under previous Charters and amendments thereto and to the Town of Waterbury.

## **PART B. TAXATION DISTRICTS<sup>6</sup>**

### **Sec. 1B-1. How Constituted<sup>7</sup>.**

There shall be one taxation district in the City, which shall comprise all the territory within the limits of the City. All the inhabitants and property within the limits of such City shall be liable for taxation to defray the burden and expenses imposed by the City upon its inhabitants and property.

### **Sec. 1B-2. When Taxes Become Due And Payable; Discount of Taxes<sup>8</sup>.**

All property taxes becoming due and payable in the City, exclusive of special taxes, assessments, and water charges and sewer charges, shall be subject to a discount of one (1%) percent of the total amount, if claimed by the taxpayer at the time of making payment and if the entire tax is paid in one payment within the first installment collection period. Due dates of all property taxes levied in the City shall be determined in the manner described in the General Statutes of the State of Connecticut ("General Statutes" or "C.G.S.").

### **Sec. 1B-3. Postponement of Taxes<sup>9</sup>.**

In addition to the powers conferred upon the Mayor and Board of Aldermen of the City to abate the taxes assessed upon such persons as are poor and unable to pay the same, said Mayor and Board of Aldermen are empowered, in any case where they find the owner of, or the life tenant in, any real property, to be poor and unable to pay the taxes assessed upon such real estate, to cause the collection of any such tax to be postponed until after the death of such owner or life tenant or the transfer or change of the title to such property, and to cause a certificate of lien to be recorded in the office of the Town Clerk of the Town of Waterbury, describing such real estate, the name of the owner or life tenant and the amount of the taxes assessed against such property and stating that the collection of such tax is to be postponed until after the death of such owner or life tenant or the transfer or change of the legal title to such property; and such lien shall thereupon take precedence and priority of all other liens or encumbrances on such property, except that taxes due to the State and other City liens prior in date, and the lands or buildings on which any such lien may so exist shall be liable to be foreclosed after the death of such owner or life tenant or the transfer or change of the title of any such property, in the same manner as if such lien were a mortgage thereon in favor of the City. Such taxes, when so postponed, shall bear interest which at its maximum shall be the rate set forth in the General Statutes pertaining to a lien for the nonpayment of taxes. The Director of Finance or Tax Collector shall, upon notice from the City Clerk that the collection of such taxes has been so postponed, cause such certificate of lien to be recorded forthwith in the manner hereinbefore stated, and thereupon said Tax Collector shall be free from any further obligation concerning such tax. The Corporation Counsel, upon the decease of such owner or life tenant or upon the transfer or change of the title to such property, shall enforce the collection of such tax and make due return to the Department of Finance.

No provision of the General Statutes concerning deferment of taxes shall apply within the City and all taxes deferred or postponed must be so deferred or postponed under the provisions of this section.

**Sec. 1B-4. Liens for Taxes on Real Property<sup>10</sup>.**

In the alternative to any powers conferred by the General Statutes, the City may proceed as set forth in this section. The estate of any person in any portion of real estate situated in the Town of Waterbury, which is by law set in his list for taxation, shall be subject to a lien for that part of his taxes which is laid upon the valuation of such real estate as found in such list when finally completed, which lien shall continue from the first day of October in the year previous to that in which such taxes became due until two (2) years after such taxes became due and, during its continuance, shall take precedence only of all mortgages, attachments and liens purporting to cover or affect such estate in the whole of such portion and becoming matters of record before said first day of October, and of all transfers and encumbrances in any wise affecting such estate in such portion, or any part of it, and becoming matters of record after said first day of October. Such lien while it shall continue as above, may be enforced by levy and sale completed before its expiration. No sale of real estate for taxes shall divest the estate sold of any existing lien for other taxes which would not have been divested had such sale been made by the owners of such real estate.

**Sec. 1B-5. Liens for Assessments, Water Charges, Sewer Charges and Other Charges<sup>11</sup>.**

In addition to or in the alternative to any and all powers conferred by federal and state law, constitutions, statutes and regulations, and, in addition to or in the alternative to, without limiting ordinance provisions regarding the collection and lien practices and methods of the City of Waterbury, the City may proceed as set forth in this section. All assessments made under the provisions hereof for any public works or improvements including sewers, streets, brooks, rivers, watercourses, curbs, sidewalks and water charges, delinquent sewer charges and for any expense incurred for which any person shall be liable to the City shall be a lien upon the property upon which such assessments were made or expense incurred, or which is benefited thereby, and any claim for the use of water shall be a lien upon the house or tenement or lot wherein or in connection with which such water was used by the owner or occupant thereof; and all liens created under the provisions of the Charter shall take precedence and priority of all other liens or encumbrances on the property whereon the same is imposed, except taxes due to the state and other City liens prior in date, and the lands, buildings or other property on which any such lien may exist shall be subject to foreclosure proceedings in the same manner as if such lien were a mortgage thereon in favor of the City, to secure the amount of such assessment or expense; provided no such lien shall continue to exist longer than one hundred and twenty (120) days after such assessment shall have become payable, or, as the case may be after such expense shall have been incurred, unless within that period a certificate, signed by the Tax Collector of the City, describing the property on which such lien exists and the amount claimed by the City as a lien thereon shall be lodged with the Town Clerk of the Town of Waterbury; and provided no certificate of lien shall be lodged with said Town Clerk, until the public work or improvement for which assessment is made, as hereinbefore set forth, is completed. In the instance of lien-continuing certificates for water charges or sewer charges, it shall be sufficient for the Tax Collector to file in March of each year one such certificate for all unpaid charges pertaining to each separate property for the preceding calendar year. Whenever any assessment shall be made under the provisions of the Charter of the City

upon the layout or grade of any new street, a certificate of such assessment shall be lodged by the City Clerk with said Town Clerk within two (2) weeks after such assessment is duly adopted by the Board of Aldermen, which certificate shall be at once recorded by said Town Clerk in a book to be kept by him for such purpose, marked or entitled "Certificates of Assessments." Except in the instance of water charges or sewer charges as herein provided, if any assessment shall remain unpaid for a period of one hundred and twenty (120) days after the charge therefore has been levied, which levy shall only be made subsequent to completion of the work or until any other expense is incurred, a certificate of lien upon the property so assessed shall be filed by the Tax Collector in the manner and with the effect hereinbefore set forth. No unpaid assessment for such layout or grade of new streets, brooks, river, watercourse, laying of curb or sidewalk, sewers or for water charges or sewer charges shall be transmitted by the Tax Collector to the Corporation Counsel until after such assessment shall become collectible by reason of the work having been completed or water charges or sewer charges due and no assessment upon any such work or improvement shall be collectible until such work has been completed. All liens set forth in this section shall bear interest, from the expiration of one hundred and twenty (120) days after the date when the assessment upon which such liens are based shall become due and collectible, at the rate of six (6%) percent per annum until paid and discharged; and any such lien shall cease to exist whenever a certificate that the claim secured thereby, together with the interest and costs thereon, has been fully satisfied to the City, signed either by the Tax Collector, or Corporation Counsel, shall be lodged with the Town Clerk aforesaid. All certificates set forth in this section shall be recorded by said Town Clerk in a book kept for that purpose. All City liens for assessments or water charges or sewer charges filed by the Tax Collector and recorded in the office of the Town Clerk within one hundred and twenty (120) days from the time the assessment or water charges or sewer charges became due and payable are validated and all liens, not previously discharged, shall remain of record and have the same effect as if filed within ninety (90) days from the time the assessment or water charges or sewer charges became due and payable. Upon non-payment of any sewer assessment or any part thereof within the time prescribed by law, a lien shall be filed not later than one (1) year after such assessment or any part thereof became due and payable.

**Sec. 1B-6. Expiration of liens<sup>12</sup>.**

Unless a longer of period of time is set forth in the General Statutes, all tax liens, municipal liens or improvement liens upon private property which shall have been recorded in the land records of the City for more than fourteen (14) years shall be invalid, and such property shall be free from the encumbrance of such lien unless an action of foreclosure shall have been commenced during such period of fourteen (14) years, and, a notice of *lis pendens* filed for record in the office of the Waterbury Town Clerk. Such Town Clerk shall, if no such notice shall have been filed, upon the request of any interested person, discharge such lien of record by noting on the margin of such record "discharged by operation of law," and thereafter no payment of the debt evidenced by such lien shall be enforced against any person or corporation.

**PART C. CHARTER AMENDMENTS AND COMPILATIONS<sup>13</sup>.**

**Sec. 1C-1. Compilation of Ordinances, Charter Sections and Special Acts<sup>14</sup>.**

On or before March first of each even-numbered year, the Corporation Counsel of the City shall print a publication of all amendments to the Ordinances of the City of Waterbury ("Ordinances"), all new ordinances, new Charter sections, amendments to



Charter sections, and any special acts of a permanent nature pertaining to the City as a cumulative supplement to the compilation of the Ordinances, Charter and Special Acts. Said compilation to be called "The Charter and Ordinances of the City" shall be maintained in a current status by the Corporation Counsel. The compilation and all supplements thereto shall be available for sale at a reasonable cost to be determined by the City Clerk. A copy of each compilation and supplement shall be deposited by the City Clerk in the Office of the Secretary of the State, in the State Library, in the bar library for Judicial District of Waterbury and in the Silas Bronson Library.

**Sec. 1C-2. Penalties for Charter Violations<sup>15</sup>.**

Any person who shall violate any provision of this Charter, for which violation no punishment has been provided, shall be fined not more than One Thousand (\$1,000.00) Dollars or imprisoned not more than two (2) years or both.

**PART D. LEGAL MATTERS<sup>16</sup>.**

**Sec. 1D-1. Sufficiency of Notice<sup>17</sup>.**

In all cases where by law notice is required to be given by any of the boards of the City, except as otherwise expressly provided in this Charter, a notice signed by the clerk of such board and served upon the party therein mentioned at least three (3) days before the day of hearing or in case of a nonresident of the City but a resident of this state, a like notice by said clerk deposited in the post office in the City, postage paid, directed to the last-known residence of such nonresident, at least six (6) days before such hearing, or, in case of a nonresident of this state, a like notice so directed and deposited in said post office at least twelve (12) days before such hearing, shall be deemed sufficient notice.

**Sec. 1D-2. Appeals from Acts of City<sup>18</sup>.**

Any party who shall feel aggrieved by any act of the Board of Aldermen or of any department may, within twenty (20) days after the doing of the act by which he claims to be aggrieved, appeal from such action to the Superior Court for the Judicial District of Waterbury at its next regular return day, or next but one, after the date of such appeal; provided he shall have given notice thereof to the City by leaving a copy of such appeal with the City Clerk, or at his usual place of abode, within twenty (20) days after the doing of such act. Said Superior Court shall require such appellant to file his reason for such appeal, and may, by committee or otherwise, inquire into the allegations and reasons of appeal duly made, as aforesaid, and may confirm, annul or modify the act appealed from, or make such order in the premises as equity may require, and may allow costs at its discretion. All such appeals shall be privileged cases in the Superior Court and the Corporation Counsel shall cause such appeals to be heard as speedily as possible. No appeal from the assessment of benefits and damages only shall prevent the making of any public improvement during the pending of such appeal.

**Sec. 1D-3. Joinder of Co-Defendants in Actions against City<sup>19</sup>.**

Whenever any action shall be brought against the City on a claim for which the City would have a right of action over and against another person, company or corporation, either upon a bond or otherwise, the City may, by filing a cross petition in such action, require such person, company or corporation to be made co-defendant

therein; and, if such right of action on the part of the City over and against such person, company or corporation shall be upon a bond, the City may also require the sureties on such bond to be made co-defendants, in which case it shall attach a copy of such bond to its cross-petition, and thereupon such co-defendants may make any defense to such claim which the City might make and shall be liable to pay the judgment, if any, rendered therein against the City and such co-defendants or any of them shall be primarily liable on such judgment; and proceedings on such judgment shall be stayed as against the City until an execution shall have been issued and returned wholly or partially unsatisfied against all such co-defendants. If the City shall, at any time, pay the whole or any part of any such judgment, it shall thereupon to the extent of such payment have and be subrogated to all the rights and remedies against such co-defendants upon such judgment which the plaintiffs had.

**Sec. 1D-4. Payment of Judgments and Costs by City; Bonds<sup>20</sup>.**

No execution shall issue against the City for any judgment or costs recovered against it, but the amount of any final judgment or costs may be recovered against, and shall be paid by, the City in the manner provided herein for the recovery and payment of other claims against the City. The City shall not be required in any judicial or quasi-judicial proceeding to enter into any bond or undertaking or to give any security whatever.

**Sec. 1D-5. Officers to Arrest Without Warrant<sup>21</sup>.**

It shall be lawful for all members of the Police Department of the City, and it shall be their duty, to arrest without previous complaint or warrant all persons guilty of an offense under the provisions of any law when such offense shall be committed within the City and when such offenders shall be taken or apprehended in the act or on the speedy information of others; and all persons arrested shall be taken before the Superior Court in Waterbury for trial at the next session thereof.

## CHAPTER 2. TERMS OF OFFICE AND ELECTIONS

### PART A. GENERAL

#### **Sec. 2A-1. Applicability of General Statutes.**

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The Board of Aldermen 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. 2A-2. Bonds<sup>22</sup>.**

The Mayor, following consultation with the Director of Finance may require bonds, with surety, to said City in such manner and form as the General Statutes or Ordinances shall prescribe, for the faithful performance of the duties of offices for the following officials: the City Clerk, Town Clerk<sup>23</sup>, City Sheriff<sup>24</sup>, Corporation Counsel, Director of Finance, Director of the Budget, Purchasing Agent, Treasurer of the Bronson Library Fund<sup>25</sup>, Constables, and any and all officers and employees of said City in any department thereof, charged with the custody and control of property, monies, or goods of said City, or the collection or disbursement of the same, as required by the General Statutes, this Charter or Ordinances. Any required bonds shall be written on an annual basis for the term of office and the premiums for said bonds shall be paid by the City.

All bonds, except that of the Director of Finance, shall be set by and lodged with the Director of Finance of said City. The Director of Finance's bond shall be set by and lodged with the Mayor. The Mayor's bond shall be set by and lodged with the Finance and Audit Review Commission. In case of the refusal or neglect of any officer or employee to give the bond so required, such office shall be deemed vacant by reason of such refusal or neglect, and, on a declaration being made to the Board of Aldermen by the Director of Finance to that effect, such vacancy shall be filled in the manner provided by this Charter<sup>26</sup>.

#### **Sec. 2A-3. Officers to Deliver Records to Successors<sup>27</sup>.**

Each officer of the City and town, upon the expiration of his term, shall deliver to his successor in office on the day his successor takes office, all books, records, vouchers, papers and memoranda under his control relating to the business of the City and town, during his entire term of office and each officer or official shall be personally liable to the City and town for complete and safe delivery of all records under his control to his successor. Any person who shall violate any provision of this section shall be fined not more than Ten Thousand (\$10,000.00) Dollars or imprisoned not more than ten (10) years or both.

## **PART B. ELECTIONS<sup>28</sup>.**

### **Sec. 2B-1. Electors<sup>29</sup>.**

Each elector of this state who shall reside within the limits of the City upon the date of any City election, and who shall be qualified to vote therein for City and town officers and qualified to vote therein for state officers, shall be an elector of the City. All such electors whose names are legally registered on the list of voters shall be entitled to vote at such election.

### **Sec. 2B-2. Date of Election and Terms of Office of Elective Offices<sup>30</sup>.**

**(a) Date of Election<sup>31</sup>.** On the Tuesday after the first Monday in November of each odd numbered year the electors of the City shall elect by ballot from their number the following officers: (1) Mayor; (2) Town Clerk; (3) City Clerk; (5) City Sheriff; (6) Fifteen (15) members of the Board of Aldermen; and, (7) Five (5) members of the Board of Education. On the first Tuesday after the first Monday in November 2004 and biennially thereafter, the electors of the City shall elect Registrars of Voters, in accordance with the provisions of the General Statutes.

**(1) Nomination and Appointment of Constables.** Constables shall be nominated and appointed in the City in the following manner: during the period between October 1st and December 1st of each odd numbered year, the town committee of each major political party in Waterbury, as defined in §9-190 of the General Statutes, shall nominate at a meeting called for that purpose, by a majority vote of those members of the town committee present and voting, four (4) enrolled electors for the office of constable. The secretary of any such town committee shall forthwith certify the names of such nominees to the Mayor by certified mail, return receipt requested. If for any reason said town committee of any such major political party shall fail to nominate four (4) nominees for the office of constable, as herein provided, prior to the said December 1st date, then the town chairman of any such major political party shall forward and certify to the Mayor within the first five (5) days of December the names of four (4) enrolled electors of that party as the nominees of that party for the office of constable. Any such certification of nominees by the said town chairman shall be mailed to the Mayor by certified mail, return receipt requested.

Upon receipt of this certification from the secretary of such town committee or from the town chairman, as aforesaid, the Mayor shall, between the sixth and fifteenth day of December of the same year, make such appointments, pursuant to the provisions of C.G.S. §§9-185 and 9-200, by written notification to the City Clerk and to each of the nominees.

### **(b) Term of Office<sup>32</sup>.**

**(1) Two Year Term.** Commencing on December 1, 2005, and biennially thereafter, the following elected officials shall hold their respective offices for a term of two (2) years: Mayor, Town Clerk, City Clerk, City Sheriff and Fifteen (15) Members of the Board of Aldermen.

**(2) Four Year Term.** Commencing on December 1, 2007, and December 1, 2009 and quadrennially thereafter, the following elected officials

shall hold their respective offices for a term of four (4) years: Five (5) Group A Members (2007) and Five (5) Group B Members (2009) of the Board of Education.

**(3) Registrar of Voters.** As set forth in accordance with the provisions of the General Statutes.

**(c) Order of Office and Elector's Choice.** The following order of office shall be used in listing the offices and candidates on the ballot: Mayor, Town Clerk, City Clerk, City Sheriff and the members of the Boards of Aldermen and of Education. No elector shall vote for more than nine (9) candidates of the Board of Aldermen and three (3) candidates for the Board of Education as set forth in §§3A-1(a) and 8B-1(b) of this Charter. With the respect to the election for the Boards of Aldermen and of Education the fifteen (15) and five (5) candidates, respectively, receiving the greatest number of votes shall be elected as members of said Boards.

**Sec. 2B-3. Oaths of Office<sup>33</sup>.**

Each member of the Board of Aldermen, and each officer of the City and town, or any board thereunder, shall, before entering upon the duties of his office, make oath or affirmation that he will support the constitution of the United States, and that he is not subject to any of the disqualifications enumerated in this Charter, and that he will faithfully perform the duties of his office, and the form of such oath shall be prescribed by the Board of Aldermen.

**Sec. 2B-4. Vacancies in Elective Offices<sup>34</sup>.**

Whenever any elective office of the City, other than that of Mayor, shall become vacant by reason of the death, resignation, inability, disability or removal of the person elected or appointed to fill the same, his successor shall be appointed by the Mayor for the unexpired portion of the term.

**Sec. 2B-5. Town Clerk to Examine and Admit Electors<sup>35</sup>.**

The Town Clerk shall hold sessions to examine the qualifications of electors and admit to the elector's oath those who shall be found qualified, in the manner provided by the General Statutes.

**Sec. 2B-6. Elections Clerk<sup>36</sup>.**

The Town Clerk shall be the elections clerk of the City and Town of Waterbury. All election duties imposed by law upon the municipal clerk, City Clerk or Town Clerk shall be the responsibility of and be performed by the Town Clerk of Waterbury as elections clerk.

**Sec. 2B-7. Informality Need Not Invalidate Results<sup>37</sup>.**

No informality in conducting any City election shall invalidate the results of such election, which has been conducted fairly and in substantial conformity with the requirements of this Charter and with law.

## PART C. CONFLICT OF INTEREST<sup>38</sup>.

### Sec. 2C-1. Conflict of Interest and Ethics.

(a) **Statement of Purpose.** Public Office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the City and it must be based on honest and fair deliberations and decisions. This process must be free from threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded. By enacting a Code of Ethics this City seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

(b) **Ethics and Conflict of Interest Ordinance Required.** The Board of Aldermen shall adopt an ordinance governing and regulating ethics and conflicts of interest and allowing for the investigation of unethical conduct, corrupting influence or illegal activities by any municipal official, officer or employee, as authorized by the General Statutes.

## PART D. COMPENSATION OF ELECTED OFFICIALS<sup>39</sup>.

### Sec. 2D-1. Mayoral Compensation<sup>40</sup>.

(a) **Base Compensation.** Effective on December 1, 2005 the Mayor shall be paid an annual salary in an amount equal to One Hundred Thousand and 00/100 (\$100,000.00) Dollars. Thereafter, the salary of the Mayor shall be adjusted only at the commencement of the Mayor's Term of Office, to reflect any changes (the "Term Increment").

(b) **The Term Increment<sup>41</sup>.** The Term Increment shall be equal to the cumulative sum of the Cost-of-Living Adjustment ("COLA") for Social Security and SSI benefits for a period of time equivalent to the Mayor's Term of Office.

(1) **Cumulative.** For purposes of this provision the word "cumulative" shall mean the sum of the annual percentage COLA for the number of years equivalent to the Mayor's Term of Office.

(2) **Equivalent to the Mayor's Term of Office.** For purposes of this provision the term "equivalent to the Mayor's Term of Office" shall mean the period of time prior to the year in which the Term Increment shall be established.

(c) **Budget Approval. Right of Rejection by Board of Aldermen. No Aggregation for Rejected Term Increments.** Said Term Increment shall be proposed and acted upon in the budget for the fiscal year in which the Mayor's Term of Office expires and shall take effect unless rejected by the vote of ten (10) members of the Board of Aldermen. In the event the Term Increment is rejected by the Board of Aldermen, subsequent approvals shall be based solely upon the period of time equivalent to the current Mayor's Term of Office and there shall be no aggregation for rejected Term Increments.

**Sec. 2D-2. Compensation for the Board of Aldermen. Referendum<sup>42</sup>.**

With regard to the Board of Aldermen and the compensation of its members and officers, the budget may fix the compensation of such municipal officials subject to confirmation by referendum at the next regular election of the City in accordance with C.G.S. §7-460.

**Sec. 2D-3. Compensation for the City Clerk and Town Clerk<sup>43</sup>.**

Effective on December 1, 2005 the City Clerk and Town Clerk shall both be paid an annual salary in an amount equal to fifty (50%) percent of the salary of the Mayor. The salary of for the City Clerk and Town Clerk shall be adjusted only at the commencement of the Mayor's Term of Office, to reflect any changes.

**Sec. 2D-4. Compensation for the City Sheriff<sup>44</sup>.**

Effective on December 1, 2005 the City Sheriff shall be paid an annual salary in an amount equal to ten (10%) percent of the salary of the Mayor. The salary for the City Sheriff shall be adjusted only at the commencement of the Mayor's Term of Office, to reflect any changes.

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## CHAPTER 3. THE BOARD OF ALDERMEN.

### PART A. POWERS

#### Sec. 3A-1. Board of Aldermen Vested with the Legislative Powers of the City<sup>45</sup>.

(a) **General Powers.** The legislative power and authority of the City shall be vested in the Board of Aldermen. No enumeration of powers contained in this Chapter shall be deemed to limit the legislative powers of the Board of Aldermen as provided for in the General Statutes.

(1) **Board to investigate Departments<sup>46</sup>.** The Board shall have power to investigate all departments, officers and employees and to inquire into any charges that may be preferred, and shall have access to all records thereto appertaining.

(2) **Removal of City Officials.** See, §3B-3, below.

(3) **Compelling Attendance and Testimony of Witnesses<sup>47</sup>.** The Board of Aldermen and the presiding officer of said Board of Aldermen, the several committees thereof and the several boards shall have power to compel the attendance and testimony of witnesses and the production of books, papers and other evidence in the same manner as a court of justice may, and to administer oaths. If any person shall disobey such process or, having appeared in obedience thereto, shall refuse to answer any question put to him by any member of said Board or by its counsel, said Board, acting by a majority of its members, may apply in writing to the Superior Court or, if said court shall not be in session, to a judge thereof, setting forth such disobedience of process or refusal to answer, and said court or such judge, as the case may be, shall punish such person in the same manner and to the same extent as if such failure so to appear or failure to testify or failure so to produce any book or document had occurred in the Superior Court.

(4) **Exercise of Powers<sup>48</sup>.** The Board of Aldermen, when assembled according to law, may, by the affirmative vote of a majority of its members, present and absent (unless otherwise provided for in this Charter), subject to the approval or disapproval of the Mayor as hereinafter provided, exercise the powers hereinafter conferred and specified, and make, alter and repeal ordinances, by-laws or regulations for the purpose of carrying the same into effect, not inconsistent with the provisions of this Charter or the statute laws of this state, or with the authority given to other boards by this Charter, as hereinafter set forth in this article, and to prescribe penalties not exceeding One Hundred (\$100.00) Dollars fine or thirty (30) days' imprisonment, or both, for any violation of the same; and any such violation and any violation of any of the provisions of this Charter shall be a misdemeanor and the perpetrator thereof may be proceeded against by criminal complaint, warrant and judgment for commitment, as in other criminal actions.

**(b) Composition of the Board of Aldermen.** The Board of Aldermen shall consist of fifteen (15) Aldermen and Alderwomen elected at large, no more than nine (9) of whom shall be of one political party.

**Sec. 3A-2. Powers of the Board of Aldermen.**

The Board of Aldermen shall have the following powers:

(a) to exercise the powers specifically granted to the Board of Aldermen by the General Statutes or this Charter; including the power to enact ordinances in the manner provided in this Charter not inconsistent with law, or this Charter, for the government of the City and the management of its business, for the preservation of good order, peace and health, for the welfare and safety of its inhabitants and the protection and security of their property. It is authorized and empowered, by ordinance, to regulate, amplify and define the corporate powers;

(b) to provide a public seal or any alteration thereof<sup>49</sup>;

(c) to oversee and adopt legislation pertaining to the finances of the City, including, but not limited to the following<sup>50</sup>:

(1) to adopt, by resolution as set forth in Chapter 9 of this Charter, the capital and operating budget of the City, as provided in this Charter, including the power to lay taxes (including the regulation of the assessment and collection of taxes and enforcement of liens) and make appropriations to meet the expenses of the City;

(2) to manage, regulate and control the purchase of real property, subject to the approval by an affirmative vote of ten (10) members of the Board of Aldermen;

(3) to undertake public improvements, approve the issuance of public bonds and other financing instruments related thereto and to assess benefits and damages, therefore, in the manner set forth in the General Statutes and this Charter;

(4) to provide for the due execution, authentication and delivery of deeds, grants and releases of City property, of contracts and of evidence of indebtedness issued by the City;

(5) to provide the mode of keeping the accounts of and of adjusting and paying claims against the City;

(6) to provide for the establishment and maintenance of sinking funds for proposed public improvements; and

(7) to receive gifts, donations and bequests for public purposes and public trusts and to agree to the prescribed conditions and terms accompanying the same, and to accept gifts and provide for the administration of trusts for all purposes for which the City is authorized or required to make expenditures;

(d) to adopt ordinances, by a majority vote of the Board of Aldermen, pertaining to the management, regulation and control of the finances and property, real

and personal, of the City, including the disposition of the improvements thereon, including, but not limited to the sale and lease thereof ("Disposition");

(1) All said Dispositions shall be subject to the approval by an affirmative vote of ten (10) members of the Board of Aldermen;

(2) In the event the subject matter of said Disposition has an appraised value of Five Million (\$5,000,000.00) Dollars or more ("Threshold Valuation"), said affirmative vote of the Board of Aldermen shall be further affirmed by the majority vote of electors at a referendum which shall be conducted as set forth in the General Statutes. The Board of Aldermen may, by ordinance, increase the Threshold Valuation set forth in this Charter by an affirmative vote of ten (10) members;

(3) For purposes of this provision or the ordinances adopted thereunder, (i) "value" or "valuation" shall be determined in accordance with best practices by a qualified appraiser(s) under procedures enacted by the Board of Aldermen and, (ii) the "value" of the subject property may be distinguishable from the sales price;

(4) The Disposition of a parcel or portion of any real property shall be subject to the provisions of this section, where the value of the entire property of which it was a portion or parcel (within the past three (3) years) shall be equal to or in excess of the Threshold Valuation;

(5) The Board of Alderman may, by an affirmative vote of ten (10) members, adopt an Ordinance establishing exceptions for (a) easements or (b) Dispositions between government entities, which do not impair or significantly diminish the appraised value of the subject property. Said Ordinance shall not be in the form of special legislation adopted for the benefit of any particular individual or entity;

(e) to reject, by an affirmative vote of ten (10) members, within thirty (30) days of submission, all appointments made by the Mayor pertaining to department heads and other appointive positions, boards and commissions required by this Charter or Ordinances and to advise and consent, by an affirmative vote of a majority of its members, the appointees to the Finance and Audit Review Commission, as set forth in this Charter;

(f) to take the following actions with respect to the officers and employees of the City:

(1) to approve or reject collective bargaining agreements and arbitration awards in a manner set forth by the General Statutes;

(2) to provide for the furnishing of bonds and the amounts thereof for such officials and employees as may be designated by the Board of Aldermen, the form and sureties of such bonds to be approved by the Finance and Audit Review Commission;

(3) to provide for the manner of warning all meetings of the Board of Aldermen, and times and places of holding the same;

(4) to provide for the punishment for the resistance, hindrance or obstruction to any public officer in the discharge of his duties<sup>51</sup>;

(5) to establish the rates of compensation for elected officials (in accordance with Part D of Chapter 2 of this Charter), other officers, officials and employees of the City, subject to the provisions of the budget, contract, collective bargaining agreement or other agreement<sup>52</sup>;

**(i) Payment of Officers and Employees<sup>53</sup>.** The Director of Finance shall make rules regulating the method of payment of all officers and employees of the City and shall prescribe the forms of the receipts to be required.

**(ii) Effect of Provisions.** All salaries fixed in accordance with the provisions of this section shall be in lieu of all collected fees, costs, emoluments or other compensation for any services or duties required of said municipal officials or employees;

(g) to exercise the regulatory and police powers of the City pertaining to buildings and building adjuncts, traffic, animals, nuisance, loitering and trespassing, vice, public health and safety, and such other related issues, as set forth in the General Statutes<sup>54</sup>;

(h) to provide for the care and support of the poor of the City<sup>55</sup>;

(i) to provide for public works, sewers, streets<sup>56</sup> and highways, including, but not limited to public facilities, sewers, drainage and public utilities, highways and sidewalks, as such other issues as may be set forth in the General Statutes.

**(1) Historical Powers.** With respect to this sub-paragraph, the Board of Aldermen may:

(i) order and make any alterations or changes in the channel or banks of any stream or watercourse within the limits of the City, for the purpose of widening, changing, enlarging or deepening the channel of any such stream or watercourse, whenever it shall deem the same necessary to carry off the water and prevent damage to the streets, walks, squares or public grounds or any public property; also to take any land that may be necessary for the construction and maintenance of any drain or drains, sewers, gutters or passageways for surface water that it may deem necessary to carry off the surface from the highways, streets, walks, squares and public grounds within the City, and to drain such water across or over any land to some stream or watercourse within the City;

(ii) compel railroad companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their respective tracks;

(iii) enter into such contracts as it may deem reasonable with any town or fire district, and to provide therein terms under which such town or fire district may be permitted to connect with any sewer system in the City for the purpose of disposing of the sewerage of such town or fire district<sup>57</sup>; and,

(j) to make appropriations for public receptions, parades and other celebrations, including but not limited to observances of Memorial Day (also known as Decoration Day) and Veterans Day<sup>58</sup>;

(k) to regulate the subdivision of land<sup>59</sup>; and,

(l) to appoint, annually, the external auditor to thoroughly audit all books, accounts and records relating to the fiscal affairs of the City, and have the result thereof reported as required by the General Statutes. A copy of such report shall be filed by the external auditor with the Mayor and Board of Aldermen upon completion.

**Sec. 3A-3. Regulation of Trade and Commerce<sup>60</sup>.**

Said Board shall have power:

(a) to regulate trade, markets, commerce and weights and measures;

(b) to punish for the use of false weights and measures;

(c) to license, tax and regulate branch stores and other concerns established for temporary purposes only;

(d) to require bonds from all persons undertaking work of a dangerous character for the protection of the City from any loss by reason of their acts or defaults; and,

(e) to regulate the sale of goods by public auction in the City.

**PART B. PROCEDURES.**

**Sec. 3B-1. Organization and Officers of the Board of Aldermen.**

(a) **Organizational Meeting: President and President Pro Tempore<sup>61</sup>.** At the first meeting of each municipal term, said Board shall elect, from among its members, a President, who shall preside at the meetings of said Board. Said Board may elect a President Pro Tempore, to act in case of death, resignation, removal, absence or disability of the President. In case of the absence of the City Clerk from any meeting, said Board may choose one of its own number to perform the duties of clerk pro tempore.

(1) **Majority Leader.** The majority members of said Board shall elect a majority leader who shall serve as such majority leader during the term for which he shall have been elected as a member of said Board, and in the event that said office becomes vacant by reason of the death, resignation or removal of an incumbent thereof, the majority members of said Board shall elect a successor to hold office for the unexpired portion of such term.

(2) **Minority Leader.** The minority members of said Board shall elect a minority leader who shall serve as such minority leader during the term for which he shall have been elected as a member of said Board, and in the event that said office becomes vacant by reason of the death, resignation or removal of an

incumbent thereof the minority members of said Board shall elect a successor to hold office for the unexpired portion of such term.

**(b) Deadlocked Election of Officers<sup>62</sup>.** If at the first meeting of each municipal term, either the majority or minority members of said Board shall fail to elect from among their members a majority or minority leader; then and in that event, the matter of election of either the majority or minority leader shall be continued to the next meeting of the Board for conduct of such election by new cast of ballot.

**(1) Three Successive Meetings to Break Deadlock.** Such matter, if required to obtain a successful election of either a majority or minority leader, shall be pursued and conducted, if necessary, by cast of ballots at three (3) separately convened meetings of the Board during the month of December at the commencement of the municipal term, during the course of which the members who have failed to elect either a majority or minority leader shall be required to cast ballot upon the matter of election of such officer at least one time at each of these meetings.

**(2) Impasse Resolution.** If after thirty (30) days from the beginning of the municipal term, either the majority or minority leader has not been elected by his members on the Board, due to a deadlocked election, (such term for purposes of this section meaning that no one candidate has received the majority of votes, see, §3B-4 of the Charter), then and in that event, the deadlocked election shall be decided by the first procedure outlined hereinafter as the Charter means of filling the office of their majority or minority leader:

(i) whichever candidate is determined to have served the longest period of prior Board of Aldermen service (measured in total years, months and days, whether consecutively served or not) shall be deemed to be either the majority or minority leader, whichever the case may be, by operation of law through this Charter provision;

(ii) should it be determined no candidate has served a longer period of prior Board of Aldermen service (as defined above) than any other candidate, then the certified election returns for the municipal election which composed the Board at the beginning of the municipal term shall be reviewed and whomever from among the candidates who are deadlocked for either majority or minority leader received the higher total vote cast for his or her election to membership on the Board of Aldermen shall be deemed to be either the majority or minority leader, whichever the case may be, by operation of law through this Charter provision.

**Sec. 3B-2. Meetings; Quorum<sup>63</sup>.**

The Board of Aldermen shall hold regular meetings, and may be specially convened at any time by the Mayor or the acting Mayor and, upon petition of a majority of the Aldermen in writing, filed with the City Clerk, a meeting shall be called by the Mayor in the manner provided by City ordinance. A majority of said Board shall constitute a quorum to do business, but a smaller number may adjourn from time to time, not exceeding one (1) week by any one adjournment, and may compel the attendance of absent members in such manner and under such pecuniary penalties as said Board may prescribe.

**Sec. 3B-3. Rules of Proceedings; Punishment of Members; Removal of City Officers<sup>64</sup>.**

The Board of Aldermen shall:

- (a) determine the rules of its proceedings according to the general principles of parliamentary law;
- (b) punish members for disorderly conduct; and,
- (c) by a majority vote of all the members present and absent, expel a member for due cause or remove any elective officer of said City for due cause, involving continued neglect or default of official duty or moral delinquency; provided there shall be no such expulsion or removal except on charges preferred and hearing had, nor of any officer whose removal is otherwise provided for herein.

**Sec. 3B-4. Votes<sup>65</sup>.**

(a) **Recordation of Votes.** The vote upon any question, when requested by one-fifth of the members present, and all votes upon questions involving the appropriation of money, shall be taken by yeas and nays and such vote duly recorded. All elections to office or to any position within the gift of the Board of Aldermen shall be made by ballot, and a majority of all the votes cast shall be sufficient to elect.

(b) **Requirement of Committee or Board Report Prior to Vote<sup>66</sup>.** No vote shall be taken upon any by-law, ordinance, resolution or other measure until the same shall have been referred to and reported upon by an appropriate committee or, where applicable, the Board of Commissioners of Public Works, unless by unanimous consent, and the clerk shall make record of any such vote.

(c) **Requirements Pertaining to the Expenditure of Money<sup>67</sup>.** Each resolution or vote, providing for the expenditure of any money, pending before the Board of Aldermen, shall be referred to a standing or special committee of said Board and shall not be put upon its final passage until the next regular meeting after such committee shall have reported on the same, unless an affirmative vote of ten (10) members of the Board shall determine otherwise. The clerk shall keep a record of each such resolution or vote and any action thereon. The Board of Aldermen shall not pass any resolution or vote requiring the expenditure of any money by the City until it shall have received from the Director of Finance a report as to whether or not there is money available for the purpose, unencumbered. If the Director of Finance shall report that no money is available for the purpose, such proposed resolution or vote shall be laid upon the table and shall not be passed until the Director of Finance shall report that there is money available for the purpose, unencumbered.

**Sec. 3B-5. Procedure for Enacting Ordinances.**

(a) **Engrossing and Publication of Bylaw or Ordinance<sup>68</sup>.** No bylaw or ordinance shall be put upon its final passage in said Board of Aldermen until it shall have been fairly engrossed by action of the Corporation Counsel and filed with the City Clerk for examination, nor, if one-fifth of said Board shall so desire, until it shall have lain on the table until the next meeting after the same has been reported; and, on like request, any proposition to repeal or alter a bylaw or ordinance shall lie on the table for the same period.

**(1) Review of the Corporation Counsel.** The Corporation Counsel when engaged in engrossing a bylaw or ordinance, prior to its final passage, shall review its legal effect regarding: (i) its wording so as to avoid conflicts with this Charter, the laws of the State of Connecticut, or any other bylaw or ordinance of the City, and (ii) its compliance with any applicable case law concerning the subject matter of the bylaw or ordinance.

**(2) When an Ordinance is Effective.** No ordinance shall be of effect until it shall have been published, in summary form, once in one (1) or more daily papers published in the City, nor, until thirty (30) days following publication, subject to the right of referendum set forth in C.G.S. §7-157. Publication shall occur following the actions required by §3B-6 of this Charter. The Corporation Counsel shall prepare for use by the City Clerk in complying with the publication requirements stated herein the summary form of the ordinance which shall be published. Such legal summary shall also contain a statement to the public that a complete text copy of the ordinance is available at the office of the City Clerk for review.

**(3) Public Hearing Required Regarding City Ordinance. Notice<sup>69</sup>.** A public hearing must be held by the Board of Aldermen within thirty (30) days prior to any action regarding the adoption, repeal, or amendment of any City ordinance. Ten (10) business days prior to said public hearing, notice of the public hearing shall be published for two (2) consecutive days in the local newspaper. Ten (10) days prior to said public hearing copies of the proposal for adoption, repeal, or amendment of ordinance shall be available at the office of the City Clerk.

This section shall not apply to resolutions, orders or other legislative enactments by the Board of Aldermen.

**Sec. 3B-6. Approval or Veto by Mayor<sup>70</sup>.**

Each vote, resolution, order, bylaw or ordinance which passes said Board shall be transmitted forthwith to the Mayor. If the Mayor shall approve by signing it or shall fail to take action on it within ten (10) days after its passage, such vote, resolution, order, bylaw or ordinance shall become operative from and after such date, except as otherwise provided in this Charter; if approved, record shall be made of the date of approval; if no action be taken, record shall be made of the date when it becomes operative by reason thereof. If he shall disapprove it, he shall, within ten (10) days, return it to the City Clerk, with his objections in writing, and the Clerk shall present the same to the Board of Aldermen at its next meeting; and such vote, resolution, order, bylaw or ordinance shall not become operative unless passed over the Mayor's veto by an affirmative vote of three-fifths of the members, present and absent ("Veto Override"). In the event the number of votes required for passage exceeds three-fifths, the Veto Override shall be a number equal to the number of votes required for passage. The Mayor may also approve or disapprove of any part of any vote, resolution, order, bylaw or ordinance and the part disapproved shall be void unless passed over his veto, as aforesaid; but, if any measure shall be approved in part and disapproved in part, the part approved shall not become operative unless the part disapproved shall be passed over the Mayor's veto as aforesaid, or unless the part approved shall again be passed by a three-fifths vote.



## **PART C. ASSESSMENT OF BENEFITS AND DAMAGES<sup>71</sup>**

### **Sec. 3C-1. Board of Aldermen to Assess Benefits and Damages<sup>72</sup>.**

In addition to or in the alternative to any and all powers conferred by federal and state law, constitutions, statutes and regulations, said Board of Aldermen may, before the execution of any order for the improvement of any public street or highway other than ordinary repairs, or for the alteration or construction of any other public work authorized by this Charter, except the construction of curbs, sidewalks, sanitary sewers and for the discontinuance of any highway or any part thereof, including the layout if necessary of a new highway in the place thereof, make an assessment upon the property which, in the judgment of said Board, is specially benefited thereby, and shall determine the particular amount of such expense to be paid upon such assessment, by the person owning such property. In making such assessment the Board of Aldermen shall assess as benefits such sums as may be awarded as damages, together with not less than two-thirds of the estimated cost of such improvements upon the property which is specially benefited thereby; provided sufficient benefits can be found accruing to and property upon which to make such assessments.

### **Sec. 3C-2. Assessment Procedure<sup>73</sup>.**

Whenever the Board of Aldermen shall have decided to take any such land, construct or alter any such work, establish such building line or discontinue such highway, it shall refer the matter to the Bureau of Assessment, which shall ascertain the benefits and damages to the several parties affected thereby in the manner hereinafter mentioned and make report of its doings thereon to the Board of Aldermen. Said Board of Aldermen shall establish the total probable expense of any such public work or improvement, or the discontinuance of any highway, or establishment of any building line, and shall, as hereinbefore provided, determine what proportion of such estimated total amount shall be paid by persons whose property shall be specially benefited by such improvement, and may assess against the respective persons the sum which each shall pay. In making such assessment the Board of Aldermen shall offset the amount of benefits and damages so that the assessment will be for the net benefits or an award of damages for the net damages. If any person shall refuse to receive the net amount of damages found due to him, or if no one shall be found having authority to receive the sum found due, such amount shall be deposited in the treasury, to be paid to the person to whom such award was made, whenever he shall apply therefor. No assessment for net benefits shall be collectible, nor bear interest, until the work for which such assessment was laid shall have been reported substantially completed. The liability for said net benefits shall run with the land until paid. The assessment of benefits and the award of damages set forth in all certificates of assessments laid prior to the passage of this Charter shall be offset, one against the other as above set forth unless either the damages or the benefits have been wholly paid, or partially paid, in which latter case the unpaid balances of both damages and benefits shall be offset one against the other. In the event that after an assessment has been made for layout and grade, and before the work is completed by the City, a highway has been or may be taken over by the State as part of its highway system, the Bureau of Engineering of the City shall make an estimate of the value of the work done by the City and such assessments may be released upon the payment of that portion of the assessment which equals the ratio of the actual work done by the City to the expense estimated at the time of such assessment.

**Sec. 3C-3. Bureau of Assessment<sup>74</sup>.**

A Bureau of Assessment which shall be composed of three (3) persons, residents and taxpayers of the City, shall be appointed by the Board of Aldermen, from time to time and during its pleasure, who shall perform the duties herein specified and receive such compensation therefor as the Board of Aldermen may prescribe. Whenever two (2) or more members of the Bureau of Assessment shall be disqualified by reason of interest or other cause from acting upon any assessment or other matter pending before said Bureau requiring the action of a majority of the whole Bureau, the Mayor may appoint two (2) or more persons of the City to serve in the place of said members while so temporarily disqualified; and the persons so appointed by the Mayor shall have, while acting as temporary members of said Bureau, the same powers and duties as are by law conferred upon the regularly appointed members thereof. Said Bureau shall assess all benefits and damages to any person interested in or owning any land or other property taken, damaged or benefited by the construction or alteration of any public work herein authorized, other than the construction of sewers, or by the establishment of any building line or the discontinuance of any highway.

**Sec. 3C-4. Notice and Hearing<sup>75</sup>.**

Before making any award of damages in favor of or assessment of benefits against any person, the Bureau of Assessment shall cause reasonable notice to be given such person to appear before said Bureau at the time and place specified in such notice to be heard in reference to such proposed award or assessment. Such notices shall be signed by the clerk of said Bureau and shall be delivered or mailed to each of such persons resident in the City, or to the agent in charge of such property, at least three (3) days before the time specified for such meeting or, in case of a nonresident of the City, a like notice by said clerk shall be deposited in the post office at Waterbury, postage paid, directed to the last-known residence of such nonresident, at least six (6) days before such hearing, or, in case of a nonresident of this state, a like notice, so directed, shall be deposited in said post office, postage paid, at least twelve (12) days before such hearing. If any person so interested shall be under any legal disability or, if the owner of any property shall be unknown, such notice shall be given as a judge of the Superior Court for the Judicial District of Waterbury may order.

**Sec. 3C-5. Report Upon and Completion of Assessment and Taking<sup>76</sup>.**

Upon the completion of the work assigned to it, said Bureau shall make a report of all its doings pertaining thereto, to the Board of Aldermen. Said Board may adopt such report or modify it, and, when such report or modification shall have been adopted and recorded in the records of the Board of Aldermen, each of such assessments shall be deemed to have been legally made, and, if the matter relates to the taking of land, the land described in the order of said Board of Aldermen shall be taken and devoted to the public use for which it shall have been so designated. Such assessment shall be published by the City Clerk within one (1) week after such record, and such sums allowed as net damages shall be payable upon the first week day after the approval of the Director of Finance, after such publication. The City Clerk shall, with any such assessment, also publish the descriptive part of the order of the Board of Aldermen on which such assessment is based and the date when the same is payable. Unless otherwise specifically set forth in the certificate of assessment, all assessments of benefits and awards of damages for the layout and grade of any public street or

highway, including such assessments as have been made heretofore, shall be construed as affecting only that land fronting upon the street or highway in question in single ownership to a depth of not more than two hundred (200') feet.

#### **PART D. INTERLOCAL AGREEMENTS<sup>77</sup>.**

##### **Sec. 3D-1. Board of Aldermen to Regulate Minimum Requirements of Interlocal Agreements by Ordinance.**

**(a) Scope of Authority.** The Board of Aldermen shall enact an ordinance pertaining to the development and implementation of Interlocal Agreements by the City, which ordinance shall specify in its criteria, at the minimum, provisions, which are substantially similar to those of the General Statutes dealing with such agreements.

**(b) Contents of Ordinance.** Such ordinance shall specifically include provisions addressing the following:

(1) the maximum duration in years of any such Interlocal Agreement, which maximum term is to be explicitly less than the maximum duration permitted by the provisions of the General Statutes;

(2) the specific minimum provisions relating to either termination and/or renewal of Interlocal Agreements to be required of the City in its development and implementation of such agreements;

(3) the payment of consideration by the parties to such Interlocal Agreements, which require, at a minimum, that payment of consideration shall be a prorated share of the total cost of services, personnel, facilities, equipment and/or other property or resources furnished by the City to the other participating parties to such agreements, which total cost may be prorated on the basis of any reasonable formula agreed to by the parties, so long as the amount per unit billed to the other municipality is equal to or greater than the cost to the citizens of the City; explicitly set forth in the text of the terms of any such agreement; and,

(4) the procedures for the ratification and/or rejection of any Interlocal Agreement submitted to the Board of Aldermen by any officer or employee of the City responsible for its development in anticipation of the implementation of such agreement.

**(c) General.** Such ordinance may include any other provisions deemed appropriate and desirable to the establishment of this local law of general applicability regarding the development and implementation of Interlocal Agreements.

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## CHAPTER 4. THE MAYOR

### Sec. 4-1. The Executive Power and Authority of the Mayor<sup>78</sup>.

(a) **Chief Executive Officer.** 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 provided by law.

(b) **Qualifications.** The Mayor shall have been a legal voter and resident of the City for the five (5) years immediately preceding election to the Mayoralty and shall reside in the City during his term of office.

(c) **Role as *Ex Officio* Member of Boards and Commissions.** The Mayor shall be an *ex officio* member, as hereinafter defined, of all other boards or commissions or authorities, except the Finance and Audit Review Commission, Board of Assessment Appeals, the Board of Zoning Appeals, the Zoning Commission, the Civil Service Commission or any other board whose sole duties are those of reviewing or appeal. The position and duties of the Mayor in relation to each of the aforesaid boards or commissions or authorities shall be effective, any provision of the Charter to the contrary notwithstanding, except that the provisions of the Charter pertaining to the Mayor's powers and duties in connection with the Board of Aldermen shall not be amended by this section.

(1) **Powers and Duties as *Ex Officio* Member<sup>79</sup>.** The powers and duties of the Mayor acting as an *ex officio* member, as hereinbefore provided, shall include the power to have a voice without a vote, except that the Mayor shall have the power to vote in order to break a tie at any such meeting. The Mayor's attendance at any meeting shall be counted for the determination of the existence of a quorum at any such meeting.

### Sec. 4-2. Duties.

It shall further be the duty of the Mayor:

(a) to have and exercise all other executive and administrative powers conferred by the laws of the State of Connecticut upon any municipal Chief Executive Officer except as otherwise provided in this Charter, with the exception of the Department of Audit. In this respect the Mayor shall cause the laws and ordinances to be executed and enforced and to conserve the peace within the City and to be responsible for the good order and efficient government of the City;

(b) to fill by appointment vacancies in offices, including, but not limited to, department heads (as set forth in this Charter or Ordinances), boards and commissions in all cases in which the power of appointment is vested in the Mayor, unless otherwise specifically set forth in this Charter;

(1) **Restricted and Unrestricted Mayoral Appointment of Members of Boards<sup>80</sup>.** Notwithstanding any other provision of the Charter of the City, the Mayor of said City shall appoint a simple numerical majority of the members (the Unrestricted Appointments) of any board in which the power of appointment is vested in the Mayor. The Mayor of said City shall make no appointment with

regard to the simple numerical minority of the members (the Restricted Appointments) of any board for which provision is made in said Charter to be filled by appointment by the Mayor except from a list of those eligible for appointment submitted by the Board of Aldermen through the City Clerk. Said list shall be assembled from nominations from each member of the Board of Aldermen not of the same political party as the Mayor. Each Alderman may submit up to two names to the City Clerk that he personally nominates for each open simple numerical minority position (the Restricted Appointments).

At least thirty (30) days prior to the date, the Mayor shall notify the Board of Alderman in writing of the time or dates for the making of all appointments (both Unrestricted and Restricted) of such members, and the City Clerk shall, at least five days prior to the time for making such appointments, certify and submit to the Mayor a list of those individuals whom have been nominated to Restricted Appointments, which list shall be made up of not less than twice the number to be appointed. As long as such list is timely submitted, no Individual appointed to a Restricted Appointment of any such board shall be eligible to act as such unless his name shall be one of those listed by the City Clerk in accordance with the provisions hereof. If said list is not submitted within the provided time frame then the mayor may, on his own without any list, appoint members to any restricted appointment.

This section 4-2(b)(1) restricting the Mayor's powers of appointment does not apply to any boards or commissions such as, but not limited to, the Board of Ethics, Finance and Audit Review Commission and Civil Service Commission, whose constituting authority precludes the appointment of a numerical majority being from any one political party.

**(2) Limitation on Appointment Power to Boards and Commissions.** The Mayor's power of appointment pertaining to all members of boards and commissions, including vacancies, is absolute, except as otherwise designated by the General Statutes. However, if the Mayor fails to announce the appointment of a replacement member in the event of a vacancy on said board or commission: (i) during the first six (6) months of the term of office, within ninety (90) days following the effective date of that vacancy or (ii) during the remainder of the term of office, within sixty (60) days following the effective date of that vacancy, then the Board of Aldermen shall fill the vacancy within sixty (60) days thereafter by a majority vote of those present. If the Board of Aldermen fails to fill the vacancy during the sixty (60) day period, then the remaining members of the board or commission for which the vacancy exists shall fill the vacancy by appointment. Said appointments are subject to the requirements of the General Statutes pertaining to minority party representation and this Charter.

(c) to communicate to the Board of Aldermen, during the month of January next succeeding the municipal election, a general statement of the condition of the City in relation to its government, finances, public improvements and affairs with such recommendations as deemed proper by the Mayor;

(d) to call special meetings of any board or commission of the City government when deemed expedient by the Mayor;

(e) to sign all bonds and deeds and all written contracts of the City, with the exception of purchase orders;

(f) to either approve or disapprove each vote, resolution, order or ordinance passed by the Board of Aldermen as herein provided; and,

(g) to enforce the employee residence requirements, if any.

**Sec. 4-3. General Powers and Duties.**

**(a) Faithful Administration of Agreements with the City.** The Mayor shall have all contracts and agreements with the City faithfully kept and performed and, to this end, he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements with the City. It shall be the duty of each officer of the City, when it shall come to his knowledge that any contract with the City relating to the business of any office has been violated by the other contracting party, forthwith to report the fact to the Mayor.

**(b) Powers<sup>81</sup>.** The Mayor shall have power:

(1) to assume the entire control and direction of the police and fire forces of the City, or either of them, for a period not exceeding fifteen (15) days, at his discretion, in case of emergency, and to exercise all of the powers conferred upon the Police and Fire Departments in relation thereto;

(2) to exercise, whenever necessary in order to suppress tumults, riots or unlawful assemblies, within the limits of said City, all the powers given by law to sheriffs in relation to riotous assemblages; and at all times, when necessary, require the aid of any sheriff, deputy sheriff, constable or policeman, or any or all of them together, to assist him in executing the laws within the limits of the City;

(3) to suspend, pending hearing and action thereon, and to remove for cause, after due hearing, any board member appointed by the Mayor or any appointed official, but not any elected official;

(4) to control and supervise all officers and departments of the City or town and to that end shall have power to make and enforce such rules and regulations as he may deem advisable for and concerning the organization, management and operation of all the offices and departments and the agencies which may be created for the administration of its affairs, and, within the limits of appropriations, to have power to fix the numbers and kinds of offices and positions and the rates of compensation for all officers and employees, except as otherwise provided;

(5) whenever under this Charter an office shall be created and no provision shall be otherwise made for the appointment of the incumbent thereof, the Mayor shall have the power of appointment;

(6) to have a seat and voice and to introduce ordinances, but not vote, in the Board of Aldermen;

(7) to examine the affairs and conduct of any department, board, commission or office and require all officers to exhibit their accounts and papers and make reports to him and to have the same powers granted to the Board of Aldermen by §§3A-1(a)(1); and,

(8) to compel the attendance at any duly warned meeting of a member of any City board or commission by the issuance of a warrant signed by him as Mayor for the arrest of the body of such member for presentation at such meeting. Such warrant shall be addressed to the City sheriff of the City or any policeman thereof and shall contain the name and address of such member and a direction to the officer to arrest him for the purpose of forthwith presenting him at such meeting.

**Sec. 4-4. Mayor Not Succeeding to a Subsequent Term in Office: Powers, Duties and Restrictions<sup>82</sup>.**

Notwithstanding any other provisions of this Charter, from the date of any regular municipal election (as hereinbefore defined) until the conclusion of the term of office (November 30<sup>th</sup> at midnight, next to follow the date of such election), an incumbent Mayor who shall not have been "re-elected" for a subsequent term in office, shall not:

(a) increase the pay, allowances, benefits of any person appointed by him to the unclassified service of the City, including but not limited to: (1) the Corporation Counsel; (2) each executive secretary to the Mayor; (3) all other members of the staff employed at that time by the Mayor; and, (4) the Director of the Budget;

(b) exercise the power of appointment for department heads or other appointees permitted by this Charter or Ordinances, unless the failure to exercise such power would allow the alphabetical listing of the three (3) highest ranking candidates of the civil service exam submitted by the Director of Human Resources to expire, pursuant to the provisions of this Charter or Ordinances pertaining to civil service;

(c) exercise any power of appointment or promotion with regard to municipal employment positions, whether such position is within the classified or unclassified service, as defined in this Charter, unless his power to do so is clear under the civil service provisions of this Charter or Ordinances as either "provisional and/or emergency appointments";

(d) exercise any power of temporary appointment or promotion with regard to municipal employment positions, whether such positions are within the classified or unclassified service, as the power of temporary appointments is defined within the civil service provisions of this Charter or Ordinances;

(e) initiate and conclude any contract with any person as such term may be defined in law, which contract is not certified as necessary to the normal operations of the City, in and through its various department and agency units, by the board or commission having the subject matter thereof in charge, or, if there is no board or commission in charge of the subject matter, then as certified by the Director of Purchases;

(f) renegotiate and conclude any alteration of terms, conditions or consideration paid or subsequently due for payment in the matter of any contract previously in force and effect, unless such is certified as necessary to avoid stoppage of



the orderly conduct of the business of the City, or to avoid an unforeseen emergency and thereby prevent the serious impairment of the public business, such certification to be provided by the board or commission having the subject matter thereof in charge, or, if there is no board or commission in charge of the subject matter, then as certified by the Director of Purchases and the City Auditor.

In any instance in which it is proposed to renegotiate and conclude any alteration of terms, conditions or consideration due in a contract, as set forth in subparagraph (e) above, and a certificate has been provided as required under this section of the Charter, then and in that event, such actions of renegotiation and alteration may be pursued in accordance with all other applicable provisions of this Charter.

The restrictions enumerated herein are only applicable to a Mayor who shall not have been "re-elected" and shall apply only during the period of the term of office on and after the date of the municipal election in which it is determined that said Mayor will not continue in office, until the November 30<sup>th</sup> at midnight next following the date of such municipal election.

**Sec. 4-5. Vacancy in Office of Mayor<sup>83</sup>.**

If a vacancy shall occur in the office of Mayor, the President of the Board of Aldermen shall at once become Mayor for the unexpired portion of the term and he shall have all the rights and powers and duties of such Mayor, and the term of office as president of the Board of Aldermen and member thereof shall then expire. If the person elected as Mayor shall for any reason fail to qualify and assume his office, the newly-elected Board of Aldermen shall elect the Mayor from their number.

**Sec. 4-6. Acting Mayor<sup>84</sup>.**

If the Mayor shall be prevented from attending to the duties of his office by absence from the City or by illness or by any other cause, the President of the Board of Aldermen of said City and, in his absence or disability, such President *Pro Tempore* as the Board of Aldermen may elect, shall act as Mayor until the Mayor or President of the Board, as the case may be, shall be able to assume the duties of the office. Such acting Mayor shall have all the rights, powers and duties of the Mayor except that for a period of thirty (30) days from the date when such acting Mayor shall assume the performance of the duties of Mayor, he shall not have or exercise any power of appointment or removal. If an acting Mayor shall perform the duties of Mayor for seven (7) consecutive calendar days, such acting Mayor shall be compensated from the first day of such duty at the rate of fifty (50%) per centum of the Mayor's salary prorated for such period.

**Sec. 4-7. Assignment of Rights or Duties to Town or City Officers<sup>85</sup>.**

In the event that any duties or rights conferred by law on town officers are not by this Charter assigned to some officer of the City or Town of Waterbury, the Mayor is authorized and empowered to assign such rights and duties to such officer of the City or town as he may determine.

**Sec. 4-8. Annual Reports of Departments and Recommendations Thereon<sup>86</sup>.**

The department heads and other appointees shall, annually on or before the fifteenth day of August, submit to the Mayor, Board of Aldermen and Finance and Audit

Review Commission, a report of their proceedings during the preceding fiscal year. Said report shall contain all recommendations which the department heads may consider beneficial to their department, and the Mayor shall transmit to the Board of Aldermen any recommendations. Said report shall be prepared in a manner prescribed by the Mayor.

**Sec. 4-9. Water Police<sup>87</sup>.**

The Mayor of said City is authorized to appoint any necessary number of persons, having been sworn, to act as policemen under his supervision and control for the purpose of preventing and abating nuisances and protecting the water supply and the reservoir property of said City in whatever town such reservoir may be situated. Such policemen are authorized to make arrests without previous complaint and warrant for any offense committed under the provisions of any act for the protection of water supply and other public property, when the offender shall be taken or apprehended in the act or on speedy information of others, and all persons so arrested shall be immediately presented before proper authority. Each such policeman shall, while on duty, wear in plain view, a shield bearing the words "Water Police Waterbury". The compensation of such policeman shall be fixed by the Mayor and he shall have power to discharge such officers<sup>88</sup>.

**Sec. 4-10. Hydroelectric Production<sup>89</sup>.**

In addition to or in the alternative to any and all powers conferred by federal and state law, constitutions, statutes and regulations, notwithstanding anything in this Charter to the contrary other than the requirements of Sec 3A-2(d), the Mayor, with the consent of ten (10) members of the Board of Aldermen, is empowered to contract and agree on behalf of the City, upon such terms as the Mayor and Board of Aldermen may deem advisable, with any electric power company, incorporated and doing business in this state, in such a manner and form as will enable such power company to develop electrical energy by water power from any water within the City's municipal waterworks system, so long as use of such water for electric power purposes does not materially impact upon the City's ability to meet its water supply obligations. The Mayor, with the consent of ten (10) members of the Board of Aldermen of the City, is empowered to contract to lease any land owned by the City to such electrical power company for such length of time and on such terms as may be agreed upon for the location thereon of powerhouses, conduits and transmission lines and for such other purposes as may be necessary or convenient for the creation, development or transmission of electrical energy developed from such water by the power company contracting for its use.

Supp. 5-11

## CHAPTER 5. OTHER ELECTIVE OFFICIALS

### PART A. CITY CLERK

#### Sec. 5A-1. City Clerk. Powers and Duties<sup>90</sup>.

- (a) There shall be a City Clerk elected as provided in this Charter.
- (b) The City Clerk shall:
  - (1) be the clerk of the Board of Aldermen and of its committees and of the Finance and Audit Review Commission and Boards of Police and Fire;
  - (2) receive as the repository of all records created by the Board of Public Health, any Charter Revision Commission and any other board or commission as set forth by this Charter or Ordinances, including but not limited to Commission on Aging and the Environmental Control Commission, if any;
  - (3) send, immediately after it takes effect, a copy of any ordinance, resolution, or order of the Board of Aldermen and of any resolution or order of any board or commission to each department or officer affected thereby;
  - (4) issue all notices of the meetings of the Board of Aldermen, the Finance and Audit Review Commission, and the Boards of Police and Fire Commissioners; which notices shall be given or served as may by law be provided;
  - (5) publish summaries prepared by the Corporation Counsel of all City Ordinances, as soon as the same are enacted, and record the fact and date of such publication; and,
  - (6) make, upon the records of the City, entries of the actions of said Clerk in serving and publishing notices of orders passed by the Board of Aldermen.

Said Clerk shall devote his entire time to the service of the City and shall have no other occupation during the term of office. The City Clerk is authorized to administer oaths or affirmations.

#### Sec. 5A-2. Assistant City Clerk<sup>91</sup>.

Said Clerk may appoint an assistant clerk. Said assistant clerk, after having taken the oath or affirmation provided by law for said clerk, shall assist said Clerk and, in the absence or disability of said Clerk, shall have all the powers and duties of said clerk. All acts of said assistant clerk, and all records kept by the Clerk, shall have the same validity and effect as acts and records of the City Clerk. Said assistant clerk may be removed by the City Clerk at any time.

**Sec. 5A-3. Validity of Records<sup>92</sup>.**

All records hitherto kept, or which may be kept, by any clerk of the City, shall have the same validity as the records of town clerks and shall be in all courts prima facie evidence of the truth of the matters therein recorded. Of any official record hitherto kept, or which may be kept, by any clerk of the City, or by any assistant clerk thereof, a copy certified under the hand of any such recording officer shall be received in all courts as evidence, in the same manner as the original record would be received.

**PART B. TOWN CLERK**

**Sec. 5B-1. Powers, Duties and Compensation<sup>93</sup>.**

(a) There shall be a Town Clerk, elected as set forth in this Charter.

(b) The Town Clerk shall possess the powers and perform the duties of Town Clerk as prescribed by law, except as otherwise provided by this Charter. The salary of the Town Clerk as hereinbefore provided shall be in lieu of all other emoluments, fees or compensation for services as Town Clerk or otherwise. The Town Clerk shall account for and pay daily to the Department of Finance all moneys from all sources received by him in the operation of his office. There shall be an assistant town clerk, appointed by the Town Clerk, whose compensation shall be in lieu of all other emoluments and fees.

**Sec. 5B-2. Vital Statistics<sup>94</sup>.**

The said Town Clerk shall be, *ex officio*, Registrar of Vital Statistics and shall assume the duties as such Registrar of Vital Statistics, as are prescribed by law for such officer and shall employ such assistant registrars of vital statistics and other employees as required.

**PART C. REGISTRARS OF VOTERS**

**Sec. 5C-1. To Officiate at City Elections<sup>95</sup>.**

There shall be two (2) Registrars of Voters, elected as hereinbefore provided. At every meeting of the City for the election of officers, as herein provided, the Registrars of Voters for the Town of Waterbury, and the other officers by them appointed, shall perform the same duties with reference thereto as is by law provided in case of electors' meetings in the Town of Waterbury.

**Sec. 5C-2. List of Voters by Districts; Moderators and other Personnel<sup>96</sup>.**

The Registrars of Voters of the City shall keep separate lists of the voters residing in each district and shall appoint for each district a moderator and such other election officers as are required by law and appoint an additional moderator and designate said additional moderator as presiding or chief moderator at large, to be the head moderator for the purpose of declaring the results of elections in the whole municipality. Any provision of the Charter and Ordinances of the City to the contrary are

hereby repealed, notwithstanding any provision of any special or public act to the contrary.

**Sec. 5C-3. Deputy Registrars and Clerks<sup>97</sup>.**

Pursuant to C.G.S. §9-192, each of the two (2) Registrars of Voters shall, immediately after his election, appoint a deputy registrar to serve in accordance with said statute. Each Registrar shall also appoint all polling officials required in accordance with the General Statutes. These appointments shall be the direct responsibility of the individual Registrar and shall not be subject to the provisions of civil service.

**Sec. 5C-4. Both Registrars to Sign Requisitions<sup>98</sup>.**

No requisition of the Director of Purchases for supplies or for the expenditure of any moneys in the Office of the Registrars of Voters shall be valid unless such requisition shall be signed by both of said Registrars.

**PART D. CITY SHERIFF**

**Sec. 5D-1. Powers, Duties and Compensation<sup>99</sup>.**

- (a) **Creation.** There shall be a City Sheriff elected as hereinbefore provided.
- (b) **Duties.** The Sheriff shall:
  - (1) when required by the presiding judge, attend upon the Superior Court for the Judicial District of Waterbury, when sitting for the transaction of civil business and, while upon such duty, shall have the same powers in relation thereto as are by law held by sheriffs while acting as officers of Superior Courts;
  - (2) have the same powers to serve any process within the territorial jurisdiction of said Superior Court as State Marshals have within their respective counties and further shall have power to serve any process wherever directed for service issued by or returnable to said court of Superior Court for the Judicial District of Waterbury;
  - (3) when required, serve all notices and warnings of all meetings of the City and of the Board of Aldermen and of the several boards and commissions of the City and of said Board of Aldermen and all other notices, warnings and processes required to be served by this Charter or Ordinances of the City, and shall be in attendance upon said Board of Aldermen and upon the several boards and commissions of the City at every meeting of the same and perform such duties as said board or commission may prescribe. In case said Sheriff shall be absent or unable to make service of any of such notices, warnings or processes or to attend upon said Board of Aldermen, said Board may designate some suitable person temporarily to discharge such duties and determine his compensation;
  - (4) also serve, when requested, without extra compensation and without fees, all writs and processes legally issued in which the City is the plaintiff, except for allowance of actual cash expenditures in making such service, and all fees legally taxable for such service in favor of the City shall

belong to the City, and the Corporation Counsel shall see that such fees are collected, when it is possible, and paid to the Department of Finance of the City.

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## **CHAPTER 6. BOARDS AND COMMISSIONS**

### **PART A. GENERAL REQUIREMENTS FOR APPOINTIVE BOARDS AND COMMISSIONS**

#### **Sec. 6A-1. Creation of Boards and Commissions: Number of Members, Terms.**

In addition to those boards and commissions established by this Charter, the Board of Aldermen shall by ordinance establish the boards and commissions of the City. Unless this Charter or Special Acts provides otherwise the Board of Aldermen shall set forth, by ordinance, the number of board and commission members (and alternates in the case of the Planning and Zoning Commission and the Zoning Board of Appeals) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes, the number shall always be odd and the term of office shall not exceed a term of four (4) years. Any such ordinance shall make provision for the appointment of a Chair, the keeping of records, Aldermanic representation, minority party representation in accordance with Section 6A-8, simple numerical majority and minority appointments in accordance with Section 4-2(b)(1) of this Charter, public participation (including, but not limited to, public speaking) and the frequency of meetings of all boards and commissions.

#### **Sec. 6A-2. Appointment.**

Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of boards or commissions, shall be appointed by the Mayor, subject to rejection by the Board of Aldermen, both as set forth in this Charter. All board or commission members shall serve until their successors have been appointed and qualified.

#### **Sec. 6A-3. Vacancy<sup>100</sup>.**

In the event of a vacancy on any board or commission, a successor shall be appointed by the Mayor for the remainder of the term, as set forth in this Charter.

#### **Sec. 6A-4. Publication of Boards and Commissions.**

No later than the 30<sup>th</sup> day of September of each year, the City Clerk shall cause to be published at least once for general circulation within the City and shall post for thirty (30) days in a conspicuous location available to the public in the office of such City Clerk a list of all the boards and commissions of the City.

#### **Sec. 6A-5. Residency Requirement.**

Except as otherwise provided by ordinance, no person may serve on a board or commission unless such person is an elector of the City. If any person who is a member of a board shall move from the City, such person's membership on such board or commission shall immediately terminate.

**Sec. 6A-6. Dual Appointment Prohibited. Exceptions.**

Except where otherwise provided by general or special law, no person may serve as an appointed member of more than one board at the same time, with the exception of a Charter Revision Commission or other boards of finite duration or unless such person is a member of the Board of Aldermen assigned as a liaison to such board to represent the Aldermen.

**Sec. 6A-7. Conflict of Interest.**

In addition to all applicable conflict of interest provisions of the General Statutes and of the Ordinances, no member of the Zoning Commission, City Plan Commission (if any), the Zoning Board of Appeals, or any other board or commission set forth by ordinance shall participate in the hearing or decision if such participation would be a "Prohibited Activity" as defined in the General Statutes. However, if the Board of Aldermen adopts a local ethics ordinance, as authorized by the General Statutes, said Ordinance may establish a local standard applicable to members of boards and commissions.

**Sec. 6A-8. Minority Party Representation.**

In creating said appointed boards and commissions, the Board of Aldermen shall include minority party representation provisions pertaining to the party enrollment of the members or alternates of the same. Said provisions shall exceed the minimum standard set forth in the General Statutes. Moreover, said party enrollment shall be determined in the same manner as the General Statutes delineate entitlement to participation in party caucuses and primaries by electors who transfer from the enrollment list of one party to another.

**Sec. 6A-9. Compensation Prohibited.**

No member of any appointive board or commission shall receive compensation for services as such member, unless otherwise specifically established by this Charter, the Special Acts or Ordinances.

**Sec. 6A-10. Removal.**

The Mayor may initiate proceedings to remove a member of any appointive board, commission, or relevant position or "panel of alternates" for any of the following reasons: (a) misconduct in the performance of duties; (b) persistent absence; (c) unexcused absences from three (3) or more consecutive regular meetings; (d) conviction of a felony; or, (e) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set by ordinance.

**PART B. INDEPENDENT COMMISSIONS REQUIRED BY CHARTER: FINANCE  
AND AUDIT REVIEW COMMISSION, DEPARTMENT OF AUDIT, THE ETHICS  
COMMISSION AND CIVIL SERVICE COMMISSION**

**Sec. 6B-1. Finance and Audit Review Commission<sup>101</sup>.**

**(a) Powers and Duties.** There shall be a Finance and Audit Review Commission, which shall have authority to examine into all matters relating to the financial and budgetary efficiency, efficacy and condition of the City. Notwithstanding the provisions of this Charter pertaining to the executive powers of the Mayor, the Department of Audit shall be under the direct supervision of the Finance and Audit Review Commission.

**(1) Financial Review.** Said Commission is authorized to audit and examine or cause to be audited and examined, the books and accounts of any and all of the departments and officials of the City, including the Department of Education.

**(2) Administrative Policy Review.** Said Commission shall review the contents of the annual audit and make recommendations to the Mayor regarding the manner and means of improving the administrative processes pertaining to the operations of the City.

**(3) Supervision of the Department of Audit.** Said Commission shall be responsible for the general supervision of the Department of Audit and shall give due consideration to requests from the Mayor or the Board of Aldermen in establishing and modifying the work plan of the Commission or its staff.

**(4) Required Cooperation.** Each officer and employee of any department, institution, board, commission or agency of the City shall assist said Commission and Department of Audit in carrying out the provisions of this section.

**(b) Membership.** Said Commission shall consist of seven (7) electors of the City appointed by the Mayor, subject to the advice and consent of a majority of the members of the Board of Aldermen. The Commission shall choose a chair and such other officers as it may desire. Commencing on January 1, 2003, the Mayor shall appoint four (4) members for a term of four (4) years and three (3) members for a term of two (2) years. Following the term of two (2) years the Mayor shall, on or after January 1, 2005, appoint three (3) members for a term of four (4) years.

**(1) Qualifications.** The members of the Commission shall have professional or business experience in the fields of accounting, management or financial analysis as evidenced by being a certified public accountant, certified management accountant or having earned a master or doctorate degree in business, finance or public administration or the equivalent thereof; or, at least five (5) years of experience as a financial officer of a business or public administrator or such other qualifications as may be further defined by ordinance.

**(2) Restrictions.** Notwithstanding the provisions of this Charter, no more than three (3) members of the Commission shall be members of the same political party. Furthermore, no person who has served in the previous three (3) years as a public official, other than a member of this Commission, or a political party officer shall be appointed to membership on the Commission. For

purposes of this section, the term "public official" means an individual who holds or has held a municipal office (as defined in §9-372 but shall not include a justice of the peace or notary public) in the City and the term "political party officer" means an officer of a national committee of a political party, state central or town committee or any person employed by such committee for compensation.

**(c) Annual Budget of the Finance and Audit Review Commission.** The Commission shall adopt and forward to the Mayor its proposed annual budget, in accordance with the procedures and timetable established for other City departments. The Mayor's budget shall include, and the Board of Aldermen shall appropriate for support of the Commission and its audit employees, at least the amount necessary to maintain the staffing level as approved in the previous annual budget, unless the Commission requests a lesser amount.

**Sec. 6B-2. Department of Audit<sup>102</sup>.**

**(a) Creation.** There shall be a Department of Audit, which shall be responsible for carrying out the administrative duties and powers of the Commission. Said Department is under the supervision of the Commission.

**(1) City Auditor.** The head of the department shall be the City Auditor (also referred to as the Director of Audit) who shall be appointed by the Board of Aldermen pursuant to the Civil Service provisions of this Charter or Ordinances and following the review and recommendation of a majority of the members of the Finance and Audit Review Commission. Said City Auditor shall be experienced in municipal accounting, internal auditing or fraud examination and shall have an advanced degree in accounting, business management or a related field as set forth by the Commission or by ordinance. Said City Auditor shall be qualified to audit all departments of the City. Said City Auditor shall devote his full time to the duties of office.

**(2) Powers and duties.** The City Auditor may require reports from any department, agency or institution supported in whole or in part by the City upon any matter of finances at any time and under such rules and regulations as he may prescribe, and shall require special reports at any time upon the request of the Commission. Said City Auditor, or any agent of the Department of Audit designated for such purpose, may enter upon any property of and into the office of any department, board, commission, institution or agency of the City and may examine any of its property and any of its books, papers, and records and investigate its operating procedures and costs and report such findings to the Commission. Each officer and employee of any such department, institution, board, commission or agency shall assist said Auditor or his agent in carrying out the provisions of this section.

**(3) Reports.** All reports of the City Auditor, including any responses thereto, shall be public and shall be submitted to the Commission, the Board of Aldermen and the Mayor.

**(4) Auditing of Accounts.** The City Auditor shall work with the Commission to establish audit priorities based on the financial exposure to the City and shall audit or cause to be audited the accounts of such departments and City officers, as determined by the Commission. The Commission shall establish a schedule of audits to ensure that each department and City officer is covered on a reasonable basis.

Upon completion of an audit the City Auditor shall submit to the Commission a report of the condition of each of said accounts audited, together with a summary of all accounts of the City, verified by an oath or affirmation exhibiting the revenues, receipts and expenditures, the sources from which the revenues and funds are derived, in what manner the same have been disbursed and the amount thereon against each item of appropriation and said Commission shall cause such reports to be submitted to the Board of Aldermen.

**(5) Evaluation.** The City Auditor shall be evaluated by the Commission in January of each year for his work in the prior year. The evaluation will be based on the duties above and assess the responsiveness to requests, the quality of work and the usefulness and business judgment of recommendations.

**Sec. 6B-3. Board of Ethics<sup>103</sup>.**

**(a) Powers and Duties<sup>104</sup>.** There shall be a Board of Ethics which has the authority as permitted by the General Statutes to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of the City.

**(1) Required Cooperation.** Each officer and employee of any such department, institution, board, commission or agency shall assist said Board of Ethics in carrying out the provisions of this section.

**(b) Membership.** Said Board shall consist of five (5) electors of the City appointed by the Mayor, for a term of five (5) years, subject to the right of rejection of the Board of Aldermen as set forth in this Charter. The Board shall choose a chair and such other officers as it may desire for a term of two (2) years in duration. The overlapping terms of current members of the Board shall continue without impediment.

**(1) Restrictions.** Notwithstanding the provisions of this Charter, no more than three (3) members of the Board shall be members of the same political party. Furthermore, no person who has served in the previous three (3) years as a public official, other than a member of this Board, or a political party officer shall be appointed to membership on the Board. For purposes of this section the term "public official" means an individual who holds or has held a municipal office (as defined in §9-372 but shall not include a justice of the peace or notary public) in the City and the term "political party officer" means an officer of a national committee of a political party, state central or town committee or any person employed by such committee for compensation. Moreover, the members shall not be employees or officers of the City and shall not be members or officers of any board, commission or agency of the City.

**(c) Rules and Regulations.** Following a public hearing, the Board of Ethics shall adopt and promulgate reasonable rules and regulations for the administration of pertinent provisions of this Charter and ordinances which may be enacted hereunder. Thereafter any additions, modifications or changes in said rules and regulations shall, upon approval by the Board of Ethics, be in effect unless disapproved by the Board of Aldermen with at least ten (10) Aldermen voting for such disapproval within sixty (60) days from the date received by the Board of Aldermen. The rules and regulations so adopted and promulgated and all amendments thereof shall be made available to any elector of the City upon request to the Board of Ethics.

**(d) Advisory Opinions.** The Board shall render advisory opinions to the Board of Aldermen or to any of its committees and to officials, members and officers of the City pursuant to written requests or upon its own initiative and shall make public such advisory opinions making such deletions as may be required to prevent disclosure of the identity of the officer, employee or official involved.

**(e) Public Hearings.** The Board of Ethics shall have the power to conduct public hearings concerning the application of this chapter and the rules and regulations thereunder, including, but not limited to procedures for the exercise of its authority to issue subpoenas or subpoenas *duces tecum*, as permitted by the General Statutes.

**(f) Additional Powers.** The Board of Aldermen may expand the jurisdiction of the Board of Ethics in a manner consistent with the General Statutes.

#### **Sec. 6B-4. Civil Service Commission<sup>105</sup>.**

**(a) Establishment<sup>106</sup>.** There shall be a Civil Service Commission which shall have the authority to exercise the powers and duties contained in the General Statutes, Special Acts and Ordinances pertaining to the administration and operation of the civil service and merit system and the human resources policies of the City.

**(b) Personnel and Human Resources Policy of the City.** It shall be the policy of the City to establish and maintain, by ordinance and regulation, consistent with the provisions of this Charter, a civil service and merit system that will assure recruitment of the best available persons to appointment to vacant positions, advance equal employment opportunity and affirmative action, continue training and evaluation of employees and bargain fairly with the collective bargaining representatives of employees.

**(c) Civil Service Ordinance.** Said rules of the Civil Service Commission shall be set forth in the form of an Ordinance to be approved by the Board of Aldermen, upon the advice of the Mayor (following consultation with the Director of Human Resources and the Civil Service Commission) as set forth in this Charter<sup>107</sup>.

**(1) Contents of the Ordinance.** Said Ordinance shall include consideration of the following: (i) creation of the classified and unclassified service for the City<sup>108</sup>; (ii) qualifications and competitive examinations for entry level and promotional appointments (encouraging, as far as practicable, the promotion from lower classes of City employees); (iii) creation and maintenance of eligible lists, certification of the same and the standards of appointment thereunder; (iv) standards of dealing with temporary appointments, including, but not limited to, probational, provisional and emergency appointments and the appointment of unskilled laborers<sup>109</sup>; (v) preparing and maintaining classification and pay plans for classified City employees not included in a collective bargaining unit; (vi) establishing a roster of City employees; (vii) certification of payroll; (viii) developing training and education programs for City employees; (ix) investigation of the operation of the personnel provisions of the Charter and Ordinances; (x) standards of appointment, discipline and removal of City employees, not otherwise addressed by this Charter or the provisions of a collective bargaining agreement; (xi) compensation plan for City employees, which plan shall constitute the City's compensation schedule for classes of positions in the classified service for the ensuing fiscal year and thereafter until a new compensation plan shall be adopted in the manner prescribed; (xii)

appointment of department heads<sup>110</sup>; and, (xiii) any other matters necessary to the administration and regulation of said civil service and merit system.

**(2) Limitations of Ordinance.** No Ordinance shall be adopted which circumvents or otherwise violates the requirements of this Charter pertaining to a civil service and merit system for the hiring and promotion of public employees.

**(3) Administrative Procedures and Regulations.** Said Ordinance shall include a procedure for administrative regulation of said civil service and merit system by the Commission, including the requirement that any such regulations or additions, modifications or changes thereof shall take effect unless disapproved by the Board of Aldermen with at least ten (10) Aldermen voting for such disapproval within sixty (60) days from the date received by the Board of Aldermen.

**(4) Preferences.** Said Ordinance shall provide for a preference of five (5) points for American veterans, ten (10) points for disabled American veterans and, five (5) points for individuals domiciled within the City on all examinations<sup>111</sup> in classified service.

**(5) Supervision of the Department of Human Resources.** Said Commission shall be responsible for the general supervision of the Department of Human Resources. However, said Ordinance shall set forth the appropriate delegation of administrative authority to the Director of Human Resources; provided, however, this section shall not preclude any delegation of authority which is implicitly granted under the Charter or for which express delineation is impracticable.

**(6) Required Cooperation.** Each officer and employee of any department, institution, board, commission or agency of the City shall assist said Commission and Department of Human Resources in carrying out the provisions of this section.

**(d) Powers and Duties.** Said powers shall include, but not be limited to, the following:

**(1) Rule-making Pertaining to Hiring and Promotion of Public Employees.** Said Commission is authorized to propose rules and prescribe regulations thereunder, as set forth in this Charter, for ascertaining the competency of applicants for positions or promotions for all positions in the City, except as otherwise set forth by law or this Charter. Said rule-making, and the examinations conducted thereunder, shall be in accordance with the best practices in merit selection of public employees in the United States<sup>112</sup>.

Vacancies shall be filled by promotion whenever possible, and promotions shall be on a competitive basis whenever possible except where the Director of Human Resources with the approval of the Civil Service Commission and the appointing authority, finds the competition impracticable<sup>113</sup>.

**(2) Review of Job Descriptions, Qualifications and Classification Plan.** Said Commission is authorized to approve or disapprove (i) job descriptions, (ii) job qualifications, (iii) revisions to the position classification plan, and (iv) compensation plans for all employees not covered by a collective bargaining agreement, as proposed by the Director of Human Resources. The Commission shall conduct an annual review and modify such plan accordingly<sup>114</sup>.

**(3) Miscellaneous.** Unless otherwise set forth in law or by collective bargaining agreement, said Commission is authorized to (i) transfer employees from one position to a similar position in the same class and level of responsibility; (ii) reinstate persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part<sup>115</sup>; (iii) suspend employees from service for not longer than fifteen (15) days unless otherwise provided by collective bargaining agreement or modified by ordinance<sup>116</sup>; (iv) establish the hours of work, holiday, attendance regulations, and special leaves of absence in the various classes or positions in the civil service system<sup>117</sup>; (v) set forth a system permitting employees appropriate annual vacation and sick leave<sup>118</sup>; (vi) develop and operate programs to improve the work effectiveness and morale of employees of the City, including safety, health, welfare, recreation, training and education<sup>119</sup>; (vii) establish the method of grading examinations and, whenever practicable, make such method available to candidates before examinations are given<sup>120</sup>; (viii) establish a system for determining and reviewing, and the keeping of records of annual efficiency ratings of performance of all employees in the civil service and merit system, which efficiency ratings shall be a consideration in determining salary increases and decreases provided in the pay plan, as a factor in promotion tests, demotions, discharges and transfers<sup>121</sup>; (ix) administer the lay-offs, by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and provide for reinstatement of employees laid off or who resigned or were granted leaves of absence for any reason, including service in the Armed Forces of the United States, based on seniority, provided that the employees retained shall have the ability and be able to perform the duties of the position<sup>122</sup>; (x) discharge or reduce in rank or grade after appointment or promotion is completed in accordance with procedures set forth in this Charter or Ordinances, subject to the right of a hearing, not precluding representation by any individual or organization, before the Civil Service Commission whose decision, by a majority of its members, shall be final<sup>123</sup>.

**(e) Membership.** Said Commission shall consist of five (5) electors of the City appointed by the Mayor, subject to the right of rejection by the Board of Aldermen as set forth in this Charter. The Commission shall choose a chair and such other officers as it may desire. The incumbent members of said Commission shall remain in office to the completion of their respective terms or until their successors are appointed and qualified. Commencing on January 1, 2003, the Mayor shall appoint members for a term of five (5) years.

**(1) Restrictions.** Notwithstanding the provisions of this Charter, no more than two (2) members of the Commission shall be members of the same political party. Furthermore, no person who has served in the previous three (3) years as a public official, other than a member of this Commission, or a political party officer shall be appointed to membership on the Commission. For purposes of this section the term "public official" means an individual who holds or has held a municipal office (as defined in §9-372 but shall not include a justice of the peace or notary public) in the City and the term "political party officer" means an officer of a national committee of a political party, state central or town committee or any person employed by such committee for compensation.

**(f) Penalty for Violations<sup>124</sup>.** Any person who shall willfully or through culpable negligence, violate any of the provisions of this Charter, Ordinances or the rules of the Commission thereunder promulgated shall be fined not less than Fifty



(\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars or be imprisoned not more than six (6) months or be both fined and imprisoned.

**PART C. APPOINTIVE BOARDS AND COMMISSIONS REQUIRED BY CHARTER<sup>125</sup>.**

**Sec. 6C-1. Generally.**

The Board of Aldermen shall adopt ordinances setting forth the organizational structure and powers of the boards and commissions set forth in Part C ("Part C Boards and Commissions") of this Chapter.

**Sec. 6C-2. Board of Commissioners of Public Health.**

(a) **General<sup>126</sup>.** There shall be a Board of Commissioners of Public Health which shall advise and consult with the department heads pertaining to the duties and conduct of the department.

(b) **Powers and Duties of Board<sup>127</sup>.** Said Board of Commissioners of Public Health shall have and exercise throughout the City and Town of Waterbury all the jurisdiction, powers, privileges and duties by law vested in and imposed upon the town health officers or health directors of this state in their respective towns, and no town health officer or health director shall have jurisdiction over any portion of the Town or City of Waterbury. Said Board shall have control of the inspection and supervision of the preparation, manufacture, storage and sale of all articles and commodities intended for human consumption. It shall also regulate the sale of milk by licensing, for a reasonable fee, the vendors of the same, and no one shall vend milk within the City without such license; and the provisions of C.G.S. §22-128 shall not apply to the City. Said Board may destroy such articles and commodities, including milk, as in its opinion are injurious to health, without liability on its part or that of the City for reimbursement of the cost thereof. Said Board shall further abate nuisances upon any land, at the expense of the owner thereof, whenever the orders of said Board shall be neglected beyond a reasonable time, and, for all such acts, shall have power to place a lien on the property involved, for the expense incurred in carrying out such abatement, which lien shall take precedence over all other encumbrances, except taxes and City liens of a prior date. It shall also have power to inspect schools and school children and shall make such regulations as are, in its opinion, necessary to preserve the safety and health of the same, and it shall cause to be executed and enforced the health ordinances of the City. It may establish and operate such dental and medical clinics as in its judgment it may deem essential for the prevention of disease and the preservation of the public health. It may, from time to time, make such by-laws, rules, regulations and orders as, in its judgment, the preservation of the public health may require, provided the same be not inconsistent with the Constitution and laws of this State or of the United States or with the Charter or Ordinances of the City, but in no case shall it impose a penalty of more than One Hundred (\$100.00) Dollars for a single violation of any by-law, and no suit or process shall be brought for such violation unless such by-law shall have been published at least four (4) times in some daily newspaper printed in said City before such violation occurred.

### **Sec. 6C-3 Board of Park Commissioners<sup>128</sup>.**

**(a) General<sup>129</sup>.** There shall be a Board of Park Commissioners, which shall advise and consult with the appropriate department head pertaining to the administration of the parks and recreational facilities of the City.

**(b) Interest in Contract or Property Prohibited<sup>130</sup>.** No member of said Board of Park Commissioners shall be concerned in any contract with said Board, or any of its departments or institutions, either as contractor, subcontractor, bondsman or party directly or indirectly interested. If any member of the Board be the owner of, or interested in, any property necessary, in the opinion of a majority of the other members of the Board, to be taken for park purposes, then proceedings shall be by condemnation and such facts of ownership and interest shall be fully set forth in the petition.

**(c) Park Property Defined<sup>131</sup>.** The term "park property" shall include all parks, squares and areas of land within the management of the Board and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, herbage, flowers and other things thereon, and enclosures of the same; all shade trees on streets or thoroughfares, resting places, watering stations, playgrounds, other than school grounds, owned, leased or operated by the City, parade grounds or the like; all connecting parkways and roads or drives between parks; all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description, and all birds, animals, curiosities or objects of interest or instruction and all tools and implements placed in or on any of such enclosures, ways, parkways, roads or places; and such including term shall be liberally construed.

**(d) Power of Condemnation<sup>132</sup>.** The Board of Park Commissioners may proceed to condemn such land or other property in the method provided for the condemnation of land by municipal corporations by the General Statutes, and all sections of the statutes applying to condemnation by municipal corporations shall likewise apply to condemnation by said Board of Park Commissioners.

**(e) Park Property in Other Towns Exempt from Taxes<sup>133</sup>.** All real and personal estate of said City used for park purposes within the limits of any other town shall be exempted from taxation.

**(f) Appropriation for Board of Park Commissioners<sup>134</sup>.** The Board of Aldermen in each year shall appropriate necessary funds for the care and improvements of park property and to meet the expenses of the Board of Park Commissioners, within the powers and responsibilities granted to the Board of Aldermen. The appropriations so made shall be used for the maintenance, preservation and improvement of said parks and grounds. Said Board of Park Commissioners shall, at its discretion, have power to lease any buildings or land not needed for immediate improvement, for a term not to exceed two (2) years, the proceeds to be paid into the City treasury and to be placed at the disposal of said Board as an addition to the annual appropriations. All rents, profits, concessions, income and other revenues derived from the conduct of the recreation pavilion (Proprietors' Common) shall be subject to the management, control and disbursement of said Board of Park Commissioners, and said Board, for the purpose of providing a sinking fund for the redemption of park bonds and interest charges thereon, as the same shall become due, shall pay monthly to the treasurer of a sinking fund, if any, all net proceeds derived from the operation of the recreation pavilion, provided said Board of Park Commissioners may, at any time when the amount in said sinking fund shall exceed the sum of Fifteen Thousand (\$15,000.00)

Dollars, use and expend any surplus in excess of said sum for the purpose of improving the public parks of the City.

**(g) Approval of Claims before Payment; Use of Bond Funds<sup>135</sup>.** The Board of Park Commissioners shall submit for approval to the Director of Finance all claims and accounts arising from the performance of its duties and operations, and all such claims and accounts shall be approved, in accordance with procedures to be established by the Director of Finance, before payment shall be made thereon. The Board of Park Commissioners shall have the use and expenditure of such funds as may arise from the sale of bonds for park purposes, which the Board of Aldermen may duly authorize and cause to be issued.

**(h) Audit and Inspection of Records and Accounts<sup>136</sup>.** The Board shall keep an accurate record and books of account and shall annually transmit to the Mayor a full and detailed report and statement of all its acts and doings, together with a complete and itemized account of all receipts and disbursements. The books of account and records of the Board shall, at all times, be open to the inspection of the Mayor and shall be subject to an annual audit by the proper municipal officer.

#### **Sec. 6C-4. City Plan Commission.**

**(a) General<sup>137</sup>.** There shall be a City Plan Commission which shall advise and consult with the department head pertaining to the duties and conduct of the department and shall prepare and recommend from time to time, as required by the General Statutes, but no less than every ten (10) years, a plan of conservation and development for the City or any portion thereof. Said plan shall include all requirements of the General Statutes pertaining to such plans and any other criterion set forth by the Commission or this Charter.

**(1) Miscellaneous Powers and Duties of Commission<sup>138</sup>.** The Commission shall have power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any reports and may employ such other means of publicity and education as it may determine. The Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens with relation to the protecting or carrying out of the plan. The Commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote City planning or carry out the purpose of this Charter.

**(b) Staff and Finances<sup>139</sup>.** The Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the City. The Commission may also contract with city planners, engineers, architects and other consultants for such service as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts

appropriated for the purpose by the Board of Aldermen, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

**(c) Powers and Duties; Plan of Conservation and Development<sup>140</sup>.**

It shall be the function and duty of the Commission to make and adopt a plan of conservation and development for the physical development of the City. Such plan, with accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for such development, including among other things, the general location, character and extent of streets, building lines, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also, rules and regulations to control the subdivision of land and the laying out of streets; also, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals. As the work of making the whole master plan progresses, the Commission may, from time to time, adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the City or one or more of the aforesaid or their functional matters to be included in the plan.

The Commission may, from time to time, amend, extend or add to the plan.

**(d) Surveys<sup>141</sup>.** In the preparation of such plan, the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the City, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and public utilities and other public requirements.

**(e) Adoption of Plan<sup>142</sup>.** The Commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, such parts to correspond with major geographical sections or divisions of the City or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the City. The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the Commission carried by the affirmative votes of not less than four (4) members of the Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman and/or secretary of the Commission. An attested copy of the plan or part thereof shall be certified to the Board of Aldermen and to the Town Clerk.

**(f) Approval of Construction; Veto of Commission<sup>143</sup>.** Whenever the Commission shall have adopted the plan of conservation and development for the City

or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space, or public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized in the City or in such planned section and district until the location, character and extent thereof, shall have been submitted to and approved by the Commission; provided, in case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen, which shall have the power to overrule such disapproval by a recorded vote of not less than ten (10) members of said Board; and provided, if the public way, ground, space, building, structure or utility be one the authorization or financing of which does not, under the law or Charter provisions governing same, fall within the province of the Board of Aldermen, then the submission to the City Plan Commission shall be by the board, commission or body having such jurisdiction, and the City Plan Commission's disapproval may be overruled by such board, commission or body by a vote of not less than two-thirds of its membership. The failure of the Commission to act within sixty (60) days from the date of official submission to the Commission shall be deemed approval.

**(g) Powers of Board of Aldermen<sup>144</sup>.** The Board of Aldermen is authorized to make, adopt, amend, extend, add to or carry out a City plan as provided in this Charter.

#### **Sec. 6C-5. Board of Police Commissioners.**

**(a) General<sup>145</sup>.** There shall be a Board of Police Commissioners, which shall advise and consult with the department head pertaining to the duties and conduct of the department.

**(b) Powers and Duties of Board<sup>146</sup>.** Said Board of Police Commissioners shall have the sole power of appointment and removal of officers and members of said Police Department. Said Commissioners shall choose by ballot and appoint suitable persons to be officers and members of said Police Department<sup>147</sup>. Said Commissioners shall have power to fix, subject to the approval of the Board of Aldermen, the amount of compensation to be paid to each officer and member of said department; to make all needful rules and regulations, not inconsistent with the laws of the State or the Charter and Ordinances of the City, for the government and control of said department and for the discharge of persons arrested without warrant; and may punish by reprimand, forfeiture, suspension without pay, dismissal or reduction in rank and pay, any officer or member of said department, after reasonable notice and opportunity to be heard, whenever in the judgment of said Commissioners such punishment shall be for the best interests of the City; and may suspend from duty any member of said department for a period not exceeding ten (10) days, without a hearing and for cause.

**(c) Removals and Appeals<sup>148</sup>.** The officers and members of said Police Department in office at the time of the passage of the act which authorizes this provision of the Charter, and those hereafter appointed, shall hold their office and membership of said department until dismissed by said Board of Police Commissioners for cause, provided, when any officer or member in said department shall be dismissed by said Board or reduced in rank, he shall have the right of appeal from the action of said Board of Police Commissioners to the Superior Court for the Judicial District of Waterbury within thirty (30) days after notice of such action of the Board. Said court shall hear such appeal and may approve, modify or revoke such action of the Board and may award costs at its discretion. During the pendency of such appeal, such action of the Board shall have full force and effect, subject to the power of said court if such action is modified or revoked, to make its decree relate back to the date of such action.

**Sec. 6C-6. Board of Fire Commissioners.**

(a) **General**<sup>149</sup>. There shall be a Board of Fire Commissioners, which shall advise and consult with the department head pertaining to the duties and conduct of the Fire Department.

(b) **Powers and Duties of Board**<sup>150</sup>. Said Board of Fire Commissioners shall make all necessary rules and regulations for the government of said Fire Department, not inconsistent with the laws of the State or the Charter and Ordinances of the City; and said Board shall appoint and prescribe the duties of all officers, firefighters and employees of said department, except where any powers and duties may be prescribed by the Board of Aldermen, and shall fix their compensation, subject to the approval of the Board of Aldermen<sup>151</sup>.

**Sec. 6C-7. The Zoning Commission**<sup>152</sup>.

(a) **General**. There shall be a Zoning Commission which shall have all the powers and duties of a zoning commission under the General Statutes. The decisions of the Zoning Commission shall be consistent with the plan of conservation and development, as required by the General Statutes, 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.

(b) **Qualifications**. The Commission, as established by the Board of Aldermen, shall be comprised of individuals with skills and knowledge in related fields such as planning (including current involvement in the field), architecture, landscape architecture, real estate, or law.

**Sec. 6C-8. Board of Assessment Appeals**<sup>153</sup>.

(a) **General**<sup>154</sup>. There shall be a Board of Assessment Appeals which shall have all the powers of and act in accordance with the provisions of the General Statutes applicable to board of assessment appeals of towns.

(b) **Appeal to Board of Assessment Appeals**<sup>155</sup>. No appeal to the Board of Assessment Appeals shall be taken by any person claiming to be aggrieved by the doings of the Assessor in any manner other than that which is authorized by the General Statutes of the State of Connecticut.

**Sec. 6C-9. Board of Commissioners of Public Works.**

(a) **General**<sup>156</sup>. There shall be a Board of Commissioners of Public Works which shall advise and consult with the appropriate department head pertaining to the administration of public works and other enterprises related to the infrastructure of the City.

**Sec. 6C-10. Retirement Board**<sup>157</sup>.

(a) **General**. There shall be a Retirement Board which shall exercise the powers and duties contained in the General Statutes, Special Acts and Ordinances.

**PART D. APPOINTIVE BOARDS REQUIRED BY ORDINANCE.**

**Sec. 6D-1. Authority to Create Boards and Commissions.**

(a) The Board of Aldermen may establish, by ordinance, such Boards and Commissions as are necessary to effectuate the powers and purposes of the City as enumerated in the General Statutes, Special Acts and this Charter.

**PART E. APPOINTIVE BOARDS AUTHORIZED BY SPECIAL ACT<sup>158</sup>.**

**Sec. 6E-1. Board of Agents of the Silas Bronson Library.**

(a) **Bronson Library Fund and Silas Bronson Library Established<sup>159</sup>.** The sum of Two Hundred Thousand (\$200,000.00) Dollars bequeathed the City by the will of the late Silas Bronson for the establishment of a library for the common use of all inhabitants of said City shall be designated as the Bronson Library Fund, and shall be forever inviolably used and appropriated for the purposes set forth in said will. The library established and maintained by the bounty of said testator shall be known by the name of the Silas Bronson Library.

(b) **Board of Agents Established; Powers<sup>160</sup>.** There shall be a Board of Agents of said fund, who shall be the legally constituted agents of the City to carry out the said provisions of said will, with full power, in the name and in behalf of the City, to collect, invest, expend, manage and control said fund and the income thereof and to establish, regulate and manage said library. Said Board shall have and exercise all such powers as were designed by said testator by the provisions of said will to be conferred on the City and the legally constituted authorities thereof, subject to the limitations and restrictions and provisions hereinafter contained.

(c) **How Constituted<sup>161</sup>.** Said Board of Agents shall consist of twelve (12) persons, to be appointed as provided in subsection(c)(1), below, seven (7) of whom, at any regular meeting of said Board, shall constitute a quorum for the transaction of business; no vote of said Board shall be valid unless a majority of said quorum shall concur therein. The members of said Board shall hold their offices for the period of six (6) years from the fourth day of July following their appointment. All vacancies that shall occur in said Board, by removal from the City, resignation or otherwise of any one or more such agents, shall be filled by the Mayor as set forth in this Charter, and the persons so chosen, shall hold their offices for the unexpired portions of the terms of the persons in whose place they may be chosen.

(1) **Appointment<sup>162</sup>.** The agents of the Bronson Library Fund shall be appointed pursuant to §3 of Special Act 161 of the 1967 session of the General Assembly. Members of the Board of Agents of the Bronson Library Fund of the City shall be appointed in the following manner: During the period between October 1 and December 1 of each odd-numbered year, the town committee of each major political party in Waterbury, as defined in §9-190 of the General Statutes, shall nominate, at a meeting called for that purpose, by a majority vote of those members of said town committee present and voting, two (2) enrolled electors for the positions of agent of the Bronson Library Fund. The secretary of such town committee shall forthwith certify such nominations to the Mayor. If for any reason said town committee of any such major political party shall fail to nominate two (2) candidates for membership on said Board, as hereinbefore provided, prior to said December 1, then the town chairman of any

said major political party shall forward and certify to the Mayor the names of two (2) enrolled electors of that party as the nominees of that party for agents of the Bronson Library Fund. Upon receipt of this certification from the secretary of such town committee or from the town chairman, as aforesaid, the Mayor shall, within the first ten (10) days of December of the same year, make such appointments, by written notification to the Board of Agents of the Bronson Library Fund, and to the nominees, for the term, and on the effective date, prescribed in §6E-1(c) of this Charter<sup>163</sup>. This subsection will not affect the status of those members of the Board of Agents of the Bronson Library Fund heretofore elected to membership thereon.

**(d) President, Vice-President and Secretary<sup>164</sup>.** Said Board of Agents shall choose from among themselves a president, vice-president and secretary, who shall hold office during the pleasure of the Board, and whose powers and duties shall be according to the general principles of parliamentary and administrative law.

**(e) Treasurer<sup>165</sup>.** There shall be chosen by said Board of Agents a treasurer of said Bronson Library Fund, who shall hold office for the term of five (5) years from the date of his appointment and until another shall be chosen and shall have qualified in his stead. Said treasurer shall not be required to be a resident of the City at the time of his appointment or during the continuance of his term of office, notwithstanding any Special Act to the contrary. Whenever a vacancy shall occur in said office by resignation, inability, disability, death or removal from office by the concurrent vote of said Board of Agents and of the Board of Aldermen, said Board of Agents shall, at their first meeting thereafter, choose another person to be treasurer of said fund, and the person so chosen shall hold office for the term of five (5) years from the date of his appointment and until another shall be chosen and shall have qualified in his stead.

**(1) Duties of Treasurer<sup>166</sup>.** The treasurer of the Bronson Library Fund shall have the custody of said fund and shall also have the custody of its income, money, deeds, notes and securities and all other papers or property appertaining thereto, and shall keep all accounts relating to the fund by themselves and separate from all others and shall, annually, on or before February first, submit to the Board of Aldermen an account showing the amount of the fund, how invested, the amount of its income, to whom paid for what object and the balance remaining in the treasury, which account shall be recorded and kept on file by the City Clerk; and he shall make no payment from the fund, or from the income thereof, except on orders drawn, signed and countersigned by the president and secretary of the Board of Agents for said fund. No order may be drawn on the principal of said fund except in accordance with a vote of the finance committee of said Board. Orders may be drawn on the income of said fund under regulations to be prescribed by the Board. The treasurer of said fund may, upon the receipt in full of the principal and interest of any loan of any part of said fund, execute release deeds, in the name of the City, of any real estate which may have been mortgaged to the City as security for the payment of such money, and may, under the direction of said Board of Agents, execute in like manner other releases of such mortgaged property.

**(2) Oath of Treasurer.** The treasurer of said fund shall take the same oath of office that is required of other officials of the City<sup>167</sup>.

**(f) Compensation of Officers of Board<sup>168</sup>.** The salary of the treasurer of said fund shall be Three Hundred (\$300.00) Dollars per annum. The salary of the secretary of the Board of Agents shall be determined, from time to time, by the Board. Said Board may also determine the compensation for the services of its president; but



no other members of the Board of Agents shall receive any compensation for services rendered by them as members of said Board. All salaries and payments as aforesaid shall be paid from the income of the fund.

**(g) Principal of Fund to be Maintained<sup>169</sup>.** The principal of said fund shall never be reduced below the sum of One Hundred and Seventy-five Thousand (\$175,000.00) Dollars, exclusive of any portion thereof which may be invested in a library and library building and the ground therefor or any property occupied by said library, and if, by any unforeseen contingency, it shall be reduced below said sum, not less than one-half of the income of the fund shall be set apart and added to the principal, from year to year, until the principal of the fund shall be restored to the full amount of One Hundred and Seventy-five Thousand (\$175,000.00) Dollars.

**(h) Loans and Investments Restricted<sup>170</sup>.** No member of said Board of Agents shall be a borrower or surety for a borrower of any of its funds, and no member of said Board shall vote upon any application for a loan from said fund made by or for the benefit of any person, association or corporation in which any member is financially interested or a stockholder.

The investment powers of said Board of Agents shall be based upon the provisions of the Fiduciary Powers Act, as set forth in the General Statutes (as said statute may be amended from time to time) and shall be guided by the prudent investor rule, as same may be amended from time to time.

**Sec. 6E-2 Redevelopment Agency<sup>171</sup>.**

The action of the City in establishing a ten-member redevelopment agency during the calendar year 1960 is validated and all actions of said commission shall be considered those of a validly constituted commission. Said City is further empowered to maintain and continue such ten-member commission.

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## CHAPTER 7. DEPARTMENTS AND DEPARTMENT HEADS

### PART A. GENERAL REQUIREMENTS FOR DEPARTMENTS AND DEPARTMENT HEADS

#### Sec. 7A-1. Authority to Establish the Departments of Government.

(a) **Powers and Purposes.** The City, acting within the powers and duties enumerated in the General Statutes, Special Acts applicable thereto and this Charter, may establish, by ordinance, such departments necessary to carry out and organize the functions of government. The express intent of this Charter is to allow the Mayor and the Board of Aldermen the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City.

(b) **Special Provisions Regarding Reorganization.** Any departments and department heads established under the authority of this Charter are subject to the power of the Mayor to propose a reorganization plan in accordance with the terms of this Charter. However, the powers, duties and functions defined in this Charter shall be assigned to officials of the City.

#### Sec. 7A-2. Appointment of Department Heads: General Requirements.

(a) **Creation of Departments.** The Board of Aldermen shall, by ordinance, establish the departments and agencies of the City, unless otherwise established by Charter. Each of these departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and Ordinances. Moreover, the director of each department established by ordinance shall be subject to the provisions of this Charter generally applicable to department heads. All departments shall be entitled to office space provided by the City and shall remain open during such hours as the Mayor may direct.

(b) **Appointment of Department Heads**<sup>172</sup>. Except as otherwise provided by State law or the civil service provisions of this Charter or Ordinances, all department heads<sup>173</sup> (as well as the classifications of "bureau chief" and "management employee" as set forth in this Charter or Ordinances applicable thereto) shall be appointed by and subject to the authority of the Mayor, subject to the right of rejection by the Board of Aldermen, as set forth in §3A-2(e), above. For purposes of this Charter, the term "Department Head" shall include the classifications of bureau chief and management employee, unless otherwise excepted. A department head may not be removed from office except as set forth in § 7A-4 below, or upon the completion of the term of office for the position held as set forth by contract or, otherwise by this Charter or Ordinances. In the event of a vacancy in the office of any department head, a successor may be appointed, except that during the last month of the term of a Mayor who has not been re-elected to office, the Mayor may not appoint any department head except on an acting basis for a temporary period ending not later than sixty (60) days following the commencement of the term of office of the new Mayor. All department heads shall devote full time to the duties of office and shall not engage in private practice or in any other business.

(1) **Terms for Department Heads. Aldermanic Discretion.** If permitted under the provisions of the applicable civil service provisions of this Charter or Ordinances or by collective bargaining agreement, the Board of

Aldermen may, in its discretion, establish, by ordinance, a uniform term of office for all department heads, which term shall be for a period of no less than the term of office for the Mayor. Said power is subject to the provisions of the General Statutes and collective bargaining agreements, if applicable. Said department heads shall serve for the terms thereby established (unless otherwise removed from office) or until a successor shall have been appointed and shall have qualified.

**(c) Effect of Charter on Current Officials.** Unless otherwise terminated pursuant to law, the status of department heads, bureau chiefs and management employees holding office subject to contract on the effective date of this Charter shall continue until the end of their term. Thereafter, the provisions of this Charter shall apply.

**(d) Authority of Department Heads.** Once appointed as described in §7A-2(b) of this Charter, the department head shall appoint, hire, discipline and remove all deputies, assistant and other employees of the department as provided for in the budget and subject to the authority of the Mayor or designee, and to the rules and regulations of the Civil Service Commission and collective bargaining agreements, where applicable.

**(e) Qualifications of Department Heads.** The job qualifications of all department heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act, shall be established by ordinance following the recommendation of the Director of Human Resources or such personnel official as may be designated by ordinance. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and shall be reviewed and updated every four (4) years and whenever a vacancy occurs in the position.

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

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

**Sec. 7A-3. Liability of Officers and Members of Departments or Boards and Commissions<sup>174</sup>.**

Any officer of the City or any member of any department or board or commissions of the City who shall, in order to provide for the payment of any bill, account or claim against the City, knowingly instruct, or vote to instruct, or in any manner cause, the Director of Finance to draw upon any specific item of the appropriations as made by the Board of Aldermen other than the item against which such bill, account or claim is properly and legally chargeable, shall be personally liable to the City for the amount of such bill, account or claim.

**Sec. 7A-4. Continuance in Office. Removal of Department Heads<sup>175</sup>.**

The department head, bureau chief, or management employee shall hold their office and membership in said department, bureau, or division of City government in their present grade, unless promoted, demoted, or dismissed for cause by recommendation of the Civil Service Commission and the Board of Ethics reporting to the Board of Aldermen which shall affirm such recommendation unless it so rejects such recommendation by the affirmative vote of ten (10) members of the Board of Aldermen; provided, when any department head, bureau chief, or management employee shall be dismissed, he shall have the right of appeal to the Superior Court for the Judicial District of Waterbury, within thirty (30) days after notice of said action. This provision does not apply to or otherwise abridge the right of the City to notify said department head, bureau chief or management employee of the completion of his term and its decision not to renew a contract as set forth in this Charter, Ordinances or any applicable collective bargaining agreement.

**PART B. THE LEGAL DEPARTMENT**

**Sec. 7B-1. The Legal Department and Corporation Counsel.**

**(a) Established<sup>176</sup>.** There shall be a Legal Department in the City, consisting of a Corporation Counsel, an Assistant Corporation Counsel and such assistants as may, from time to time, be requested by said Corporation Counsel. Said assistants shall be appointed in accordance with the applicable provisions of this Charter or Ordinances pertaining to civil service. Either the Corporation Counsel or the Assistant Corporation Counsel shall be present at the Office at all reasonable times<sup>177</sup>.

**(b) Appointment and Term of Office for the Corporation Counsel<sup>178</sup>.** Such Corporation Counsel shall be appointed by the Mayor, after the first day but prior to the eighth day of the commencement of the Mayor's term of office, to hold office for two (2) years and until a successor shall be appointed and shall have qualified, unless sooner removed for cause.

**(1) Assistant Corporation Counsel<sup>179</sup>.** The Assistant Corporation Counsel shall have charge, under the supervision of the Corporation Counsel, of such duties as may be assigned by the Corporation Counsel, and, in the absence of the Corporation Counsel, shall assume all of the duties and obligations of the Corporation Counsel.

**(c) Qualifications<sup>180</sup>.** Such Corporation Counsel, at the time of his appointment, shall be an attorney at law and shall have been engaged in the practice of law in this state for not less than four (4) years and shall be an elector of the City.

**(d) Powers and Duties.** The Corporation Counsel shall be the legal advisor of the City and its departments. In this respect, the Corporation Counsel shall:

(1) represent the City in all civil actions in any court wherein the City is interested, actions for the collection of taxes, assessments, water charges, sewer charges and other debts and charges due the City and in the hands of the Tax Collector for collection;

(2) issue written opinion upon any legal question which may be submitted by the Mayor, Board of Aldermen, any department or public official. All

opinions shall be recorded in an index book, which book shall be kept in the office of the Corporation Counsel and shall be delivered to the successor in office and shall be the property of the City;

(3) represent the City in all matters pending before the General Assembly affecting the interest of the City;

(4) have the power to release City liens for taxes, assessments and water charges, sewer charges and any other liens filed in behalf of the City and to release caveats and certificates of assessments;

(5) retain additional temporary counsel to aid the City in the conduct of the work of the Legal Department without regard to the requirements of civil service, if, in the opinion of the Corporation Counsel, the interest of the City so requires and the Mayor consents;

(6) have authority to commence suits, in the name of the City, to collect any indebtedness due the City or to recover any property belonging to the City and by any person unjustly detained or to recover damages for the injury of any property belonging to the City, and for any injunction to restrain any damages being done thereto, and to collect any fine, penalty or fee due the City, and also, when directed by the Mayor, to foreclose or enforce collection of any lien in favor of the City<sup>181</sup>;

(7) approve all bonds and deeds and all written contracts of the City with the exception of purchase orders, requiring the signature of the Mayor pursuant to §4-2(e) of this Charter, as to form and as to compliance with all legal requirements of said Charter<sup>182</sup>; and,

(8) perform all other legal services which may be required by the Board of Aldermen or by law or ordinance.

#### **Sec. 7B-2. Special Duties and Powers with Respect to Taxes.**

(a) **Legal Actions with Respect to Taxes**<sup>183</sup>. The Corporation Counsel shall institute all necessary legal actions for the collection of taxes, assessments, water charges, sewer charges and other debts and charges due the City and in the hands of the Tax Collector for collection and shall represent the City in all actions pertaining thereto and shall perform such other duties relating to the collection of taxes, assessments, water charges, sewer charges and other debts and charges as may be prescribed by the Director of Finance; and, for that purpose, the Corporation Counsel shall have access to the books of the Tax Collector, and shall have the right to bring all such suits or other actions, civil or criminal, as may be necessary to collect any overdue taxes or other debts due to the City. The Corporation Counsel, upon the collection of any moneys due to the City as herein provided, shall forthwith turn over all of said sums to the Department of Finance.

(b) **Powers Akin to the Tax Collector**<sup>184</sup>. The Corporation Counsel shall, in addition to such other powers and duties, have all the powers of the Tax Collector of said City relative to the release of liens for assessments made and levied by the City.

## PART C. GOVERNMENT ADMINISTRATION

### Sec. 7C-1. Department of Finance<sup>185</sup>.

(a) **The Director of Finance (Chief Financial Officer).** There shall be a Department of Finance. The head of the department shall be the Director of Finance, who shall, under the Charter and Ordinances, be subject to the general direction of the Mayor in all matters concerning the financial affairs of the City.

(b) **Appointment.** The Director shall be appointed by the Mayor as set forth in §§4-2(b) and 7A-2(b) of this Charter.

(c) **Chief Financial Officer.** The Director shall be the Chief Financial Officer of the City and its principal advisor on financial matters. The Director shall be qualified by education, training, and experience in public administration, including, but not limited to, budget, purchasing and personnel practices as well as such additional qualifications as may be established by ordinance.

(d) **Duties and Responsibilities.** Said Director shall devote full time to the duties of office. Accordingly, the Director shall, subject to the authority of the Mayor:

(1) maintain continuous oversight of the operations, plans, and needs of the various departments and agencies of the City and the sources of revenue and other receipts of the City;

(2) develop plans for improvements and economies in operation and install them as approved by the Board of Aldermen including but not limited to plans for revisions of financial policies and programs and a comprehensive plan to meet the needs of the various City departments and agencies with respect to physical plant and equipment, whereby the financial plans and programs for the capital expenditures involved may be made a continuing part of the City's financial plans, and programs, and budget procedures, and financial audits;

(3) keep, in books provided for that purpose, accounts with each of the City departments and all City officers and such other accounts as the Mayor or Ordinances may direct<sup>186</sup>;

(4) prescribe the form of all accounts and of all reports to be rendered and shall have the inspection and supervision of the accounts of all other departments and officers<sup>187</sup>;

(5) designate staff to discharge the responsibilities of the Director.

(e) **Operations Reports and Special Reports.** The Director shall devise and prescribe the form of operations reports to be required from the various departments and agencies, and shall require the departments and agencies to make such reports. Said Director may require reports from any department, agency or institution supported in whole or in part by the City, upon any matter of finance at any time and under such rules and regulations as he may prescribe, and shall require special reports at any time, upon request of the Mayor.

(1) **Reports Submitted to Mayor.** The information contained in such Operations and Special Reports shall be submitted to the Mayor and the Finance and Audit Review Commission.

**(2) Investigative Authority.** Said Director or any agent designated by him for such purpose may enter upon any property of and into the office of any department, board, commission, institution or agency supported in whole or in part by the City and may (i) examine any of its property and any of its books, papers and records, investigate its service; (ii) evaluate the effectiveness of its policies, management, organization, and operating procedure; (iii) assess the cost of the service rendered; and (iv) recommend to any such department, institution or agency, and assist it to effect improvements in organization, management, methods and procedure.

**(3) Required Cooperation.** Each officer and employee of any such department, institution, board, commission or agency shall assist said Director or his agent in carrying out the provisions of this section.

**(f) System of Internal Controls.** The Director shall submit a written outline of the system of internal controls and reporting requirements to the Finance and Audit Review Commission for its approval, in accordance with the rules and regulations of the Commission. Such system of internal controls and reporting requirements may be amended, from time to time, by the Commission upon the request of the Director of Finance.

**(1) System of Internal Controls and Reporting Requirements. Defined.** As utilized in the preceding paragraph, the term "system of internal controls and reporting requirements" means, the plan of organization and methods and procedures adopted by the Finance and Audit Review Commission to ensure that: (i) resource use is consistent with laws, regulations and policies; (ii) resources are safeguarded against waste, loss and misuse, and (iii) reliable data are obtained, maintained and fairly disclosed in reports, regarding the financial affairs of the City.

**(g) Financial Reports.** In addition to the duties of the Director of Finance outlined above, the Director shall each month during the fiscal year, file with the Mayor, the Board of Aldermen and the Finance and Audit Review Commission, a financial report stating the current revenues received and expenditures made in the fiscal year and comparing its status with the actual figures of the preceding year and the current fiscal year, thereby affording a month by month comparison from one fiscal year to the next, and the Director shall, at least on a quarterly basis, submit a report to the Mayor, the Board of Aldermen and the Finance and Audit Review Commission, listing projections of the revenues to be received and the expenditures to be made during and to, the conclusion of the then current fiscal year. Such reports may be supplemented by any comments or recommendations which the Director of Finance deems appropriate to make to the Mayor, the Board of Aldermen and the Finance and Audit Review Commission concerning these reports and the then current financial status and operating procedures of the City.

**(h) Duties Pertaining to Appropriations.** With regard to appropriations the Director shall:

(1) keep a separate account for each specific item of the appropriations and shall require each department officer when making requisitions upon the Director of Purchases for the purchase of supplies to state specifically in writing against which of such items of the appropriations the requisition is drawn, and, when such requisition, with bill or claim, shall be regularly approved and payment recommended, he shall charge the same



against such appropriation as indicated and shown in the requisition so given; provided the appropriation therefor is sufficient<sup>188</sup>; and

(2) not suffer any appropriation to be overdrawn or the appropriation for one item of expense to be drawn upon for any other purpose or by any department other than that for which the appropriation was specifically made and requisitions drawn as hereinbefore specified, except in cases of transfers made as is herein provided. No requisition shall be issued unless sufficient funds to pay the same shall actually be in the treasury. If he shall certify any bill, contract or claim in excess of the appropriation properly applicable thereto, the City shall not be liable for such excess, but he shall be personally liable therefor and his sureties shall also be liable to the amount of his bond<sup>189</sup>.

**(i) Duty to Audit and Settle Accounts of Officers<sup>190</sup>.** The Director shall at the end of each fiscal year, or more often if directed by the Finance and Audit Review Commission, and also upon the death, resignation, removal or expiration of the term of any officer, audit, or cause to be audited, examine and settle the accounts of such officer, and, if he shall be found indebted to the City, the Director shall file an account thereof with the Corporation Counsel, together with a copy of the official bond of such officer, if any, and give notice thereof to him or his legal representatives; and the Corporation Counsel shall proceed to collect such account from such officer or his sureties within six (6) months from the receipt of such account. Notice of the audit shall be given by the Director to the officer or legal representative before the final statement of the account; and, if desired by such officer or legal representative, opportunity shall be given for a hearing. A copy of such notice, with an affidavit attesting service thereof, shall be filed with the statement of account as evidence of the service of notice.

**(j) Examination and Approval of Claims and Accounts<sup>191</sup>.** The Director of Finance shall examine claims and accounts against the City submitted for approval and approve such claims or accounts as found to be justly due. No bill shall be paid until approved by the Director of Finance or designee, in writing.

**(k) Procedure in Preparing Claims and Paying Claims<sup>192</sup>.** The Director shall have the authority to prepare a claims procedure including the means of paying said claims, including but not limited to articles purchased by or on behalf of the City. Said proposed procedure, upon review of the Mayor, shall be submitted in the form of an Ordinance to the Board of Aldermen. However, no payment shall be permitted unless within the limits of existing appropriations, unless such claim is otherwise exempt by law or ordinance from this requirement<sup>193</sup>.

**(l) Functions of the City Treasurer.** Effective on January 1, 2004, the Director of Finance shall assume and may designate to a subordinate employee, the responsibilities of the City Treasurer as set forth in the General Statutes, this Charter and Ordinances. Until midnight of December 31, 2003, the elected City Treasurer shall continue to exercise such powers. The duties and powers are as follows:

**(1) Deposit of Funds in Designated Bank<sup>194</sup>.** All City funds, in the possession of the Director of Finance in performance of the functions of the treasurer, shall be deposited in the designated bank or banking institution within twenty-four (24) hours after the receipt thereof, and shall obtain from the bank or other institution where such deposit is made receipts for the money so deposited, copies of which receipts he shall file with the Director of the Budget within twenty-four (24) hours after the deposit is made.

**(2) Payment of Orders<sup>195</sup>.** The Director of Finance may designate any or all of the legally-designated depositories as the agent for the purpose of carrying out the provisions of this sub-section. Said Director shall pay all orders drawn on said depository by the City Clerk, and countersigned by the Mayor, in the order in which they shall be presented to the Director. When it shall happen that there is not sufficient money in the treasury to pay all the orders presented, the Director shall number and register such orders in the order in which they shall be presented to said Director and shall on no pretense pay or advance money upon a subsequent order until the City shall have money in the treasury sufficient to pay all orders prior in number on the register<sup>196</sup>.

**(m) Tax Collector.** Effective on January 1, 2004, the Director of Finance shall assume responsibility for supervision of the collection of taxes and shall appoint a subordinate employee to assume the functions of the Tax Collector as set forth in the General Statutes, this Charter and Ordinances. Until midnight of December 31, 2003, the elected Tax Collector shall continue to exercise such powers. The duties and powers are as follows:

**(1) References to "Tax Collector"<sup>197</sup>.** It is hereby set forth that any language in this Charter that reads or refers to the "collector of taxes" or "tax collector" or "collector" shall read "Tax Collector".

**(2) Powers and Duties of the Tax Collector<sup>198</sup>.** The Tax Collector of the City shall devote his entire time to the duties of his office and have and possess all the rights and powers to enforce the collection thereof as are, or may be, by law provided for tax collectors by the General Statutes. In addition to the duties which are imposed upon him by law, the Tax Collector shall also collect all assessments made by the City, all water charges, all sewer charges, all license fees, except as herein otherwise provided, and all debts payable to the City. The Mayor shall have the power to issue a warrant for the collection of any of said taxes or assessments. The Tax Collector also shall make out and sign rate-bills for the City and make return of the same to the Board of Aldermen before the first day of July in each year, and shall be liable to all penalties prescribed by law for failure to perform such duties. The laws of this state applicable to rate-bills made out and signed by selectmen of towns shall be applicable to rate-bills made out and signed by the Tax Collector. The Tax Collector may appoint a deputy tax collector to serve in the event of absence or disability.

**(3) Duty to Collect Taxes; Penalty for Failure<sup>199</sup>.** For any unpaid taxes on personal property, the Tax Collector shall, within one hundred-twenty (120) days after the same shall become due, institute, through the Corporation Counsel, appropriate legal proceedings for the collection of the same, and, for any unpaid taxes on real property the Tax Collector shall proceed for the collection of the same in the manner prescribed by the General Statutes and, for any failure so to do, he shall be fined not more than Two Hundred (\$200.00) Dollars for each offense, provided nothing in this section shall be construed as imposing any duty on the Tax Collector to institute legal proceedings for the collection of any tax when the same shall have been abated by the Board of Aldermen under the authority conferred by C.G.S. §12-124.

**(4) Collection of, and Accounting for, Fees and Costs<sup>200</sup>.** The Tax Collector shall account for and pay over to the Director of Finance, daily, all taxes, fees, costs and other money collected by him in the performance of his duty. The Tax Collector shall collect all taxable costs in each action brought to collect any tax or other debt due to the City and shall pay the same to the

Director of Finance. The Tax Collector shall collect fees for the filing of liens to secure taxes, water bills and various types of assessments; all lien fees collected after the passage of the act authorizing this provision of the Charter, shall be at the maximum allowable rate for lien fees under the provisions of the General Statutes. If any law or regulation of any board or commission requires the payment to the Tax Collector of any money including taxes, water bills and assessments, on a certain day, after which date either a penalty or interest shall be charged, if such last date shall fall on a Saturday, Sunday or legal holiday, such payment may be made to the Tax Collector on the next business day following such Saturday, Sunday or legal holiday, or may be made by mail provided the post mark on the envelope indicates that the letter was mailed on such next business day, and the Tax Collector may receive such payment without the imposing of a penalty or the collection of interest.

**(5) Separate Records for Real and Personal Property Taxes<sup>201</sup>.** In all accounts and records kept by the Tax Collector, the taxes levied on real property and the taxes levied on personal property against each taxpayer shall be segregated as separate and distinct items.

**(6) To Record and Release Liens and Collect Fees<sup>202</sup>.** The Tax Collector shall see that all certificates of liens, allowed by law in favor of the City, are duly recorded, and, when paid, released according to law; and the fees for recording such certificates and releases shall be charged by the City and shall be paid by the party from whom they are legally due, or in their behalf, and said Collector shall collect such fees and pay them to the Director of Finance. All certificates for continuances of liens shall be filed in the manner prescribed by the General Statutes.

**(7) To Collect Fees for Licenses<sup>203</sup>.** Licenses issued by any City department or officer shall be issued only on the presentation to such department or officer of a receipt for the amount of the license fee signed by the Tax Collector or authorized agent, who shall receive the fee prescribed therefor, and no such department or officer shall issue such license until such receipt shall be duly presented. The Tax Collector shall keep a record of all such fees received, specifying the person from whom such fee is received and the officer or department issuing such license. In no case shall the Tax Collector have any authority to issue any license or to determine what person shall receive a license for any purpose.

**(8) To Provide Clerical Assistance to the Corporation Counsel<sup>204</sup>.** The Tax Collector and assistants shall do such clerical work and furnish such information as to unpaid taxes and other debts to the City as shall be required from time to time by the Corporation Counsel, for the purpose of enforcing the collection of all items to be collected by the Corporation Counsel.

**(9) To Pay Amounts Collected to Director of Finance<sup>205</sup>.** The Collector shall daily make and deliver to the Director of Finance a list of all persons from whom any tax or other charge has been collected. Upon the expiration of his term of office, the Collector shall pay over to the Director of Finance the whole amount collected not previously credited on the books of the Department of Finance. For any violation of the provisions of this section, the Tax Collector shall be subject to removal in the manner hereinafter provided.

**(10) Reporting of Delinquent Taxpayers to Board of Aldermen<sup>206</sup>.** The Tax Collector shall make a written report on the fifteenth day of May and

November in each year to the Board of Aldermen and to the Mayor containing the names and addresses of all persons who are liable to pay taxes and assessments to the City, and who have neglected to pay the same for six (6) months after the same became due and payable, and such report shall include the amounts due from each. In each case where back taxes shall be due and payable, the Collector shall so note on the tax bill.

**(11) Reporting of Delinquent Water Charges and Sewer Charges<sup>207</sup>.**

The Tax Collector shall, monthly, report to the appropriate department the names and addresses of all persons who have neglected to pay their water charges or sewer charges for a period of thirty (30) days after the same became due and payable and, for any willful failure so to do, said Collector shall be subject to removal from office in the manner hereinafter provided.

**(12) Delivery of Records to Successor<sup>208</sup>.** At the expiration of the term of employment of the Tax Collector, said Collector shall turn over to the successor in office all rate-bills, records of uncollected assessments, water charges, sewer charges and other charges and debts due to the City, and, for any failure so to do, such Collector shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than six (6) months or both; and the City shall institute suit on any bond executed by such delinquent Collector.

**(13) Audit of Accounts and Discharge from Liability<sup>209</sup>.** The Finance and Audit Review Commission shall cause an audit to be made of the books and accounts of any Collector or previous Collector delivering his records to his successor as herein provided, and said Commission shall have power to release and discharge any such Collector or previous Collector from further liability to the City in all cases where such audit shows that a proper and accurate accounting with the City has been made by such Collector.

**(14) Removal of Collector<sup>210</sup>.** If any Tax Collector shall neglect to perform the duties of office, the Mayor, Finance and Audit Review Commission or the Commissioner of Revenue Services of the State of Connecticut shall make application for removal from office, and, upon application of the Mayor or the Commissioner of Revenue Services, any judge of the Superior Court, after due notice and hearing thereon, may remove such official from office and the Mayor of the City shall have power to fill any vacancy so arising by appointing another for the unexpired portion of the term of such removed official. Any vacancy in the Office of the Tax Collector shall be filled by appointment by the Mayor for the unexpired portion of the term.

**Sec. 7C-2. Department of Budget Control<sup>211</sup>.**

**(a) Director of the Budget.** There shall be a Department of Budget Control. The head of the department shall be the Director of the Budget who shall report to the Director of Finance or as otherwise designated by the Mayor.

**(1) Appointment.** The Director shall be appointed by the Mayor as set forth in §§4-2(b) and 7A-2(b) of this Charter for a term of two (2) years or until the successor shall have been appointed and shall have qualified. Said term may be extended by ordinance in order to remain coterminous with the term of the Mayor.

**(2) Qualifications.** Said director shall be either a certified public accountant, certified managerial accountant or equivalent and shall have budgetary and finance experience in either the public or private sectors or such additional qualifications as may be established by ordinance.

**(b) Powers and Duties.** Said powers and duties shall be set forth by the Mayor, the Director of Finance or as otherwise established by ordinance.

**Sec. 7C-3. Department of Information Services<sup>212</sup>.**

**(a) Establishment.** There shall be a Department of Information Services, which shall be responsible for the institution of an information technology strategy and framework for the City and to perform other tasks assigned by the Mayor or as otherwise established by ordinance.

**(b) The Information Technology Director.** The head of said department shall be the Information Technology Director. Said Director shall work under the Mayor's general supervision. The Director shall be appointed by the Mayor as set forth in §§4-2(b) and 7A-2(b) of this Charter. The appointment shall be based on information technology experience, academic qualifications and aptitude.

**Sec. 7C-4. Department of Purchases<sup>213</sup>.**

**(a) The Centralized Procurement System.** There shall be a Department of Purchases, which shall be the centralized procurement system for the City covering the purchase of all supplies, services, materials, equipment and other commodities required. In order to advance the provisions of this Charter, upon recommendation of the Director of Purchases (following review of the Mayor) the Board of Aldermen shall establish by ordinance the rules and regulations governing the operation of said central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinances and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and ordinances prepared by the American Bar Association. Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed.

**(1) Governing Ordinance.** The ordinance establishing the rules and regulations governing the purchasing process for the City, shall include but not be limited to:

(i) the role and responsibilities of the purchasing agent;

(ii) establishment of competitive bidding requirements<sup>214</sup>, standards for award of contracts<sup>215</sup> for all supplies, services, materials, equipment and other commodities, (including, but not limited to, establishing standards for sealed bids or proposals, requisite notice, advertising and bid opening standards<sup>216</sup>, local preference) and accounting control of purchases (including, but not limited to requiring certified checks, bid bonds, performance bonds or hold back provisions<sup>217</sup>) and contractual standards<sup>218</sup>, provided that the Board of Aldermen shall require competitive procurement procedures for purchases in excess of \$25,000.00 (which amount may be increased by ordinance);

(iii) standards for the sale or disposal of City property by the Director<sup>219</sup>;

(iv) permitting the Director to adopt such administrative regulations pursuant to the powers vested in him under the City Charter and Ordinances, as the Director deems necessary for the proper conduct of the department, which regulations, if any, shall be filed with the City Clerk.

Moreover, the ordinance shall not include within the definition of "services" professional services or the services of employees normally not subject to competitive bidding<sup>220</sup>.

**(2) Cooperative Procurement.** Nothing in this Charter shall prevent the City or any of its agencies or departments from participating in any joint purchasing program administered by the State of Connecticut, the Council of Governments for the Central Naugatuck Valley, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies.

**(3) Purchases for the Board of Education.** With respect to said Board of Education, the Director shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services of said Board to meet the curriculum and scheduling requirements of the Board with reference to the school year, upon reasonable notice by the Board. The rules governing purchasing and procurement, including a definition of "reasonable notice" shall be set forth by ordinance.

**(4) Role of the Corporation Counsel.** Each contract shall be approved by the Corporation Counsel as to form and as to compliance with all legal requirements of said Charter and Ordinances, as supplemented by §7B-1(d)(7) of this Charter.

**(b) Director of Purchasing (Purchasing Agent)**<sup>221</sup>. The head of the Department shall be the Director of Purchasing who shall be the Purchasing Agent of the City and for all its departments, boards, commissions or officers. Said Director, pursuant to rules and regulations established by ordinance, shall contract for and purchase all supplies, materials, equipment and contractual services required by any department, office or agency of the City government including the Board of Education. The Director shall be responsible for the efficiency, discipline and good conduct of the system and shall appoint such number of assistants as may be authorized for the effective and economical conduct of the duties of the office.

**(1) Appointment.** Said Director shall be appointed by the Mayor as set forth in §§4-2(b) and 7A-2(b) of this Charter.

#### **Sec. 7C-5. Department of Human Resources.**

**(a) The Department of Human Resources. Labor Relations.** The department shall be responsible for the administration of the civil service and merit system and all other matters affecting civil service employment, as well as the administration of collective bargaining agreements, including assistance to the Mayor

and designees in the negotiation of said collective bargaining agreements. In order to advance the purpose of this Charter, the Board of Aldermen, upon recommendation of the Civil Service Commission, shall establish all rules and regulations relating to employees of the City.

**(b) The Director of Human Resources<sup>222</sup>.** The head of the department shall be the Director of Human Resources. The Director of Human Resources shall be responsible for the efficiency, discipline and good conduct of the department; accordingly, the Director shall direct and supervise the administrative work of the department and the Civil Service Commission, and shall perform such other functions as may be required by the Commission.

**(1) Appointment.** Said Director shall be appointed by the Mayor as set forth in §§4-2(b) and 7A-2(b) of this Charter.

**(2) Duties of the Director<sup>223</sup>.** The Director of Human Resources shall be the primary advisor to the Mayor and Board of Aldermen and administrator of the Personnel, Human Resources, Civil Service and Merit Systems. Accordingly the Director shall be responsible for utilizing best practices in the field pertaining to, *inter alia*, (i) administering competition examinations for the hiring and promotion of City personnel; (ii) planning and implementing a system to achieve productivity improvements through training and technology; (iii) ensuring that job descriptions are current and reflect the skills and tasks necessary to conduct the business of the City; (iv) undertaking the cost effective selection and administration of benefits for City employees; (v) assisting the Civil Service Commission in its deliberations and investigations; (vi) establishing and maintaining eligibility lists for the various classes and positions of employees and notifying the department heads of the expiration of said lists no less than six (6) months prior to said expiration and certifying eligible employees to the appropriate department in accordance with selection standards; (vii) maintaining all necessary performance records and ratings and all other records necessary for the administration of the Commission and the Department; (viii) consulting with department heads and recommending to the Commission as soon as is practicable in any year a compensation plan including a proposed schedule of compensation for all classes of positions in the classified service, not covered by a collective bargaining agreement; (ix) providing a system for the administration and verification of payroll; (x) making an annual report to the Civil Service Commission, the Board of Aldermen and the Mayor; and (xi) such other duties as set forth by ordinance or by the Civil Service Commission in accordance with the provisions of this Charter and Ordinances.

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

**(d) Role of the Corporation Counsel.** The Director of Human Resources and the Civil Service Commission shall consult with the Corporation Counsel as to the

compliance of their actions with all legal requirements of the General Statutes, Charter and Ordinances.

**Sec. 7C-6. Office of the City Assessor<sup>224</sup>.**

**(a) The City Assessor.** There shall be a City Assessor, who shall be responsible for assessing the property in the City.

**(1) Appointment<sup>225</sup>.** The City Assessor shall be a member of the classified service and shall be appointed by the Mayor as set forth in §§4-2(b) and 7A-2(b) of this Charter.

**(2) Staff.** All deputies and other employees of the organizational unit responsible for assessment shall be appointed and removed by the City Assessor subject to the personnel provisions of this Charter and Ordinances.

**(3) 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. Furthermore, the City Assessor shall furnish to the Tax Collector such information as said Collector may require in the compilation of rate-bills<sup>226</sup>. 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.

The City Assessor shall issue regulations pertaining to the governance of the office including, but not limited to, the preparation of lists and abstracts of taxable property<sup>227</sup>.

**(b) Preparation of the Grand List<sup>228</sup>.** The Assessor and the Board of Assessment Appeals shall indicate in the compilation of the grand list such property as is taxable by the City. The Assessor of the City, in the preparation of the abstract of the grand list of the City, shall separately indicate clearly the amount of real property and the amount of personal property of each taxpayer in separate and distinct items, and the amount of the tax on real estate levied against each taxpayer shall be indicated by one item and the amount of tax on personal property levied against each taxpayer shall be indicated by a separate and distinct item.

**PART D. PUBLIC SAFETY, HEALTH AND COMMUNITY SERVICES**

**Sec. 7D-1. Police Department<sup>229</sup>.**

**(a) Establishment<sup>230</sup>.** There shall be a Police Department that shall consist of the Chief of Police and such other officers and employees of such ranks and grades as may be prescribed by ordinance. Moreover, such department organization shall be established by ordinance adopted by the Board of Aldermen. The Police Department 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 General Statutes and the Ordinances 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.



**(1) Chief of Police: Qualifications.** The head of the department shall be the Chief of Police who shall be in direct command of the Police Department and shall be responsible for the operation of the department consistent with the policy directives of the Mayor.

**(2) Appointment of Chief.** The Chief shall be appointed by the Mayor, as set forth in §§4-2(b) and 7A-2(b) of this Charter

**(3) Appointment, Assignment and Removal of Officers.** The Chief of Police shall have the sole right to assign the officers, including members of the detective department and patrolmen to their respective posts, shifts, details and duties, subject to the personnel and civil service provisions of this Charter and Ordinances<sup>231</sup>. Moreover, the Chief of Police shall appoint and remove all other officers and employees of the department. Furthermore, the Chief shall issue rules and regulations, in conformity with the ordinances 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 grounds for dismissal or for other appropriate disciplinary action taken in accordance with the personnel and civil service provisions of this Charter and the Ordinances.

**(4) Definitions.** The terms “patrolman”, “patrolmen”, “policeman”, “policemen”, “member of police department” or “members of police department”, wherever used in the Charter of the City, as amended, or in the rules and regulations in relation to the Police Department of said City, shall, unless otherwise indicated by the context, include a patrolwoman, patrolwomen, policewoman or policewomen.

## **Sec. 7D-2. Fire Department<sup>232</sup>.**

**(a) Establishment<sup>233</sup>.** There shall be a Fire Department that shall consist of a Fire Chief, three Deputy Fire Chiefs, a Fire Marshal and such other officers, privates and employees of such ranks and grades as may be prescribed by ordinance. The office of Fire Marshal may be held by the Fire Chief or any Deputy Fire Chief, concurrently, with the approval of the Board of Fire Commissioners. The Fire Department 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.

**(1) Fire Chief: Qualifications.** The head of the department shall be the Fire Chief who shall be in direct command of the Fire Department and shall be responsible for the operation of the department consistent with the policy directives of the Mayor.

**(2) Appointment of Fire Chief.** The Fire Chief shall be appointed by the Mayor, as set forth in §§4-2(b) and 7A-2(b) of this Charter.

**(3) Appointment and Removal of Department Personnel.** Subject to the personnel and civil service provisions of this Charter and Ordinances, the Fire Chief shall appoint and remove all other officers and employees of the department. The Fire 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 concerning the operation of the department and the conduct of all officers and employees thereof. The Fire 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 Fire Chief or to the rules and regulations aforesaid shall be grounds for dismissal or for other appropriate disciplinary action taken in accordance with the personnel and civil service provisions of this Charter and Ordinances. The Fire 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. 7D-3. Department of Health<sup>234</sup>.**

**(a) Establishment<sup>235</sup>.** There shall be a Health Department that shall consist of a Health Director, public health nurses, sanitary inspectors, a milk and food inspector and such other agents and employees as from time to time, may be designated and prescribed by ordinance.

**(1) Health Director: Qualifications.** The head of the department shall be the Health Director who shall be responsible for the operation of the department (and the employees thereof) consistent with the policy directives of the Mayor. Said Health Director shall be meet the qualifications for Directors of Health set forth in the General Statutes.

**(2) Appointment of the Health Director.** The Health Director shall be appointed by the Mayor, as set forth in §§4-2(b) and 7A-2(b) of this Charter.

**(b) Expenditures in Cases of Epidemic<sup>236</sup>.** In case of epidemic or the sudden spread of contagious diseases, the department may, with the advice and consent of the Mayor, make all expenditures which it may deem necessary, until the Board of Aldermen shall have taken action in the premises.

**(c) Assistance by Police Department<sup>237</sup>.** The Police Department shall render, upon the request of said Health Director, approved by the Mayor, such assistance in the enforcement of its bylaws, rules, regulations and orders as such request may specify.

**Sec. 7D-4. Community Services.**

There shall be established by ordinance, departments and agencies of the City that deal with key functions such as health, human services, recreation and other community services. Such administrative offices shall always have in place up-to-date action plans to address the health, human service and recreation needs of children, youth, adults and the elderly and shall implement these plans in close coordination with the appropriate state offices and with other pertinent private and public agencies.

**PART E. GOVERNMENT OPERATIONS AND DEVELOPMENT**

**Sec. 7E-1. Government Operations and Development.**

There shall be established by ordinance, departments and agencies of the City that will administer the infrastructural, capital and economic development needs of the

City. There may be departments responsible for the preservation and promotion of public works, traffic control and engineering, waste management, engineering, parking garages, buildings, including but not limited to school buildings and additions thereto and other City property.

**Sec. 7E-2. Department of Inspection<sup>238</sup>.**

A Department of Inspection is constituted which shall be supervised by the Building Official. Said Building Official shall be qualified and certified under the provisions of C.G.S. §§19-397 and 19-397(a), as amended. An assistant building official may be appointed and he also must be qualified and certified under the provisions of said C.G.S. §§19-397 and 19-397(a), as amended. Said Building Official shall supervise and direct the employees of the department in various regulatory areas of inspection involving building, electrical, plumbing, heating, air conditioning and refrigeration, and weights and measures. Said department shall also have a plumbing inspector, an electrical inspector, a heating, refrigeration and air conditioning inspector, and a sealer of weights and measures. The Building Official shall enforce the provisions of the Connecticut State Building Code, and the applicable provisions of the Charter of the City and the applicable ordinances. The Building Official, the assistant building official, if appointed, the plumbing inspector, the electrical inspector, the heating, refrigeration and air conditioning inspector, and the sealer of weights and measures shall be members of the classified service as set forth in this Charter or Ordinances and shall be appointed by the Mayor, as set forth in §§4-2(b) and 7A-2(b) of this Charter.

**PART F. CONSTABLES**

**Sec. 7F-1. Constables<sup>239</sup>.**

There shall be eight (8) constables appointed as hereinbefore provided and before assuming office each of said constables shall furnish a bond to the City as provided by law.

**Sec. 7F-2. Special Constables<sup>240</sup>.**

The Board of Aldermen shall have power, from time to time, to appoint such number of persons as it may see fit, residents of the City, as special constables, who shall take the oath prescribed for executive officers and shall hold their office for two (2) years from the time of their appointment, unless sooner removed by said Board; and said constables shall have the same powers within the City to preserve order and arrest offenders as constables have within their respective towns; and the Board of Aldermen may appoint such other persons as constables, residents of any town in which the City may have established any portion of its system of water supply, who shall, in like manner, be sworn and hold office, and, for all offenses committed against said water system, they shall have the same powers as constables in their respective towns.

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## CHAPTER 8. EDUCATION

### PART A. THE DEPARTMENT OF EDUCATION

#### **Sec. 8A-1. Department Established<sup>241</sup>.**

There shall be in the City a Department of Education, which shall have the care and management of all property and affairs of the school district of the City.

#### **Sec. 8A-2. Superintendent of Schools<sup>242</sup>.**

Following appointment by the Board of Education, the Superintendent of Schools shall appoint, from those eligible under the rules of the Board, all principals, assistants and teachers necessary to fill positions authorized by the Board. He shall assign all principals, assistants and teachers to their respective positions and reassign them or dismiss them from office at his discretion. He shall report in writing at each meeting of the Board all appointments, reassignments and dismissals made by him since the previous meeting. Any appointment by the Superintendent may be rejected by a vote of a majority of the Board. Any dismissal by the Superintendent shall be final unless reversed by a vote of a majority of the Board at the meeting when such dismissal is reported. Notice of dismissal on the part of the Superintendent shall be given to the principal, assistant or teacher by the Superintendent in writing at least one (1) week before the meeting of the Board when the Superintendent reports such dismissal. He shall, with the approval of the Board of Education, prescribe the course of study in all the schools, but the textbooks to be used in such courses shall be designated by the Board. The Superintendent shall, annually, at a date to be fixed by the Board, submit to the Board a full report of the work and condition of the schools during the previous year, with recommendations for the ensuing year, which report, when accepted by the Board, shall form part of its report to the Mayor. He shall also report, each month during the school year, to the Board, in writing, any changes made in the course of study, and shall furnish such additional information regarding the condition of the schools and the efficiency of the teaching force as may be required by the Board. Such monthly reports shall be entered in a suitable book provided for that purpose and shall be kept as part of the records of the department.

### PART B. THE BOARD OF EDUCATION

#### **Sec. 8B-1. Board of Education<sup>243</sup>.**

(a) **Governing Body.** The Department of Education shall be under the control of a Board of Education consisting of ten (10) members, who shall be elected as hereinafter provided, and the Mayor, who shall be chairman, *ex officio*, of said Board.

(b) **Composition of the Board of Education.** The Board of Education shall consist of ten (10) members elected at large, as set forth in §2B-2(b)(2) of this Charter, no more than six (6) of total membership shall be of one political party (no more than three (3) in the respective election cycles for Group A and Group B).

(c) **Proceedings.** A record of each vote, resolution or other action taken by the Board of Education shall be transmitted forthwith by the clerk of the Board to the Mayor. If he shall approve by signing it or fail to take action on it within ten (10) days after its passage, such vote, resolution or other action shall become operative from such date; if approved, record shall be made by the clerk of the Board of the date of

approval. If no action be taken, record shall be made of the date when it becomes operative by reason thereof; if the Mayor shall disapprove, he shall, within ten (10) days, return it to the clerk of the Board, with his objections in writing, and the clerk shall present the same to the Board at its next meeting; and such vote, resolution or other action shall not become operative unless passed over the Mayor's veto by an affirmative vote of seven (7) of the members of said Board.

**Sec. 8B-2. Powers and Duties<sup>244</sup>.**

**(a) Powers and Duties.** The Board of Education shall appoint, by a three (3) year contract, in the manner set forth in the civil service provisions of this Charter or Ordinances, as applicable, a Superintendent of Schools. The applicable performance evaluation of the Superintendent of Schools shall be performed by the Board of Education.

The Board of Education shall decide the number of principals, assistants and teachers to be employed. It shall fix their salaries, subject to the approval of the Board of Aldermen, and prescribe their duties in each case unless otherwise provided. Effective January 1, 1988, any teacher hired by the Department of Education, on and subsequent to that date, shall attain tenure in his employment as a teacher employed by the Department of Education in accordance with the rules of law applicable to teacher tenure as set forth in the General Statutes<sup>245</sup>.

**(b) Removal for Cause; Appeals.** Effective January 1, 1988, the Superintendent, principals, assistants and teachers in office at the time shall hold their office and membership in said Department in their present grade, unless promoted, demoted or dismissed by said Board of Education for cause, provided, when any member of said department shall be dismissed by said Board, he shall have the right of appeal from the action of said Board to the Superior Court for the Judicial District of Waterbury within thirty (30) days after notice of said action of the Board. Said court shall hear any appeal and may approve, modify or revoke such action of the Board and may award costs at its discretion. During the pendency of such appeal, such action of the Board shall have full force and effect, subject to the power of said court, if such action shall be modified or revoked, to make its decree relate back to the date of such action.

**(c) Personnel.** The Board of Education may appoint or employ a clerk, an inspector of buildings and such other officers and employees as may be necessary for the conduct of its business, fix their salaries and prescribe their terms of office and duties, in each case.

**(d) Operations and Administration.** The Board of Education herein provided for shall have the entire charge and direction of all the public schools and shall have the power to manage the construction and repair of all school buildings, subject to the approval of the Board of Aldermen, shall have control of the expenditure of all moneys appropriated by the City for the support of the same. Said Board of Education shall be subject to all the general duties of boards of education in this state, as far as the same are consistent with the terms hereof. It shall make its own rules and by-laws, keep a journal of its proceedings, define the duties of its officers and committees and prescribe such rules and regulations for discipline in the public schools as are not inconsistent with the laws of the state. Said Board may divide the school districts into as many sub districts as it may deem advisable for the purpose of determining the limits within which children may attend each school.

(e) **Nonresident Pupils.** Said Board shall have power, at its discretion, to admit any child resident in any of the several school districts to any elementary, middle or secondary school within said City. The Board of Education may permit residents of other towns or cities to attend schools in the City upon payment of the per capita cost of elementary, middle or secondary schools for the preceding year.

**Sec. 8B-3. Acquisition and Holding of Property<sup>246</sup>.**

The City, upon the recommendation of the Board of Education, shall have power to take sites for school houses, or for the enlargement of sites already acquired, in the manner provided by law for taking of land for public parks. The Department of Education shall not purchase or contract for the purchase of land for school purposes except when an appropriation for said purposes has been made by the Board of Aldermen.

**Sec. 8B-4. Budget Preparation<sup>247</sup>.**

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

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

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

**Sec. 8B-5. Annual Report<sup>248</sup>.**

The Board of Education shall, annually, on or before the fifteenth day of August, transmit to the Mayor a full report of its proceedings during the previous year, together with a statement of its receipts and expenditures, specifying those on account of current expenses, and of special expenses for land and buildings, respectively, with such other details as the Mayor may, from time to time, require.

**Sec. 8B-6. School Crossing Guards<sup>249</sup>.**

The City is empowered to hire as school crossing guards persons receiving pension benefits from the City. Such persons shall not in any way lose their status or benefits as pensioners when so hired. This Charter shall not in any way restrict the hiring of any person otherwise eligible for such employment.



## CHAPTER 9. BUDGET

### PART A. GENERAL PROVISIONS.

#### **Sec. 9A-1. Fiscal Year<sup>250</sup>.**

The fiscal year of the City shall be the Uniform Fiscal Year as provided for in the General Statutes and Ordinances conforming thereto.

#### **Sec. 9A-2. No Liability or Expense to be Incurred in Excess of Appropriation<sup>251</sup>.**

Neither the City, nor any department or officer or board or commission thereof, shall, except as herein otherwise provided, incur any liability or expense, by contract or otherwise, for which the City shall be responsible, in excess of the appropriations so made by the Board of Aldermen, nor for any object or purpose for which an appropriation has not been made. Moreover, no money shall be expended without an appropriation<sup>252</sup>.

#### **Sec. 9A-3. No Public Improvement to be Ordered Without Appropriation<sup>253</sup>.**

No public improvement of any kind shall be ordered by the Board of Aldermen or other authority having power to authorize the same until an appropriation for such improvement has been duly made and funds to pay for the same have been allotted and set apart for that purpose.

### PART B. BUDGETARY PROCEDURES.

#### **Sec. 9B-1 Annual Departmental Budget Estimates.**

(a) **Authority to Require Departmental, Agency or Office Estimates.** The Mayor shall have the power to require the head of every department, office or agency, including the Board of Education, to submit to the Mayor, or designee, (a) such estimates of revenue and expenditures for the ensuing fiscal year; and (b) any additional information which they possess (including, but not limited to, records, books, accounts, contracts, reports and other papers and documents as specified by the Mayor) all of which, in the judgment of the Mayor, are necessary to discharge the duties imposed upon the Mayor by this Charter.

(b) **Submission of Estimates<sup>254</sup>.** The head of every department, office or agency shall submit to the Mayor and Director of the Budget the information required in §9B-1(a) of this Chapter, at such date as the Mayor shall determine, following consultation with the Director of the Budget and in accordance with such procedures as the Mayor shall establish, estimates of revenue and expenditure for that department, office or agency<sup>255</sup>. 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 unless otherwise permitted by law.

**(1) Required Contents of Estimates: Annual Proposed Plan.** The estimates shall set forth the proposed plan for the ensuing year stating the services it plans to deliver and the expenses necessary to deliver these services. A list shall be made of the most important items not included in the budget for financial reasons and the expense for each item not included. It shall list the funded items with lowest priority and that should be considered for budget cuts if such become necessary. The proposed departmental plans are to include the cost to the City of current benefits such as health and life insurance and the cost of future benefits such as pensions and post-retirement medical expense. The Director of the Budget shall provide factors to use in these calculations.

**Sec. 9B-2. Submission of the Mayor's Proposed Budget. Public Hearing.**

**(a) Submission.** On or before the first day of April of each year, the Mayor shall submit to the Board of Aldermen through the City Clerk:

(1) 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,

(2) A capital budget.

**(b) Public Hearings.** The Board of Aldermen shall conduct at least two (2) public hearings on the Mayor's proposed budget.

**(1) Submission Hearing.** Upon receipt of said budget, the City Clerk shall transmit copies to the Board of Aldermen forthwith. Said Board shall call a public hearing on the budget to be held by the Board (or a committee thereof) no less than seven (7) days nor more than fourteen (14) days after its submission.

**(2) Final Hearing.** Said final hearing by the entire Board shall be held no more than seven (7) nor fewer than three (3) days prior to adoption of the budget by the Board of Aldermen as set forth in §9B-4(c) of this Charter.

**(3) Additional Hearings.** During the deliberations the Board of Aldermen (or a committee thereof) may hold additional public hearings.

Notice of the date, time and place of said hearings shall be published within three (3) days after the submission of the budget in the manner provided herein for the publication of ordinances.

**(c) 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 Board of Aldermen, and sufficient copies of the budget proper shall be made available at the same time for the use of the Board of Aldermen and the public.

**(d) 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 and changes 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. Said message should also summarize the City's debt position and include such other material as the Mayor deems desirable.

**Sec. 9B-3. Required Contents for Budget Submission.**

**(a) Scope of Annual General Fund Budget.** The budget shall contain:

(1) A general executive summary of its contents set forth in plain language;

(2) An estimate of all revenue cash receipts anticipated from sources other than the tax levy of the ensuing fiscal year. The Board of Aldermen may, by ordinance, establish criteria that the Mayor must use for estimating cash receipts from sources other than the tax levy;

(3) 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;

(4) The estimated expenditures necessary for the operation of the several departments, offices and agencies of the City;

(5) Debt service requirements for the ensuing fiscal year;

(6) An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, assuming a rate of current levy year collections not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years<sup>256</sup>. The Mayor may deviate from said assumed collection average. In the event the Mayor submits a budget containing such a deviation in the rate of collection in excess of (i) the three year average or (ii) a rate of collection of ninety-three (93%) percent, whichever is less, said budget submission shall be accompanied by a certification by the Finance Audit and Review Commission asserting that the assumption is a reasonable estimate upon which the Board of Aldermen may rely; and

(7) 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;

(8) The anticipated income and expense as well as profit and loss for the ensuing year for each utility or other enterprise fund operated by the City.

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 the current year as well as the Mayor's recommendations for the ensuing year.

All estimates for expenses to be incurred for benefits, including medical, life insurance, pension, post-retirement life and medical shall be allocated to the department driving the expense. Moreover, the budget shall include comparative data between the cost of major services in the City and other comparable cities in Connecticut utilizing data generated by the Connecticut Policy and Economic Council ("CPEC") or the Connecticut Conference of Municipalities ("CCM"), their successor entities or similar organizations.

**(b) Special Revenue Fund Budget.** In addition to such data pertaining to the General Fund, the budget submission shall contain complete information regarding funds used to account for proceeds of one or more specific revenue sources (other than special assessments or capital projects) that are generally not controlled by the general fund but rather by grant requirements or specific ordinances, statutes or other legal requirements. If such funds are set forth in the General Fund budget they shall be specifically designated as "Special Revenue Funds".

**(c) Appropriation and Tax Levy Resolutions.** Simultaneously with the submission of the budget, the Mayor shall also introduce resolutions which shall set forth the appropriations and tax levy in mills upon all the ratable estate within the City for the ensuing fiscal year. The appropriation resolution 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 resolutions shall be acted upon until after the adoption of the budget, which shall be adopted by resolution of the Board of Aldermen. The hearing upon the budget shall be taken to be the hearings upon the appropriation and tax levy resolutions.

#### **Sec. 9B-4. Budget Deliberations of the Board of Aldermen.**

**(a) Modifications.** After the conclusion of the public hearing set forth in §9B-2(b), above, but not later than a date specified by this Charter, the Board of Aldermen 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 Retirement Board shall be reduced. The Board of Aldermen 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) Ordinance Establishing the Budget Process.** The Board of Aldermen shall specify by ordinance the pertinent provisions regarding the budget process and deliberations.

**(c) Adoption of the Budget.** Upon approval, reduction and/or disapproval, of budgetary provisions offered by the Mayor, but not later than midnight of the second business day following the first Wednesday after the first Monday in June<sup>257</sup>, the Board of Aldermen shall adopt, by resolution, the budget, appropriations and tax levy and transmit such enactments to the Mayor for approval or veto as set forth in §3B-6 of this Charter.

**(d) Failure to Adopt a Budget.** If the City fails to adopt the appropriate budget resolutions to be effective on or before the commencement of the fiscal year, the provisions of the General Statutes applicable to expenditures prior to adoption of budgets shall apply. If the General Statutes are silent on the issue, the budget, as adopted in the preceding fiscal year, as adjusted by the amount necessary to meet the funding requirements of pensions and legally and contractually required increases, as certified by the Director of the Budget, shall be deemed to be the budget of the City for the ensuing fiscal year and expenditures shall be made in accordance therewith. The Board of Aldermen shall thereupon adopt the appropriation resolution and the resolution making a tax levy in accordance with the budget adopted.

### **PART C. CAPITAL PROJECTS.**

#### **Sec. 9C-1. Capital Budget.**

As a part of the budget message or as a separate report attached thereto the Mayor shall present, by resolution, 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 Board of Aldermen those projects to be undertaken during the ensuing fiscal year and the method of financing the same. The Board of Aldermen 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 Director of Finance in a special bank account as may be established. The Board of Aldermen 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 Board of Aldermen may, at any time by resolution, transfer any unencumbered balance or portion thereof from one project to another.

### **PART D. POST-ADOPTION FINANCIAL PROVISIONS<sup>258</sup>.**

#### **Sec. 9D-1. Transfer, Additional and Lapse of Appropriations during the Fiscal Year.**

**(a) Transfers of Appropriations<sup>259</sup>.** The Mayor may at any time propose the transfer of any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. At the request of the Mayor, the Board of Aldermen may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another, except that no funds may be transferred from the funds appropriated to the Board of Education.

**(b) Additional Appropriations<sup>260</sup>.** Appropriations in addition to those contained in the budget, except for the purpose of meeting a public emergency as may be defined by ordinance, 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. Said additional appropriation shall require the affirmative vote of ten (10) members of the Board of Aldermen. Moreover, the Board of Aldermen, by a majority vote, may require the Director of Finance to transfer any unexpended balance or part thereof of any specific item of the appropriation of any department of the City to any other item in the same department, or any such new item as may be created in the same department, provided the amount of such new item shall not increase the total appropriations as originally made for such department.

**(c) Appropriations to Lapse at Close of Fiscal Year<sup>261</sup>.** Any portion of any annual appropriation remaining unexpended and unencumbered at the close of the Fiscal Year shall lapse and shall be credited back into the treasury thirty (30) days after the expiration of the fiscal year for which it is so made.

**Sec. 9D-2. Special Appropriations to Require Special Tax<sup>262</sup>.**

If a special appropriation shall be required for any purpose in excess of the total appropriations as made under §§9B-3(a)(vi) and 9C-1(a) and (b), an estimate of the same shall be prepared by the Mayor and submitted to the Board of Aldermen at a special meeting for that purpose, and said Board, at such meeting, or any adjournment thereof, shall have power to make any such appropriation and to lay a special tax to meet the same; but no such appropriation shall be made unless a special tax shall be laid and ordered collected sufficient to cover the amount appropriated.

**Sec. 9D-3. Appropriation of Insurance Loss Proceeds<sup>263</sup>.**

The City is empowered to make appropriations in the general fund at any time against resources derived from insurance proceeds received as a result of damage to any of its property, provided said appropriations shall be made only for the purpose of restoration of the damaged property and, if necessary, for construction and acquisition of replacements for the damaged property. Said appropriations may comprise all or part of the cost of such restoration, construction or acquisition. In the instance of real property, said appropriations may include the cost of any properly-voted relocation thereof. Any provision of §§9A-2 or 9D-1(c) of this Charter or of any other Special or Public Act, conflicting with the provisions of this act, shall not apply to this act.

## CHAPTER 10. PUBLIC FUNDS AND FINANCE

### PART A. BORROWING BY THE CITY

#### Sec. 10A-1. Issuance Authorized<sup>264</sup>.

The City shall have the power to incur indebtedness by authorizing the issuance of its bonds and notes for such purposes, upon such terms, form and to such extent as is authorized and permitted by the General Statutes and applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, grant anticipation notes, tax anticipation notes and other types of special obligations authorized and permitted by the General Statutes and applicable Special Acts (all hereinafter "Bond" or "Notes").

#### Sec. 10A-2. Procedures.

(a) **Public Finance Ordinance.** The Board of Aldermen, by ordinance, shall adopt procedures for the structure, timing and method or manner of the issuance and sale of Bonds and Notes. Said ordinance may set forth the respective roles and responsibilities of the Mayor and other City officials with respect to debt planning, issuance and management; including, but not limited to their authority to retain consultants for specialized services.

(b) **Authorization of Bonds and Notes.** Unless otherwise provided by the General Statutes or applicable Special Acts, Bonds and Notes shall be authorized by a resolution approved by the affirmative vote of at least ten (10) members of the Board of Aldermen, following a public hearing held by said Board of Aldermen on published notice given at least seven (7) days before the meeting, including Sundays and holidays and including the day of publication but not the day of the hearing.

Said Bond Resolution shall contain an authorization of a stated amount or a stated maximum amount of bonds for a stated capital purpose, which shall be described in brief and general terms. Several purposes, which are similar in character or related to one another, may be combined in a single resolution. Each authorization of bonds shall be deemed to constitute an appropriation of the proceeds for the purpose or purposes of the issue.

(c) **Bond Referendum<sup>265</sup>.** No Bonds or Notes so authorized shall be issued or sold for a period of at least thirty (30) days after published notice of such authorization. If within such thirty-day period a petition signed by at least five (5%) percent of the voters of said City (as determined by the last compiled registry) requesting a referendum on such bond issue is presented to the City Clerk, no such Bonds or Notes shall be issued or sold until such referendum is held and a majority of the voters voting thereon approve such sale.

If the petition is found sufficient, the City Clerk will notify the Aldermen, which shall either repeal the Bond Resolution or submit it to referendum of the electors at the next general election or at such earlier date as the Aldermen may determine in accordance with the relevant statutes. Upon the filing of a sufficient petition, the Bond

Resolution will remain without effect until the electors vote on the question as provided above.

**Sec. 10A-3. Approval of Mayor.**

Such Bonds shall not be authorized unless in accordance with the provisions of §10A-2 and approved by the Mayor in accordance with §3B-6 of this Charter.

**Sec. 10A-4. Short Period of Limitation.**

When thirty (30) days shall have elapsed after the passage or, when thirty (30) days shall have elapsed after the period for bringing a petition on a Bond Resolution subject to referendum and such petition has not been filed, the recitals or statements of fact therein shall be deemed to be true for the purpose of determining the validity of the Bonds, and the Bond Resolution 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 Resolution shall not thereafter be questioned by either a party plaintiff or a party defendant except in a suit, action or proceeding commenced within the time limits of this section.

**Sec. 10A-5. Capital Purpose. Defined<sup>266</sup>.**

As used in this Charter, "Capital Purpose" shall mean (1) any public improvement, including new construction, reconstruction, alterations and extraordinary repairs, (2) the acquisition of real property or any interest therein, (3) the making of designs or preliminary studies or surveys relative to any public improvement or improvements, (4) the acquisition and installation of equipment or furnishings, and (5) any other purpose for which the City is authorized by law to issue Bonds. Bonds may be authorized under this section for a purpose set forth in subdivision (2), (3) or (4) of this section either as an incident to one or more purposes described in subdivision (1) of this section or as an independent purpose, provided Bonds issued for the purpose of subdivision (4) of this section shall be payable not later than the estimated period during which such equipment or furnishings shall be usable<sup>267</sup>.



## CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

### PART A. PUBLIC WORKS: THE WATER SUPPLY<sup>268</sup>

#### Sec. 11A-1. Punishment for Offenses regarding Water etc...<sup>269</sup>.

If any person shall maliciously or willfully divert or corrupt the water collected or conducted in or to any reservoir, cistern, hydrant, conductor, engine or pipe or any portion of the waterworks of the City, or destroy or injure any work, machinery or materials erected, constructed, used or designed to be used within the City or elsewhere, for the purpose of procuring or keeping a supply of water, he shall forfeit and pay to said City treble damages in any proper action brought by said City; and such person may also be prosecuted criminally for such offense before the Superior Court for the Judicial District of Waterbury and, on conviction thereof, shall be fined not more than Two Hundred (\$200.00) Dollars or imprisoned not more than six (6) months or both.

#### Sec. 11A-2. Water Supply; Uses<sup>270</sup>.

(a) The Board of Aldermen shall have all the powers and duties formerly had by the Town or City or by any of its agencies or prescribed by law and not inconsistent with this Charter, concerning brooks, rivers, springs, ponds, lakes, reservoirs, streams, channels, banks of streams, watercourses, sewerage and land, in the City and outside thereof, and shall have all the rights and powers granted to the court of common council by number 252 of the Special Acts of 1893, as it has been or may be amended, and all contracts made by the City with any corporation, public or private under the authority thereof are ratified, validated and confirmed and declared to be of full force and effect, and the titles to any lands or easements or other property acquired thereunder are likewise ratified, validated and confirmed.

(b) The Mayor, with the consent of ten (10) members of the Board of Aldermen, is empowered to contract and agree on behalf of the City, upon such terms as the Mayor and Board of Aldermen may deem advisable, with any electric power company, incorporated and doing business in this state, in such manner and form as will enable such power company to develop electrical energy by water power from any surplus waters which may exist in any present or future reservoir or reservoirs of said City. The term "surplus water", as used herein, shall be construed to mean such water impounded in or escaping from such reservoir or reservoirs as is not actually needed by the City for the public use and convenience of the inhabitants. All water so used for the purpose of developing electrical energy shall be returned to the stream from which taken. The Mayor, with the consent of ten (10) members of the Board of Aldermen of the City, is empowered to contract to lease any land owned by the City to such electrical power company for such length of time and on such terms as may be agreed upon for the location thereon of power houses, conduits and transmission lines and for such other purposes as may be necessary or convenient for the creation, development or transmission of electrical energy developed from such surplus water by the power company contracting for its use.

(c) The City is empowered, by its Mayor and a majority of its Aldermen, to contract to supply water for domestic purposes and fire protection to any municipality,

borough or fire district, through which, or contiguous to which, the water supply mains of said City are or shall, be laid, or in which its reservoir or reservoirs are located, or may contract to supply water for domestic purposes and fire protection to any private company, chartered for the purpose of supplying water to such municipality, borough or fire district, on such terms and rates as shall be just and equitable to the contracting parties.

**Sec. 11A-3. Authorization Regarding the Water Supply<sup>271</sup>.**

(a) That the court of common council of the City of Waterbury, in addition to the powers heretofore granted, is hereby authorized and empowered to take and convey from any or all brooks, rivers, springs, ponds, lakes, and reservoirs within the limits of the County of New Haven or of the County of Litchfield, such supply of water as the necessities or convenience of the inhabitants of said City may require. (Partially repealed by §§11A-4 and -5, below)

(b) The Board of Aldermen is hereby empowered, and it shall be its duty, by committee or otherwise, to ascertain feasible place for the introduction and proper distribution of water in and through the Town and City of Waterbury, and into and through other towns, cities, villages, and boroughs as may be found by said court convenient and expedient; to employ engineers, surveyors, others with reference thereto; to estimate the probable cost of carrying its plans into execution; to make contracts with the proprietors of estate, real, personal, or mixed, or of any franchise, right, or privilege which shall be required for the purpose.

(c) Whenever any plan shall be agreed upon by said Board of Aldermen, the said Board shall thereupon immediately be empowered to take and hold for and in behalf of the City any lands or other estate necessary, situated in New Haven County or in Litchfield County, for the construction of any dams, canals, aqueducts, reservoirs, pipe lines, or other work for conveying or containing water, or for the erection and construction of any buildings or machinery, or for laying pipes or conductors for conveying water from either of said counties, or from any town in either of said counties, into or through said Town and City of Waterbury, or into or through any other town or city, village or borough, or to secure and maintain portion of the waterworks aforesaid; and in general, to do any of the acts necessary or convenient for accomplishing the purposes contemplated by the act authorizing this provision of the Charter, and to distribute said water through said Town and City of Waterbury and elsewhere, as may be determined by the Board of Aldermen of said City; to establish hydrants; to prosecute or defend any action against any person or corporation for the breach of any contract, or the violation of any obligation or duty relating to said waterworks or the management of the same, or the distribution of the water, or for money due for the use of the water, or for any injury or trespass, or nuisance affecting the water, machinery, pipes, building apparatus, or other things pertaining to said waterworks, or for any improper use of the water or any wasting thereof, or upon any contract or promise made by said Board of Aldermen or with their predecessors or successors.

(d) Said Board of Aldermen is hereby authorized to enter in or upon any land or water for the purpose of making surveys, and to agree with the owner or owners of any property or franchise which may be required for the purpose of the act authorizing this provision of the Charter as to the amount of compensation to be paid to such owner or owners. And in case of disagreement between said Board and any owner or owners as to such compensation, or as to the amount of damages which ought to be awarded

to any person or persons or corporation claiming to be injured in his estate by the doings of the Board of Aldermen, or in case any such owner shall be an infant, or married woman, or insane, or absent from this state, or unknown, or the owner of a contingent or uncertain interest, any judge of the Superior Court may, on application of either party, cause such notice to be given of such application as such judge shall see fit to prescribe, and after proof thereof shall appoint three (3) disinterested persons, or shall examine such property so to be taken, injured, or damaged by the doings of the Board of Aldermen; and they being sworn to a faithful discharge of their duties shall estimate the amount of compensation which said owners shall receive, and report the same in writing to the clerk of the Superior Court for the Judicial District of Waterbury, to be by him recorded. Said judge may confirm the doings of said appraisers; and upon the payment to the individual or corporation of the amount of damages so ascertained as aforesaid, or the deposit thereof in the treasury of said City, the Board of Aldermen may proceed with the construction of said works. And several persons or corporations or owners of different rights of property or franchises may be made parties and embraced in the same application, their respective interests or rights being therein described.

(e) The Board of Aldermen shall also be empowered to make use of ground or soil under any road, railroad, highway, street, private way, lane, or alley, within any of the towns of Litchfield or New Haven Counties for the purpose of constructing the work contemplated by this Charter, but shall in all cases cause the surface of such road, railroad, highway, street, private way, lane, or alley to be restored to its usual conditions, and damages done thereon to be appraised, and all damages sustained by any person or corporation in consequence of the interruption of travel to be paid to such person or corporation.

(f) All acts and parts of acts inconsistent herewith are hereby repealed.

**Sec. 11A-4. Amending Authorization to Increase Water Supply<sup>272</sup>.**

The waters of Bantam Lake in Litchfield County and the waters of its tributaries be and they are hereby excepted and exempted from the provision of the resolution authorizing the City to increase its water supply.

**Sec. 11A-5. Amendment to Authorization to Increase Water Supply<sup>273</sup>.**

The resolution amending a resolution authorizing the City to increase its water supply, approved July 20, 1909, is amended to read as follows: the waters of Bantam Lake in Litchfield County and the waters of its tributaries and the waters of the Naugatuck River northerly of the southerly borough line of the Borough of Torrington are excepted and exempted from the provisions of the resolution authorizing the City to increase its water supply approved April 25, 1893.

**Sec. 11A-6. Validation Act regarding Water Supply<sup>274</sup>.**

All acts done and proceedings taken by the City and its Board of Aldermen in conformity with the provisions of number 252 of the Special Acts of 1893, and the titles to any and all lands, interests therein, and/or easements or other property acquired thereunder, are validated, ratified and confirmed. Nothing herein shall be deemed to repeal or alter the provisions of number 344 of the Special Acts of 1909, or of number

101 of the Special Acts of 1919, or of number 391 of the Special Acts of 1921, or shall invalidate, alter or in any way change the terms or conditions of any existing contract between the City and any town or corporation, public or private, in regard to the taking of water, the use of the same, the regulation of the flow in any stream or the construction of dams, or in any other particular.

**Sec. 11A-7. Amendment regarding Water Supply System<sup>275</sup>.**

(Subsec. (b) & (c) of §11A-2 substantially superseded this section.)

The Mayor of the City, with the consent of ten (10) members of the Board of Aldermen of said City, is authorized and empowered to contract and agree on behalf of the said City, upon such terms as the Mayor and Board of Aldermen may deem proper, with any electric power company, incorporated and doing business in the State of Connecticut, in such manner and form as will enable the said power company to develop electrical energy by water power from any surplus waters which may at any time exist in any present or future reservoir or reservoirs of the said City. The term "surplus water", as used in this Charter, shall be construed to mean such water impounded in or escaping from such reservoir or reservoirs as is not actually needed by the said City for the proper and necessary public use and convenience of the inhabitants. All water so used for the purpose of developing electrical energy shall be returned to the stream from which taken. The Mayor, with the consent of ten (10) members of the Board of Aldermen of said City, is authorized and empowered to contract to lease any land owned by said City to such electrical power company for such length of time and on such terms as may be agreed upon for the location thereon of power houses, conduits and transmission lines, and for such other purposes as may be necessary or convenient for the creation, development and transmission of electrical energy developed from such surplus water by the power company contracting for its use. The City is authorized and empowered, by its Mayor and a majority of its Aldermen, to contract to supply water for domestic purposes and fire protection to any municipality, borough or fire district, through which, or contiguous to which the water supply mains of said City are or shall be laid, or in which its reservoir or reservoirs are located, or may contract to supply water for domestic purposes and fire protection to any private company, chartered for the purpose of supplying water to such municipality, borough or fire district on such terms and rates as shall be just and equitable to the contracting parties.

**PART B. PUBLIC WORKS: CITY STREETS<sup>276</sup>**

**Sec. 11B-1. Individuals May Not Lay Out Streets<sup>277</sup>.**

No person, company, or corporation shall lay out any street or highway within the limits of the City less than three rods in width, unless with the prior approval of the Board of Aldermen. No street or highway shall be open to the public until the grade, layout, location, width and improvement of such street or highway shall have received the approval of the Board of Aldermen of the City nor until such approval shall have been filed in the office of the Town Clerk. The Town Clerk shall not receive or place on file any map of any such new street or streets, highway or highways or any map of land showing such new highway or street until he shall have received a certificate signed by the Mayor, stating that such new layout has been duly approved by the Board of Aldermen. In case any new street or highway shall be laid out in violation of the provisions of this section, such street or highway shall be immediately closed by the

Superintendent of Streets and shall be kept closed until such time as the grade, layout, location, width and improvement of such street or highway shall have received the approval herein provided for. Any person, company or corporation violating the provisions of this section shall be fined Twenty-Five (\$25.00) Dollars for each day such street or highway shall remain open. No water main, sewer or street lights or other public improvement shall be installed in any street or highway hereafter not laid out in conformity with the provisions hereof. The City shall not be liable for any damages sustained upon, or by reason of, any street or highway that shall hereafter be opened unless the same shall have been laid out as herein provided and accepted by the City.

**Sec. 11B-2. Property Owners to Clear Sidewalks of Snow and Ice<sup>278</sup>.**

The duty of keeping sidewalks within the City free from snow and ice shall remain upon adjoining property owners. If any such owner shall neglect or refuse to remove snow, ice or sleet from the sidewalk adjacent to his land, in the manner required by ordinance, the Superintendent of Streets shall, at the expense of the City, perform the things required by such ordinance, and the expense so incurred shall, from the time the Superintendent begins to act and make expense in the premises, be and continue a lien in favor of the City upon such land. Such amount may also be recovered in an action in the name of the City.

**Sec. 11B-3. Construction and Use of Electric Wire Conduits; Appeals<sup>279</sup>.**

The City shall have authority, through its Department of Public Works, to build, construct and maintain conduits with manholes and ventilating shafts and all other appurtenances pertaining to conduits, for telephone, telegraph, fire alarm, electric light and all other electric wires except those of street railway corporations, used or to be used in the City in and through the streets and highways of the City, and to require all persons or corporations engaged in the use or distribution of electricity, including telegraph, telephone and electric light companies, to place their wires within such conduits, and to pay a reasonable rental therefor, to be determined by said Department of Public Works upon the following basis: A reasonable rental based upon the cost of construction and the creation and maintenance of a sinking fund for the repair, maintenance and cost of conduits, manholes, ventilating shafts and appurtenances, and the sum charged shall be apportioned among the users of such conduits according to the number of ducts occupied therein by the persons or corporations owning or using the same. When the amount to be charged to any person or corporation by way of annual or other rental shall have been determined by said Department of Public Works, written notice thereof, signed by the City Clerk, shall be given to such person or corporation and, if such person or corporation shall claim to be aggrieved by such determination of such sum so to be charged for the use of the conduit, such person or corporation within thirty (30) days after notice of such determination of the same, may appeal by petition to the Department of Public Utilities Control for a re-estimate of such sum ordered to be paid by it. As many of the parties interested in such matter as choose to do so may join in such appeal and when separate appeals shall be taken by different parties concerning such estimate of the sum to be charged for the use of such conduits, all of such appeals shall be heard and tried as one cause. Such appeal shall be by a suitable petition in writing, setting forth the action of said Department of Public Works and asking for a re-estimate of the sum to be charged for the use of such conduit, with a citation attached thereto, signed by any authority authorized to sign writs, returnable before the Department of Public Utilities Control at ten o'clock a.m., two (2) weeks from

the date of such petition, and such citation shall be served upon the Clerk of the City at least six (6) days before the return day thereof. If, upon hearing such appeal, the Department of Public Utilities Control shall find cause to alter such estimate, it shall proceed to re-estimate the sum which shall be charged the appellant or appellants for the use of such conduits and such re-estimate shall be binding upon the City and upon the appellant or appellants. Any person or corporation aggrieved by any order, authorization or decision of the commission in any matter to which he or it was or ought to have been made a party, may appeal therefrom to the Superior Court within fifteen (15) days after the filing of such order, authorization or decision and such appeal shall be in accordance with C.G.S. §§16-35 to 16-39, and said sections shall apply in all respects as in cases provided for therein. The sum to be charged for the use of such conduits, upon the application of any person or corporation owning or using wires therein shall be re-estimated as of the first day of January in each year. Any person or corporation having the right to put wires in such conduits, may put the same therein at any time, without charge, until the first day of January of the ensuing year.

**Sec. 11B-4. Private Conduits May Continue in Use or Be Taken by City<sup>280</sup>.**

Any corporation having, at the date of the passage of the act authorizing this provision of the Charter, any conduit or conduits for the use of its wires within any of the streets of the City shall either be permitted to make such use of such conduits as it may have at said date or be entitled, at the option of the City, to receive full compensation for such conduits, which shall thereupon become the property of the City. In the event of any disagreement between such corporation and the City as to the price to be paid by the City for such conduits, the City may take such conduits by condemnation in the manner provided by its Charter for the taking of land for public purposes.

**PART C. PUBLIC WORKS: CITY SEWERS<sup>281</sup>**

**Sec. 11C-1. Assessment for Construction of Sanitary Sewers<sup>282</sup>.**

Except as hereinafter provided, whenever a sewer shall have been constructed in any street of the City and shall be ready for use, the Board of Commissioners of Public Works shall cause notice to be given to the owners or persons in possession of all property subject to assessment to appear before it to be heard relative to the assessment therefor, and shall thereupon assess the prevailing lineal front-foot rate set by the Board of Aldermen pursuant to §11C-2 of this Charter upon all property abutting upon such sewer and not abutting upon any sewer if drained by it and not otherwise assessed, describing each piece or specifying the amount assessed thereon; however, no assessment shall be made against any property in excess of the special benefit to accrue to such property; provided, property situated on a corner at the intersection of two (2) or more streets, belonging to the same owner, shall not be assessed upon its total frontage on all streets abutting the property, but shall be exempt therefrom upon its frontage on one of such streets not exceeding seventy-five (75') feet after sewers have been installed on all streets abutting the property except as hereinafter provided; for property situated on a corner at the intersection of two or more streets, belonging to the same owner, and having a total frontage of not less than one hundred and twenty-five (125') feet, when the exemption will not be seventy-five (75') feet after sewers are installed on all streets abutting the property, because the foot frontage of the property to be assessed for the sewer last installed is less than seventy-five (75') feet, an exemption equal to the difference between seventy-five (75) and the foot frontage of the

property less than seventy-five (75') feet shall be granted when the sewer assessment is levied on the street with the larger frontage. It is further provided for property situated on a corner at the intersection of two or more streets, belonging to the same owner, having a total frontage of less than one hundred and twenty-five (125') feet and the smaller frontage being less than fifty (50') feet, an exemption equal to the difference between fifty (50') feet and the smaller foot frontage shall be granted when the sewer assessment is levied on the street with the larger frontage; provided that no assessment shall be for less than fifty (50') feet if there is a total frontage of the property of fifty (50') feet or more, but if the total frontage is less than fifty (50') feet then the assessment shall be levied on the total frontage; and property lying between parallel, or nearly parallel, streets fronting on both such streets, shall, if belonging to the same owner, be exempt from assessment upon the street with the smaller assessment if both sewers are installed simultaneously or within one year of each other, until such time as use is made of the exempted sewer. If sewers are installed on parallel, or nearly parallel, streets and that property in question between those two sewers already is making use of the older installation there is to be an exemption from assessment, if the property owner neither requested nor had use for such installation, until use is made of the exempted sewer; and property covered by ponds or streams having a width of not less than fifteen (15') feet frontage on any such street, so long as it shall be so covered by such ponds or streams, and property belonging to any ecclesiastical society used for a church, and property belonging to any railroad company and used exclusively for its tracks, and property used as a cemetery, shall be exempt. Whenever a sewer shall have been constructed in any public street or private road within the City and shall not have been constructed by the City, if such sewer shall be connected with the sewage disposal system of the City and made a part thereof, the Board of Commissioners of Public Works shall make an assessment as aforesaid but shall credit to each assessment an allowance not exceeding one-half the actual value of the sewer so connected situated in the street in front of the property so assessed.

#### **Sec. 11C-2. Establishment of Assessment Rates<sup>283</sup>.**

The Board of Aldermen shall, from time to time, establish by ordinance a standard lineal front foot assessment rate for sanitary sewers as prescribed by §11C-1 of this Charter. Said standard lineal front foot assessment rate shall be determined so as to conform with the average then-prevailing installation costs for sanitary sewers in the City. Said average installation costs are to be determined by the Board of Commissioners of Public Works, and with not less than two-thirds of the average installation costs to be assessed to the parcels of land benefited by said sanitary sewers. Said average installation costs shall include, but not be limited to, such costs for excavation, sewer pipe, and materials; gravel, sand and stone fill; and grading work but not to include costs for rights-of way, pumping stations, and trunk connections.

There exists in the City established parcels of land which have through the general real property tax contributed toward the defrayment of costs of construction and installation of sanitary sewers, and yet have not themselves benefited by said sanitary sewers. For said reason, the Board of Aldermen may establish by ordinance a special lineal front foot assessment rate for said parcels of land if, as of January 1, 1974, there was on file in the records of the Town Clerk's office, City Plan Commission, or City Engineering Department a map, plan, or drawing concerning a parcel of land which either (a) is situated on, and abuts, a street of record (i.e., an accepted street, an approved street, or a paper street), or (b) is shown and delineated on a subdivision plan approved by the City Plan Commission; and if as of November 4, 1975, said parcel of

land was not being serviced by a sanitary sewer in the street which abuts said parcel, and to which street said parcel drains; and if, at any time subsequent to November 4, 1975, the Board of Commissioners of Public Works causes said sanitary sewer to be constructed in said street.

Said special lineal front foot assessment rate for said established areas as herein defined shall be at a rate lower than the standard lineal front foot assessment rate as previously defined and shall be a fair and reasonable compensation for the benefits accrued because of said sanitary sewers and shall reflect the consideration of the previous tax burden without benefit of said sanitary sewers.

**Sec. 11C-3. When Sewer Assessment Payable; Penalty for Nonpayment<sup>284</sup>.**

The Department of Public Works may cause the above mentioned notices to be given and make the assessment as soon as the contract shall be entered into for the construction of any sewer; but, if any assessment shall be made before the sewer shall be completed, such assessment shall not be due and payable until such sewer shall be completed and ready for use. Notice of any assessment for sewers shall be published one time in two (2) daily newspapers of the City, within one (1) week after the adoption of such assessment by said Department of Public Works, and such assessment shall become due and payable in two equal installments. The first payment shall be due and payable within one hundred and fifty (150) days following the final day of the publication of such notice, provided such sewer shall be ready for use. The second payment shall become due and payable one hundred and fifty (150) days later. If any taxpayer shall fail to pay the first installment within one hundred and fifty (150) days after the same shall become due, the whole amount of such assessment shall forthwith become due and payable and interest at the rate of six (6%) percent per annum shall be added from the assessment date, so long as such assessment shall remain unpaid; but the Board of Aldermen shall have power to abate such interest in favor of any person whom it shall find to be too poor to pay the same. All persons paying the second installment of such assessment before the end of the first installment period shall receive a rebate, for the time such payment was made in advance, at the rate of four (4%) percent per annum, provided the first installment of such assessment shall be fully paid when due. The provisions of this section shall apply to all assessments made subsequent to January 1, 1939.

**PART D. PARKS AND RECREATION<sup>285</sup>**

**Sec. 11D-1. Board to Acquire, Improve, Manage and Control Park Property<sup>286</sup>.**

The Board of Park Commissioners shall have the care, management and control of all parks and grounds used for park purposes and of all playgrounds and athletic fields located therein, of all boulevards connecting parks and structures thereon and of parkways, owned by or in the control of the City, within or without the corporate limits of the City, with all equipment and paraphernalia belonging thereto, and may give proper designating names thereto. The Board shall have power to acquire, and the City to hold, property, whether within or without the corporate limits of the City, for the purpose of establishing public parks and public squares or the enlarging of existing parks or for boulevards connecting parks or parkways, by condemnation or by contract for the same; to accept conveyances thereof; to receive gifts, donations or devises of land or other property for park purposes; to lay out and to improve with walks, drives and roads;



to build necessary culverts and bridges and to drain, plant and otherwise at its discretion to improve and adorn, the parks and other property thus held or acquired by said Board and to erect such buildings as may be needed for the purposes of administration or for the use, protection and refreshment of the public; provided in no case shall any expenditure be made in excess of the amount previously appropriated. Said Board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited to park purposes or the improvement of which would entail an injudicious outlay.

**Sec. 11D-2. Grants and Devises of Property for Park Purposes<sup>287</sup>.**

Real and personal property may be granted, bequeathed, devised or conveyed to the City, for the purpose of the improvement or ornamentation of said parks or approaches or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, monuments, statues or fountains or other works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof, and accepted by the Board of Aldermen. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the exclusive management, direction and control of said Board of Park Commissioners.

**Sec. 11D-3. Establishment of Boulevards and Parkways<sup>288</sup>.**

The Board of Park Commissioners shall have power to connect any public park under its control with any other park over which it has jurisdiction, by a boulevard or parkway; and, whenever in its judgment it is necessary, it may designate as such any existing highway, or part thereof, which shall thereupon be deemed a part of such parkway; but the same shall remain under the control of the City authorities having jurisdiction thereof at the date of the passage of the act authorizing this provision of the Charter.

**Sec. 11D-4. Location of Pipes and Wires in Parks<sup>289</sup>.**

The Board of Park Commissioners shall have sole power to determine the places in said parks and parkways, and in other property under its control, where sewers, gas and water pipes shall be laid; and no trench for such purposes shall be opened until the Commissioners shall have designated the location of the same and given permission in writing. No telegraph, telephone or electric wires, or other wires, or posts or supports therefor, shall be erected in, upon, through or over said parks or parkways, without the consent in writing of said Board, which shall designate the place and the manner of erecting and maintaining the same, to be altered at such time and in such manner and under such conditions as said Board may deem best.

**Sec. 11D-5. Issuance and Enforcement of Regulations<sup>290</sup>.**

Said Board shall have power to make and alter, from time to time, all needful rules and regulations for the maintenance of order, safety and decency in said parks, both within and without the limits of the City, and to affix penalties for disobedience thereto, which rules and regulations shall have the force of the ordinances, provided no such rule or regulation shall be of any effect unless it shall have been first approved by

the Board of Aldermen and then published in full in one or more of the daily newspapers published in Waterbury and also printed and posted in conspicuous places within the limits of the property to which such regulation is intended to apply. For the purpose of enforcing such rules and regulations, all such parks and property, whether within or without the limits of the City, are placed under the police jurisdiction of the City, and complaints for the violation of such regulations may be made by the State's Attorney for the Judicial District of Waterbury covering the same geographical area. Any member of the Police Department may arrest, without warrant, in any of such parks or places, whether within or without the limits of the City, any person who has broken any park rule or committed any other offense in such park; and the Superior Court for the Judicial District of Waterbury shall have jurisdiction of all misdemeanors committed within the limits of such parks.

#### **PART E. MICELLANEOUS ISSUES**

##### **Sec. 11E-1. Group Insurance Policies for Employees<sup>291</sup>.**

The City is authorized to purchase group insurance policies providing for hospital, surgical, medical and life insurance from insurance companies or hospital service corporations and medical service corporations for the benefit of its employees, pensioners and officials, and to make appropriations therefor. Said benefits may be in addition to the present rates of pay or pension payments heretofore, presently or in the future paid to said employees, officials or pensioners.

#### **PART F. PUBLIC MONEYS<sup>292</sup>**

##### **Sec. 11F-1. General Fund<sup>293</sup>.**

Except for such special funds as are provided for by Charter or otherwise provided for by the Special Acts concerning bond issues, there shall be but one fund, which shall be known as the general fund. No special fund shall be created or be maintained to be supported in whole or in part directly by general taxation, but all the proceeds of any taxes levied against property in general shall accrue to the general fund, and all contributions of the City to sinking funds and other special funds, except as expressly provided herein, shall be made through appropriations from the general fund. Expenditures may be made from said fund under appropriations in accordance with this Charter by transfer to any special fund or otherwise, for any and all purposes for which moneys of the City may be expended.

##### **Sec. 11F-2. Redevelopment Fund<sup>294</sup>.**

The Director of Finance may recommend to the Board of Aldermen of said City the establishment of a redevelopment fund, which fund shall become legally established for the purposes hereinafter described if its creation is approved by the affirmative vote of ten (10) members of said Board of Aldermen. Said fund shall be distinct and separate from any other fund of the City and shall be used for the purpose of carrying out any redevelopment activities which the City, through its redevelopment agency, may undertake pursuant to Chapter 135 of the General Statutes, as amended. Said fund shall comprise all the current resources, fixed assets, and liabilities including funded debt, the proceeds of any bond issues and any permanent improvements. All revenues, grants and proceeds of any loans arising from or through redevelopment activities shall

accrue to the fund if created and all receipts from nonrevenue sources in connection with said activities shall be paid into this fund. All expenses of operation or maintenance, capital outlays, interest on, and retirement of funded debt, of such redevelopment activities shall be paid from this fund under appropriations in accordance with the provisions relating to the contracting of liabilities as they may appear in the Charter. Any cash deficit that may occur in this fund shall be made good by mandatory appropriation from the general fund in the amount of such actual cash deficit. The City, through action of its Board of Aldermen, may issue bonds for the purpose of redevelopment activities as described in Chapter 135 of the General Statutes, as amended. Said issuances shall be made in accordance with the Charter or statutory provisions governing the creation of debt, except for those Charter provisions which may require specific authorization from the state legislature before bonds are issued or money derived from bond issues expended. If said bonds are payable solely from the income and revenues of redevelopment projects, including federal contributions, such bonds shall not be included in computing the aggregate indebtedness of the City. Any provisions of the General Statutes or the Charter in conflict herewith shall not be applicable to the redevelopment fund.

**Sec. 11F-3. Revolving Working Capital Funds<sup>295</sup>.**

Revolving working capital funds may be established by appropriation made within the general fund or any special fund, for financing the operation of any cafeteria, refectory, recreation center, refreshment booth or other similarly operated commercial enterprise. Receipts from the operation of any such activity so financed shall be credited to the working capital fund so provided. Such receipts, together with the original appropriation therefor, may be expended and re-expended for the purposes of the revolving working capital fund without specific appropriations within such working capital funds. Separate bank accounts carried in the name of the City may be maintained and drawn upon in accordance with such rules as the Director of Finance may prescribe in connection therewith. Statements of each calendar month's financial activities of such working capital funds so established shall be submitted to the Director of Finance by the board, commission or department head charged with the custody of said revolving funds. Such funds once established may be continued, within the discretion of the Board of Aldermen, for such time as the purposes for which the fund was established, continue to exist.

**Sec. 11F-4. Sidewalk Construction Fund<sup>296</sup>.**

A revolving working capital fund known as the sidewalk construction fund is hereby created and shall consist of all the assets, liabilities and resources of the sidewalk construction fund now being maintained, and as set forth on the City's books as of June 30, 1945. The receipts and resources of this fund may be expended and re-expended for the construction and repair of sidewalks, in accordance with appropriations established by the Board of Aldermen for these purposes.

**Sec. 11F-5. Street Improvement Fund; Special Assessments; Assessment Procedure<sup>297</sup>.**

(a) The City may, upon recommendation of the Mayor and approval of the Board of Aldermen, establish a revolving working capital fund to be known as the street improvement fund. Said fund shall be separate and distinct from all other funds of the

City. It shall be comprised of the revenues derived from street assessments, for the laying out and grading of streets and assessments derived from storm water drains, as well as assessments derived from sidewalk construction. The projects to be charged against said fund may be financed by the issuance of bonds in the manner prescribed by number 333 of the Special Acts of 1961, as such act may be amended from time to time, provided, in the case of bonds issued for the purposes of street improvements, it shall only be necessary for the Board of Commissioners of Public Works to certify to the Board of Aldermen the amount needed for such street improvements and any list of projects contained in such certification may be amended from time to time upon recommendation of the Board of Aldermen and approval of such recommendation by the affirmative vote of ten (10) members of the Board of Aldermen. It shall be necessary to specify in the preparation the amounts to be derived from sources other than the bond issue unless it is certified by the department head having the subject matter in charge that such amounts cannot be reasonably estimated.

(b) The proceeds of the special assessments accruing to said fund may be paid over to the general fund for debt service in connection with such street improvements.

(c) All street, sidewalk and storm water drain assessments regardless of other statutory provisions may be assessed and levied in such manner by the Board of Commissioners of Public Works, upon approval of the Board of Aldermen, as to become payable over a period of ten (10) years in approximately equal annual installments from the date of the levy, without any interest charge to the person, firm or corporation assessed, provided any person, firm or corporation which becomes delinquent on any annual payment shall be charged interest at the statutory rate for all succeeding payments from the date of the delinquency.

**Sec. 11F-6. Water Fund<sup>298</sup>.**

(a) A water fund is established, which shall be maintained separate and distinct from any other fund of the City. This fund shall comprise all the resources and liabilities of the water system, including permanent improvements and the funded debt incurred for the purposes of the water system. All revenues from operations of the water system shall accrue, and all receipts therefrom and from nonrevenue sources in connection with the water system shall be paid, to the fund. All expenses of operation and maintenance, the cost of permanent improvements and interest on and retirement of funded debt of the system, shall be paid therefrom under appropriations, in accordance with this Charter.

(b) Any cash deficit that may occur in this fund shall be made good by mandatory appropriation from the general fund hereunder of the amount of such deficit, and the rate of tax necessary to be levied therefor shall be shown on each tax bill rendered.

**Sec. 11F-7. Bonds for Capital Outlay Projects<sup>299</sup>.**

Bonds authorized for each capital outlay project, and the proceeds thereof, shall be segregated in a special bond fund designated by the title of the project, and the cash balance thereof shall at all times be maintained intact until disbursed under appropriations for the purpose or purposes for which the bonds were issued, except that

any unexpended balance not required for such purposes may, upon appropriation therefor, be applied to the redemption of funded debt or be transferred to the sinking fund.

**Sec. 11F-8. Special Sewer Fund<sup>300</sup>.**

All sewer assessments levied as herein provided shall, when collected, be paid into the "special sewer fund" of said City for the construction, support and maintenance of the entire sewer system of the City. All moneys collected from assessments laid for the construction of sewers in the City, together with all the other sums that may be legally added thereto, are constituted a special fund, and shall be known as the "special sewer fund." Such sums as have been heretofore appropriated for said purposes, and not expended, shall become part of said fund. The unexpended balance in said fund shall not be returned to the treasury at the expiration of the fiscal year, but shall be retained as part of and for the purposes of the special sewer fund. Any appropriations made by the Board of Aldermen for said purpose shall form and become a part of said special sewer fund. The special sewer fund shall be used by the Board of Aldermen and by the Board of Commissioners of Public Works for the purposes hereinbefore mentioned.

**Sec. 11F-9. Creation of a Capital Revolving Fund for Waterbury<sup>301</sup>.**

(a) **Creation of Fund.** There is hereby created a capital revolving fund for the City. This fund shall be separate and distinct from all other funds of the City.

(b) **Resources of Fund.** Whenever any real property of the City shall be sold or conveyed, the proceeds of such sale or conveyance shall be deposited in this fund. This provision shall not be applicable either to sales of property under the jurisdiction and control of the Park Department or sale of property acquired by foreclosure for unpaid taxes and assessments. All resources of this fund may be invested in the manner provided by law for investment of idle general funds. Income from such investments shall accrue to this fund. Sales of personal property exclusive of trading allowances on equipment, in excess of One Thousand (\$1,000.00) Dollars each shall be deposited herein in the manner and with the exceptions provided for sales of real property. The proceeds from the sale of water utility property shall at all times be set forth separately within this fund and no appropriations against such proceeds shall be made except for water utility purposes.

(c) **Appropriations.** From time to time appropriations may be made from this fund for capital outlays including equipment. Such appropriations for equipment shall be limited to the amount of unused proceeds within the fund derived from the sale of personal property. Appropriations may be made upon recommendation of the Mayor and approval thereof by the Board of Aldermen. Such appropriations may be supplementary to any other appropriations for the same purpose in any other fund.

**Sec. 11F-10. Creation of a Park Department Capital Improvement Fund<sup>302</sup>.**

The Mayor may recommend to the Board of Aldermen the establishment of a park department capital improvement fund. Said fund shall be separate and distinct from any other fund of the City and shall be used for the purpose of segregating any money received for the sale or condemnation of any park department property, real or

personal. The proceeds received from such sales may be used for the purpose of relocating, equipping, acquiring or developing park properties at any time leased or owned by said City, or any combination of such purposes.

**Sec. 11F-11. Penalty for Failure to Account for City Money<sup>303</sup>.**

Each officer or agent of the City, or other person, who shall receive or have in his hands any money belonging to the City, shall, daily, unless otherwise provided, pay into the City treasury, and shall cause to be delivered to the Director of Finance and the Director of the Budget, a receipt therefor. If such officer, agent or other person shall fail to pay into the City treasury any money so received, or fail to cause such receipts to be delivered to said Director of Finance and Director of the Budget for more than two (2) days after the money shall have been received by him, such officer, agent or other person shall be subject to dismissal.

**PART G. RESERVATION OF RIGHTS**

**Sec. 11G. Reservation of Rights**

The City's right to exercise the powers enumerated in these Special Acts and Historical Charter Provisions, including but not limited to §11A-1, §11A-2, §11A-3, §11A-4, §11A-5, §11A-6, §11A-7, §11C-1, §11C-2, §11C-3, shall be in addition to or in the alternative to its right to exercise any and all powers conferred upon it by federal and state law, constitutions, statutes and regulations.

## **CHAPTER 12. MISCELLANEOUS AND TRANSITION PROVISIONS<sup>304</sup>**

### **Sec. 12-1. Present Ordinances and Rules Effective.**

The 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. 12-2. 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. 12-3. Effective Dates of the Provisions of this Charter.**

Unless otherwise and specifically set forth in this Charter, the provisions of this amended Charter shall take effect on January 1, 2005.

### **Sec. 12-4. Periodic Review of the Charter.**

In April of 2014, and every ten (10) years thereafter, the Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen from appointing a commission as required by this section.

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**ADDENDUM #1. SPECIAL ACT NO. 01-1: AN ACT AUTHORIZING THE ISSUANCE OF CERTAIN BONDS BY THE CITY OF WATERBURY.**



**January Session, 2001**

**AN ACT AUTHORIZING THE ISSUANCE OF CERTAIN BONDS BY THE CITY OF WATERBURY.**

General Assembly **Bill No. 6952**

Introduced by:

REP. LYONS, 146th Dist.

SEN. SULLIVAN, 5th Dist.

Be it enacted by the Senate and **House** of Representatives in General Assembly convened:

Section 1. It is hereby found and declared that a financial emergency exists with regard to the city of Waterbury, that the continued existence of this financial emergency is detrimental to the general welfare of the city and the state, that the city's continued ability to borrow in the public credit markets and the resolution of this financial emergency is a matter of paramount public interest and that to achieve this resolution it is necessary, appropriate and an essential public purpose to provide in this act for the financing of deficits resulting from the city's operations, the imposition of financial management controls and the creation of the Waterbury Financial Planning and Assistance Board to review the financial affairs of the city of Waterbury, all in order to achieve or maintain access to public credit markets, to fund the city's accumulated deficits and to restore financial stability to the city of Waterbury.

Sec. 2. As used in this act:

(1) "Accrual basis of accounting" means the basis of accounting under which revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

(2) "Annual budget" means the general fund budget, as defined by the city's charter, prepared on the modified accrual basis of accounting, as defined by GAAP.

(3) "Annual budgetary deficit" means with respect to the general fund of the city, the excess of expenditures, encumbrances and other financing uses over revenues, other financing sources, and any undesignated fund balance from the prior year used to balance the current budget, as computed utilizing the modified accrual basis of accounting.

(4) "Board" means the Waterbury Financial Planning and Assistance Board created by section 10 of this act.

(5) "Board of Aldermen" means the Board of Aldermen of the city of Waterbury.

(6) "City" means the city of Waterbury.

(7) "Contract" means any agreement, contract, lease, obligation, other than a debt obligation, letter of intent or acceptance regarding the provision of goods or services to or for the benefit of the city by and between the city and any other party, including collective bargaining agreements with employees of the city and any agreement, contract, letter of intent or acceptance regarding the sale or lease of any assets of the city having a fair market value greater than fifty thousand dollars.

(8) "Deficit funding bond" means any bond with a term of more than one year issued pursuant to this act.

(9) "Encumbrance" means commitments related to unperformed or executory contracts for goods or services.

(10) "Enterprise funds" means funds that are used to account for city operations which funds are financed and operated in a manner similar to private business enterprises where the intent is that the costs, expenses, including depreciation, of providing services to the public be financed or recovered primarily through user charges; or where a periodic determination of revenues earned, expenses incurred, or net income is appropriate for capital maintenance, public policy, management control, accountability or other purpose. Such funds shall utilize the accrual basis of accounting.

(11) "Finance director" means the director of finance of the city of Waterbury.

(12) "Fund balance" means the difference between fund assets and fund liabilities of governmental funds, utilizing the modified accrual basis of accounting.

(13) "Fund balance deficit" means the excess of fund liabilities over fund assets of governmental funds utilizing the modified accrual basis of accounting, as determined by independent auditors and as rounded to the nearest five thousand dollars.

(14) "GASB" means the Government Accounting Standards Board.

(15) "General obligation" means an obligation issued by the city and secured by the full faith and credit and taxing power of the city including any contingent obligation which is payable from the general fund and is subject to annual appropriation.

(16) "General fund" means the fund established by the city to account for all financial resources except those required to be accounted for in another fund.

(17) "Generally accepted accounting principles" or "GAAP" means the uniform minimum standards of, and the guidelines for, financial accounting and reporting as promulgated by GASB.

(18) "Governmental funds" means the general fund, special revenue funds, capital projects funds, and debt service funds, as defined by GAAP.

(19) "Interim funding obligation" means any note issued in anticipation of the issuance of a deficit funding bond.

"Internal service funds" means funds used for the financing of goods or services provided by one department or agency to other departments or agencies of the city unit, or to other governmental units, on a cost-reimbursement basis. Such funds shall utilize the accrual basis of accounting.

(21) "Mayor" means the mayor of the city of Waterbury.

(22) "Maximum required capital reserve" means the maximum aggregate amount of principal, interest, and other amounts due and owing during any succeeding fiscal year, excluding any sinking fund installments payable in a prior fiscal year on outstanding general obligations of the city supported by a special capital reserve fund established pursuant to this act.

(23) "Modified accrual basis of accounting" means the basis of accounting under which revenues are recognized when susceptible to accrual that is, when they become both measurable and available. For purposes of this subdivision "measurable" means when the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures are recorded when the related fund liability is incurred. Principal and interest on general long-term debt are recorded as fund liabilities when due.

(24) "Obligation" means any bond, bond anticipation note, revenue anticipation note, tax anticipation note or other interim funding obligation, certificate of participation, security, financing lease, installment purchase agreements, capital lease, receivable or other asset sale, refinancing covered by this definition and any other transaction which constitutes debt in accordance with both municipal reporting standards in section 7-394a of the general statutes, and the regulations prescribing municipal financial reporting adopted by the secretary.

(25) "Outstanding obligation" means any obligation with respect to which a principal or interest payment, sinking fund installment or other payment or deposit is or will be due in the future and for which moneys or defeasance securities have not been deposited in escrow.

(26) "Projected annual budgetary deficit" means, with respect to the general fund of the city during any fiscal year, the estimated "annual budgetary deficit".

(27) "Projected retained earnings deficit" means the estimated enterprise or internal service funds retained earnings deficits.

(28) "Projected unreserved fund balance deficit" means the estimated general fund and other governmental funds unreserved fund balance deficit.

(29) "Property taxes" means all taxes on real and personal property levied by the city in accordance with the general statutes including any interest, penalties and other related charges, and shall not mean any rent, rate, fee, special assessment or other charge based on benefit or use.

(30) "Required minimum capital reserve" means the lesser of the maximum amount of principal and interest becoming due by reasons of maturity or a required sinking fund installment in the then current or any succeeding calendar year on bonds of the city then outstanding and supported by a special capital reserve fund or the maximum amount then permitted to be deposited in such fund by the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, to permit the interest on such bonds to be excluded from gross income for federal tax purposes.

(31) "Reserved fund balance" means those portions of fund balance that are not appropriable for expenditure or that are legally segregated for a specific future use.

(32) "Retained earnings" means an equity account reflecting the accumulated earnings of an enterprise fund or internal service fund.

(33) "Retained earnings deficit" means the audited enterprise or internal service funds retained earnings deficits of accumulated losses that exceed earnings.

(34) "Review period" means the period of time during which the city is subject to the powers of the board.

(35) "Secretary" means the Secretary of the Office of Policy and Management.

(36) "Special capital reserve fund" means the fund established pursuant to the provisions of this act to secure the timely payment of deficit funding bonds.

(37) "Special revenue funds" means funds established to account for the proceeds of specific revenue sources that are legally restricted to expenditure for specific purposes.

(38) "Trustee" means any trust company or bank having the powers of a trust company within or without the state, appointed by the board as trustee for the special capital reserve fund, as well as any successor trust company or bank having the powers of a trust company within or without the state succeeding a prior trust company or bank as trustee, so appointed and approved.

(39) "Undesignated fund balance" means the unreserved portion of fund balance that has not been designated for specific purposes and is available for appropriation, as reflected in the audited financial statements of the city.

(40) "Unreserved fund balance" means that portion of fund balance that is not a portion of reserved fund balance.

(41) "Unreserved fund balance deficit" means the audited general fund and other governmental funds unreserved fund balance deficit.

Sec. 3. (a) The Board of Aldermen may by resolution, approved by a majority of its members and subject to the approval of the board, authorize the issuance and sale of deficit funding bonds and interim funding obligations subject only to the provisions of this act. Any such resolution approved by the Board of Alderman shall acknowledge the establishment of the Waterbury Financial Planning and Assistance Board pursuant to this act. Notwithstanding any provision of the city's charter, such resolution may delegate to the mayor and the finance director the authority to determine the terms and conditions of any deficit funding bonds and interim funding obligations issued pursuant to this act, including, without limitation, the date, interest rate or rates, prices, maturities, form and manner of sale, which may be by public or private sale, provided any deficit funding bond issued pursuant to this act may not mature later than twenty years from the date of issuance. No interim funding obligations shall be issued unless the board of aldermen has adopted a bond resolution authorizing the issuance of an equal or greater amount of deficit funding bonds and providing that the deficit funding bonds, together with any other outstanding general obligation bonds of the city theretofor and thereafter issued, shall be secured by any revenue intercept established pursuant to special act 93-25 it being hereby determined that it is important to the security of all such bonds to have the benefit of the revenue intercept apply to all general obligation bonds of the city. After issuance of interim funding obligations or deficit funding bonds, all securities issued pursuant to this act shall be conclusively presumed to be fully and duly authorized and issued under the laws of the state. Any person or governmental entity shall be estopped from questioning their authorization, sale, issuance, execution or delivery. All such terms and conditions shall be subject to the prior approval of the secretary and the State Treasurer.

(b) The city may issue its deficit funding bonds and interim funding obligations issued in anticipation of deficit funding bonds for the aggregate accumulated deficit for the fiscal period ending not later than June 30, 2001, as determined in accordance with this section. The aggregate principal amount of deficit funding bonds or interim funding obligations authorized to fund the budget deficits pursuant to this act shall be limited to: (1) Any unreserved fund balance deficit, retained earnings deficit, projected fund balance deficit, projected retained earnings deficit, any other unfunded accrued liability to the city, or to extinguish any receivable that the board has determined will contribute to the elimination of the chronic cash flow problems of the city, all to the extent determined by the board, and (2) such additional amounts as the Board of Aldermen and the board shall approve to provide for the establishment and maintenance of reserves or similar funds, including amounts that may be required to fund a special capital reserve fund in accordance with section 6 of this act, and to pay all fees, costs and expenses in connection with the authorization, issuance and sale of such bonds or interim funding obligations, including, but not limited to, legal, advisory, printing and administrative expenses, any underwriters' discount, expenses in connection with any credit enhancement and expenses of the board under section 11 of this act. The net proceeds of such bonds shall be applied first to repay the principal of and interest, to the extent not otherwise provided, on outstanding interim funding obligations, and thereafter as the authorizing resolution provides. The terms and conditions of any obligations issued by the city, including any renewals or refundings thereof, other than deficit

funding bonds shall be subject to the prior approval of the board pursuant to section 11 of this act, except that after the effective date of this act and before the board is appointed, the secretary and the State Treasurer shall approve the terms and conditions of any obligations, as defined by the act, issued by the city other than deficit funding bonds. Nothing in this act shall limit the right of the city to comply with the provisions of any existing contract with or for the benefit of the owners or holders of any bonds, notes or other obligations of the city and nothing in this act shall be construed to alter, impair, diminish or otherwise affect the rights of such owners or holders. Any deficit funding bonds issued under this act may be defeased through the issuance of refunding bonds which may be authorized in the same manner as the bonds being refunded, or, in the event the board shall no longer exist pursuant to section 14 of this act, in such manner as set forth in the general statutes provided the final maturity of any refunding bonds shall not be later than the final maturity of the deficit funding bonds being refunded and that the city will achieve, as result of the sale of such refunding bonds and the investment and application of the proceeds of such sale, net debt service savings. Bonds issued to refund deficit funding bonds may be secured by the special capital reserve fund created pursuant to section 6 of this act only with the approval of the State Treasurer.

(c) Deficit funding bonds and interim funding obligations issued in anticipation of deficit funding bonds issued pursuant to this act shall constitute the legal, valid and binding obligations of the city for which the full faith and credit of the city shall be pledged to the payment of the principal thereof and the interest thereon.

(d) Pending the completion of the audit for the fiscal year ending June 30, 2001, the city may, pursuant to the authority in this act and subject to the approval of the secretary and the State Treasurer, issue interim funding obligations or renewals thereof in an amount not to exceed fifty million dollars outstanding at any time. Upon the sale of any deficit funding bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and interest on any interim funding obligations issued pursuant to this act or shall be deposited in trust for such purpose. Notwithstanding any provision of the city's charter, the date or dates of such interim funding obligations, the maturities, denominations, form, details and other particulars of such bond anticipation notes, including the method, terms and conditions for the issue and sale thereof, by public or private sale, shall be determined by the Board of Aldermen or the Board of Aldermen may delegate to the mayor and finance director the authority to make such determinations in the best interests of the city, and be subject to the approval of the secretary and the State Treasurer, provided the term of all such interim funding obligations, including any renewals thereof, shall not exceed eighteen months. Such interim funding obligations shall constitute the legal, valid and binding general obligations of the city, for which the full faith and credit of the city shall be pledged to the payment of the principal thereof and the interest thereon.

(e) Notwithstanding any other provision of law, the borrowing power of the city with respect to interim funding obligations and deficit funding bonds shall be under the authority of this act. Notwithstanding the provisions of this section, in the event the city through its Board of Aldermen does not elect to issue deficit funding bonds and interim funding obligations to provide for the timely payment of its outstanding short term borrowings, then the board may authorize and issue such deficit funding bonds and at its discretion authorize and issue the interim funding obligations necessary to preclude default on any short-term borrowings. Notwithstanding the provisions of this section, in the event the city through its Board of Aldermen does not elect to issue deficit funding

bonds or renewals of interim funding obligations to provide for the timely payment of principal and interest on any interim funding obligations, the board may authorize and issue such deficit funding bonds or renewal of interim funding obligations. Each such authorization shall be in lieu of and with or without approval of the Board of Aldermen to the extent the board determines it is necessary and required in order to achieve the purposes of this act. Any determination of the board made pursuant to this section may include the delegation by the board of its powers hereunder to determine the particulars of such issuance of the interim funding obligations or deficit funding bonds to one or more of its members. Any such interim funding obligations or deficit funding bonds so authorized by the board shall be subject to the approval of the Secretary and the State Treasurer and subject to the other limitations set forth in this act.

Sec. 4. In order to secure bonds and notes issued pursuant to this act and any other bonds or notes issued by the city while any bonds or notes issued pursuant to this act remain outstanding, the city shall enter into an indenture of trust with a trustee, which may or may not include one or more amendments to an existing indenture of trust.

Sec. 5. The city shall make representations, agreements and covenants, including a covenant not to impair, limit, modify, rescind, repeal or otherwise alter the rights, exemptions or remedies of any bondowner or noteholder, bond insurer or other providers of credit or liquidity enhancement, by and for the benefit of any bondowner or noteholder, bond insurer or other provider of credit or liquidity enhancement, which representations, agreements and covenants are necessary or appropriate: (1) To ensure the exemption of interest on the bonds or notes issued pursuant to this act from taxation under the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, including agreements to pay rebates to the federal government of investment earnings derived from the investment of the proceeds of the bonds or notes, or (2) to strengthen the credit of bonds or notes issued pursuant to this act in the financial markets, or both.

Sec. 6. In connection with the issuance of deficit funding bonds under the provisions of this act, the city may, subject to the approval of the board, create and establish one or more reserve funds to be known as special capital reserve funds and shall pay into such special capital reserve funds (1) any moneys appropriated and made available by the state for the purposes of such funds, (2) any proceeds of sale of deficit funding bonds, to the extent provided in the resolution authorizing the issuance thereof, and (3) any other moneys which may be made available to the city for the purpose of such funds from any other source or sources. The moneys held in or credited to any special capital reserve fund established under this section, except as hereinafter provided, shall be used solely for the payment of the principal of deficit funding bonds secured by such capital reserve funds as the same become due, the payment of interest on such bonds of the city or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided the city may provide that moneys in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such funds to less than the required minimum capital reserve, except for the purpose of paying such principal of, redemption premium and interest on such bonds of the city secured by such special capital reserve becoming due and for the payment of which other moneys of the city are not available. The city may provide that it shall not issue bonds to be secured by a special capital reserve fund created under this section at any time if the required minimum capital reserve on the bonds outstanding and the bonds then to be issued and secured by a special capital reserve fund will exceed the amount of such special capital reserve fund at the time of issuance, unless

the city, at the time of the issuance of such bonds, shall deposit in such special capital reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in such special capital reserve fund, will be not less than the required minimum capital reserve. On or before December first, annually, there is deemed to be appropriated from the state General Fund such sums, if any, as shall be certified by the finance director to the secretary and the State Treasurer, as necessary to restore each such special capital reserve fund to the amount equal to the required minimum capital reserve of such fund, and such amounts shall be allotted and paid to the trustee on behalf of the city for deposit therein. For the purpose of evaluation of any such special capital reserve fund, obligations acquired as an investment for any such fund shall be valued at fair value, as defined by GAAP, or amortized cost as the board shall determine. Nothing in this section shall preclude the city from establishing and creating other debt service reserve funds in connection with the issuance of bonds of the city under this section. Subject to any agreement or agreements with holders of outstanding bonds of the city, any amount or amounts allotted and paid to the city by the state pursuant to this section shall be repaid to the state from moneys of the city at such time as such moneys are not required for any other of its city purposes and in any event shall be repaid to the state from the first amounts thereafter payable by the state to the city, whether in the form of a grant, grant-in-aid, payment in lieu of taxes or any form whatsoever, pursuant to any provisions of the general statutes or state regulations, which amounts are hereby deemed appropriated from the city to the state as and for such repayment. Notwithstanding any other provisions of this act, the aggregate amount of bonds to be secured by a special capital reserve fund or funds created and established pursuant to this section shall not exceed seventy-five million dollars.

Sec. 7. No obligations other than deficit funding bonds shall be secured by a special capital reserve fund and no deficit funding bonds shall be issued under this act unless the issuance thereof is approved by the State Treasurer. Such approval shall be based upon a certificate of the board filed with the State Treasurer and the secretary finding that: (1) The annual budget and financial plan have been completed and approved by the board, contain projections of revenue and expenditures that are based on reasonable and appropriate assumptions and methods of estimation, provide that operations of the city will be conducted within cash resources available according to the board's revenue estimates, and comply with the provisions of section 12 of this act; (2) pension funds are accounted for on a GAAP basis and funded in accordance with actuarial recommended levels for the subject fiscal year; (3) the city is not in default in any of its general obligations unless issuance will cure the default; (4) there is sufficient taxing authority implemented and approved to produce sufficient revenues to pay all debt service on all bonds heretofore and hereunder issued by the city and to establish, increase and maintain any reserves, including the special capital reserve fund, deemed by the board to be necessary and advisable to secure payment of the principal of and interest on all such bonds; and (5) the financing is in the public interest. Notwithstanding the provisions of this section, the State Treasurer may approve the issuance of bonds secured by a special capital reserve fund for the purpose of paying principal and interest on interim funding obligations due for which there are no other funds available.

Sec. 8. The state of Connecticut does hereby pledge to and agree with the holders of any deficit funding bonds or interim funding obligations issued under this act that the state will not limit or alter the rights hereby vested in the city until such obligations, together with the interest thereon, are fully met and discharged, provided nothing in this act shall preclude such limitation or alteration if and when adequate provision shall be made by law for the protection of the holders of such deficit funding bonds or interim



funding obligations. The city is authorized to include this pledge and undertaking for the state in such deficit funding bonds or interim funding obligations issued in anticipation of deficit funding bonds.

Sec. 9. Notwithstanding the provisions of the general statutes, any special act, the charter of the city or any ordinance or resolution of the city, no proceedings, notice or approval shall be required for the issuance of deficit funding bonds or interim funding obligations authorized under this act or any instrument authorized as security therefor, except as provided in this act. Bonds and obligations issued pursuant to this act shall be included in the calculation of aggregate indebtedness under section 7-374 of the general statutes.

Sec. 10. (a) There is hereby created the Waterbury Financial Planning and Assistance Board which shall be in the Office of Policy and Management for administrative purposes only, which board shall be comprised of the following members: The Secretary of the Office of Policy and Management or the secretary's designee, who shall serve as the chairman of the board and shall preside over all meetings of the board; the State Treasurer or the treasurer's designee; the mayor; four members appointed by the Governor, one of whom shall be a resident of the city of Waterbury, one of whom shall be affiliated with a business located in the city, one of whom shall have an expertise in finance and one of whom shall be the chief executive officer of a bargaining unit representing employees of the city who is jointly recommended by a majority of the chief executive officers of such units provided such recommendation shall be made not later than seven days after the effective date of this act.

(b) A majority of the voting membership of the board shall constitute a quorum for the conduct of business. The board shall act by majority vote of the voting membership of the board. The board shall maintain a record of its proceedings in such form as it may determine; but such record shall indicate attendance and all votes cast by each member. The board shall adopt its own procedures for the conduct of its meetings and exercise of the powers, duties and functions conferred upon it by this act and shall not be subject to the provisions of chapter 54 of the general statutes.

(c) The members of the board shall serve without compensation, but shall be reimbursed for expenses incurred in performance of their duties. All expenses of the board, including any staff, consultants, and implementation costs of any consultant studies adopted by the board in accordance with this act, shall be paid by the city and may be paid from the proceeds of any deficit funding bonds or interim funding obligations issued pursuant to this act.

(d) The board is hereby deemed to be the successor to the Budget Advisory Council established pursuant to section 3 of special act 96-3 and upon passage of this act such Budget Advisory Council shall cease to exist.

Sec 11. (a) In carrying out the purposes of this act, the board shall have the following powers, duties and functions:

(1) Review and approve or disapprove the city's annual budget, including, but not limited to, the governmental funds, enterprise funds, and internal service funds, in accordance with the provisions of section 12 of this act;

(2) Review and approve or disapprove an initial financial plan of the city, in accordance with the provisions of section 12 of this act;

(3) Review and approve or disapprove the proposed terms of any deficit funding bonds or interim funding obligations pursuant to this act or any other bonds, notes or other obligations of the city;

(4) (A) Approve or reject all collective bargaining agreements for a new term, other than modifications, amendments or reopeners to an agreement, to be entered into by the city or any of its agencies or administrative units, including the board of education. If the board rejects a proposed collective bargaining agreement, the parties to the agreement will have ten days from the date of the board's rejection to consider the board's concerns. In rejecting an agreement, the board shall indicate the specific provisions of the proposed agreement which caused the rejection, as well as its rationale for the rejection. The board may, at its option, indicate the total cost impact or savings it would find acceptable in a new agreement. After the expiration of such ten-day period, the board shall approve or reject any such existing agreement. If the parties have been unable to reach an agreement or the board rejects such agreement, the board shall set forth the terms of the agreement, which shall be binding upon the parties. In establishing the terms of the agreement, as well as in making a determination to reject a proposed agreement, the parties shall have an opportunity to make a presentation to the board. The board shall not be limited to consideration and inclusion in the collective bargaining agreement of matters raised or negotiated by the parties;

(B) Approve or reject all modifications, amendments or reopeners to collective bargaining agreements entered into by the city or any of its agencies or administrative units, including the board of education. If the board rejects a proposed amendment to a collective bargaining agreement, the parties to the agreement will have ten days from the date of the board's rejection to consider the board's concerns. In rejecting an amendment to an agreement, the board shall indicate the specific provisions of the proposed amendment which caused the rejection, as well as its rationale for the rejection. The board may, at its option, indicate the total cost impact or savings it would find acceptable in a new amendment. After the expiration of such ten-day period, the board shall approve or reject any revised amendment. If the parties have been unable to reach a revised amendment or the board rejects such revised amendment, the board shall set forth the terms of the new amendment, which shall be binding upon the parties. In establishing the terms of the new agreement, as well as in making a determination to reject a proposed amendment, the parties shall have an opportunity to make a presentation to the board;

(5) With respect to labor contracts in or subject to binding arbitration, serve as the binding arbitration panel. The board shall have the power to impose binding arbitration upon the parties any time after the seventy-fifth day following the commencement of negotiations. If, upon the effective date of this act, the parties are in binding arbitration, the board shall immediately replace any established binding arbitration panel. The time limits in the applicable provisions of the general statutes or any public or special acts governing binding arbitration shall be reduced by one-half. The board shall not be limited to consideration and inclusion in the collective bargaining agreement of the last best offers or the matters raised by or negotiated by the parties;

(6) Review and approve or disapprove any contract and any renewal, extension or modification thereof not covered by collective bargaining contemplating the expenditure in either the current or any future fiscal year of more than fifty thousand dollars and shall have the power to set aside any contracts which have not been authorized in accordance with the requirements of any state or local law;

(7) Review and approve all bond ordinances and bond resolutions of the city;

(8) Approve transfers of appropriations made by the Board of Aldermen;

(9) Appoint one or more independent auditors as such term is defined in section 7-391 of the general statutes for the purpose of meeting the requirements of chapter 111 of the general statutes;

(10) Audit compliance with the financial plan and the annual budget in such areas as the board shall determine;

(11) Require the city to implement such measures relating to the efficiency and productivity of the city's operations and management as the board deems appropriate to reduce costs and improve services so as to advance the purposes of this act;

(12) Obtain information on the financial condition and needs of the city, provided nothing in this subdivision shall diminish the powers of the mayor, the finance director, the Board of Aldermen or any other board, agency or authority of the city otherwise provided by law;

(13) Monitor compliance with, require implementation or implement the provisions governing revaluation set forth in section 12-62 of the general statutes;

(14) Monitor the funding of pension contributions in accordance with actuarial recommendations;

(15) Approve or disapprove the chief negotiator for the city for the purposes of collective bargaining and, in the case of disapproval, the board may appoint such negotiator;

(16) Study the city's unfunded pension liability and, not later than two years from the effective date of this act, report to the Governor and the General Assembly recommendations on addressing the unfunded liability which report shall be in accordance with section 11-4a of the general statutes; and

(17) Report to the Governor and the General Assembly on or before July 1, 2001, and every six months thereafter, regarding the fiscal condition of the city and compliance with this act, which report shall be in accordance with section 11-4a of the general statutes.

(b) The board may:

(1) Review and approve or disapprove the budget of the city's board of education on a line item basis and may require the board of education to submit to it any budget transfers;

(2) Appoint an emergency financial and administrative manager and delegate to such manager, in writing, such powers as the board deems necessary or appropriate for the purpose of managing the financial and administrative affairs of the city for the period of time during which the city is subject to the powers of the board provided the board may not delegate the powers enumerated under subdivisions (1) to (5), inclusive, (7), (15) and (17) of subsection (a) of this section and subdivisions (1), (4), and (6) to (8), inclusive, of this subsection and further provided the board may override any actions taken by such manager at any time;

(3) Retain such consultants experienced in the field of municipal finance, municipal law, governmental operations and administration or governmental accounting as it shall deem necessary or desirable for accomplishing its purposes;

(4) Make a request to the exclusive representative of an employee bargaining unit to reopen the negotiation process and present a proposed revision to a contract. Such exclusive representative shall have five days to respond to such request and, if the exclusive representative fails to so respond, it shall be deemed to have denied such request.

(A) If the exclusive representative denies such request, the state board of labor relations, through its agent, shall convene, no later than ten days from the date of such denial, a meeting of the membership of the bargaining unit. At such meeting the board shall present its proposed revision. A vote of such membership shall be held on such proposed revision no later than five days after the date of the meeting. The agent of the state board of labor relations shall schedule such vote and shall post a notice of the appropriate date, time and location.

(B) If the exclusive representative agrees to negotiate with the board on the proposed revision, the parties shall have fourteen days to so negotiate, provided such period may be extended an additional fourteen days by mutual agreement of the parties. If the parties reach an agreement, the agreement shall be subject to the ratification procedure established by the bargaining unit. If the parties fail to agree, the last best offer of the board on such proposed revision shall be submitted to the membership of the bargaining unit for a vote to be held no later than five days from the date negotiations ceased pursuant to this subparagraph. The exclusive representative shall schedule such vote. The board shall have an opportunity to present its revisions to the membership prior to such vote.

(C) The vote pursuant to subparagraphs (A) and (B) of this subdivision shall constitute final action on the proposed revision. An affirmative vote by a majority of the membership of the bargaining unit shall constitute approval of the subject of such vote. A failure to achieve such affirmative vote shall constitute a final rejection of the proposed revision and such proposed revision shall not be subject to further dispute resolution, in which case the existing contract shall remain in effect. The requirements of this subsection shall not be considered a prohibited practice under subsection (a) of section 7-470 of the general statutes or subsection (b) of section 10-153e of the general statutes;

(5) Order any official or employee of the city or any agency or administrative unit thereof, including any member or employee of the board of education, to implement any decisions of the board;

(6) Override any action or decision of the mayor, Board of Aldermen or other city employee which action or decision affects the economic viability of the city, including, but not limited to, decisions with respect to personnel and other administrative hires;

(7) Review any existing contract of the city, not covered by collective bargaining, to determine if such contract is in the best interest of the city and shall have the power to set aside such contract provided there is no significant penalty to the city as a result of such action; and

(8) Issue deficit funding bonds and interim funding obligations in the name and on behalf of the city as provided in section 3 of this act and in doing so, require the city to comply with the provisions of section 7 of this act.

Sec. 12. (a) The city shall submit its annual budget to the board commencing with the annual budget for the first full fiscal year next succeeding the establishment of the board, regardless of whether any such budget has previously been approved in accordance with the charter of the city. No annual budget, annual tax levy or user fee for the city shall become operative until it has been approved by the board. If the board disapproves any annual budget, it shall adopt an interim budget and establish a tax rate and user fees in accordance with this section. Such interim budget shall take effect at the commencement of the fiscal year and shall remain in effect until the city submits and the board approves a modified budget.

(b) The city shall submit a financial plan annually commencing with the financial plan for the first full fiscal year next succeeding the establishment of the board, which shall include the current fiscal year plus three succeeding fiscal years, prepared by the city in connection with the proposed issuance of deficit funding bonds pursuant to this act.

(c) After the initial approval of a financial plan and an annual budget, the board shall regularly reexamine such plan and budget in consultation with the city and may require the city to provide a modified financial plan or modified annual budget, or both, within such time period as the board may require. If the city fails to make any modifications to the financial plan or annual budget within such time period, the board shall make the modifications.

(d) The board shall develop procedures for the submission of the annual budget and financial plan of the city to the board. Such procedures shall include, but are not limited to, the form and timeline for the submissions by the city and approval, disapproval or modification of the financial plan and annual budget by the board. The procedures shall also provide for the submission to the board prior to the commencement of each fiscal year during the review period, the general fund, other governmental funds, enterprise funds, and internal service funds budgets of the city as adopted by the Board of Aldermen and approved by the mayor pursuant to the city charter. The procedures may also provide for the submission of any additional information the board may require of the city in order to fulfill its obligations under this act.

(e) If the board rejects the general fund, other governmental funds, enterprise funds, or internal service funds budgets, the board shall develop and approve an interim budget for the city in the place of any budget so rejected and set a tax rate and user fees. Such interim budget, tax rate and user fees shall take effect at the commencement of the fiscal year and shall remain in effect until the city submits and the board approves a modified budget or budgets, as the case may be.

(f) If the city submits a financial plan modification or a budget modification, the board shall determine whether the financial plan modification or budget modification is complete and complies with the provisions of this section and shall approve or disapprove the financial plan modification or budget modification in accordance with the provisions of this section. If the board determines that the financial plan modification or budget modification is complete and complies with the requirements of the act, the board shall approve the financial plan modification or budget modification. Modifications to the general fund budget and all other budgets shall be made by the Board of Aldermen and approved by the board in accordance with this act.

(g) The board shall disapprove, by resolution, the financial plan or the annual budget proposed by the city if, in the judgment of the board, such budget or plan: (1) Is incomplete; (2) fails to contain projections of revenues and expenditures that are based on reasonable and appropriate assumptions and methods of estimation; (3) fails to provide that operations of the city will be conducted within the cash resources available according to the board's revenue estimates; or (4) fails to comply with the provisions of this section.

(h) In the event that the city shall, for any reason, fail to submit a financial plan and annual budget as required by this section, or to comply with a financial plan or annual budget approved by the board, or in the event that the board has not, for any reason permitted under this act, approved a financial plan or annual budget submitted by the city, the board, after enactment of a resolution so finding, shall formulate and adopt a financial plan or annual budget or both, as the case may be, to be effective until the board approves a financial plan or annual budget or both, as the case may be, submitted by the city.

(i) The city and each of its administrative units shall supply the board with such financial reports, data, audits, statements and any other records or documentation as the board may require to exercise its powers and to perform its duties and functions. Such reports may include, but not be limited to, monthly reports of the financial condition of the city, the status of the current annual budget and progress under the financial plan for the then current fiscal year, estimates of the operating results for all funds or accounts to the end of the then current fiscal year, statements and projections of general fund cash flow reserves, number of city employees on the city payroll and debt service requirements on all bonds and notes of the city for the following month.

Sec. 13. The city shall not become a debtor under Chapter 9 of Title 11 of the United States Code, as from time to time amended, without the written consent of the Governor so long as any borrowings secured by the special capital reserve fund pursuant to section 6 of this act remain outstanding.

Sec. 14. (a) The board shall remain in existence and exercise the powers, duties and functions granted to it by this act until such time as the general fund, special

revenue funds, enterprise funds, and internal service funds of the city shall have, for five consecutive fiscal years, maintained a positive unreserved fund balance, retained earnings balance, in accordance with audits required by the general statutes and the board, by resolution, determines that: (1) There have been no annual budgetary deficits for the general fund of the city for five consecutive fiscal years; (2) the city has presented and the board has approved a financial plan that projects positive unreserved fund balances and retained earnings for the general fund, special revenue funds, enterprise funds and internal service funds for the three succeeding consecutive fiscal years covered by such financial plan in accordance with generally accepted accounting principles and this act; and (3) the audits for five consecutive fiscal years have been completed and are unqualified relating to the annual reporting of results of operations for all governmental funds, enterprise funds, and internal service funds.

(b) If, during the period during which any borrowings of the city secured by a special capital reserve fund pursuant to section 6 of this act or pursuant to special act 96-3 remain outstanding, the city incurs an audited annual budgetary deficit in its general fund in excess of one-half of one per cent of its most recently completed annual budget, fails to fund pension contributions in accordance with actuarial recommendations, fails to implement revaluation in accordance with section 12-62 of the general statutes or fails to fund its internal service funds at a level necessary to avoid the accumulation of retained earnings deficits, the board may, at the direction of the secretary, be reestablished and may reassume the duties, powers and functions granted to it by this act and shall remain in existence until the provisions of subsection (a) of this section are again satisfied.

Sec. 15. If, at any time, the city has failed to lay necessary taxes or to lay a tax which, in addition to the other estimated yearly revenue of the city, is sufficient to pay the general fund current expenditures of such city, the Board of Aldermen, or, if the Board of Aldermen fails to act within thirty days of notice thereof from the board of the board's intention to proceed under this section, the board may make a rate **bill** upon the city's list applicable to such fiscal year for the amount necessary, or for an amount sufficient, to pay all or a portion of the annual budgetary deficit and cause the same to be collected as due.

Sec. 16. Not later than June 30, 2001, the Board of Aldermen shall present for the board's approval a plan for a reduction in force to achieve a reduction of not less than ten per cent of the total annual cost of the filled, unclassified managerial, administrative and contractual employee positions of the city provided the board may modify the provisions of such plan. The Board of Aldermen shall implement such plan or modified plan on or before October 1, 2001.

Sec. 17. (a) The secretary, the State Treasurer, the board and any person authorized to act on behalf of or to assist them, or any staff person for the board, shall not be personally liable or subject to any suit, judgment or claim for damages resulting from the exercise or failure to exercise the powers, duties or functions granted to them under this act other than any such exercise or failure which constitutes willful, wanton or malicious behavior. The Attorney General shall defend any person identified in this subsection with regard to any such suit, judgment or claim provided such person shall reimburse the state for its expenses in such defense if such person is found to be liable.

(b) The Attorney General may apply for a writ of mandamus or seek a temporary or permanent injunction on the behalf of the board requiring any official, employee or agent of the city to carry out and give effect to any order of the board authorized by this act. Each such application shall be filed in superior court for the judicial district of Waterbury.

(c) The superior court for the judicial district of Waterbury may, by application of the secretary, the board or the Attorney General, enforce, by appropriate decree or process, any provisions of this act or any act or order of the secretary or the board rendered pursuant to this act.

Sec. 18. During the review period: (1) No officer or employee of the city shall make or authorize a contract in excess of the amount available therefor under the financial plan and annual budget as then in effect; and (2) no officer or employee of the city shall involve the city in any contract for the payment of money for any purpose required to be approved by the board unless such contract has been so approved and unless such contract is in compliance with the financial plan and the annual budget as then in effect. No officer or employee of the city shall take any action in violation of any valid order of the board or shall fail or refuse to take any action required by any such order or shall prepare, present or certify any information, including any projections or estimates, or report for the board or any of its agents that is false or misleading. In addition to any penalty or liability under any other law, any officer or employee of the city who shall violate the provisions of this section shall be subject to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office by order of the mayor. Nothing in this act shall invalidate or supersede any procedural protections provided to such employee under law or contract. In the case of a violation of the provisions of this section by an officer or employee of the city, the mayor shall immediately report to the board all pertinent facts together with a statement of the action taken thereon.

Sec. 19. Six months after the end of the review period, the existence of the board and all other provisions of this act shall terminate, except that the provisions of sections 4, 13, 14 and 17 of this act shall remain in full force and effect and a copy of the annual budget and actuarial valuation of the city shall be sent to the Secretary of the Office of Policy and Management for so long as any bonds or notes issued pursuant to this act remain outstanding.

Sec. 20. This act is intended to authorize the city to fund its accumulated deficits, to establish a board to review the financial affairs of the city in order to maintain access to the public markets and to restore financial stability to the city, and shall be liberally construed to accomplish its intent. The provisions of this act shall supersede any provisions of the general statutes, any public or special act and the charter of the city enacted prior to or subsequent to this act other than a subsequent act of the General Assembly which specifically states that it supersedes this act except that, unless expressly provided in this act, nothing in this act shall affect the provisions of the Municipal Employees Relations Act, sections 7-467 to 7-477, inclusive, of the general statutes, or the provisions of the Teacher Negotiation Act, sections 10-153a to 10-530o, inclusive, of the general statutes.

Sec. 21. If any section, part or provision of this act shall be declared unconstitutional, invalid or ineffective by any court of competent jurisdiction, such declaration shall be limited to the section, part or provision directly involved in the



controversy in which such declaration was made and shall not effect any other section, provision or part thereof.

Sec. 22. Notwithstanding the provisions of section 12-62 of the general statutes, or any memorandum of understanding entered into under said section 12-62, the state shall impose a fine on the city, in an amount to be determined by the secretary, if the city is unable to implement revaluation for the October 2000 grand list or any subsequent grand list. Such fine shall be deposited in the General Fund and credited to a nonlapsing account in the Office of Policy and Management and shall be available to defray the costs of the board, for the hiring of consultants to assist the board, or to have studies conducted regarding the operations of the city.

Sec. 23. On or before July 1, 2001, the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding shall commence an investigation into the causes of the financial emergency affecting the city. The Office of Policy and Management, the board and any agency or official of the city shall provide to said committee such information as it may request. Said committee may request the assistance of the Auditors of Public Accounts. Said committee shall conduct at least one public hearing in the city. The committee shall report its interim findings and recommendations to the General Assembly on or before February 1, 2002. The committee shall continue to review and assess the execution of the provisions of this act during the review period and may report any findings or recommendations to the General Assembly at any time during such period.

Sec. 24. For the fiscal year 2000-2001, notwithstanding subsection (b) of section 10-262i of the general statutes, the Comptroller shall pay to the city an amount determined by the Secretary of the Office of Policy and Management from out of the balance of the grant due to the city of Waterbury under the provisions of subsection (a) of section 10-262i of the general statutes, no later than March 20, 2001. For the fiscal year 2000-2001, notwithstanding section 3-55i of the general statutes, the secretary may certify the amount due the city of Waterbury under section 3-55j of the general statutes at any time and, once such certification is made, the Comptroller shall draw an order on the State Treasurer and shall pay the amount thereof to the city no later than thirty days after such certification has been made.

Sec. 25. This act shall take effect from its passage.

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**ADDENDUM #2. SPECIAL ACT NO. 01-2: §96 OF AN ACT CONCERNING  
AUTHORIZATION OF BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS  
AND OTHER PURPOSES AMENDING S.A. NO. 01-1**



**Senate Bill No. 2003**

**June Special Session - Special Act No. 01-2**

**AN ACT CONCERNING THE AUTHORIZATION OF BONDS OF THE STATE FOR  
CAPITAL IMPROVEMENTS AND OTHER PURPOSES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 96. Section 6 of special act 01-1 is amended to read as follows:

In connection with the issuance of deficit funding bonds under the provisions of this act, the city may, subject to the approval of the board, create and establish one or more reserve funds to be known as special capital reserve funds and shall pay into such special capital reserve funds (1) any moneys appropriated and made available by the state for the purposes of such funds, (2) any proceeds of sale of deficit funding bonds, to the extent provided in the resolution authorizing the issuance thereof, and (3) any other moneys which may be made available to the city for the purpose of such funds from any other source or sources. The moneys held in or credited to any special capital reserve fund established under this section, except as hereinafter provided, shall be used solely for the payment of the principal of deficit funding bonds secured by such capital reserve funds as the same become due, the payment of interest on such bonds of the city or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided the city may provide that moneys in any such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such funds to less than the required minimum capital reserve, except for the purpose of paying such principal of, redemption premium and interest on such bonds of the city secured by such special capital reserve becoming due and for the payment of which other moneys of the city are not available. The city may provide that it shall not issue bonds to be secured by a special capital reserve fund created under this section at any time if the required minimum capital reserve on the bonds outstanding and the bonds then to be issued and secured by a special capital reserve fund will exceed the amount of such special capital reserve fund at the time of issuance, unless the city, at the time of the issuance of such bonds, shall deposit in such special capital reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount

which, together with the amount then in such special capital reserve fund, will be not less than the required minimum capital reserve. On or before December first, annually, there is deemed to be appropriated from the state General Fund such sums, if any, as shall be certified by the finance director to the secretary and the State Treasurer, as necessary to restore each such special capital reserve fund to the amount equal to the required minimum capital reserve of such fund, and such amounts shall be allotted and paid to the trustee on behalf of the city for deposit therein. For the purpose of evaluation of any such special capital reserve fund, obligations acquired as an investment for any such fund shall be valued at fair value, as defined by GAAP, or amortized cost as the board shall determine. Nothing in this section shall preclude the city from establishing and creating other debt service reserve funds in connection with the issuance of bonds of the city under this section. Subject to any agreement or agreements with holders of outstanding bonds of the city, any amount or amounts allotted and paid to the city by the state pursuant to this section shall be repaid to the state from moneys of the city at such time as such moneys are not required for any other of its city purposes and in any event shall be repaid to the state from the first amounts thereafter payable by the state to the city, whether in the form of a grant, grant-in-aid, payment in lieu of taxes or any form whatsoever, pursuant to any provisions of the general statutes or state regulations, which amounts are hereby deemed appropriated from the city to the state as and for such repayment. Notwithstanding any other provisions of this act, the aggregate amount of bonds to be secured by a special capital reserve fund or funds created and established pursuant to this section shall not exceed [~~seventy-five~~] one hundred million dollars.

Sec. 97. This act shall take effect July 1, 2001, except that sections 16 to 34, inclusive, shall take effect July 1, 2002.

Approved July 2, 2001

**ADDENDUM #3. SPECIAL ACT NO. 01-2: §64 OF AN ACT CONCERNING STATE EXPENDITURES AMENDING S.A. NO. 01-1**



**AN ACT CONCERNING STATE EXPENDITURES.**

May 9 Special Session, 2002

LCO No. **5871**

Referred to Committee on No Committee

Introduced by:

REP. LYONS, 146th Dist.

SEN. SULLIVAN, 5th Dist.

***AN ACT CONCERNING STATE EXPENDITURES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 64. (*Effective from passage*) (a) As used in this section, "privileged claim information" means information (1) concerning an event where a person asserts that the city of Waterbury is liable in whole or in part for any damage or injury arising from such event, whether or not covered by any insurance policy, and includes documents, oral statements and financial or similar information concerning such event, and (2) that is protected from disclosure under the attorney-client privilege, including the common defense doctrine, the work product doctrine or any similar privilege or doctrine recognized under state or federal law.

(b) For purposes of the Waterbury Financial Planning and Assistance Board exercising its powers and fulfilling its obligations under special act 01-1, any disclosure of privileged claim information to said board by the city of Waterbury, its legal counsel or its agents, shall remain protected by the attorney-client privilege from disclosure to any other person.

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## ENDNOTES

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### <sup>1</sup> General Historical Note:

This version of the Charter was approved by the Board of Aldermen on August 27, 2002, and by the electors of the City of Waterbury on November 5, 2002. The 2002 Charter Revision Commission was comprised of the following members: Paul K. Pernerewski, Jr., Chair; Dennis Odle, Vice Chair; George F. Flaherty, Sr.; Adrienne M. Parkmond; Laurie Singer Russo; Melissa A. Scozzafava; Matthew A. Sivilla; Patrick F. Vance; Larry J. Zollo and Aldermanic Representatives Nicholas Parillo and William J. Pizzuto. Attorneys Steven G. Mednick and Dennis M. Buckley served as Special Counsel and Consultant, respectively.

This version replaces the historic Charter that was derived from the 1931 Special Act No. 499 of the State Legislature, which was in effect a new Charter for the City. Special Act No. 499 contained a number of temporary or limited provisions which were designed to cover the transition from the prior Charter to the revised Charter of 1931. Because these temporary (or limited) provisions related primarily to conditions that existed in 1931, they are principally of historical interest today. Some of these sections are set forth in Appendix II of the historic Charter.

Since the inception of the Home Rule Act in 1957, the mechanism for the adoption of amendments to a Charter is the Charter Revision process of the Home Rule Act. The first Home Rule Act Charter Revision of the Waterbury Charter was the November 6, 1962, Revision adopting the Civil Service provisions of the Charter, Chapter 2, §§201 *et seq.*

Please be advised that the historic endnotes have been condensed to provide the reader with a roadmap to the historical antecedents to the new Charter. Most of the references are to the Special Acts. However, you will note reference to the adoption of provisions by referendum in the post 1957 era. Over the years the Charter has been recodified as follows: 1931 by the Waterbury Evening Democrat; 1946 by an internal compilation of the City; 1957 by Michie City Publications Company or Equity House Fellows of the Law from Oxford New Hampshire; 1967 by The Municipal Code Corporation; and 1996 by American Legal Publishing. In order to complete a review of Waterbury's charter you will need to refer to the footnotes and legislative histories of the earlier documents.

**Comment of the 2004 Charter Revision Commission.** An effort to amend the 2002 Charter was approved by the Board of Aldermen on May 3, 2004. The electors of the City of Waterbury on November 2, 2004 approved the following two questions amending the charter: (A) Question #3 which was adopted by a vote of 8,934-8,489, which reads as follows: "Shall the Charter be revised to set the salaries for the Mayor and Charter Officers with raises subject to rejection by the Aldermen?" This amendment is set forth in Part D of Chapter 2 of the Charter §§2D-1 through 2D-4. Please note that this revision results in a modification of §3A-2(f)(5) in order to accommodate the changes. (B) Question #7 which was adopted by a vote of 8,483-8,457, which reads as follows: "Shall the Charter be revised to require the Aldermen to establish standards for negotiation and implementation of Inter-local Agreements?" This amendment is set forth in Part D of Chapter 3 of the Charter §3D-1.

In addition to the items approved at the referendum on November 2, 2004 there are additional amendments reflected in the certified copies of the Charter which either emanate from intervening Aldermanic action pursuant to Special Act or by virtue of so-called sunset provisions contained in the charter amendment approved by November 5, 2002.

First of all, the endnotes pertinent to the following Commissions were all modified to reflect adoption of ordinances replacing the historic charter enabling language:

Effected Board or Commission	Endnote Effected	Replacement Ordinance
Board of Commissioners of Public Health	#125	§31.050
Board of Park Commissioners	#128	§31.200
City Plan Commission	#136	§31.300
Board of Police Commissioners	#144	§31.100
Board of Fire Commissioners	#148	§31.150
Zoning Commission	#151	§31.310
Board of Assessment Appeals	#153	§31.500
Board of Commissioners of Public Works	#155	§31.240

This action was authorized by the charter approved on November 5, 2002.

Second, the provisions pertaining to the Waterbury Parking Authority were repealed by the Board of Aldermen on July 14, 2003 in accordance with the provisions of Public Act 03-256. This charter amendment reflects the permitted legislative repeal.

Finally, Chapter 12 entitled “Special Act and Other Historic Charter Provision Subject to Sunset by Ordinance as Authorized by this Charter” was repealed, as permitted by the charter adopted on November 5, 2002. The civil service (Part A), conflicts of interest and ethics (Part B) and pension and retirement provisions (Part C) were replaced by the following provisions: (A) Chapter 40 of the Code of Ordinances entitled “Ethics and Conflicts of Interest” adopted on August 11, 2003; (B) Chapter 37 of the Code of Ordinances entitled “ Human Resources, Merit Selection and Civil Service” adopted on December 22, 2003; and, (C) Chapter 35 of the Code of Ordinances entitled “The Pension and Retirement System” Part I adopted on April 7, 2003 and Part II adopted on November 10, 2003. The current provisions are the applicable administrative provisions that previously appeared in Chapter 13.

The 2004 Charter revisions Commission was comprised of the the following members: Antony A. Casagrande, Chair; Dennis Odle, Vice Chair; John Egan; George F. Flaherty, Sr.; Robert Keating; Robert Lyons; Brian Mays; Carol Moriarty; Adrienne Parkmond; Matthew A. Sivilla; Charles Stango; and Aldermanic Representatives Paul K. Pernerewski and Francis J. Caiazzo, Jr. Attorneys Steven G. Mednick and Dennis M. Buckley served as Special Counsel and Consultant, respectively.

The 2010 Charter Revision Commission was comprised of the following members: Steve Lacconne, Chair; Christian D’Orso, Vice Chair; Nancy DiLorenzo; Dave Clay; Richard Natale; Richard Labrecque; Jason Van Stone; Bryan Baker; Joseph Fitzparick; and Aldermanic Representatives Francis J. Ciaizzo, Jr., Frank A. Burgio, Sr., and Ernest M. Brunelli. Attorney Joseph B. Summa served as Special Counsel.

<sup>2</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §101 of the historic Charter (unless otherwise noted, all references are to provisions of the historic Charter), which is derived from 1931 Sp. No. 499, §1.

<sup>3</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §102, which is derived from 1931 Sp. No. 499, §2.

<sup>4</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §103, which is derived from 1931 Sp. No. 499, §3.



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<sup>5</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §104, which is derived from 1931 Sp. No. 499, §4 .

<sup>6</sup> Cross-reference:

Taxes, see §§ 32.15 through 32.18 of the Code of Ordinances (“Code”) of the City of Waterbury.

<sup>7</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3501, which is derived from 1931 Sp. No. 499, §6; 1937 Sp. No. 313, §1; 1941 Sp. No. 382, §1.

School Districts:

1931 Sp. No. 499, §§8-11 contained provisions dealing with school districts; the consolidation of school districts, taxes for current expenses of abolished school districts, and transfer to the City of funds of abolished school districts. All these provisions were repealed by 1941 Sp. No. 382, §42.

<sup>8</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3551, which is derived from 1949 Sp. No. 349, §1.

<sup>9</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3552, which is derived from 1931 Sp. No. 499, §129; 1941 Sp. No. 382, §22.

<sup>10</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3561, which is derived from 1931 Sp. No. 499, §134; Ref. 11-5-74, No. 5.

<sup>11</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3562, which is derived from 1931 Sp. No. 499, §135; 1937 Sp. No. 427; 1939 Sp. No. 594, §71; 1963 Sp. No. 79.

<sup>12</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3563, which is derived from 1947 Sp. No. 207, §1.

<sup>13</sup> **Comment of the 2002 Charter Revision Commission.** §141, which is derived from 1931 Sp. No. 499, § 57; Ref. 11-4-97, No. 2, is repealed.

*Historical Note on “Home Rule”:* The Home Rule Act, §§7-187 *et seq.* of the General Statutes, (the pertinent provisions are set out in Appendix I of the historic Charter), provides a complete procedure for the enactment of Charter Amendments, subsequent to the July 15, 1959 date prescribed in §7-192 (of the 1957 Home Rule Act). §7-194 of the General Statutes [originally enacted as §8 of the 1957 Public Act No. 465 (the original Home Rule Act)] enumerated 57 specific powers which were granted to a Charter Revision Commission to amend, or adopt, a Charter for a municipality. (§7-194, as it existed in 1995, and as set forth in Appendix I of the historic Charter, states in a very broad, general fashion the parameters of powers which may be granted to a municipality in its Charter. 1981 Public Act No. 219, §2, eliminated from the Home Rule Act the specific enumeration of the 57 powers which, per the original 1957 Home Rule Act, may be granted a municipality by its Charter.) Because the 1957 Home Rule Act did not contain a specific power granting a Charter Revision Commission the power to adopt a Civil Service system, there was controversy in Waterbury in 1962 and 1963 as to the legitimacy of the authority of the 1962 Charter Revision Commission to enact the Civil Service Amendment, Charter 2, §§201 *et seq.*, of the Charter. In *State vs. Reidy*, 152 Conn. 419, 209 A.2d 674 (1965), the Connecticut Supreme Court construed the 1957 Home Rule Act to mean that the powers enumerated therein were in addition to existing Charter powers and affirmed the unpublished opinion No. 28752, Superior Court of New Haven County at Waterbury by Thim, J. indicating that §141 of the Charter granted the Waterbury

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Charter Revision Commission the substantive power to enact the Civil Service Amendment to the Charter. The opinion of Judge Thim was affirmed in the said *State vs. Reidy* case. See also *Sloane et al vs. City et al*, 150 Conn. 24, 183 A.2d 837 (1962).

<sup>14</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §142, which is derived from 1939 Sp. No. 594, § 66; 1953 Sp. No. 284; Ref. 11-6-73, No. 9.

<sup>15</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §152, which is derived from 1981 Sp. No. 499, §301; 1939 Sp. No. 594, §65.

<sup>16</sup> **Comment of the 2002 Charter Revision Commission.** Deletion of §153 entitled “Employee residence requirements”, which is derived from Ref. 11-2-76, No. 6; Ref. 11-8-83, No. 1; Ref. 11-3-87, No. 4. This provision was actually repealed in 1988.

<sup>17</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §151, which is derived from 1931 Sp. No. 499, §159.

<sup>18</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1931, which is derived from 1931 Sp. No. 499, §155; §52-7 of the General Statutes; Ref. of 11-8-83, No. 2.

<sup>19</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1932, which is derived from 1931 Sp. No. 499, §154.

<sup>20</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1933, which is derived from 1931 Sp. No. 499, §302.

<sup>21</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3361, which is derived from 1931 Sp. No. 499, §215; Ref. 11-6-73, No. 9; Ref. 11-4-75, No. 2.

<sup>22</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §§123 and 3571. §123 was derived from 1931 Sp. No. 499, § 22; 1939 Sp. No. 594, §2; 1941 Sp. No. 382, §4. §3571 was derived from 1931 Sp. No. 499, §149; 1939 Sp. No. 594, §50; 1941 Sp. No. 382, §24.

<sup>23</sup> **Comment of the 2002 Charter Revision Commission.** Replaces the bond provisions of §3571.

<sup>24</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3302, which is derived from 1931 Sp. No. 499, §160.

<sup>25</sup> **Comment of the 2002 Charter Revision Commission.** Replaces the bond provisions of §2007, which is derived from 1931 Sp. No. 499, §281.

<sup>26</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3571, which is derived from 1931 Sp. No. 499, §149; 1939 Sp. No. 594, §50; 1941 Sp. No. 382, §24.

<sup>27</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §124, which is derived from 1931 Sp. No. 499, §23; 1939 Sp. No. 594, §3.

<sup>28</sup> **Comment of the 2002 Charter Revision Commission.** §§1101, 1102, 1105, 1107 and 1108 were repealed by referendum of 11-5-68, Question 9. The editor recommends the reader to the following areas governed by the General Statutes of the State of Connecticut: Absentee voting; Corrupt practices;

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Election canvass and returns; Election contests; Elections in general; Methods of voting; Nominations and political parties; Prohibited acts and penalties; Qualifications and admissions of electors; and Referenda.

<sup>29</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1103, which is derived from 1931 Sp. No. 499, §14; 1939 Sp. No. 594, §1. The 2002 Charter also formally deleted §3731, which is derived from 1931 Sp. No. 499, §168; Ref. 11-4-69, No. 5; Ref. 11-3-98, No. 4.

<sup>30</sup> **Comment of the 2002 Charter Revision Commission.** §1104a, which is derived from 1935 Sp. No. 420, §§1-5, is repealed.

<sup>31</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1131, which is derived from 1931 Sp. No. 499, §19; 1941 Sp. No. 382, §2; Ref. 11-8-66, No. 3; 1967 Sp. No. 161, §§1 to 3; Ref. 11-5-68, No. 2; Ref. 11-4-69, Nos. 1, 5; Ref. 11-6-73, No. 9; Ref. 11-4-75, No. 2; Ref. 11-4-97, No. 2. The positions of Tax Collector and Treasurer will no longer be elective. As of the effective date set forth in the Charter the functions will be filled by other officials or employees of the City.

<sup>32</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §121, which is derived from 1931 Sp. No. 499, §20; 1941 Sp. No. 382, §3.

<sup>33</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §122, which is derived from 1931 Sp. No. 499, § 21.

<sup>34</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2151, which is derived from 1931 Sp. No. 499, §25; 1939 Sp. No. 594, §67.

<sup>35</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1104, which is derived from 1931 Sp. No. 499, §169; Ref. 11-4-69, No. 5.

<sup>36</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1106, which is derived from 1955 Sp. No. 53.

<sup>37</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1109, which is derived from 1931 Sp. No. 499, §18.

<sup>38</sup> *Editor's 2004 Note.* §§162-171 of the pre-2002 Revised Charter have been repealed in accordance with the sunset requirements of the 2002 Charter approved by the voters on November 5, 2002.

<sup>39</sup> **Comment of the 2004 Charter Revision Commission.** Recodification and modification of §3A-2(f)(5).

<sup>40</sup> **Comment of the 2004 Charter Revision Commission.** Revision of § 3A-2(f)(5)(i).

<sup>41</sup> **Comment of the 2004 Charter Revision Commission.** In the case of a four year term, if the COLA for years 1-4 are 2%, 3%, 1.5% and 2.3%, respectively, the Term Increment would be 8.8%. For a two year term, the Term Increment would be 5% (for one term) and 3.8% (for the second term).

<sup>42</sup> **Comment of the 2004 Charter Revision Commission.** Recodification of § 3A-2(f)(5)(ii).

<sup>44</sup> **Comment of the 2004 Charter Revision Commission.** Revision of § 3A-2(f)(5)(iii).

Deleted: ¶

<sup>45</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §301, which is derived from 1931 Sp. No. 499, §32.

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<sup>46</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §302, which is derived from 1931 Sp. No. 499, §42.

<sup>47</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §303, which is derived from 1931 Sp. No. 499, §43.

*Historical Editor's Note:* The General Statutes provide for the authority of a Connecticut attorney (Commissioner of the Superior Court) to sign a subpoena and for the suggested form of a subpoena.

<sup>48</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §304, which is derived from 1931 Sp. No. 499, §44, first paragraph.

<sup>49</sup> **Comment of the 2002 Charter Revision Commission.** Subsections (a) and (b) are a modification of §305, which is derived from 1931 Sp. No. 499, §44, I, A. Subsection (c) is derived from §305.

<sup>50</sup> **Comment of the 2002 Charter Revision Commission.** Subsections (1)-(7) constitute a recodification of §307, which is derived from 1931 Sp. No. 499, §44, I, C; 1941 Sp. No. 382, §7; Ref. 11-8-66, No. 7; Ref. 11-7-72, No. 5; Ref. 11-8-77, No. 3; Ref. 11-6-79; Ref. 11-6-84, No. 5.

<sup>51</sup> **Comment of the 2002 Charter Revision Commission.** Subsections (2)-(5) are restatements of §306(a), (d), (e) and (f), which are derived from 1931 Sp. No. 499, §44, I, B. §306(b) and (c) are deleted because the state occupies the field in the regulation of elections.

<sup>52</sup> **Comment of the 2004 Charter Revision Commission.** Recodification of current §3A-2(f)(5)(ii) and (iii) to accommodate revisions now contained in Part D of Chapter 2, as approved by referendum of November 2, 2004. §§3A-2(f)(5) and (6) replaced §126, under the 2002 charter revision, which, in turn, was derived from 1931 Sp. No. 499, §27; 1939 Sp. No. 594, §4; 1941 Sp. No. 382, §6; 1945 Sp. No. 336, §2; 1945 Sp. No. 382, §2; 1946 Sp. No. 1; Ref. of 11-8-66, No. 8; Ref. of 11-7-72, No. 1; Ref. 11-6-73, No. 2; Ref. 11-3-87, No. 3.

*Historical Editor's Note (f/k/a "Reference in text"):* The General Statutes prescribe the mechanism by which a municipality may fix the compensation of its officials and employees, subject to the approval of its budget authority. The statute further provides that its provisions shall be applicable to any municipality, notwithstanding any provision of any Special Act to the contrary.

<sup>53</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §127, which is derived from 1931 Sp. No. 499, §94.

<sup>54</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §309, which is derived from 1931 Sp. No. 499, §44 I, E; 1941 Sp. No. 382, §8.

<sup>55</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §311(a)-(i), which are derived from 1931 Sp. No. 499, §44, I, G. Retains §311(j).

<sup>56</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §313, which is derived from 1931 Sp. No. 499, §44, I, I.

<sup>57</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §314, which is derived from 1931 Sp. No. 499, §44, II, with the exception of §314(c), (d) and (e), which is now set forth in §3A-2(h)(2)(i)-(iii).

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<sup>58</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §307(i), which is derived from 1931 Sp. No. 499, §44, I, C; 1941 Sp. No. 382, §7; Ref. 11-8-66, No. 7; Ref. 11-7-72, No. 5; Ref. 11-8-77, No. 3; Ref. 11-6-79; Ref. 11-6-84, No. 5 and §1512, which is derived from 1953 Sp. No. 498, § 1; Ref. 11-8-66, No. 7; Ref. 11-4-75, No. 1.

<sup>59</sup> **Comment of the 2002 Charter Revision Commission.** This sole remaining provision of §308 is derived from 1931 Sp. No. 499, §44, I, D. The remainder of the provisions are covered by Title 7 of the General Statutes.

*Historical Editor's Note:* In regard to the power of the Board of Aldermen to regulate the subdivision of land in §308(c), see Chapter 124 of the General Statutes re the powers of a Zoning Commission as set forth in §§8-1 through 8-13a of the General Statutes. The Waterbury Zoning Commission now has the authority. See the Note to §3001 of the historic Charter. See also Chapter 159 of the Code for the current zoning regulations of the Waterbury Zoning Commission.

<sup>60</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §310, which is derived from 1931 Sp. No. 499, §44, I, F.

<sup>61</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §331, which is derived from 1931 Sp. No. 499, §33; 1947 Sp. No. 108, §1; Ref. 11-8-66, No. 5.

<sup>62</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §331a, which is derived from Ref. 11-6-90, No. 2.

<sup>63</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §332, which is derived from 1931 Sp. No. 499, §34.

<sup>64</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §333, which is derived from 1931 Sp. No. 499, § 35; 1939 Sp. No. 594, §9. Further note that §334 was repealed by referendum of 11-6-73, Question 10.

<sup>65</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §335, which is derived from 1931 Sp. No. 499, §37.

<sup>66</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §336, which is derived from 1931 Sp. No. 499, §38.

<sup>67</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §337, which is derived from 1931 Sp. No. 499, §39.

<sup>68</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §338, which is derived from 1931 Sp. No. 499, §40; Ref. 11-7-89, No. 1.

<sup>69</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §338a, which is derived from Ref. 11-4-80; Ref. 11-7-89, No. 1.

<sup>70</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §339, which is derived from 1931 Sp. No. 499, §41; 1339 Sp. No. 594, §10.

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*Historical Editor's Note: Sloane vs. City*, 150 Conn. 24, 183 A2d 839 (1962) holds that Mayor has no veto power over the Board of Aldermen placing Charter amendment on ballot.

<sup>71</sup> **Comment of the 2002 Charter Revision Commission.** These sections were moved from Article 11 entitled "Assessment of Benefits and Damages" of Chapter 31 entitled "Public Works".

<sup>72</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3161, which is derived from 1931 Sp. No. 499, §45; Ref. 11-2-71, No. 2; Ref. 11-4-75, No. 4.

<sup>73</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3162, which is derived from 1931 Sp. No. 499, § 48; 1941 Sp. No. 382, §10.

<sup>74</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3163, which is derived from 1931 Sp. No. 499, §49.

<sup>75</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3164, which is derived from 1931 Sp. No. 499, §50.

<sup>76</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3165, which is derived from 1931 Sp. No. 499, §51; 1941 Sp. No. 382, §11.

<sup>77</sup> **Comment of the 2004 Charter Revision Commission.** Approved as proposed Part C but modified to Part D since current Part C entitled "Assessment of Benefits and Damages" was not repealed by the voters on November 2, 2004 and, thus, remains intact.

<sup>78</sup> **Comment of the 2002 Charter Revision Commission.** §§4A-1 and 2 are modifications of §2101, which is derived from 1931 Sp. No. 499, § 58; Ref. 11-8-66, No. 2; Ref. 11-2-76, No. 6; Ref. 11-3-98, No. 3.

*Historical Editor's Note:* Civil service generally, see §§201 *et seq.* of the historic Charter. In regard to the authority of the Mayor to be the appointing authority for certain three year contract "rule of three", department head positions, see §205A of the historic Charter.

<sup>79</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2103, which is derived from Ref. 11-8-66, No. 2. The Mayor serves as an *ex officio* member, not chair.

<sup>80</sup> **Comment of the 2010 Charter Revision Commission.** This revision of this section is intended to displace all of the rules in *Booker v. Jarjura*, 120 Conn. App. (2010).

<sup>81</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2102, which is derived from 1931 Sp. No. 499, §60; 1939 Sp. No. 594, §§13 and 14.

<sup>82</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2103a, which is derived from Ref. 11-4-97, No. 1.

<sup>83</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2131, which is derived from 1931 Sp. No. 499, §24; 1941 Sp. No. 382, §5.

<sup>84</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2132, which is derived from 1931 Sp. No. 499, §64; Ref. 11-8-66, No. 6.

<sup>85</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2153, which is derived from 1941 Sp. No. 382, §41.

<sup>86</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2172, which is derived from 1931 Sp. No. 499, §59; 1939 Sp. No. 594, §12; 1945 Sp. No. 382, §3; Ref. 11-6-73, No. 1; Ref. 11-3-81.

<sup>87</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3381, which is derived from 1931 Sp. No. 499, §63.

<sup>88</sup> **Comment of the 2002 Charter Revision Commission.** §3371, which is derived from 1931 Sp. No. 499, §62 is repealed. **As a result of this action the Mayor no longer has authority over the “Waterbury Militia”.**

<sup>89</sup> **Comment of the 2010 Charter Revision Commission.** This section is intended to supercede §11A-2(b) and §11A-7.

<sup>90</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §701, which is derived from 1931 Sp. No. 499, § 163; Ref. 11-6-73, No. 8; Ref. 11-7-89, No. 4.

<sup>92</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §703, which is derived from 1931 Sp. No. 499, §166.

Deleted: Recodification of §702, which is derived from 1931 Sp. No. 499, §165.¶

<sup>93</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3751, which is derived from 1931 Sp. No. 499, §167; 1939 Sp. No. 594, §52; 1941 Sp. No. 382, §25.

<sup>94</sup> **Comment of the 2002 Charter Revision Commission.** Transfer of Vital Statistics from §1703 (“Powers and Duties of the Board of Commissioners of Health”).

<sup>95</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1151, which is derived from 1931 Sp. No. 499, §170.

<sup>96</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1152, which is derived from 1951 Sp. No. 497.

<sup>97</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1156, which is derived from 1931 Sp. No. 499, §172; 1939 Sp. No. 594, § 53; Ref. 11-5-68, No. 7.

<sup>98</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1157, which is derived from 1931 Sp. No. 499, §173; 1939 Sp. No. 594, §54.

<sup>99</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3301, which is derived from 1931 Sp. No. 499, §158.

<sup>100</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §125, which is derived from 1931 Sp. No. 499, §26; Ref. 11-2-71, No. 3.

<sup>101</sup> **Comment of the 2002 Charter Revision Commission.** §1331 of the Charter is repealed. The provision was derived from 1931 Sp. No. 499, §65; 1937 Sp. No. 335; 1939 Sp. No. 594, §15; 1941 Sp. No. 382, §14; Ref. 11-8-66; No. 8; Ref. 11-7-72, No. 2; Ref. 11-2-82; Ref. 11-4-97, No. 2; Ref. 11-3-98, No. 3.

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<sup>102</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1302, derived from Ref. 11-7-72, No. 1; Ref. 11-8-94, No. 1.

<sup>103</sup> Conflicts of interest, see §§30.20 through 30.22 of the Code.

<sup>104</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §161, which is derived from Ref. 11-6-73, No. 10.

<sup>105</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §201, which is derived from Ref. 11-6-62; Ref. 11-8-66; Ref. 11-4-69, No. 3.

<sup>106</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205, which is derived from Ref. 11-6-62; Ref. 11-8-66; Ref. 11-4-69, No. 3; Ref. 11-7-72, No. 3; Ref. 11-3-81; Ref. 11-7-89, No. 7; Ref. 11-3-92, No. 7; Ref. 11-8-94, No. 1; Ref. 11-4-97, No. 2; Ref. 11-3-98, No. 1.

<sup>107</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(t).

<sup>108</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §204, derived from Ref. 11-6-62; Ref. 11-8-66; Ref. 11-7-72, No. 1.

<sup>109</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205(h), (i) and (j).

<sup>110</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205A, derived from Ref. 11-6-79; Ref. 11-3-87, No. 9; Ref. 11-7-89, No. 5; Ref. 11-8-94, No. 1; Ref. 11-4-97, No. 2.

<sup>111</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(u).

<sup>112</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205(c).

<sup>113</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205(d).

<sup>114</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205(a) and (b).

<sup>115</sup> **Comment of the 2002 Charter Revision Commission.** Sub-sections (i) and (ii) are a recodification of §205(k).

<sup>116</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(n).

<sup>117</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(p).

<sup>118</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(q).

<sup>119</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(r).

<sup>120</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(v).

<sup>121</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(l).

<sup>122</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(m).

<sup>123</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §205(o).



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<sup>124</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §209, derived from Ref. 11-6-62; Ref. 11-8-66.

<sup>125</sup> **Comment of the 2002 Charter Revision Commission regarding the Board of Commissioners of Public Assistance.** §§3901, 3902 and 3904 were repealed. §3903 was repealed by referendum of 11-5-68, Question 5.

<sup>126</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1701, which is derived from 1931 Sp. No. 499, § 234; 1957 Sp. No. 329; Ref. 11-5-74, No. 6.

**Editor's 2004 Note Regarding the Board of Commissioners of Public Health:** §6C-1 of the Charter permitted the historical organizational provisions of §1701 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the Board of Commissioners of Public Health as mandated by § 6C-2 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.050 of the Code of Ordinances.

<sup>127</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1702, which is derived from 1931 Sp. No. 499, §235; 1949 Sp. No. 508.

<sup>128</sup> **Comment of the 2002 Charter Revision Commission.** §§2505 and 2506, which were derived from 1931 Sp. No. 499, §§298 and 299, are repealed.

<sup>129</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §§2501 and 2502, which were derived from 1931 Sp. No. 499, §§285 and 286; Ref. 11-8-66, No. 1; Ref. 11-3-87, No. 7.

**Editor's 2004 Note Regarding the Board of Park Commissioners:** §6C-1 of the Charter permitted the historical organizational provisions of §§2501 and 2502 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the Board of Park Commissioners as mandated by §6C-3 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.200 of the Code of Ordinances.

<sup>130</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2503, which is derived from 1931 Sp. No. 499, §300.

<sup>131</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2504, which is derived from 1931 Sp. No. 499, §291.

<sup>132</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2533, which is derived from 1931 Sp. No. 499, §289.

<sup>133</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2551, which is derived from 1931 Sp. No. 499, §292.

<sup>134</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2552, which is derived from 1931 Sp. No. 499, §295; Ref. 11-8-66, No. 1.

<sup>135</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2553, which is derived from 1931 Sp. No. 499, §296.

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<sup>136</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2554, which is derived from 1931 Sp. No. 499, §297.

<sup>137</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2901, which is derived from 1939 Sp. No. 594, §72(a); Ref. 11-5-68, No. 6 and §2902, which is derived from 1939 Sp. No. 594, §72(c); Ref. 11-9-89, No. 3.

**Editor's 2004 Note Regarding the City Plan Commission:** §6C-1 of the Charter permitted the historical organizational provisions of §§2901 and 2902 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the City Plan Commission as mandated by §6C-4 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.300 of the Code of Ordinances.

<sup>138</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2932, which is derived from 1939 Sp. No. 594, §72(i).

<sup>139</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2903, which is derived from 1939 Sp. No. 594, §72(d).

<sup>140</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2931, which is derived from 1939 Sp. No. 594, §72 (e).

<sup>141</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2933, which is derived from 1939 Sp. No. 594, §72(f).

<sup>142</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2934, which is derived from 1939 Sp. No. 594, §72(g).

<sup>143</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2935, which is derived from 1939 Sp. No. 594, §72(h).

<sup>144</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2936, which is derived from 1939 Sp. No. 594, §72(b). Furthermore, §2951, which is derived from 1939 Sp. No. 594, § 72(j) (Ref. 11-3-98, No. 2), is repealed.

<sup>145</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §3331, which is derived from 1931 Sp. No. 499, §210; 1939 Sp. No. 594, §58; Ref. 11-4-80; Ref. 11-3-87, No. 5.

**Editor's 2004 Note Regarding the Board of Police Commissioners:** §6C-1 of the Charter permitted the historical organizational provisions of §3331 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the Board of Police Commissioners as mandated by §6C-5 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.100 of the Code of Ordinances.

<sup>146</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3333, which is derived from 1931 Sp. No. 499, §212.

<sup>147</sup> **Comment of the 2002 Charter Revision Commission.** This provision must be read in conjunction with the civil service provisions of this Charter and the Code of Ordinances as well as applicable collective bargaining agreements.

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<sup>148</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3335, which is derived from 1931 Sp. No. 499, §214; 1939 Sp. No. 594, §60; 1945 Sp. No. 382, §14; 1965 Sp. No. 149; Ref. 11-6-73, No. 9; Ref. 11-4-75, No. 2.

<sup>149</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3351, which is derived from 1931 Sp. No. 499, §222; 1939 Sp. No. 594, §62; Ref. 11-4-80; Ref. 11-3-87, No. 6.

**Editor's 2004 Note Regarding the Board of Fire Commissioners:** §6C-1 of the Charter permitted the historical organizational provisions of §3351 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the Board of Fire Commissioners as mandated by §6C-6 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.150 of the Code of Ordinances.

<sup>150</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3353, which is derived from 1931 Sp. No. 499, §224; Ref. 11-4-69, No. 7; §3354 was repealed by referendum of 11-4-69, Question 7.

<sup>151</sup> **Comment of the 2002 Charter Revision Commission.** This provision must be read in conjunction with the civil service provisions of this Charter and the Code of Ordinances as well as applicable collective bargaining agreements.

<sup>152</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §3001, which is derived from Ref. 11-8-66, No. 10.

**Editor's 2004 Note Regarding the Zoning Commission:** §6C-1 of the Charter permitted the historical organizational provisions of §3001 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the Zoning Commission as mandated by §6C-7 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.310 of the Code of Ordinances.

<sup>153</sup> Cross-reference:

Taxes, see §§32.15 through 32.18 of the Code.

<sup>154</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §3521, which is derived from 1931 Sp. No. 499, §123; Ref. 11-5-68, No. 2; Ref. 11-3-98, No. 5. In addition, §§3521A and 3521B, derived from Ref. 11-5-68, No. 2; Ref. 11-3-98, No. 5, are repealed.

**Editor's 2004 Note Regarding the Board of Assessment Appeals:** §6C-1 of the Charter permitted the historical organizational provisions of §§3521-3522 to remain in full force and effect until the Board of Aldermen adopted an ordinance effectuating the Board of Assessment Appeals as mandated by §6C-8 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.500 of the Code of Ordinances.

<sup>155</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3523, which is derived from 1931 Sp. No. 499, §125; 1945 Sp. No. 336, §9; 1953 Sp. No. 310, §3; Ref. 11-673, No. 1; Ref. 11-5-74, No. 5; Ref. 11-3-98, No. 5.

<sup>156</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §§3101, 3102 and 3103, which were derived from 1931 Sp. No. 499, §§239, 240 and 242.

**Editor's 2004 Note Regarding the Board of Commissioners of Public Works:** §6C-1 of the Charter permitted the historical organizational provisions of §3001 to remain in full force and effect until

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the Board of Aldermen adopted an ordinance effectuating the Board of Commissioners of Public Works as mandated by §6C-9 of the Charter. Said action was taken by the Board of Aldermen on April 20, 2004; see, §31.240 of the Code of Ordinances.

<sup>157</sup> **Comment of the 2002 Charter Revision Commission.** Establishes the authority to replace §§12D-2 and -3 of the Charter which are slated for sunset upon adoption of the replacement Pension and Retirement Ordinance.

<sup>158</sup> *Editor's 2004 Note.* §6E-2 pertaining to the Parking Authority is repealed. The Authority was repealed on July 14, 2003 by act of the Board of Aldermen, in compliance with state law permitting dissolution of the authority. For historic reference please see the following sections of the prior Charter: (a) §2302, which is derived from 1955 Sp. No. 611, §1; (b) §2301, which is derived from 1955 Sp. No. 611, §2; (c) §2303, which is derived from 1955 Sp. No. 611, §3; Ref. 11-4-75, No. 1; (d) §2304, which is derived from 1955 Sp. No. 611, § 11; Ref. 11-4-97, No. 2; (e) §2305, which is derived from 1955 Sp. No. 611, §16; 1957 Sp. No. 371, §9; (f) §2331, which is derived from 1955 Sp. No. 611, §4; (g) §2332, which is derived from 1955 Sp. No. 611, §5; 1957 Sp. No. 371, §1; (h) §2333, which is derived from 1955 Sp. No. 611, §6; 1957 Sp. No. 371, §2; (i) §2351, which is derived from 1955 Sp. No. 611, §7; 1957 Sp. No. 371, §3; 1979 Sp. No. 79-42§2351, which is derived from 1955 Sp. No. 611, §7; 1957 Sp. No. 371, §3; 1979 Sp. No. 79-42; (j) §2352, which is derived from 1955 Sp. No. 611, §8; 1957 Sp. No. 371, §4; (k) §2353, which is derived from 1955 Sp. No. 611, §15; 1957 Sp. No. 371, §7; (l) §2354, which is derived from 1955 Sp. No. 611, §9; (m) §2355, which is derived from 1955 Sp. No. 611, §10; (n) §2356, which is derived from 1957 Sp. No. 371, §8; (o) §2357, which is derived from 1955 Sp. No. 611, §12; 1957 Sp. No. 371, §5; and (p) §2358, which is derived from 1957 Sp. No. 371, §6.

<sup>159</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2001, which is derived from 1931 Sp. No. 499, §275.

<sup>160</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2002, which is derived from 1931 Sp. No. 499, §276.

<sup>161</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2003, which is derived from 1931 Sp. No. 499, §277; Ref. 11-4-69, No. 1; Ref. 11-6-84, No. 4.

<sup>162</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1131(c), which is derived from 1931 Sp. No. 499, §19; 1941 Sp. No. 382, §2; Ref. 11-8-66, No. 3; 1967 Sp. No. 161, §§1 to 3; Ref. 11-5-68, No. 2; Ref. 11-4-69, Nos. 1, 5; Ref. 11-6-73, No. 9; Ref. 11-4-75, No. 2; Ref. 11-4-97, No. 2.

<sup>163</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2003.

<sup>164</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2004, which is derived from 1931 Sp. No. 499, §278; 1949 Sp. No. 261.

<sup>165</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2005, which is derived from 1931 Sp. No. 499, §279; 1949 Sp. No. 269; Ref. 11-4-69, No. 1.

<sup>166</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2006, which is derived from 1931 Sp. No. 499, §280; 1941 Sp. No. 382, § 29; Ref. 11-6-73, No. 9.

<sup>167</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2007, which is derived from 1931 Sp. No. 499, § 281.

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<sup>168</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2008, which is derived from 1931 Sp. No. 499, §282.

<sup>169</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2009, which is derived from 1931 Sp. No. 499, §283.

<sup>170</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2010, which is derived from 1931 Sp. No. 499, §284; 1949 Sp. No. 270; Ref. 11-5-96, No. 3.

<sup>171</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §2961, which is derived from 1961 Sp. No. 349.

<sup>172</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §205A, derived from Ref. 11-6-79; Ref. 11-3-87, No. 9; Ref. 11-7-89, No. 5; Ref. 11-8-94, No. 1; Ref. 11-4-97, No. 2.

<sup>173</sup> *Editor's 2004 Note.* With the exception of the City Auditor, appointed by the Financial Audit and Review Commission and the Superintendent of Schools, appointed by the Board of Education.

<sup>174</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1355, which is derived from 1931 Sp. No. 499, §105; Ref. 11-4-97, No. 2.

<sup>175</sup> **Comment of the 2002 Charter Revision Commission.** Modification of the final sentence of §205A(a).

<sup>176</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1901, derived from 1931 Sp. No. 499, §150; Ref. 11-5-68, No. 4.

<sup>177</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1909, which is derived from 1931 Sp. No. 499, §157

<sup>178</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1902, derived from 1931 Sp. No. 499, §151; Ref. 11-5-68, No. 4.

<sup>179</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1908, which is derived from 1931 Sp. No. 499, §156; Ref. 11-5-68, No. 4.

<sup>180</sup> **Comment of the 2002 Charter Revision Commission.** Subsections (c) and (d) modify and replace §1903, which is derived from 1931 Sp. No. 499, §152; 1937 Sp. No. 508; 1939 Sp. No. 594, §51; 1945 Sp. No. 382, §12; Ref. 11-5-68, §4; Ref. 11-7-78.

<sup>181</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1904, which is derived from 1931 Sp. No. 499, §153; Ref. 11-5-68, No. 4.

<sup>182</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1910, which is derived from Ref. 11-4-75, No. 3.

<sup>183</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1905, derived from 1931 Sp. No. 499, §145.

<sup>184</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1906, which is derived from 1931 Sp. No. 499, §146.

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<sup>185</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1351, which is derived from 1931 Sp. No. 499, §101; Ref. 11-4-97, No. 2. Moreover, §1358, which is derived from 1931 Sp. No. 499, §110; 1939 Sp. No. 594, §45; Ref. 11-4-97, No. 2, is repealed.

<sup>186</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1352, which is derived from 1931 Sp. No. 499, §102.

<sup>187</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1356, which is derived from 1931 Sp. No. 499, §106.

<sup>188</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1353, which is derived from 1931 Sp. No. 499, §103; 1939 Sp. No. 594, §44; Ref. 11-4-97, No. 2.

<sup>189</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1354, which is derived from 1931 Sp. No. 499, §104.

<sup>190</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1357, which is derived from 1931 Sp. No. 499, §108; Ref. 11-4-97, No. 2.

<sup>191</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1551, which is derived from 1931 Sp. No. 499, §85.

<sup>192</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §§1552 and 1553, which are derived from 1931 Sp. No. 499, §§86 and 87; 1939 Sp. No. 594, §§26 and 27; 1945 Sp. No. 382, §§5 and 6; 1949 Sp. No. 521, §§1 and 2. As to §1553 see also, Ref. 11-8-77, No. 6; Ref. 11-3-81; Ref. 11-5-96, No. 2; Ref. 11-4-97, No. 2.

<sup>193</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1554 (with the exception of the last sentence), which is derived from 1931 Sp. No. 499, §88; 1939 Sp. No. 594, §30; 1955 Sp. No. 421.

<sup>194</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1372, which is derived from 1931 Sp. No. 499, §114; 1953 Sp. No. 297; Ref. 11-4-97, No. 2.

<sup>195</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1373, which is derived from 1931 Sp. No. 499, §115; 1953 Sp. No. 283; Ref. 11-4-97, No. 2.

<sup>196</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2172, which is derived from 1931 Sp. No. 499, §117. Meanwhile, §1374, which is derived from 1931 Sp. No. 499, §116; 1953 Sp. No. 287; Ref. 11-4-97, No. 2 is repealed.

<sup>197</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3530, which is derived from Ref. 11-4-75, No. 2.

<sup>198</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3531, which is derived from 1931 Sp. No. 499, §127; 1945 Sp. No. 382, §11; 1951 Sp. No. 496; Ref. 11-5-74, No. 5; Ref. 11-4-75, No. 1; Ref. 11-2-76, No. 5.

<sup>199</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3532, which is derived from 1931 Sp. No. 499, §128.

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<sup>200</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3533, which is derived from 1931 Sp. No. 499, §131; 1941 Sp. No. 382, §23; 1965 Sp. No. 152; Ref. 11-2-71, No. 1.

<sup>201</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3534, which is derived from 1931 Sp. No. 499, §132.

<sup>202</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3535, which is derived from 1931 Sp. No. 499, §133.

<sup>203</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3536, which is derived from 1931 Sp. No. 499, §136.

<sup>204</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3537, which is derived from 1931 Sp. No. 499, §144.

<sup>205</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3538, which is derived from 1931 Sp. No. 499, §137; Ref. 11-4-97, No. 2.

<sup>206</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3539, which is derived from 1931 Sp. No. 499, §138; 1939 Sp. No. 594, § 49; Ref. 11-5-74, No. 5; Ref. 11-2-76, No. 5.

<sup>207</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3540, which is derived from 1981 Sp. No. 499, §139.

<sup>208</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3541, which is derived from 1931 Sp. No. 499, §140.

<sup>209</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3542, which is derived from 1931 Sp. No. 499, §141.

<sup>210</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3543, which is derived from 1931 Sp. No. 499, §148.

<sup>211</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1301, which is derived from 1939 Sp. No. 594, §8; Ref. 11-7-72, No. 1.

<sup>212</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1306, which is derived from 1953 Sp. No. 166; Ref. 118-77, No. 6; Ref. 11-3-92, No. 8.

<sup>213</sup> Cross-reference:

Department of Purchases, see §§ 32.30 through 32.43 of the Code.

<sup>214</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1394, which is derived from 1955 Sp. No. 455, §4; Ref. 11-4-69, No. 6; Ref. 11-8-77, No. 5; Ref. 11-3-92, No.3.

<sup>215</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1395, which is derived from 1955 Sp. No. 455, §5; Ref. of 11-3-92, No. 4.

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<sup>216</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1562, which is derived from 1931 Sp. No. 499, §90; 1939 Sp. No. 594, §32; Ref. 11-8-77, No. 5.

<sup>217</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1563, which is derived from 1931 Sp. No. 499, §91; 1939 Sp. No. 594, §33; 1945 Sp. No. 382, §8; Ref. 11-4-69, No. 6; Ref. 11-8-77, No. 5.

<sup>218</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1561, which is derived from 1931 Sp. No. 499, §89; 1939 Sp. No. 594, §31; 1945 Sp. No. 382, §7; 1961 Sp. No. 395; Ref. 11-4-75, No. 3; Ref. 11-3-92, No. 5; Ref. 11-4-97, No. 2.

<sup>219</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1396, which is derived from 1955 Sp. No. 455, §6.

<sup>220</sup> **Comment of the 2002 Charter Revision Commission.** The last sentence is taken from §1393, which is derived from 1955 Sp. No. 455, §3.

<sup>221</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §§1391 and 1392, which were derived from 1955 Sp. No. 455, §§1 and 2.

<sup>222</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §203, which is derived from Ref. 11-6-62; Ref. 11-8-66; Ref. 11-7-72, No. 3; Ref. 11-3-87, No. 9; Ref. 11-7-89, No. 6; Ref. 11-8-94, No. 1.

<sup>223</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §206 of the Charter, which is derived from Ref. 11-6-62; Ref. 11-8-66; Ref. 11-4-69, No. 32.

<sup>224</sup> Cross-reference:

Taxes, see §§ 32.15 through 32.18 of the Code.

<sup>225</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3511, which is derived from 1945 Sp. No. 336, §1; Ref. 11-5-68, No. 2.

<sup>226</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3512, which is derived from 1931 Sp. No. 499, §119; 1945 Sp. No. 336, § 4; 1946 Sp., No. 1, § 5.

<sup>227</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3513, which is derived from 1931 Sp. No. 499, §120; 1941 Sp. No. 382, §21; 1945 Sp. No. 336, §5; 1947 Sp. No. 331, §§1 and 3; 1953 Sp. No. 310, §1; Ref. 11-6-73, No. 1; Ref. 11-5-74, No. 5.

<sup>228</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §3514, which is derived from 1931 Sp. No. 499, §122; 1937 Sp. No. 64, §10; 1945 Sp. No. 336, §7.

<sup>229</sup> **Comment of the 2002 Charter Revision Commission.** §§3336 and 3337 are deleted.

<sup>230</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §3332, which is derived from 1931 Sp. No. 499, §211; 1937 Sp. No. 277; 1939 Sp. No. 594, §59; 1941 Sp. No. 382, §27; 1945 Sp. No. 382, §13; 1957 Sp. No. 277, §1; 1959 Sp. No. 379, §1; Ref. 11-2-71, No. 4.

<sup>231</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §3334, which is derived from 1931 Sp. No. 499, §213; Ref. 11-4-75, No. 2.



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<sup>232</sup> **Comment of the 2002 Charter Revision Commission.** §3355 is deleted.

<sup>233</sup> **Comment of the 2002 Charter Revision Commission. Recodification of §3352,** which is derived from 1951 Sp. No. 448.

<sup>234</sup> Cross-reference:

See the General Statutes for provisions relating to Directors of Health and District Departments of Health.  
Health and sanitation, see Ch. 96 of the Code.

<sup>235</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §1703, which is derived from 1931 Sp. No. 499, §236; 1941 Sp. No. 382, 28; 1949 Sp. No. 268. Please note that the responsibilities of the Registrar of Vital Statistics have been transferred to the Town Clerk.

<sup>236</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1704 of the Charter, which is derived from 1931 Sp. No. 499, §237.

<sup>237</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1705 of the Charter, which is derived from 1931 Sp. No. 499, §238.

<sup>238</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §501 of the Charter, which is derived from 1931 Sp. No. 499, §262; Ref. 11-6-73, No. 7.

<sup>239</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3321 of the Charter, which is derived from 1931 Sp. No. 499, §161; Ref. 11-4-75, No. 2.

<sup>240</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3322 of the Charter, which is derived from 1931 Sp. No. 499, §162.

<sup>241</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §901, which is derived from 1931 Sp. No. 499, § 267.

*Historical Editor's Note (f/k/a Center school district abolished):* 1937 Sp. No. 311 abolished the center school district and vested in the City of Waterbury all properties and assets of said district as well as any liability, debt, bond or obligation incurred by said district for school purposes.

<sup>242</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §904, which is derived from 1931 Sp. No. 499, §270; Ref. 11-14-69, No. 2; Ref. 11-7-72, No. 4.

<sup>243</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §902, which is derived from 1931 Sp. No. 499, §268; Ref. 11-8-66, No. 3; Ref. 11-5-68, No. 2; 1969 Sp. No. 126; Ref. 11-4-75, No. 2..

<sup>244</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §903, which is derived from 1931 Sp. No. 499, §269; 1933 Sp. No. 298; 1939 Sp. No. 244; Ref. 11-4-69, No. 2; Ref. 11-6-73; Ref. 11-3-87, No. 8; Ref. 11-8-94, No. 1. The language was duplicative of §§12A-1(c)(7) and 12A-4(b).

<sup>245</sup> **Comment of the 2002 Charter Revision Commission.** The historical reference in §903 of the historic Charter was to "Title 10, Chapter 166, §10-151 of the General Statutes".

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- <sup>246</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §905(1), which is derived from 1931 Sp. No. 499, § 271; Ref. 11-8-66, No. 3; Ref. 11-4-75, No. 1.
- <sup>247</sup> **Comment of the 2002 Charter Revision Commission.** Modification of §905(2), which is derived from 1931 Sp. No. 499, § 271; Ref. 11-8-66, No. 3; Ref. 11-4-75, No. 1.
- <sup>248</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §906, which is derived from 1931 Sp. No. 499, § 272; Ref. 11-4-75, No. 1.
- <sup>249</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3391, which is derived from 1961 Sp. No. 355.
- <sup>250</sup> **Comments of the 2002 Charter Revision Commission.** Replaces §1336, which is derived from 1931 Sp. No. 499, §68; 1939 Sp. No. 594, §18; 1941 Sp. No. 382, §15; 1945 Sp. No. 382, §4; 1963 Sp. No. 245; Ref. 11-6-73, No. 1; Ref. 11-4-75, No. 1; Ref. 11-7-78.
- <sup>251</sup> **Comment of the 2002 Charter Commission.** Recodification of §1503, which is derived from 1931 Sp. No. 499, §83.
- <sup>252</sup> **Comment of the 2002 Charter Commission.** Modification of §1502, which is derived from 1931 Sp. No. 499, §76; 1939 Sp. No. 594, §22; 191 Sp. No. 382, §17.
- <sup>253</sup> **Comment of the 2002 Charter Commission.** Recodification of §1504, which is derived from 1931 Sp. No. 499, §84.
- <sup>254</sup> **Comment of the 2002 Charter Commission.** Replaces §2171, which is derived from 1931 Sp. No. 499, §64; Ref. 11-8-66, No. 6; Ref. 11-6-73, No. 1; Ref. 11-4-75, No. 1; Ref. 11-7-78.
- <sup>255</sup> **Comment of the 2002 Charter Commission.** Replaces §1337, which is derived from 1931 Sp. No. 499, §69; 1939 Sp. No. 594, §17; 1953 Sp. No. 7, §1; Ref. 11-6-73, No. 1.
- <sup>256</sup> **Comments of the 2002 Charter Commission.** Modification of §1338, which is derived from 1931 Sp. No. 499, §70; 1939 Sp. No. 594, §19; 1953 Sp. No. 7, §2; 1959 Sp. No. 371; Ref. 11-6-73, No. 1; Ref. 11-4-75, No. 1.
- <sup>257</sup> **Comment of the 2002 Charter Commission.** This is derived from Article 3, §2 of the Constitution of the State of Connecticut (the date of adjournment in the odd-numbered year is the “first Wednesday after the first Monday in June”).
- <sup>258</sup> **Comment of the 2002 Charter Commission.** The bond provisions formerly contained in §1501 are now found in §10A-1, below.
- <sup>259</sup> **Comment of the 2002 Charter Commission.** Replaces §1508, which is repealed.
- <sup>260</sup> **Comments of the 2002 Charter Revision Commission.** Replaces §1507, which is repealed.
- <sup>261</sup> **Comment of the 2002 Charter Commission.** Replaces §1506, which is repealed.
- <sup>262</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1505, which is derived from 1931 Sp. No. 499, §77; 1939 Sp. No. 594, §23.

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- <sup>263</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1511, which is derived from 1955 Sp. No. 26.
- <sup>264</sup> **Comment of the 2002 Charter Revision Commission.** Replaces former §1501, which is derived from Sp. No. 449, §75; 1961 Sp. No. 333, §1; 1969 Sp. No. 99 §§ 1-8, which is repealed. Also, §§1531 and 1532 were repealed by 1969 Sp. No. 215, §2 and are hereby deleted. Finally, §1533, derived from 1933 Sp. No. 493, §§1 and 2, §1534, derived from 1939 Sp. No. 594, §42; Ref. 11-5-74, No. 5; Ref. 11-4-75, No. 1; Ref. 11-4-97, No. 2, and §1535, derived from 1947 Sp. No. 510, have been repealed.
- <sup>265</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1501(a).
- <sup>266</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1501(c).
- <sup>267</sup> **Comment of the 2002 Charter Revision Commission.** Replaces §1530, which is derived from 1969 Sp. No. 215, §1, which is repealed.
- <sup>268</sup> **Comment of the 2002 Charter Revision Commission.** §§3111 and 3112 are repealed. The provisions of Article 15 entitled "Other Provisions" of Chapter 31 are set forth in Part A of Chapter 11 of the 2002 Charter.
- <sup>269</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3113, which is derived from 1931 Sp. No. 499, §246.
- <sup>270</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3181, which is derived from 1931 Sp. No. 499, §55.
- <sup>271</sup> **Comments of the 2002 Charter Revision Commission.** Recodification of §3182, which is derived from (1893 Sp. No. 252).
- <sup>272</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3183, which is derived from 1909 Sp. 344.
- <sup>273</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3184, which is derived from 1919 Sp. No. 101.
- <sup>274</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3185, which is derived from 1931 Sp. No. 494.
- <sup>275</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3186, which is derived from 1921 Sp. No. 391.
- <sup>276</sup> **Comment of the 2002 Charter Revision Commission.** §§3122, 3124, 3125, 3126, 3127, 3129 and 3131 pertaining to "Streets" are repealed. These sections were included in Article 5 of Chapter 31 of the Charter entitled "Public Works".
- <sup>277</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3121, which is derived from 1931 Sp. No. 499, §248.
- <sup>278</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3123, which is derived from 1931 Sp. No. 499, §250.

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<sup>279</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3128, which is derived from 1931 Sp. No. 499, §256; Ref. 11-4-75, No. 2.

<sup>280</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3130, which is derived from 1931 Sp. No. 499, § 258.

<sup>281</sup> **Comment of the 2002 Charter Revision Commission.** §§3141, 3142, 3143, 3144 and 3145 pertaining to “Sewers” are repealed. These sections were included in Article 7 of Chapter 31 of the Charter entitled “Sewers”. Moreover, §3151 pertaining to the “Collection and Disposal of Garbage” is repealed. The latter section was included in Article 9 of Chapter 31 of the Charter entitled “Garbage”. Please note that the sections from Article 11 entitled “Assessment of Benefits and Damages” of Chapter 31 entitled “Public Works” were moved to Part C of Chapter 3 of the 2002 Charter. Finally, §§3171 and 3172 of Article 13 entitled “River Control Commission” were repealed by Question #8 of the referendum of 11-5-68.

<sup>282</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3146, which is derived from 1931 Sp. No. 499, § 53; 1941 Sp. No. 382, § 12; 1951 Sp. No. 599; Ref. 11-4-69, No. 4; Ref. 11-2-71, No. 2; Ref. 11-4-75, No. 4.

<sup>283</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3146A, which is derived from 1931 Sp. No. 499, §53; 1941 Sp. No. 382, §12; 1951 Sp. No. 599; Ref. 11-4-69, No. 4; Ref. 11-2-71, No. 2; Ref. 11-4-75, No. 4.

<sup>284</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §3147, which is derived from 1931 Sp. No. 499, §54; 1937 Sp. No. 506; 1939 Sp. No. 206; 1941 Sp. No. 382, §13; Ref. 11-4-69, No. 4.

<sup>285</sup> **Comment of the 2002 Charter Revision Commission.** The Board of Park Commissioners is set forth in §6C-3 of the Charter.

<sup>286</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2531, which is derived from 1931 Sp. No. 499, §287.

<sup>287</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2532, which is derived from 1931 Sp. No. 499, §288.

<sup>288</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2534, which is derived from 1931 Sp. No. 499, §290.

<sup>289</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2535, which is derived from 1931 Sp. No. 499, §293.

<sup>290</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §2536, which is derived from 1931 Sp. No. 499, §294.

<sup>291</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §128, which is derived from 1957 Sp. No. 286, §1.

<sup>292</sup> **Comment of the 2002 Charter Revision Commission.** The following provisions have been repealed because authority exists pursuant to Title 7 of the General Statutes: **§§1571, 1572, 1576, 1577, 1578, 1586, 1587, 1591 and 1592.** Note: There were no §§1573-1575 in the historic Charter.

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<sup>293</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1581, which is 1939 Sp. No. 594, §20; 1941 Sp. No. 382, §16.

<sup>294</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1582, which is derived from 1951 Sp. No. 409.

<sup>295</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1583, which is derived from 1939 Sp. No. 594, §39; 1945 Sp. No. 382, §15.

<sup>296</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1584, which is derived from 1945 Sp. No. 382, §16.

<sup>297</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1584A, which is derived from 1965 Sp. No. 155, §§1, 2 and 3.

<sup>298</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1585, which is derived from 1939 Sp. No. 594, §38.

<sup>299</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1588, which is derived from 1939 Sp. No. 594, §1.

<sup>300</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1589, which is derived from 1931 Sp. No. 499, §82; 1941 Sp. No. 382, §19.

<sup>301</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1590, which is derived from 1959 Sp. No. 513.

<sup>302</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1590A, which is derived from 1958 Sp. No. 3.

<sup>303</sup> **Comment of the 2002 Charter Revision Commission.** Recodification of §1593, which is derived from 1931 Sp. No. 499, §29; 1939 Sp. No. 594, § 6; Ref. 11-4-97, No. 2.

<sup>304</sup> **Comment of the 2004 Charter Revision Commission.** Chapter 12 of the 2002 recodification was subject to repeal by virtue of a sunset provision contained in the charter as approved by the voters on November 5, 2002. The civil service (Part A), conflicts of interest and ethics (Part B) and pension and retirement provisions (Part C) were replaced by the following provisions: (A) Chapter 40 of the Code of Ordinances entitled "Ethics and Conflicts of Interest" adopted on August 11, 2003; (B) Chapter 37 of the Code of Ordinances entitled "Human Resources, Merit Selection and Civil Service" adopted on December 22, 2003; and, (C) Chapter 35 of the Code of Ordinances entitled "The Pension and Retirement System" Part I adopted on April 7, 2003 and Part II adopted on November 10, 2003. The current provisions are the applicable administrative provisions that previously appeared in Chapter 13.

