2014 CHARTER REVISION COMMISSION
of the
City of Waterbury

FINAL REPORT

August 25, 2014

Sean Mosley, Chair ~ Geoffrey Green, Vice Chair
Jami Dohoney ~ Christian D’Orso ~ Richard Natale ~ William Kolo
Richard LaBrecque ~ Norberto Rodriguez, Jr. ~ Thomas P. Van Stone, Jr.
Kara J. Summa, Legal Counsel  ~ Joseph B. Summa, Legal Counsel
August 25, 2014

Hon. Michael J. Dalton
City Clerk
236 Grand Street
Waterbury, Connecticut 06051

Hon. Paul K. Pernerewski
President
Board of Aldermen
City Clerk
236 Grand Street
Waterbury, Connecticut 06051


Dear Mr. City Clerk, Mr. President and Members of the Board of Aldermen:

Pursuant to §7-191 of the Connecticut General Statutes and the Board of Aldermen Initiating Resolution of May 5, 2014, and modified by a second resolution on June 30, 2014, we are pleased to submit to the Office of the City Clerk and the Board of Aldermen, the Final Report of the 2014 Charter Revision Commission in the form of Proposed Charter Amendments to the Charter of the City of Waterbury.

The Board of Aldermen directed the Charter Revision Commission to address specific issues. We have carefully reviewed the issues with which we were charged, as well as a number of other issues presented to us by various City Officials, the Board of Education, several citizens and individual Commissioners.

The Commission voted not to further consider some of these issues either because the change was not warranted, the Charter language was already sufficient or the issue was more appropriately handled by ordinance. These issues that were not further considered include the following: removing the Superintendent of Schools from the Civil Service hiring process;

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2014 CHARTER REVISION COMMISSION
City of Waterbury

seeking clarification of Charter language regarding potential restrictions on the City’s ability to permit water service beyond certain boundaries; including Section 3, certified businesses as part of any proposed procurement together with any local businesses; drug and alcohol testing of City officials; removing the Mayor as an ex-officio member of the Board of Education; authorizing the Purchasing Departments to review costing discrepancies between bids; merging various boards, i.e., planning, zoning, etc.; setting a base rate for sale of water; removing provisions regarding members of various boards, commissions, etc.; stating the compensation for the Board of Aldermen in the Charter; and reviewing Charter language as it relates to helping to improve Civil Service.

The Commission met on June 24th, July 15th, July 22nd, July 24th, July 28th, July 29th, July 30th, and August 5th of 2014. The Commission also held Public Hearings on July 8th and August 2nd. At its August 5th meeting the Commission approved a Draft Report which was then presented to the Board of Aldermen and filed with the City Clerk’s office. The Board of Aldermen held a public hearing on the Draft Report on August 19th of 2014. On August 20th the Board of Aldermen deliberated and voted on the Draft Report. The Charter Revision Commission and legal counsel were available at the meeting in order to confer with the Board of Aldermen pursuant to §7-191(c) of the Connecticut General Statutes.

At that meeting the Board of Aldermen voted to have Charter Revision Commission reconsider the following issues:

1. Issue 1. - Four year Term for Elected Officials to include Aldermen;
2. Issue 2. - Aldermen by District – One Alderman from each of fifteen (15) districts without any set aside; and

The Charter Revision Commission met on August 21, 2014 to consider the recommendations of the Board of Aldermen regarding the Draft Report. There was insufficient support on the Commission to make any changes to the Draft Report on Issues 1 and 10. The Charter Revision Commission, however, did vote to modify its initial recommendation on Issue 2. The Charter Revision Commission met again on August 25 to approve this Final Report.

The content of this Final Report mirrors the Draft Report except for the three issues that were referred back by the Board of Aldermen. It is again divided into three sections. The first section is a discussion of the issues raised and considered by the Commission, which are organized by “Substantive Modifications Recommended” (Issues 1 - 3) and “No Modifications Recommended” (Issues 4 - 11). The second section is the “Proposed Charter Amendments”, which contains the actual proposed Charter language organized by Charter Section. The third is the current language as it appears now in the Charter as of the 2010 revisions.
Issue 1. Four Year Term for Elected Officials

This item was brought before the Commission at the request of the Mayor’s office and the Board of Aldermen. The elected officials at issue included the Mayor, Town Clerk, City Clerk, City Sheriff, Registrars of Voters and the Board of Aldermen. In regard to the office of Mayor, the argument in support of the proposal was that a mayor would be better able to focus on the tasks at hand and would be less influenced by political considerations in the decision making process if he or she did not have to be concerned with re-election every two years. The major concerns of those opposed arose out of the lack of recall provisions in state law, the difficulty, time and expense of removing an unsuitable elected official and Waterbury’s own less than stellar history with respect to past mayors. However, the Commission was satisfied with the current removal provisions as written in the Charter and the change in case law with respect to a municipality’s right to cease payment of salary to elected officials who fail to perform the duties of their office. The Commission also recognized the value of a four-year term for the Town Clerk, City Clerk, City Sheriff and Registrars of Voters, and authorized counsel to draft language to extend the terms of the Mayor, Town Clerk, City Clerk and City Sheriff and Registrar of Voters to four years. However, it did not choose to extend the term of office for the Board of Aldermen.

However, under Chapter 146 of the Connecticut General Statutes, the Commission was without the authority to change the term length of office with respect to the City Clerk and City Sheriff. Thus, at the Charter Revision Commission’s Special Meeting held on August 5, 2014, the Commission voted unanimously to extend the terms of the Mayor, Town Clerk, and Registrars of Voters to four years but to keep all other terms of office at two years. The Commission voted unanimously to finalize and approve the Draft Report with the changes regarding terms of office described above.

On August 20th the Board Of Aldermen voted to recommend to the Commission to also include the aldermen for four year terms. On August 21st the Charter Revision Commission considered this recommendation but voted not to modify its proposal.

Issue 2. Aldermen by District / Hybrid Aldermen By District & At-Large

Since at least 1917 the members of the Board of Aldermen have been elected at-large, and that rule is currently set forth in Chapter 1., Part B. Elections § 2b-2.(a) of the Charter of the

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1 Stewart v. Town of Watertown, 303 Conn. 699 (2012)
City of Waterbury, which provides, in relevant part, that “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:... (6) Fifteen members of the Board of Aldermen....” Despite numerous revisions of the City’s Charter over the last hundred years, the at-large election of members of the City of Waterbury Board of Aldermen has remained in effect. However, although this provision has remained, in essence, unchanged, it has been the subject of much debate and dispute over the last twenty-five years.

In 1990 a public submission proposing that the Board of Aldermen have a maximum number of twelve members while retaining minority representation and at large election, was rejected for consideration. During the 1992 Charter revision, there was a public submission proposing the election of aldermen by wards. This proposal was considered but rejected. In 1994 a proposal to eliminate minority representation on the Board of Aldermen was rejected.

The mid-nineties saw much turmoil over the issue, with claims that the at-large systems had disparate, adverse impact on minorities because no incumbent aldermen resided in areas populated by Blacks and Hispanics. From 1995 to 1997 attempts to alter the City’s Charter to provide for the election of aldermen by district were rejected by charter revision commissions. In 1998, a split commission agreed to a non-binding referendum on the issue to be placed on the ballot in the 1999 election. Although the proposal received majority support, when put to the voters in a binding referendum in 2000 it was rejected. The 2002 Charter Revision Commission maintained the election of aldermen at large.

In 2004, the issue was raised once again and was, as noted in the Commission’s Report, “…the topic of discussion at the numerous public hearings, meetings and informal discussions at the Commission level.” Although the Commission acknowledged that each neighborhood in the City deserved to have a voice, it ultimately rejected the concept of electing aldermen by district, concluding that all aldermen must be a voice for the broader interests of the City and minority party representation must be preserved.

The Charter Revision Commission of 2010 again tackled the issue, and in its Report set out a detailed analysis of the consideration on each side of the issue. Reviewing the various arguments as well as the charters of the twenty-one (21) out of approximately one hundred and sixty-seven (167) communities that had some type of “by district” system and historical election data on the Secretary of State’s website, the 2010 Charter Revision Commission concluded that no change was warranted.

Again in 2014, the Charter Revision Commission took up the issue. The Commission reviewed all of the charter revision reports since the early 1990s. It looked at every major proposal that had been put forth in those earlier Charter Revision Commissions as well as those submitted for this Charter Revision Commission. The major concerns of both supporters and opponents had not changed. The supporters maintain that aldermen by district was the fairest form of representation. Those who opposed it maintained that majority party limitations, which you cannot have in a pure aldermen by district scenario, were absolutely
essential in a community like Waterbury. It was also noted that it was important for the Aldermen to represent the citizens at large not just a particular area.

As a result of these concerns, the pure aldermen by district proposal with fifteen (15) districts received only two votes. Most of the discussion then centered on two hybrid plans. One proposed by State Representative Larry Butler, which provided for five (5) districts with three (3) aldermen from each and a limitation of no more than two (2) from the same party in each district. The other hybrid plan, proposed by Commissioner Van Stone and, in part, based on earlier proposals made to previous Charter Commissions, provided for one (1) alderman from each of five (5) districts and ten (10) aldermen elected at large. This latter hybrid plan maintains the majority limitation adjusted through the aldermen at large. Both proposals had considerable support among the Commission with most Commissioners believing that both were good and thoughtful proposals. In a close vote (5-4), the Commission voted not to further consider the three (3) aldermen per district hybrid plan; and, after further discussion, the Commission voted (8-1) for the one (1) alderman per district plan to be included in the Commission’s “Draft Report” of recommended Charter modifications.

On August 20th the Board of Aldermen voted to request that the Charter Revision Commission reconsider the pure alderman by district plan with fifteen single Alderman Districts and without any set aside for political parties. On August 21st the Charter Revision Commission considered the request and discussed it at some length. There were insufficient votes to craft a fifteen single aldermanic district plan and there were also insufficient votes to approve a final report without some modification to the Commission's initial proposal. The Commission then voted to modify its recommendation to provide fifteen district members of the Board of Aldermen, with three elected from each of five districts, provided that electors may not vote for more than two candidates in his or her district. This system is designed to ensure that the three highest vote getters in each District would always be seated as Aldermen while still limiting majority party representation, but at ten of the fifteen aldermen instead of the current nine of fifteen (15). This proposal has made it necessary to make changes to Charter Section 2B-2(c) so that a party is limited to two nominees in each district pursuant to Connecticut General Statute Sec. 9-414. It also necessitated changing the super majority language from ten (10) to eleven (11) in Charter Sections 2D-1(c), 3A-2, 3B-4 (c), 4-10, 6B-3.6B-4, 6C-4(f), 7A-4, 9D-1(b), 10A-2(b), 11A-2 (b), 11A-7, 11F-2, and 11F-5(a).

**Issue 3. Periodic Review of Charter**

The language found in Section 12 – 4 has been modified to clarify that at least every ten (10) years the Board of Aldermen must appoint a Charter Revision Commission.
Issues 4-11: Considered but No Modifications Recommended

Issue 4. Recall Mechanism for Public Officials

This item was raised by several members of the public at the July 8th Public Hearing as well as at several Commission meetings during public participation. In light of Waterbury’s history, particularly as relates to certain past mayors, the Commissioners and public raised concerns regarding the ability of the City to remove and stop payment of salary to elected officials who fail to perform the duties of their office. This issue was raised primarily in relation to the proposed four (4) year term for elected officials. Counsel advised the Commission that under Connecticut law, recall mechanisms in the charters of municipalities are not constitutional with the exception of a handful of towns where recall provisions were established by special act prior to enactment of the state Constitution’s “Home Rule Act” provisions. Essentially, the recall mechanisms in those towns’ charters were “grandfathered” in. At the Special Meeting on July 22nd, the Commission voted to further consider this issue. Mindful of the illegality of recall provisions, the Commission deliberated in regard to removal procedures and the municipality’s ability to cease payment of salary for an elected official who failed to perform the duties of their office. The Commission reviewed Charter provisions that authorized the Board of Aldermen to remove an elected official and consulted with counsel on various legal issues and recent changes in case law. The Commission concluded that its concerns regarding removal and ability to cease payment of salary were adequately addressed to the extent possible and voted not to modify any Charter language in this regard.

Issue 5. Residency Requirements for Corporation Counsel

The proposal to eliminate the residency requirement for Corporation Counsel was referred to the Commission by the Board of Aldermen and was supported by both the Mayor’s Office and Corporation Counsel. The language in the Charter pertaining to this issue states that the person who is appointed Corporation Counsel shall be an elector of the City at the time of his or her appointment. Proponents of eliminating this residency requirement from the Charter expressed the importance of the position and the need to be able to have the most qualified person in the role of Corporation Counsel. They expressed the opinion, that the boundaries of the City should not serve as a barrier to getting the most qualified candidates for the position of Corporation Counsel. While many proponents noted their support of residency requirements generally, it was urged that this particular position warranted an exception. Proponents supported their position by citing the fact that many qualified attorneys who work or have an office in the City live outside City boundaries. Opponents of removing the

4 Simons v. Canty, 195 Conn. 524 (1985)
5 Stewart v. Town of Watertown, 303 Conn. 699 (2012)
residency requirement for Corporation Counsel from the Charter stated the importance of having someone who lives in the City fill this position. At the Commission’s July 15th Special Meeting, the current Corporation Counsel spoke on this issue and noted that there are also residency requirements in the City ordinances for Corporation Counsel that are inconsistent with what is stated in the Charter. The Commission voted to table this issue for further discussion. The City of Waterbury’s ordinances state that the Corporation Counsel “must become a bona fide resident of the city within six months of the date he [or she] begins working for the city and shall remain a bona fide resident during the entire term of his [or her] employment.” However, the Charter language supersedes ordinance language. At the Commission’s July 22nd, Special Meeting, the Commission, after considering the removal of the residency requirement in the Charter language and the conflicting, or at least incompatible, language in the ordinances, voted to not change the language in the Charter and to leave the residency requirement as currently stated intact. It was noted that the ordinance can be changed through the Board of Aldermen, which may choose to make that ordinance language consistent with that in the Charter.

**Issue 6. Budget Referendum**

This item, which was brought to the Commission by Aldermen Lawrence DePillo at the July 8th Public Hearing and was also supported by a few citizens during public participation, involved changing the language in the Charter in regard to the budget procedure to allow the budget to go to referendum. Proponents argued that the electorate should have a say in how their tax dollars are spent by the City and that such a change could encourage greater accountability on the part of City officials. Opponents of changing the budget process language in the Charter expressed concerns relating to the expense of holding such referendums and to potential delays in passing a budget for the City. They cited the budget referendum process in Watertown, Connecticut which has caused delays and acrimony within the Town. On July 22nd the Commission voted to further consider this issue. At the Commission’s July 24th Special Meeting, after substantial deliberation, the Commission voted (5-4) to not make any modifications to the Charter with respect to this issue.

**Issues 7-9. Submissions from the Finance and Audit Review Commission**

Commissioners from the Finance and Audit Review Commission (hereinafter, “FARC”) submitted three issues to the Charter Revision Commission at the July 8th Public Hearing. On July 22nd the Commission voted to further consider these issues. All three of these issues related to increasing FARC’s authority and involvement with City finances. The first request was that the annual reports of the Board of Education be annually transmitted to FARC, as other City departments currently do, and that it be a full report of the proceedings for the previous year. The second request was to provide FARC with the authority to appoint, annually, the external auditor for the City. The third request was to include FARC in the

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6 §30.08 of the City of Waterbury Code of Ordinances
2014 CHARTER REVISION COMMISSION
City of Waterbury

budget process and to have all reports submitted to FARC (in addition to currently being submitted to the Director of Budget and the Mayor) and that FARC approve the forms furnished by the Mayor’s Office.

On July 22nd, the Commission voted to further consider these issues. On July 24th Commissioners from FARC came to speak to and to answer questions from the Charter Revision Commissioners. After some discussion, the Commission voted to table these issues until July 28th and to authorize counsel to confer with FARC representatives to gain clarification on what FARC was attempting to achieve through its proposed Charter changes. Counsel to the Charter Revision Commission conferred with FARC and it was agreed that the language already in the Charter provides FARC with very broad powers through which it is able to achieve many of the objectives it sought. It was further agreed that its requested Charter changes were not necessary to effectuate those objectives. At the Commission’s July 28th Special Meeting, the Commission voted unanimously not to make any modifications to the language pertaining to FARC’s requests.

Issue 10. Increase Residency Points for New-Hire, Entry Level City Employees

This issue was submitted to the Commission by the Board of Aldermen. The requested change was to increase the number of residency points from five to ten for new-hire, entry level City employees. The Commission briefly discussed the request and determined such a change was neither necessary nor desirable and that the current number of residency points awarded to City residents was already more than sufficient to give residents an advantage over non-residents. The result of instituting such an increase would only serve to make it almost completely prohibitive for a non-resident to be hired in the City. On July 22nd the Commission unanimously voted not to further consider this issue. The Board of Alderman requested at their August 20th meeting that the Charter Revision Commission reconsider this issue. At the Charter Revision Commission meeting on August 21st both the Chief of Police and the Fire Chief both offered strong testimony against making such change. The Commission again voted not to modify its decision or to recommend any change.

Issue 11. Contract Award to Local Business Within 10% of Lowest Bid to Match Bid

This issue was submitted to the Commission by the Board of Aldermen. The purpose of the proposal was to provide an advantage to local businesses. The Commission discussed this issue and heard input from the public as well as the Director of Purchasing. At the Commission’s July 15th Special Meeting, the Commission determined that this was not an issue appropriately addressed through Charter Revision because the language pertaining to any local business preferences is found in the City ordinances, not the Charter. The Commission voted unanimously not to further consider this item.

7 §38.049 of the City of Waterbury Code of Ordinances
The Commission submits this Final Report with full knowledge that some of the proposed changes are controversial. These have in fact been the basis of extensive and animated discussions among the Commission members. After hearing from all interested parties, reviewing the past Charter Revision Reports and proposals, evaluating the Charter language in other municipalities and spending numerous hours in discussions and debate the Commission submits this Final Report. It is the result of intensive research, analysis, debate, discussion and compromise.

We thank you for the opportunity to have served our great City of Waterbury.

Respectively Submitted,
2014 Charter Revision Commission
Of the City of Waterbury

By: Sean Mosley, Chair

By: Geoffrey Green, Vice Chair

Cc: Hon. Neil O’Leary, Mayor
City of Waterbury

Members of the 2014 Charter Revision Commission
City of Waterbury

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Proposed Charter Amendments*
by the
2014 Charter Revision Commission

➤ Four Year Term for Elected Officials (Charter Section 2B-2(a) and (b))
➤ Aldermen by District (Charter Section 3A-1 & Section 2B-2(c))
➤ Periodic Review of Charter (Charter Section 12-4)
➤ Miscellaneous Charter Language Pertaining to Change in Supermajority Requirements. (In accordance with, and to be consistent with the hereto proposed change regarding the Board of Aldermen to be elected by district.)

*Please note for purposes of this Final Report, all endnotes as they currently appear in the Charter have been omitted and will be re-inserted upon revision of the actual Charter subsequent to the results of the referendum on any Charter changes submitted on the ballot.
CHAPTER 2. TERMS OF OFFICE AND ELECTIONS

PART B. ELECTIONS

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

(a) Date of Election. On the Tuesday after the first Monday in November of every other odd numbered year the electors of the City shall elect by ballot from their number the following officers: Mayor and Town Clerk. 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: City Clerk; City Sheriff; Fifteen (15) members of the Board of Aldermen; and Five (5) members of the Board of Education. On the first Tuesday after the first Monday in November 2016 and quadrennially thereafter, the electors of the City shall elect Registrar of Voters in accordance with the provisions of the General Statutes.

(b) Term of Office.

(1) Four Year Term for City Offices. Commencing on December 1, 2015, and quadrennially thereafter, the following elected officials shall hold their respective offices for a term of four (4) years: Mayor; and Town Clerk. Commencing on December 1, 2016 and quadrennially thereafter the Registrar of Voters shall hold his office for a term of four years as set forth in the provisions of the General Statutes.

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

(3) Four Year Term for Board of Education. 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.
CHAPTER 3. THE BOARD OF ALDERMEN.

PART A. POWERS.

Section 3A-1. Board of Aldermen vested with the Legislative Powers of the City

(b) Composition of the Board of Aldermen. The Board of Aldermen shall consist of fifteen (15) Aldermen and Alderwomen (collectively referred to as "Aldermen") with three (3) Aldermen from each of the five districts as approved by the Board of Aldermen. The three candidates with the highest votes in each district will be elected. Of the three Aldermen elected by each district no more than two shall be from one political party.

(1) Voting Districts. The City shall be divided into five (5) voting districts. Said voting districts shall each contain substantially equal population. Voting districts shall be established in as compact and contiguous form as practicable and boundaries must follow geographical divisions and currently existing State of Representative Districts wherever practical. Such city districts must conform to applicable state and federal laws.

(2) District Reapportionment. On or before the fifteenth day of February next following adoption of this charter revision, the Board of Aldermen shall appoint a District Reapportionment Commission to determine the five (5) districts. The District Reapportionment Commission shall be comprised of eight (8) electors, no more than four members from any one party selected by the majority leader and the minority leader of the Board of Aldermen. The District Reapportionment Commission shall report to the Board of Aldermen within sixty (60) days after appointment, and may utilize demographic data assembled by the planning Board, computer resources of the City, and such other resources, facilities and funding as the Board of Aldermen may deem desirable to carry out the purpose of this section. Within sixty (60) days after receipt of said report and after a public hearing thereon the Board of Aldermen must either accept or modify the report and enact any necessary ordinance to implement the proposed districts, in compliance with this charter and all state, federal and general laws.

Thereafter, within sixty (60) days after any new decennial federal census figures are made available to the City, the Board of Aldermen shall use this same procedure to appoint a new District Reapportionment Commission to review and, if necessary, revise said districts to conform to the new census, and state, federal and general laws. No elected official shall have his or her office vacated by reason of a district boundary change until completion of his or her term of office.
(3) **District Aldermen Eligibility.** In order to be eligible to be a District Alderman the candidate must be an eligible elector in the district. Any District Alderman who moves out of the district which he represents during his term of office, shall be rendered ineligible and shall cease to hold his office as of the date of said removal. The vacancy shall be filled in accordance with Section 2B-4 and paragraph four (4) of this section, below.

(4) **Vacancy.** Vacancy of an office of any Aldermen is to be filled according to Section 2B-4. With respect to any District Aldermen, any vacancy, from whatever cause arising, including ineligibility from ceasing to reside in the voting district he represents or by reasons of expulsion or removal as set forth in Sec. 3B-3(c) of the Charter, will be filled according to Section 2B-4; however, said vacancy must be filled with an eligible elector who is from the same district and party as the incumbent.
CHAPTER 2. TERMS OF OFFICE AND ELECTIONS

PART B. ELECTIONS.

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

(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 two (2) candidates in their district for the Board of Aldermen and three (3) at large 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 Board of Aldermen the three (3) Aldermen candidates from each district receiving the greatest number of votes in their district shall be elected to the fifteen person Board of Aldermen. With respect to the Board of Education the five (5) Board of Education candidates receiving the highest number of votes shall be elected as members of the Board of Education.
CHAPTER 12. MISCELLANEOUS AND TRANSITION PROVISIONS


Within ten (10) years of the final report of the 2014 Charter Revision Commission and within every ten (10) years of each Final Charter Revision Report 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.
2014 CHARTER REVISION COMMISSION  
City of Waterbury  
Proposed Charter Amendments

***The following Proposed Language Amendments all pertain to various Charter provisions that refer to supermajority requirements:

CHAPTER 2. TERMS OF OFFICE AND ELECTIONS

PART D. COMPENSATION OF ELECTED OFFICIALS

Sec. 2D-1. Mayoral Compensation

(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 eleven (11) 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. 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;

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

   (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 eleven (11) 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 eleven (11) 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 eleven (11) 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 Aldermen may, by an affirmative vote of eleven (11) 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 eleven (11) 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;
Sec. 3B-4. Votes.

(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. 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. 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 eleven (11) 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. 4-10. Hydroelectric Production.

In addition to or in the alternative to any and all powers conferred by federal and state law, constitutions, statutes and regulations, notwithstanding anything to the contrary in this Charter, the Mayor, with the consent of eleven (11) 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 eleven (11) 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.
PART B. INDEPENDENT COMMISSIONS REQUIRED BY CHARTER: FINANCE AND AUDIT REVIEW COMMISSION, DEPARTMENT OF AUDIT, THE ETHICS COMMISSION AND CIVIL SERVICE COMMISSION.

Sec. 6B-3. Board of Ethics

(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 eleven (11) 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.
PART B. INDEPENDENT COMMISSIONS REQUIRED BY CHARTER: FINANCE AND AUDIT REVIEW COMMISSION, DEPARTMENT OF AUDIT, THE ETHICS COMMISSION AND CIVIL SERVICE COMMISSION.

Sec. 6B-4. Civil Service Commission

(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 eleven (11) Aldermen voting for such disapproval within sixty (60) days from the date received by the Board of Aldermen.
PART C. APPOINTIVE BOARDS AND COMMISSIONS REQUIRED BY CHARTER.

Sec. 6C-4. City Plan Commission.

(f) Approval of Construction; Veto of Commission. 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 eleven (11) 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.
CHAPTER 7. DEPARTMENTS AND DEPARTMENT HEADS

PART A. GENERAL REQUIREMENTS FOR DEPARTMENTS AND DEPARTMENT HEADS


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 eleven (11) 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.
CHAPTER 9. BUDGET

PART D. POST-ADOPTION FINANCIAL PROVISIONS.

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

(a) Transfers of Appropriations 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 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 eleven (11) 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.
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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART A. PUBLIC WORKS: THE WATER SUPPLY

Sec. 11A-2. Water Supply; Uses

(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 eleven (11) 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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART A. PUBLIC WORKS: THE WATER SUPPLY

Sec. 11A-7. Amendment regarding Water Supply System.
(Subsec. (b) & (c) of §11A-2 substantially superseded this section.)

The Mayor of the City, with the consent of eleven (11) 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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART F. PUBLIC MONEYS

Sec. 11F-2. Redevelopment Fund.

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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART F. PUBLIC MONEYS

Sec. 11F-5. Street Improvement Fund; Special Assessments; Assessment Procedure.

(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 eleven (11) 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.
ORIGINIAL LANGUAGE FROM THE CHARTER OF THE CITY OF WATERBURY*
as of 2010 revisions.

*Please note for purposes of this Final Report, all endnotes as they currently appear in the Charter have been omitted and will be re-inserted upon revision of the actual Charter subsequent to the results of the referendum on any Charter changes submitted on the ballot.
Sec. 2B-2. Date of Election and Terms of Office of Elective Officers

(a) Date of Election.

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.

(b) Term of Office.

(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.
CHAPTER 3. THE BOARD OF ALDERMEN.

PART A. POWERS

Sec. 3A-1. Board of Aldermen Vested with the Legislative Powers of the City*.

(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.
CHAPTER 12. MISCELLANEOUS AND TRANSITIONAL PROVISIONS*


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.
The following is the original language from the Charter (2010 revision) as relates to supermajority requirements:

CHAPTER 2. TERMS OF OFFICE AND ELECTIONS

PART D. COMPENSATION OF ELECTED OFFICIALS

Sec. 2D-1. Mayoral Compensation

© 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 eleven (11) 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.
CHAPTER 3. THE BOARD OF ALDERMEN

PART A. POWERS

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;

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

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 eleven (11) 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 eleven (11) 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 eleven (11) 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 Aldermen may, by an affirmative vote of eleven (11) 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 eleven (11) 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;
CHAPTER 3. THE BOARD OF ALDERMEN

PART A. POWERS

Sec. 3B-4. Votes⁴.

(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 Vote⁴. 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 Money⁴. 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 eleven (11) 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.
CHAPTER 4. THE MAYOR

Sec. 4-10. Hydroelectric Production (New)

In addition to or in the alternative to any and all powers conferred by federal and state law, constitutions, statutes and regulations, notwithstanding anything to the contrary in this Charter, the Mayor, with the consent of eleven (11) 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 eleven (11) 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.
CHAPTER 6.  BOARDS AND COMMISSIONS

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

Sec. 6B-3.  Board of Ethics

(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 eleven (11) 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.
CHAPTER 6. BOARDS AND COMMISSIONS

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

Sec. 6B-4. Civil Service Commission

(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 eleven (11) Aldermen voting for such disapproval within sixty (60) days from the date received by the Board of Aldermen.
CHAPTER 6. BOARDS AND COMMISSIONS

PART C. APPOINTIVE BOARDS AND COMMISSIONS REQUIRED BY CHARTER.

Sec. 6C-4. City Plan Commission.

(f) Approval of Construction; Veto of Commission. 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 eleven (11) 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.
CHAPTER 7. DEPARTMENTS AND DEPARTMENT HEADS

PART A. GENERAL REQUIREMENTS FOR DEPARTMENTS AND DEPARTMENT HEADS


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 eleven (11) 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.
CHAPTER 9. BUDGET

PART D. POST-ADOPTION FINANCIAL PROVISIONS.

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

(a) Transfers of Appropriations. 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. 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 eleven (11) 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.
CHAPTER 10. PUBLIC FUNDS AND FINANCE

PART A. BORROWING BY THE CITY

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 eleven (11) 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.
Chapter 11. Special Act and Historical Charter Provisions

Part A. Public Works: The Water Supply

Sec. 11A-2. Water Supply; Uses

(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 eleven (11) 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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART A. PUBLIC WORKS: THE WATER SUPPLY

Sec. 11A-7. Amendment regarding Water Supply System.
(Subsec. (b) & (c) of §11A-2 substantially superseded this section.)

The Mayor of the City, with the consent of eleven (11) 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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART F. PUBLIC MONEYS

Sec. 11F-2. Redevelopment Fund.

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 eleven (11) 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.
CHAPTER 11. SPECIAL ACT AND HISTORICAL CHARTER PROVISIONS

PART F. PUBLIC MONEYS

Sec. 11F-5. Street Improvement Fund; Special Assessments; Assessment Procedure.

(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 eleven (11) 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.