

*Changes required for correcting typos, and grammatical, obsolescence or due to State Statutes are identified by being italic and orange*

*Proposed Changes are identified in Bold, Blue and Arial Bold font*

FINAL DRAFT FOR SUBMITTAL BY 2008 CHARTER REVISION  
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# **2008 Charter Revision**

**CHARTER  
of the  
CITY of SHELTON  
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## **CHAPTER 1. INCORPORATION POWERS, AND DUTIES, AND PROPERTY AND RIGHTS AND OBLIGATIONS**

### **Section 1.1. Incorporation.**

All inhabitants residing within the territorial limits of the City as shown on the map contained in Appendix A to this Charter, shall continue to be a body politic and corporate under the name of the City of Shelton and as such shall have perpetual duration.

### **Section 1.2. Powers and Duties.**

The City shall have all powers and duties specifically conferred or imposed by this Charter or the laws of the State or United States, and all other powers and duties fairly incident to those specifically conferred or imposed, and all powers and duties not reserved to the State or the United States.

### **Section 1.3. Property and Rights and Obligations.**

The City shall continue to have all property which it has as of the effective date of this Charter and all rights and obligations shall continue in the City.

## CHAPTER 2. ELECTIONS

### Section 2.1. General City Election.

The general City election for the elective offices of the City and each ward of the City shall be held in accordance with the laws of the State on the Tuesday after the first Monday of November of the odd-numbered years ~~unless otherwise provided for by the Connecticut General Statutes.~~

### Section 2.2. Polling Places and Hours.

The ~~Mayor~~ Registrars of Voters shall designate the polling place or places for the City of each ward of the City for each general City election and for any other voting by the electors. All elections and other voting shall be conducted as provided in this Charter and the laws of the City and State and United States. If not otherwise provided, the polls shall remain open from 6:00 a.m. to 8:00 p.m. If not otherwise provided, the ~~Mayor~~ Registrars of Voters shall publish a notice of the election or other voting in a newspaper having a substantial circulation in the City at least seven (7) days prior to the election or other voting.

### Section 2.3. Regulation.

The Board of Aldermen may enact such ordinances not inconsistent with this Charter and the laws of the City and State and United States as may be necessary to regulate any general City election or other voting.

### Section 2.4. Elected Municipal Officials and Voting.

#### 2.4.1. Officials:

At a general City election, where applicable, the electors shall elect the following officials to the following offices for the terms indicated or until successors shall be elected:

- (a) A Mayor to serve for a term of two (2) years;
- (b) A Board of Aldermen consisting of eight (8) members elected as follows:  
Two (2) members to the Board from each ward to serve for a term of two (2) years;
- (c) A Board of Apportionment and Taxation consisting of six (6) members to serve for a term of two (2) ~~years to be elected from four (4) persons nominated by each political party and such unaffiliated persons as may be properly on the ballot;~~

- (d) A Board of Education consisting of nine (9) members *to serve* ~~elected as follows:~~  
  
~~Four (4) Members to replace those members whose terms expire in November 1995 for a period of two (2) years and thereafter at each biennial election nine (9) members~~ for a term of two (2) years;
- (e) A Library Board consisting of six (6) members ~~elected~~ to serve for staggered terms of six (6) years with the terms of two (2) members expiring at each general City election;
- (f) A Planning and Zoning Commission consisting of ~~seven (7) members~~ ~~six (6) members~~ *seven (7) members* ~~elected as follows:~~ ~~Three (3) members to be elected at the November 1995 election to fill the term of those members whose term expire in November 1995 and two (2) alternates for a term of two years and thereafter at each biennial election six (6) members~~ and two (2) alternates *each of whom shall serve* for a term of two (2) years;
- (g) A City Treasurer to serve for a term of two (2) years.

2.4.2. *Voting:*

Each elector is authorized to vote for the full number of members to be elected to any board, commission, or other body; provided, however, that such authorization shall not prohibit the operation of any law requiring minority representation.

**Section 2.5. Taking Office.**

Each elected official shall take office on the second Tuesday following the day of his/*her* election.

**Section 2.6. Conduct of Other Voting.**

Any other voting, in addition to the general City elections, which is authorized by this Charter or the laws of the City or State or United States may be called by the Mayor or, if not, the Board of Aldermen and shall be conducted, as far as possible, in the same manner as a general City election.

**Section 2.7. Tie.**

When a general City election or other voting results in a tie, an adjourned election shall be conducted in accordance with the laws of the City or State or United States. If not otherwise

provided, the adjourned election shall be held on the seventh day after the election or other voting which resulted in a tie and shall be confined to the tied candidates or issues.

### **Section 2.8. Recall.**

The electors of the City may recall from public office any elected official of the City in accordance with the provisions of this Section. To initiate a recall, an elector shall submit to the City/Town Clerk a written request for a recall petition which shall specify the name and office of the official whose recall is sought and the grounds for recall and which shall be signed by twenty ~~(20) percent (20%)~~ or more electors of the City. Upon receipt of a proper request, the City/Town Clerk shall issue a reasonable number of duplicate copies of a recall petition in such form as the City/Town Clerk may from time to time prescribe provided at the minimum the form shall contain the information required in the written request for the recall provision. Each page of the recall petitions shall contain a statement, signed under penalties of false statement, by the person who circulated it, providing the circulator's name and address and verifying that each person whose name appears on the page signed it in the presence of the circulator and that the circulator either knew the signer or the signer satisfactorily identified himself to the circulator, and any page which does not contain such information shall be invalid. If the recall petitions are returned to the City/Town Clerk within thirty (30) days of the date of issuance and are signed by a total of twenty ~~percent (20%)~~ or more of the electors ~~registered as determined by its last completed registry list~~ at the last general City election, the City/Town Clerk shall conduct within ~~thirty (30)~~ sixty (60) days of the date of the return of the recall petitions, a vote on the recall, in which the form of the question shall as nearly as possible be "Shall (insert name and office of the official whose recall is sought) be recalled?" If sixty (60%) percent or more of the electors entitled to vote shall vote and if a majority of those voting shall vote in the affirmative, the official shall be recalled and the office filled in such manner as shall be provided by this Charter or the laws of the City or State, except no recalled official shall be appointed to the office from which he/~~she~~ was recalled. The City/Town Clerk shall not issue any recall petition until the official whose recall is sought has held the office from which his/~~her~~ recall is sought for a minimum of six (6) months, which time period shall not be deemed broken by reelection to the office previously held. The City/Town Clerk shall not issue during a consecutive period of two (2) years more than one (1) recall petition for any one (1) official.

### **Section 2.9. Provisions for Charter Revision.**

The Board of Aldermen shall, on or before April 1, ~~2004~~ 2018 and at least every ten (10) years thereafter, appoint a Charter Revision Commission in accordance with the laws of the State to consider general charter revision.

**Section 2.10. Wards.**

The City shall be divided into four (4) wards, the boundaries of which shall be established pursuant to Conn. Gen. Stat. Section 9-169(f) as may be amended from time to time and such reapportionment plan shall be filed with the City/Town Clerk's office. ~~as of May 01, 1994 are set forth in Appendix B.~~

~~The boundaries of each such ward shall be reapportioned at such times and in such manner as is mandated by law.~~

## CHAPTER 3. THE MAYOR

### Section 3.1. Office, Election and Qualifications.

The chief executive officer of the City shall be a Mayor. The Mayor shall be elected as provided in Section 2.4 (a) of this Charter. The Mayor shall be an elector and a resident of the City.

### Section 3.2. Powers and Duties.

The Mayor shall have all powers and duties of a chief executive officer specifically conferred or imposed by this Charter or the laws of the City or State or United States and all other powers and duties fairly incident to those specifically conferred or imposed. The Mayor shall supervise the general operation ~~and Departments~~ of the City ~~unless otherwise specified by Connecticut General Statute or the City Charter.~~ *The Mayor* shall preside at all meetings of the Board of Aldermen and the Board of Apportionment and Taxation, at which meetings of the Board he/*she* shall have a tie-breaking vote only. *The Mayor* shall prepare and have printed, as soon as possible after the close of each fiscal year, ~~an~~ annual City report. *The Mayor* shall prepare and submit to the Board of Apportionment and Taxation an annual budget as provided in Chapter 7 of this Charter. *The Mayor* shall have such other lawful powers and duties as may be conferred or imposed by ordinance or resolution of the Board of Aldermen; provided, however, that the Board of Aldermen shall not diminish, in any way, the powers and duties of the Mayor except those powers and duties conferred or imposed on ~~the Mayor~~ ~~him/her~~ by the Board of Aldermen under this Section.

### Section 3.3. Appointments.

#### 3.3.1. Boards, Commissions, and Other Bodies:

Within thirty (30) days after taking office, the Mayor shall make appointments required of ~~the Mayor~~ ~~him~~ under Chapter 5 of this Charter.

#### 3.3.2. Offices:

Within thirty (30) days after taking office, the Mayor shall make the appointments required of ~~the Mayor~~ ~~him/her~~ under Chapter 6 of this Charter, each for a term of two (2) years unless otherwise specified. ~~or until removed and until a successor is appointed.~~

#### 3.3.3. Other Appointments:

The Mayor shall also have the power, subject to the provisions of Chapter 8 of this Charter to appoint and remove persons in positions in the classified service, except where this Charter specifically grants to another authority the power to appoint and remove, in which case



the Mayor shall have no power to appoint and remove. The Mayor may delegate his/*her* authority to appoint and remove under this subsection to one (1) or more department heads.

### **Section 3.4. Succession to Office.**

If the office of Mayor is vacant for the reason of temporary disability or absence from the City, the President of the Board of Aldermen shall serve as acting Mayor during such disability or absence. If the office of Mayor is vacant for any other reason, the President of the Board of Aldermen shall fill the vacancy until a successor is elected *at the next Mayoral election*. In the event that the next Mayoral election is more than fifteen (15) months from the date the Mayor vacates his office, a special election shall be held within ninety (90) days to elect a replacement who will serve the remaining term of the Mayor's vacancy. No primary shall be held for the nomination of any political party to fill any vacancy in the Office of Mayor and the party-endorsed candidate from any qualified party so selected shall be deemed, for the purposes of this section of the City Charter as the nominee of such party.

## **CHAPTER 4. THE BOARD OF ALDERMEN**

### **Section 4.1. Office, Election, and Qualifications.**

The legislative body of the City shall be a Board of Aldermen. The Board shall be elected as provided in Section 2.4.1.(b) of this Charter. Each Alderman shall be an elector and a resident of the ward from which he/*she* is elected at the time that he/*she* takes office and during his/*her* entire term of office. Each Alderman shall serve without compensation; but may receive reimbursement for reasonable and necessary expenses.

### **Section 4.2. Presiding Officers.**

On the second Tuesday following the day of each general City election, the members of the Board of Aldermen shall meet and elect one of its members as President of the Board and one of its members as Vice President of the Board. The President shall preside at the meetings in the absence of the Mayor and shall serve as acting Mayor or Mayor as provided in Section 3.4. of this Charter. The President shall retain his/*her* own *right to* vote as a member of the Board and, in the absence of the Mayor, may vote additionally to break a tie. The Vice President shall act in the place of the President in the event of his/*her* temporary disability or absence.

### **Section 4.3. Meetings, Quorum and Actions, and Procedure.**

#### *4.3.1. Meetings:*

The Board of Aldermen shall hold regular monthly meetings, open to the public, on a day specified by ordinance. The Mayor or any two (2) members of the Board may convene a special meeting of the Board at any time by giving each member and the Mayor at least twenty-four (24) hours notice.

#### *4.3.2. Quorum and Actions:*

Five (5) members of the Board of Aldermen, exclusive of the Mayor, shall constitute a quorum for any meeting, and the Board shall take no action, except on a vote to adjourn or to fix the time and place of the next meeting, unless the action is adopted by at least five (5) affirmative votes.

#### *4.3.3. Procedure:*

The Board of Aldermen shall, to the extent possible, confine each ordinance and resolution to one subject which shall be clearly stated. The Board shall keep ~~minutes a journal~~ of all its proceedings, including all roll call votes, which ~~minutes journal~~ shall be the official record of its proceedings and shall be open to public inspection. The Clerk of the Board shall maintain the ~~minutes journal~~ *or and* an exact copy shall be kept in the office of the City/Town

Clerk. The Board of Aldermen shall, by ordinance or resolution, determine other rules of its procedure not specified by the Charter.

#### **Section 4.4. Powers and Duties.**

The Board of Aldermen shall have all powers and duties of a legislative body specifically conferred or imposed by this Charter or the laws of the City or State or United States and all other powers and duties fairly incident to those specifically conferred or imposed. Consistent with this Charter and the laws of the City and State and United States, the powers of the Board shall include, but not limited to, the following powers: to enact, amend, or repeal ordinances; to create, consolidate, or abolish offices or boards, commissions, or other bodies and to define their powers and duties; to provide for the preservation of the order, peace, safety, health, and welfare of the City and its inhabitants; to determine and set, upon the recommendation of the Mayor, the compensation of all elected and appointed officials of the City and all City employees; to regulate the borrowing of money by the City; to issue such bonds or notes as may be required for the proper conduct of the business of the City; and to exercise the powers as granted by [Conn. Gen. Stat. Section 7-194](#) ~~of the Connecticut General Statutes~~, as amended from time to time.

#### **Section 4.5. Appointments.**

##### *4.5.1. Boards, Commissions and Other Bodies:*

Within thirty (30) days after taking office, the Board of Aldermen shall make the appointments required of ~~them~~ *it* under Chapter 5 of this Charter.

##### *4.5.2. Clerk:*

Within thirty (30) days after taking office, the Board of Aldermen shall appoint for a term of two (2) years, or until removed and until his/*her* successor is appointed, a Clerk of the Board.

#### **Section 4.6. Investigation.**

The Board of Aldermen and each committee of the Board shall have the power to investigate any matter concerning the City and the public interest and well-being and to call witnesses to appear before the Board to testify on any matter under investigation by the Board.

#### **Section 4.7. Ordinances.**

##### *4.7.1. Proposal:*

The Mayor or any member of the Board of Aldermen may propose an ordinance [in writing](#) to the [Clerk of the Board](#) and, not later than the next regular meeting following its

submission, the ~~Mayor~~ Clerk shall refer the ordinance without the requirement of a vote to ~~the proper committee of~~ the Board of Aldermen.

#### *4.7.2. Referral to Committee:*

Should the Board determine that the proposed Ordinances should be reviewed by a Committee(s) of the Board before going to Public Hearing, it may, by majority vote, agree to refer the proposed Ordinance to a Committee(s) of its choice providing that the reasons for the referral are clearly stated. The Committee(s) shall be required to report back to the full Board no later than sixty (60) days after the date of referral to the Committee(s) with or without comment. In no case shall a Committee(s) of the Board withdraw the proposed Ordinance from further consideration by the Board.

#### *4.7.3. Hearing:*

Within thirty ~~five (35)~~ (30) days after the referral to the Board by the Clerk or, in the case of a referral to a Committee(s) within thirty (30) days of the Committee(s) report, the Board shall hold ~~without requirement of a vote~~, at least one (1) public hearing on the proposed Ordinance and notice of such hearing shall be published in a newspaper having substantial circulation in the City at least five (5) days prior to said hearing. ~~The committee shall report to the Board of Aldermen not later than the second regular meeting follow the public hearing.~~

#### *4.7.4.3. Board Action:*

Not later than the next regular meeting following the ~~receipt of the report~~, Public Hearing, the Board of Aldermen shall consider the proposed Ordinance together with any amendments that may be offered thereto, and the Board shall either reject or pass such Ordinance with or without such amendments except that the Board may table said ordinance until its next regular meeting in order to permit further study or investigation. At such next regular meeting the Board shall consider the proposed Ordinance together with such amendments as shall be proposed and shall reject or pass such Ordinance with or without amendments.

#### *4.7.5 4. Proposal by Petition:*

The electors may also propose an Ordinance by petition as set forth in Section 4.11 of this Charter.

## **Section 4.8. Approval or Disapproval of Votes, Resolutions, and Ordinances.**

### *4.8.1. Certification to Mayor:*

The Clerk of the Board of Aldermen shall, within ten (10) days of Board action, certify to the Mayor for his/*her* approval or disapproval each vote, resolution, or ordinance (except an emergency vote, resolution, or ordinance or any vote, resolution, or ordinance relating to the procedures of the Board, any of which shall become effective without review or approval by the Mayor and except any vote, resolution, or ordinance adopting a final budget or making an emergency appropriation, any of which shall become effective in accordance with Chapter 7 of this Charter).

### *4.8.2. Approval:*

If the Mayor approves the vote, resolution, or ordinance, he/*she* shall sign it, upon which, subject to the provisions of this Charter, it shall become effective.

### *4.8.3. Disapproval:*

If the Mayor disapproves the vote, resolution, or ordinance, he/*she* shall, within fourteen (14) days after it was certified to him/*her*, return it to the Clerk of the Board of Aldermen with a statement of the reasons for his/*her* disapproval, which statement shall be read by the Clerk to the Board at its next regular meeting. If the Board shall pass the vote, resolution, or ordinance within seven (7) days after it has been read to the Board, by an affirmative vote of at least six (6) of the eight (8) members, then subject to the provisions of this Charter, it shall become effective without the approval of the Mayor.

### *4.8.4. Failure to Return:*

If the Mayor does not return the vote, resolution, or ordinance within the time required, subject to the provisions of this Charter, it shall become effective without the approval of the Mayor.

## **Section 4.9. Publication of Ordinances; Effective Date.**

The Clerk of the Board of Aldermen shall file each Ordinance, within five (5) days after final passage, with the City/Town Clerk pursuant to Section 4.8.2, 4.8.3, 4.8.4. *and as required by Connecticut General Statutes. W*within ten (10) days after receipt of such Ordinance, the City/Town Clerk shall publish the same *in summary form* in a newspaper having substantial circulation within the City, *which notice shall also state that a full copy of the ordinance has been posted on the City website and is on file with the City/Town Clerk.*

~~Unless the Board of Aldermen at the time of the passage of the ordinance shall direct otherwise, the ordinance shall be published in its entirety. The Board of Aldermen may direct that a summary be published, in which case the notice shall also state that a full copy of the ordinance is on file with the city/Town Clerk.~~

In the event that an emergency Ordinance is passed pursuant to Section 4.10 of the Charter, the Board of Aldermen shall not have the right to direct that a summary be published, but the entire ordinance shall be published.

In either event, the publication shall be within ten (10) days of receipt of the Ordinance by the City/Town Clerk and shall be published in a newspaper having a substantial circulation within the City and a full copy of the Ordinance shall be posted on the City website.

#### **Section 4.10. Emergency Action.**

An action stated to be an emergency vote, resolution or ordinance as determined by the Mayor and the Board of Aldermen and stating facts constituting an emergency shall not require notice of a public hearing or a public hearing and shall become effective immediately and publicized after publication as required in Section 4.9 of this Charter.

Each such emergency vote, resolution, or ordinance, including any amendments, shall automatically stand repealed ~~sixty one (61)~~ thirty (30) days following passage of the emergency vote, resolution, or ordinance.

#### **Section 4.11. Powers of Initiative.**

The electors of the City shall have the power *by petition* to propose to the Board of Aldermen ~~by petition~~ passage of a vote, resolution or ordinance (except any emergency vote, resolution, or ordinance adopted under Section 4.10 of this Charter or any vote, resolution, ordinance or action taken pursuant to Chapter 7 of this Charter). Any elector may file with the City/Town Clerk any such petition, and, except as provided in this Section, such petition shall conform to the requirements of Conn. Gen. Stat. Section 7-9, as amended from time to time. The petition shall contain the full text of the vote, resolution, or ordinance proposed to be passed or repealed and shall be signed by a total of ~~fifteen percent (15%)~~ ten percent (10%) or more of the electors as determined by the last completed registry list for the last general City election. The petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in Conn. Gen. Stat. Section 7-9. The City/Town Clerk shall, within five (5) days after receipt of the last page of the petition, determine whether or not the petition and affidavits are sufficient, and if they are, the City/Town Clerk shall certify the petition to the Board of Aldermen. If the Board fails to take action on passage or repeal of any vote, resolution, or ordinance so proposed without any

substantial change within thirty (30) days after certification by the City/ Town Clerk, the Board shall, ~~within ninety (90) days of the certification,~~ cause a referendum to be held on the proposed passage or repeal of the vote, resolution, or ordinance ~~at the next general election.~~ Passage or repeal of any such vote, resolution, or ordinance shall become effective fourteen (14) days after certification by the moderator of the referendum that a majority of those voting on the question have voted in the affirmative; provided, however, that at least twenty percent (20%) of the eligible electors have voted in the referendum. If less than twenty percent (20%) of the electors ~~as determined by the last completed registry list for said election~~ have voted, the proposal shall be defeated. Passage or repeal of any such vote, resolution or ordinance shall become effective upon certification of the results of the voting regardless of any defect in the petition. The Board shall not act to defeat the effect of passage or repeal of any vote, resolution, or ordinance which shall have been adopted in accordance with the provisions of this Section, except by vote of the electors, which vote shall be conducted in the same manner as the original referendum. Passage or repeal of any vote, resolution, or ordinance, proposed by initiative petition and defeated by referendum shall not be resubmitted by initiative petition until at least two (2) years after the referendum.

## CHAPTER 5. BOARDS, COMMISSIONS AND OTHER BODIES.

### Section 5.1. Elected.

#### 5.1.1. Board of Apportionment and Taxation:

5.1.1.1. *Board:* The City shall have a Board of Apportionment and Taxation, elected as provided by Section 2.4.1(c) of this Charter, no more than three (3) members of ~~which~~ *whom* shall be from the same political party. The members shall hold no other elected or appointed office within the City. The Mayor shall be an ex-officio member of the Board, shall preside at its meetings, and shall vote only in the case of a tie. At the first regular meeting of the Board following the date on which the newly elected members take office, the Board shall choose, by plurality vote, one (1) of its members to be Chairman of the Board. The Chairman shall preside in the absence of the Mayor. Four (4) members of the Board, exclusive of the Mayor, shall constitute a quorum to transact business. The Board shall have the powers and duties conferred or imposed by this Charter. The Board ~~shall~~ *shall be responsible for determining the successful bidder, which responsibility it may from time to time, delegate to the Finance Committee of the Board. have the authority to award contracts, which authority it may, from time to time, delegate to the Finance Committee of the Board.*

5.1.1.2. *Finance Committee:* At the first regular meeting of the Board following the date on which the newly elected members take office, the Board shall choose, by plurality vote, two (2) of its members, which two (2) members shall not be from the same political party, to be the Finance Committee of the Board.

#### 5.1.2. Board of Education:

5.1.2.1. *Board:* The City shall have a Board of Education, elected as provided by Section 2.4.1 (d) of this Charter, no more than five (5) members of which shall be from the same political party. The members shall hold no other elected or appointed office within the City. The Board shall operate a school system in the City and shall appoint and may remove such personnel as may be necessary or convenient to the operation of the system. The Board shall have the power to receive, manage, and expend any gifts for school purposes.

5.1.2.2. *Chairman:* ~~No person shall serve as Chairman of the Board for more than four (4) consecutive terms of one (1) year each.~~ The Chairman shall preside over all meetings of the Board. Within thirty (30) days after the Chairman is chosen, the Chairman shall appoint a Clerk of the Board (whose compensation the Board shall establish), who shall attend the meetings of the Board, take the minutes, and prepare and maintain the records of its proceedings. The Chairman shall appoint all committees. The Chairman shall have such other powers and duties consistent with his/*her* office as may be conferred or imposed by the Board.



*5.1.3. Library Board:*

The City shall have a Library Board elected as provided by Section 2.4.1(e) of this Charter no more than four (4) members of ~~which~~ **whom** shall be from the same political party. The members shall hold no other elected office within the City. The Board shall operate a library system in the City and shall appoint and may remove, such librarian, librarians, and other personnel as may be necessary or convenient to the operation of the system. The Board shall make and adopt bylaws, rules and regulations for the governance of the library and reading room and shall have exclusive control of the expenditure of all monies collected to the credit of the library fund, have the supervision, care and custody of the grounds, rooms or building set apart by the Board of Alderman for library purposes; provided that all such monies collected and received shall be placed in the custody of the Finance Director to the credit of its library fund and shall be kept separate from other monies of the City and shall be drawn upon by the proper officers of the City upon duly authenticated vouchers of the Directors. The Board shall have the power to receive, manage and expend any gifts for library purposes, and shall have custody of such gifts, including, but not limited to, any endowment funds.

*5.1.4. Planning and Zoning Commission:*

(a) The City shall have a Planning and Zoning Commission elected as provided by Section 2.4.1(f) of this Charter, no more than **five (5)** ~~four (4)~~ members of ~~whom~~ **which** shall be from the same political party. The members shall hold no other elected or appointed office within the City. The Commission shall have such duties as are provided by the General Statutes of the State of Connecticut relating to planning and zoning, and, subject to the approval of the Mayor, shall appoint and may remove zoning and planning officers and such professional and other personnel as may be necessary or convenient to the operation of the commission.

(b) There shall be two (2) alternate members elected to the Planning and Zoning Commission **as provided by Section 2.4.1 (f)**, ~~at the election in November 1995 and biannually thereafter for a term of two (2) years~~ no more than one (1) of whom shall be from the same political party. **The alternate members shall hold no other elected or appointed office within the City.** The Chairman of the Planning and Zoning Commission shall, when a regular member is unable to attend a meeting or is otherwise unable to participate, select an alternate in place of such member firstly from the same political party as the member **who is unable to attend the meeting or otherwise unable to participate** and if an alternate from the same political party is not available, then the Chairman shall select the second alternate. If two (2) members are unable to attend or participate, both alternates shall be seated, provided that the minority representation requirements of the **Connecticut** General Statutes are not thereby violated in which event the Commission shall proceed on the matter without the participation of any alternate.

**Section 5.2. Appointed by the Mayor.**

The Mayor shall provide notification to the clerk of the Board of Aldermen on all appointments at least fifteen (15) days prior to the appointment.

*5.2.1. Parks and Recreation Commission:*

The City shall have a Parks and Recreation Commission consisting of twelve (12) members, no more than seven (7) of whom shall be from the same political party, appointed by the Mayor to serve for a staggered term of four (4) years. ~~The terms of three (3) members shall expire each year of a four year cycle.~~ The Commission shall operate and maintain a system of public recreation facilities and activities in the city and, subject to the approval of the Mayor, shall appoint and may remove a Director of Parks and Recreation, and the Superintendent of Parks and Recreation ~~and such other personnel as may be necessary or convenient to the operation of the system.~~ The director of Parks and Recreation shall report to the Administrative Assistant on a day-to-day basis to carry out the directions of the Parks and Recreation Commission. The Commission shall have the power to receive, manage and expend any gifts for Parks and Recreation purposes ~~which funds shall be subject to audit in compliance with Connecticut General Statutes and City Ordinances.~~

*5.2.2. Board of Zoning Appeals:*

The City shall have a Board of Zoning Appeals, consisting of five (5) regular members and three (3) alternate members, no more than three (3) of which regular members and no more than two (2) of which alternate members shall be from the same political party, appointed by the Mayor to serve for staggered terms of five (5) years. ~~The term of one (1) regular member shall expire each year of a five year cycle and the term of one (1) alternate member shall expire in the third, fourth and fifth years of a five year cycle.~~ The Board of Zoning Appeals shall have all of the powers and duties granted to and imposed upon them under the appropriate provisions of the Connecticut General Statutes and Ordinances and Resolutions adopted by the Board of Aldermen.

*5.2.3. Conservation Commission:*

The City shall have a Conservation Commission, consisting of seven (7) members, no more than four (4) of whom shall be from the same political party, appointed by the Mayor to serve for staggered terms of three (3) years. ~~The terms of two (2) members shall expire in the first and second years of a three year cycle and the term of one (1) member shall expire in the third year of a three year cycle.~~ The Conservation Commission shall have all of the powers and duties granted to and imposed on conservation commissioners under the appropriate provisions of the ~~Connecticut General Statutes~~ Connecticut General Statutes and Ordinances

and Resolutions adopted by the Board of Aldermen. The Commission may appoint and remove a Natural Resource Manager subject to the approval of the Mayor.

~~5.2.4 Jury Committee:~~

~~The City shall have such Jury Committee as may be authorized by the Statutes of the State, as they may be amended from time to time, consisting of such persons and appointed in such manner as be provided therein.~~

5.2.4.5. *Economic Development Commission:*

The City shall have an Economic Development Commission, consisting of five (5) members, no more than ~~three (3)~~ three (3) of which **whom** shall be from the same political party, appointed by the Mayor to serve for staggered terms of five (5) years. ~~The term of one (1) member shall expire each year of a five year cycle.~~ The Commission shall promote development of the economic resources of the City and shall have such duties and powers as are set forth in the Connecticut General Statutes and Ordinances and Resolutions adopted by the Board of Aldermen.

5.2.5.6. *Inland Wetlands Commission:*

The City shall have an Inland Wetlands Commission, consisting of seven (7) members, no more than four (4) of whom shall be from the same political party, ~~and two alternates of whom not more than one (1) shall be from the same political party,~~ appointed by the Mayor to serve for staggered terms of five (5) years. ~~The term of one (1) member shall expire in the first second years of a five year cycle and the terms of two (2) members shall expire in the fourth and fifth year of a five year cycle.~~

The Commission shall administer the Inland Wetlands regulations and shall have such duties and powers as are set forth in the Connecticut General Statutes of the State of Connecticut relating to Inland Wetlands Commissions.

The Commission, subject to the approval of the Mayor, shall appoint and may remove a Wetlands Enforcement Officer and such professional and other personnel as may be necessary or convenient to the operation of the Commission.

**Section 5.3. Appointed by the Board of Aldermen.**

5.3.1. *Board of Tax Review:*

The City shall have a Board of Tax Review, consisting of three (3) members, no more than two (2) of which shall be from the same political party, appointed by the Board of Aldermen

to serve for staggered terms of three (3) years. ~~The term of one (1) member shall expire each year of a three year cycle.~~

*5.3.2. Public Building Committees:*

The City shall have a Public Building Committee for each public building project which ~~is bonded or~~ **may** reasonably ~~may~~ exceed ~~One~~ **Three** Hundred Thousand Dollars (\$~~1~~**3**00,000.00) in total cost. Each committee shall consist of from five (5) to nine (9) members as appointed by the Board of Aldermen to serve for an indefinite term until completion of the public building project for which the committee was appointed. The Board of Aldermen shall appoint each committee no later than fourteen (14) days after the Board has first authorized the expenditure of any funds for the public building project. At the first meeting of each committee, the committee shall elect, by plurality vote, a chairman from its members to serve until completion of the public building project for which the committee was appointed. Each committee shall supervise the public building project for which it was appointed, ~~develop a project program with input from the appropriate department head or representative of the Board/Commission for which the project is being completed and shall have such other powers as conferred upon them by the Board of Aldermen.~~ Each committee shall supervise the public building project for which it was appointed, and shall appoint and may remove such professional ~~service providers~~ and such other personnel as may be necessary or convenient to the supervision of the project. Each committee shall have the power to issue change orders which do not result in an increase in the total cost of the project above the authorized total bond issue or cost. No committee shall have the power to award contracts or waive bids on any project, but a committee may recommend the acceptance or rejection of any bid on any project or the waiver of the bids.

*5.3.3. Public Employee Appeals Board:*

The City shall have a Public Employees Appeals Board consisting of five (5) members appointed by the Board of Aldermen to serve for staggered terms of five (5) years. ~~The term of one (1) member shall expire each year of a five year cycle. Subject to the provisions of any applicable collective bargaining agreement,~~ ~~†~~The Board shall hear, within ten (10) days of filing, the appeal of any employee of the City, ~~unless covered by a collective bargaining agreement grievance procedure,~~ who has completed any probationary period of employment, and who may have a grievance involving his/*her* employment or the merit system. The Board shall submit its decision in writing to the Mayor, and the decision of the Board shall be final unless within ten (10) days of receipt of the decision the Mayor shall submit a different decision in writing to the Board, in which event the decision of the Mayor shall be final unless within ten (10) days the Board shall reaffirm its original decision in writing after the affirmative vote of at least four (4) members.

Any decision which becomes final hereunder may be appealed to the Superior Court for the Judicial District of Ansonia/Milford or such other Judicial District as may have jurisdiction within twenty (20) days from the date the decision becomes final.

*5.3.4. Water Pollution Control Authority:*

The City shall have a Water Pollution Control Authority consisting of eight (8) members appointed by the Board of Aldermen to serve for staggered terms of four (4) years. ~~The terms of four (4) members shall expire in the second and fourth years of a four-year cycle.~~ The Water Pollution Control Authority shall have such powers as are set forth in ~~Connecticut General Statutes, of the General Statutes,~~ as the same may be amended from time to time. It shall also control the revolving sewer fund. The provisions of this Charter relating to the award of contracts, letting to bid, etc. shall be applicable to the Water Pollution Control Authority.

5.3.5. Board of Ethics

The City shall have a Board of Ethics which shall have all the powers conferred upon and imposed by Ordinance of the City. The Board of Ethics will consist of five (5) members of whom no more than two (2) shall be from the same party and will be appointed by the Board of Aldermen for a term of three (3) years. The terms of the members shall be staggered in a manner that not more than two (2) members' term will expire in any year. Members of the Board of Ethics shall not be an employee of the City, hold any elected office, hold any other appointed position as defined in Section 5.2 and 5.3 of this Charter, or provide goods or services to the City.

There shall be an Ethics Code adopted by the Board of Aldermen which may be amended from time to time and which shall be in compliance with requirements of the Connecticut General Statutes. The Board of Ethics shall, on a continuous basis, review the Ethics Code of the City, including provisions for enforcement, and recommend any suggested changes to the ordinance to the Board of Aldermen for consideration.

**Section 5.5. General Provisions.**

Unless otherwise provided by this Charter or the laws of the City or State, the following general provisions shall govern all boards, commissions and other bodies referred to in this Chapter 5:

- (a) Members shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses **in accordance with procedures as established by the Finance Director.**
- (b) Members shall be electors of the City.
- (c) Members shall hold no more than **one (1) appointed position, as defined in Sections 5.2. and 5.3. of this Charter.**
- (d) A simple majority shall constitute a quorum for the transaction of business.
- (e) No ex-official **o** member shall have a vote.
- (f) At its first regular meeting following the date on which the newly elected or appointed members take office, each board, commission and other body shall elect, by plurality vote, a chairman from its members who shall serve until the next regular election or appointment of members to the board, commission or other body. A chairman, by virtue of his/**her** position, shall not be deprived of his /her vote nor given an added vote, **unless otherwise specified in the provisions of this Charter.**
- (g) Each board, commission and other body shall **establish** its own rules of procedure **provided they are not inconsistent with any other section of the Charter.**
- (h) Each board, commission and other body shall have all powers and duties conferred or imposed upon such a board, commission or other body under the **Connecticut General Statutes, ~~General Statutes,~~** as amended from time to time, and shall also have all powers and duties specifically conferred or imposed by this Charter or the laws of the City or State or United States, and all other powers and duties fairly incident to those specifically conferred or imposed.
- (i) No board, commission or other body shall have the power to obligate the City in an amount greater than is available in its budget.
- (j) Each appointment or removal shall be in accordance with Chapter 8 of this Charter if applicable to the position in question.
- (k) **If not re-appointed, no member as defined in Sections 5.2. or 5.3. shall serve beyond his/her designated term, unless the appointing authority fails to appoint a replacement. In**

such case he/she shall serve until a replacement has been appointed per Section 9.6.2. Appointed Office of Charter.

## CHAPTER 6. OFFICES, DEPARTMENTS, AND OTHER AGENCIES

### Section 6.1. Administrative Assistant.

#### 6.1.1. Appointment and Removal; Qualifications:

Mayor shall appoint and may remove an Administrative Assistant. The Administrative Assistant shall be chosen on the basis of ~~his~~ administrative qualifications, character, education, training and experience. **The Administrative Assistant** shall hold at least a baccalaureate degree with a minimum of one (1) year of experience in public administration (federal, state, or municipal) or private business or industry in a responsible management, supervisory capacity; or ~~he~~**/she** shall hold at least an associate degree with a minimum of two (2) years of such experience; or in lieu of a college degree, shall have a minimum of four (4) years of such experience.

#### 6.1.2. Powers and Duties:

The Mayor may, from time to time, delegate to the Administrative Assistant, such administrative powers or duties vested in the Mayor as the Mayor deems appropriate, and any powers or duties so delegated may be increased or diminished only by the Mayor. The Mayor may, from time to time, terminate the delegation of any powers or duties to the Administrative Assistant, but all acts of the Administrative Assistant pursuant to the delegation of such powers or duties which are performed prior to termination shall be and remain the acts of the Mayor.

The powers and duties delegated shall include, but shall not be limited to, the following:

- (a) Serving as personnel officer and administering the merit system, the Administrative Assistant, subject to the approval ~~of~~ **of** the Mayor, may delegate these duties to a Personnel Director/Director of Human Resources;
- (b) Serving as intergovernmental grantsman by researching, preparing, and submitting required applications for programs pertinent to the well being of the City;
- (c) Assisting the Mayor in the supervision of all offices, departments, and other agencies of the City;
- (d) Serving as public information officer and handling citizen comments;
- (d) Exercising such other powers and performing such other duties as the Mayor may prescribe.

The Administrative Assistant or a designee of the Administrative Assistant, both of whom are subject to the approval of the Mayor shall be responsible for the day-to-day administrative supervision in personnel matters of all full-time and part-time employees of all Boards and Commissions. Such supervision shall not be deemed to infringe upon the authority or such Boards and Commissions granted by this Charter.



The Administrative Assistant shall devote his/*her* full time to the duties of his/*her* office.

*6.1.3. Other Positions:*

The Administrative Assistant shall act only as such and shall hold no other elected or appointed office within the City and shall have no other employment with the City.

**Section 6.2. Corporation Counsel.**

*6.2.1. Appointment and Removal; Qualifications:*

The Mayor shall appoint and may remove a Corporation Counsel. The Corporation Counsel shall be a lawyer or firm of lawyers admitted to practice law in the State.

*6.2.2. Powers and Duties:*

The Corporation Counsel shall be the attorney for the City and its boards, commissions, and other bodies (including the Board of Education), and its offices, departments, and other agencies, and its officials. The Corporation Counsel shall, upon written request, furnish the City and its boards, commissions, and other bodies (including the Board of Education), and its offices, departments, and other agencies, and its officials with a written legal opinion on any legal matter affecting the City. The Corporation Counsel shall have all powers and duties of an attorney to his/*her* client. The Corporation Counsel, subject to the approval of the Mayor, shall appoint and may remove such personnel as may be necessary or convenient to the operation of his/*her* office. The Corporation Counsel shall have such other legal powers and duties as may be prescribed by the Mayor or the Board of Aldermen.

*6.2.3. Other Counsel; Assistant Counsel:*

The Board of Aldermen may appoint and remove such Assistant Corporation Counsel and such other counsel as the Board deems necessary or convenient.

*6.2.4. Other Positions:*

The Corporation Counsel shall act only as such and shall hold no other elected or appointed office within the City and shall have no other employment with the City.

**Section 6.3. City/Town Clerk.**

The Mayor shall appoint and may remove a City/Town Clerk. The City/Town Clerk shall manage the office of the City/Town Clerk. The City/Town Clerk shall have such other related powers and duties as are prescribed by the Mayor or the Board of Aldermen. The City/Town Clerk, subject to the approval of the Mayor, shall appoint and may remove such

personnel as may be necessary or convenient to the operation of his/*her* office. The City/Town Clerk shall pay to the City all fees collected.

## **Section 6.4. Department of Finance.**

### *6.4.1. Composition:*

The City shall have a Department of Finance, headed by a Director of Finance and consisting of the following: the Tax Collector, the Assessor, the Purchasing Agent, and such other personnel as may be necessary or convenient to the operation of the department.

### *6.4.2. Director of Finance:*

The Mayor shall appoint and may remove a Director of Finance. The Director shall manage the Department. The Director, subject to the approval of the Mayor, shall appoint and may remove the Tax Collector, the Assessor, the Purchasing Agent, and such other personnel as may be necessary or convenient to the operation of the Department. The Director, subject to the approval of the Mayor, may exercise the powers and duties of any office under his/*her* supervision, but shall hold no other elected or appointed office within the City and shall have no other employment with the City.

### *6.4.3. Powers and Duties:*

With the exception of those powers and duties conferred or imposed upon the City Treasurer, the Department shall administer all financial matters of the City. The Department shall keep accounts showing the financial transactions for the City and its boards, commissions, and other bodies (including the Board of Education), and its departments, offices and other agencies, and its officials. The Director shall prepare such financial reports for such periods as may be required by the Mayor, but at least quarterly, showing expenditures and revenues for the City and its boards, commissions and other bodies (including the Board of Education), and its departments, offices, and other agencies, and its officials. The Department shall have such other financial powers and duties as may be prescribed by the Mayor or the Board of Aldermen.

### *6.4.4. Central Purchasing:*

*6.4.4.1. Division of Central Purchasing:* The City shall have within the Department of Finance a Division of Central Purchasing headed by a Purchasing Agent and consisting of such other personnel as may be necessary or convenient to the operation of the Department.

The Purchasing Agent may be the Director of Finance or any other person except the City Treasurer.

6.4.5. ~~Electronic Data Processing:~~ *Information Technology:*

The Finance Director shall be responsible for maintaining the City website, all electronic data processing systems and related technologies and shall provide such services to the City, its Boards, Commissions and other bodies, its departments, officers, agencies, and officials as may be directed by the Mayor. The management of the existing electronic data processing system ~~by~~ of the Board of Education and related technologies shall remain under the management of the Board of Education until such Board otherwise determines. Subject to the approval of the Mayor, the Director of Finance may appoint an individual to perform the Information Technology duties that may be required by the City.

**Section 6.5. Treasurer.**

The City shall have a Treasurer elected as provided by Section 2.4.1(g) of this Charter. The Treasurer shall manage the office of the Treasurer. The Treasurer shall be the agent of the eCity deposit fund and other City trust funds. The Treasurer shall coordinate all his/her activities with the Director of Finance. The Treasurer shall have such other related powers and duties as are prescribed by the Mayor or the Board of Aldermen.

**Section 6.6. Building Official.**

There shall be a Building Official who shall have such duties as are provided by Connecticut General Statutes and by the Mayor and the Board of Aldermen. If not otherwise provided by Connecticut General Statutes, the Building Official shall be appointed by the Mayor.

**Section 6.7. Department of Public Works.**

6.7.1. *Composition:*

The City shall have a Department of Public Works, headed by a Director of Public Works and consisting of the following: The City Engineer, the Superintendent of Highways and Bridges, the Tree Warden, and such other personnel as may be necessary or convenient to the operation of the Department.

6.7.2. *Director of Public Works:*

The Mayor shall appoint and may remove a Director of Public Works. The Director shall be the Department Head and shall be responsible for the management and supervision of the Department.

The Director, subject to the approval of the Mayor, shall appoint and may remove the City Engineer, the Superintendent of Highways and Bridges, the Tree Warden, and such other personnel as may be necessary or convenient to the operation of the Department.

*6.7.3. Powers and Duties:*

The Department of Public Works shall **supervise and** administer all maintenance, **construction and engineering** of the public works of the City except for those areas designated by the Board of Aldermen as the responsibility of the Parks and Recreation Commission and except for those areas subject to the control of the Board of Education. The Department shall administer all maintenance of the areas subject to the control of the Board of Education if the Board of Education so requests provided that such work shall be charged to the appropriation of the Board of Education and approved by the Board of Aldermen.

**Section 6.8. Health ~~Department and Public Assistance Department.~~**

The City shall have a **Health Department** ~~Director of Health and a Director of Public Assistance~~; provided, however, that the City may participate in a district health department as prescribed in **Conn. General Stat.** Sections 19-105 to 19-111, ~~of the General Statutes~~, as amended from time to time.

*6.8.1. Director of Health:*

The Mayor shall appoint, **supervise** and may remove a Director of Health who shall be administrative head of the Health Department; provided, however, that the City is not participating in a district health department. If the City is participating in a district health department, the district health board shall appoint a district director of health, who shall serve in lieu of a Director of Health appointed by the Mayor.

~~6.8.2—Director of Public Assistance:~~

~~The Mayor shall appoint and may remove a Director of Public Assistance who shall be administrative head of the Public Assistance Department.~~

~~6.8.2.3. Powers and Duties:~~

The Director of Health ~~and the Director of Public Assistance~~ shall **respectively** administer the public health ~~and welfare~~ programs of the City and, subject to the approval of the Mayor, shall **respectively** appoint and may remove such personnel as may be necessary or convenient to the operation of ~~their~~ **the** offices-. The Directors shall have such other related powers and duties as may be prescribed by the Mayor or the Board of Aldermen.

## **Section 6.9. Public Safety.**

### *6.9.1. Public Safety Council:*

The City shall have a Public Safety Council which shall coordinate the Public Safety functions of the City. The Council shall consist of the Mayor, who shall serve as Chairman, the Chief of Police, the Fire Chief, the Fire Marshal, the Director of Emergency Management and the Director of Public Works. The Mayor may appoint, on a temporary basis, such additional Public Safety Representatives as ex-officio members that may be necessary to carry out the functions of the Council., ~~consisting of the Mayor, who shall serve as Chairman, the Chief of Police, the Fire Chief, the Fire Marshal, the Director of Civil Defense, Director of Public Works. The Public Safety Council shall coordinate the public safety functions of the Police Department, the Fire Department, the Office of Civil Defense Department, the Department of Public Works and Ambulance Services.~~

### *6.9.2. Department of Police:*

*6.9.2.1. Composition:* The City shall have a Department of Police, headed by a Chief of Police and consisting of all law enforcement personnel and such other personnel as may be necessary or convenient to the operation of the Department.

*6.9.2.2. Powers and Duties:* The Department shall provide law enforcement within the city. The Department shall have such other related powers and duties as may be prescribed by the Mayor or the Board of Aldermen.

*6.9.2.3. ~~The~~ Chief of Police:* The Mayor shall appoint, subject to ratification by a majority vote of the Board of Aldermen, the Chief of Police for a term not to exceed five (5) years. The qualifications and other terms of employment contract, including compensation, shall be established by the Board of Aldermen by Ordinance.

The Chief of Police shall be the chief executive officer of the Police Department. The Chief of Police, subject to the approval of the Mayor, shall appoint and may remove all officers and employees of the Police Department including a Dog Warden, and other such personnel as may be necessary or convenient to the operation of the Department.

The Chief of Police may be removed from office during the term of the contract only for just cause shown. The Chief of Police shall not be a merit system employee as defined under this Charter nor be represented by a bargaining unit.

6.9.3. Fire Department:

*6.9.3.1. Department Composition and Functions:*

The City shall have a Fire Department consisting of such existing fire companies and such other fire companies as may be deemed necessary or convenient by the Board of Fire Commissioners and approved by the Board of Alderman. The Department shall provide for the protection from fire and aid in the enforcement of all laws and ordinances relating to fire prevention and fire safety. The Department shall have such other related duties as may be prescribed by the Mayor or the Board of Aldermen. (See Section 6.9.3.3 of this Charter)

*6.9.3.2. Board of Fire Commissioners:*

The Board of Fire Commissioners shall ~~be the chief~~ serve as the administrative body of the Fire Department. It shall consist of one (1) Commissioner appointed by the Mayor, who shall be the Chairman of the Board, and one (1) Commissioner from each volunteer fire company providing service to the Department. Company Commissioners shall be elected by the members of each individual company in such manner as may be provided in the bylaws thereof. Each Commissioner shall serve for a term of two (2) years.

The Commissioners shall be equal in rank and authority, have one (1) vote each, and shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses. The Chairman shall preside at all meetings of the Board of Fire Commissioners, appoint the chairpersons of all committees and shall have a vote in any matter before the Board. The Commissioners shall at the January meeting following the General Election elect one of its members as Vice Chairman of the Commission. The Vice Chairman shall act in the place of the Chairman in the event of his/her temporary disability or absence. ~~If the total number of Commissioners, including the Commissioner appointed by the Mayor, is an even number, then the chairman, in the event of a tie vote, shall have an additional vote to break the tie. Each Commissioner shall serve for a term of two (2) years.~~

The Board shall be responsible for administrative policies and oversight, long range planning, capital improvements, the department budget, and all appointments as provided for by this Charter. The Board shall also serve as the Appeals Board of the Fire Department. The Board of Fire Commissioners shall also certify compliance to all position requirements and may remove, subject to the approval of the Mayor, all appointments for just cause.

~~The Board shall appoint and may remove, subject to the approval of the Mayor, a Fire Chief, such assistant chiefs, deputies and all other officers and employees of the Department as the Commissioners deem necessary or convenient to the operation of the Department.~~

~~The Board shall also appoint and may remove the Fire Chief.~~

~~The Board, subject to the approval of the Mayor, shall also appoint and may remove the Fire Marshal and any other paid employees in the Fire Department in accordance with the procedures set forth in the General Statutes.~~

*6.9.3.3. Appointments:*

The Board of Fire Commissioners shall appoint and may remove, subject to the approval of the Mayor:

A Fire Chief to serve a term of up to three (3) years; A Deputy Chief to serve a term of two (2) years; and any other Assistant Chief(s) to serve a term of two (2) years and employees of the Department as the Board may deem necessary or convenient to the operation of the Department.

*6.9.3.3.1. Additional Appointments:*

In addition, each volunteer fire company providing service to the Department may, in such a manner as may be provided in the bylaws thereof, appoint one (1) Assistant Chief, meeting the requirements of the Board of Fire Commissioners. Each Assistant Chief shall serve a term of two (2) years, shall serve department wide and shall report to the Fire Chief.

~~*6.9.3.4.3 Powers and Duties:* The Fire Department shall provide protection from fire and enforcement of all laws relating to fire prevention and fire safety. The Department shall have such other related duties as may be prescribed by the Mayor or the Board of Alderman.~~

*6.9.3.4. Officers' Council:*

The Fire Department shall have an Officers' Council, which shall consist of the Captain and Lieutenants from each company, and all Department Operational Officers. The Fire Marshal and a Deputy Fire Marshal shall also be members of the Council. The Fire Chief shall serve as an Ex

Officio member. ~~Fire Chief Fire Marshal Deputy Fire Marshal. and the Captain and Lieutenants from each company.~~ The Officers' Council shall serve to recommend ~~resolve~~ operational policies and procedures to the Fire Chief ~~problems as well as to hear appeals within the Department~~ and may ~~shall~~ recommend administrative policy to the Board of Fire Commissioners.

*6.9.3.5. Fire Chief:*

The Fire Chief shall be the operational head of the Fire Department and shall exercise the day-to-day supervision and control over the Department and staff as to all operational matters. The Deputy Chief shall be second in command to the Fire Chief. The Fire Chief shall report to the Mayor consistent with the provisions of this Charter. The Fire Chief shall have all powers and duties as provided for in accordance with applicable Connecticut General Statutes.

The Fire Chief shall propose an operational budget to the Board of Fire Commissioners and once approved administer the same. The Chief shall work closely with the Board of Fire Commissioners in those areas as determined by the Board, including but not limited to, long range planning, capital improvements, and conformance to all administrative policy as established by the Board. The Fire Chief or his/her designee shall serve as the representative/liason of the Department on all operational matters. The Chief shall make quarterly reports to the Board and the Mayor on the status of the Fire Service within the City.

~~The powers and duties of the Fire Chief, his assistants and deputies shall be defined by the Board of Fire Commissioners.~~

*6.9.4. Office of Fire Marshal:*

*6.9.4.1 Function and Activities:*

The Office of Fire Marshal shall aid in the prevention and investigation of fires and the enforcement of the State Fire Code as provided by the Connecticut General Statutes and Regulations. The Office shall have such other related duties as may be prescribed by the State Fire Marshal, the Mayor or the Board of Aldermen.



**6.9.4.2 Appointments:**

The Board of Fire Commissioners shall appoint and may remove, subject to the approval of the Mayor and in accordance with the procedures set forth in the Connecticut General Statutes and this Charter, the Fire Marshal, Deputy Fire Marshals, Fire Inspectors and other employees as the Board may deem necessary or convenient to the operation of the Office of Fire Marshal.

**6.9.4.3 Fire Marshal:**

The Fire Marshal shall serve as the department head of the Office of Fire Marshal and shall control and supervise the operations and staff of the Office. The Marshal shall be responsible for carrying out the duties and responsibilities of that office in accordance with the provisions of Connecticut General Statutes and this Charter. The Marshal shall report to the Mayor consistent with the provisions of this Charter and Connecticut General Statutes. In addition, the Marshal shall be responsible for the submission and the administration of the Department budget. The Marshal shall work closely with the Fire Chief in implementing fire prevention planning, site and plan review, and fire safety within the City. The Marshal shall make quarterly reports to the Board of Fire Commissioners and the Mayor on the status of the Office of Fire Marshal.

**Section 6.9. Public Safety.**

*6.9.1. Public Safety Council:*

~~—The City shall have a Public Safety Council, consisting of the Mayor, who shall serve as Chairman, the Chief of Police, the Fire Chief, the Fire Marshal, the Director of Emergency Management, the Chairman of the Emergency Medical Services Commission Civil Defense, and the Director of Public Works. The Public Safety Council shall coordinate the public safety functions of the Police Department, the Fire Department, the Emergency Management Office, Office of Emergency Medical Services, Civil Defense Department, and the Department of Public Works. and Ambulance Services.~~

*6.9.2. Department of Police:*

~~6.9.2.1. Composition: The City shall have a Department of Police, headed by a Chief of Police and consisting of all law enforcement personnel and such other personnel as may be necessary or convenient to the operation of the Department.~~

~~6.9.2.2. The Chief of Police: The Mayor shall appoint, subject to ratification by a majority vote of the Board of Aldermen, the Chief of Police for a term not to exceed five (5) years. The qualifications and other terms of employment contract, including compensation, shall be established by the Board of Aldermen by Ordinance.~~

~~The Chief of Police shall be the chief executive officer of the Police Department. The Chief of Police, subject to the approval of the Mayor, shall appoint and may remove all officers and employees of the Police Department including a Dog Warden, and other such personnel as may be necessary or convenient to the operation of the Department.~~

~~The Chief of Police may be removed from office during the term of the contract only for just cause shown. The Chief of Police shall not be a merit system employee as defined under this Charter nor be represented by a bargaining unit.~~

~~6.9.2.3. Powers and Duties: The Department shall provide law enforcement within the city. The Department shall have such other related powers and duties as may be prescribed by the Mayor or the Board of Aldermen.~~

*6.9.3. Fire Department:*

~~6.9.3.1. Department Composition and Functions: The City shall have a Fire Department consisting of such existing fire companies and such other fire companies as may be deemed necessary or convenient by the Board of Fire Commissioners and approved by the Board of Alderman.~~

~~6.9.3.2. Board of Fire Commissioners: The Board of Fire Commissioners shall be the chief administrative body of the Fire Department. It shall consist of one (1) Commissioner appointed by the Mayor, who shall be the Chairman of the Board, and one (1) Commissioner from each volunteer fire company providing service to the Department. Company Commissioners shall be elected by the members of each individual company in such manner as may be provided in the bylaws thereof. Each Commissioner shall serve for a term of two (2) years.~~

~~The Commissioners shall be equal in rank and authority, and shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses. The Chairman shall preside at all meetings of the Board of Fire Commissioners and shall have a vote in any matter before the Board. If the total number of Commissioners, including the Commissioner appointed by the Mayor, is an even number, then the chairman, in the event of a tie vote, shall have an additional vote to break the tie. Each Commissioner shall serve for a term of two (2) years.~~

~~\_\_\_\_\_ The Board shall appoint and may remove, subject to the approval of the Mayor, a Fire Chief, such assistant chiefs, deputies and all other officers and employees of the Department as the Commissioners deem necessary or convenient to the operation of the Department.~~

~~\_\_\_\_\_ The Board shall also appoint and may remove the Fire Chief.~~

~~\_\_\_\_\_ *6.9.3.3 Powers and Duties:* The Fire Department shall provide protection from fire and enforcement of all laws relating to fire prevention and fire safety. The Department shall have such other related duties as may be prescribed by the Mayor or the Board of Alderman.~~

~~\_\_\_\_\_ *6.9.3.4. Officers' Council:* The Fire Department shall have an Officers' Council, which shall consist of the Fire Chief, the Fire Marshal, the Deputy Fire Marshals and the Captain and lieutenants from each company. The Officers' Council shall serve to resolve operational problems as well as to hear appeals within the Department and shall recommend policy to the Board of Fire Commissioners.~~

~~\_\_\_\_\_ *6.9.3.5. Fire Chief:* The powers and duties of the Fire Chief, his assistants and deputies shall be defined by the Board of Fire Commissioners.~~

*6.9.5.4. Office of Emergency Management Civil Defense:*

*6.9.5.1. Function and Activities:* The City shall have an Office of Emergency Management (OEM), which shall carry out the local municipal duties and responsibilities of civil preparedness in accordance with the State Civil Preparedness Plan and Program. The Office shall have those functions and authority as provided for under Connecticut General Statutes.

An emergency plan of operations for the City shall be prepared and submitted to the State Office of Emergency Management by the local director upon approval of the Mayor. The plan shall be developed with local input and be implemented in accordance with applicable Connecticut General Statutes and Regulations.

~~\_\_\_\_\_ The Mayor shall appoint and may remove a Director of *Emergency Management Civil Defense.*~~

***6.9.5.2. 6.9.6. Director:***

The Mayor shall appoint and may remove, subject to applicable Connecticut General Statutes, a Director of Emergency Management. The Director shall have such duties, responsibilities and authority as prescribed by Connecticut General Statutes and Regulations. The

Director shall also be responsible for the organization, administration and operation of the local Office of Emergency Management. The Director shall report to the Mayor and be subject to the direction and control of the State Commissioner as provided by Connecticut General Statutes and Regulations. The Mayor may appoint such other persons as he/she deems necessary or convenient to the operations of this office.

*6.9.65. Emergency Medical Service:*

*6.9.65.1. Board of Emergency Medical Services Commissioners:* The Emergency Medical Services Commission shall be composed of five (5) members who shall be appointed by the Board of Aldermen subject to the confirmation by the Mayor with the Board able to override an unfavorable confirmation by a two-thirds vote of the Board.

The Commissioners shall be equal in rank and authority and shall serve without compensation but may receive reimbursement for reasonable and necessary expenses. A Chairman and Vice Chairman shall be elected by the Commission and preside at all meetings of the Board of Emergency Medical Services Commissioners and shall have a vote in any matter before the Board. The Vice Chairman shall assume the powers and duties of the Chairman in the absence of the Chairman.

Each Commissioner shall serve for a term of two (2) years. As per minority representation, there will be a maximum of four (4) members from one (1) political party.

*6.9.65.2. Powers and Duties:* The Emergency Medical Services Commission shall oversee, monitor, coordinate and regulate emergency medical services for the City of Shelton, including City assets, and will negotiate contracts with the providers subject to approval by the Board of Aldermen.

The Emergency Medical Services Commission shall establish policies and procedures for the City of Shelton and its EMS providers to follow and ensure compliance with State and Federal rules and regulations governing emergency medical services under Connecticut State Statutes.

The Board of Aldermen may by ordinance define further the powers and duties of the Commission.

**Section 6.10. Justices of the Peace.**

There shall be such Justices of the Peace as may be provided by the Connecticut General Statutes, nominated and elected as provided therein.

**Section 6.11. City ~~Constables~~ ~~Sheriffs~~.**

The Mayor shall appoint and may remove two (2) City ~~Constables~~ ~~Sheriffs~~ no more than one (1) of whom shall be from the same political party, for a term of two (2) years each who shall have such powers as defined in Conn. Gen. Stat. Section 7-89.

**Section 6.12. Official Bonds.**

The Mayor, City/Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, Building Inspector, and such other officers and employees as may be required to do so by the Board of Aldermen shall, before entering on their respective official duties, execute to the City, in the form prescribed by the Board of Aldermen and approved by the Corporation Counsel, and file with the City/Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Aldermen, conditioned upon honest and faithful performance of such official duties. The Board of Aldermen may prescribe a name schedule bond, a schedule position bond, or a blanket bond, or prescribe which boards, commissions, or other bodies, or departments, offices, or other agencies, or officials shall be covered by a specific type of bond. The City shall pay the premiums for such bonds.

**Section 6.13. General Provisions.**

Unless otherwise specifically provided by this Charter or the laws of the City or State, the following general provisions shall govern Chapter 6 of this Charter:

- (a) Each department, office or other agency and each head and employee shall have all powers and duties conferred or imposed on such department, office, or other agency and each head and employee under the [Connecticut](#) General Statutes, as amended from time to time, and all powers and duties specifically conferred or imposed by this Charter or the laws of the City or State of United States and all other powers and duties fairly incident to those specifically conferred or imposed.
- (b) No department or head of a department or officer shall have the power to obligate the City in an amount greater than is available in the applicable budget.
- (c) Each appointment shall be made as provided herein except for appointments required to be made pursuant to the Merit System established by Chapter 8. Merit System personnel shall be removed only as provided therein. Other employees shall be removed as provided by this Charter or other applicable law.

## **CHAPTER 7. BUDGETS, TAX RATES, APPROPRIATIONS**

### **Section 7.1. Departmental Estimates.**

(a) Each board, commission and other body (including the Board of Education) and department, office, and other agency and official of the City ("Department") which seeks an appropriation shall, not later than **February 15**, ~~January 15~~, submit to the Director of Finance a report containing the following:

(1) A program showing the activities to be accomplished by the Department during the ensuing fiscal year and describing any major changes from the current fiscal year together with the reasons for such changes;

(2) Estimates of revenue, other than tax revenue, presenting in parallel columns, or any other appropriate budget format established by the Director of Finance, the estimates of the total receipts to be collected during the current fiscal year, estimates of the total receipts to be collected in the ensuing fiscal year, and an estimate of available surplus for the current year;

(3) Itemized estimates of expenditures, presenting in parallel columns, or any other appropriate budget format established by the Director of Finance, estimates of the total expenditures for the current fiscal year, and the amount requested for the ensuing fiscal year; and

(4) Such other information as may be reasonably requested by the Mayor or by the Board of Aldermen or by the Board of Apportionment and Taxation or by the Director of Finance.

(b) The Director of Finance will collate the material and will provide a copy thereof to the Mayor.

(c) Any and all documents required to be provided by the Board of Apportionment and Taxation under the provisions of Section 7 shall also be distributed to the members of the Board of Aldermen.

### **Section 7.2. Proposed Budget.**

The Mayor, with the assistance of the Director of Finance shall prepare a budget for the City, and the Mayor shall submit such budget to the Board of Apportionment and Taxation and Board of Aldermen in joint session, not later than **March 22** ~~February 22~~ of each year. Such budget shall contain the following:

(a) A budget message outlining the fiscal policy of the City and describing the important features of the budget, and indicating any major changes from the current fiscal year, together with the reasons for such changes, and containing a summary;

(b) Estimates of revenue, presenting in parallel columns, or any other appropriate budget format established by the Director of Finance, the itemized receipts collected during the current fiscal year prior to the date of the proposed budget, estimates of the total receipts to be collected during the current fiscal year, estimates of the total receipts, other than from the property tax to be collected in the ensuing fiscal year, and an estimate of available surplus for the current year;

(c) Itemized estimates of expenditures, presenting in parallel columns, or any other appropriate budget format established by the Director of Finance, the actual expenditures in each Department for the last completed fiscal year and for the current fiscal year prior to the date of the proposed budget, estimates of the total expenditures for the current fiscal year, and recommendations of the amounts to be appropriated for the ensuing fiscal year for all items together with a tax rate in mills;

(d) Such other information as may be reasonably required by the Board of Apportionment and Taxation;

(e) Reasons for the recommendations; and

(f) Recommended capital projects to be undertaken during the ensuing six (6) fiscal years and methods of financing them. Copies of the proposed budget shall be available to the public.

If the Mayor shall fail to submit a budget under the provisions of this Section, the Finance Director shall, not later than March 1, submit a budget conforming to the requirements of this Section.

### **Section 7.3. Duties of Board of Apportionment and Taxation on the Proposed Budget.**

The Board of Apportionment and Taxation shall review the proposed budget, holding at least one (1) departmental hearing [in joint session with the Board of Aldermen](#), at which the departments may appear and such other departmental hearings as the Board of Apportionment and Taxation shall deem appropriate. [All joint hearings shall be run under the rules of the Board of Apportionment and Taxation.](#) The Board of Apportionment and Taxation shall either approve the budget submitted to it by majority vote of the full membership of the Board or shall prepare and recommend, by a majority vote of the full membership of the Board of Apportionment and Taxation a different proposed budget and tax rate for the City, and shall submit either budget and tax rate to the Board of Aldermen not later than [May 1](#).~~April~~. Such budget shall contain the following:

(a) Estimates of revenue, presenting in parallel columns, or any other appropriate budget format established by the Director of Finance, the itemized receipts collected during the current fiscal year prior to the date of the proposed budget, estimates of the total receipts to be collected during the current fiscal year,

- estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus for the current year;
- (b) Itemized estimates of expenditures presenting in parallel columns, or any other appropriate budget format established by the Director of finance, the actual expenditures in each Department for the last completed fiscal year, and the recommendations of the Board of Apportionment and Taxation of the amounts to be appropriated for the ensuing fiscal year for all items; and
  - (c) Such other information as may be reasonably required by the Board of Aldermen.

**Section 7.4. Procedure Upon Failure of the Board of Apportionment and Taxation to Submit a Budget.**

If the Board of Apportionment and Taxation shall fail to submit a budget and tax rate to the Board of Aldermen as required in Section 7.3, the Mayor shall, not later than ~~May 4, April 4,~~ submit the budget prepared pursuant to Section 7.2 to the Board of Aldermen who shall act upon the same as provided in Section 7.6.

**Section 7.5. Publication.**

Following receipt of the proposed budget, the Board of Aldermen shall have copies of the proposed budget available in the office of the Director of Finance, and at least five (5) days prior to each public hearing, pursuant to Section 7.6 of this Chapter, the Board of Aldermen shall publish in a newspaper having a substantial circulation in the City, a notice of the public hearing or hearings and a summary of the proposed budget showing anticipated revenues by major sources and proposed expenditures by departments and also the amount to be raised by taxation.

**Section 7.6. Duties of the Board of Aldermen on the Budget; Board of Aldermen Budget.**

The Board of Aldermen shall review the submitted budget holding at least one (1) public hearing and such other public hearings as the Board of Aldermen shall deem appropriate, the last of which hearings shall not be later than May 10 and at which hearings any elector or taxpayer may have a reasonable opportunity to be heard regarding appropriations for the ensuing year. Not later than May ~~31~~<sup>15</sup>, the Board of Aldermen shall adopt a budget and tax rate in mills for the City and file it with the Director of Finance. Adoption of the final budget and tax rate in mills of the Board of Aldermen for the City shall be made based upon the proposed budget on which the Board of Aldermen is acting as follows:

*Adopted, decreased or increased in whole or by line item by a majority of the full membership of the Board of Aldermen.*

- ~~(a) Adopted or decreased in whole or by line item by a majority of the full membership of the Board of Aldermen;~~



~~(b) Adopted or increased in whole or by line item by a majority of the full membership of the Board of Aldermen.~~

**Section 7.7. Procedure Upon Failure of the Board of Apportionment and Taxation and the Board of Aldermen to Adopt a Budget.**

If neither the Board of Apportionment and Taxation, nor the Board of Aldermen, adopt a budget, the budget and tax rate proposed under the provisions of Section 7.2 shall be the budget and tax rate of the City.

**Section 7.8. Mayor's Veto Power.**

(a) If the Board of Aldermen shall fail to adopt a budget pursuant to section 7.6, then the budget and tax rate in mills adopted by the Board of Apportionment and Taxation pursuant to Section 7.3 shall be submitted to the Mayor by the Finance Director not later than the second business day following May 15. The Mayor shall have the power to veto said budget only in whole and not by line item and, if he/*she* exercises his/*her* veto power, the budget adopted pursuant to Section 7.2 and the tax rate associated therewith shall be the budget and tax rate for the City, unless within seven (7) days of the Mayor's veto, the Board of Aldermen shall, by at least a three quarter affirmative vote of the full membership of the Board of Aldermen, override the Mayor's veto. If the Mayor does not exercise his/*her* veto powers, the budget and tax rate associated therewith adopted by the Board of Apportionment and Taxation pursuant to Section 7.3 shall become the budget and tax rate for the City.

(b) If the Board of Aldermen shall adopt a budget pursuant to Section 7.6, the Clerk of the Board of Aldermen shall submit the same to the Mayor not later than the second business day following May 15. The Mayor shall have the power to veto said budget only in whole and not by line item. The power to veto said budget shall be exercised, if at all, within three (3) business days following the presentation of the budget to him. If the veto power is exercised by the Mayor, and the veto is not overridden within seven (7) days after the exercise of the veto by a vote of at least a three quarters vote of the full membership of the Board of Aldermen, the Finance Director shall, on the next business day following any vote taken by the board of aldermen to override said veto, or on the next business day following the expiration of the aforesaid seven-day period, submit to the Mayor the budget adopted pursuant to Section 7.3 by the Board of Apportionment and Taxation. The Mayor shall have the power to veto said budget within two (2) business days after it is submitted to him only in whole and not by line item. If the veto is not overridden by a majority vote of the full membership of the board of Aldermen within seven (7) days after the exercise of the veto, the budget created pursuant to Section 7.2 and the tax rate associated therewith shall become the budget and tax rate of said City.

If the Mayor does not exercise his/*her* power of veto over a budget submitted to him pursuant hereto, that budget and the tax rate associated therewith shall become the budget and the tax rate of the City. If the Mayor's veto of any budget and the tax rate submitted to him pursuant hereto is overridden as provided herein, that budget and tax rate associated therewith shall become the budget and tax rate of the City.

### **Section 7.9. Subsequent Appropriations.**

(a) Additional appropriations for any department from any budgeted contingency fund may be made from time to time by the Board of Aldermen upon its own initiative, upon recommendation of the Mayor or upon recommendation of the Board of Apportionment and Taxation.

(b) Additional appropriations over and above the total budget may be made from time to time only by the Board of Aldermen upon their own initiative, upon recommendation of the Mayor, or upon recommendation of the Board of Apportionment and Taxation, and upon certification from the Director of Finance that there are available unappropriated general fund resources in excess of the proposed additional appropriations.

(c) If unappropriated general fund resources are not available, and an occasion arises where additional monies are needed to fund necessary general governmental operations, the Board of Aldermen, on its own initiative, or upon recommendation of the Board of Apportionment and Taxation, and by a vote of at least three quarters of the full membership of the Board of Aldermen, may make an appropriation or appropriations for such purposes, provided that the total amount of such appropriation or appropriations in any one (1) fiscal year under this Section shall not exceed ~~two tenths of one~~ two percent (2%) of the Budget ~~(.02) of the Grand List~~ of the fiscal year in which the appropriations ~~is~~ are made.

(d) If unappropriated general fund resources are not available, the Board of Aldermen, on its own initiative, or upon the recommendation of the Board of Apportionment and Taxation, and by a vote of at least three quarters of the full membership of the Board of Aldermen, may make an appropriation or appropriations as may be required in the event of any emergency affecting the general health, safety and welfare of the public or to pay any final judgment which may be rendered against the City of Shelton.

(e) Before any appropriation is made pursuant to either Section (c) or (d) above, the Board of Aldermen shall conduct a public hearing at which any elector or taxpayer of the City shall have an opportunity to be heard. Notice of such hearing shall be given in a newspaper having a substantial circulation in the City not more than ten (10) nor less than five (5) days prior to such hearing, provided that if in the unanimous opinion of the Board of Aldermen any emergency under Section (d) above is so grave as to require immediate action, the public hearing may be dispensed with by such unanimous vote.

(f) Any appropriation made under the provisions of Sections (c) and (d) above shall be financed by such borrowing as may be necessary to fund the same, provided that the amount of such borrowing shall be included in and made part of the next tax levy. If not otherwise prohibited by law, the Board of Aldermen may authorize borrowing from existing city accounts or funds, but such borrowing shall be limited to fifty percent (50%) of the audited accounts receivable balance as of the commencement of the fiscal year in which the borrowing is made or fifty percent (50%) of the available funds, whichever figure is smaller.

**Section 7.10. Financial Procedures.**

(a) No person or department shall obligate the City to spend money for any purpose in excess of the amount appropriated for that purpose until the expenditure has been approved by the Board of Aldermen.

(b) If the Board of Aldermen shall approve the over-expenditure of a departmental budget, it shall provide an additional appropriation therefore pursuant to either Section 7.9(a), Section 7.9(b) or Section 7.9(c) unless the Finance Director certifies that there will be an excess in other departmental budgets at the end of the fiscal year.

(c) During the last thirty (30) days of each fiscal year, the Board of Aldermen, upon the recommendation of the Finance Director and the Board of Apportionment and Taxation, may transfer unexpended and unencumbered balances from one departmental appropriation to another, provided that no transfer shall be made in a departmental budget if the department head certifies in writing to the Board of Aldermen that any remaining monies are required for the necessary operation of his/*her* department and provided further that no transfer shall be made from the appropriation of the Board of Education.

(d) The Board of Apportionment and Taxation shall consider and approve or disapprove all line item transfers within a Department budget during the fiscal year. No transfer shall be made from any appropriation for debt service or other statutory charges.

(e) Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse. Appropriations for permanent improvements shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided any such project shall be deemed to have been abandoned if three (3) years shall elapse without any expenditure from or encumbrance of the appropriation for the project. The Board of Apportionment and Taxation and Director of Finance shall review such appropriation to verify its termination.

(f) Any payment made in violation of the provisions of this Charter shall be illegal and every official authorizing or making such payment, and every person receiving such payment or any part thereof shall be jointly and severally liable to the City for the full amount so paid or received.

**Section 7.11. Procedures of the Chapter.**

The procedures established by Sections 7.1 to 7.10 inclusive of this Chapter shall prevail over any conflicting procedures established by Chapter 4.

**Section 7.12. Budget Making Authority.**

For the purposes of this Charter and the laws of this State, the Board of Aldermen shall be deemed to be the budget making authority and the legislative body of the City and shall have all the powers and duties of such authority.

**Section 7.13. Assessment and Collection of Taxes: Tax District.**

The assessment of property for taxation and the collection of taxes shall be carried on as provided in the laws of this State; and there shall be one (1) tax district for tax purposes which shall consist of the entire city.

**Section 7.14. Purchases and Bidding ~~Accounting.~~**

(a) The Purchasing Agent shall make all purchases on behalf of the City. ~~The Purchasing Agent shall~~ purchase all goods and services required by the City and its boards, commissions, and other bodies (except the Board of Education, with which the Purchasing Agent shall work on coordinating major purchases under single contract), and its departments, offices and other agencies and its officials. The Purchasing Agent shall act upon receipt of a requisition signed by a responsible representative designated by any board, commission, other body or department, office or other agency or official. The Purchasing Agent shall, to the extent requested by the Chairman of the Board of Education, serve as the purchasing agent for the Board of Education. The Purchasing Agent shall hold no other elected or appointed office within the City and shall have no other employment with the City.

(b) Bidding:

1. The Purchasing Agent shall let to bid all purchases (including those made by the Board of Education) which reasonably may involve the expenditure of ~~Seven Thousand Five Hundred Dollars (\$7,500.00) Five Thousand Dollars (\$5,000.00)~~ or more by the invitation of sealed bids, giving at least ten (10) days notice of the closing date for bids by publication at least once in a newspaper having a substantial circulation in the City. ~~Within five (5) days after the closing date for bids, t~~The bids shall be opened publicly ~~at the time stated in the notice,~~ during regular working hours, by the Purchasing Agent and a representative of the entity requesting the purchase, at a time which shall be published in the invitation of sealed bid. A list of all bids received shall be prepared and recorded in the City/Town Clerk's Office and a copy of all bids shall be available for

public inspection in the Office of the Purchasing Agent. ~~and the Board of Apportionment and Taxation (or the Finance Committee if the authority to award contracts has been delegated).~~ The Board of Apportionment and Taxation (or the Finance Committee if the authority ~~to award contracts~~ has been delegated) shall ~~award the contract for the purchase to~~ determine the lowest responsible bidder; ~~provided however unless~~ however it may reject any, all or any part of any bids. If the authority ~~to award contracts~~ has been delegated, the Finance Committee shall ~~award contracts~~ determine the lowest responsible bidder only by unanimous decision and if a unanimous decision cannot be reached, the matter shall be determined by the Board of Apportionment and Taxation. Such determination shall be forwarded to the Purchasing Agent for necessary action. The Board of Aldermen may establish such other regulations for purchases and bidding as it deems appropriate.

2. When any purchase involves expenditure in excess of One Thousand Dollars (\$1,000.00) and does not exceed ~~Seven Thousand Four Hundred Ninety Nine Dollars and Ninety Nine Cents. (7,499.99)~~, the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education, shall obtain a minimum of three (3) written proposals for the purchase of the item and shall make such purchase from the lowest responsible vendor, unless the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education determines ~~that the purchase is due to an emergency or is available only from a single source vendor~~ and in that event, the Purchasing Agent or in the case of the Board of Education, an agent designated by the Board of Education shall create and maintain a written record of the reasons for such choice.
3. "Purchase" as used herein shall be defined to include the purchase in any fiscal year of any ~~goods, item,~~ services or combination of ~~goods and items or~~ services from a single vendor, including but not limited to public improvements and professional services. ~~which singly or in the aggregate total the amounts indicated herein.~~ Aggregate purchases shall not be divided into small increments so as to avoid the provisions called for herein.

(c) Professional services:

The Board of Aldermen shall establish by resolution such procedures for evaluation and recommendation for the selection of professional services.

1. Except as provided in Section 7.14(c)2, the Board of Aldermen shall determine by resolution at least annually and may amend from time to time as required those services which are considered as professional and as to which selection by bidding to determine the lowest responsible provider is not required.
2. The Board of Education shall be permitted to establish a list of professional services in areas of instruction, student assessment, counseling or related specialized services. The Board of Education shall determine by resolution at least annually and may amend from time to time as required those services which are considered as professional and as to which selection by bidding to determine the lowest responsible provider is not required.

~~(D) The Board of Aldermen and the Board of Education for its purchases shall establish by resolution those services which are considered as professional and as to which bidding is not required. The Board of Aldermen and the Board of Education respectively may by such resolution establish such procedures with regard thereto as each deems reasonable be. When the purchase of goods and the provision for services are combined, that portion involving the purchase of goods shall be subject to the provisions of this section.~~

(d)(E) Waiver of Bids: Whenever the Purchasing Agent shall determine that bidding for any particular goods or services would be impractical, impossible or unwise; the Purchasing Agent shall recommend to the Board of Aldermen that bids be waived. Each such recommendation shall be in writing and shall state its reason. If the Board approves such recommendation by an affirmative vote of at least six (6) of the eight (8) members, bids shall be waived and the goods or services shall be purchased in such manner as the Board of Aldermen directs.

(e)(F) The Director of Finance shall record the amount of each authorized purchase and each contract for a future purchase as an encumbrance against the appropriation from which it is paid or to be paid.

(f)(G) Each charge and prospective charge against the City shall state the department and the appropriation against which it is to be charged. The Director of Finance or his/*her* agent shall audit and approve as correct and valid each charge against the City and shall authorize payment of all approved charges in writing. At the end of each month the Board of Apportionment and Taxation shall review the charges against the City for the preceding month and may make recommendations to the Mayor concerning charges against the City.

(g)(H) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money for the account of the City shall pay the money to him/*her*.

### **Section 7.15. Petty Cash.**

The Director of Finance may, with the approval of the Mayor, establish and maintain petty cash funds, from which funds purchases of goods or services may be made in such modest amounts as the Board of Aldermen may establish by ordinance. The Purchasing Agent shall keep records of the amount, purpose and payee of each item purchased with such funds.

### **Section 7.16. Borrowing.**

The City shall have the power to issue bonds and notes in accordance with the laws of the State for any proper purpose. The Board of Aldermen shall authorize the issuance of such bonds and notes, provided that when any particular issue of bonds or notes exceeds an amount (which amount shall include a reasonable estimate of interest and other charges associated with such issue) equal to two ~~tenths of one~~ percent ~~(.02)~~ (2%) of the authorized municipal ~~Grand List Budget or the~~ ~~in any the current~~ fiscal year, in which the authorization is made, the electors of the City shall approve such bond issue.

Any such bonds issued by the Board of Aldermen without the approval of the electorate and any notes issued pursuant to such authorization shall be repaid on a straight line method within five (5) fiscal years, commencing with the fiscal year immediately following the fiscal year in which the authorization occurred.

The total aggregate amount of bonds that may be issued ~~for any purpose~~ in a single fiscal year without the approval of the electorate shall not exceed two percent (2%) of the authorized municipal budget for the fiscal year in which the bonds are being authorized.

Any bonds authorized without the approval of the electorate shall be authorized only by an affirmative vote of three quarters of the members of the entire Board of Aldermen.

## **Section 7.17. Compensation.**

### *7.17.1. Elected and Appointed Officials:*

The Board of Aldermen shall establish by ordinance the compensation, including all benefits, of each elected and appointed official. The Board shall not increase the compensation or benefits of any elected official during his/*her* term of office.

### *7.17.2. Employees:*

The Board of Aldermen shall establish by ordinance the compensation, including all benefits, of each employee of the City whose compensation and benefits are not otherwise established through collective bargaining.

## **Section 7.18. Annual Audit.**

The Board of Aldermen shall annually engage ~~delegate~~ an independent certified public accountant or firm of certified public accountants to audit the books and accounts of the City in accordance with the provisions of Chapters 55b and 111 of the Connecticut General Statutes.



## **CHAPTER 8. MERIT SYSTEM**

### **Section 8.1. Merit System Established.**

The City shall have a merit system for all employees in the classified service of the City as described in Section 8.2. All such employees shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration, and no such employee shall be removed except for good cause and in conformity with recognized principles of public personnel administration.

The rules of the merit system shall provide that any violation of the Charter shall be grounds for disciplinary action.

### **Section 8.2. The Classified Service.**

The classified service shall include all appointees to all positions now or hereafter created, except the following: all elected officials and persons appointed to fill vacancies in elective offices; members of boards, commissions and other bodies, professional employees and consultants; ~~stipend~~ positions involving temporary, seasonal, or part-time employment; the Administrative Assistant; the Chief of Police; the Corporation Counsel; the Assistant Corporation Counsel, unless such Assistant Corporation Counsel is designated by Ordinance as a full-time employee; the Director of Public Works; the Director of *Emergency Management, the Director of Health; Civil Defense; the Directors of Health and Public Assistance;* and volunteer personnel serving without pay.

### **Section 8.3. Implementation.**

The Board of Aldermen, upon its own initiative or upon the recommendation of the Mayor or the Personnel Director, may from time to time amend by a three fourths vote of the entire membership of the Board, the Merit System of the City; provided, however, that no present position in or out of the classified service by virtue of this Charter shall be altered and no present position in the classified service shall be removed or included from the classified service unless there is a bona fide change in the duties of the position which requires removal or inclusion.

### **Section 8.4. Professional or Technical Administration.**

The Board of Aldermen, upon its own initiative or upon recommendation of the Mayor or the Personnel Director, may contract with any qualified person or agency for the performance of such professional or technical services as may be desired in the operation of the Merit System.

## **CHAPTER 9. TRANSITION AND MISCELLANEOUS PROVISIONS.**

### **Section 9.1. Transition.**

Each officer and employee shall cooperate fully in effecting any necessary transition from operation under the prior Charter to operation under this Charter.

### **Section 9.2. Existing Ordinances and Pension Rights.**

#### *9.2.1. Ordinances:*

All existing ordinances of the City shall remain in effect except as inconsistent with this Charter.

#### *9.2.2. Pension Rights:*

The provisions of any special act relating to City pension rights shall remain in effect.

### **Section 9.3. Present Members.**

No person presently serving on a board, commission, or other body (including the Board of Education), department, office or other agency or as any official of the City shall be deprived of his/*her* position merely by the adoption of this Charter, and each such person shall serve out the remainder of his/*her* term, and staggered terms and alternating elections shall be implemented consistent with this Section.

### **Section 9.4. Definitions; Construction.**

#### *9.4.1. Definitions:*

- (a) City shall mean the City of Shelton.
- (b) State shall mean the State of Connecticut.
- (c) Person shall mean any natural person and any legal entity.

#### *9.4.2. Construction:*

(a) Where required the ~~masculine gender shall include the feminine gender, and the~~ singular number ~~and shall include the~~ plural number.

- (b) Headings are for convenience only.

## **Section 9.5. School District.**

The City of Shelton shall be a school district as defined in the ~~Connecticut~~ have such powers and duties as set forth in the ~~Connecticut General Statutes~~.

## **Section 9.6. Vacancies.**

The City/Town Clerk or his/her designee shall maintain a current list of positions whose terms will be expiring within thirty (30) days. Such list shall be posted on the City website and a copy made available at the Office of the Mayor and the City/Town Clerk for public viewing.

### *9.6.1. Elected Office:*

No person shall hold more than one (1) elected office.

(a) ~~Except as otherwise provided by this Charter, A~~any vacancy in any elected office shall be filled at the next general City election or at a special election called by the Board of aldermen for such purpose, but until such vacancy is so filled, it shall be filled as provided by law or this Charter.

(b) If there is no applicable law or Charter provision, the vacancy shall be filled within ~~thirty (30)~~ ~~forty-five (45)~~ days by the remaining members of the same political party on the board, commission, or other body (including the Board of Education) from the same political party in which the vacancy occurred; if there are no remaining members of such party, the vacancy shall be filled within thirty (30) days by the remaining members of the board, commission, or other body (including the Board of Education), from such person or persons as the town committee of the party in question shall recommend in writing within twenty (20) days of the vacancy; if there is no town committee of the party in question, or if no recommendation in writing is made within twenty (20) days of the vacancy, the vacancy shall be filled within thirty (30) days by the remaining members of the board, commission, or other body (including the Board of Education) from any elector from the political party in which the vacancy occurred.

### *9.6.2. Appointed Office:*

Any vacancy ~~in any appointed office~~ shall be filled within ~~thirty (30)~~ ~~forty-five (45)~~ days of the vacancy by the appointing authority in such manner as the original appointment was made ~~including one created by completion of a member's appointed term~~. In the event that the appointing authority fails to do so, the remaining members of such Board or Commission shall appoint a replacement within thirty (30) days, provided that such appointment

shall not violate any provisions of this Charter. The appointing authority shall retain the right to make such appointment until such time as the remaining members of the Board of Commission act to fill such vacancy.

*9.6.3. Mayor May Fill:*

In the event of a vacancy in any appointed office only the Mayor shall have the authority to fill the vacancy himself/*herself*, without additional compensation, until a successor is appointed.

**Section 9.7. Conflicts of Interest.**

Any City ~~elected or appointed~~ official or employee who has a conflict of interest, financial interest or beneficial interest, direct or indirect in any contract, transaction or decision within the purview of his/her responsibilities shall disclose the interest as prescribed by the City Code of Ethics and on the record of the body of which he/she is a member or in the case of an employee, in writing to the Mayor. A written record shall be kept of such disclosure. ~~is called upon to participate in a decision on any matter in which he has a financial interest shall disclose the interest on the record of the body of which he is a member or in writing to the Mayor and the Board of Aldermen, and a written record shall be kept of each such disclosure.~~ Violation by any official or employee of this Section shall be grounds for his/*her* removal. Violation of this Section with knowledge, ~~express~~ *expressed* or implied by any person participating in the matter shall render the transaction voidable by the Board of Aldermen or by a court of competent jurisdiction.

**Section 9.8. Political Activity of Classified Municipal Employees.**

The provisions of ~~Section 7-421 of the Conn. Gen. Stat. Section 7-421~~ as the same may be amended from time to time shall be applicable to all classified employees of the City of Shelton.

**Section 9.9. Removal for Cause.**

(a) Members of the classified service may only be removed as provided in Section 8.1 or as provided in any applicable collective bargaining agreement.

(b) Elected officials may only be removed as provided in Section 2.8.

(c) Appointed officials who are not members of the classified service may be removed as provided in this Charter.

(d) Appointed members of boards, commissions and other bodies, except as otherwise provided by State Statute, by this Charter, may be removed by the appointing authority for good cause shown. Before any such member may be removed, the appointing authority shall mail to the said member a written notice stating the intent to remove, and the specific reason therefore. Said notice shall be mailed certified mail, return receipt requested, to the last address on file with the City at least fourteen (14) days prior to any contemplated action. The member shall have the right to a hearing before the appointing authority, if a hearing is requested in writing within fourteen (14) days after the receipt of the notice of appeal. Any such hearing shall be public and shall be transcribed by electronic means or by a shorthand reporter. Any decision by the appointing authority with the reasons therefore shall be rendered in writing within ten (10) days after said hearing. A copy of said notice shall be filed with the City/Town Clerk and a copy shall be mailed to the member, certified mail, return receipt requested. The member shall have the right to appeal to the Superior Court for the Judicial District of Ansonia/Milford or such other judicial district, as may have jurisdiction provided that such appeal shall be taken within twenty (20) days of the filing of the decision with the City Clerk.

(e) Just cause shall include, but not necessarily be limited to, misfeasance in office, intentional violation of any provision of this Charter and substantial absence from scheduled meetings of the board or commission of which the individual is a member.

**Section 9.10. Amendment of Charter.**

This Charter may be amended in any manner prescribed by law.

**Section 9.11. Saving Clause.**

If any chapter, section, or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which the section or part so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

A change of title or reference to a particular ~~b~~**B**oard or ~~e~~**C**ommission in these amendments shall not be deemed to substantially affect said ~~b~~**B**oard or ~~e~~**C**ommission unless the context so requires.

**Section 9.12. Effective Date.**

If approved at the November ~~2008~~, ~~1994~~ election, these amendments shall become effective on December 1, ~~2008~~. ~~1994~~.