



# **DRAFT REPORT (050223)**

**CHARTER REVISION COMMISSION  
CITY OF NEW HAVEN, CONNECTICUT**

## **THE PROPOSED REVISED CHARTER**

**PRESENTED TO THE BOARD OF ALDERS**

**MAY 15, 2023**  
PURSUANT TO C.G.S. §7-191(d)

**ANNOTATED**

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## NEW HAVEN BOARD OF ALDERS

**HON. TYISHA WALKER-MYERS**  
President (23<sup>rd</sup> Ward)

**HON. JEANETTE L. MORRISON**  
President Pro Tempore (22<sup>nd</sup> Ward)

**HON. RICHARD FURLOW**  
Majority Leader (27<sup>th</sup> Ward)

**HON. SALVATORE E. DECOLA**  
First Officer (18<sup>th</sup> Ward)

**HON. EVELYN RODRIGUEZ**  
Deputy Majority Leader (4<sup>th</sup> Ward)

**HON. ALEX GUZHNAV**  
1<sup>st</sup> Ward

**HON. RON HURT**  
3<sup>rd</sup> Ward

**HON. CARMEN RODRIGUEZ**  
6<sup>th</sup> Ward

**HON. ELLEN CUPO**  
8<sup>th</sup> Ward

**HON. ANNA FESTA**  
10<sup>th</sup> Ward

**HON. GERALD M. ANTUNES**  
12<sup>th</sup> Ward

**HON. SARAH MILLER**  
14<sup>th</sup> Ward

**HON. JOSE CRESPO**  
16<sup>th</sup> Ward

**HON. SALVATORE PUNZO**  
17<sup>th</sup> Ward

**HON. DEVIN AVSHALOM-SMITH**  
20<sup>th</sup> Ward

**HON. EVETTE HAMILTON**  
24<sup>th</sup> Ward

**VACANT**  
26<sup>th</sup> Ward

**HON. BRIAN WINGATE**  
29<sup>th</sup> Ward

**HON. FRANK E. DOUGLASS, JR.**  
2<sup>nd</sup> Ward

**HON. KAMPTON SINGH**  
5<sup>th</sup> Ward

**HON. ELI SABIN**  
7<sup>th</sup> Ward

**HON. CLAUDIA HERRERA**  
9<sup>th</sup> Ward

**HON. RENEE HAYWOOD**  
11<sup>th</sup> Ward

**HON. ROSE SANATANA**  
13<sup>th</sup> Ward

**HON. ERNIE G. SANTIAGO**  
15<sup>th</sup> Ward

**HON. KIMBERLY R. EDWARDS**  
19<sup>th</sup> Ward

**HON. TROY STREATER**  
21<sup>st</sup> Ward

**HON. ADAM MARCHAND**  
25<sup>th</sup> Ward

**HON. THOMAS FICKLIN**  
28<sup>th</sup> Ward

**HON. HONDA SMITH**  
30<sup>th</sup> Ward

## NEW HAVEN CHARTER REVISION COMMISSION

**HON. MICHAEL B. SMART**  
Chair

**HON. RICHARD FURLOW**  
Vice Chair

**ANNE SCHWARTZ**  
Secretary

**CAROL COLES**  
**HON. SALVATORE E. DECOLA**  
**JOHN A. KEYES**

**PATRICIA MELTON**  
**SERENA NEAL-SANJURO**  
**SANDRA TREVINO**

**ALBERT LUCAS**  
Director, Office of Legislative Services

**STEVEN G. MEDNICK**  
Special Counsel

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## PREAMBLE

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Recognizing the rich diversity of the people of the City of New Haven throughout its history, it is the public policy of the City of New Haven to ensure full and equitable participation of all citizens and residents in all aspects of the life of the City without regard to race, color, religion, creed, sex, age, marital status, familial status, sexual orientation, gender identity or expression, national origin, ancestry, disability or any protected class under law<sup>1</sup>.

## ARTICLE I. CONSTRUCTION OF THE GENERAL PROVISIONS<sup>2</sup>

### Sec. 1. Title<sup>3</sup>.

The title of this document shall be the “Charter of the City of New Haven” or “Charter”.

### Sec. 2. Definitions and Titles Generally<sup>4</sup>.

The definitions contained in the General Statutes shall govern the interpretation of this Charter; unless a term is otherwise defined herein. Articles and sections are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

### Sec. 3. Time of Appointments and Meetings Generally<sup>5</sup>.

Except as otherwise provided in this Charter, any appointment to office or election by the Board of Alders to fill a Vacancy required herein to be made on or before a certain Day shall be, if made after that Day, as valid and effective as if made on the Day specified. If the day on which any meeting specified to be held or action is to be taken shall be a Saturday, Sunday or legal holiday, the meeting or action shall be held or taken on the first business day following. Any meeting required by this Charter to be held on a certain Day shall be deemed, for all purposes, to be a regular meeting. The Mayor shall designate the place of all meetings provided for in this Charter, unless the place of meeting is specified herein, fixed by Ordinance or within the purview of the Board of Alders. However, in the absence of any such designation

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<sup>1</sup> 2013 modification of the current Preamble. **Note:** At the time this Charter was considered in 2013 federal law made it illegal to discriminate based upon: Race; Color; National origin; Religion; Sex (including pregnancy, childbirth, and related medical conditions); Disability; Age (40 and older); Citizenship status; and, Genetic information. The laws of the State of Connecticut render it illegal to discriminate based upon: Race; Color; National origin; Religion; Sex (including pregnancy, childbirth, and related medical conditions); Disability: present or past physical, mental, learning, or mental retardation; Age; Genetic information; Marital status (includes civil unions); Sexual orientation (includes having a history of or being identified with a preference); AIDS/HIV; and, Gender identity or expression. Original Preamble was adopted by Amend. of 7-1-93.

<sup>2</sup> Currently “Incorporation”.

<sup>3</sup> NEW (2013).

<sup>4</sup> NEW (2013).

<sup>5</sup> NEW (2013).

by the Mayor, the person responsible for convening the meeting shall designate the place thereof.

**Sec. 4. Definitions.**

Whenever used in this Charter:

- A. "Alder" means a member of the Board of Alders.
- B. "Board" or "Commission" means, for the purposes of this Charter and except as otherwise provided by Law, all Boards, agencies, Commissions, authorities or like entities of the City, whether elected or appointed<sup>6</sup>.
- C. "Board of Alders" or "Alders" means the Board of Alders of the City, the legislative body of the municipality, as required by the General Statutes<sup>7</sup>.
- D. "Charter<sup>8</sup>" means the Charter of the City.
- E. "City<sup>9</sup>" means the City of New Haven. The term "City" as used in this Charter, unless the context otherwise indicates, shall be taken to include the Town of New Haven<sup>10</sup>.
- F. "City Clerk" means the City and Town Clerk of New Haven<sup>11</sup>.
- G. "Civil Service System" or "Civil Service<sup>12</sup>" means the Civil Service of the City, as required by this Charter and as further set forth in the Ordinances of the City.
- H. "Contract<sup>13</sup>" means all contractual relations of the City, including, without limitation, agreements, purchase contracts, personnel contracts, lease contracts, and service contracts, including but not limited to, memoranda of understanding, memoranda of agreement, letters of understanding, letters of agreement, side letters and other agreements purporting to bind the City. It is the intent of this provision that all Contracts shall be in writing in accordance with the provisions of this Charter or any Ordinance adopted hereunder.
- I. "Day(s)<sup>14</sup>" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a

Commented [S2]: BOA #6.

<sup>6</sup> 2013 modification and recodification of current §56 (First Paragraph), in lieu of the following: "For the purposes of this section and except as otherwise provided by Law, the term "board" shall include all public appointive boards, agencies, commissions, authorities or like entities of the City".

<sup>7</sup> Required by C.G.S. § 7-193(a)(1)(C).

<sup>8</sup> NEW (2013).

<sup>9</sup> NEW (2013).

<sup>10</sup> 2013 recodification of current §1 (last sentence).

<sup>11</sup> 2013 recodification of current §1 (last sentence).

<sup>12</sup> NEW (2013).

<sup>13</sup> NEW (2023).

<sup>14</sup> NEW (2013).

weekend, holiday or day when the City is closed for business, the deadline shall be extended through the close of the next City business day; unless otherwise required by law.

J. "Department<sup>15</sup>" means any major functional or administrative division of the City, including any subordinate offices, divisions, institutions, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the City. When used within the section establishing or describing the duties of the particular Department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

K. "Department Head<sup>16</sup>" means an employee who heads any Department in the City, has substantial supervisory control of a permanent nature over other municipal employees, and is directly accountable to the Mayor or, in the alternative, to their appointing authority.

L. "Elected Official<sup>17</sup>" means an individual who holds an "Elected Municipal Office" (as defined in the General Statutes<sup>18</sup> but shall not include a justice of the peace) in the City. The Elected Officials are set forth in §6.A of Article II of this Charter.

M. "Elector<sup>19</sup>" shall have the meaning contained in the General Statutes and as administered by the State.

N. "General Assembly" means the General Assembly of the State of Connecticut.

O. "General Statutes<sup>20</sup>" means the Connecticut General Statutes, as may be amended from time to time.

P. "Law<sup>21</sup>" means, but is not limited to, decisions of courts and administrative bodies, federal or State legislative enactments, rules and regulations and local Ordinance and regulations.

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<sup>15</sup> NEW (2013).

<sup>16</sup> NEW (2013).

<sup>17</sup> NEW (2013).

<sup>18</sup> At the time of the approval of this Charter there provisions was C.G.S. §9-372.

<sup>19</sup> NEW (2013). C.G.S. § 9-1. Definitions: "...(e) 'Elector' means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town"; See also, C.G.S. §9-20. Admission of electors; procedure: (a) Each person who applies for admission as an elector in person to an admitting official shall, upon a form prescribed by the Secretary of the State and signed by the applicant, state under penalties of perjury, his name, bona fide residence by street and number, date of birth, whether he is a United States citizen, whether his privileges as an elector are forfeited by reason of conviction of crime, and whether he has previously been admitted as an elector in any town in this or any other state. Each such applicant shall present his birth certificate, drivers' license or Social Security card to the admitting official for inspection at the time of application...".

<sup>20</sup> NEW (2013).

<sup>21</sup> NEW (2013).

**Q.** “Mayor<sup>22</sup>” means the chief executive officer of the municipality, as required by the General Statutes<sup>23</sup>.

**R.** “Meeting (or Hearing) Notice<sup>24</sup>” means a notice posted as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State and the City Clerk, as well the requirement pertaining to special and emergency meetings and the requirements of this Charter and the ordinances requiring notice of meetings or hearings. In addition to the above-referenced postings, the City may (1) post notices on its web-site or by other means of electronic media; or, (2) publish notices in a daily or weekly newspaper of general circulation distributed in the City; or, (3) in a conspicuous location in the Office of the City Clerk, City Hall and the central City Library (and each branch of the City Library); or, (4) provide notices as otherwise required by Law. Meeting Notice (including Public Hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

**S.** “Public Official<sup>25</sup>” means a person who holds an elected or appointed municipal office in the City; including but not limited to Elected Officials of the City, all members of Boards and Commission of the City which may be referred to in this Charter or established by Ordinance and all persons appointed in accordance with the provisions of this Charter including but not limited to §3.A of Chapter VI of this Charter. “Appointed Public Officials” shall include all Public Officials of the City to the exclusion of Elected Officials. When the term “officer” is used, it shall be synonymous with the term “Official”.

**T.** “Order<sup>26</sup>” means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed Contracts or other matters upon which are conferred temporary power or authority which when its purpose has been accomplished it ceases to require further authority. Orders shall be enacted in accordance with the provisions of this Charter.

**U.** “Ordinance(s)” or “City Ordinances<sup>27</sup>” means the powers of the City to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

**V.** “Public Notice” or “Publication” or “Published<sup>28</sup>” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, or notification of an action of the City, as may

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<sup>22</sup> NEW (2013).

<sup>23</sup> Required by C.G.S. § 7-193(a)(2)(C).

<sup>24</sup> NEW (2013).

<sup>25</sup> NEW (2013).

<sup>26</sup> NEW (2013).

<sup>27</sup> NEW (2013).

<sup>28</sup> NEW (2013).

be required by this Charter. It specifically includes matters where “publication” was required under the prior Charter or the General Statutes. Said Public Notice requirements may be specifically set forth in this Charter, the Ordinances or as otherwise provided by the General Statutes or Law. Public Notice shall be posted as required by the General Statutes and, as may be required by this Charter or the Ordinances, as follows: (1) in a conspicuous location in the Office of the City Clerk and in City Hall; (2) in the central City Library (and each branch of the City Library); (3) on the City web-site or by other means of electronic media; or, (4) by publication in a daily or weekly newspaper of general circulation distributed in the City.

**W.** “Resolution<sup>29</sup>” means an action or declaratory statement of the Board of Alders on a given matter that expresses the sentiment or intent of the Alders, which governs the business of the Board or expresses recognition by the Alders. “Resolution” may also mean a necessary legislative action required by General Statutes in order to utilize the provisions of state enabling legislation; which shall be enacted in the same manner as an Ordinance under the provisions of this Charter.

**X.** “Special Acts<sup>30</sup>” means the acts of the General Assembly pertinent to the City.

**Y.** “State” or “Connecticut<sup>31</sup>” means the State of Connecticut.

**Z.** “State Constitution<sup>32</sup>” means the Constitution of the State of Connecticut.

**AA.** “Vacancy<sup>33</sup>” or, in the alternative the use of the word “Vacant” means whenever any :Public Official, Department Head or other person appointed to office under this Charter or the Ordinances completes the term of office and vacates the office; is unable to complete the current term of office due to death, resignation, removal from office (as set forth in this Charter or in accordance with Law), incapacity, upon failure to comply with the Elector requirements of this Charter or other reason as may be defined by this Charter.

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<sup>29</sup> NEW (2013).

<sup>30</sup> NEW (2013).

<sup>31</sup> NEW (2013).

<sup>32</sup> NEW (2013).

<sup>33</sup> NEW (2013).

## **ARTICLE II. INCORPORATION AND GENERAL POWERS<sup>34</sup>**

### **Sec. 1. Established<sup>35</sup>.**

The territorial limits and boundaries of the Town of New Haven comprise the same territory embraced within all the wards of the City as established by Special Act approved May 31, 1921 and amendments thereto by Special Act approved April 23, 1931 and amendments thereto by Special Act approved May 6, 1937 and by Special Act approved April 12, 1939.

### **Sec. 2. City Incorporated. Corporate Rights<sup>36</sup>.**

All electors of the State of Connecticut dwelling within the limits hereinafter specified shall be a body politic and corporate by the name the "City of New Haven," and as such, and by that name, they and their successors shall have perpetual succession, and shall be a person in law capable of suing and being sued, pleading and being impleaded in all suits, may have a common seal and alter or change the same at pleasure, and shall have power of purchasing, holding and conveying any estate, real and personal, and shall remain absolutely vested with the title to and improvement of all the City lands, tenements, hereditaments, rights and estates, which, since the original incorporation of the City, have become vested in the City, and where the City never has been lawfully divested hitherto.

### **Sec. 3. Wards and Education Districts established.**

**A. Wards Established<sup>37</sup>.** On the effective date hereof and until otherwise determined, the City of New Haven is divided into thirty (30) wards from each of which an Alder shall be elected at the regular election of said City to be held on the first Tuesday after the first Monday of November, 1983, and biennially thereafter. The boundaries of each ward as the same may be revised from time to time in accordance with this article are shown on a map entitled "Ward Map, City of New Haven, Connecticut," and in a verbal description, both of which are on file in the City Clerk's office.

**B. Education Districts Established<sup>38</sup>.** On or before January 1, 2015 the City shall be divided into two (2) education districts from each of which one (1) member of the Board of Education shall be elected on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday of November, 2015 and thereafter as set forth in §3.A(3)(b) of Article VII of this Charter. The boundaries of each education district shall be established and revised from time to time subject to the provisions of Law applicable to redistricting and §4 of this Article; and to the extent practicable, the said districts shall be comprised of an equal number of wards.

<sup>34</sup> Currently "Territorial Limits". Incorporates current Articles II and III ("Territorial Subdivisions").

<sup>35</sup> 2013 recodification of current §2. See, Sp. L. 1921, pp. 813-821; see also, Sp. L. 1931, 1937, pp. 667-668; and, 1939, p. 72.

<sup>36</sup> 2013 recodification of current §1. See also, Sp. L. 1899, p. 288, § 2. See also, Special Laws 1969, Act No. 15, §2.

<sup>37</sup> 2013 recodification of current §3. See, Amend. of 7-1-93.

<sup>38</sup> NEW (2013).

**Sec. 4. Reapportionment of the Wards<sup>39</sup>.**

**A. Federal Constitutional Standards<sup>40</sup>.** The establishment of wards and education districts in the City shall be consistent with federal constitutional standards.

**B. In the event General Assembly Districts are Changed<sup>41</sup>.** If the General Assembly districts are changed at any time in accordance with §6 of Article 3 of the State Constitution, the Board of Alders shall, within six (6) months of the date such change becomes effective, by ordinance, enact a plan of redistricting the wards and education districts of the City, and, in so doing, the Board of Alders may change the boundaries.

**(1) Circumstances Necessitating Appointment of a Redistricting Commission<sup>42</sup>.** If the General Assembly districts are so changed and if the Board of Alders fails to enact a plan of redistricting within six (6) months of the effective date of such change, the Mayor shall forthwith appoint a commission consisting of fifteen (15) Electors, at least three (3) of whom shall be members of the Board of Alders, and no more than nine (9) of whom shall be members of one (1) political party<sup>43</sup>

**(a)** Said commission shall proceed to consider the alteration of ward and education district boundaries in accordance with federal constitutional standards of proper appointment; and said commission shall have the power to change the boundaries of the wards and education districts<sup>44</sup>.

**(b)** Said commission shall submit a plan of ward and education district redistricting to the City Clerk within six (6) months of the date of appointment of said commission. No such plan shall be submitted to the City Clerk unless it is certified as approved by at least eight (8) members of the commission<sup>45</sup>.

**(c)** Upon receiving such plan, the City Clerk shall caused such Publication and record the same in the same manner as ordinances are required to be published and recorded by the Charter, and upon such Publication and recording, such plan of

<sup>39</sup> Consolidation of current §§4, 5, 6 and 7.

<sup>40</sup> 2013 recodification of current §4(a). See, Special Laws 1969, Act No. 15, §2(a); see also Special Laws 1969, Act No. 154 and Special Laws 1967, Act No. 9.

<sup>41</sup> 2013 recodification of current §4(b). See, Special Laws 1969, Act No. 15, §2(b); ; see also Special Laws 1969, Act No. 154 and Special Laws 1967, Act No. 9.

<sup>42</sup> See, Special Laws 1969, Act No. 15, §2(c); see also Special Laws 1969, Act No. 154 and Special Laws 1967, Act No. 9. See, Amend. of 7-1-93.

<sup>43</sup> 2013 recodification of current §4(c)(First portion of the first sentence).

<sup>44</sup> 2013 modification and recodification of current §4(c)(Remainder of the first sentence).

<sup>45</sup> 2013 recodification of current §4(c)(Second sentence).

ward and education district districting shall have the full force of law<sup>46</sup>.

**C. In The Event General Assembly Districts Are Not Changed<sup>47</sup>.**

**(1) Appointment of a Committee of Alders<sup>48</sup>.** If the General Assembly districts located in the City of New Haven are not changed under §6 of Article 3 of the State Constitution after any decennial census, within sixty (60) Days after the time for action under said section has passed, the Board of Alders of the City shall appoint a committee of five (5) Alders to determine whether or not the population within the wards has shifted so as to require reapportionment of the wards and education districts in accordance with federal constitutional standards.

**(2) Committee Report<sup>49</sup>.** Said committee shall report to said board within thirty (30) Days of the date of its appointment and if the committee reports that the wards or education districts are not apportioned according to federal constitutional standards, the Board of Alders shall, within six (6) months of the date of said report, by Ordinance, enact a plan of redistricting the wards and education districts of the City, said wards and education districts to be apportioned according to federal constitutional standards, and, in so doing, said board may change the boundaries of the wards and education districts; however, said plan shall endeavor to create education districts which shall be comprised of an equal number of wards.

**(3) Failure to Appoint a Committee of Alders<sup>50</sup>.** If said Board of Alders fails to appoint a committee as required in accordance with the provisions of §4.C of this Charter or if the Board of Alders fails to enact the plan of redistricting within six (6) months of the date of such committee report, the Mayor shall forthwith appoint a commission consisting of fifteen (15) Electors, at least three (3) of whom shall be members of the Board of Alders and no more than nine (9) of whom shall be members of one (1) political party, and said commission shall proceed to consider whether or not the population within the wards or education districts has shifted so as to require reapportionment in accordance with federal constitutional boundaries; and said commission may change the boundaries of the wards and education districts. Said commission shall submit a plan of ward and education district districting to the City Clerk within six (6) months of the date of its appointment, which plan shall endeavor to create education districts which shall be comprised of an equal number of wards. No plan shall be submitted to the City

<sup>46</sup> 2013 recodification of current §4(c)(Third sentence).

<sup>47</sup> 2013 recodification of current §5 entitled "If Assembly districts not changed after decennial census, Board of Alders to appoint committee to determine order of reapportionment; report; redistricting plan". See also, Special Laws 1969, Act No. 15, §3; ); see also Special Laws 1969, Act No. 154 and Special Laws 1967, Act No. 9.

<sup>48</sup> 2013 recodification of current §5. (First sentence). See, Amend. of 7-1-93.

<sup>49</sup> 2013 recodification of current §5 (Second sentence).

<sup>50</sup> 2013 recodification of current §6 entitled "If provisions of Section 5 not met, Mayor to appoint commission; duty of commission; redistricting plan". See also, Special Laws 1969, Act No. 15, §4; ); see also Special Laws 1969, Act No. 154 and Special Laws 1967, Act No. 9.



Clerk unless it is certified as approved by at least eight (8) members of the commission. Upon receiving such plan, the City Clerk shall publish and record the same in the same manner as ordinances are required to be published and recorded as set forth in this Charter, and upon such publication and recording, such plan of ward and education district districting shall have the full force of law.

**D. Relating Ward Boundaries to Assembly Districts in the State House of Representatives.**

(1) When the Board of Alders, or any other authority legally empowered to redistrict, shall redistrict the wards of the City, the new ward boundaries shall be drawn so that, to the maximum extent feasible, each ward under the new districting plan shall lie completely within a single assembly district for the State House of Representatives which shall be in effect on the date when the new ward redistricting plan becomes effective<sup>51</sup>.

(2) When redistricting shall occur, the Board of Alders, or other authority legally empowered to redistrict, shall, to the greatest extent feasible, assign the area of each old ward lying within a single assembly district for the State House of Representatives to the same new ward, the new ward boundaries shall be drawn so as to assign the area of the old ward to as few new wards as possible<sup>52</sup>.

**Sec. 5. Application of the General Statutes; qualification of Electors; polling hours; voting districts<sup>53</sup>.**

Except as otherwise provided in this Charter all elections within and for the City shall be held pursuant to the provisions of the General Statutes and Laws pertaining to election law in the State. At any City election the polls shall be kept open as required by the General Statutes. The Board of Alders may by Ordinance duly passed and published, divide each or any ward of the City into two (2) or more voting districts; and all provisions of Law now existing, or which may hereafter be enacted, regulating the holding of elections in the other voting districts of said City shall apply to said new voting districts when so established<sup>54</sup>.

**Sec. 6. Elected Officials specified; date of elections; term; vote required; special elections.**

**A. Elected Officials<sup>55</sup>.** From and after the effective date of this Charter the following Public Officials of the City and town shall be elected, viz.: the Mayor, members of the Board of Alders, Registrars of Voters, City Clerk and two (2) members of the Board of Education, elected by district.

<sup>51</sup> 2013 recodification of current §7 (First Paragraph). See, Amend. of 7-1-93.

<sup>52</sup> 2013 recodification of current §7 (Second Paragraph).

<sup>53</sup> 2013 recodification of current §8 from current Article IV entitled "Elections and Electors". See, Amend. of 7-1-93.

<sup>54</sup> Third sentence of current §8 derived from Sp. L. 1899, p. 392, § 4.

<sup>55</sup> 2023 edit of Sec. 6.A which represents a 2013 recodification of current §9 (First sentence of first paragraph). See, Amend. of 7-1-93.

**B. Date of Elections; Term of Office<sup>56</sup>.**

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(1) The Mayor, members of the Board of Alders and the City Clerk shall be elected at the regular City election to be held on the first Tuesday after the first Monday of November 2025 for a term of two (2) years from the first (1<sup>st</sup>) day of January 2026; and on the first Tuesday after the first Monday of November 2027 for a term of four (4) years from the first (1<sup>st</sup>) day of January 2028 and quadrennially thereafter<sup>57</sup>;

(2) The elected members of the Board of Education shall have a term of four (4) years; with the exception of the transitional two (2) year term commencing on the first (1<sup>st</sup>) day of January 2026, as set forth in §3.A (3) (b) of Article VII of this Charter.

(3) The Registrars of Voters shall be elected at the regular City election to be held under the provisions of this Charter on the first Tuesday after the first Monday of November, 1996, for a term of four (4) years from the first (1<sup>st</sup>) day of January next, and quadrennially thereafter<sup>58</sup>.

**C. Plurality Vote<sup>59</sup>.** Each of said Elected Officials shall be elected by plurality vote; but, if by reason of equality of votes, there shall be no choice of any of candidates for said office(s), then the Board of Alders shall provide for the holding of a new election within thirty (30) Days from and after the time when such failure to elect shall be made known.

**D. Special Elections<sup>60</sup>.** Special elections, when required under the provisions of this Charter or by the General Statutes, shall be called and warned by the City Clerk. Such a special election may be held coincidentally with the general State election.

**Sec. 7. Vacancies in Elective Office.**

**A. Vacancies in the Office of the Mayor: Succession.** Whenever a vacancy occurs in the Office of the Mayor, the President of the Board of Alders shall at once become Mayor for the unexpired term and shall have all rights, powers and

<sup>56</sup> 2026 revision.

<sup>57</sup> 2013 recodification of current §9 (Second sentence of first paragraph). The two year term for Mayor and clerk is derived from Sp. L. 1899, p. 392, § 6; Sp. L. 1901, p.1114, § 3; Sp. L. 1911, p. 605, § 1; and, Sp. L. 1923, p. 505, § 1. The two year term for Board of Aldermen is derived from Sp. L. 1899, p. 392, § 7; Sp. L. 1905, p. 909, § 2; Sp. L. 1911, p. 605, § 2; and, Sp. L. 1923, p. 506, § 2.

<sup>58</sup> 2013 recodification of current §9 (Third sentence of first paragraph). See, fn immediately, above.

<sup>59</sup> 2013 recodification of current §9 (Fourth sentence of first paragraph). Derived from Sp. L. 1899, p. 393, § 9; Sp. L. 1901, p. 1114, §§1,2 and 12; Sp. L. 1909, p. 710; Sp. L. 1927, § 9.

<sup>60</sup> 2013 recodification of current §9 (Second Paragraph). See, Amend. Of 7-1-75.

duties of Mayor and shall receive the same compensation otherwise due the Mayor<sup>61</sup>. The office of President of the Board of Alders and member of the Board of Alders shall become vacant whenever the person holding them shall become Mayor, and the President Pro Tempore of said Board shall thereupon become President<sup>62</sup>. The Board of Alders shall thereafter elect a new President Pro Tempore of said Board <sup>63</sup>.

**B. Vacancy in the Office of the Mayor-elect<sup>64</sup>.** Whenever the Mayor-elect shall die or become permanently incapable of performing the duties of said office between the date of the election and the first (1<sup>st</sup>) day of the term thereafter, the Mayor then in office shall continue therein with all the powers and duties thereto appertaining until the Board of Alders elected at said election shall be organized as provided by this Charter. Thereupon the succession to the Mayoralty shall proceed in the manner herein provided for filling said office in the event of a vacancy therein.

**C. Vacancies on the Board of Alders<sup>65</sup>.** If an Alder is elected and for any reason fails to qualify, or whenever an Alder shall vacate the position because of resignation, death, removal from office or failure to remain an Elector within the ward said Alder was elected to represent, a vacancy shall exist in that office and the successor shall be chosen in the following manner pursuant to the General Statutes relating to elections<sup>66</sup>:

(1) If the position shall become vacant during the first eighteen (18) months of the term of office, a special election shall be called forthwith to fill the vacancy and shall be held no later than forty-five (45) Days from the effective day of the vacancy. The person so elected shall assume office on the day of election<sup>67</sup>.

(2) If the position shall become vacant commencing on or after the first (1<sup>st</sup>) day of the nineteenth (19<sup>th</sup>) month of the term of office, the Mayor shall appoint a successor to complete the term of office who shall hold office in accordance with the provisions of this Charter. Said appointee shall be of the same party affiliation as that of the immediate previous incumbent and the Mayor shall appoint from a list of three (3) names submitted by that party's town committee members from that ward<sup>68</sup>.

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<sup>61</sup> 2013 recodification of current §15 (First sentence). Derived from Sp. L. 1899, p. 393, § 10; SP. L. 1901, p. 1115, § 6; Sp. L. 1917, p. 723; and, Sp. L. 1927, § 10. See, Amend. of 7-1-93.

<sup>62</sup> 2013 recodification of current §15 (Second sentence). Derived from Sp. L. 1899, p. 393, § 10; SP. L. 1901, p. 1115, § 6; Sp. L. 1917, p. 723; and, Sp. L. 1927, § 10. See, Amend. of 7-1-93.

<sup>63</sup> 2013 recodification of current §15 (Third sentence). Derived from Sp. L. 1899, p. 393, § 10; SP. L. 1901, p. 1115, § 6; Sp. L. 1917, p. 723; and, Sp. L. 1927, § 10. See, Amend. of 7-1-93.

<sup>64</sup> 2013 recodification of current §15 (Fourth and fifth paragraphs). Derived from Sp. L. 1899, p. 393, § 10; SP. L. 1901, p. 1115, § 6; Sp. L. 1917, p. 723; and, Sp. L. 1927, § 10. See, Amend. of 7-1-93.

<sup>65</sup> 2013 recodification of current §53 (Fourth Paragraph). See, Amend. of 7-1-93.

<sup>66</sup> 2013 recodification of current §53(Opening sentence).

<sup>67</sup> 2013 recodification of current §53(a).

<sup>68</sup> 2013 recodification of current §53(b).

If there is a question whether an Alder resides within the ward said Alder was elected to represent, it shall be decided jointly by both Registrars of Voters<sup>69</sup>.

**D. Vacancies of the Elected Members of the Board of Education<sup>70</sup>.**

If a member of the Board of Education is elected and for any reason fails to qualify, or whenever an elected member of the Board of Education shall vacate the position because of resignation, death, removal from office or failure remain an Elector within the district said member was elected to represent, a vacancy shall exist in that office and the successor shall be chosen in the following manner pursuant to the General Statutes relating to elections<sup>71</sup>:

(1) A special election shall be called forthwith and shall be held no later than forty-five (45) Days from the effective day of the vacancy unless the special election can be consolidated with a city-wide primary or general election, as may be permitted by the General Statutes, to be held within six (6) months of the vacancy<sup>72</sup>. The person so elected shall assume office on the day of election<sup>73</sup>.

(2) If there is a question whether an elected member of the Board of Education resides within the education district said member was elected to represent, it shall be decided jointly by both Registrars of Voters<sup>74</sup>.

**Sec. 8. Vacancies of Appointed Public Officials<sup>75</sup>.**

Whenever any office of an Appointed Public Official shall become vacant by reason of the death, resignation, inability, disability or removal of the person appointed to fill the same, said vacancy may be filled by the authority which made the former appointment, subject to the provisions of this Charter. If said last incumbent was appointed for a definite term, the successor shall be appointed for the unexpired portion of said term.

**Sec. 9. Resignation from Office<sup>76</sup>.**

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<sup>69</sup> 2013 recodification of current §53(Final sentence). See, Amend. of 7-1-75.

<sup>70</sup> NEW (2013).

<sup>71</sup> NEW (2013).

<sup>72</sup> NEW (2013).

<sup>73</sup> NEW (2013).

<sup>74</sup> 2013 recodification of current §53(Final sentence).

<sup>75</sup> 2013 modification and recodification of current §142, in lieu of the following: "Whenever any office of an Appointed Public Official said City, filled by appointment, shall become vacant by reason of the death, resignation, inability, disability or removal of the person appointed to fill the same, said vacancy may be filled by the authority which made the former appointment, subject to the provisions of this Charter. If said last incumbent was appointed for a definite term, the successor shall be appointed for the unexpired portion of said term". Derived from Sp. L. 1899, p. 433, § 149; See also, Sp. L. 1927, §363. See, Amend. of 7-1-75.

<sup>76</sup> 2013 recodification of current §146.

Resignations from office by Public Officials of the City shall be made in writing as follows:

A. **By the Mayor:** to the Board of Alders;

B. **By members of the Board of Alders and all other Elected Officials:** to the Mayor;

C. **By all Appointed Public Officials:** to the Mayor or other appointing authority, as the case may be, whose duty it is under this Charter to fill the vacancy caused by such resignation.

#### **Sec. 10. Temporary Disability or Absence of Mayor.**

A. **Acting Mayor during temporary inability<sup>77</sup>.** If the Mayor shall be prevented from attending to the duties of office by absence from the City or by illness or by any other cause, the President of the Board of Alders and, in the absence or disability of the President, the President Pro Tempore of said Board, shall act as Mayor until the Mayor or President of the Board of Alders, as the case may be, shall be able to assume the duties of the office.

B. **Acting Mayor to discharge duties.** Such Acting Mayor shall have all of the rights, powers and duties of the Mayor; however shall not have or exercise any power of appointment or removal<sup>78</sup>. The Acting Mayor may, however, temporarily suspend any Appointed Public Official or any employee of the City for cause, which cause shall not be political, and in the event of a vacancy in any office to which the Mayor has the power of appointment the Mayor may temporarily fill the same<sup>79</sup>. Any such temporary suspension or appointment shall automatically end upon the resumption of duties by the Mayor<sup>80</sup>.

C. **Compensation of the Acting Mayor.** For the second and each successive consecutive day that an acting Mayor actually performs the official duties of Mayor said acting Mayor shall be compensated for services performed at the rate of one hundred (\$100.00) dollars per day or such other amount that the Board of Alders may approve<sup>81</sup>. If the Mayor shall be prevented from attending to the duties of office by absence from the City or by illness or by any other cause for more than twenty (20) consecutive Days, such acting Mayor shall receive, commencing the twenty-first (21<sup>st</sup>) day, the same amount as salary as would be paid to the Mayor<sup>82</sup>.

#### **Sec. 11. Salaries of Elected Officials<sup>83</sup>.**

<sup>77</sup> 2013 recodification of current §13 (First sentence). See, Amend. of 7-1-93.

<sup>78</sup> 2013 recodification of current §13 (Second sentence).

<sup>79</sup> 2013 recodification of current §13 (Third sentence).

<sup>80</sup> 2013 recodification of current §13 (Fourth sentence).

<sup>81</sup> 2013 recodification of current §13 (Fifth sentence).

<sup>82</sup> 2013 recodification of current §13 (Sixth sentence). See, Amend. of 7-1-93.

<sup>83</sup> Current Article XXXVI entitled "Salaries of Elected and Appointed Officials". Note: The phrase "and Appointed" is deleted since there is no provision pertaining thereto.

The salary of each Elected Official, in accordance with the requirements of the State Constitution, the General Statutes and Law, shall be set by Ordinance by the Board of Alders by the affirmative vote of a majority of all its members, but only upon the recommendation of the Mayor; provided, further that any salary increase or decrease be for the full term of office of said Elected Official and shall become effective only on the first (1<sup>st</sup>) day of January next succeeding the date of the election of said elected officers<sup>84</sup>. The salary of all Elected Officials now set shall remain in full force unless otherwise modified as provided for herein <sup>85</sup>.

## Sec. 12. Elected Officials and Appointed Public Officials. Elector Requirement.

A. **Elected Officials**<sup>86</sup>. Every Elected Official shall be an Elector at the time of the election.

B. **Appointed Public Officials**<sup>87</sup>. Every Appointed Public Official shall be an Elector of said City, unless otherwise set forth by Law or in this Charter, as may be otherwise prescribed in accordance with the provisions of §12.D of this Article.

C. **Department Heads and Deputies to be Electors; Exception**<sup>88</sup>. Unless otherwise provided for by Law or waived in accordance with the provisions of §12.D of this Article each of the several Department Heads and deputies or those second in command of all Departments and other City organizations enumerated in the Charter or created by Ordinance shall, within six (6) months following the effective date of said appointment, be required to be an Elector of the City, or reside outside the corporate boundaries of the City if such residence is on lands owned by the City of New Haven<sup>89</sup>. Moreover, each such Department Head and deputy or second in

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<sup>84</sup> 2013 recodification of current §208 (First sentence).

<sup>85</sup> 2013 recodification of current §208 (second sentence). See, Sp. L. 1899, p. 401, § 40; See also, Sp. L. 1907, p. 395; See also, Amendments of 1-31-53, 1-1-56, 1-1-58, 1-1-62, 10-27-66, 10-23-67, 1-1-68, 7-1-69, 1-1-74, 7-1-75 and 7-1-93.

<sup>86</sup> 2013 recodification of current §141 (First sentence). Derived from Sp. L. 1899, p. 433, § 146 See also, Sp. L. 1927, §361. See also, Amend. of 7-1-93.

<sup>87</sup> 2013 recodification of current §141 (Second sentence). See, Amend. of 7-1-93.

<sup>88</sup> 2013 recodification of current §176 (First sentence of first paragraph).

<sup>89</sup> 2013 recodification of current §176 (Second sentence of first paragraph). Incorporates the following current provisions regarding "residency": (1) **Corporation Counsel** (Current §17, first sentence "...shall reside in said city during the term of office"); (2) **City Controller** (Current §21, third sentence) "...shall reside in said City during the term of office"; (3) **City Assessor** (Current §81(b), second sentence, "If the City Assessor is not a resident of the City of New Haven at the time of appointment, then in such event, within six (6) months after appointment, the City Assessor shall become a resident of the City of New Haven and shall reside in the City during said Assessor's tenure of office"); (4) **Police Chief** (Current §101, second sentence, "Said Chief of Police shall at all times be a resident and elector of said City while serving in the capacity of Chief of Police"); (5) **Fire Chief** (Current §103, second sentence, "Said chief shall at all times be a resident and elector of said City while serving in the capacity of Fire Chief"; (6) **Director of Building Inspection and Enforcement** (Current §123, third sentence, "The Director, building official and inspectors must reside in said City during tenure of office"; (7) **Director of Public Health** (Current §127, first sentence of second paragraph, " The director of health shall reside in said City while serving in that capacity"; (8) **City Librarian** (Current §133, eleventh sentence, "The City Librarian shall reside in said City during such term of office"; (9) **Planning Director** (Current §178, second sentence, " Said director shall reside in

command of Departments and other City organizations shall be required to comply with the requirements of this section during the term of office<sup>90</sup>.

(1) **Failure to Comply**<sup>91</sup>. In the event that any such Department Head, deputy or second in command should fail to comply with the provisions of this section, the position shall immediately become vacant and a successor shall be appointed as provided for by Law.

(2) **Role of the Personnel Director**. The Personnel Director shall be responsible for the proper administration of the provisions of this section and shall at least twice yearly conduct a census as to the compliance of those Department Heads and others who fall within the jurisdiction of this section<sup>92</sup>. The Personnel Director shall within thirty (30) Days after making said census give a full report to the Mayor indicating those Department Heads and others who are and who are not in compliance with the provisions of this section<sup>93</sup>. The Personnel Director at the same time shall also make a report to the appointing authorities when such an authority is other than the Mayor<sup>94</sup>.

D. **Waiver**. The Elector requirement for appointment of Department Heads and members of Boards and Commissions may be waived by requiring an appointee(s) to establish evidence of a bona fide residence (as set forth in the General Statutes) in the City. The waiver shall be granted by a majority vote of the entire membership of the Board of Alders then eligible to vote.

Commented [S5]: BOA #10 and Assistant CC Qualifications

### Sec. 13. General Provisions<sup>95</sup>.

A. **Oath of Office**<sup>96</sup>. Every Public Official shall, before entering upon the duties of office, make oath in the following form, namely: "*I solemnly swear (or affirm) that I will faithfully and impartially perform the duties of the office of \_\_\_\_\_ to the best of my ability and according to law, and that I will at all times strive to use the power entrusted to me as such officer for the best interest of the City (so help me God)*".

the City during the term of office"; (10) **Director of Traffic and Parking** (Current §214, third sentence, "The director shall reside in said City while serving in said capacity..."); and, (11) **Deputy Corporation Counsels** (Current §19, second sentence, "All deputy Corporation Counsels shall reside in said City during their term of office". See, Amend. of 7-1-93.

<sup>90</sup> 2013 recodification of current §176 (Second sentence of first paragraph).

<sup>91</sup> 2013 recodification of current §176 (Second paragraph).

<sup>92</sup> 2013 recodification of current §176 (First sentence of third paragraph).

<sup>93</sup> 2013 recodification of current §176 (Second sentence of third paragraph).

<sup>94</sup> 2013 recodification of current §176 (Third sentence of third paragraph).

<sup>95</sup> Current Article XXVIII entitled "Miscellaneous Provisions" include current §§139 - 147.

<sup>96</sup> 2013 recodification of current §143. Derived from Sp. L. 1899, p. 433, § 152; See also, Sp. L. 1927, §365.

**B. Public Officials to hold over until successors chosen and qualified<sup>97</sup>.** All Public Officials, unless prevented by death, inability or suspension or removal, shall hold their respective offices until their successors shall be chosen and shall have duly qualified.

**C. Bonds of Public Officials<sup>98</sup>.** The bonds of all Public Officials shall be taken to the City of New Haven, conditioned for the faithful performance of the duties of the office according to Law. The form and amount of each bond shall be to the satisfaction of the Controller, and no person or corporation shall be accepted by said Controller as surety on such bond except some corporation authorized by laws of this State to give bonds and become surety for bonds of municipal and other officials. The expense of all bonds required by this Charter shall be paid by the City.

**(1) Duty to deliver records to successors<sup>99</sup>.** It shall be the duty of every Public Official of said City, upon the expiration of the term of office, to deliver over to the successor in office all books, vouchers, papers and memoranda under the control of the official affecting the business of said City.

**(2) Right of public to inspect records, accounts<sup>100</sup>.** All records and accounts of every Department shall be open to inspection by any resident, any representative of a community based City organization, or any representative of the press at all reasonable times and under reasonable regulations established by the Mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

**(3) Inconsistent provisions repealed<sup>101</sup>.** All Charter provisions, Ordinances and any regulations and bylaws of the City inconsistent with the provisions of this Charter are hereby repealed.

#### **Sec. 14. Conflict of Interest and Code of Ethics<sup>102</sup>.**

**A. Policy declared.** There is hereby established a code of ethics for all Public Officials and employees whether elected or appointed, paid or unpaid<sup>103</sup>. The purpose of this code is to establish suitable ethical standards of conduct for all such Public Officials and employees by prohibiting acts or actions incompatible with the best interests of the City and by directing disclosure of private financial or other

<sup>97</sup> 2013 recodification and consolidation of current §140 (First sentence). Derived from Sp. L. 1899, p. 433, § 145; See also, Sp. L. 1927, §360. See also, §101 (Fifth sentence) and §103 (Third sentence).

<sup>98</sup> 2013 recodification of current §145. Derived from Sp. L. 1899, p. 434, § 155; See also, Sp. L. 1927, §368. See also, Amend. of 7-1-93.

<sup>99</sup> 2013 recodification of current §140 (Second sentence). Derived from Sp. L. 1899, p. 436, § 160; See also, Sp. L. 1927, §372.

<sup>100</sup> 2013 recodification of current §147.

<sup>101</sup> 2013 recodification of current §139. See, Amend. of 7-1-93.

<sup>102</sup> Current Article XXXVII entitled "Code of Ethics".

<sup>103</sup> 2013 recodification of current §209(a) (First sentence). See, Amend. of 1-1-61.



interests in matters affecting the City by such Public Officials and employees<sup>104</sup>. The provisions and purpose of this article and such rules, regulations and standards as shall be established are hereby declared to be in the best interests of the City of New Haven<sup>105</sup>.

**B. Conflicts of interest<sup>106</sup>.** No Public Official, whether elected or appointed, paid or unpaid, or employee of the City shall engage in any activities which result in a conflict of interest between the duties and responsibilities of public office and one's private affairs or which are incompatible with the proper discharge of official duties.

**C. Holding dual positions prohibited.**

(1) No member of the Board of Alders shall, during the period of service as an Alder, hold any municipal position to which a salary is attached, except where it is provided by Law expressly that a member of the Board of Alders shall be appointed or nominated to such a position. The provisions of this subsection shall take effect January 1, 1962<sup>107</sup>.

(2) No person shall receive compensation for service on more than one (1) Board or Commission or for more than one (1) position in the City government<sup>108</sup>.

**D. Disclosure of interest required.**

(1) **Public Officials and Employees<sup>109</sup>.** All Public Officials and employees, except members of the Board of Alders, shall disclose in the public record, in a manner to be provided by regulations established pursuant to §3.B of Article VII of this Charter, the extent and nature of any direct or indirect financial or other interest in matters affecting the City.

(2) **Board of Alders<sup>110</sup>.** Members of the Board of Alders shall publicly disclose, on the official records of the Board of Alders, the nature and extent of any direct or indirect financial or other interest in any proposed legislation or other matters before the Board.

**Sec. 15. Removal of Elected and Appointed Officials.**

**A. Removal of Mayor for total incapacitation<sup>111</sup>.** In case the Mayor shall, by any cause whatsoever, be totally incapacitated physically or mentally for a period

<sup>104</sup> 2013 recodification of current §209(a) (Second sentence). See, Amend. of 1-1-61.

<sup>105</sup> 2013 recodification of current §209(a) (Third sentence). See, Amend. of 1-1-61.

<sup>106</sup> 2013 recodification of current §209(b). Amend. of 1-1-61.

<sup>107</sup> 2013 recodification of current §212(a).

<sup>108</sup> 2013 recodification of current §212(b). Derived from Sp. L. 1899, p. 436, §161; See also, Sp. L. 1927, §373; and, Amend. of 1-1-61.

<sup>109</sup> 2013 recodification of current §210 (First sentence). Amend. of 1-1-61.

<sup>110</sup> 2013 recodification of current §210 (Second sentence). Amend. of 1-1-61.

<sup>111</sup> 2013 recodification of current §14. Derived from Sp. L. 1899, p. 393, § 10; Sp. L. 1901, p. 1115, § 6; Sp. L. 1917, p. 723; and, Sp. L. 1917, p. 1224. See, Amend. of 7-1-93.

exceeding thirty (30) Days from performing the duties of Mayor, the Board of Alders may, after summons and hearing in the manner concerning Public Officials appointed by the Mayor, remove the Mayor and declare the office of Mayor to be vacant on account of such incapacity for said period, and the person so removed may appeal from the order of removal in the same manner provided herein for an appeal by a Public Official removed by the Mayor.

**B. Removal of Appointees of the Mayor<sup>112</sup>.** Whenever the Mayor may believe any person appointed to office by said Mayor or any predecessor to be incompetent, or unfaithful to the duties of office, or that the requirements of the public service demand said appointees removal, the Mayor may summon said Public Official to appear at a place and time specified in said summons to show cause why said appointee should not be removed from said office<sup>113</sup>. With said summons the Mayor shall leave with said Public Official a written statement of the charges, and if, after a full hearing, the Mayor shall find that such appointee is incompetent, or unfaithful, or that the requirements of the public service demand removal of said appointee, the Mayor may remove such person from office<sup>114</sup>. Any such appointee so removed may appeal the Mayor's order of removal from said office to the Superior Court closest to the seat of government of the City of New Haven or to any judge thereof, which appeal shall be made returnable not more than six (6) nor less than three (3) Days from the date of the order of removal of said Mayor, and shall be served upon the Mayor or at the Mayor's usual place of abode at least forty-eight (48) hours before the time fixed for a hearing<sup>115</sup>. And said court or judge having given such further notice as may be deemed necessary to all parties, shall forthwith hear said case, and may approve or revoke the order of said Mayor and may award costs at the discretion of the court<sup>116</sup>. But no such appointee so removed shall exercise any of the powers of office during the pendency of the appeal to the Superior Court<sup>117</sup>.

**C. Removals in classified service to conform to Charter; power of Mayor when unclassified<sup>118</sup>.** Appointed Public Officials and employees of the City in the classified service may only be removed in accordance with the provisions of this Charter. Appointed Public Officials of the City not in the classified service may be removed by the Mayor for cause.

**D. Grounds and Procedures for Removal by Mayor<sup>119</sup>.** Whenever the Mayor has reasonable grounds for believing that any Public Official not in the classified service is corrupt, incompetent or unfaithful to the duties of office, or that the requirements of the public service demand removal of the Public Official, the Mayor may summon said officer to appear at a time and place specified in said

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<sup>112</sup> Derived from Sp. L. 1899, p. 431, § 139; see also, Sp. L. 1927, §354.

<sup>113</sup> 2013 recodification of current §11(c) (First sentence).

<sup>114</sup> 2013 recodification of current §11(c) (Second sentence).

<sup>115</sup> 2013 recodification of current §11(d) (First sentence).

<sup>116</sup> 2013 recodification of current §11(d) (second sentence).

<sup>117</sup> 2013 recodification of current §11(d) (Third sentence).

<sup>118</sup> 2013 recodification of current §189. **Note:** Current Article XXXII entitled "Procedure for Removal from Office" included §§189 - 199.

<sup>119</sup> 2013 recodification of current §190 (First sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

summons then and there in a Public Hearing to show cause why said official should not be removed from office.

(1) **Statement of Charges and Notice**<sup>120</sup>. Said summons shall contain a detailed written statement of the charges against the Public Official, shall be addressed to any sheriff, deputy sheriff, or constable authorized to serve legal process in the City of New Haven, with a direction to make personal service of the same upon the summoned official at least ten (10) Days before the time affixed for said Public Hearing.

(2) **Written Order of Removal**<sup>121</sup>. If, after a full Public Hearing, the Mayor shall find that the Public Official in question is corrupt, or incompetent, or unfaithful to the duties of office, or that the requirements of the public service demand removal the Mayor may remove such person from office, and thereupon shall forthwith file a written order of such removal with the City Clerk.

(3) **Appeal from Removal By Mayor**<sup>122</sup>. Any Public Official removed from office by the Mayor as herein provided may appeal from the order removing said official to the Superior Court for New Haven County, which appeal shall be made returnable to said court not less than fifteen (15) and not more than thirty (30) Days from the date of the order of removal and shall be served upon the Mayor at least five (5) Days before the return day thereof.

(a) Said court upon return of said appeal shall forthwith fix a time for a hearing thereon at which it shall determine whether the Mayor has acted arbitrarily, illegally, or so unreasonably as to have abused discretion, and award costs<sup>123</sup>.

(b) No Public Official removed by the Mayor shall exercise any of the duties or powers of office during the pendency of an appeal from the order of removal<sup>124</sup>.

#### **E. Reasons for Removal by Mayor.**

(1) The following actions shall be deemed to constitute unfaithfulness to the duties of public office and unsuitability to the requirements of the public service within the meaning of §§11.B and D of

<sup>120</sup> 2013 recodification of current §190 (Second sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

<sup>121</sup> 2013 recodification of current §190 (Third sentence).

<sup>122</sup> 2013 recodification of current §191 (First sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5. See, Amend. of 7-1-93.

<sup>123</sup> 2013 recodification of current §191 (Second sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

<sup>124</sup> 2013 modification and recodification of current §191 (Third sentence), as follows: “No officer removed by the Mayor shall exercise any of the duties or powers of office during the pendency of an appeal from the order of removaling him”. Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

Article II of this Charter, and shall constitute sufficient cause for removal proceeding brought pursuant to this Charter<sup>125</sup>:

(a) The representation of private interests by an unpaid Appointed Official in any matter or litigation affecting the pertinent Department, Board or Commission<sup>126</sup>.

(b) The representation of private interests by any elected or paid Public Official in any matter or litigation affecting the City, except as one's official duty may require, and except before a court of competent jurisdiction, provided that no paid Public Official shall represent private interests in any matter whatsoever affecting the pertinent Department or Board or Commission<sup>127</sup>.

(c) The receipt or acceptance of any valuable gift, thing, loan or promise by any Public Official or employee, whether elected or appointed, paid or unpaid, from any person, firm or corporation which, to the knowledge of the Public Official or employee is directly or indirectly interested in any business dealing with the City or in any legislation or other matter, except that nothing shall be construed to limit any Public Official or employee's right to engage in a normal commercial transaction which is in no way related to or conflicts with, the interests of the City<sup>128</sup>.

(d) The disclosure of confidential information concerning or affecting the affairs of the City by any Public Official or employee, except as may be required by Law<sup>129</sup>.

(e) The furnishing of material to, or transacting of business with the City by any Public Official or employee by or from which said Public Official or employee directly or indirectly receives a financial benefit, except as may be permitted by regulations established hereunder to prevent hardship, and except by competitive bid, formal or informal<sup>130</sup>.

(f) The willful failure to effect such disclosure as is provided for in §§10.A and B of this Article<sup>131</sup>.

(2) The above list of practices is not exhaustive and the Board of Alders may in its discretion define by Ordinance additional specific practices as cause for removal, pursuant to the policy stated in §§10.A and B of this Article<sup>132</sup>.

<sup>125</sup> 2013 recodification of current §211(a). Amend. of 1-1-61.

<sup>126</sup> 2013 recodification of current §211(a)(i). Amend. of 1-1-61.

<sup>127</sup> 2013 recodification of current §211(a)(ii). Amend. of 1-1-61.

<sup>128</sup> 2013 recodification of current §211(a)(iii). Amend. of 1-1-61.

<sup>129</sup> 2013 recodification of current §211(a)(iv). Amend. of 1-1-61.

<sup>130</sup> 2013 recodification of current §211(a)(v). Amend. of 1-1-61.

<sup>131</sup> 2013 recodification of current §211(a)(vi). Amend. of 1-1-61.

<sup>132</sup> 2013 recodification of current §211(b). Amend. of 1-1-61.

(3) The above provisions are not intended to abrogate or limit in any manner such powers of removal as are provided in other articles of this Charter or to narrow, by implication or otherwise, the scope of such grounds for removal as may be elsewhere provided.

**Sec. 16. Recall of Mayor<sup>133</sup>.**

**A. Procedure.** The Mayor may be recalled from office in the following manner<sup>134</sup>:

(1) Any fifty (50) Electors may jointly file with the City Clerk an affidavit setting forth that they in good faith desire and propose to file a petition for the recall of the Mayor, which affidavit shall also contain a detailed statement of the grounds alleged for such recall<sup>135</sup>.

(2) Thereupon, the City Clerk shall deliver to the Electors making such affidavit a reasonable number of copies of petition papers for demanding such recall, printed form of which the clerk shall provide and keep on hand<sup>136</sup>.

(3) Each such paper so delivered shall be addressed to the Board of Alders and shall bear the certificate thereon of the City Clerk showing the date on which the same was issued and the persons to whom it was issued<sup>137</sup>.

(4) **Form of Petition<sup>138</sup>.** The recall petition papers so provided and issued by the City Clerk shall be in form substantially as follows:

*We, the undersigned Electors of the City of New Haven hereby demand that the question of recalling \_\_\_\_\_ from the office of Mayor of the City of New Haven be submitted to a vote of the Electors.*

<i>Name</i>	<i>Street and number of last voting list</i>	<i>Date</i>
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(5) **Affidavit of Circulator Required<sup>139</sup>.** At the bottom of each separate page of the recall petition papers on which occur the signature of any signers thereof shall be an affidavit of the circulator as follows:

<sup>133</sup> Note: The recall provision was adopted in 1952 under authority granted by 16 Spec. Acts 817, No. 159; 17 Spec. Acts 1224, No. 449; 18 Spec. Acts 512, No. 181; 23 Spec. Acts 618, No. 551. The provision was validated by the State Supreme Court in **Simons v. Canty**, 195 Conn. 524 (1985).

<sup>134</sup> 2013 recodification of current §192 (Opening clause).

<sup>135</sup> 2013 recodification of current §192 (First sentence).

<sup>136</sup> 2013 recodification of current §192 (Second sentence).

<sup>137</sup> 2013 recodification of current §192 (Third sentence).

<sup>138</sup> 2013 recodification of current §193.

<sup>139</sup> 2013 recodification of current §194.

State of Connecticut ) ss. New Haven  
County of New Haven )

\_\_\_\_\_ being duly sworn, deposes and says that I am the circulator of the petition papers of which this page is a part, and that the signatures subscribed on this page were made in the presence of such notary and are the genuine signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_

Subscribed and sworn to this \_\_\_\_\_ day

\_\_\_\_\_  
Notary Public

**(6) Filing Petition with Clerk; Number of Signatures Required<sup>140</sup>.** A recall petition to be effective must be returned and filed with the City Clerk within thirty (30) Days after the filing of the affidavit provided for in §10.E of this Article, and to be sufficient must bear the signatures of Electors equal in number to at least twenty (20%) percentum of those who voted at the last preceding regular City election.

**(7) Referral and Examination of Petition by Registrars of Voters<sup>141</sup>.** Upon the return of said recall petition the City Clerk shall forthwith refer the same to the Registrars of Voters who within twenty (20) Days thereafter shall examine the same and determine whether each name subscribed thereto is that of an Elector City and on the twenty-first (21<sup>st</sup>) day thereafter return said petition to the City Clerk with their findings endorsed thereon.

**(8) Transmittal to Alders: Service on Mayor<sup>142</sup>.** Thereupon the City Clerk shall submit the same to the Board of Alders at its next following meeting certifying that the prescribed procedures have been complied with and notify the Mayor of such action, by causing to be served upon said Mayor an attested copy of such petition by an officer authorized to make service of civil process and in the manner required by Law for the service of civil process in the City.

**(9) When election required.** If the Mayor whose recall is sought does not resign within five (5) Days after such notice the Board of Alders shall thereupon order and fix a day for holding a recall election<sup>143</sup>. Any such election shall be held not less than thirty (30) nor more than sixty (60) Days after the petition has been certified to the Board of Alders, and it may be held at the same time as any other general or special election

<sup>140</sup> 2013 recodification of current §195, as follows: "A recall petition to be effective must be returned and filed with the City Clerk within thirty (30) days after the filing of the affidavit provided for in section 10.E 192 of this Article Charter, and to be sufficient must bear the signatures of electors equal in number to at least twenty (20%) percentum of those who voted at the last preceding regular City election".

<sup>141</sup> 2013 recodification of current §196 (First sentence).

<sup>142</sup> 2013 recodification of current §196 (Second sentence).

<sup>143</sup> 2013 recodification of current §196 (Third sentence).

within such period, but if no other election is to be held within such period the Board of Alders shall call a special recall election to be held within the time aforesaid<sup>144</sup>.

**(10) Proposition Submitted to Voters<sup>145</sup>.** At any recall election the Electors shall be required to vote yes or no upon this proposition, viz:

*Shall (name of Mayor) be recalled from the office of Mayor of the City of New Haven?*

**(11) Result of Election.** If a majority of the votes cast on this proposition be against the recall of the Mayor the Mayor shall continue in office for the remainder of the unexpired term but subject to recall as before<sup>146</sup>. If a majority of such votes be for the recall of the Mayor, the Mayor shall be deemed removed from office<sup>147</sup>. The method of canvassing said votes and certifying the result of same shall be in accordance with the provisions of canvassing and certifying the result of regular elections of Elected Officials<sup>148</sup>.

**(12) Filling Vacancy<sup>149</sup>.** If a Mayor in regard to whom a sufficient recall petition is submitted to the Board of Alders shall resign before the recall election, or be recalled as a result thereof, the vacancy so caused shall be filled in the manner provided by this Charter for filling vacancies in such office.

**(13) When petitions prohibited<sup>150</sup>.** No recall petition shall be filed against the Mayor within three (3) months after said Mayor takes office or, in case the Mayor is subject to a recall election and not removed thereby, until at least six (6) months after that election.

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<sup>144</sup> 2013 recodification of current §196 (Fourth sentence).

<sup>145</sup> 2013 recodification of current §197 (First sentence).

<sup>146</sup> 2013 recodification of current §197 (Second sentence).

<sup>147</sup> 2013 recodification of current §197 (Third sentence).

<sup>148</sup> 2013 recodification of current §197 (Fourth sentence).

<sup>149</sup> 2013 recodification of current §198.

<sup>150</sup> 2013 recodification of current §199.

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## ARTICLE III<sup>151</sup>. THE MAYOR

### Sec. 1. Declared chief executive; qualifications; holding other offices prohibited.

A. There shall be a Mayor of the City who shall be its chief executive and administrative officer<sup>152</sup>. Said Mayor shall have been an Elector of the City for at least five (5) years immediately preceding said Mayor's election, and shall reside in the City during the term of office<sup>153</sup>, and shall during such term hold no other public office, the duties of which conflict in any manner with those of Mayor or to which is attached any compensation<sup>154</sup>.

B. **Transition Period**<sup>155</sup>. Each newly elected Mayor shall be provided with at least one secretary, one professional staff assistant, furnished office space and such other assistance as the Board of Alders may approve upon request of the Mayor-elect at the Board of Alders' next meeting following the election for the period from November 15<sup>th</sup> in the year said Mayor was first elected up to the first (1<sup>st</sup>) day of said Mayor's term of office so as to best effectuate the transition of the change of executive leadership of the City government.

### Sec. 2. Powers and Duties.

A. **Powers**<sup>156</sup>. The Mayor shall have power:

(1) To appoint members of Boards and Commissions, subject to the provisions of Article VII, except as otherwise provided by this Charter<sup>157</sup>.

(2) To appoint as employees of the City, except as otherwise provided by this Charter, up to four (4) Coordinators, as set forth herein, and such Department Heads (and other officials as set forth in Article VI of this Charter) as may be designated by this Charter, Ordinance or other Law, subject to the provisions of Article VI<sup>158</sup>. Said coordinators shall have professional qualifications in such fields as, but not limited to, community development, human services, public administration and public finance, to aid the Mayor in the carrying out of said Mayor's duties as chief executive and administrative officer of the City<sup>159</sup>. Said qualifications shall be prepared in accordance with nationally accepted professional standards and best

<sup>151</sup> Currently Article V.

<sup>152</sup> 2013 recodification of current §10(a)(First sentence).

<sup>153</sup> 2013 recodification of current §10(a)(first two clauses of second sentence). Derived from Sp. L. 1899, p. 393, § 10; Sp. L. 1901, p. 1115, § 6; Sp. L. 1917, p. 723, Sp. L. 1927, § 10 (first sentence).

<sup>154</sup> 2013 recodification of current §10(a) last clause of second sentence).

<sup>155</sup> 2013 recodification of current §10(b). See, Amend. Of 7-1-75; and, Amend. of 7-1-93.

<sup>156</sup> 2013 recodification of current §11

<sup>157</sup> 2013 recodification of current §11(a). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.2.

<sup>158</sup> 2013 recodification of current §11(a). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.2. See, Amend. of 7-1-93.

<sup>159</sup> 2013 recodification of current §11(i) (First sentence). See, Amend. of 7-1-75

practices in the applicable field and shall be updated prior to the appointment of such Coordinator<sup>160</sup>.

(3) To fill, unless otherwise provided for by the provisions of this Charter, by appointment, any vacancy by an Elected Official, for the unexpired term for which any such official was elected<sup>161</sup>.

(4) To call special meetings of the Board of Alders or any Board or Commission of the City government when deemed expedient by the Mayor and to enforce the attendance of the members of the same thereat in the manner herein provided<sup>162</sup>.

(5) To assign any employee of one department to the temporary performance of similar duties in another department whenever the interests of the City require, except for employees of the Office of Legislative Services<sup>163</sup>.

(6) To administer oaths to duly Elected Officials and Appointed Public Officials<sup>164</sup>.

(7) To have and exercise all other executive and administrative powers conferred by the General Statutes upon any municipal chief executive, except as otherwise provided in this Charter<sup>165</sup>.

**B. Duties<sup>166</sup>.** It shall be the duty of the Mayor:

(1) To cause this Charter, the Ordinances and laws to be executed and enforced, and to conserve the peace within the City. The Mayor shall be responsible for the good order and efficient government of the City<sup>167</sup>;

(2) Every vote, Resolution, Order or Ordinance passed by the Board of Alders shall be transmitted by the City Clerk within seven (7) Days after its passage to the Mayor for action and then shall be returned by said Mayor to the City Clerk within ten (10) Days after said transmission<sup>168</sup>;

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<sup>160</sup> NEW (2013).

<sup>161</sup> 2013 recodification of current §11(b) (Second Paragraph).

<sup>162</sup> 2013 recodification of current §11(e). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.4.

<sup>163</sup> 2013 recodification of current §11(f). See, Amend. of 7-1-93.

<sup>164</sup> 2013 recodification of current §11(g).

<sup>165</sup> 2013 recodification of current §11(h).

<sup>166</sup> 2013 recodification of current §12

<sup>167</sup> 2013 recodification of current §12(a). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.1.

<sup>168</sup> 2013 recodification of current §12(b) (first sentence). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.7. See, Amend. of 7-1-93.

(a) If the Mayor approves or fails to take action within said ten (10) Days, such vote, Resolution, Order or Ordinance shall become operative and effectual<sup>169</sup>.

(b) In case the Mayor shall fail to take action upon any vote, Resolution, Order or Ordinance passed by the Board of Alders within said ten (10) Days the City Clerk shall endorse the fact upon the vote, Resolution, Order or Ordinance<sup>170</sup>.

(c) If the Mayor disapprove said vote, Resolution, Order or Ordinance the Mayor shall endorse such disapproval thereon and return same to the City Clerk within said ten (10) Days and shall transmit in writing the reasons for such disapproval to the body in which it originated at or before its next regular meeting<sup>171</sup>.

(d) If the Mayor fails to endorse such disapproval thereon and fails to return same to the City Clerk within said ten (10) Days, such vote, Resolution, Order or Ordinance shall become operative and effectual<sup>172</sup>.

(e) In the event that the Mayor shall disapprove any such vote, Resolution, Order or Ordinance as hereinbefore described, it shall not become operative and effectual unless passed over the Mayor's veto by an affirmative vote of two-thirds ( $2/3^{\text{rds}}$ ) of all the members of the Board of Alders, present or absent<sup>173</sup>.

(f) The Mayor may also approve or disapprove any part of any vote, Resolution, Order or Ordinance, and the part of the vote, order, Ordinance or resolution approved shall become operative and effectual, and the part disapproved shall be void, unless passed over such veto in the manner aforesaid<sup>174</sup>.

(i) Notwithstanding the foregoing, if the Board of Alders amend the budget as proposed by the Mayor and the Mayor should veto the budget as so amended, then the budget as originally proposed by the Mayor shall go into effect unless the Board of Alders should override the veto at a special meeting of the Board of Alders to be called by the Mayor or the President of the Board of Alders and held within seven (7) Days after receipt by said President from the Mayor of the veto and veto message concerning the budget<sup>175</sup>; and,

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<sup>169</sup> 2013 recodification of current §12(b) (second sentence).

<sup>170</sup> 2013 recodification of current §12(b) (third sentence).

<sup>171</sup> 2013 recodification of current §12(b) (fourth sentence).

<sup>172</sup> 2013 recodification of current §12(b) (fifth sentence).

<sup>173</sup> 2013 recodification of current §12(b) (sixth sentence).

<sup>174</sup> 2013 recodification of current §12(b) (seventh sentence).

<sup>175</sup> 2013 recodification of current §12(b) (seventh sentence, first proviso).

(ii) In the event the Board of Alders amend in part the budget as proposed by the Mayor, and the Mayor should veto the part of the budget so amended, then the part as originally proposed by the Mayor shall go into effect, or if the part were new, it shall be void, unless the Board of Alders should override the veto at the special veto meeting of the Board of Alders; if the Board of Alders should override the veto of the Mayor by a two-thirds (2/3<sup>rd</sup>s) vote of all of the members of said Board, present or absent, then the budget shall go into effect as originally approved by the Board of Alders<sup>176</sup>.

(3) To sign (a) together with any other City official required to sign, all bonds and other instruments evidencing City indebtedness; (b) all deeds and all written Contracts of the City approved by the Board of Alders (in accordance with this Charter and any Ordinance adopted hereunder), unless otherwise provided in this Charter; and (c) all deeds and Contracts of any Department, Board or Commission of the City in accordance with authority conferred upon them by this Charter or by the Ordinances, or otherwise by Law; provided, the facsimile signature of the Mayor is authorized on all bonds issued by the City<sup>177</sup>.

Commented [S6]: BOA #6

(4) To see that all Contracts in which the City is party are faithfully kept and performed<sup>178</sup>.

Commented [S7]: BOA #6 (conformity with defined term)

(5) To submit to the Board of Alders in writing at its first meeting in February of each year a complete report of the affairs of the City for the preceding year including the activities of each Department<sup>179</sup>.

(6) To submit to the Board of Alders prior to execution, commencing on the first (1<sup>st</sup>) day of January 2024, all Contracts that have fiscal impact on the City. The Board of Alders are authorized to adopt such Ordinances necessary to effectuate this provision in accordance with the authority set forth in Article IV, §4.B(1) of this Charter<sup>180</sup>.

Commented [S8]: BOA #6

### Sec. 3. Membership on Boards and Commissions<sup>181</sup>.

A. **General Rule**<sup>182</sup>. The Mayor may serve as a member of every Board or Commission of an executive or administrative nature as may be established by the

<sup>176</sup> 2013 recodification of current §12(b) (seventh sentence, second proviso).

<sup>177</sup> 2013 recodification of current §12(c). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.5; and, Sp. L. 55-495; See, Amend. of 7-1-93.

<sup>178</sup> 2013 recodification of current §12(d).

<sup>179</sup> 2013 recodification of current §12(e). Derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.3. See, Amend. of 7-1-93.

<sup>180</sup> NEW (2023).

<sup>181</sup> 2013 modification and recodification of current §12(f). See, Amend. Of 12-4-53; Special Laws 1955, Act No. 495; See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>182</sup> This provision is derived from Sp. L. 1899, p. 393, § 11; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 14, § 11.8.

General Statutes, this Charter, the Ordinances or executive order, so long as there is no conflict with Law. Said Mayor shall have the power to vote on all matters before any of said Boards or Commissions in accordance with the provisions hereof.

**B. Exceptions.** The provisions of this section shall not apply to the Board of Alders, Civil Service Board; Board of Ethics; and Board of Zoning Appeals. The Mayor shall not participate in the zoning functions of the City Planning Commission as set forth in §2.A through H of Article XIII of this Charter.

**C. Right to Attend.** Notwithstanding the provisions of §3.B, above, the Mayor shall have the right to attend all meetings of every Board and Commission of the City and to address it at any meeting. Moreover, no Board or Commission shall have the authority to exclude the Mayor from its meetings.

#### **Sec. 4. Mayor's Staff and Council of Economic Advisors.**

**A.** The Mayor shall appoint a secretary to the Mayor and other employees in the Office of the Mayor, who shall serve under the direction of and subject to removal at the pleasure of the Mayor<sup>183</sup>.

**B.** The Mayor shall appoint a nine-member council of economic advisors to advise the Mayor on economic matters affecting the City. The Mayor may appoint one of the members the chair, and either the chair or the Mayor may call meetings of the council at such times as either may deem appropriate. Members of the council may be removed and replaced at the pleasure of the Mayor<sup>184</sup>.

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<sup>183</sup> 2013 recodification of current §16(a). Derived from Sp. L. 1899, p. 401, § 39; See also, Sp. L. 1905, p. 910, § 10; See also, Sp. L. 1927, §39. See, Amend. of 7-1-93.

<sup>184</sup> 2013 recodification of current §16(b). See, Amend. of 7-1-93.

## ARTICLE IV. BOARD OF ALDERS<sup>185</sup>

### Sec. 1. Membership, qualifications; to exercise City powers.

A. **The Legislative Body of the City.** There shall be in said City a legislative body which shall be the Board of Alders, which shall include one (1) Alder to be elected from each ward. Each Alder shall be an Elector at the time of election and shall reside in the ward from which said Alder was elected during the term of office<sup>186</sup>.

(1) Said Board shall, with the approval of the Mayor or over the Mayor's veto, where applicable and as hereinbefore provided in this Charter or by Law, exercise all of the legal authority and powers conferred upon said City, except as otherwise provided<sup>187</sup>.

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(2) Said Board shall have power and authority to carry into effect and operation, by appropriate Ordinances with the approval of the Mayor, or over said Mayor's veto as provided in this Charter, all legal authority and powers of the legislative body of the City as provided in this Charter as well as other provisions of Law, including, but not limited to the General Statutes<sup>188</sup>.

(3) Said Board shall approve the following appointees of the Mayor:

(a) Up to four (4) Coordinators, Chief of Police and Fire Chief, as set forth in §3.A (1) Article VI of this Charter. Pending action by the Board, which shall be completed within thirty (30) days of the submission of the nomination, a proposed appointee to a position may perform the duties and exercise the powers of the position; although this provision shall not be applicable to appointees to Boards or Commissions. A rejected nominee may continue in office in an acting capacity pending resubmission of the candidate's name for approval at the Board's next regular meeting; however, a person's name may not be submitted more than two (2) times. Other than to membership on a Board or Commission, the Mayor may designate an individual to hold a position in an acting capacity pending the selection of a nominee, but no person may hold such a position for more than six (6) months without being submitted for confirmation by the Board.

<sup>185</sup> Current Article IX.

<sup>186</sup> 2013 recodification of current §37(a) (First sentence). Derived from Sp. L. 1899, p. 424, §125, Board of Council abolished by Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §41. See, Amend. of 7-1-93.

<sup>187</sup> 2013 recodification of current §37(a) (Second sentence). Derived from Sp. L. 1899, p. 424, §125, Board of Council abolished by Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §41.

<sup>188</sup> 2013 recodification of current §55 entitled "General authority to exercise powers of City".

(b) Members of Boards and Commissions, as set forth in §1.A of Article VII of this Charter. If a nomination to a position or to a Board or Commission has not been affirmed or rejected by vote of the Board of Alders within ninety (90) days of the submission of the nomination by the Mayor, it shall be deemed to have been approved<sup>189</sup>.

**B. Office of Legislative Services.** There shall be an Office of Legislative Services, with full time professional and secretarial staff, to provide assistance to the Board of Alders. The Office of Legislative Services shall be provided adequate space for its operation and shall be supplied with all appliances and incidentals necessary for the proper discharge of its duties, to be paid from the general fund, as appropriated. The Office of Legislative Services shall be separate and distinct from and not subject to the authority of the executive branch of the City's government<sup>190</sup>.

(1) **Appointment of Staff**<sup>191</sup>. Each staff member of the Office of Legislative Services deemed necessary to carry out the Board of Alders' legislative function shall be appointed by a majority decision of the President of the Board of Alders and the Majority and Minority Leaders from a list of three (3) persons with the highest ratings obtained in a civil service examination held to determine eligibles for that position, which examination shall be created pursuant to criteria established by the appropriate committee of the Board of Alders.

(2) **Transfers of Personnel**<sup>192</sup>. All transfers of personnel into the Office of Legislative Services and all layoffs of its personnel must be approved by a majority of the President, Majority Leader and Minority Leader of the Board of Alders, and by the appropriate bargaining unit.

(3) **Director of Legislative Services.** There shall be a Director of Legislative Services, so appointed, who shall serve for a four (4) year renewable term commencing on February 1, 1998<sup>193</sup>. The person in the position of Director of Legislative Services at the time of the approval of this Charter, unless appointed for an additional term, shall serve until a successor is appointed and qualified<sup>194</sup>.

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<sup>189</sup> NEW (2013).

<sup>190</sup> 2013 recodification of current §37(b) (First Paragraph). See, Amend. of 7-1-93.

<sup>191</sup> 2013 recodification of current §37(b) (First sentence of second paragraph). See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>192</sup> 2013 recodification of current §37(b) (Second sentence of second paragraph). See, Amend. of 7-1-93.

<sup>193</sup> 2013 recodification of current §37(b) (Third sentence of second paragraph).

<sup>194</sup> 2013 recodification of current §37(b) (Fourth sentence of second paragraph). See, Amend. of 7-1-93.

## Sec. 2. Organization of the Board of Alders.

**A. Officers Elected by the Board**<sup>195</sup>. At the beginning of the municipal year 1952 and biennially thereafter, the Board of Alders shall elect from its members, a President who shall preside at the meetings of said Board , and a President Pro Tempore who shall serve in case of the President's death, resignation, removal, absence or disability. Said Board shall also elect such other officers and members of such Boards or Commissions as by the General Statutes, this Charter or the Ordinances of this City are designated to be elected by said Board . In the event there is the absence of minority party representation on the Board of Alders, the rules of the Board shall authorize:

(1) the election of a third officer to perform the functions of the Minority Leader under this Charter and other functions as may be prescribed by the Alders; and,

(2) the appointment of an Alder selected under this section to serve in lieu of a representative of a minority party on any Board or commission which requires said appointment, in the event the Board is comprised of only members of one political party; notwithstanding the foregoing, said appointment shall not circumvent the provisions of the General Statutes and this Charter pertaining to minority party representation. The Mayor shall make appointments to Board and Commissions mindful of the need for full representation of the Alders, in accordance with §1.A of Article VII of this Charter<sup>196</sup>.

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**B. Time of Meetings: Regular and Special Meetings**<sup>197</sup>. Regular meetings of said Board shall be held at such time as may be fixed by the City Ordinances; and said Board may be especially convened at any time by the Mayor or the President of the Board , and, upon a petition of the majority of said Board , in writing, filed with the City Clerk, a meeting of such Board shall be called.

**C. Power to Establish Rules; Punish or Expel Members**<sup>198</sup>. Said Board may determine the rules of its proceedings, in conformity with the general principles of parliamentary law, punish its members for disorderly behavior, and, by a vote of three-fourths (3/4<sup>th</sup>) of its members, expel a member for due cause.

**D. Quorum and Voting Procedures**<sup>199</sup>. A majority of all of the members of said Board shall constitute a quorum for the transaction of business, and

<sup>195</sup> 2013 recodification of current §38. Derived from Sp. L. 1899, p. 424, § 126; See also, Sp. L. 1913, p. 756; See also, Sp.L. 1927, §42. See, Amend. of 7-1-93.

<sup>196</sup> 2023 modification of 2.A(2).

<sup>197</sup> 2013 recodification of current §39 (First sentence). Derived Sp. L. 1899, p. 424, §127, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §43. See, Amend. of 7-1-93.

<sup>198</sup> 2013 recodification of current §39 (Second sentence). Derived from Sp. L. 1899, p. 424, §127, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §43.

<sup>199</sup> 2013 recodification of current §39 (Third sentence). Derived from Sp. L. 1899, p. 424, §127, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §43.



the vote upon any question shall be taken by yeas and nays at the request of one-fifth (1/5<sup>th</sup>) of the members present.

**E. Authority to compel attendance<sup>200</sup>.** Whenever any meeting of said Board shall have been regularly called and no quorum shall be present, those members present may, by vote, request the Mayor of said City or the presiding officer of said Board to issue, and, upon such request, the said Mayor or presiding officer shall issue a signed warrant to arrest and bring into such meeting such members of said Board as will together with those present, constitute a quorum; and, at any meeting of said Board, those members shall have the power to make any Orders to compel the attendance of other members, and any one of the officers or members above mentioned shall obey such Orders upon request, and summon such assistance as may be necessary to carry such Orders into effect.

**F. Authority to enter in Contract s for expert and professional services<sup>201</sup>.** The President of the Board of Alders may execute all Contract s approved by the Board for experts and professional consultants where such services are necessary or convenient to the performance by the Board of its duties, and such Contract s shall be binding upon the City.

**G. Authority of certain Boards, committees, officers to compel attendance and testimony of witnesses<sup>202</sup>.** The presiding officer of the Board of Alders, of the several committees of said Board, and of the several Boards or Commissions, and the Director of Public Works, shall respectively have power to compel the attendance and testimony of witnesses before their respective Boards, committees and departments over which they preside, by the issue of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice.

**(1) Application to the Superior Court.** When it shall be necessary to secure the attendance or testimony of witnesses before said Boards, committees, departments or Director of Public Works, such presiding officers and such Director of Public Works, shall have the right to apply to the superior court for an order compelling any witness so summoned before them to testify; which courts shall have the power to issue subpoenas and to enforce the presence and testimony of all witnesses summoned in the same way and to the same extent as they now have power to enforce and compel the presence and testimony of witnesses in each of said courts<sup>203</sup>.

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<sup>200</sup> 2013 recodification of current §40. Derived from Sp. L. 1899, p. 424, §128, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §43. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>201</sup> 2013 recodification of current §43. See, Amend. of 7-1-93.

<sup>202</sup> 2013 minor modification and recodification of current §44 (First clause of the first sentence) by separating the first and second clauses. Derived from Sp. L. 1899, p. 425, §131, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §48.

<sup>203</sup> 2013 minor modification and recodification of current §44 (Second clause of the first sentence) by separating the first and second clauses. Derived from Sp. L. 1899, p. 425, §131, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §48.

**(2) Failure to Comply. Grounds for removal from Office.**

Failure of the chief executive or any other employee of any Department, Board or Commission of the City to appear following the issuance of a subpoena therefore by the presiding officer of the Board of Alders or of one of the committees of said Board, shall, upon vote of the Board of Alders, be grounds for removal from office pursuant to §§11.C, D and F of Article I of this Charter<sup>204</sup>. In the event of such a vote, a copy thereof shall be forwarded to the Personnel Director for inclusion in such employee's permanent personnel file and to the Mayor<sup>205</sup>.

**Sec. 3. Procedure for enacting Ordinances, Resolutions, etc.; when Ordinances effective.**

**A. Ordinances: Committee Proceedings, First and Second Readings.**

**(1) Procedure.** All Ordinances shall be submitted to the Board of Alders, referred to and reported by a suitable committee after Public Hearing, printed in the journal for a first reading, and enacted upon second reading which shall take place at least one (1) week after the first reading<sup>206</sup>. The second reading of Ordinances cannot be waived or dispensed with<sup>207</sup>.

**(2) Effective Date<sup>208</sup>.** No Ordinance shall be of force or effect until one (1) week after its enactment nor until there shall have been Publication of either the Ordinance in full or information pertaining to the enactment of such Ordinance including the title of such Ordinance, a brief statement of the subject matter thereof and the date of its enactment and of its taking effect.

**(3) Publication of Codification of Ordinances<sup>209</sup>.** Whenever the Board of Alders shall approve, adopt and enact any revision, compilation or codification of the Ordinances of the City, it shall be a sufficient Publication of such revision, compilation or codification and all Ordinances, chapters and sections therein contained, to announce and

<sup>204</sup> 2013 recodification of current §44 (Second sentence). Derived from Sp. L. 1899, p. 425, §131, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §48. See, Amend. of 7-1-93.

<sup>205</sup> 2013 recodification of current §44 (Third sentence). Derived from Sp. L. 1899, p. 425, §131, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; See also, Sp. L. 1927, §48. See, Amend. of 7-1-93.

<sup>206</sup> 2013 recodification of current §41 (First sentence). Derived from Sp. L. 1899, p. 425, §129; Sp. L. 1901, p. 1116, §11; Sp. L. 1023, p. 121, §1; and, Sp. L. 1927, §45 (First sentence). See also, Amend. of 7-1-93.

<sup>207</sup> 2013 recodification of current §41 (Second sentence). Derived from Sp. L. 1899, p. 425, §129; Sp. L. 1901, p. 1116, §11; Sp. L. 1023, p. 121, §1; and, Sp. L. 1927, §45 (Second sentence). See, Amend. of 7-1-93.

<sup>208</sup> 2013 recodification of current §41 (Fifth sentence). Derived from Sp. L. 1899, p. 425, §129; Sp. L. 1901, p. 1116, §11; Sp. L. 1023, p. 121, §1; and, Sp. L. 1927, §45 (Fourth sentence). See, Amend. of 7-1-93.

<sup>209</sup> 2013 recodification of current §42. Modification of second paragraph of Sp. L. 1927, §45; See, Sp. L. 1923, p. 122, §3. See, Amend. of 7-1-93.

publicize the vote or Resolution of said Board of Alders, approving, adopting and enacting such revision, compilation or codification, together with a notification of the Public Officials from whom the printed copies of such revision, compilation or codification may be obtained upon application.

**B. Other Legislative Measures.** All other measures (Resolutions, Orders, votes) shall follow the same procedure for legislative action as Ordinances, except that, upon unanimous consent, immediate action may be taken, or upon receipt of a special message from the Mayor declaring that the measure is of an emergency nature and that immediate action is necessary, the second reading may take place upon the same day as the original reading, and the printing of the same dispensed with<sup>210</sup>. Every such vote, Order, Resolution or other measure shall be printed for examination at the request of one-fifth (1/5<sup>th</sup>) of the members present, except in the instance of an emergency message from the Mayor<sup>211</sup>.

#### **Sec. 4. Special Act Authority to Adopt Ordinances, Resolutions and Orders.**

**A. Authority to provide for enforcement of Ordinances, rules<sup>212</sup>.** Said Board shall have power to prescribe the manner of enforcing the penalties for violation of Ordinances enumerated in the foregoing sections, and the rules of the departments responsible for public health, and parks by a civil action or forthwith process as in criminal cases.

**B.** The Board of Alders shall have power by majority vote of the entire membership of the Board of Alders then eligible to vote, with the written approval of the Mayor, or over said Mayor's veto, as herein provided to enact, alter or repeal Ordinances to be called the "Ordinances of the City of New Haven"; and to make, alter and repeal Resolutions or Orders by a majority vote of the members of the Board of Alders present; and to prescribe penalties not exceeding a fine of one hundred (\$100.00) dollars or sixty (60) Days in jail or both for any violation of the same, and the mode of enforcing such penalties; which Ordinances, Orders or Resolutions may be for any of the following purposes, to wit<sup>213</sup>:

(1) To manage, regulate and control all City property; to authorize the purchase or sale of property in the name of the City; and to provide for the form and to regulate the manner of making all Contracts, as defined in Chapter II, §4.H of this Charter in order to ensure that all such Contracts are approved and authorized in accordance with Law; to regulate the collection and enforcement of taxes and liens and the borrowing of money by the City for any purposes for which said Board is authorized to

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<sup>210</sup> 2013 recodification of current §41 (Third sentence).

<sup>211</sup> 2013 recodification of current §41 (Fourth sentence). Derived from Sp. L. 1899, p. 425, §129, Sp. L. 1901, p. 1116, §11; Sp. L. 1923, p. 121, § 1; and, Sp. L. 1927, §45 (third sentence).

<sup>212</sup> 2013 recodification of current §54. Derived from Sp. L. 1899, p. 431, §138, Sp. L. 1901, p. 1114, §§1, 2; Id., p. 1117, §12; and, Sp. L. 1927, §55.

<sup>213</sup> 2013 recodification of current §49 (First Paragraph). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2; Id., p. 1117, §12; and Sp. L. 1927, §53.

lay taxes; and to provide for the adjustment of claims against said City, and for the payment of the same<sup>214</sup>.

(2) To preserve the public peace and order; to prevent and quell disorderly assemblages; to punish the resistance, hindrance or obstruction of Public Officials in the discharge of their duty; to prevent vice; to suppress gambling and gambling houses, houses of ill-fame and disorderly houses<sup>215</sup>.

(3) To protect said City from fire and unsafe buildings, and to regulate the construction and materials of buildings; to regulate the cleansing of chimneys; to establish and designate district of said City as fire districts within which it shall not be lawful to erect, enlarge or elevate, or within which it shall not be lawful to remove any wooden buildings, except by license issued in such manner as said Board of Alders may provide; to prohibit the erection or use and require the destruction or repair of unsafe buildings; to regulate and provide for the safe and convenient egress in the case of fire or other accident from theatres or other buildings designed in whole or part for public use; and to prohibit manufacturing, keeping and sale of firearms, explosives and inflammable materials, or the conveyance thereof through the streets of said City; to regulate the erection and use of stationary and portable steam boilers, and to license competent persons to manage the same; to make, maintain and regulate public hydrants, and to provide the same with water; to protect the same from injury, and to prevent an unnecessary waste of water; to protect from injury fire alarm telegraphs in said City; to regulate the use and construction of electrical plants and wires on which electricity is conducted within said City; and to protect public gas and other public lamps therein<sup>216</sup>.

(4) To establish building lines in the streets and ways of said City beyond which it shall not be legal to erect buildings or other structures. To provide for the laying out, grading, discontinuing, altering, paving, opening, improving, lighting and making and repairing highways, streets, walks, squares, parks, public buildings, drains, sewers, gutters, and for the numbering of streets, and for the draining and raising of low lands<sup>217</sup>. In addition to the authority vested in the Board of Alders of the City respectively, concerning building lines, said Board of Alders is empowered to establish verandah, porch and bay window lines, and to change the same

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<sup>214</sup> 2013 recodification of current §49(a). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(a). See, Amend. of 7-1-93.

<sup>215</sup> 2013 recodification of current §49(b). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(b).

<sup>216</sup> 2013 recodification of current §49(c). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(c).

<sup>217</sup> 2013 recodification of current §49(d) (First sentence). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12a;d, Sp. L. 1927, §53(d).

after such lines have been established in the same manner as now provided by Law for establishing and changing building lines<sup>218</sup>.

(5) To provide for the compensation of the owners of such property as may be taken by the City for public uses; and to provide for the foreclosure of all liens legally laid and filed<sup>219</sup>.

(6) To make, repair, light and keep open and safe from public use and travel, and free from encroachments or obstructions all streets and public highways, grounds and parks, or any part thereof; to require sidewalks to be kept free from ice and snow; to regulate all shows, processions, assemblages or parades in the streets and public places<sup>220</sup>.

(7) To regulate the speed of bicycles and all other vehicles; and to regulate the cleaning of their tracks by street railway companies<sup>221</sup>.

(8) To regulate or prohibit the running at large of animals in the streets or public places, and to provide for impounding the same<sup>222</sup>.

(9) To license and regulate trucks and other public conveyances, and the charges for the use thereof; to regulate and prohibit the excavation and opening of streets, highways and public grounds for public and private purposes, and the regulation of any work or thing therein, whether temporary or permanent, upon or over the surface thereof, and the removal of buildings through the same; to regulate the laying of gas pipes, water pipes and drains for public or private purposes in the streets of said City; to prevent any and all persons in said City from loitering on the streets or any part thereof, or loitering in or about entrances to public or private buildings<sup>223</sup>.

(10) To license and regulate bill posting and similar occupations<sup>224</sup>.

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<sup>218</sup> 2013 recodification of current §49(d) (Second sentence). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; Sp. L. 1917, p. 1224, §1; and, Sp. L. 1927, §53(d). See, Amend. of 7-1-93.

<sup>219</sup> 2013 recodification of current §49(e). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(e).

<sup>220</sup> 2013 recodification of current §49(f). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(f).

<sup>221</sup> 2013 recodification of current §49(g). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(g).

<sup>222</sup> 2013 recodification of current §49(h). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(h).

<sup>223</sup> 2013 recodification of current §49(i). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(i).

<sup>224</sup> 2013 recodification of current §49(j). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(j).

(11) To prevent the committing of trespasses and nuisances in gardens, enclosures, cemeteries and public places<sup>225</sup>.

(12) To provide for the health of the City and to prevent and summarily abate nuisances of any kind; to establish quarantine regulations; to regulate the burial and disinterment of the dead<sup>226</sup>.

(13) To regulate the planting, protection and removal of trees<sup>227</sup>.

(14) To prevent nuisances and summarily abate the same at the expense of the person maintaining them; to prevent the erection or use of any building within said City for the purpose of carrying on therein, any trade, manufacture or business, which in the judgment of said Board of Alders, shall be prejudicial to the public health or considered an unnecessary annoyance to those living or owning property in the vicinity<sup>228</sup>.

(15) To provide for the inspection of food of all kinds offered for sale, and to regulate the sale thereof<sup>229</sup>.

(16) To regulate trade, markets and commerce, and weights and measures in conformity with the lawful standards thereof; to prohibit, license or regulate dealing in fruit and the peddling of merchandise in the streets of said City; to license or regulate all sports, exhibitions, public amusements and performances, and billiard and bowling establishments in said City; to prohibit, license or regulate the sale in and upon the streets, parks and public places of tickets or privileges of admission to all sports, exhibitions, public amusements and performances and to prohibit, anywhere within said City, speculation in the issue or sale of such tickets or privileges of admission<sup>230</sup>.

(17) To authorize a census of the City; and to receive such gifts, donations and bequests, for public purposes and public trusts and for hospitals and dispensaries and for all purposes for which said City is authorized or required to expend money, and for no others<sup>231</sup>.

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<sup>225</sup> 2013 recodification of current §49(k). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(k).

<sup>226</sup> 2013 recodification of current §49(l). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(l).

<sup>227</sup> 2013 recodification of current §49(m). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(m).

<sup>228</sup> 2013 recodification of current §49(n). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and Sp. L. 1927, §53(n).

<sup>229</sup> 2013 recodification of current §49(o). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(o).

<sup>230</sup> 2013 recodification of current §49(p). Derived from Sp. L. 1899, p. 430; Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; Sp. L. 1907, p. 264, §4; and, Sp. L. 1927, §53(p).

<sup>231</sup> 2013 recodification of current §49(q). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(q).

(18) To regulate the direction and construction of street railroads pursuant to the General Statutes; to prescribe the duties of all Public Officials and employees of every sort not expressly defined by the provisions of this Charter<sup>232</sup>.

(19) To require bonds from all persons undertaking work of any character, to protect the City from any loss by reason of their acts or defaults<sup>233</sup>.

(20) To require owners of property to bring connections with gas, water, sewer, and other pipes inside to their curb lines before permanent improvements in the street are made, and to provide for the restoration of the surface of the street to its former conditions<sup>234</sup>.

(21) To license, tax and regulate branch stores and other concerns established for temporary purposes only<sup>235</sup>.

(22) To restrain and punish vagrants and beggars; and to prevent cruelty to animals<sup>236</sup>.

(23) To provide for the manner of warning the City elections and meetings of the Board of Alders and times of holding the same; to provide for the filling of vacancies which may occur in any office, except as otherwise provided; to provide for the appointment or election of such employees as are not otherwise provided for and as may be required for the proper transaction of the business of the City, and to prescribe their duties, and compensation; to provide for the removal or expulsion of any Public Official on account of corruption, misfeasance or malfeasance in office, in addition to the methods herein provided; to provide for the appointment of special constables<sup>237</sup>.

(24) To regulate the conduct of elections, subject to the provisions of the provisions of the General Statutes pertaining to election law, pursuant to which all City elections shall be held<sup>238</sup>.

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<sup>232</sup> 2013 recodification of current §49(r). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(r).

<sup>233</sup> 2013 recodification of current §49(s). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(s).

<sup>234</sup> 2013 recodification of current §49(t). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and Sp. L. 1927, §53(u).

<sup>235</sup> 2013 recodification of current §49(u). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(v).

<sup>236</sup> 2013 recodification of current §49(v). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(w).

<sup>237</sup> 2013 recodification of current §49(w). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(x).

<sup>238</sup> 2013 recodification of current §49(x). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(y).

(25) To do all things necessary to make effectual the powers herein otherwise provided<sup>239</sup>.

## **Sec. 5. Special Act Authority of the Board of Alders.**

**A. Authority of Board of Alders over streets, highways, wharves, docks<sup>240</sup>.** The Board of Alders shall have sole authority over all streets and highways, including sole authority to lay out, make or order new highways and streets and to discontinue the same. No person shall open, within the limits of said City, any public or private way, except under the provisions of an Order of said Board of Alders. Said Board of Alders is hereby authorized to order, lay out, construct, repair and alter public squares, parks, streets, highways, sewers, gutters, drains, bridges and walks, except as herein otherwise provided, when and where, in the opinion of said Board, the public good shall so require, and to order the paving, macadamizing or other improvement of any street, alley or highway within said City. Said Board is also authorized to construct and maintain wharves and docks; provided no wharf or dock shall be extended beyond the harbor line; and if, in the construction of any such wharf or dock, it is necessary to take any right or property of an individual, and it cannot agree with such individual upon the price to be paid for the same, said Board may exercise all the powers of eminent domain. The Departments responsible for public works and parks shall execute all orders of the Board of Alders with reference to the matters referred to in this section. The Board of Alders may, upon the execution of any order for the paving, macadamizing or other improvement of any street or highway within said City, or upon the construction or alteration of any public sewer or other public work, assess upon the persons whose property is in the judgment of said Board especially benefited thereby, after reference to the Department responsible for public works, and report thereon, as hereinafter provided, a proportional and reasonable part thereof, and shall estimate the amount of such expense to be paid by every such person upon such assessment. In estimating such reasonable part of the expense of any sewer, the cost of constructing any main or trunk sewer, into and through which such other sewer is discharged, may be taken into consideration.

**B. Authority over bridges crossing railroads<sup>241</sup>.** Said Board of Alders shall have supervision over all bridges crossing railroads in said City, and may, from time to time, order the building, widening or repairing of such bridges in such manner and within such times as in its judgment public convenience may require; and in case any railroad company, whose road is crossed by such bridge, shall neglect to obey such Order, said Board of Alders may cause the required building, widening or repairing to be executed at the expense of said City, and the City Treasurer may then collect the amount of such expense from such delinquent company. Any Order of said Board of Alders made hereunder shall be subject to appeal to the Superior Court by any railroad company affected thereby, by notice to said City of such appeal, given within thirty (30) Days from the service of such Order upon such railroad company.

<sup>239</sup> 2013 recodification of current §49(y). Derived from Sp. L. 1899, p. 428, §137, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; and, Sp. L. 1927, §53(z). See, Amend. of 7-1-75.

<sup>240</sup> 2013 recodification of current §45. Derived from Sp. L. 1915, p. 220; See also, Sp. L. 1927, §49; See also, Amend. of 1-1-83. See, Amend. of 7-1-93.

<sup>241</sup> 2013 recodification of current §47. Derived from Sp.L. 1899, p. 426, §134; Sp.L. 1901, p. 1114, §1, 2 and p. 1117, §12; and, Sp. L. 1927, §51. See also, Amend. of 1-1-83.



**C. Authority to provide, regulate drainage and sewerage<sup>242</sup>.** The Board of Alders of said City is hereby authorized to take, occupy and appropriate, for the purpose of drainage and sewerage of said City, at such times and in such manner as the health and convenience of said City may, in the opinion of the Board, require, any watercourse, natural or artificial, or any portion thereof, within said City, except West River which may be used solely for the purpose of receiving storm overflow from the boulevard sewer and for surface drainage; to deepen, clear, alter or straighten the same, or any portion thereof, for the purposes aforesaid; to establish the bounds thereof within which it shall not be lawful for any person to place any building, part of a building, wall, dam or obstruction, without first obtaining a special license from said Board of Alders; to remove all buildings, parts of buildings, walls, dams, earth, stones, rubbish and obstructions that may be situated within the bounds of such watercourse, to be designated as aforesaid; to construct sewers or other artificial channels for the flow of such water, and to remove all obstructions to the passage of water in any such water course, sewer or channel; also to raise, fill and drain low grounds.

**D. Power of Eminent Domain<sup>243</sup>.** Said Board of Alders may take by the right of eminent domain, in the name of the City, any property or property rights which may be needed for the purpose of laying out, extending or widening any street or park, or for the purpose of constructing or protecting any sewer, drain or other property, or for the purpose of any public building, or for the successful prosecution and management of the almshouse and the property connected therewith, upon payment of just compensation under the rules governing the right of eminent domain, provided said Board of Alders shall acquire no land under the provisions of this section within the Town of West Haven except land included within an area outlined in red on a map known as "Map of West River Park" and dated April 2, 1925, on file in the office of the town clerk in West Haven, and provided no land shall be acquired by said Board in the manner above specified in any other town except by Contract with the officials of the town in which such land shall be located.

Commented [S12]: BOA #6 (conformity)

**E. Authority over buildings, fire hazards<sup>244</sup>.** The Board of Alders of the City of New Haven, by a majority vote of the entire membership of the Board of Alders, then eligible to vote, with the written approval of the Mayor, or over the veto of the Mayor, as provided in this Charter, may enact, alter or repeal Ordinances limiting the height of buildings to be thereafter erected within districts to be defined by Ordinance, to diminish danger from fire and unsafe buildings, and provide penalties for the violation of such Ordinances, not exceeding a fine of one hundred (\$100.00) dollars, or sixty (60) Days in jail, or both, for each violation thereof.

<sup>242</sup> 2013 recodification of current §46. Derived from Sp.L. 1899, p. 426, §133; Sp.L. 1923, p. 130; and, Sp. L. 1927, §50. See also, Amend. of 1-1-83.

<sup>243</sup> 2013 recodification of current §48. Derived from Sp. L. 1899, p. 427, §135, Sp. L. 1901, p. 1114, §§1, 2 and, p. 1117, §12; SP. L. 1925, p. 1075, §2; and, Sp. L. 1927, §52. See also, Amend. of 1-1-83.

<sup>244</sup> 2013 recodification of current §50. Derived from See, Sp. L. 1913, p. 906 and p. 1162, §5. See also, Sp. L. 1927, §54 (First paragraph). See also, Amend. of 1-1-83.

**F. Authority over awnings, marquees, overhanging signs, other projects<sup>245</sup>.** The Board of Alders may provide by Ordinance for the construction and maintenance of ornamental projections, canopies, permanent awnings, marquees and signs extending from the front of buildings, whether erected prior to or after the approval of this Charter, beyond any established building or street line. Such Ordinance may provide for payment of license fees for the exercise of such privilege, and all such permits shall be revoked by said Board of Alders.

**Sec. 6. Authority to abate taxes<sup>246</sup>.**

The Board of Alders may abate the taxes, interest or liens of persons who are poor and unable to pay the same.

**Sec. 7 Compensation of the Board of Alders<sup>247</sup>.**

Each member of Board of Alders shall receive no less than the sum of Five Thousand (\$5,000.00) Dollars annually as compensation. The President of the Board of Alders shall receive no less than Six Thousand Five Hundred (\$6,500.00) Dollars annual as compensation. The Alders may review the amount of said compensation and of compensation of the Mayor and enact revisions thereof by Ordinance. Any such Ordinance which provides for an increase in compensation or non-cash benefits for the Board of Alders shall become effective only upon approval of said Ordinance by the Electors of the City at a referendum held at the next regular municipal election, whereupon it shall become effective prior to the third year of a four-year term of office or at the next term of the Alders in accordance with the State Constitution.

Commented [S13]: BOA #3.

<sup>245</sup> 2013 recodification of current §51. Derived from Sp. L. 1915, p. 218. See also, Sp. L. 1927, §54 (Second paragraph). See also, Amend. of 1-1-83.

<sup>246</sup> 2013 recodification of current §52. Derived from Sp. L. 1905, pp. 604, 605; See also, Sp. L. 1915, pp. 327-329; See also, Sp. L. 1927, §68. See also, Amend. of 1-1-83.

<sup>247</sup> NEW (2023).

## ARTICLE V. OTHER ELECTED OFFICIALS OF THE CITY

### Sec. 1. City Clerk<sup>248</sup>.

**A. Qualifications<sup>249</sup>.** There shall be in the City and Town of New Haven a town and City Clerk, referred to in this Charter as City Clerk, who shall have all the powers and duties conferred or imposed by Law on city and/or town and/or municipal clerks, shall act as clerk of the Board of Alders and of all the committees of the Board of Alders, and shall have such other powers and duties as are prescribed in this Charter. The City Clerk shall reside in said City during the term of office.

**B. City to pay expenses; reports required; bond<sup>250</sup>.** The expenses of the office of City Clerk, including the salaries of clerks, the number of salaries of which shall be determined by the budget, shall be paid by said City. During the first week of each month the said City Clerk shall make report to the Mayor of all fees collected during the preceding month, and shall pay the amount of the same into the City treasury. On or before the fifteenth (15<sup>th</sup>) day of January in each year said City Clerk shall submit to the Mayor an account of the doings of such office for the preceding fiscal year, which report shall contain a statement of all moneys received and expensed in said year. Said City Clerk shall be bonded in an amount to be set by the Controller.

**C. Attestation required on records<sup>251</sup>.** All public records in the care or custody of the City Clerk, now or hereafter compiled, may be attested by the volume, and it shall be deemed to be a sufficient attestation of such record when each volume thereof bears the attestation with the written signature of the Public Officials or employee charged with the care of such records and authorized by Law to record or file the same.

**D. Duties. Bond<sup>252</sup>.** Said City Clerk shall send, immediately after it shall take effect, a copy of any Resolution, Order, Ordinance, vote or other measure of the Board of Alders to each Department or Public Official affected thereby<sup>253</sup>. Said City Clerk shall perform such clerical services as may be required by the Ordinances of the City<sup>254</sup>. The City Clerk shall cause Publication, as soon as may be, after the enactment of any Ordinance, of a notice which shall contain the title of such Ordinance, a brief statement of the subject matter thereof and the date of its enactment and of its taking effect; but said City Clerk shall not Publish any such Ordinance in full, unless by special vote of the Board of Alders if such Ordinance shall contain in excess of one (1,000) thousand words<sup>255</sup>. Said City Clerk shall cause a reasonable number of printed copies of such Ordinances to be prepared and

<sup>248</sup> 2013 recodification of current Article VIII.

<sup>249</sup> 2013 recodification of current §33. Derived from Sp. L. 1899, p. 400, §35; Bd. Of Aldermen, Dec. 26, 1919; Sp. L. 1923, p. 121, §2; and, Sp. L. 1927, §35. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>250</sup> 2013 recodification of current §34. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>251</sup> 2013 recodification of current §35. See, Amend. of 7-1-75.

<sup>252</sup> 2013 recodification of current §36. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>253</sup> 2013 recodification of current §36 (First sentence).

<sup>254</sup> 2013 recodification of current §36 (Second sentence).

<sup>255</sup> 2013 recodification of current §36 (Third sentence).

deposited in said Clerk's office for distribution to persons making application therefor<sup>256</sup>. Said Clerk shall make, upon the records of said City entries of said Clerk's acts in service and publishing notices of Orders and Ordinances passed by the Board of Alders and shall record in full in the records of said City all Ordinances so enacted<sup>257</sup>. The City Clerk shall designate in writing a person, who after having taken the oath or affirmation provided by Law and in the absence or disability of said clerk shall be the acting City and have power to perform all the duties of said clerk<sup>258</sup>. The designation in writing shall be filed in the office of the City Clerk and in the office of the Controller<sup>259</sup>. The City Clerk shall make such designation annually<sup>260</sup>. Said clerk shall keep the office open during such hours as the Ordinances of the City shall direct<sup>261</sup>. Said City Clerk shall be bonded in an amount to be set by the Controller<sup>262</sup>.

**Sec. 2. Registrars of Voters<sup>263</sup>.**

The Registrars of Voters shall have all the powers vested in Registrars of Voters and perform all of the duties imposed upon them by the General Statutes.

**Sec. 3. Members of the Board of Education<sup>264</sup>.**

Effective on January 1, 2016, the Board of Education shall include two (2) members one each to be elected from two (2) education districts, as set forth in §3 of Article II and §3.A (2) of Article VII of this Charter.

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<sup>256</sup> 2013 recodification of current §36 (Fourth sentence).

<sup>257</sup> 2013 recodification of current §36 (Fifth sentence).

<sup>258</sup> 2013 recodification of current §36 (Sixth sentence).

<sup>259</sup> 2013 recodification of current §36 (Seventh sentence).

<sup>260</sup> 2013 recodification of current §36 (Eighth sentence).

<sup>261</sup> 2013 recodification of current §36 (Ninth sentence).

<sup>262</sup> 2013 recodification of current §36 (Tenth sentence).

<sup>263</sup> Current Article XXVII entitled "Town Officers". 2013 recodification of current §138 entitled "Registrars - To have statutory powers, duties". See, Amend. of 7-1-93.

<sup>264</sup> NEW (2013).

## ARTICLE VI. THE CITY GOVERNMENT: DEPARTMENTS AND DEPARTMENT HEADS<sup>265</sup>

Commented [S14]: CRC REQUESTS BOA TRANSFER OF CERTAIN DEPARTMENTS TO THE CODE OF ORDINANCES.

### Sec. 1. The Authority to Establish the Departments of City Government.

A. **Powers and Purposes**<sup>266</sup>. In addition to the Departments specifically set forth in this Charter, the City, acting within the powers and duties enumerated in the General Statutes, any applicable Special Acts and this Charter may establish, by Ordinance, such Departments necessary to carry out and organize the functions of government. The express intent of this Charter is to afford the Mayor and the Board of Alders the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City.

B. **Creation of Departments**<sup>267</sup>. The Board of Alders may, by Ordinance proposed by the Mayor, establish the Departments of the City. Each of these Departments shall be constituted to perform such functions and have such powers and duties as are set forth by the General Statutes, this Charter and Ordinances. Moreover, the head of each Department established by Ordinance shall be subject to the provisions of this Charter generally applicable to Department Heads. All Departments shall be entitled to office space provided by the City and shall remain open during such hours as the Mayor may direct.

C. **Reorganization Plans**<sup>268</sup>. The delineation of departmental categories in this Charter is advisory and may be altered pursuant to a reorganization plan proposed by the Mayor and approved by the Board of Alders. Accordingly, any departmental categories may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by Law). The reorganization plan is subject to the limitation that all governmental functions set forth in this Charter shall continue to be provided to the residents of the City; unless such function was eliminated as the result of a repealed Federal or State mandate and not otherwise in the best interest of the City to continue. Moreover, any reorganization plan shall include specific reference to the departmental function(s) set forth in this Charter that will be carried out in said reorganization and shall be accompanied by an opinion of the Corporation Counsel verifying that the reorganized function complies with the Charter requirements.

### Sec. 2. General Requirements Pertaining to All Department Heads and Mayoral Department Appointees<sup>269</sup>.

A. **Authority of Department Heads**<sup>270</sup>. Unless otherwise set forth in this Charter or by Law, once appointed as described in this Charter, the Department Head shall appoint, hire, discipline and remove all deputies, assistants and other employees of the Department as provided for in the budget. Such Department Heads

<sup>265</sup> Current Articles XIX and XXXIII entitled "Welfare" and "Department of Airports", respectively, are repealed.

<sup>266</sup> NEW (2013).

<sup>267</sup> NEW (2013).

<sup>268</sup> NEW (2013). Current §57(b) is repealed.

<sup>269</sup> NEW (2013).

<sup>270</sup> NEW (2013).

and other Mayoral Department Appointees shall be subject to: (1) the authority and direction of the Mayor or designee in all matters pertaining to the responsibilities of office, unless otherwise specifically set forth by Law; (2) any specific provisions of this Charter or Law pertaining to the authority of the Department Head and the relationship with a governing Board or Commission or appointing authority, if not the Mayor; and, (3) the applicable rules and regulations of the Civil Service Commission or collective bargaining agreement.

**B. Elector Requirement<sup>271</sup>.** Unless otherwise set forth in this Charter or by Law, all Department Heads and others appointed pursuant to this Article shall be in compliance with the requirements of §12.C and D of Article II of this Charter.

**C. Qualifications of Department Heads.** The minimum job qualifications for Department Heads, as may be set forth in this Charter, if any, are foundational and not definitive. Said minimum qualifications shall be modified by recommendation of the Mayor (or other appointing authority, if not the Mayor) following consultation and written report from the Personnel Director and approval of an Ordinance by the Board of Alders. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a Vacancy occurs in the position. In the event there are no minimum qualifications set forth herein, they shall be established in the same manner as in the case of modification, referenced, above. However, said Ordinances shall not modify any specific provisions within this Article of the Charter.

**D. Compensation.** The salaries and compensation of all Public Officials, Coordinators, Department Heads<sup>272</sup> (and other Deputies and Assistant set forth in this Article<sup>273</sup>) and employees of the City shall be set by Ordinance and through the budget, except where otherwise fixed by the General Assembly, this Charter or as otherwise covered by civil service rules, collective bargaining agreement(s) or Contract

**E. Position Titles<sup>274</sup>.** The position titles of the Department Heads set forth in this Charter reflect the title at the time of the adoption of this Charter. Titles may be changed without altering the method of appointment unless otherwise set forth; however, the functions and fiduciary obligations specifically set forth in this Charter shall not be altered.

**F. Full-time Service<sup>275</sup>.** The general rule is that all Department Heads and Mayoral appointees shall devote full time to the duties of office; subject to modification by Ordinance or adoption of the budget, following a written

<sup>271</sup> 2013 recodification of current §141; §176 (First sentence of first paragraph).

<sup>272</sup> In lieu of current §72 (Third sentence), as follows: "The salary of the Purchasing Agent shall be fixed by the budget and said Purchasing Agent shall give bond in such amount as may be fixed by the Controller".

<sup>273</sup> In lieu of current §19 (Fourth sentence), as follows: "The salary of each such deputy and assistant Corporation Counsel shall be fixed by the budget, which sum shall be in lieu of any and all compensation for any services required by the City of said officials".

<sup>274</sup> NEW (2013).

<sup>275</sup> NEW (2013). This provision consolidates and recodifies current §71(a) as follows: "There shall be in the City of New Haven a bureau of purchases which shall be under the direction of a City Purchasing Agent who shall devote full time service to the performance of the duties of said office".

determination by either the Mayor or the Board of Alders that full-time service is not required.

**Sec. 3. The Appointment of Coordinators, Department Heads and Mayoral Department Appointees<sup>276</sup>.**

**A. Appointment<sup>277</sup>.**

(1) **Subject to Approval by the Board of Alders:** The following Appointed Public Officials shall be appointed by the Mayor, subject to approval by the Board of Alders, as set forth in §1.A (3) of Article IV of this Charter: (a) the Coordinators as authorized by §2.A (2) of Article II of this Charter, who shall serve under the direction of the Mayor and are removable at the pleasure of the Mayor<sup>278</sup>; and, (b) Chief of Police<sup>279</sup> and Fire Chief<sup>280</sup>, who shall serve subject to the authority of the Mayor. The person in office as Chief of Police<sup>281</sup> and Fire Chief<sup>282</sup> on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified.

(2) **Term of Four Years.** Except as otherwise provided by General Statutes or this Charter, all Department Heads<sup>283</sup> shall be appointed by the Mayor for terms of four (4) years on the basis of qualifications<sup>284</sup>. Said appointees shall serve under the direction and subject to the authority of the Mayor as the chief administrative and executive officer of the City; although may not be removed from office during their terms except for cause, which shall not be political<sup>285</sup>.

(3) **The General Rule.** The following Department Heads shall be appointed in accordance with §3.A (2) of this Article: (a) The City Controller<sup>286</sup>; (b) Director of Public Works<sup>287</sup>; (c) City Engineer<sup>288</sup>; (d) City Assessor<sup>289</sup>; (e) Director of Parks and Recreation<sup>290</sup>; (f) Director of Traffic

<sup>276</sup> NEW (2013).

<sup>277</sup> 2013 recodification of current §57 entitled "General requirements concerning department heads; appointments, terms".

<sup>278</sup> 2013 recodification of current §11(i) (Second sentence).

<sup>279</sup> 2013 modification and recodification of current §101 (First sentence) ("subject to the authority of").

<sup>280</sup> 2013 modification and recodification of current §103 (First sentence) ("subject to the authority of").

<sup>281</sup> 2013 consolidation and recodification of current §101 (Sixth sentence), in lieu of the following: "The person in office as Chief of Police on the effective date of this Charter shall hold office until the successor of such chief has been duly appointed and qualified".

<sup>282</sup> 2013 consolidation and recodification of current §103 (Third sentence), in lieu of the following: "The person in office as Fire Chief on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified".

<sup>283</sup> In lieu of "heads of departments and heads of bureaus".

<sup>284</sup> 2013 recodification of current §57(a) (First paragraph).

<sup>285</sup> 2013 recodification of current §57(a) (First paragraph).

<sup>286</sup> 2013 recodification of current §21 (Fourth sentence) ("under the direction of").

<sup>287</sup> Derived from current §82.

<sup>288</sup> Derived from current §96.

<sup>289</sup> 2013 recodification of current §81 (Second sentence).

<sup>290</sup> 2013 recodification of current §113 (Third sentence) ("subject to the authority of").

and Parking<sup>291</sup>; and, (g) Planning Director<sup>292</sup>. The person in office as Director of Parks and Recreation<sup>293</sup>, Planning Director<sup>294</sup> and Director of Traffic and Parking<sup>295</sup> on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified.

(4) The Corporation Counsel<sup>296</sup> shall be appointed by and subject to the authority of the Mayor and serve a term coterminous with the Mayor who appointed said official.

(5) The following shall be appointed by the Mayor to hold office for the term of one (1) year from said appointment or until their successor shall be appointed and qualified: (a) Deputy Corporation Counsels; (b) Assistant Corporation Counsels<sup>297</sup>.

(6) The following Department Heads and other officials shall be appointed by the Mayor:

(a) **The City Purchasing Agent**<sup>298</sup>. Whenever a vacancy exists in the office of City Purchasing Agent the Mayor shall designate a nonpartisan board of examiners, consisting of three (3) experienced citizens who have been Purchasing Agents or have employed Purchasing Agents in their business and are competent to determine and pass on qualifications of the candidates' eligibility for such office, which board after such examination of said candidates as it may consider necessary to determine their competency for the duties of such office, shall file with the Mayor a written report of its findings as to the relative proficiency and fitness of such candidates as in its judgment are qualified to receive such appointment, which report shall be signed by a majority of the members of said board<sup>299</sup>. The Mayor shall appoint one of the three (3) highest ranking candidates, but in no event shall any person be appointed to the position of City Purchasing Agent unless such person shall have had at least three (3) consecutive years of full time experience as a Purchasing Agent in commercial or governmental purchasing prior to appointment.

<sup>291</sup> 2013 recodification of current §214 (Second sentence) ("subject to the authority of").

<sup>292</sup> 2013 recodification of current §178 (First sentence) ("qualified by special training and experience in city planning").

<sup>293</sup> 2013 consolidation and recodification of current §113 (Fourth sentence), in lieu of the following: "The person in office as Director of Parks and Recreation on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified".

<sup>294</sup> 2013 recodification of current §178 (Third sentence), in lieu of the following "The person in office as Planning Director on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified".

<sup>295</sup> 2013 recodification of current §214 (Third sentence), in lieu of the following: "The director (of traffic and parking) hold office during good behavior and shall not be removed except for cause, which cause shall not be political."

<sup>296</sup> 2013 modification and recodification of current §17 (Second sentence). See, Amend. of 7-1-93.

<sup>297</sup> 2013 recodification of current §19 (Final clause of the first sentence). Derived from Sp. L. 1899, p. 396, § 18; Sp. L. 1905, p. 910, § 8; Sp. L. 1927, p. 17, § 18.

<sup>298</sup> 2013 recodification of current §72 (Second sentence). See, Amend. of 7-1-93.

<sup>299</sup> 2013 recodification of current §72 (First sentence), entitled "Procedure for appointment".



**(b) Building, Plumbing and Electrical Inspectors<sup>300</sup>.**

The Mayor before appointing said inspector shall designate, in the case of each appointment, a separate nonpartisan board of examiners, consisting of three (3) experienced citizens competent to determine the qualifications of the candidates for such office, which board, after such examination of said candidates as it may consider necessary to determine their competency for the duties of such office, shall file with the Mayor a written report of its findings as to the relative proficiency and fitness of such candidates as, in its judgment, are qualified to receive such appointment, which report shall be signed by a majority of the members of said board. Each of said inspectors shall be appointed from among the candidates who, in the judgment of said board, are properly qualified for the duties of the particular office to which appointment is to be made.

**(c) Personnel Director<sup>301</sup>.** The Personnel Director shall be appointed by the Mayor from a list of three (3) persons with the highest ratings obtained in a civil service examination held to determine eligibles for said position.

**(7)** The following Department Heads, as follows:

**(a) The Director of Public Health<sup>302</sup>.** The Director of Public Health shall be appointed by the Board of Public Health, for a term of years as set forth in §3.A (2) of this Article<sup>303</sup>. Notwithstanding any provisions of this Charter to the contrary, the director may not be removed from office during the term of office except for cause, which cause shall not be political<sup>304</sup>.

**(b) The City Librarian.** The City Librarian shall be appointed by the Board of Library Directors<sup>305</sup>, for a term of years as provided in §3.A (2) of this Article<sup>306</sup>.

**(c) The Superintendent of Schools.** The Board of Education shall appoint a Superintendent of Schools, in accordance

<sup>300</sup> 2013 recodification of current §124 entitled "Same; procedure for appointing".

<sup>301</sup> 2013 recodification of current §165.

<sup>302</sup> 2013 recodification of current §127.

<sup>303</sup> 2013 modification and recodification of current §127 (First sentence of first paragraph), in lieu of the following: "Board of Public Health shall appoint a Director of Public Health for a term of four (4) years commencing February 1, 1998". Currently entitled "Appointment of Director of Public Health; qualifications, term; salaries of Director and assistants".

<sup>304</sup> 2013 recodification of current §127 (Fourth sentence of first paragraph). Current §127 (First and second sentence of first paragraph) is repealed, as follows: "The incumbent Director of Public Health on July 1, 1993, shall serve until January 31, 1998 or until a successor is appointed and qualified. The Board of Public Health shall appoint a Director of Public Health for a term of four (4) years commencing February 1, 1998".

<sup>305</sup> 2013 modification and recodification of current §133 (Ninth sentence).

<sup>306</sup> 2013 modification and recodification of current §133 (Tenth sentence), as follows: "~~The City Librarian shall be appointed for a term of years as provided in §3.A (1) of this Article Section 57 of this Charter~~".

with the General Statutes<sup>307</sup>. Notwithstanding the provisions of §3.A (2) of this Article the Superintendent may be appointed to such term as may be permitted by the General Statutes<sup>308</sup>. A written Contract shall be entered into between the Board of Education and the Superintendent with all provisions and conditions of employment stipulated therein<sup>309</sup>.

**(8) Historical Transition Provision<sup>310</sup>.** Except as otherwise provided by State law, after July 1, 1993, the terms of all present Department Heads whose appointments are subject to the four (4) year limitation shall end on January 31, 1994, or on such later date when their successors have been appointed and qualified, and the new terms of all such Department Heads appointed thereafter shall commence on February 1, 1994 and on February 1 of every fourth (4<sup>th</sup>) year thereafter<sup>311</sup>.

**(9) Vacancy<sup>312</sup>.** In the event of a vacancy in the office of any such Department Head, a successor may be appointed for the balance of the four (4) year term, except that during the last two (2) months of the term of a Mayor who has not been reelected to office, the Mayor may not appoint any Department Head except on an acting basis for a temporary period ending not later than the succeeding January 31.

**(10)** All Department Heads shall serve until their successors have been appointed and qualified<sup>313</sup>.

#### **Sec. 4. The Corporation Counsel<sup>314</sup>.**

##### **A. Appointment.**

**(1) The Corporation Counsel.** The Corporation Counsel shall be the chief legal advisor of and attorney for the City and of all Public Officials and Departments thereof in matters relating to their official duties<sup>315</sup>. The Corporation Counsel shall appointed pursuant to the

<sup>307</sup> 2013 recodification of current §150 (Second sentence).

<sup>308</sup> 2013 modification and recodification of current §152 (First sentence), in lieu of the following: "The Superintendent of Schools, if such appointee has not held the office in the City of New Haven before, shall be appointed for a term not to exceed one (1) year and when continued in office thereafter may be reappointed for terms not to exceed five (5) years each".

<sup>309</sup> 2013 recodification of current §152 (Second sentence).

<sup>310</sup> 2013 recodification of current §57(a) (Second paragraph). See, Amend. of 7-1-93.

<sup>311</sup> Current §57(b) is repealed as follows: "Unless otherwise terminated pursuant to law, the terms of the following officials, if they are holding office on permanent appointments on November 3, 1992, shall continue until January 31, 1998: Planning Director, Airport Manager, Personnel Director, Controller, City Librarian, Director of Public Health, Director of Parks and Recreation, Purchasing Agent, City Assessor, Fire Chief, Chief of Police, City Engineer, Director of Traffic and Parking, and Director of Legislative Services."

<sup>312</sup> 2013 recodification of current §57(a) (Third paragraph). See, Amend. of 7-1-93.

<sup>313</sup> 2013 recodification of current §57(a) (Fourth paragraph). See, Amend. of 7-1-93.

<sup>314</sup> Current Article VI.

<sup>315</sup> 2013 recodification of current §18 (First sentence). . Derived from Sp. L. 1899, p. 396, § 16; Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, § 12; Sp. L. 1927, p. 17, § 16.

provisions of §3.A (4) of this Article<sup>316</sup>. The Corporation Counsel shall be responsible for the efficiency, discipline and good conduct of the department responsible for providing legal services on behalf of the City<sup>317</sup>.

(2) **The Deputy and Assistant Corporation Counsels**<sup>318</sup>. The Mayor shall appoint deputy and assistant Corporation Counsels<sup>319</sup>, pursuant to the provisions of §3.A (5)(a) and (b) of this Article. The appointment of the Deputy Corporation Counsel is further subject to the requirements of §12.C of Article II of this Charter<sup>320</sup>.

(a) **Duties.** Said deputy and assistant Corporation Counsels shall perform such service as the Corporation Counsel may direct<sup>321</sup>.

(3) **Additional Counsel.** The Mayor may, if in said Mayor's opinion the interests of the City require it, appoint additional special assistant Corporation Counsel or counsels whose salary shall also be fixed by the budget<sup>322</sup>.

#### **B. General Duties of the Corporation Counsel.**

(1) **Advice of the Corporation Counsel**<sup>323</sup>. When so requested said Corporation Counsel shall give advice in writing to the Board of Alders, and committees of Board of Alders, the Mayor, any head of a department or office of the City or any person or committee appointed for inquiry or investigation upon any question of law involving their respective powers or duties.

(2) **Written Opinions and Codification**<sup>324</sup>. All written opinions so given by said Corporation Counsel shall be recorded in an index book, which book shall be kept in the office of the Corporation Counsel and shall be the property of the City.

(3) **Responsibilities**<sup>325</sup>. Said Corporation Counsel shall:

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<sup>316</sup> NEW (2013).

<sup>317</sup> 2013 recodification of current §17 (Third sentence). See, Amend. Of 7-1-75.

<sup>318</sup> 2013 recodification of current §19 entitled "Deputies and assistants"

<sup>319</sup> 2013 recodification of current §19 (A portion of the first clause of the first sentence). With regard to Assistant Corporation Counsels; see, Amend. of 6-5-54; Amend. of 1-1-58; Amend. of 7-1-75.

<sup>320</sup> NEW (2013).

<sup>321</sup> 2013 recodification of current §19 (Third Sentence). Derived from Sp. L. 1899, p. 396, § 17; Sp. L. 1927, p. 17, § 18.

<sup>322</sup> 2013 recodification of current §19 (Fifth sentence). Current §19 (Sixth sentence) is repealed. See, SP. L. 51-604.

<sup>323</sup> 2013 recodification of current §18 (Second sentence). The first sentence was moved to §4.A (1), above.

<sup>324</sup> 2013 recodification of current §18 (Third sentence).

<sup>325</sup> Derived from Sp. L. 1899, p. 396, § 16; Sp. L. 1901, p. 1114, § 1,2; Id., p. 1117, § 12; Sp. L. 1927, p. 17, § 16.

(a) When so directed by the Mayor or Board of Alders, represent the City in all matters pending before the General Assembly affecting the interests of said City<sup>326</sup>;

(b) Perform all other legal services which may be required by the Board of Alders or by Law or Ordinance, which services may be performed said Corporation Counsel or the assistant Corporation Counsels at the direction of the Corporation Counsel<sup>327</sup>;

(c) Prosecute or defend all suits for or against the City and shall prepare all Contracts, bonds and instruments in writing in which the City is concerned and endorse on each approval of the form and correctness thereof<sup>328</sup>.

(d) **Annual Report**<sup>329</sup>. Said Corporation Counsel shall annually, on or before the fifteenth (15<sup>th</sup>) day of January, make a written report to the Mayor of the doings of the office of the Corporation Counsel for the fiscal year preceding, showing the condition of all unfinished business in said Corporation Counsel's hand, and give all further additional information which the Mayor may desire in regard to the condition of said Corporation Counsel's department at any time.

C. **Litigation Settlement Committee**<sup>330</sup>. There shall be a litigation settlement committee consisting of the Mayor, the Controller, the coordinator for administration appointed by the Mayor, or their designees, two (2) members of the Financial Review and Audit Commission who shall not be of the same political party, elected by their fellow commissioners, and two (2) members of the finance committee of the Board of Alders elected by their fellow Alders in accordance with the provisions of §2.A(2) of Article IV of this Charter. Neither the Corporation Counsel, nor any deputy or assistant Corporation Counsel, may enter into a settlement on behalf of the City of any matter in litigation, the result of which would bind the City to make a payment in excess of five thousand dollars, or such greater amount as the Board of Alders may approve from time to time, unless said settlement has been approved by the litigation settlement committee.

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## Sec. 5. The Office of the Controller.

### A. Appointment.

(1) **The City Controller.** The City Controller shall be the Department Head of the department responsible for the finances and budget of the City<sup>331</sup>. The City Controller shall, under the Charter and

<sup>326</sup> 2013 recodification of current §18 (First clause of the fourth sentence).

<sup>327</sup> 2013 recodification of current §18 (Second clause of the fourth sentence).

<sup>328</sup> 2013 recodification of current §18 (Fifth sentence).

<sup>329</sup> 2013 recodification of current §18 (Sixth sentence). See, Amend. of 7-1-75.

<sup>330</sup> 2023 modification of §5.C derived from 2013 recodification of current §20. See, Amend. of 7-1-93.

<sup>331</sup> 2013 modification and recodification of current §21 (First sentence), as follows: "The City Controller shall be the Department Head of the a department responsible for the of-finances

Ordinances, be subject to the general direction of the Mayor in all matters relating to the financial affairs of the City, except as herein otherwise expressly provided<sup>332</sup>. The City Controller shall appointed pursuant to the provisions of §3.A (2) of this Article<sup>333</sup>.

(a) **Bond.** The Controller shall be bonded in an amount set by the Mayor and shall have an office in City Hall<sup>334</sup>.

(2) **The Deputy Controller.** The Controller whenever absent or otherwise incapable of acting, may, by appointment in writing, filed in the office of the City Clerk and recorded in the records of the City, designate the deputy Controller in the Controller's office to act as Controller and when so appointed and acting thereunder, said deputy Controller shall have and exercise such of the powers, duties and authority of the Controller and only such, as may be specified in said appointment, unless and until revoked by the Controller, in writing, filed and recorded, as provided for said appointment<sup>335</sup>.

(3) **Appointment of Tax Collector and City Treasurer**<sup>336</sup>. It shall be the duty of the Controller to appoint and have the power to remove, subject to the provisions of this Charter and such rules and regulations as may be adopted by the Civil Service Board, a Tax Collector and a City Treasurer; said Tax Collector and City Treasurer shall have the powers and duties imposed by Law on such offices and shall have such powers and duties as the Board of Alders may prescribe.

(a) **Designation of Assistant Treasurer**<sup>337</sup>. The City Treasurer by appointment in writing, filed in the office of the City Clerk and recorded in the records of the City, may designate the assistant treasurer to act as treasurer whenever the said City Treasurer is absent or incapable of carrying on the duties of such office by reason of mental or physical incapacity, and when so appointed and acting hereunder the said assistant treasurer shall have and exercise such of the powers, duties and authority of the City Treasurer and only such as may be specified in said appointment, unless and until revoked by the City Treasurer in writing, filed and recorded as provided for in this Charter<sup>338</sup>.

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~~and budget under the direction of the City Controller~~". Formerly Article VII entitled "Department of Finance". See, Amend. of 7-1-93.

<sup>332</sup> 2013 recodification of current §21 (Fourth sentence).

<sup>333</sup> NEW (2013).

<sup>334</sup> 2013 consolidation and recodification of current §§21 (Fifth sentence) and 25. See, Amend. of 7-1-93.

<sup>335</sup> 2013 recodification of current §21 (Sixth sentence).

<sup>336</sup> 2013 modification and recodification of current §22(e) by adding the following term to the beginning of the sentence: "It shall be the duty of the Controller...". See, Amend. of 7-1-93.

<sup>337</sup> Currently §29 entitled "Designation of Assistant Treasurer to serve in absence, disability of City Treasurer". See, Amend. of 7-1-93.

<sup>338</sup> 2013 recodification of current §29 (First sentence).

**(b) Death, resignation or Removal of City Treasurer.** In case of the death, resignation or removal of the City Treasurer, the said assistant treasurer shall have and exercise the full powers and authority of the City Treasurer until said City Treasurer's successor is appointed; provided, also, that the Mayor shall be empowered to designate the assistant treasurer to act as City Treasurer in the absence or disability of the City Treasurer, and said assistant treasurer shall have and exercise the full powers and authority of the City Treasurer until said treasurer shall resume such duties or until said City Treasurer's successor is appointed<sup>339</sup>.

**(c) Bond of the Assistant Treasurer.** Said assistant treasurer, upon assuming the duties of the City Treasurer, shall be bonded<sup>340</sup>.

**(d) Bond of the Collector of Taxes.** Said collector of taxes shall be bonded<sup>341</sup>.

**B. General Duties of the City Controller<sup>342</sup>.** It shall be the duty of the Controller:

**(1)** To keep accounts with each of the Departments, and such other accounts as the City Ordinances may direct<sup>343</sup>.

**(2)** To prescribe the form of all accounts and of all reports to be rendered, and to inspect and supervise the accounts of all other Departments, Public Officials and employees<sup>344</sup>.

**(3)** To audit immediately after the first (1<sup>st</sup>) day of each month the accounts of the several departments and all of said Public Officials and employees who receive, pay out or dispose of the money or other property of the City; to make proper comparisons of the same, and report any findings to the Mayor, the Financial Review and Audit Commission and to the Board of Alders, and a duplicate thereof to the City Treasurer; to daily audit the cash account of the City Treasurer for the last previous day, and certify at the foot of said account as to its correctness, and to submit to the Mayor, the Financial Review and Audit Commission and to the Board of Alders on or before the twentieth (20<sup>th</sup>) day of January, the twentieth (20<sup>th</sup>) day of April, the twentieth (20<sup>th</sup>) day of July, and the twentieth (20<sup>th</sup>) day of October in each year, a report of the condition of each of said accounts, together with a summary of all accounts of the City, verified by the oath or affirmation of said Controller, exhibiting the revenues, receipts and

<sup>339</sup> 2013 recodification of current §29 (Second sentence).

<sup>340</sup> 2013 recodification of current §29 (Third sentence).

<sup>341</sup> 2013 recodification of current §32 (second sentence).

<sup>342</sup> Current §22 entitled "General Duties".

<sup>343</sup> 2013 recodification of current §22(a). Derived from Sp. L. 1899, p. 397, §20. See also, Sp. L. 1927, §20. See, Amend. of 7-1-93.

<sup>344</sup> 2013 recodification of current §22(b). Derived from Sp. L. 1899, p. 397, §21. See also, Sp. L. 1927, §21.

expenditures, the source from which the revenues and funds are derived and in what manner the same have been disbursed and the amount drawn against each item of the appropriations<sup>345</sup>.

(4) To keep a separate account for each specific item of the appropriations, and to require all warrants to state specifically against which of said items the warrant is drawn<sup>346</sup>.

(5) To make rules regulating the method of payments of all Public Officials and employees of said City and prescribing the forms of receipts to be required<sup>347</sup>.

(6) To determine and set the amount of bond required of all Public Officials and employees of the City who, in the opinion of the Controller or in accord with Law, this Charter or the Ordinances, should be bonded<sup>348</sup>.

#### C. Additional Duties of the City Controller.

(1) **Duty to prevent overdrawing, misapplication of appropriations; liability for payments exceeding appropriations**<sup>349</sup>. The Controller shall not suffer any appropriation or allotment thereof to be overdrawn, or the appropriation for one item of expense to be drawn upon for any other purpose, or by any department other than that for which the appropriation was specifically made, except in case of transfers made as hereinafter provided. No warrant shall be issued unless sufficient funds to pay the same shall actually be in the treasury. If the Controller shall certify any bill, Contract or claim in excess of the appropriation properly applicable thereto, the City shall not be liable for such excess, but the Controller shall be personally liable therefor, and said Controller's sureties shall also be liable to the amount of the bond.

(2) **Procedure for claims, accounts**<sup>350</sup>. Each claim or account against the City shall be first verified by the oath or affirmation of the claimant or said claimant's authorized agent, then certified to be correct and justly due by the Public Official, employee or Board or Commission by whom, or under whose authority, the same was contracted. Such claim or account shall then be transmitted to the Controller, who shall carefully examine and compute each bill rendered, and, on finding it correct, shall so certify. When the Controller has certified the claims, the Controller shall number the several claims and enter them in books kept for that purpose; and when said claims are so numbered and entered, the City Clerk shall

<sup>345</sup> 2013 recodification of current §22(c). Derived from Sp. L. 1899, p. 397, §22; See, Sp. L. 1901, p. 1114, §1, 2 and p. 1117, §12; See also, Sp. L. 1927, §22. See, Amend. of 7-1-93.

<sup>346</sup> 2013 recodification of current §22(d). Derived from Sp. L. 1899, p. 397, §23. See also, Sp. L. 1927, §23. See, Amend. of 7-1-93.

<sup>347</sup> 2013 recodification of current §22(f). See, Amend. of 7-1-93.

<sup>348</sup> 2013 recodification of current §22(g). See, Amend. of 7-1-93.

<sup>349</sup> 2013 recodification of current §23. Derived from Sp. L. 1899, p. 397, §24. See also, Sp. L. 1927, §24.

<sup>350</sup> 2013 recodification of current §24. Derived from Sp. L. 1899, p. 397, §25. See also, Sp. L. 1927, §25. See, Amend. of 7-1-93.

draw an order on the City Treasurer for the several amounts due, and shall place said orders in the hands of the Controller, who shall countersign and disburse the same.

**(3) Inventory<sup>351</sup>.** Each department head shall make and keep a perpetual inventory of all supplies, materials, fixed assets and other property of every description in the department's custody in such form and manner as the Controller shall direct. A copy of such inventory shall be submitted to the Controller who shall cause the same to be audited not less frequently than annually.

**(4) Audits of Accounts of Public Officials and Employees<sup>352</sup>.** The Controller shall, at the end of each fiscal year, or oftener, if so required by the Mayor, and also upon the death, resignation, removal, or the expiration of the term of any Public Official or other employee, audit or cause to be audited, examine, and settle the accounts of such Public Official or employee, and if said person shall be found indebted to the City, the Controller shall state an account and file the same with the Corporation Counsel, together with a copy of the official bond of such Public Official or employee, if any, and give notice thereof to such official or a designated legal representative; and the Corporation Counsel shall proceed to collect such balance from such Public Official, employee or designated sureties within six (6) months from the receipt of such account. Notice of the audit shall be given by the Controller to the Public Official or a legal representative(s) designated by the official before the final statement of the account, and, if desired by such Public Official, employee or the legal representative(s) designated by the official, opportunity shall be given for a hearing. A copy of such notice, with an affidavit to the fact of service thereof, shall be filed, with the statement of account, as evidence of service of notice.

**(5) Daily Deposit and Payment of City Funds<sup>353</sup>.** All City funds shall be deposited in such bank or banks as shall be designated by the Controller, whose duty it shall be to obtain the highest rate of interest therefor consistent with the safety of the deposits. All interest upon said deposits shall belong to said City.

**(6) Payment of City Funds<sup>354</sup>.** Orders drawn upon any bank or trust company which has been designated as a City depository by the Controller, for payment of any claims, including those drawn to the individual order of any person or persons whose names appear thereon as signer or signers thereof, may be signed or countersigned by the facsimile signature or signatures of the City Clerk and Controller, and if such order or orders are so signed by means of a facsimile signature, any bank or trust company shall, acting in good faith, and without notice of any defect or invalidity, be authorized to pay and be protected in paying, any orders so drawn, bearing or purporting to bear the facsimile signature or signatures

<sup>351</sup> 2013 recodification of current §26(a). See, Amend. of 7-1-93.

<sup>352</sup> 2013 recodification of current §26(b). Derived from Sp. L. 1899, p. 398, §27. See also, Sp. L. 1927, §27.

<sup>353</sup> 2013 recodification of current §27(a). Derived from Sp. L. 1899, p. 399, §29. See also, Sp. L. 1927, §29. See, Amend. of 7-1-75. See, Amend. of 7-1-93.

<sup>354</sup> 2013 recodification of current §27(b). See, Amend. of 7-1-93.



of the City Clerk or Controller regardless of the persons by whom, or the means by which the actual or purported facsimile signature or signatures thereon, may have been affixed thereto, if such facsimile signature, or signatures closely resemble the facsimile specimens from time to time filed with such banks or trust companies, upon whom such orders are drawn by the City Clerk and the Controller; provided, however, that nothing herein contained shall release such bank or trust company from any liability arising from any cause or fact, other than the fact that such facsimile signature is not a genuine facsimile signature affixed with appropriate authority.

(7) **Payment by City Treasurer**<sup>355</sup>. The City Treasurer shall pay all orders drawn on said treasurer by the City Clerk and countersigned by the Controller, or drawn by the Board of Education in the order in which they shall be presented to the City Treasurer.

(8) **Authority to discount taxes, borrow in anticipation of taxes or bond sales**<sup>356</sup>. The Controller may provide at any time for the discounts, at current rates of interest, of all sums assessed for taxes, and of all sums assessed for benefits on account of the construction of pavements, but not yet payable. The Controller shall have power, in the name of the City, to borrow such sums from time to time, as in its opinion may be needed for City purposes, in anticipation of such taxes as shall have been previously laid, and in anticipation of the sale of bonds which may have been ordered by the Board of Alders in accordance with Law, and for no other purpose; and the amount so borrowed shall be used only for the same purposes that the taxes, assessments or avails of bonds might have been used for, and shall be repaid from said taxes or assessments when collected, or from the sale of such bonds.

**D. Role of the Collector of Taxes**<sup>357</sup>. The Collector of Taxes shall have all the power and be subject to all of the duties imposed by Law upon collectors of town, City and school district taxes<sup>358</sup>. Said Collector of Taxes shall:

(1) Receive and collect all taxes, assessments and, except where otherwise provided by Charter or Ordinance, all license fees due the City of New Haven, from all persons liable to pay the same<sup>359</sup>.

(2) Proceed forthwith to enforce payment of all taxes and assessments<sup>360</sup>.

(3) Have the same power as the Mayor to sign certificates of tax liens and certificates of their release and discharge<sup>361</sup>.

<sup>355</sup> 2013 recodification of current §27(c). Derived from Sp. L. 1899, p. 399, §30. See also, Sp. L. 1927, §30. See, Amend. of 7-1-75.

<sup>356</sup> 2013 recodification of current §28. See, Amend. of 7-1-93.

<sup>357</sup> 2013 recodification of current §30 entitled "Qualifications; general powers, duties; power of the Mayor to issue tax warrants".

<sup>358</sup> 2013 recodification of current §30 (First sentence).

<sup>359</sup> 2013 recodification of current §30 (Second sentence).

<sup>360</sup> 2013 recodification of current §31 (First sentence) entitled "...Duty to enforce taxes, assessments; reports of abatements to Tax Collector".

<sup>361</sup> 2013 recodification of current §30 (Fourth sentence). Derived from Sp. L. 1899, p. 399, § 31; See also, Sp. L. 1927, §31 (seventh line). See, Amend. of 7-1-75.

(4) Notify the Corporation Counsel to proceed to take such legal steps as may be necessary, in the event legal proceedings are necessary to enforce payment of said taxes or assessments and to protect liens of the same<sup>362</sup>.

(5) Before 3:00 o'clock in the afternoon of each business day, deposit with the City Treasurer all moneys collected by said collector of taxes, during the twenty-four (24) hours then ended, and shall take the City Treasurer's receipt for same in triplicate, one copy of which the collector of taxes shall file in the Controller's office forthwith<sup>363</sup>.

(6) **Power of the Mayor to Issue Tax Warrants**<sup>364</sup>. The Mayor shall have power to issue a warrant for the collection of any of said taxes or assessments.

(7) **Notice of Abatement.** Whenever any tax due the said City is abated, the authority making the abatement shall cause notice thereof to be given forthwith to the collector<sup>365</sup>.

## Sec. 6. City Purchasing Agent<sup>366</sup>.

A. **Appointment.** The City Purchasing Agent shall be the Department Head of the department responsible for the procurements of the City<sup>367</sup>. The Purchasing Agent shall be shall appointed by the Mayor in accordance with the provisions of §3.A (6) of this Article<sup>368</sup>.

B. **Other Employees**<sup>369</sup>. There shall be such other employees under the Purchasing Agent as shall be recommended by the Purchasing Agent and provided for in the budget.

C. **General Duties.** The City Purchasing Agent shall make all purchases of supplies, materials, equipment and contractual services for all Departments<sup>370</sup>. Moreover, the City Purchasing Agent shall be responsible for the central purchasing system for the City covering the purchase of all supplies, materials, equipment and other commodities for the use and needs of all Departments, Boards

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<sup>362</sup> 2013 recodification of current §31 (Second sentence). Derived from Sp. L. 1899, p. 399, §32; SP. L. 1907, p. 206, § 1. See also, Sp. L. 1927, §32. See, Amend. of 7-1-75.

<sup>363</sup> 2013 recodification of current §32 (First sentence) currently entitled "Daily deposit of receipts required; bond". Derived from Sp. L. 1899, p. 400, § 33. See also, Sp. L. 1927, §33. See, Amend. of 7-1-75.

<sup>364</sup> 2013 recodification of current §30 (Third sentence).

<sup>365</sup> 2013 recodification of current §31 (Third sentence).

<sup>366</sup> Currently "Article XIV. Bureau of Purchases".

<sup>367</sup> 2013 modification and recodification of current §71(a) as follows: "There shall be in the City of New Haven a bureau of purchases which shall be under the direction of a City Purchasing Agent who shall devote full time service to the performance of the duties of said office". See, Amend. of 7-1-93.

<sup>368</sup> NEW (2013).

<sup>369</sup> 2013 recodification of current §72 (Fourth sentence).

<sup>370</sup> 2013 recodification of current §73 (First paragraph).

and Commissions and Officials of the City, including the Board of Education. With regard to the Board of Education, the City Purchasing Agent shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for said Board to meet the curriculum and scheduling requirements of the Board<sup>371</sup>. It shall be the duty of the Purchasing Agent<sup>372</sup>:

(1) To establish, after consultation with the heads of the departments concerned, and to enforce, specifications for all supplies, materials and equipment required by the City government<sup>373</sup>.

(2) To make, with the approval of the Controller, such regulations and prescribe such forms or requisitions for supplies, materials and equipment by departments for the City as considered reasonably necessary by the Purchasing Agent<sup>374</sup>.

(3) To assure that all supplies, materials and equipment purchased for the City conform to specifications and are of the quantity and quality contracted for<sup>375</sup>.

(4) To transfer or to sell all personal property determined by the Controller, after consultation with the head of the department concerned, not to be needed by that department or any other Department, or which has become unsuitable for public use<sup>376</sup>.

(5) To purchase at the expense of the City all surety bonds required by Law or by Ordinances for Public Officials and employees of the City<sup>377</sup>.

(6) To purchase at the expense of the City any insurance against liability or the damage or loss of property on the part of the City<sup>378</sup>.

**D. Deputy Purchasing Agent<sup>379</sup>.** The City Purchasing Agent may appoint a deputy Purchasing Agent, who shall be a member of the classified service and who shall devote full time service to the performance of the duties of office, shall act in the place of the City Purchasing Agent in the absence or incapacity of the City Purchasing Agent, shall assist the City Purchasing Agent in the performance of the duties of said Purchasing Agent and shall perform such other tasks as the City Purchasing Agent shall direct.

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<sup>371</sup> NEW (2013).

<sup>372</sup> 2013 recodification of current §73 (First paragraph). Amend. of 7-1-93.

<sup>373</sup> 2013 recodification of current §73(a). See, Amend. of 7-1-93.

<sup>374</sup> 2013 recodification of current §73(b). See, Amend. of 7-1-93.

<sup>375</sup> 2013 recodification of current §73(c). See, Amend. of 7-1-93.

<sup>376</sup> 2013 recodification of current §73(d). See, Amend. of 7-1-93.

<sup>377</sup> 2013 recodification of current §73(e). See, Amend. of 7-1-93.

<sup>378</sup> 2013 recodification of current §73(f). See, Amend. of 7-1-93.

<sup>379</sup> 2013 recodification of current §71(b). See, Amend. of 7-1-93.

**E. Adoption of a Procurement Ordinance and Regulations.** In order to advance the provisions of this Charter, the Board of Alders shall establish by Ordinance the rules and regulations governing the operation of a central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed.

(1) The Board of Alders shall, by Ordinance, establish the rules and regulations governing the purchasing process for the City, including but not limited to, the role and responsibilities of the Purchasing Agent, competitive procurement and solicitation of goods and services for use by the City, advertising and solicitation of bids and proposals and action thereof, consultation with the effected Department or Departments, award and execution of Contracts, bonds, exclusions from competitive procurement, waiver of competitive procurement requirements, appeals from decisions of the City Purchasing Agent, disposition of surplus property and such other matters as are necessary to carry out the provisions of this provision of the Charter

(2) The City Purchasing Agent may adopt procedural rules and regulations concerning the operation of the Department responsible for public purchases. No such rule shall be inconsistent with the Ordinances adopted pursuant to §6.F (1) of this Article.

(3) Nothing in this Charter shall prevent the City or any of its Departments from participating in any joint purchasing program administered by the State of Connecticut, the Regional Council of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies.

**F. Exemptions from §6.E of this Article Regarding the Board of Alders**<sup>380</sup>. The following Contracts shall be exempt from the provisions of §6.E:

(1) Contracts for architects, engineers, land surveyors, physicians, dentists, lawyers, accountants or artists, and such other professional or technical services as the Board of Alders may provide by Ordinance; and

(2) Contracts made by the Board of Alders pursuant to §2.F of Article IV of this Charter.

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COUNSEL RECOMMENDATION TO LEAVE THESE PROVISIONS IN CHARTER

<sup>380</sup> 2023 recodification of current Article XV, Sec. 1.D which was derived from §74(c) of the pre-2013 Charter. See, Amend. of 7-1-75 and Amend. of 7-1-93.

**G. Additional Exemptions from §6.E of this Article<sup>381</sup>.** The following contracts shall be exempt from the provisions of §6.E of this Article:

(1) Contracts that can only be performed or provided by one party in the judgment of the City Purchasing Agent and the head of the department seeking the supplies, services or work;

(2) Contracts made through cooperative purchasing arrangements with other government entities when, in the judgment of the City Purchasing Agent, such contracts are in the best interests of the City and such arrangements involve competitive purchasing procedures;

(3) Contracts made in accordance with procedures approved by the Board of Alders applicable to cases of emergency involving a threat to the public health, safety or welfare; and

(4) Contracts made in a manner approved by the Board of Alders upon the recommendation of the City Purchasing Agent, where the City Purchasing Agent has advised and opined to the Board of Alders, that it would not be practicable or in the best interest of the City to proceed in the manner required by said §2.B of this Article, and where the Board of Alders shall find that making a Contract in such manner is in the best interest of the City.

**Sec. 7. City Assessor<sup>382</sup>.**

**A. Appointment.** The City Assessor Agent shall be the Department Head of the department responsible for exercising the powers and performing all the duties that now are, or hereafter may be conferred upon or required of tax assessors of cities and towns by the General Statutes, this Charter or the Ordinances<sup>383</sup> and shall devote full time service to the performance of the duties of said office<sup>384</sup>. The City Assessor shall be appointed by the Mayor in accordance with the provisions of §3.A (2) of this Article<sup>385</sup>.

**B. Other Employees<sup>386</sup>.** The department shall be under the charge of the City Assessor who shall appoint and remove all deputies, assistants and other

<sup>381</sup> 2023 recodification of current Article XV, Sec. 1-E which was derived from §74(d) of the pre-2013 Charter. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>382</sup> Current "Article XVI. Department of Assessments".

<sup>383</sup> 2013 recodification of current §81(c) (First sentence), in lieu of the following: "The City Assessor shall have all the powers and perform all the duties that now are, or hereafter may be conferred upon or required of tax assessors of cities and towns by the General Statutes or the ordinances".

<sup>384</sup> 2013 modification and recodification of current §81(a), in lieu of the following: "There shall be in the City a Department of Assessments consisting of a full time City Assessor and such deputies, assistants and other employees as shall be provided by the ordinances".

<sup>385</sup> 2013 modification and recodification of current §81(a) (First sentence), in lieu of the following: "The City Assessor shall be appointed by the Mayor on the basis of qualifications hereinafter stated."

<sup>386</sup> 2013 recodification of current §72 (Fourth sentence).

employees of the department, subject to the rules and regulations of the Civil Service Board<sup>387</sup>.

(1) **Transition Provision.** Nothing in this section shall be construed to reduce, eliminate or change in any fashion the Civil Service status of present employees of the **Board of Assessors**<sup>388</sup>.

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C. **General Duties.** The City Assessor shall adopt such rules and regulations for the guidance of the deputies, assistants and other employees in the performance of their duties as will establish an equitable and scientific system of determining the present true and actual value of all assessable property for taxation<sup>389</sup>. The rules and regulations so adopted and all amendments thereof shall be made available to any taxpayer of the City upon application to the City Assessor<sup>390</sup>.

## Sec. 8. Director of Public Works<sup>391</sup>.

A. **Appointment.** The Director of Public Works shall be the Department Head of the department responsible for the public works and infrastructure of the City<sup>392</sup>. The Director of Public Works shall be appointed by the Mayor in accordance with the provisions of §3.A (2) of this Article<sup>393</sup>.

B. **Bond**<sup>394</sup>. Before taking office, the director shall be bonded in an amount set by the Controller<sup>395</sup>.

C. **General Duties of Director.** Except as otherwise provided in this Charter, the Director of Public Works shall

(1) be responsible for the care and management:

(a) of all streets, avenues, highways, alleys, bridges, sidewalks and public grounds of said City, and the opening, grading, improving, repairing and cleaning of the same<sup>396</sup>;

(b) of the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except such as are by the express terms of this Charter under the

<sup>387</sup> 2013 recodification of current §81(a) (Second sentence).

<sup>388</sup> 2013 recodification of current §81(a) (Third sentence).

<sup>389</sup> 2013 recodification of current §81(c) (Second sentence). See, Amend. of 1-1-61.

<sup>390</sup> 2013 recodification of current §81(c) (Third sentence).

<sup>391</sup> Current "Article XVII. Department of Public Works".

<sup>392</sup> 2013 recodification of current §82 (First sentence), in lieu of the following: "Created; supervision by Director; appointment, term, qualifications, bond of Director. There shall be in said City a Department of Public Works which shall be under the charge of one director, who shall be known as the Director of Public Works". Derived from Sp. L. 1899, p. 410, § 73; Sp.L. 1901, p. 1020, § 1; See also, Sp. L. 1905, p. 911, § 15; and, Sp. L. 1927, §121.

<sup>393</sup> NEW (2013).

<sup>394</sup> 2013 recodification of current §72 (Third sentence).

<sup>395</sup> 2013 recodification of current §82 (Second sentence). See, Amend. of 7-1-75.

<sup>396</sup> 2013 recodification of current §83 (First clause of first sentence). Derived from Sp. L. 1899, p. 410, § 74. See also, Sp. L. 1927, §122.

control of some other Public Official, Department or Board or Commission<sup>397</sup>;

(c) of the construction, repair, cleaning and general care of all sewers, drains, culverts, sluiceways and catch basins, and the collection and disposing of sewage, ashes, garbage and refuse<sup>398</sup>.

(2) cause all Orders of the Board of Alders concerning any of said subjects to be executed<sup>399</sup>.

(3) make all suitable rules and regulations in regard to said department and the conduct of its business<sup>400</sup>.

(4) have the same powers and duties in regard to fence viewing as were formerly vested in the board of selectmen of the Town of New Haven<sup>401</sup>.

## Sec. 9. City Engineer<sup>402</sup>.

**A. Appointment.** The City Engineer shall be the Department Head of the department responsible for the engineering functions of the City<sup>403</sup>. The Director of Public Works shall be appointed by the Mayor in accordance with the provisions of §3.A (2) of this Article<sup>404</sup>.

**B. General Duties<sup>405</sup>.** The City Engineer shall make all surveys, maps, plans, drawings, specifications and estimates relating to work of said department and the Department of Public Works; shall superintend the construction and repair of

<sup>397</sup> 2013 recodification of current §83 (Second clause of first sentence). Derived from Sp. L. 1899, p. 410, § 74. See also, Sp. L. 1927, §122. See, Amend. of 7-1-93

<sup>398</sup> 2013 recodification of current §83 (Third clause of first sentence). Derived from Sp. L. 1899, p. 410, § 74. See also, Sp. L. 1927, §122.

<sup>399</sup> 2013 modification and recodification of current §83 (Second sentence), as follows: "~~The director shall~~ cause all orders of the Board of Alders concerning any of said subjects to be executed". Derived from Sp. L. 1899, p. 410, § 74; See also, Sp. L. 1901, p. 1114, §§1, 2; Id. p. 1117, § 12; See also, Sp. L. 1927, §122 (Last sentence).

<sup>400</sup> 2013 modification and recodification of current §83 (Third sentence), as follows: "~~The director shall~~ make all suitable rules and regulations in regard to said department and the conduct of its business".

<sup>401</sup> 2013 recodification of current §84 entitled "Powers, duties of Director concerning fence viewing", as follows: "~~The Director of Public Works shall~~ have the same powers and duties in regard to fence viewing as were formerly vested in the board of selectmen of the Town of New Haven". Derived from Sp. L. 1899, p. 410, § 74; See also, Sp. L. 1927, §122 (Second paragraph). See also, Amend. of 7-1-93.

<sup>402</sup> Currently, "Article XVIII. Department of Engineering". 2013 recodification of current §96 entitled "Creation; City Engineer qualifications and duties".

<sup>403</sup> 2013 recodification of current §96 (First sentence), in lieu of the following: "There shall be in the City a Department of Engineering, which shall be under the direction of an experienced civil engineer, who shall be known as the City Engineer".

<sup>404</sup> NEW (2013).

<sup>405</sup> 2013 recodification of current §96 (Third sentence). Derived from Sp. L. 1899, p. 411, § 76.

sewers, bridges and new pavements, and do any other engineering work which said Department of Public Works may require; shall care for and preserve all maps, papers and books of said department, and perform such other duties as may be by Ordinance prescribed.

C. **Other Employees**<sup>406</sup>. The City Engineer shall hire such professional and clerical staff as the City budget may provide.

#### **Sec. 10. Chief of Police**<sup>407</sup>.

A. **Appointment**<sup>408</sup>. The Chief of Police shall be the Department Head of the department providing police services<sup>409</sup>. The Mayor shall appoint the Chief of Police **in accordance with the provisions of §3.A (1) of this Article and the Chief shall be subject to the authority of the Mayor.**

B. **Duties**<sup>410</sup>. Said Chief of Police shall be responsible for the efficiency, discipline and good conduct of the Department of Police Service.

#### **Sec. 11. Fire Chief**<sup>411</sup>.

A. **Appointment**<sup>412</sup>. The Fire Chief shall be the Department Head of the department providing fire services<sup>413</sup>. The Mayor shall appoint the Fire Chief **in accordance with the provisions of §3.A (1) of this Article and the Chief shall be subject to the authority of the Mayor.**

B. **Duties**<sup>414</sup>. Said chief shall be responsible for the efficiency, discipline and good conduct of the Department of Fire Service.

C. **Fire Marshal**<sup>415</sup>.

<sup>406</sup> 2013 recodification of current §96 (Fourth sentence); See also, Sp. L. 1927, §124.3.

<sup>407</sup> 2013 recodification of current §101 entitled "Supervision by chief; appointment, qualifications, term, removal, duties of chief".

<sup>408</sup> 2013 recodification of current §101 (First sentence), in lieu of the following: "There shall be a Chief of Police who shall be the head of the Department of Police Service, appointed by and subject to the authority of the Mayor". See, Amend. of 7-1-75.

<sup>409</sup> Note: Authority for the department is derived from Sp. L. 1899, p. 403, § 46 and 47; See also, Sp. L. 1901, p. 675, § 1; Sp. L. 1905, p. 899, §1; Sp. L. 1907, p. 179; and, Sp. L. 1927, §§95 and 96.

<sup>410</sup> 2013 recodification of current §101 (Fifth sentence). See, Amend. of 7-1-93.

<sup>411</sup> 2013 recodification of current §103 entitled "Supervision by Fire Chief; appointment; qualifications, term, removal of chief".

<sup>412</sup> 2013 recodification of current §103 (First sentence), in lieu of the following: "The Fire Chief shall be the head of the department, appointed by and subject to the authority of the Mayor.". See, Amend. of 7-1-75.

<sup>413</sup> Note: Authority for the department is derived from Sp. L. 1899, p. 495, §§54 and 55; See also, Sp. L. 1901, p. 669; Sp. L. 1905m p. 1063, §1; Sp. L. 1911, p. 626, §6; Sp. L. 1927, §§102 and 103.

<sup>414</sup> 2013 recodification of current §103 (Sixth sentence).

<sup>415</sup> 2013 recodification of current §105.



(1) **Duties.** One of the officers of said Department of Fire Service shall be a Fire Marshal whose duty it shall be to inspect from time to time all school houses and other public buildings, and all buildings in which any public assemblies, exhibitions, entertainments or shows are held, for the purpose of ascertaining whether such buildings are in danger of damage or destruction from fire, and whether the Ordinances concerning means of exit from such buildings are obeyed. It shall also be said marshal's duty to inspect, whenever deemed necessary in the discretion of the marshal, any building in the City, with a view of ascertaining whether the Ordinances and the General Statutes relating to the use and condition of buildings are obeyed, and the marshal shall perform all other duties required by Law in regard to the inspection of buildings<sup>416</sup>. It shall be the marshal's duty whenever deemed necessary in the discretion of the marshal to report all unsafe buildings and all violations of such laws to the building official and the State's Attorney for New Haven County<sup>417</sup>.

(2) **Acting Fire Chief.** In the absence of a Fire Marshal the Fire Chief shall act as Fire Marshal<sup>418</sup>.

## **Sec. 12. General Provisions Concerning the Police and Fire Services<sup>419</sup>.**

### **A. Duties of Chief of Police and Fire Chief<sup>420</sup>.**

(1) The chief of each of the departments responsible for police and fire services, respectively, shall be the chief executive officer of the department and shall be chargeable for its efficiency and responsible for the execution of all laws and rules and regulations of the department<sup>421</sup>.

(2) Each chief shall have control of all the property of said City used for and by said departments and shall provide for heating, lighting and repairs of the buildings used by such departments<sup>422</sup>.

(3) The chief of each department respectively shall assign to duty all the members of the department, making such changes from time to time as in their respective judgment the efficiency of the department may require<sup>423</sup>.

<sup>416</sup> 2013 recodification of current §105 (First sentence). Derived from Sp. L. 1899, p. 406, § 57; See also, Sp. L. 1911, p. 626, § 7; and, Sp. L. 1927, §105.

<sup>417</sup> 2013 recodification of current §105 (Second sentence).

<sup>418</sup> 2013 recodification of current §105 (Third sentence).

<sup>419</sup> Current "Article XXII. General Provisions Concerning the Police and Fire Services".

<sup>420</sup> 2013 recodification of current §106. See, Amend. of 7-1-75.

<sup>421</sup> 2013 recodification of current §106 (First sentence). Derived from Sp. L. 1899, p., 407, §60; See also, Sp. L. 1901, p. 675, §1; See also, Sp. L. 1927, §108 (First paragraph).

<sup>422</sup> 2013 recodification of current §106 (Second sentence).

<sup>423</sup> 2013 recodification of current §106 (Third sentence). Derived from Sp. L. 1899, p., 407, §60; See also, Sp. L. 1901, p. 675, §1. See also, Sp. L. 1927, §108 (Second paragraph).

(4) Each chief shall have the power to suspend, without pay, any member of the regular force; provided, however, that no such suspension shall be continued for a period of not more than fifteen (15) Days without affirmative action by the commissioners of the Department which action shall not be taken until after a hearing upon charges preferred in writing; a copy of such charges shall be left with said member of the regular force at least forty-eight (48) hours prior to the time fixed for such hearings<sup>424</sup>.

(5) Each chief shall have power to grant leaves of absence to members of the force for a period not exceeding five (5) Days, reporting to the commissioners of the Department all changes or assignments of office and absence granted<sup>425</sup>.

**B. Effect of Charter on existing police, fire personnel<sup>426</sup>.** When this Charter takes effect all officers and employees of said departments shall continue to hold their respective positions subject to the provisions thereof.

**C. Existing Ordinances continued in effect<sup>427</sup>.** All lawful City Ordinances relating to either of said departments and to any officer thereof and all of the regulations of either of said departments in force at the time fixed for the taking effect of this Charter and not inconsistent herewith, are hereby continued in effect until the same shall be duly amended by competent authority.

### **Sec. 13. Director of Parks and Recreation<sup>428</sup>.**

**A. Appointment.** The Director of Parks and Recreation shall be the Department Head of the department responsible for parks and recreation<sup>429</sup>. The Mayor shall appoint the Director of Parks and Recreation **in accordance with the provisions of §3.A (3) of this Article and the Director shall be subject to the authority of the Mayor<sup>430</sup>.**

**B. General Powers and Duties<sup>431</sup>.** Said director shall have charge:

<sup>424</sup> 2013 recodification of current §106 (Fourth sentence). Derived from Sp. L. 1899, p., 407, §60; See also, Sp. L. 1901, p. 675, §1; See also, Sp. L. 1927, §108 (First sentence of third paragraph).

<sup>425</sup> 2013 recodification of current §106 (Fifth sentence). Derived from Sp. L. 1899, p., 407, §60; See also, Sp. L. 1901, p. 675, §1; See also, Sp. L. 1927, §108 (Second sentence of third paragraph).

<sup>426</sup> 2013 recodification of current §107. Derived from Sp. L. 1899, p., 407, §61; See also, Sp. L. 1901, p. 675, §1; See also, Sp. L. 1927, §109 (Second clause of first sentence).

<sup>427</sup> 2013 recodification of current §108. Derived from Sp. L. 1899, p., 407, §62. See also, Sp. L. 1927, §110.

<sup>428</sup> 2013 recodification of current §113 entitled "Created; Director as head of department". See, Amend. of 7-1-75.

<sup>429</sup> 2013 recodification of current §113 (First sentence), in lieu of the following: "There shall be in said City a Department of Parks and Recreation, which shall consist of a Director of Parks and Recreation, a Board of Park Commissioners and such a number of employees as shall be prescribed by the board upon recommendation by the director".

<sup>430</sup> 2013 recodification of current §113 (Third sentence), in lieu of the following: "The director shall be appointed by and subject to the authority of the Mayor". See, Amend. of 7-1-93.

<sup>431</sup> 2013 recodification of current §117 entitled ". Director; general powers, duties".

(1) control and management and use of all public parks, squares and open places which are included in the park system of the City of New Haven on the effective date of this Charter, and which may hereafter be acquired or dedicated to public use, as parts of or additions to the public park system of the City or Town of New Haven, whether within or without the limits of said City, but not including streets in parks within the City limits<sup>432</sup>.

(2) of the selection, cultivation, procuring, planting, spraying, trimming, preservation and removal of all trees in the streets of the City of New Haven and in parks and public places of said City<sup>433</sup>.

(3) of the preservation, development and adornment of said parks and places<sup>434</sup>.

**C. Other Employees. Role of the City Engineer**<sup>435</sup>. Said director shall have power to appoint or employ such superintendents, engineers and other officers and employees as said director may deem necessary, under the direction and in accordance with the rules of the department responsible for personnel and the Civil Service System. Said director may call on the City Engineer for such services as may be deemed necessary.

**D. Director to provide division of recreation**<sup>436</sup>. Said director shall provide for a division of recreation which shall be under the supervision of the Director of Parks and Recreation, who shall have charge of all municipal recreation, supervising and organizing recreation activities in this City.

#### **Sec. 14. Director of Building Inspection and Enforcement**<sup>437</sup>.

**A. Appointment.** The Director of Building Inspection and Enforcement shall be the Department Head of the department responsible for building, plumbing and electrical inspection as well as the regulation of buildings and construction<sup>438</sup>.

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<sup>432</sup> 2013 recodification of current §117, as follows: "~~have charge,~~ control and management and use of all public parks, squares and open places which are included in the park system of the City of New Haven on the effective date of this Charter, and which may hereafter be acquired or dedicated to public use, as parts of or additions to the public park system of the City or Town of New Haven, whether within or without the limits of said City, but not including streets in parks within the City limits".

<sup>433</sup> 2013 recodification of current §117, as follows: "~~The director shall have charge~~ of the selection, cultivation, procuring, planting, spraying, trimming, preservation and removal of all trees in the streets of the City of New Haven and in parks and public places of said City".

<sup>434</sup> 2013 recodification of current §117 (First clause of third sentence), as follows: "~~The director shall have charge~~ of the preservation, development and adornment of said parks and places".

<sup>435</sup> 2013 recodification of current §118 entitled "Director; power to hire employees, call on City Engineer for engineering services". See, Amend. of 7-1-93.

<sup>436</sup> 2013 recodification of current §116.

<sup>437</sup> Current Article XXIV entitled "Office of Building Inspection and Enforcement".

<sup>438</sup> 2013 recodification of current §122 (First sentence), in lieu of the following: "The building official, plumbing inspector and electrical inspector shall be appointed by the Mayor, and they

(1) The department shall also include the following inspectors: Building Official, Plumbing Inspector and Electrical Inspector<sup>439</sup>.

(2) The Mayor shall appoint the Director of Building Inspection and Enforcement, Building Official, Plumbing Inspector and Electrical Inspector **in accordance with the provisions of §3.A (6) of this Article and the Director shall be subject to the authority of the Mayor**<sup>440</sup>.

**B. Salary.** Said Mayoral appointees shall receive for their services such salaries as shall be determined by the budget<sup>441</sup>.

**C. Term.** They shall hold their respective offices until they vacate them or are removed for sufficient cause, duly shown, which cause shall not be political<sup>442</sup>.

**D. Other Employees**<sup>443</sup>. The Director of the Office of Building Inspection and Enforcement shall appoint and remove such other employees in the office subject to the provisions of this Charter.

**E. Restrictions**<sup>444</sup>. No building official or inspector shall, during such term of office, engage in any other business, or be interested, directly or indirectly, in the doing of any work or the furnishing of any materials or supplies for the construction, maintenance or repair of any building, or for any plumbing work or electrical work, or in the making of plans for specifications therefor.

**F. General Powers and Duties of the Building Official and Inspectors**<sup>445</sup>.

(1) **Building Inspection**<sup>446</sup>. With regard to the building inspection function the duty of the Building Official shall be to inspect, or cause to

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shall be subject to the authority of the Mayor". Current section is entitled "Building, plumbing, electrical inspectors; appointment, terms, salaries".

<sup>439</sup> 2013 recodification of current §121 (First sentence), as follows: "There department shall also include the following inspectors: Building Official, Plumbing Inspector and Electrical Inspector shall be in the City of New Haven an Office of Building Inspection and Enforcement which shall be under the management and control of a director, and shall consist of the following bureaus".

<sup>440</sup> See, footnote regarding recodification of current §122 (First sentence), above.

<sup>441</sup> 2013 recodification of current §122 (Third sentence). The word "Mayoral appointees" is inserted in lieu of "inspectors".

<sup>442</sup> 2013 recodification of current §122 (Second sentence).

<sup>443</sup> 2013 recodification of current §123 (Fourth sentence). Derived from Sp. L. 1927, §159; See, Sp. L. 1911, p. 624-626.

<sup>444</sup> 2013 recodification of current §123 (Second sentence).

<sup>445</sup> §121, currently entitled "Created; supervision by inspection; bureaus established". See, Amend. of 7-1-75;

<sup>446</sup> 2013 modification and recodification of current §121(a), as follows: "With regard to the A Bureau of B- building i inspection function the duty of the Director the head of which shall be the building official, whose duty it shall be to inspect, or cause to be inspected, buildings and other structures within said City, to secure the enforcement of all ordinances of said City concerning the use, construction, alteration and repair of buildings and other structures, and

be inspected, buildings and other structures within said City, to secure the enforcement of all Ordinances of said City concerning the use, construction, alteration and repair of buildings and other structures, and to perform such other duties as may be by Ordinance prescribed.

(2) **Plumbing Inspection**<sup>447</sup>. With regard to the plumbing inspection function the duty of the plumbing inspector shall be, under the direction of said Director, to inspect, or cause to be inspected, plumbing and piping work within said City, to secure the enforcement of all Ordinances of said City concerning the use, construction, alteration and repair of plumbing and piping work, and to perform such other duties as may be by Ordinances prescribed.

(3) **Electrical Inspection**<sup>448</sup>. With regard to the electrical inspection function the duty of the electrical inspector shall be, under the direction of said Director, to inspect, or cause to be inspected, electrical plants and wires on which electricity is conducted within said City, to secure the enforcement of all Ordinances of said City concerning such plants and wires, and to perform such other duties as may be by Ordinance prescribed.

## Sec. 15. Director of Public Health.

A. **Appointment.** The Director of Health shall be the Department Head of the department responsible for public health<sup>449</sup>. The Board of Public Health shall appoint the Director of Health **in accordance with the provisions of §3.A (7) of this Article**<sup>450</sup>. The Director of Public Health shall be on the unclassified service<sup>451</sup>.

### B. Other Employees.

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to perform such other duties as may be by ordinance prescribed". Derived from Sp. L. 1911, p. 624-626; See also, Sp.L. 1927, §155(1). See also, Amend. of 1-1-83 and Amend. of 7-1-93.

<sup>447</sup> 2013 modification and recodification of current §121(b), as follows: "With regard to the plumbing inspection function the duty of A Bureau of Plumbing Inspection, the head of which shall be the plumbing inspector whose duty it shall be, under the direction of said Director, to inspect, or cause to be inspected, plumbing and piping work within said City, to secure the enforcement of all ordinances of said City concerning the use, construction, alteration and repair of plumbing and piping work, and to perform such other duties as may be by ordinances prescribed". Derived from Sp. L. 1911, p. 624-626; See also, Sp. L. 1927, §155(2). See also, Amend. of 1-1-83 and Amend. of 7-1-93.

<sup>448</sup> 2013 modification and recodification of current §121(c), as follows: "With regard to the electrical inspection function the duty of A Bureau of Electrical Inspection, the head of which shall be the electrical inspector, whose duty it shall be, under the direction of said director, to inspect, or cause to be inspected, electrical plants and wires on which electricity is conducted within said City, to secure the enforcement of all ordinances of said City concerning such plants and wires, and to perform such other duties as may be by ordinance prescribed". Derived from Sp. L. 1911, p. 624-626; see also, Sp. L. 1927, §155(3). See also, Amend. of 1-1-83 and Amend. of 7-1-93.

<sup>449</sup> NEW (2013).

<sup>450</sup> Derived from current §127 (First sentence of first paragraph).

<sup>451</sup> 2013 recodification of current §127 (Third sentence of first paragraph).

(1) **Generally**<sup>452</sup>. With the approval and consent of the Board of Health, and subject to the articles of this Charter pertaining to personnel, the Director of Public Health shall appoint and remove all assistants and employees of the department, shall be responsible for the efficiency, discipline and good conduct of same, and for the care and custody of all property of the City belonging to or used by said department.

(2) **Registrar of Vital Statistics**<sup>453</sup>. The Registrar of Vital Statistics shall be appointed by the Director of Public Health and shall be under the supervision of said director as shall be all assistants and employees of the department<sup>454</sup>. The Registrar of Vital Statistics shall perform those duties imposed by Law upon Registrars of Vital Statistics and shall reside in said City during such term of office<sup>455</sup>.

(3) **Salaries**<sup>456</sup>. The director's and assistants' salaries shall be recommended by the Board and provided for in the budget.

C. **General Powers and Duties**<sup>457</sup>. The Director shall also:

(1) have and exercise in the City and over the navigable waters adjacent thereto all the jurisdiction and powers conferred and all the duties imposed upon City, town, or district health officers of this State in their respective jurisdictions by the General Statutes<sup>458</sup>.

(2) have the power and it shall be duty of the director to regulate the production, process and distribution of food stuffs in the City; to order the forthwith vacation of any land or building unfit for human habitation; and to abate nuisances after reasonable notice, at the expense of the owner or the person creating or maintaining same<sup>459</sup>.

(3) perform such other duties and take such other measures for the prevention of disease and the preservation of public health as provided by the Ordinances<sup>460</sup>.

(4) serve as secretary of the Board ex officio, and attend its meetings<sup>461</sup>.

<sup>452</sup> 2013 recodification of current §129 (First sentence).

<sup>453</sup> Current section entitled "Bureau of Vital Statistics".

<sup>454</sup> 2013 modification and recodification of current §130 (First and second sentence of first paragraph), as follows: "~~There shall be within the Department of Public Health a bureau of vital statistics~~<sup>454</sup>. ~~Said bureau shall be under the direction of a~~ The registrar of vital statistics who shall be appointed by the director of health and shall be under the supervision of said director as shall be all assistants and employees of the department". See, Amend. of 7-1-75.

<sup>455</sup> 2013 recodification of current §130 (Second paragraph). See, Amend. of 7-1-75.

<sup>456</sup> 2013 recodification of current §127 (Second sentence of second paragraph).

<sup>457</sup> 2013 recodification of current §129 entitled "Duties, powers of Director".

<sup>458</sup> 2013 recodification of current §129 (Second sentence).

<sup>459</sup> 2013 recodification of current §129 (Third sentence).

<sup>460</sup> 2013 recodification of current §129 (Fourth sentence).

<sup>461</sup> 2013 recodification of current §129 (Fifth sentence).

(5) keep the Board apprised of the activities of the department, render an annual report to the Board and the Mayor on or before the first of March of the succeeding year<sup>462</sup>.

(6) may incur such expenditures which are deemed necessary, in case of serious medical emergencies and with the advice and consent of the Mayor, until the Board of Alders shall have taken action in the premises<sup>463</sup>.

**D. Duty of police to enforce health regulations, orders<sup>464</sup>.** It is hereby made the duty of the Department of Police Service to render, upon the request of said director, such assistance in the enforcement of its bylaws, rules, regulations and orders as said request may require.

#### **Sec. 16. City Librarian<sup>465</sup>.**

**A. Appointment.** The City Librarian shall be the Department Head of the department responsible for the operation and management of the public library facilities for the City<sup>466</sup>. The Board of Library Directors shall appoint the City Librarian **in accordance with the provisions of §3.A (7) of this Article<sup>467</sup> and may remove said Librarian in accordance with the provisions accorded to the Mayor in §15 B, D and E of Article II of this Charter.**

**B. Other Employees: Compensation, Appointment and Promotion.** Said Board shall recommend the compensation of such officers and employees to be established in the budget<sup>468</sup>. Appointments and promotions to the positions of librarian, assistant librarians, and superintendents of the different departments may be made by said Board subject to the provisions of this Charter<sup>469</sup>.

<sup>462</sup> 2013 recodification of current §129 (Sixth sentence).

<sup>463</sup> 2013 modification and recodification of current §131 entitled "Emergency expenditures by Director authorized", as follows: "~~may incur such expenditures which are deemed necessary, in case of serious medical emergencies and the Director of Public Health with the advice and consent of the Mayor, may incur such expenditures which are deemed necessary until the Board of Alders shall have taken action in the premises~~". See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>464</sup> 2013 recodification of current §132. See, Amend. of 7-1-75.

<sup>465</sup> Provisions are derived from current §133; see, notes attached to the Board of Library Directors.

<sup>466</sup> NEW (2013).

<sup>467</sup> 2013 modification and recodification of current §133 (Ninth sentence), as follows: "Said board shall have the power to appoint ~~and remove~~ a City librarian **and may remove said Librarian in accordance with the provisions accorded to the Mayor in §15 B, D and E of Article II of this Charter** ("...and such other officers and employees as it may deem necessary for the proper management of said library and reading room, and shall fix the duties of such officers and employees").

<sup>468</sup> 2013 recodification of current §133 (Twelfth sentence).

<sup>469</sup> 2013 recodification of current §133 (Thirteenth sentence).

C. **Library Appropriations**<sup>470</sup>. The Board of Alders of the City shall annually appropriate a sum of money for the purpose aforesaid, and may from time to time appropriate, in addition thereto, sums of money for building sites, repairs, improvements in real estate or new buildings. All moneys which have been or shall be appropriated, and all moneys received from any other source for such purposes, shall be kept by the City Treasurer as a separate fund to be paid out only on the order of the Board of Library Directors herein provided for.

Commented [S19]: COUNSEL EDIT

## Sec. 17. Superintendent of Schools.

A. **Appointment.** The Superintendent of Schools shall be the Department Head of the public school system for the City<sup>471</sup>. The Board of Education shall appoint the Superintendent of Schools **in accordance with the provisions of §3.A (7) of this Article and in conformity to the requirements of the General Statutes**<sup>472</sup> and may remove said Superintendent in accordance with the provisions accorded to the Mayor in §15 B, D and E of Article II of this Charter or as may otherwise be required by Law.

B. **Other Employees: Compensation, Appointment and Promotion.** The appointments made by the Superintendent of Schools of all certified and qualified personnel and all other employees are subject to the approval of the Board of Education<sup>473</sup>. The Superintendent of Schools with the approval of the Board of Education shall have the power to discharge any employee for cause after due notice and hearing by the Board of Education<sup>474</sup>. Subject to the provisions of this Charter and the rules and regulations thereunder, the Board may establish such positions, the conditions and terms of employment and salaries as it deems necessary for the proper functioning of the department<sup>475</sup>.

C. **Duties.** In addition to such duties and responsibilities assigned by the Board of Education, the Superintendent shall be responsible for effectuating and facilitating the administration of the provisions of this Charter pertaining to student representation on the Board of Education, as set forth in §3.A (2) of Article VII. In that regard, the Superintendent shall be responsible for promoting student engagement; establishing programs facilitating the recruitment and involvement of students; mentoring and supporting the student representatives; and, providing such assistance as may be required.

## Sec. 18. Personnel Director.

<sup>470</sup> 2013 recodification of current §134. See, Amend. of 7-1-93.

<sup>471</sup> NEW (2013).

<sup>472</sup> 2013 modification and recodification of current §150 (Second sentence).

<sup>473</sup> 2013 modification and recodification of current §150 (Third sentence).

<sup>474</sup> 2013 modification and recodification of current §150 (Fourth sentence).

<sup>475</sup> 2013 modification and recodification of current §150 (Fifth sentence).



**A. Appointment.** The Personnel Director<sup>476</sup> shall be the Department Head of the department responsible for personnel and the Civil Service System<sup>477</sup>. The Mayor shall appoint the Personnel Director **in accordance with the provisions of §3.A (6) of this Article**<sup>478</sup>.

**B. Powers and Duties of Personnel Director**<sup>479</sup>. The Personnel Director shall have the power and the duty:

(1) To assist employees in availing themselves of any provisions relating to personnel grievances and labor relations<sup>480</sup>.

(2) To furnish and recommend to the Civil Service Board job descriptions, qualifications and the compensation range relating to positions to be filled<sup>481</sup>.

(3) To prepare in accordance with nationally accepted professional standards and recommend to the Civil Service Board qualifications for each department head, whether or not a member of the classified service, which standards shall be reviewed and updated every five (5) years and when a vacancy occurs in the position<sup>482</sup>.

(4) To maintain a roster of all persons in the City's service, in which there shall be set forth as to each officer and employee, the class title of the position held, the salary or pay, any changes in class, title, pay or status; and such other data as may be deemed desirable or useful to produce significant facts pertaining to personnel administration<sup>483</sup>.

(5) To certify all payrolls for persons in the classified service, and no payment for personal service to any person in the classified service of the City shall be made unless the payroll voucher bears the certification of the Personnel Director or said directors authorized agent that the persons mentioned therein have been appointed and employed in accordance with the provisions of this Charter<sup>484</sup>.

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<sup>476</sup> 2013 recodification of current §156, in lieu of the following: "There shall be in the City a Civil Service Board and a Department of Personnel *consisting of a Personnel Director and such other employees as shall be provided in the budget*".

<sup>477</sup> NEW (2013).

<sup>478</sup> 2013 recodification of current §165 (First sentence) entitled "Appointment, qualifications of Personnel Director", in lieu of the following: "The Personnel Director shall be appointed by the Mayor from a list of three (3) persons with the highest ratings obtained in a civil service examination held to determine eligibles for said position". See, Amend. of 7-1-75.

<sup>479</sup> Current §166 entitled "Powers, duties of Personnel Director".

<sup>480</sup> 2013 recodification of current §166(a).

<sup>481</sup> 2013 recodification of current §166(b). See, Amend. of 7-1-93.

<sup>482</sup> 2013 recodification of current §166(c). See, Amend. of 7-1-93.

<sup>483</sup> 2013 recodification of current §166(d).

<sup>484</sup> 2013 recodification of current §166(e). See, Amend. of 7-1-93.

(6) To assist in developing programs of training and education for persons in the municipal service<sup>485</sup>.

(7) To investigate periodically the operation and effect of the personnel provisions of this Charter and report semiannually any findings and recommendations to the Mayor<sup>486</sup>.

(8) To appoint and remove, subject to the provisions of this Charter, all employees in the office of the Personnel Director<sup>487</sup>.

(9) To advertise for candidates for examination for all positions, and to determine the eligibility of applicants for all positions in accordance with this Charter, the rules established by the Civil Service Board, and the qualifications of the position. Public Notice of all competitive examinations shall be given not less than fifteen (15) Days prior to the date set for each such examination<sup>488</sup>.

(10) To prepare, conduct and score examinations of qualified applicants for all positions in the classified service and to certify the results thereof to the Civil Service Board<sup>489</sup>.

(11) To maintain records of all applicants, their qualifications and scores. The records of successful candidates shall be public records<sup>490</sup>.

#### **Sec. 19. Planning Director<sup>491</sup>.**

**A. Appointment.** The Planning Director shall be the Department Head of the department responsible for all matters pertaining to the planning functions of the City<sup>492</sup>. The Mayor shall appoint the Planning Director in **accordance with the provisions of §3.A (2) of this Article<sup>493</sup>.**

**B. General Duties<sup>494</sup>.** The Planning Director shall be the technical advisor of the City Planning Commission and, subject to the provisions of this Charter and the rules and regulations hereunder, shall appoint and remove such assistants and employees and within the limits of the appropriation therefor, employ planners, engineers, architects or other technical assistants, with the approval of the City Planning Commission.

<sup>485</sup> 2013 recodification of current §166(f).

<sup>486</sup> 2013 recodification of current §166(g). See, Amend. of 7-1-93.

<sup>487</sup> 2013 recodification of current §166(h). See, Amend. of 7-1-93.

<sup>488</sup> 2013 recodification of current §166(i). See, Amend. of 7-1-93.

<sup>489</sup> 2013 recodification of current §166(j). See, Amend. of 7-1-93.

<sup>490</sup> 2013 recodification of current §166(k). See, Amend. of 7-1-93.

<sup>491</sup> Current §178 entitled "Planning Director; appointment, qualifications, general duties".

<sup>492</sup> NEW (2013).

<sup>493</sup> 2013 recodification of current §178 (First sentence). See, Amend. of 7-1-75.

<sup>494</sup> 2013 recodification of current §178 (Fourth sentence), with the addition of the word "City Planning Commission" in lieu of "commission".

**Sec. 20. Director of Traffic and Parking<sup>495</sup>.**

**A. Appointment.** The Director of Traffic and Parking shall be the Department Head of the department responsible for all matters pertaining to the traffic functions of the City<sup>496</sup>. The Mayor shall appoint the Planning Director in accordance with the provisions of §3.A (2) of this Article<sup>497</sup>.

**B. General Duties.** Except as otherwise provided in this Charter, the director of traffic and parking and the traffic engineer shall:

(1) Be responsible for all aspects of traffic safety and control and all on-street parking in said City including, but not limited to, such matters as traffic planning and analysis, installation and maintenance of traffic control devices, signs, signals and markers, parking planning, meter distribution and operation, public transportation planning and other aspects related to the safe and convenient use of the transportation facilities of the City of New Haven<sup>498</sup>.

(2) Make all suitable rules and regulations in regard to said department and the conduct of its business not inconsistent with the General Statutes and Ordinances of the City<sup>499</sup>.

(3) Subject to the articles of this Charter pertaining to personnel;

(a) appoint and remove all assistants and employees of the department;

(b) be responsible for the efficiency, discipline and good conduct of same, and for the care and custody of all property of the City belonging to or used by said department<sup>500</sup>.

<sup>495</sup> Current Article XXXVIII entitled "Department of Traffic and Parking".

<sup>496</sup> 2013 recodification of current §214 (First sentence), in lieu of the following: "There shall be in said City a department of traffic and parking that shall be under the charge of one director and shall consist of other employees as provided by the ordinances". Currently entitled "Created; supervision by director; appointment; qualifications".

<sup>497</sup> 2013 recodification of current §214 (Second sentence), in lieu of the following: "The director of traffic and parking shall be the head of the department and shall be the traffic engineer of said City and shall be appointed by and subject to the authority of the Mayor".

<sup>498</sup> 2013 recodification of current §215 (First sentence).

<sup>499</sup> 2013 modification and recodification of current §215 (Second sentence), as follows: "~~The director shall m~~ Make all suitable rules and regulations in regard to said department and the conduct of its business not inconsistent with the General Statutes and ordinances of the City".

<sup>500</sup> 2013 modification and recodification of current §215 (Third sentence), as follows: "Subject to the articles of this Charter pertaining to personnel; ~~the director shall~~ (a) appoint and remove all assistants and employees of the department; ~~;~~ shall (b) be responsible for the efficiency, discipline and good conduct of same, and for the care and custody of all property of the City belonging to or used by said department".

## ARTICLE VII. APPOINTIVE BOARDS AND COMMISSIONS<sup>501</sup>

### Sec. 1. General Requirements Concerning Membership on Appointive Boards and Commissions<sup>502</sup>.

A. **Appointment**<sup>503</sup>. Except as otherwise provided by the General Statutes or this Charter all members of Boards and Commissions shall be appointed by the Mayor subject to approval by the Board of Alders.

(1) Moreover the Mayor shall fill, by appointment, any vacancy in any Board or Commission in which the Mayor is given the power to appoint the incumbent of such office, subject to approval by the Board of Alders; however, if the Mayor fails to propose a candidate for a vacancy on a Board or Commission within sixty (60) Days following the effective date of that vacancy, then the Board of Alders may fill the vacancy within ninety (90) Days thereafter by a majority vote of the members of the Board of Alders, present. If the Board of Alders fails to fill the vacancy, then the remaining members of the Board or Commission in which the vacancy exists may fill the vacancy by appointment.

(2) At the time of appointment, the Mayor or other appointing authority shall determine the maximum number of members of any political party who may be appointed to such body at the time of appointment. In this respect, the Mayor is required to take into account the provisions of Article IV, Sec. 2.A(2) of this Charter to ensure that the Board of Alders will remain entitled to be fully represented on any such Boards and Commissions. The failure of the Mayor to comply with this requirement shall be the sole basis of disapproval of the appointment by the Board of Alders, in their sole discretion<sup>504</sup>.

B. **Publication of Boards and Commissions**<sup>505</sup>. During the month of December in each year, the City Clerk shall cause Publication for, at least, thirty (30) Days a list of all the Boards and Commissions of the City. Any Elector desirous of

Commented [S20]: CRC REQUESTS BOA TRANSFER OF CERTAIN BOARDS AND COMMISSIONS TO THE CODE OF ORDINANCES.

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<sup>501</sup> Deletes the term "Department Heads".

<sup>502</sup> 2013 recodification of current §56.

<sup>503</sup> 2023 revision increasing the approval period for Alders from 60 to 90 days (Sub-sec. (1)). Sub-sec. (2) addresses the issues pertaining to representation of the Alders on the Boards and Commissions to align with §2.A(2) of Article VII of this Charter. 2013 modification and recodification of current §11(b) (First Paragraph), as follows: "Except as otherwise provided by the General Statutes or this Charter all members of Boards and Commissions shall be appointed by the Mayor subject to approval by the Board of Alders. Moreover the Mayor shall ~~To~~ fill, by appointment, any vacancy in any Board or Commission in which the Mayor is given the power to appoint the incumbent of such office, subject to approval by the Board of Alders; however, if the Mayor fails to fill a vacancy on a Board or Commission within sixty (60) Days following the effective date of that vacancy, then the Board of Alders may fill the vacancy within sixty (60) Days thereafter by a majority vote of the members of the Board of Alders, present. If the Board of Alders fails to fill the vacancy, then the remaining members of the Board or Commission in which the vacancy exists may fill the vacancy by appointment".

<sup>504</sup> NEW (2023).

<sup>505</sup> 2013 modification and recodification of current §56(a). See, Amend. of 7-1-93.

serving on any Board or Commission may express such desire in writing addressed to such clerk, who shall retain such Public Notice on file for two (2) years. The appointing authority of any member of any Board or Commission shall review such Public Notices prior to making an appointment to such Board or Commission.

**C. Minimum Qualification for Membership**<sup>506</sup>. No person may serve on a Board or Commission unless such person is an Elector of the City. If any such person who is a member of a Board or Commission shall move from the City, such person's membership on such Board or Commission shall be immediately terminated.

**D. Limitations of Service.**

(1) No person may be appointed to a new term on any Board or Commission if at the time of the commencement of such new term such person shall have served nine (9) consecutive years on such Board or Commission. Such person may be reappointed to such Board or Commission after a lapse of one (1) year<sup>507</sup>.

(2) Except where otherwise provided by General Statutes or Special Acts, no person may serve as an appointed member of more than one (1) Board or Commission at the same time unless such person is an Alder appointed to such Board or Commissions to represent the Board of Alders<sup>508</sup>.

**E. Compensation of Board and Commission Members**<sup>509</sup>. All Members of Boards and Commissions shall serve without pay, except as otherwise expressly provided.

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<sup>506</sup> 2013 modification and recodification of current §56(b). Recodifies the following: (1) **Board of Public Health** (Current §126, second sentence, "All members of the Board of Public Health shall be residents of said City"); (2) **Board of Library Directors** (Current §133 (Fifth sentence, "All the members of said board shall be residents of the City of New Haven"); and, (3) **City Planning Commission** (Current §177 (first sentence) which requires members to the "electors of the City"). See, Amend. of 7-1-93.

<sup>507</sup> 2013 recodification of current §56(c). See, Amend. of 7-1-93.

<sup>508</sup> 2013 recodification of current §56(d). See, Amend. of 7-1-93.

<sup>509</sup> 2013 consolidation and modification of all "compensation: provisions" and recodification of current §144 by replacing "officers" with "Board and Commission Members". Recodifies the following provisions: (1) **Board of Education** (Current §148, first sentence, as follows: "(Board of Education members) who shall serve without compensation"; (2) **Board of Park Commissioners** (Current §114, first clause of first sentence), as follows: "~~There shall be in said department a Board of Park Commissioners which shall consist of the Mayor and eight (8) commissioners who shall serve without pay, shall be electors and residents of the City and shall be chosen as follows~~". See; Special Act pertaining to East Rock Park; (3) **Board of Public Health** (Current §126, second sentence, "The Members shall serve without compensation"; (4) **Board of Library Directors** (Current §133, fifth sentence, "The member shall serve without pay"); (5) **Civil Service Board** (Current §157, first sentence, in lieu of the following: "Five (5) persons who shall serve without pay and be appointed by the Mayor shall constitute a Civil Service Board"); and, (6) **City Planning Commission** (Current §177, fourth sentence, "The members of the commission shall serve without compensation"). See, Amend. of 7-1-75.

**F. Vacancies<sup>510</sup>.** Members of Boards and Commissions shall serve until completion of the current term of office (unless unable to complete the term of office) and until a successor has been appointed and qualified; upon death; removal from office (as set forth in this Charter or in accordance with Law); incapacity; upon failure to comply with the Elector requirements of this Charter; or other reason as may be defined by this Charter.

**G. Minority Party Representation<sup>511</sup>.** Unless otherwise required by the General Statutes or as otherwise set forth in this Charter, the political affiliation

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<sup>510</sup> Consolidation of the following “vacancy” provisions: **(1) Financial Review and Audit Commission.** (Current §63, fifth sentence, “~~Members shall serve until their successors have been appointed and qualified, unless removed for cause, which shall not be political; but may include failure to attend a specified number of meetings of the commission within a specified period as the commission may set forth in its bylaws~~”); **(2) Board of Assessment Appeals** (Current §65, second sentence, “The present members of the Board of Assessment Appeals shall continue to hold office until the terms for which they have been appointed shall expire, unless sooner removed for cause in accordance with the provisions of this Charter”); **(3) Board of Police Commissioners** (Current §102, fifth sentence, “The members of the Board of Police Commissioners first to hold office at the effective date of this Charter shall continue to hold said offices for the terms for which they were appointed”); **(4) Board of Fire Commissioners** (Current §104, fourth sentence, “The members of the Board of Fire Commissioners first to hold office at the effective date of this Charter shall continue to hold said offices for the terms for which they were appointed”); **(5) Board of Park Commissioners** (Current §114, third sentence, “The members of said board holding office when this Charter takes effect shall continue to hold their respective offices until the term for which they were appointed shall expire, unless sooner removed for cause which shall not be political”); **(6) Board of Public Health** (Current §126, fifth sentence, “The members of the Board of Public Health holding office at the time when this Charter takes effect shall continue to hold office until the terms for which they have been appointed expire, unless they be sooner removed in accordance with the provisions of this Charter”); **(7) Board of Library Directors** (Current §133, sixth sentence, “The members of said board of directors holding office when this Charter takes effect shall continue to hold their respective offices until the term for which they were appointed shall expire, unless sooner removed for cause in accordance with the provisions of the Charter of said City”); **(8) Civil Service Board** (Current §157, third sentence, “All citizens now members of said Civil Service Board shall continue to be members of said board during the term for which they were appointed, unless sooner removed for cause under the provisions of this Charter”); and, **(9) Board of Education** (Current §149, first sentence, “The members of the Board of Education in office at the time this Charter takes effect shall hold their respective offices during the terms for which they were appointed unless sooner removed for cause according to the provisions of this Charter”).

<sup>511</sup> 2013 consolidation and recodification of the following provisions: **(1) Board of Education** (Current §149, fourth sentence, “Not more than four (4) members as provided in this section of the same political party shall at any one time be members of said board”); **(2) Board of Ethics** (Current §213, the final clause of the first sentence), in lieu of the following: “... , *not more than two (2) of whom shall be members of any one political party*”); **(3) Financial Review and Audit Commission** (Current §63 (First clause of the third sentence), as follows: “~~Such appointments shall be made so that n~~ Not more than five (5) members of said commission shall be members of the same political party”); **(4) Board of Assessment Appeals** (Current §65 (First sentence), as follows: “. ~~There shall be a Board of Assessment Appeals in said City consisting of three (3) members; N~~not more than two (2) members of the Board of whom shall belong to the same political party”); **(5) Board of Police Commissioners** (Current §102, fourth sentence, “No more than three (3) members of said board, in addition to the Mayor,

of the members of all appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation. This provision shall apply to all Boards or Commissions established or required by this Charter or established by Ordinance. Where a Board or Commission is comprised of multiple appointing authorities, the Mayor shall endeavor to assure that the composition of the Board or Commission is in compliance with this provision.

**H. Quorum**<sup>512</sup>. A majority of the total voting membership of each such Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.

**I. Organization and Procedure**<sup>513</sup>. Boards and Commissions shall: (1) elect a Chair and such other officers as deemed necessary; (2) file such notices, keep records and post agendas as required by the General Statutes; and, (3) actively solicit public participation (including, but not limited to, public speaking). The agendas of Boards and Commissions shall be approved by the Chair of such entity.

**Sec. 2. Required Provisions for All Appointive Boards and Commissions**<sup>514</sup>.

**A.** In addition to those Boards and Commissions established by §3 of this Article, the Board of Alders may, by Ordinance, adopt such additional provisions necessary for the operation of the Boards and Commissions required by §4 of this Article and establish such additional Boards and Commissions of the City as may be necessary. Unless this Charter or Special Acts provides otherwise, the Board of Alders shall set forth, by Ordinance:

(1) The number of Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes, the number shall always be odd and the term of office shall not exceed a term of five (5) years, which may be staggered.

(2) Any such Ordinance shall make provision for (a) the

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shall at any one time belong to the same political party”); (6) **Board of Fire Commissioners** (Current §104, fifth sentence, “Not more than three (3) members of said board shall at any one time belong to one (1) political party”; and, (7) **Civil Service Board** (Current §157, fifth sentence, “Not more than three (3) of the citizen members appointed by the Mayor shall at any time be members of the same political party”).

<sup>512</sup> 2013 consolidation and recodification of the following: (1) **Board of Police Commissioners** (Current §110 (Second sentence). Derived from Sp. L. 1927, §112; See also, Sp. L. 1899, p., 408, §64, as follows: “Four (4) members of the Board of Police Commissioners shall constitute a quorum for the transaction of business”; (2) **Board of Fire Commissioners** (Current §110, second sentence. Derived from Sp. L. 1927, §112; See also, Sp. L. 1899, p., 408, §64, as follows: “Three (3) members of the Board of Fire Commissioners shall constitute a quorum for the transaction of business”; and, (3) **Board of Education** (Current §151), as follows: “Notwithstanding any provisions of this Charter to the contrary, quorum of said Board of Education shall be five (5) members and any action to be taken by said board shall be by a unanimous vote of five (5) members of the board”.

<sup>513</sup> NEW (2013).

<sup>514</sup> NEW (2013).

appointment of a chair and a delineation of the responsibilities of the presiding officer; (b) the keeping of records and posting of agendas as required by the General Statutes; (c) minority party representation in accordance with §1.F (1) of this Chapter; (d) public participation (including, but not limited to, notice of affected property owners, residential or commercial tenants and neighborhood organizations, establishing methods and means designed to encourage and increase public input and consultation of affected residents and to assure the opportunity for public speaking); and, (e) the frequency and location of public hearings and meetings of all Boards and Commissions. The agendas of Boards and Commissions shall be approved by the Chair of such entity prior to distribution to the members.

**B.** The Board of Alders may, by Ordinance, establish minimum qualifications, training requirements or attributes for members of Boards and Commissions for the sole purpose of assuring diversity of experiences, backgrounds or attributes and continuing education necessary to the functioning of said Board or Commission. Said qualifications may not alter or modify any requirements of this Charter or the Special Acts. This provision applies to Boards and Commissions established by this Charter to the extent such Ordinance is consistent with the provisions of the Charter.

### Sec. 3. Boards and Commissions Established by the Charter

#### A. The Board of Education<sup>515</sup>.

Commented [S23]: BOA #2

**(1) Establishment<sup>516</sup>.** There shall be a Board of Education which shall be responsible for the management and control of the department responsible for public education in the City.

**(2) Composition<sup>517</sup>.** The Board of Education shall consist of seven (7) members as follows: (a) the Mayor; (b) four (4) members appointed by the Mayor, subject to approval by the Board of Alders; and, (c) two (2) elected by district, which districts shall be established as set forth in §3 of Article II of this Charter.

#### **(3) Term of Office.**

<sup>515</sup> Current Article XXIX entitled "Department of Education".

<sup>516</sup> 2023 edit of Sec. 3A.(2). 2013 modification and recodification of current §148 (First sentence) entitled "Department, board established; authority to determine school boundaries", as follows: "(1) **Establishment.** There shall be in the City of New Haven a Board of Education which shall be responsible for the management and control of the Department responsible for public education in the City. (2) **Composition.** The Board of Education which shall be under the management and control of a Board of Education shall consist of the Mayor, and seven (7) members appointed as follows: five (5) by the Mayor, The transition provision entitled "Transition Provision regarding the terms of Appointed Members of the Board of Education" is repealed. (2023). subject to approval by the Board of Alders; and two (2) elected by district, as set forth in §3 of Article II of this Charter. (3) **No Compensation.** The members who shall serve without compensation". See, Amend. of 7-1-93.

<sup>517</sup> NEW (2013).



(a) **Appointed Members**<sup>518</sup>. On or before the first (1<sup>st</sup>) day of September, 2014 and in every year thereafter, where applicable, the Mayor shall submit, to the Board of Alders, nominees for appointment to fill the vacancies about to occur in positions on the Board of Education by appointing one or two members, as the case may be, to serve for four (4) years commencing on January 1 of the year following said submission, as follows: (i) one member for a term commencing on January 1, 2025; (ii) two members for a term commencing on January 1, 2026; and (iii) one member for a term commencing on January 1, 2027; and thereafter, in this order as the term may fall<sup>519</sup>.

(b) **Elected Members**<sup>520</sup>. **One (1) member** elected, by Education District (as set forth in §§3 and 4 of Article II of this Charter), on the first Tuesday after the first Monday in November, 2023 shall serve for a term of four (4) years and shall be elected quadrennially thereafter. The other member shall be elected by Education District on the first Monday in November 2025 shall serve for a term of two (2) years and shall, then, be elected on the first Tuesday after the first Monday in November 2027 to serve a term of four (4) years and shall be elected quadrennially thereafter. The composition of the Districts is subject to the provisions of §§3 and 4 of Article II of this Charter<sup>521</sup>.

Commented [S24]: BOA #2 and #4

(4) **Student Representation**<sup>522</sup>. There shall be two (2) non-voting positions on the Board of Education for students of the City's public high schools, to be elected to serve following the completion of their sophomore year and serve through the completion of their senior year for a two (2) year term, which terms shall be staggered. The Board of Alders shall establish a process (i) establishing the staggered terms and (ii) for the election of such representatives through direct election by public high school students or through a citywide student assembly such as the citywide student council. The non-voting members shall be exempted from the provisions of this Charter pertaining to qualifications; however, they shall be residents of the City.

<sup>518</sup> 2023 modification of current Sec. 3.A(3)(a) derived from 2013 modification and recodification of then §149 (Second sentence), in lieu of the following: "Effective on January 1, 2014, on or before the first (1<sup>st</sup>) day of September, 2014 and in every year thereafter the Mayor shall submit, to the Board of Alders, nominees for appointment to fill the vacancies about to occur in positions on said board by appointing one or two members, as the case may be, to serve for four (4) years commencing on January 1 of the year following said submission from the third Monday of September following their appointment".

<sup>519</sup> 2023 repeal of Sec. 3.A(3)(a)(i) entitled "Transition Provision regarding the terms of Appointed Members of the Board of Education" (2013).

<sup>520</sup> 2023 modification of Sec. 3.A(3)(b) (2013).

<sup>521</sup> 2023 repeal of Sec. 3.A (3)(b)(i) entitled "Transition Provision regarding the terms of the Elected Members of the Board of Education" (2013), with the exception of the sentence pertaining to the creation of Districts, which is now incorporated in Sec. 3.A (3)(b).

<sup>522</sup> 2023 recodification of Sec. 3.A.(2)(a) derived from the 2013 revision.

(5) **Vacancies**<sup>523</sup>. The Mayor shall fill all vacancies caused by death, resignation or otherwise, by appointment, for the unexpired term of Appointed members of the Board of Education. The vacancies of the elected members shall be filled in accordance with §7.D of Article I of this Charter.

(6) **General Duties and Powers of the Board of Education.** The Board of Education shall:

(a) have the entire charge, control and management of all the public schools in the City, and of the expenditure of all moneys appropriated for the support and maintenance of the same unless otherwise provided herein<sup>524</sup>;

(b) have charge and control of the construction, repair and maintenance of all school buildings, grounds and equipment, and shall possess all other powers and be subject to all other duties of boards of education, school committees, and school visitors in this State, so far as the same are consistent with the provisions of this Charter<sup>525</sup>.

(c) annually choose a President and Vice President from among its own members, make its own bylaws, keep a journal of its proceedings of which a suitable number shall be printed for public distribution, define the duties of its officers and committees, and prescribe such rules and regulations for the proper operation of the public schools of the City as are not inconsistent with the General Statutes<sup>526</sup>.

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<sup>523</sup> 2013 modification and recodification of current §149 (Third sentence).

<sup>524</sup> 2013 modification and recodification of current §150 (First sentence), as follows: "The Board of Education shall: (a) have the entire charge, control and management of all the public schools in the City, and of the expenditure of all moneys appropriated for the support and maintenance of the same unless otherwise provided herein; and shall (b) have charge and control of the construction, repair and maintenance of all school buildings, grounds and equipment, and shall possess all other powers and be subject to all other duties of boards of education, school committees, and school visitors in this State, so far as the same are consistent with the provisions of this Charter". **Further note:** The following second sentence has been deleted from this section and has been recodified and placed in the Article dealing with Departments of the City Government: "...The Board of Education shall appoint a Superintendent of Schools. The appointments made by the Superintendent of Schools of all certified and qualified personnel and all other employees are subject to the approval of the Board of Education. The Superintendent of Schools with the approval of the Board of Education shall have the power to discharge any employee for cause after due notice and hearing by the Board of Education. Subject to the provisions of this Charter and the rules and regulations thereunder, the board may establish such positions, the conditions and terms of employment and salaries as it deems necessary for the proper functioning of the department". Currently entitled "General duties, powers of board; appointment of superintendent, power to discharge employees".

<sup>525</sup> 2013 modification and recodification of current §150 (Continuation of first sentence).

<sup>526</sup> 2013 modification and recodification of current §150 (Third sentence); as follows: "The board shall (c) annually choose a President and vice President from among its own members, make its own bylaws, keep a journal of its proceedings of which a suitable number shall be printed for public distribution, define the duties of its officers and committees, and prescribe

(d) Annually, on or before the fifteenth (15<sup>th</sup>) day of January, prepare and submit to the Mayor a report of the Department of Education for the preceding fiscal year of which a reasonable number shall be printed for public distribution<sup>527</sup>;

(e) Have the authority to determine all school boundaries of the City of New Haven is hereby expressly granted to this Board<sup>528</sup>; and,

(f) Identify and adopt nationally-recognized best practices for engaging the public in the education system<sup>529</sup>.

(7) **Budgets for department**<sup>530</sup>. Estimates of the receipts and expenditures of the Department of Education shall be included in the annual City budget, and the Board of Education shall supply the Mayor and the Controller with information for the preparation of the annual budget as fully and in like detail as shall be required of other departments, offices, and agencies of the City government. The action of the Mayor and the Board of Alders on the requests of the Board shall relate to their total only (unless otherwise permitted by the General Statutes or Law); and if the Board shall receive an appropriation greater or less than its original request, it shall forthwith revise its detailed estimate of its expenditures in accordance therewith.

(8) **Purchases for department**<sup>531</sup>. The department shall purchase supplies and materials for the schools through the Purchasing Agent. However, the Purchasing Agent shall not vary the specifications as to standards or quantity contained in the requisitions of the department for such supplies and materials.

(9) **Power to take property for schools**<sup>532</sup>. The City of New Haven, upon the recommendation of the Board of Education, shall have power to take sites for school houses, or for the enlargement of sites already acquired, in the manner provided by Law for the taking of land for public parks.

#### **B. The Board of Ethics**<sup>533</sup>.

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such rules and regulations for the proper operation of the public schools of the City as are not inconsistent with the laws of the State<sup>526</sup>.”

<sup>527</sup> 2013 modification and recodification of current §150 (Fourth sentence), as follows: “(d) Annually, on or before the fifteenth (15<sup>th</sup>) day of January, ~~the board shall~~ prepare and submit to the Mayor a report of the Department of Education for the preceding fiscal year of which a reasonable number shall be printed for public distribution; ~~and~~.”

<sup>528</sup> 2013 recodification of current §148 (Second sentence), as follows: “(e) ~~Have t~~The authority to determine all school boundaries of the City of New Haven is hereby expressly granted to this board”.

<sup>529</sup> NEW (2013).

<sup>530</sup> 2013 recodification of current §153. See also, Amend. of 7-1-93.

<sup>531</sup> 2013 recodification of current §154.

<sup>532</sup> 2013 recodification of current §155. See also, Amend. of 1-1-83.

<sup>533</sup> 2013 recodification of current §213 entitled “Administration”. .

(1) **Establishment**<sup>534</sup>. There shall be a Board of Ethics which shall be responsible for the adoption of rules and regulations for the administration of the Code of Ethics for the City.

(2) **Composition**<sup>535</sup>. The Board of Ethics shall consist of three (3) members appointed by the Mayor.

(3) **Board members**<sup>536</sup>. During the month of January, 1961, and biennially thereafter, the Mayor shall appoint the members of the Board of ethics who shall serve for a period of two (2) years.

**(4) General Duties and Powers of the Board of Ethics.**

(a) The Board shall adopt and promulgate reasonable rules and regulations for the administration of this code pursuant to this Charter and Ordinances which may be enacted hereunder<sup>537</sup>.

(b) The rules and regulations so adopted and promulgated and all amendments thereof shall be made available to any person upon request to the Board<sup>538</sup>.

(c) The Board shall render advisory opinions to the Board of Alders or to any of its committees, and to Public Officials and employees pursuant to written request or upon its own initiative and shall make public such advisory opinions making such deletions as may be necessary to prevent disclosure of the identity of the Public Official or employee involved<sup>539</sup>.

(d) The Board is further authorized to hold Public Hearings in its discretion on matters pertaining to the administration and enforcement of this code<sup>540</sup>.

**C. The Financial Review and Audit Commission**<sup>541</sup>.

(1) **Establishment**<sup>542</sup>. There shall be a Financial Review and Audit Commission which shall be responsible for reviewing and reporting on the financial condition of the City.

(2) **Composition**<sup>543</sup>. The Financial Review and Audit Commission shall consist of nine (9) members.

<sup>534</sup> 2013 recodification of current §213 entitled "Administration" (third sentence).

<sup>535</sup> 2013 modification and recodification of current §213 (First clause of the first sentence), by repealing the following: "The administration of this article shall be charged top the Mayor..."

<sup>536</sup> 2013 recodification of current §213 (second sentence).

<sup>537</sup> 2013 recodification of current §213 (Third sentence).

<sup>538</sup> 2013 recodification of current §213 (Fourth sentence).

<sup>539</sup> 2013 recodification of current §213 (Fifth sentence).

<sup>540</sup> 2013 recodification of current §213 (Sixth sentence).

<sup>541</sup> Current §63 entitled "Creation, membership of the Financial Review and Audit Commission." See, Amend. of 7-1-93.

<sup>542</sup> Derived from current §64 (First and third sentences). See, Amend. of 7-1-93.

<sup>543</sup> 2013 modification and recodification of current §63 (First sentence), in lieu of the following: "There shall be in the City a nine (9) member financial review and audit commission, whose

(a) **Terms**<sup>544</sup>. Members shall be appointed for five (5) year terms, except that of the nine (9) first appointed, one (1) shall be appointed for a term of one (1) year, and two (2) shall be appointed to terms of two (2), three (3), four (4) and five (5) years, respectively.

(b) **Restriction on Service**<sup>545</sup>. No member of the commission shall hold any other office or position in the government of the City, appointed or elected, except as a member of said commission.

(c) **Additional Ground for Removal from Office**<sup>546</sup>. In addition to the reasons set forth in this Charter, a member of said commission may be remove for failure to attend a specified number of meetings of the commission within a specified period as the commission may set forth in its bylaws”

(d) **Experience**<sup>547</sup>. Not fewer than seven (7) members shall have training and experience in financial matters as evidenced by being a certified public accountant, having earned a bachelor's degree in business or public administration, having not less than five (5) years' service as the financial officer of a business, having not less than five (5) years' service as a public administrator, or having a similar degree or experience.

(e) **Chair of the Commission**<sup>548</sup>. The commission shall elect a chair ~~from~~ among its members to hold office for a term or terms of one (1) year each and may adopt bylaws to govern its procedures.

Commented [Ma25]: BOA #1

(3) **Staff: Executive Director and Deputy Executive Director.** The commission by affirmative vote of seven (7) of its members shall appoint or reappoint, for a term or terms not to exceed four (4) years each, an executive director and a deputy director, who shall not be members of the classified service, and who may be removed by the affirmative vote of seven (7) of the members of the commission<sup>549</sup>. The

members shall be appointed by the Mayor with the approval of the Board of Alders.” See, Amend. of 7-1-93.

<sup>544</sup> 2013 recodification of current §63 (Fourth sentence). See, Amend. of 7-1-93.

<sup>545</sup> 2013 recodification of current §63 (Second paragraph). See, Amend. of 7-1-93.

<sup>546</sup> 2013 recodification of current §63 (Fifth sentence), as follows: “~~Members shall serve until their successors have been appointed and qualified, unless removed for cause, which shall not be political,~~ but may include failure to attend a specified number of meetings of the commission within a specified period as the commission may set forth in its bylaws”

<sup>547</sup> 2013 modification and recodification of current §63 (Remainder of the third sentence), as follows: “~~and n~~ Not fewer than seven (7) members shall have training and experience in financial matters as evidenced by being a certified public accountant, having earned a bachelor's degree in business or public administration, having not less than five (5) years service as the financial officer of a business, having not less than five (5) years service as a public administrator, or having a similar degree or experience”. See, Amend. of 7-1-93.

<sup>548</sup> 2013 recodification of current §63 (Ninth sentence). See, Amend. of 7-1-93.

<sup>549</sup> 2013 recodification of current §63 (Sixth sentence). See, Amend. of 7-1-93.

commission may appoint such other personnel as the City budget may provide, who shall be members of the classified service<sup>550</sup>. The expenses of the commission, including the salaries of its employees, shall be paid by the City<sup>551</sup>.

**(4) General Duties and Powers of the Financial Review and Audit Commission.**

(a) The commission shall meet not less frequently than monthly to review the financial condition of the City as described in the monthly financial reports described in §5 of Article VIII of this Charter and in the audited financial statements, and to conduct such other business as may come before it<sup>552</sup>.

(b) The Mayor, the Controller and other Public Officials shall make available to the commission all information concerning the financial performance of the City as the commission may request<sup>553</sup>.

(c) Not later than the tenth (10<sup>th</sup>) day of each month, the commission shall submit a report to the Mayor and the Board of Alders containing such comments and recommendations concerning the financial report issued by the Mayor during the preceding month pursuant to §5 of Article VIII of this Charter and the City's financial condition as the commission may deem appropriate<sup>554</sup>.

(d) The commission shall make recommendations to the Board of Alders concerning the selection of the auditor of the City<sup>555</sup>.

**D. Board of Assessment Appeals<sup>556</sup>.**

(1) **Establishment<sup>557</sup>.** There shall be a Board of Assessment Appeals. Said Board shall possess all of the powers and shall annually perform all of the duties in and for the City imposed by Law on the Boards of Tax Review and Assessment Appeals.

<sup>550</sup> 2013 recodification of current §63 (Seventh sentence). See, Amend. of 7-1-93.

<sup>551</sup> 2013 recodification of current §63 (Eighth sentence). See, Amend. of 7-1-93.

<sup>552</sup> 2013 recodification of current §64 (First sentence). Current section entitled "Meetings of the commission; duties." See, Amend. of 7-1-93.

<sup>553</sup> 2013 recodification of current §64 (Second sentence). See, Amend. of 7-1-93.

<sup>554</sup> 2013 recodification of current §64 (Third sentence). See, Amend. of 7-1-93.

<sup>555</sup> 2013 recodification of current §64 (Fourth sentence). See, Amend. of 7-1-93.

<sup>556</sup> Current Article XII entitled "Board of Tax Appeals". Current §65 (Note: Board of Assessment Appeals) entitled "Created; membership; powers, duties".

<sup>557</sup> Derived from current §65 (Fourth sentence), as follows: "Said Board of Assessment Appeals shall have all the powers and perform all the duties which the General Statutes provide for".

(2) **Composition.** The Board shall consist of three (3) members<sup>558</sup>.

(a) **Terms**<sup>559</sup>. In the month of January 1952, and annually thereafter, the Mayor shall appoint one (1) member of the Board of Assessment Appeals to serve for three (3) years from the first (1<sup>st</sup>) day of February next following appointment to office.

(b) **Experience**<sup>560</sup>. Such appointments made after July 1, 1993, shall be made so that as soon as possible and continuously thereafter two (2) members of said Board shall have either an appraiser's license or a real estate agent's license issued by the State.

E. **Board of Police Commissioners**<sup>561</sup>.

(1) **Establishment**<sup>562</sup>. There shall be a Board of Police Commissioners. Said Board shall advise and consult with the Chief of Police concerning matters pertaining to the chief's duties and to the conduct of the department, and together with the chief shall make all rules and regulations relating to the administration of the department which it

Commented [S26]: TRAFFIC AUTHORITY ISSUE WILL BE CONTROLLED BY STATUTE. THE CHARTER IS SILENT.

<sup>558</sup> 2013 modification and recodification of current §65 (First sentence), as follows: "~~There shall be a Board of Assessment Appeals in said City shall consisting of three (3) members, not more than two of whom shall belong to the same political party.~~"

<sup>559</sup> 2013 modification and recodification of current §65 (Third sentence), as follows: "In the month of January 1952, and annually thereafter, the Mayor shall appoint one (1) member of the Board of Assessment Appeals to serve for three (3) years from the first (1<sup>st</sup>) day of February next following appointment to office, ~~provided that such appointments made after July 1, 1993, shall be made so that as soon as possible and continuously thereafter two (2) members of said board shall have either an appraiser's license or a real estate agent's license issued by the State. Said Board of Assessment Appeals shall have all the powers and perform all the duties which the General Statutes provide for.~~"

<sup>560</sup> 2013 modification and recodification of current §65 (Third sentence), as follows: "~~In the month of January 1952, and annually thereafter, the Mayor shall appoint one (1) member of the Board of Assessment Appeals to serve for three (3) years from the first (1<sup>st</sup>) day of February next following appointment to office, provided that s~~ Such appointments made after July 1, 1993, shall be made so that as soon as possible and continuously thereafter two (2) members of said board shall have either an appraiser's license or a real estate agent's license issued by the State. Said Board of Assessment Appeals shall have all the powers and perform all the duties which the General Statutes provide for". See, Amend. of 7-1-93.

<sup>561</sup> Current Article XX entitled "Department of Police Service". Section 102 entitled "Board of Police Commissioners; created; appointment; term; general duties, powers".

<sup>562</sup> 2013 recodification of current §102 (First sentence), as follows: "~~There shall be in the Department of Police Service a Board of Police Commissioners consisting of six (6) commissioners who shall advise and consult with the Chief of Police concerning matters pertaining to the chief's duties and to the conduct of the department, and together with the chief shall make all rules and regulations relating to the administration of the department which it may deem necessary or advisable, which rules shall be printed and made available to the public.~~" Note: Authority for the commission is derived from Sp. L. 1899, p. 403, §§46. 48, 49 and 50; See also, Sp. L. 1901, p. 675, §1; Sp. L. 1905, p. 899, §§2 and 3; and, Sp. L. 1927, §§95, 97, 98 and 99. See, Amend. of 7-1-93.

may deem necessary or advisable, which rules shall be printed and made available to the public.

**(2) Appointment and Membership<sup>563</sup>.** The Board shall consist of six (6) members.

**(a) Terms<sup>564</sup>.** During the month of January each year the Mayor shall appoint two (2) members of said Board for a term of three (3) years from the first (1<sup>st</sup>) day of February next succeeding.

**(b) Police commissioners not to deal in intoxicating liquors<sup>565</sup>.** No commissioner on said police Board excepting a licensed druggist shall, either as principal, agent, or employee, be engaged in or directly or indirectly interested in the manufacture or sale of intoxicating liquors.

**(3) General Duties and Powers of the Board of Police Commissioners.** In general, the Board of Police Commissioners shall be responsible for policy making, with the advice of the chief of police, and for the evaluation of such policies<sup>566</sup>.

**F. Board of Fire Commissioners<sup>567</sup>.**

**(1) Establishment.** There shall be a Board of Fire Commissioners<sup>568</sup>. Said Board of Fire Commissioners shall advise and consult with the Fire Chief concerning matters pertaining to the chief's duties and to the conduct of the department, and together with the chief shall make all rules and regulations relating to the administration of the department which it may deem necessary or advisable, which rules shall be printed and made available to the public<sup>569</sup>.

**(2) Appointment and Membership<sup>570</sup>.** The Board shall consist of five (5) members.

**(a) Terms<sup>571</sup>.** During the month of January each year the Mayor shall appoint for a term of three (3) years from the first (1<sup>st</sup>) day of February next succeeding such number of commissioners as

<sup>563</sup> 2013 recodification of current §102 (First sentence), as set forth above.

<sup>564</sup> 2013 recodification of current §102 (Third sentence).

<sup>565</sup> 2013 recodification of current §109. Derived from Sp. L. 1899, p., 408, §63; see also, Sp. L. 1927, §111 (First sentence). See also, Amend. of 1-1-83.

<sup>566</sup> 2013 recodification of current §102 (Second sentence).

<sup>567</sup> Current Article XXI entitled "Department of Fire Service". Section 104 entitled "Board of Fire Commissioners; created; membership, appointment, duties". See, Amend. of 7-1-75.

<sup>568</sup> 2013 modification and recodification of current §104 (First sentence), as follows: "There shall be in the Department of Fire Service a Board of Fire Commissioners consisting of five (5) members". Note: Authority for the commission is derived from Sp. L. 1899, p. 495, §§54 and 56; See also, Sp. L. 1901, p. 1114, §§1 and 2; Id., p. 1117, §12; Sp. L. 1927, §§102 and 104.

<sup>569</sup> 2013 recodification of current §104 (Second sentence).

<sup>570</sup> 2013 recodification of current §104 (First sentence), as set forth above.

<sup>571</sup> 2013 recodification of current §104 (Third sentence).



may be necessary to fill vacancies arising by reason of the expiration of terms.

**(3) Duties<sup>572</sup>.** Said Board of Fire Commissioners shall have authority to make a Contract with corporations and individuals outside of the areas now served by the municipality and outside of the limits of said City, granting such corporations and individuals fire protection for such compensation as may be deemed just and proper, subject to the approval of the Board of Alders.

#### **G. General Provisions Concerning the Police and Fire Commissioners.**

**(1) Power of Boards of commissioners over employees<sup>573</sup>.** Each of said Boards of Commissioners shall have sole power of appointment and promotion of all sworn members and employees of their respective Departments, under such rules and regulations as they may adopt for the purpose, and in accordance with rules governing the Civil Service System.

**(2) Vote required for appointments, promotions by the Board of Police Commissioners<sup>574</sup>.** No appointments or promotions in the police department shall be made except by the affirmative vote of not less than four (4) commissioners, except where otherwise provided.

**(3) Removal, demotion, suspension<sup>575</sup>.** Each of said Boards of Commissioners shall have power, for cause, after a hearing on charges, made in writing, to remove, reduce in rank, or suspend without pay any sworn member or employee in its department that it has power to appoint.

**(4) Authorized Procedure<sup>576</sup>.** No removal, reduction in rank, or suspension shall be made for political reasons. Charges against any sworn member or employee shall be preferred by the chief, served upon the person accused at least forty-eight (48) hours before the time fixed for a hearing, and presented to the Board of Commissioners of the department to which such sworn member or employee may belong.

**(5) Appeal from removal, demotion, suspension.** Any office or employee aggrieved by the action of said board may make application to any judge of a court of competent jurisdiction within and for New Haven County in the nature of an appeal from such order of the Board of

<sup>572</sup> 2013 recodification of current §104 (Sixth sentence).

<sup>573</sup> 2013 recodification of current §110 (First sentence). Derived from Sp. L. 1899, p., 408, §64; see also, Sp.L. 1927, §112.

<sup>574</sup> 2013 recodification of current §110 (Third sentence). Derived from Sp. L. 1899, p., 408, §64; see also, Sp. L. 1927, §112.

<sup>575</sup> 2013 recodification of current §111 (First sentence). Derived from Sp. L. 1899, p., 408, §65; See also, SP. L. 1901, p. 675, §1; See also, Sp. L. 1927, §113 (First paragraph).

<sup>576</sup> 2013 recodification of current §111 (Second sentence). Derived from Sp. L. 1899, p., 408, §65; See also, SP. L. 1901, p. 675, §1. See also, Sp. L. 1927, §113 (First paragraph).

Commissioners, which application shall be made returnable not more than twelve (12) nor less than three (3) Days from the date of such order of the commissioners, and a copy thereof shall be served upon the City Clerk at least forty-eight (48) hours before the day on which it is made returnable<sup>577</sup>.

(6) Said judge having given such further notice as deemed necessary by the court, shall forthwith hear said application, and may approve, modify, or revoke such order, and may award costs at the discretion of the court<sup>578</sup>.

(7) During the pendency of said application such order of the commissioners shall have full force and effect, subject, however, to the power of said judge if such order shall be modified or revoked to make such judicial decree relate back to the date of such order<sup>579</sup>.

#### H. Board of Park Commissioners<sup>580</sup>.

(1) **Establishment.** There shall be a Board of Park Commissioners<sup>581</sup>. The Board of Park Commissioners shall advise and consult with the Director of Parks and Recreation pertaining to duties of the director and to the conduct of the department<sup>582</sup>.

(2) **Membership<sup>583</sup>.** The Board shall consist of eight (8) members.

(a) **Classification of Members<sup>584</sup>.**

(i) Three (3) permanent or citizen commissioners of the East Rock Park Commission shall be commissioners of said Board serving on the Board as of the seventh (7<sup>th</sup>)

<sup>577</sup> 2013 recodification of current §112 (First sentence). Derived from Sp. L. 1903, p. 474, §1; See also, Sp. L. 1927, §113 (Second paragraph).

<sup>578</sup> 2013 recodification of current §112 (Second sentence). Derived from Sp. L. 1903, p. 474, §1; See also, Sp. L. 1927, §113 (Second paragraph).

<sup>579</sup> 2013 recodification of current §112 (Third sentence). Derived from Sp. L. 1903, p. 474, §1; See also, Sp. L. 1927, §113 (Second paragraph).

<sup>580</sup> Current Article XXIII entitled "Department of Parks and Recreation". Section 114 entitled "Board of Park Commissioners; compensation, qualifications, term appointment". See; Special Act pertaining to East Rock Park. See, Amend. of 7-1-75.

<sup>581</sup> 2013 recodification and derived from current §114 (First clause of first sentence), in lieu of the following: "There shall be in said department a Board of Park Commissioners which shall consist of the Mayor and eight (8) commissioners who shall serve without pay, shall be electors and residents of the City and shall be chosen as follows:".

<sup>582</sup> 2013 recodification of current §115 (First sentence).

<sup>583</sup> 2013 recodification and derived from current §114 (First clause of first sentence), in lieu of the following: "There shall be in said department a Board of Park Commissioners which shall consist of the Mayor and eight (8) commissioners who shall serve without pay, shall be electors and residents of the City and shall be chosen as follows:".

<sup>584</sup> 2023 Modification of current §3.H(2)(a), derived from Sp. L. 1899, p. 415, § 86-87; See also, Sp. L. 1905, p. 912, § 13; and, Sp. L. 1927, §162-163.

day of November 2023. The permanent members shall be phased out upon the vacancy of the seat. Upon such vacancy or vacancies, the Mayor shall appoint a replacement in accordance with sub-section (iii), below;

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(ii) Three (3) commissioners shall be appointed by the Mayor, for staggered terms in accordance with §3.H(2)(b) of this Article, below;

(iii) Up to three (3) commissioners shall be appointed by the Mayor, upon the vacancy of any permanent member position, for transitional appointments to full terms in accordance with the provisions of Ordinance(s) designed to facilitate the transition to the appointment of two (2) commissioners each year by the Mayor; and

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(iv) Two (2) commissioners shall be elected by the Board of Alders, in accordance with the requirements of §2.A(2) of Article IV of this Charter, in each year<sup>585</sup>.

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(b) **Terms**<sup>586</sup>. In January of each year the Mayor shall appoint one (1) commissioner (and up to two (2) per year upon the cycling off of permanent members) to hold office for three (3) years from the first (1<sup>st</sup>) day of February.

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(c) **Political affiliations**<sup>587</sup>. Mayoral appointments shall take into account compliance with the minority party representation provisions of the General Statutes.

(d) **Rules of Procedure**<sup>588</sup>. The Board shall adopt rules for the conduct of its business consistent with this Charter.

#### (4) **Role of the Board .**

(a) In general, the Board shall be responsible for policy making with the advice of the Director of Parks and Recreation and for the evaluation of these policies<sup>589</sup>. This shall include, but not be limited to the adoption of such rules and regulations, on recommendation of the Director of Parks and Recreation and not inconsistent with the General Statutes or the provisions of this

<sup>585</sup> 2023 modification of the 2013 recodification of current §114 (Second clause of the first sentence), by deleting the word "The" from the first line. The following provision is hereby repealed: "The three (3) citizen commissioners of the East Rock Park Commission shall continue to hold their respective positions, and their successors shall be appointed pursuant to the provisions of the act incorporating East Rock Park in the City of New Haven and the amendments thereto." The repealed provision was derived from 2013 recodification of current §114 (Second sentence).

<sup>586</sup> 2013 recodification of current §114 (Fourth sentence).

<sup>587</sup> 2023 revision of the 2013 recodification of current §114 (Fifth sentence).

<sup>588</sup> 2013 recodification of current §114 (Sixth sentence).

<sup>589</sup> 2013 recodification of current §115 (Second sentence).

Charter, related to the use, preservation and enjoyment of all public parks and recreation areas of the City of New Haven<sup>590</sup>.

(b) The Board of Park Commissioners is hereby empowered to make and alter, from time to time, all needful rules and regulations for the maintenance of order, safety and decency in said parks and places, use of recreation facilities, the prevention of any depredation therein or misuse of the same, and the protection and preservation of said parks and places, both within and without the limits of the City, and to affix penalties for disobedience thereto, which rules and regulations shall have the force of Ordinances of the City of New Haven; provided, that no such rule or regulation shall be of any effect unless it shall have been first approved by the Board of Alders, and then available in a Public Notice, at full length, in one or more media in the City and also printed and posted in conspicuous places within the limits of the parks or places to which such regulation is intended to apply<sup>591</sup>.

(c) For the purpose of enforcing such rules and regulations, all such parks and places, whether within or without the limits of the City of New Haven, are hereby placed under the police jurisdiction of the City of New Haven, and complaints for violation of such regulations may be made by the State's Attorney for New Haven County; but nothing contained in this section shall be construed to affect the general police or governmental jurisdiction of any town within whose limits any portion of such public park or place may be situated<sup>592</sup>.

(d) Any member of the police department or the superintendent of any park may arrest, without warrant, in any of such parks or places, whether within or without the limits of the City of New Haven, any person who has broken any park rules or committed any other offense in said parks; and the proper State court shall have jurisdiction of all misdemeanors committed within the limits of said parks<sup>593</sup>.

(e) Said Board, with the approval of the Board of Alders, shall have power, in the name and on behalf of the City of New Haven, to procure by gift, purchase, lease exchange or other Contract, or by condemnation as herein provided, real property,

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<sup>590</sup> 2013 recodification of current §115 (Third sentence). Derived from Sp. L. 1899, p. 415, § 88; See also, Sp. L. 1905, p. 912, § 13; See also, Sp. L. 1927, §164 First clause of second sentence).

<sup>591</sup> 2013 recodification of current §117 (Fourth sentence). Derived from Sp. L. 1899, p., 415, §88; See also, Sp. L. 1911, p. 140; and, Sp. L. 1927, §164 (Second sentence following the first clause).

<sup>592</sup> 2013 recodification of current §117 (Fifth sentence). Derived from Sp. L. 1899, p., 415, §88; See also, Sp. L. 1911, p. 140; and, Sp. L. 1927, §164 (Third sentence).

<sup>593</sup> 2013 recodification of current §117 (Sixth sentence). Derived from Sp. L. 1899, p., 415, §88; See also, Sp. L. 1911, p. 140; and, Sp. L. 1927, §164 (Fourth sentence).

whether within or without the limits of the City of New Haven, for the purpose of providing public parks or the enlarging of existing parks, provided no expenditures shall be made in excess of the amount previously appropriated for such purpose, and provided no land shall be acquired by said Board in the manner above specified within the Town of West Haven except within an area outlined in red on a map on file with the town clerk in West Haven, dated April 2, 1925, and known as "Map of West River Park" and provided no land shall be acquired by said Board in the manner above specified in any other town except by **Contract** with the officials of the town in which such land shall be located<sup>594</sup>.

Commented [S31]: BOA #6 (conformity)

**(f) Authority of Board to accept, control property<sup>595</sup>.**

The Board of Park Commissioners is hereby authorized and empowered to accept, with the approval of the Board of Alders, any and all devises, legacies or gifts of property, either real or personal, of any kind or class, that may be given or left to it by will or devise; and the Board of Park Commissioners is hereby given full power and authority, as trustees or otherwise, to invest, reinvest property of any class or kind, already given, or which may hereafter be given, either to said Board of Park Commissioners, or to the City of New Haven in trust for the use of said Board of Park Commissioners.

**(5) Applicability of budgeting, financial provisions to Director and park commission<sup>596</sup>.** The Director of Parks and Recreation and the Board of Park Commissioners shall be subject to all the provisions of this Charter pertaining to budgetary control and financial administration which are applicable to other departments, agencies and offices of the City except when the same is in conflict with the discretion of the director and the Board in the management and control of trust funds for park purposes.

**I. Board of Public Health<sup>597</sup>.**

**(1) Establishment.** There shall be a Board of Public Health<sup>598</sup>. The Board of Public Health shall advise with the Director of Public Health

<sup>594</sup> 2013 recodification of current §117 (Seventh sentence). Derived from Sp. L. 1899, p., 416, §90; See also, Sp. L. 1901, p. 1114, §§1, 2; p. 1117, §12; Sp. L. 1927, §166; Sp. L. 1925, p. 1075, §1; and Sp. L. 1927, No. 267, p. 289. See, Amend. of 7-1-75.

<sup>595</sup> 2013 recodification of current §119. See, Amend. of 7-1-75.

<sup>596</sup> 2013 recodification of current §120. See, Amend. of 7-1-75.

<sup>597</sup> Current Article XXV entitled "Department of Public Health". Section 125 entitled "Created; composition".

<sup>598</sup> Derived from current §125 entitled "Created; composition", in lieu of the following: "There shall be a Department of Public Health in said City which shall consist of a Board of Public Health, Director of Public Health, and such a number of professional and clerical assistants as said board shall prescribe".

on matters pertaining to the duties of office and to the conduct of the department<sup>599</sup>.

**(2) Appointment and Membership<sup>600</sup>.** The Board shall consist of six (6) members.

**(a) Terms.** Members of the Board shall be appointed by the Mayor for a term of five (5) years<sup>601</sup>. The Mayor shall appoint one (1) member every year from the first (1<sup>st</sup>) day of February, except in the year when two (2) members have completed their term of office in which year two (2) appointments shall be made<sup>602</sup>.

**(b) Qualifications<sup>603</sup>.** At least two (2) of the members shall be doctors of medicine, from an accredited school of medicine.

**(c) Employees<sup>604</sup>.** The department shall have such a number of professional and clerical assistants as said Board shall prescribe.

**(3) Duties.** On recommendation of the Director of Public Health it shall have the power to adopt such rules and regulations, not inconsistent with the General Statutes or the provisions of this Charter, as in its judgment the prevention of disease and the preservation of public health shall require<sup>605</sup>. Such rules and regulations shall be enforced in the same manner as City Ordinances, provided, however, no such rules or regulations shall be in full force and effect until Public Notice of the same on at least four (4) separate occasions<sup>606</sup>.

**J. Board of Library Directors<sup>607</sup>.**

Commented [S32]: APPROVED BY CRC - QUALIFICATIONS

<sup>599</sup> 2013 recodification of current §128 (First sentence).

<sup>600</sup> 2013 recodification of current §126 (First and second clauses of the first sentence), in lieu of the following: "The board shall consist of seven (7) members, one of whom shall be the Mayor,". Derived from Sp. L. 1899, p. 416, §93; See also, Sp. L. 1905, p. 912, § 19; and, Sp. L. 1927, §172.

<sup>601</sup> 2013 recodification of current §126 (Third sentence).

<sup>602</sup> 2013 recodification of current §126 (Fourth sentence).

<sup>603</sup> 2023 edit of the 2013 recodification of current §126 (Remaining clauses of the first sentence) entitled "Board of Public Health; membership; appointment, qualifications, terms", as follows: "~~and a~~ At least two (2) of whom the members shall be doctors of medicine, from an accredited school of medicine, and who shall each have not less than five (5) years of experience in any or all of the following: Clinical medicine, public health administration, or college or university teaching in any of the branches of medical sciences".

<sup>604</sup> Derived from current §128 (First sentence).

<sup>605</sup> 2013 recodification of current §128 (Second sentence) entitled "Same--Duty to advise with Director; regulations authorized".

<sup>606</sup> 2013 recodification of current §128 (Third sentence).

<sup>607</sup> Current Article XXVI entitled "Department of Public Library". Section 133 entitled "Department created; supervisions by Board of Library Directors; membership, appointment, general duties of board".

(1) **Statement of Purpose**<sup>608</sup>. The City of New Haven recognizes the right of all its citizens to have full and unlimited access to information and knowledge so that they can meet the needs of daily living, have the opportunities for self-education and participate successfully in self-government.

(2) **Establishment**. There shall be a Board of Library Directors<sup>609</sup>. Said Board shall have charge of all the property of said City used for the purposes of said library, and shall direct the expenditures of all money placed at its disposal by the City from whatever source derived<sup>610</sup>.

(3) **Appointment and Membership**<sup>611</sup>. Notwithstanding the provisions of this Charter to the contrary, the Board shall consist of nine (9) directors and the Mayor who may preside ex officio over said Board and who shall vote only to dissolve a tie.

(a) **Terms.**

(i) In January, 1952 and in every third year thereafter, and in January, 1953, and in every third year thereafter, the Mayor shall appoint two (2) directors to hold office for three (3) years from the date of their appointment<sup>612</sup>.

(ii) In January, 1952, and annually in said month thereafter, the Mayor shall appoint one (1) Alder of the City to hold office as director for one (1) year; provided, however, that if said appointee shall at any time during the year cease to be a member of the Board of Alders, then said appointee's term of office as director shall also expire, and the Mayor shall fill the vacancy by the appointment of another Alder to

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<sup>608</sup> 2013 recodification of current §133 (First sentence). **Note:** The tenth through twelfth sentences have been recodified and placed in the Article dealing with Departments of the City Government, as follows: "~~Said board shall have the power to appoint and remove a City librarian and such other officers and employees as it may deem necessary for the proper management of said library and reading room, and shall fix the duties of such officers and employees. The City librarian shall be appointed for a term as provided in Section 57 of this Charter. The City librarian shall reside in said City during such term of office. Said board shall recommend the compensation of such officers and employees to be established in the budget. Appointments and promotions to the positions of librarian, assistant librarians, and superintendents of the different departments may be made by said board subject to the provisions of this Charter.~~"

<sup>609</sup> 2013 recodification of current §133 (Second sentence), in lieu of the following: "There shall be in said City a Department of the Public Library, which shall be under the management and control of a Board of Library Directors".

<sup>610</sup> 2013 recodification of current §133 (Fourth sentence). Derived from Sp. L. 1899, p. 418, §99; See also, Sp. L. 1905, p. 905, § 11; and, Sp. L. 1927, §178 (Second sentence).

<sup>611</sup> 2013 recodification of current §133 (Third sentence). Derived from Sp. L. 1899, p. 418, §99; See also, Sp. L. 1905, p. 905, § 11; and, Sp. L. 1927, §178 (Third sentence).

<sup>612</sup> 2013 recodification of current §133 (Seventh sentence).

hold the said office of director for the remainder of one (1) year<sup>613</sup>.

**(4) General Duties of the Board**<sup>614</sup>. Said Board shall make and enforce such rules and regulations as it may deem proper, for the management, protection and preservation of the property of said library.

**(a) Regulation of use of library**<sup>615</sup>. Said Board may make rules, extending, upon such terms and under such conditions as to the Board may seem best, all of the privileges of said library to any or all of the following classes of persons, viz.: First, to nonresidents attending school or college within the limits of said City of New Haven; second, to nonresidents doing business in said City of New Haven who pay taxes therein; third, to all nonresidents on the payment of such sums as may be fixed by the Board of Library Directors.

**(b) Disposition of library receipts; books and records; debts exceeding available funds prohibited**<sup>616</sup>. All receipts of said library from fines, sales of books, catalogues and all other receipts shall be added to said fund, and shall be at the disposal of said Board. All bills and vouchers for expenses incurred shall be kept on file in said library, subject to inspection by the City Controller, the Corporation Counsel and the members of the board of directors of said library. In no case shall the Board of Library Directors incur any debt for the free public library beyond the amount of current funds on hand and the previous unexpended appropriations of the budget.

**(c) Gifts, devises, legacies for library purposes**<sup>617</sup>. The Department of the Public Library is hereby authorized and empowered to accept any and all devises, legacies or gifts of property, either real or personal, of any kind or class, that may be given or left to it by will or devise; and the Board of Library Directors of the Public Library is hereby given full power and authority, as trustees or otherwise, to invest, reinvest and to have complete direction and management over all such property of any class or

<sup>613</sup> 2013 recodification of current §133 (Eighth sentence). Derived from Sp. L. 1899, p. 418, §99; See also, Sp. L. 1905, p. 905, § 11; and, Sp. L. 1927, §178 (Sixth sentence).

<sup>614</sup> 2013 recodification of current §133 (Ninth sentence). Derived from Sp. L. 1899, p. 418, §100; See also, Sp. L. 1901, p. 1114, § 1, 2; Id, p. 1117, § 12; and, Sp. L. 1927, §179 (First sentence).

<sup>615</sup> 2013 recodification of current §137. Derived from Sp. L. 1899, p. 419, §103. See also, Sp. L. 1927, §182.

<sup>616</sup> 2013 recodification of current §135. Derived from Sp. L. 1899, p. 418, §102; See also, Sp. L. 1905, p. 906, § 3. See also, Sp. L. 1927, §181 (First, second and third sentences of the second paragraph); and, Amend. of 7-1-93.

<sup>617</sup> 2013 recodification of current §136. Derived from Sp. L. 1899, p. 418, §102; See also, Sp. L. 1905, p. 906, § 3; and, Sp. L. 1927, §181 (Fourth, fifth and six sentences of the second paragraph).



kind, already given, or which may hereafter be given, either to said free public library of New Haven, or to the City of New Haven in trust for the use of the said free public library, and may, in connection therewith, engage the services of any bank or trust company maintaining a trust investment section, for advice and recommendations in connection with the management, investment and reinvestment of said trust funds. All funds, moneys, bonds, mortgages and securities of any class or kind which have been or may be hereafter given to the free public library of New Haven, or to the City of New Haven in trust for the use of the free public library, shall be kept by the City Treasurer who shall give a bond, in addition to the bond otherwise required by him, in an amount satisfactory to the Board of Library Directors, for the care and safekeeping of the said securities, and who, upon notification of a vote of said Board of said free public library, shall allow any bank or trust company chosen by the vote of said Board to have possession of the trust funds in common with said City Treasurer so that neither said City Treasurer nor such bank or trust company shall alone have access to the trust funds. The Board of Library Directors may maintain a common trust fund in which may be included all funds and investments of one or more trusts held by the City of New Haven or the Board of Library Directors for the benefit of the Department of the Public Library.

**K. Civil Service Board<sup>618</sup>.**

**(1) Establishment.** There shall be a Civil Service Board<sup>619</sup>.

**(2) Appointment and Membership<sup>620</sup>.** The Board shall consist of five (5) members.

**(a) Terms<sup>621</sup>.** Annually in the month of January, the Mayor shall appoint a member of said Civil Service Board for a term of five (5) years from the first (1<sup>st</sup>) day of February next succeeding the appointment.

**(b) Restriction on Service<sup>622</sup>.** None of such citizen members shall hold any other City office.

<sup>618</sup> §§156-158 of current Article XXX entitled "Personnel and Civil Service".

<sup>619</sup> 2013 recodification of current §156 entitled "Created; composition", in lieu of the following: "There shall be in the City a Civil Service Board and a Department of Personnel consisting of a Personnel Director and such other employees as shall be provided in the budget". See, Amend. of 7-1-93.

<sup>620</sup> 2013 recodification of current §157 (First sentence) entitled "Civil Service Board; membership, appointment, qualifications", in lieu of the following: "Five (5) persons who shall serve without pay and be appointed by the Mayor shall constitute a Civil Service Board". See, Amend. of 7-1-93.

<sup>621</sup> 2013 recodification of current §157 (Fourth sentence).

<sup>622</sup> 2013 recodification of current §157 (Fifth sentence), as follows: "~~Not more than three (3) of the citizen members appointed by the Mayor shall at any time be members of the same political party, and none of such citizen members shall hold any other City office.~~"

(c) **Expenses**<sup>623</sup>. The necessary expenses of said Board shall be paid by the City after approval by the Controller.

**(3) Appointment, duties of President and Secretary.** Biennially the Civil Service Board shall elect from its members a President who shall call and preside at all meetings of the Board, execute documents on the Board's behalf, and perform such other duties as are customary to the office<sup>624</sup>. The Board shall choose a Secretary for a term of ten (10) years who shall be subject to a civil service examination before appointment and shall hold said position for such term during good behavior, provided, upon the termination of any such term said Board may reappoint the Secretary for an additional ten (10) year term without competitive examination<sup>625</sup>. Any such Secretary may be removed for cause, which shall be nonpolitical, after due hearing upon written notice served on the Secretary ten (10) Days before the date of the hearing. It shall be the duty of the Secretary<sup>626</sup>:

(a) To attend all meetings of the Civil Service Board<sup>627</sup>;

(b) To keep correct records of the Civil Service Board<sup>628</sup>;

(c) To prepare and keep in the register on file in the office of the Personnel Director a list of those eligible for positions in all departments, said list to be filed within twenty-four hours after it shall have been certified by the Civil Service Board<sup>629</sup>;

(d) To send out all official notices<sup>630</sup>;

(e) To perform all other official duties as instructed by the Civil Service Board<sup>631</sup>.

**(4) Rule-making power of the Board; duty to provide examinations.** It shall be the duty of said Board :

(a) To prescribe rules for ascertaining the competency of applicants for positions or promotions for all positions in the City government except for Elected Officials, commissioners, Public Officials appointed by the Mayor or other appointing authority, superintendents, assistant superintendents, principals and teachers employed by the Board of Education and the librarian, all

<sup>623</sup> 2013 recodification of current §157 (Second sentence).

<sup>624</sup> 2013 recodification of current §163 (First sentence).

<sup>625</sup> 2013 recodification of current §163 (Second sentence).

<sup>626</sup> 2013 recodification of current §163 (Third sentence).

<sup>627</sup> 2013 recodification of current §163(a).

<sup>628</sup> 2013 recodification of current §163(b).

<sup>629</sup> 2013 recodification of current §163(c).

<sup>630</sup> 2013 recodification of current §163(d).

<sup>631</sup> 2013 recodification of current §163(e).

professional librarians, and superintendents of the different departments of the public library<sup>632</sup>;

(b) To review and approve or disapprove job descriptions and job qualifications and revisions to the classification plan as proposed by the Personnel Director, and to notify the Personnel Director in writing of such actions, with reasons therefore in the event of disapproval<sup>633</sup>;

(c) To hear and decide appeals from the decisions of the Personnel Director pursuant to §17.C (9) of this Article relating to the determination of eligibility of persons and their qualifications for positions in the classified service<sup>634</sup>; and

(d) To certify lists of eligible candidates for positions in all Departments, based upon the determinations of qualifications and scores of examinations certified to the Board by the Personnel Director and the Board's determination that its rules have been complied with<sup>635</sup>.

(5) **Effect of Charter on existing rules of Board**<sup>636</sup>. The rules of the Civil Service Board in effect at the effective date of this Charter are hereby confirmed; but within a period of one hundred eighty (180) Days subsequent to the effective date of this Charter, the Civil Service Board shall restudy its rules and make any changes according to the provisions of this Charter, and such revised rules shall be published immediately for distribution to all interested persons. The Controller shall provide funds for such publication.

#### L. **City Planning Commission.**

(1) **Establishment**<sup>637</sup>. There shall be a City Planning Commission.

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<sup>632</sup> 2013 recodification of current §158(a). Derived from Sp. L. 1899, p. 422, §118; See also, Sp. L. 1903, p. 436, § 2; Sp. L. 1909, p. 962, § 2; Sp. L. 1927, §269 (First sentence); and, Amend. of 7-1-93.

<sup>633</sup> 2013 recodification of current §158(b). See, Amend. of 7-1-93.

<sup>634</sup> 2013 recodification of current §158(c). See, Amend. of 7-1-93.

<sup>635</sup> 2013 recodification of current §158(d). See, Amend. of 7-1-93.

<sup>636</sup> 2013 recodification of current §164. **Note:** this provision has been in the Charter, at least, since 1962. See, Amend. of 7-1-93.

<sup>637</sup> 2013 recodification of current §177 (first sentence) entitled "City Planning Commission created; membership, terms, chairman, compensation", in lieu of the following: "*There shall be a City Planning Commission* consisting of the Mayor who shall be its presiding officer, the City Engineer, one (1) member of the Board of Alders to be selected by said board and four (4) electors of the City to be appointed by the Mayor" (Emphasis added).

**(2) Appointment and Membership<sup>638</sup>.** The Board shall consist of the Mayor and the City Engineer, as non-voting members; one (1) member of the Board of Alders selected by said Board ; and, four (4) members<sup>639</sup> appointed by the Mayor.

**(a) Terms<sup>640</sup>.** When the terms of the members respectively expire and biennially thereafter the Mayor shall appoint two (2) members of said commission for a term of four (4) years, each from the first (1<sup>st</sup>) day of February following their appointment.

**(b) Leadership and Rule<sup>641</sup>.** The commission shall choose one of its own members to be chair and shall adopt rules for the conduct of its business consistent with this Charter.

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**(3) Duties of the Planning Commission.** It shall be the duty of the City Planning Commission:

**(a)** To prepare and recommend development plans for the improvement of the entire City or any portion thereof. These plans shall be designed to promote the coordinated development of the municipality and shall show the future general location, character, and extent of streets, bridges, boulevards, esplanades, squares, parks, playgrounds, playfields, aviation fields, parking spaces, public buildings, and the facilities and terminals of public utilities whether publicly or privately operated<sup>642</sup>;

**(b)** To exercise all powers and responsibilities in regard to the subdivision of land as conferred upon planning commissions by the General Statutes<sup>643</sup>;

**(c)** To perform such other duties and exercise such other powers as may be conferred on planning commissions by the General Statutes or by the Ordinances<sup>644</sup>;

<sup>638</sup> 2013 recodification of current §177 (first sentence) entitled “City Planning Commission created; membership, terms, chairman, compensation”, in lieu of the following: “There shall be a City Planning Commission consisting of the Mayor who shall be its presiding officer, the City Engineer, one (1) member of the Board of Alders to be selected by said board and four (4) electors of the City to be appointed by the Mayor” (Emphasis added). Derived from Sp. L. 1927, §295; See also, Sp. L. 1913, pp. 897-898; See also, Amend. of 7-1-93.

<sup>639</sup> In lieu of “electors of the City”.

<sup>640</sup> 2013 recodification of current §177 (Second sentence).

<sup>641</sup> 2013 recodification of current §177 (Third sentence).

<sup>642</sup> 2013 recodification of current §179(a).

<sup>643</sup> 2013 recodification of current §179(b).

<sup>644</sup> 2013 recodification of current §179(c).

(d) To be vested with all the powers and duties conferred upon a zoning commission for the City by Special Act as codified in §§2.A through H of Article XIII of this Charter<sup>645</sup>.

#### Sec. 4. Boards and Commissions Required by the Charter

##### A. Board of Zoning Appeals.

(1) **Establishment.** There shall be a Board of Zoning Appeals<sup>646</sup>.

(2) **Appointment and Membership**<sup>647</sup>. The Board shall consist of three (3) members appointed by the Mayor, in accordance with the requirements of §1.A of Article VII of this Charter; and, two (2) members appointed by the Board of Alders, of whom not more than three (3) may be officials of said City.

(3) **Procedure for Appeals**<sup>648</sup>. Any person claiming to be aggrieved by any order, requirement or decision made by the administrative official charged with the enforcement of any Ordinance adopted pursuant to the provisions of this Charter, may file an appeal in writing from such order, requirement or decision to said Board of Zoning Appeals, which, after due notice to the authority from whose decision said appeal shall be taken, shall hear and determine the legality and reasonableness of such order, requirement or decision<sup>649</sup>.

(a) The concurring vote of four (4) members of the Board shall be necessary to reverse such order, requirement or decision<sup>650</sup>.

(b) Such appeal shall stay all proceedings in the action appealed from unless the officer from whom the appeal shall have been taken shall certify to the said Board of Appeals after notice of appeal shall have been filed with said officer that, by reason of the

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<sup>645</sup> 2013 modification and recodification of current §179(d), as follows: "To be vested with all the powers and duties conferred upon a zoning commission for the City by Special Act as codified in §§2.A through H of Article XIII of this Charter of New Haven ~~by Special Law 1925 (pp. 1006—1010)~~".

<sup>646</sup> 2013 recodification of current §185 (First sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (First sentence).

<sup>647</sup> 2013 modification and recodification of current §185 (First sentence), in lieu of the following: "The Mayor shall appoint a Board of Zoning Appeals, to consist of five (5) members, of whom not more than three (3) may be officials of said City". Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (First sentence).

<sup>648</sup> 2013 recodification of current §185 entitled "Board of Zoning Appeals; appointment, membership; procedure for appeals".

<sup>649</sup> 2013 recodification of current §185 (Second sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Second sentence). **Note:** The third sentence appears to be repealed.

<sup>650</sup> 2013 recodification of current §185 (Third sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fourth sentence).

facts stated in the certificate, a stay would, in the opinion of the officer, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record on application, on notice to the officer from whom the appeal shall have been taken, said Board of Zoning Appeals shall, within thirty (30) Days, set a time for a hearing thereon and shall give due notice to the parties in interest, including the authority from whose order, requirement or decision the appeal has been taken, of the time and place of such hearing<sup>651</sup>.

(c) The chair of said Board, or, in the absence of the chair, the acting chair, may administer oaths and compel the attendance of witnesses<sup>652</sup>.

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(d) All meetings of said Board shall be open to the public<sup>653</sup>.

(e) Said Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact; and also keep records of its examination and other official actions<sup>654</sup>.

(f) Every rule or regulation and every document or repeal thereof, and every order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record<sup>655</sup>.

(g) Said Board of Appeals may reverse or affirm, in whole or in part, or may modify such order, decision or requirement appealed from, and it shall have all the powers of the authority from whose decision such appeal shall have been taken<sup>656</sup>.

(h) When it shall appear to at least four (4) members of said that difficulty or unreasonable hardship might result in carrying out the strict letter of any Ordinance concerning which an appeal has been taken, said Board shall have the power, after such

<sup>651</sup> 2013 recodification of current §185 (Fourth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fifth and sixth sentence).

<sup>652</sup> 2013 recodification of current §185 (Fifth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Seventh sentence).

<sup>653</sup> 2013 recodification of current §185 (Sixth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Eighth sentence).

<sup>654</sup> 2013 recodification of current §185 (Seventh sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Ninth sentence).

<sup>655</sup> 2013 recodification of current §185 (Eighth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Tenth sentence). **Note:** The eleventh sentence appears to be repealed.

<sup>656</sup> 2013 recodification of current §185 (Ninth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Twelfth sentence).

hearing is concluded, to vary or modify the application of the rules, regulations and provisions, relating to the construction, structural changes in, equipment or alteration of, buildings or structures, provided such change, modification or variance shall not violate the spirit of the Ordinance<sup>657</sup>.

(i) Said Board of Zoning Appeals may also hear and act upon any other matters for which provision is made in the ordinance<sup>658</sup>.

(j) Any person, including any official charged with the enforcement of any order, requirement or decision, claiming to be aggrieved by the decision of said Board, may, within fifteen (15) Days from the date when such decision shall have been rendered, take an appeal to the superior court for New Haven County and such appeal shall be made returnable to such court in the same manner as that prescribed for civil actions<sup>659</sup>.

(k) Notice of such appeal shall be given by leaving a true and attested copy thereof with such Board not less than twelve (12) Days before the return day to which such appeal shall have been taken<sup>660</sup>.

(l) The appeal shall state the reasons upon which the same shall have been predicated and shall not stay proceedings upon the decision appealed from, but the court to which such appeal shall be returnable may, on application, on notice to the Board and on cause shown, grant a restraining order<sup>661</sup>.

(m) The authority issuing the citation in such appeal shall take from the appellant a bond of recognizance to said Board, with surety, to prosecute such appeal to effect and comply with the orders and decrees of the court<sup>662</sup>.

(n) If it shall appear to the court on the trial of such case that there has been an abuse of reasonable discretion on the part of the Board, or that its decision was based upon a mistake or misconstruction of the law, or that such decision was the result of

<sup>657</sup> 2013 recodification of current §185 (Tenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Thirteenth sentence).

<sup>658</sup> 2013 recodification of current §185 (Eleventh sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fourteenth sentence).

<sup>659</sup> 2013 recodification of current §185 (Twelfth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fifteenth sentence). See also, Amend. of 7-1-93.

<sup>660</sup> 2013 recodification of current §185 (Thirteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Sixteenth sentence).

<sup>661</sup> 2013 recodification of current §185 (Fourteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Seventeenth sentence).

<sup>662</sup> 2013 recodification of current §185 (Fifteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Eighteenth sentence).

mistake or fraud, then such order, requirement or decision shall be set aside and vacated; otherwise, it shall remain in full force and effect<sup>663</sup>.

(o) Appeals from the decision of said Board shall be preferred cases to be heard by the court, unless cause shall be shown to the contrary, as soon after the return day as shall be practicable, and may be referred by the court to a committee or in accordance with the General Statutes to one of the State referees, to be heard and proceeded with by such committee or such referee in the manner provided for civil actions<sup>664</sup>.

**B. Civilian Review Board** <sup>665</sup>.

(1) **Establishment.** There shall be a Civilian Review Board .

(2) **Objectives.** It is in the interest of City residents and citizens generally and of the department responsible for police services ("department") that investigations of complaints concerning misconduct by police officers involving members of the public be complete, thorough and impartial. These inquiries shall be conducted fairly and independently, and in such a manner that the public has confidence.

(3) **Membership.** The Board shall consist of a number of members as shall be established by Ordinance. The Board of Alders shall consider, at a minimum, a number of members equal to the number of police districts throughout the City ("district representatives") as well as, at least, two (2) additional at-large appointees. The number of members shall be odd.

(4) **Appointment.** The Mayor shall appoint such members subject to the approval of the Board of Alders. The ordinance implementing the Commission shall require the Mayor to choose district representatives from among the names recommended by the community engagement organization or similar neighborhood-based organization from each of the police districts or geographical areas of the City; subject to recognition by the Board of Alders.

(5) **Term.** The term of office shall be two (2) years and such terms shall be staggered.

(6) **Duties.** The Civilian Review Board shall have the following authority and such other and additional authority as may be set forth by ordinance:

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<sup>663</sup> 2013 recodification of current §185 (Sixteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Nineteenth sentence).

<sup>664</sup> 2013 recodification of current §185 (Seventeenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Twentieth sentence).

<sup>665</sup> NEW (2013).



(a) To examine complaints made by civilians pertaining to unprofessional conduct by members of the department and to review the processing of such complaints

(b) Hear appeals from complainants brought within ninety (90) days of the completion of an internal affairs report by the department;

(c) Require the internal affairs group of the department to investigate civilian complaints in the event no investigation has been commenced or to re-open and continue to investigate a complaint, if, in the opinion of the Board , the initial investigation was incomplete or unfair;

(d) Recommend that revisions to departmental, policies, processing of civilian complaints, training protocols and/or provisions of the General Orders (or a successor written directive document as may replace the said General Orders) be considered; and,

(e) Develop policies and procedures for the filing and processing of civilian complaints, for the operations of the Board and for training members of the Board and community-based agencies and organizations designated by the Board .

**(7) Operations.**

(a) The Board of Alders shall, by ordinance, establish such additional authority necessary to effectuate the purposes and duties of the Board .

(b) The City shall provide for the requisite staff assistance, supplies, equipment and facilities to the department responsible for police services or such other department designated by the Board in order to facilitate the administration of Board business.

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## **ARTICLE VIII. BUDGETARY PROCEDURES; REPORTING; FINANCIAL REVIEW AND AUDIT COMMISSION**

### **Sec. 1. Budgetary procedures; duties of the Mayor, City Clerk, Board of Alders.**

A. No later than March 1<sup>st</sup> each year, the Mayor shall present to the Board of Alders a budget for the ensuing fiscal year consisting of<sup>666</sup>:

(1) a budget message outlining the financial policy of the City government and describing in connection therewith the important features of the budget proposal indicating any major changes from the current year in financial policies, expenditures and revenues and the reasons therefor, and containing a clear general summary of its contents;

(2) an itemized statement of proposed appropriations for current expenses for each budgeted City agency for the ensuing year, with comparative statements of appropriations and expenditures for the current and preceding year, the increase and decrease between the current and ensuing fiscal years in the appropriations recommended;

(3) an itemized statement of the estimated revenues of the City including all sources other than the property tax with comparative statements for the current and preceding fiscal year; and

(4) a statement of the bonds to mature and the interest payable on bonds outstanding.

In recommending said estimates of appropriations and rate of taxation, the Mayor shall not estimate the receipts from current taxes levied in any one year in excess of one percent less than the actual rate of collection during the last preceding fiscal year, on the amount laid on the estimated grand list at the rate recommended.

B. The budget shall be filed with the City Clerk concurrently with its submission to the Board of Alders, and within four (4) business days after its filing the clerk shall cause Publication of the proposed budget, and include in the notice that it is available for public inspection at the clerk's office<sup>667</sup>.

C. The Board of Alders committee or committees to which the budget has been referred shall hold at least two Public Hearings thereon. The first hearing shall be no later than fifteen (15) Days after the Publication of the budget and another Public Hearing shall be held at least seven (7) Days before the first reading by the Board of Alders<sup>668</sup>.

D. The Board of Alders shall consider and act upon such budget so proposed by the Mayor. The Board of Alders shall have the power by a majority vote of the entire membership of the Board of Alders, then eligible to vote, to increase and

<sup>666</sup> 2013 recodification of current §58(a). See, Amend. of 7-1-93.

<sup>667</sup> 2013 recodification of current §58(b). See, Amend. of 7-1-93.

<sup>668</sup> 2013 recodification of current §58(c) (First Paragraph). See, Amend. of 7-1-93.

decrease individual lines of appropriations and to decrease the total appropriation and rate of taxation. By a two-thirds (2/3<sup>rd</sup>s) vote of the entire membership of the Board of Alders, then eligible to vote, the Board of Alders may increase the total appropriation or increase the rate of taxation as recommended by the Mayor<sup>669</sup>.

E. The Board of Alders shall not reduce any item proposed by the Mayor for the payment of interest or principal of the municipal debt<sup>670</sup>.

F. If on or before the first Monday in June the Board of Alders shall fail to consider and act on the budget recommended by the Mayor, then such budget recommended by the Mayor shall be final and the appropriations, revenues and the rate of taxation contained therein shall be the legal appropriations and the legal rate of taxation for the City of the ensuing year<sup>671</sup>.

G. If the Mayor shall disapprove the budget as approved by the Board of Alders, or any part of such budget, the Mayor shall issue a veto message and proceed as provided in §2.B of Article III of this Charter, and a two-thirds (2/3<sup>rd</sup>s) vote of the entire Board of Alders shall be required to override said veto<sup>672</sup>.

H. The total amount of the annual appropriations for any year shall not exceed the estimated income for that year<sup>673</sup>.

## **Sec. 2. Allotments.**

A. After the annual budget has been approved for the ensuing fiscal year and before the beginning of such fiscal year, each Department and Board or Commission shall submit to the Controller a work program which shall show the proposed allotments of the department's appropriation for the entire fiscal year by monthly or quarterly periods as prescribed by the Controller. The Controller shall approve such allotments for each department, with such amendments as determined by said Controller in consultation with said department. Revisions to allotments during the year may be made upon request of the department and approval of the Controller<sup>674</sup>.

B. The Controller shall not authorize any expenditure to be made from any appropriation except on the basis of the approved allotments. No obligation shall be incurred against and no payment shall be made from any appropriation and the duly authorized allotments unless the Controller shall first certify that there is an unexpended and unencumbered balance in the proper appropriation and allotment sufficient to meet the same<sup>675</sup>.

<sup>669</sup> 2013 recodification of current §58(c) (Second Paragraph). See, Amend. of 7-1-93.

<sup>670</sup> 2013 recodification of current §58(c) (Third Paragraph). See, Amend. of 7-1-93.

<sup>671</sup> 2013 recodification of current §58(d). See, Amend. of 7-1-93.

<sup>672</sup> 2013 recodification of current §58(e). See, Amend. of 7-1-93.

<sup>673</sup> 2013 recodification of current §58(f). See, Amend. of 7-1-93.

<sup>674</sup> 2013 recodification of current §59 (First Paragraph). See, Amend. of 7-1-93.

<sup>675</sup> 2013 recodification of current §59 (Second Paragraph). See, Amend. of 7-1-93.

C. No Department, Public Official or Board of Commissioners shall incur any liability or expense by Contract or otherwise for which said City shall be responsible in excess of the appropriations so made by said Board of Alders<sup>676</sup>.

D. Every expenditure authorized or incurred in violation of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official who knowingly authorizes or makes such payment or takes part therein and every person who knowingly receives such payment or any part thereof shall be jointly and severally liable to the City for the full amount so paid or received. If any officer knowingly incurs any obligation or authorizes or makes any expenditure in violation of the provisions of this Charter or takes part therein, such action shall be cause for removal from office<sup>677</sup>.

E. After the close of the fiscal year the unencumbered balance of each appropriation shall lapse except for capital and nonrecurring expenditures as provided under Chapter 108 of the General Statutes and the excess of cash receipts over expenditures plus encumbrances shall be used only for capital and nonrecurring expenditures as provided under Chapter 108 of the General Statutes for financing the succeeding year's appropriations<sup>678</sup>.

### **Sec. 3. Transfers During Fiscal Year<sup>679</sup>.**

The Board of Alders may establish by Ordinance from time to time an amount of appropriation under the approved budget which the Controller with the approval of the Mayor shall be authorized to transfer between line items within any department or from one department to another. No such transfer in excess of such authorized amount shall be implemented unless it shall be proposed by the Mayor and approved by the Board of Alders, provided that an increase in the total appropriation shall be approved only by vote of two-thirds of the entire Board of Alders. Each approved transfer shall be described in the monthly financial report prepared by the Mayor pursuant to §5 of this Articles.

### **Sec. 4. Emergency/Special Appropriations.**

A. Appropriations, in addition to those contained in the annual appropriations, for meeting a necessary emergency expenditure may be made before the close of any fiscal year on the recommendation of the Mayor and approval by a two-thirds vote of the entire Board of Alders, only if the Controller certifies that there are available unappropriated revenues in excess of the appropriated revenues in the annual budget. The Resolution of the Board of Alders approving any emergency appropriation shall specify the nature of the emergency and source of revenue. Unless the Mayor certifies that the emergency threatens the immediate public health or

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<sup>676</sup> 2013 recodification of current §59 (Third Paragraph). See, Amend. of 7-1-93.

<sup>677</sup> 2013 recodification of current §59 (Fourth Paragraph). See, Special Laws 1967, Act No. 437, §3. See, Amend. of 7-1-93.

<sup>678</sup> 2013 recodification of current §59 (Fifth Paragraph). See, Amend. of 7-1-93.

<sup>679</sup> 2013 recodification of current §60. See, Amend. of 7-1-93.

safety, the Board of Alders shall hold a Public Hearing on any proposed special or emergency appropriation<sup>680</sup>.

**B.** If a special appropriation in excess of the unappropriated revenues of the City is required for any purpose, the Controller shall prepare an estimate of same and shall submit it to the Mayor for submission to the Board of Alders for approval as described above; however, no such appropriation shall be made unless a special tax is laid sufficient to cover the amount of the excess of such appropriation over the unappropriated revenues of the City<sup>681</sup>.

#### **Sec. 5. Monthly Financial Report.**

**A.** Not later than twenty-eight (28) Days after the end of each month of the fiscal year, the Mayor shall submit to the Board of Alders and the financial review and audit commission a report showing: (1) budgeted and actual revenues up to the last day of the preceding month and an estimate of such revenues for the fiscal year; (2) budgeted and actual expenditures for each budgeted agency of the City up to the last day of the preceding month; and an estimate of such expenses for the fiscal year, and (3) the projected budget surplus or deficit for the fiscal year. If the Mayor shall project a deficit, the Mayor shall in such monthly report make recommendations to the Board of Alders for actions to be taken to eliminate the full amount of such projected deficit. Each monthly report shall also be filed in the office of the City Clerk where it shall be available for public inspection<sup>682</sup>.

**B.** The Board of Alders may by Ordinance require that additional information be included in such report<sup>683</sup>.

**C.** The Controller and the Mayor each shall have the full power to require each Department or Public Official to furnish all of the information, and to make available all books, Contracts, resolutions, reports, financial information or other materials in its possession, requisite to prepare such monthly reports<sup>684</sup>.

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<sup>680</sup> 2013 recodification of current §61 (First Paragraph). See, Amend. of 7-1-93.

<sup>681</sup> 2013 recodification of current §61 (Second Paragraph). See, Amend. of 7-1-93.

<sup>682</sup> 2013 recodification of current §62 (First Paragraph). See, Amend. of 7-1-93.

<sup>683</sup> 2013 recodification of current §62 (Second Paragraph). See, Amend. of 7-1-93.

<sup>684</sup> 2013 recodification of current §62 (Third Paragraph). See, Amend. of 7-1-93.

## ARTICLE IX. IMPROVEMENT BONDS

### Sec. 1. Issuance Authorized<sup>685</sup>.

The City of New Haven shall have the power to incur indebtedness by issuing its bonds and notes for such purposes, upon such terms, and to such extent as is authorized by the General Statutes.

### Sec. 2. Approval by Alders, Mayor<sup>686</sup>.

Such bonds shall not be issued unless such issue shall have been approved by a majority vote of the entire membership of the Board of Alders, then eligible to vote, and approved by the Mayor, in accordance with the provisions of the Charter.

### Sec. 3. Petition for Referendum on Issuance<sup>687</sup>.

Upon petition addressed to the Board of Alders, signed by not less than fifteen (15%) percentum of the Electors of said City, and stating in each case the address, giving street and number, of such voters, said Board shall order a special election to be held within thirty (30) Days from the date when such petition shall be presented, at which election a referendum vote shall be had upon the question of issuing said bonds, electors in favor of their issuance voting "Yes" and those opposed "No", provided no such petition shall be considered by said board unless presented at the office of the City Clerk during office hours, within thirty (30) Days from the date of approval as provided in §2 of this Article or within thirty (30) Days after the overriding of a veto.

### Sec. 4. Signatures required on referendum petition when Alders approve issues unanimously<sup>688</sup>.

If the action of the Board of Alders at any meeting, as provided in §2 of this Article shall be unanimous, the petition for a referendum vote as provided in §3 of this Article shall contain the signatures of at least twenty (20%) percentum of such Electors.

### Sec. 5. Authorization to be specific; relationship of term to life of project<sup>689</sup>.

In every case the authorization for such bonds shall be specific as to the purpose of such issue, and in no case shall the term of any bond issue be greater than the life of the public improvements therein provided for, as determined by the Board of Alders.

<sup>685</sup> 2013 recodification of current §66.

<sup>686</sup> 2013 recodification of current §67. Derived from Special Acts 1913, Act No. 181, §1; See also, Sp. L. 1913, p. 837-839; See also, Sp. L. 1927, §83; See also, Special Acts 1931, Act No. 491, §4; Amend. of 9-8-51, §69; See also, Special Laws of 1969, Act No. 15, §1. See, Amend. of 7-1-93.

<sup>687</sup> 2013 recodification of current §68. Derived from Sp. L. 1927, §84; See, Sp. L. 1913, p. 837-839.

<sup>688</sup> 2013 recodification of current §69. Derived from Sp. L. 1927, §85; See, Sp. L. 1913, p. 837-839.

<sup>689</sup> 2013 recodification of current §70. Derived from Sp. L. 1927, §87; See, Sp. L. 1913, p. 837-839.

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## **ARTICLE X. CAPITAL PROJECTS COMMITTEE AND CAPITAL BUDGET**

### **Sec. 1. Created; Membership<sup>690</sup>.**

There shall be a Capital Projects Committee consisting of the Controller, two members of the Board of Alders, not from the same party, to be elected annually by (2) said board, a member of the City Plan Commission appointed by the Mayor, the Planning Director and four (4) members appointed by the Mayor, whose terms shall be for the same period for which the Mayor was elected.

### **Sec. 2. Capital project defined; contents of capital budget<sup>691</sup>.**

A capital project within the meaning of this Charter shall be any physical public betterment or improvement or any preliminary studies and surveys relative thereto; the acquisition of property of a permanent nature; and equipment for any public betterment or improvement when first erected or acquired; major alterations and repairs to existing buildings or structures; and major pieces of equipment. The capital budget shall state the proposed expenditures for capital projects and the respective amounts proposed to be raised therefor in the annual operating budget and the amounts, if any, proposed to be raised from the issuance of bonds, from special assessments, or from other sources.

### **Sec. 3. Preparation, submission of capital projects program, budget<sup>692</sup>.**

Not later than February 15<sup>th</sup> in each year, the Capital Projects Committee shall prepare and propose to the Mayor a program of capital projects which program shall be based on estimates of the costs of such projects as submitted by each department, office or agency annually in the same manner as estimates of other budgetary requirements are prepared. The Mayor shall thereupon prepare and submit a capital budget to the Board of Alders as a part of the annual budget submitted on March 1 of such year for the ensuing fiscal year. Said capital budget shall be acted upon by the Board of Alders as part of the annual budget.

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<sup>690</sup> 2013 recodification of current §78. See, Amend. of 7-1-93.

<sup>691</sup> 2013 recodification of current §79.

<sup>692</sup> 2013 recodification of current §80. See, Amend. of 7-1-93.

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## **ARTICLE XI. RETIREMENT AND PENSION SYSTEMS**

### **Sec. 1. Retirement and pensions<sup>693</sup>.**

Anything herein to the contrary notwithstanding, all pensions and pension boards shall be governed by the General Statutes and Ordinance.

## **ARTICLE XII. CERTAIN LAWS INCLUDED BY REFERENCE**

### **Sec. 1. Taxes, liens<sup>694</sup>.**

An act concerning taxes and liens laid by the City of New Haven, amended by an act approved May 8, 1931 (Sp. L. 1931, pp. 17) and as amended May 24, 1933 (Sp. L. 1933, pp. 32) is made a part of this Charter.

### **Sec. 2. Water company<sup>695</sup>.**

An act amending the Charters of the City of New Haven and the New Haven Water Company and validating a certain Contract, is made a part of this Charter.

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<sup>693</sup> 2013 recodification of current §205. See, Amend. of 7-1-93.

<sup>694</sup> 2013 recodification of current §206.

<sup>695</sup> 2013 recodification of current §207. See, Sp. L. 1903, pp. 276, 277, approved June 1, 1903.

## ARTICLE XIII. HISTORIC AND SPECIAL ACT PROVISIONS OF THE CHARTER

### Sec. 1. Personnel and Civil Service<sup>696</sup>.

#### A. Procedure for changing rules; rules to be public records<sup>697</sup>.

Whenever said Board shall have adopted any rules under any of the different provisions of this section, said rules shall not be changed except after Public Hearing Notice on, at least three (3) separate occasions, giving at least two (2) weeks' notice of such proposed change. All rules of said Board shall be public records.

#### B. Appointments, promotions, removal to conform to rules.

(1) Whenever said Board shall have adopted rules relative to the appointment or promotion of any class of such officials or employees, no appointments or promotions within such class shall be made except from those applicants with the three (3) highest scores of those who shall have passed an examination with a score of at least seventy (70%) per centum and have received a certificate to that effect from said board, and are upon the list of those eligible to such position or promotion under the rules of said board, excepting supernumerary police and substitute fire personnel<sup>698</sup>.

(2) And after the adoption of such rules no removal shall be made of persons holding positions in any Department, subject to the provisions of such rules, except for sufficient cause duly shown, which cause shall not be political<sup>699</sup>.

C. **Appointments, removals violating Charter declared void; certification of payrolls<sup>700</sup>.** Any appointment or removal made in violation of the provisions of this Charter shall be null and void; and it is hereby made the duty of the Controller to refrain from making any payment to any persons in the classified service unless the making of such payment is certified by the Personnel Director. And said Controller shall be chargeable by the City with all moneys unlawfully paid to persons appointed in violation of the provisions of this Article.

D. **Penalty for violating Provisions Relating to Civil Service<sup>701</sup>.** Any violation of any of the provisions of the provisions pertaining to the creation of a department responsible for the administration of civil service and the appointment of

<sup>696</sup> §§156-158 of current Article XXX entitled "Personnel and Civil Service" have been moved to Articles VI, §18 and VII, §3.K.

<sup>697</sup> 2013 recodification current §159. See, Amend. of 7-1-93.

<sup>698</sup> 2013 recodification of current §160 (First sentence). Derived from Sp. L. 1899, p. 423, §119; See also, Sp. L. 1909, p. 963, § 3; Sp. L. 1927, §270 (First sentence); and, Amend. of 7-1-93.

<sup>699</sup> 2013 recodification of current §160 (Second sentence). Derived from Sp. L. Sp. L. 1899, p. 423, §119; See also, Sp. L. 1909, p. 963, § 3; 1927, §270 (Second sentence); and, Amend. of 7-1-93.

<sup>700</sup> 2013 recodification of current §161. See, Amend. of 7-1-93.

<sup>701</sup> 2013 recodification of current §162. Derived from Sp. L. 1899, p. 423, §122; See also, Sp. L. 1907, p. 361; Sp. L. 1927, §272; and, Amend. of 7-1-93.

a personnel director and members of the Civil Service Board thereunder shall be a misdemeanor, and any official found guilty of such offense may be punished by a fine not exceeding one hundred (\$100.00) dollars or thirty (30) Days in jail or both.

**E. Classified and unclassified services established<sup>702</sup>.** The Civil Service of the City shall be divided into the unclassified and classified service. The unclassified service shall comprise: (a) Elected Officials and persons appointed to fill vacancies in the elective offices; (b) members of Boards and Commissions appointed by the Mayor and other appointing authorities as set forth in this Charter; (c) City Assessors; the City Planning Director, the Librarian, assistant librarians and the superintendents of the different departments of the public library and the Director of Parks and Recreation and the Department Heads appointed by the Mayor and other appointing authorities as set forth in this Charter, excepting the Personnel Director; (d) the secretary, superintendents, assistant superintendents, supervisors, directors, principals and teachers employed by the Board of Education; (e) the secretary and employees to the Mayor; (f) the Corporation Counsel, assistant Corporation Counsels and any deputy Corporation Counsels; (g) persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation or examination and special investigators in any department; (h) patient or inmate help in the City, charitable, penal and correctional institutions from the effective date of this Charter; (i) truck drivers, operators, and entry level field persons, maintenance persons and laborers who are not presently under Civil Service, in the Department of Public Works; (j) supernumerary police and substitute fire personnel who shall, however, be selected by Civil Service examination and thereafter shall be eligible for appointments to the lowest classified grade in the respective departments, and (k) appointed employees of the registrar of voters in accordance with §9-192 of the General Statutes. The classified service shall comprise all positions not specifically included by this section in the unclassified service and all appointments and promotions therein shall be made according to merit and fitness to be ascertained so far as practicable by competitive examinations.

**F. Classification plan; establishment, contents, changing<sup>703</sup>.** Within two (2) years after the effective date of this Charter amendment, the Personnel Director shall prepare and submit to the Civil Service Board for approval and thereafter shall maintain an up-to-date classification plan containing a record of the qualifications, authority, duties and responsibilities of each position in the classified service. After such classification plan is approved, the Personnel Director shall review the plan in its entirety and recommend such changes as deemed appropriate to the Civil Service Board not less frequently than every nine (9) years. Changes in the classification plan shall become effective when approved by the Civil Service Board. The class title set forth in the classification plan shall be used to designate such positions in all official records, documents, vouchers and communications, and no persons shall be appointed to or employed in a position in the classified service under any class title which has not been recommended by the director and approved by the Civil Service Board as appropriate to the duties to be performed. The classification plan shall include the normal lines of promotion from one class to another. Employees affected by the allocation or reallocation of a position to a class or by any changes in

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<sup>702</sup> 2013 recodification of current §167. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>703</sup> 2013 recodification of current §168.

the classification plan shall be afforded an opportunity to be heard thereon by the Civil Service Board after filing with the secretary of the board a written request for such hearing.

**G. Pay plan; establishment, contents<sup>704</sup>.** For all positions not included within collective bargaining agreements nor part of the Board of Education, the director shall prepare and submit annually to the Board of Alders a pay plan consisting of a salary range for each class in the classification plan and also for all other officials and employees of the City. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility or characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the City's service, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the range, provided that the pay plan in force at the effective date of this Charter shall remain in effect until amended in accordance with the provisions of this Charter.

**H. Filling vacancies in higher classified positions<sup>705</sup>.** Vacancies in higher positions in the classified service of the City shall as far as practicable be filled by promotion from lower classes upon the basis of competitive tests including a consideration of service rating; provided that in case no persons in the classified service meet the necessary qualifications, the Personnel Director may direct that such position shall be filled by competitive tests open to any qualified persons.

**I. Effect of Charter on previous appointments<sup>706</sup>.** All nonprofessional workers including employees of any Board or Commission holding permanent positions in the service of the City who were appointed at least one year previous to February 16, 1950, whose positions are included in the classified service by the terms of this Charter, shall immediately become members of the classified service with full Civil Service status. All persons appointed under Civil Service rules prior to the effective date of this Charter are hereby confirmed as having full Civil Service status.

**J. Discrimination, fraud, bribery, etc. prohibited<sup>707</sup>.** No person in the classified service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of race, sex, age, national origin, or political or religious opinion or affiliation. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution thereof or of the rules and regulations made in accordance therewith. No person shall either directly or indirectly pay, render or give any money, service or any valuable thing to any person, for or on account of or in connection with any test, appointment, promotion, reduction or removal of any person affected by this section. Any person

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<sup>704</sup> 2013 recodification of current §169. See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>705</sup> 2013 recodification of current §170. See, Amend. of 7-1-93.

<sup>706</sup> 2013 recodification of current §171.

<sup>707</sup> 2013 recodification of current §172. See, Amend. of 7-1-75.

who alone or with others willfully or corruptly violates any of the provisions of this section shall upon conviction thereof be punished by a fine of not more than one hundred (\$100.00) dollars or by imprisonment for a term not exceeding thirty (30) Days or by both.

**K. Preference Points.**

(1) **Veteran's preference**<sup>708</sup>. Any person who has served in time of war, in the army, navy, air corps, marine corps or coast guard of the United States and has been honorably discharged therefrom shall be entitled to have added to such person's rating in the entrance examination held under the provisions of this Charter ten (10) points on a scale of one hundred if such person is eligible for disability compensation or pension from the United States through the veterans' administration, or five (5) points on a scale of one (100) hundred if such person is not so eligible, provided that such person shall be within the age limit specified for appointment to the position or class of position for which the examination is held, is physically capable of performing the duties of such position and attains in the examination without such added points the minimum rating prescribed for passage of such examination. No credits shall be allowed for promotion examination.

(2) **Persons Domiciled in the City**<sup>709</sup>. Any person domiciled in the City on the date of the announcement of an open competitive examination who attains the minimum rating prescribed for passage of such examination shall thereafter be accorded ten (10) additional points on a scale of one (100) hundred points in determining their rank on the eligible list approved by the Board for such examination. These points shall be in addition to any preference points accorded to veterans pursuant to the Charter; however, the cumulative total of the two preferences shall not exceed fifteen (15) points in total. No preference points for being domiciled in the City shall be allowed for any promotional examination. The term "domiciled in the City" shall have the meaning ascribed to it by the rules of the Civil Service Board.

**L. Filling vacancies when no list of eligibles exists**<sup>710</sup>. When no Civil Service list of eligibles exists for a particular class, the Personnel Director with the approval of the Civil Service Board may fill any vacancy in such class by a temporary appointment for not more than ninety (90) Days and within that period the Civil Service Board shall hold examinations of candidates for the class.

**M. Temporary appointments**<sup>711</sup>. The Personnel Director, when the interests of the City require, shall have authority to extend a temporary appointment for a period of ninety (90) Days but shall not exercise this power more than once in the case of any given appointee.

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<sup>708</sup> 2013 recodification of current §173. See, Amend. of 7-1-93.

<sup>709</sup> NEW (2013).

<sup>710</sup> 2013 recodification of current §174. See, Amend. of 7-1-93.

<sup>711</sup> 2013 recodification of current §175. See, Amend. of 7-1-93.

## Sec. 2. Planning and Zoning<sup>712</sup>.

**A. Referral of Zoning Ordinances, Resolutions to City Planning Commission<sup>713</sup>.** Every Ordinance or Resolution of the Board of Alders relating to the location and use of any street, bridge, boulevard, esplanade, square, park, playground, playfield, aviation field, parking space, public building, the facilities or terminals of any public utility, or the establishment or change in the boundaries of or regulations concerning zoning, shall be at once referred to the City Planning Commission and final action shall not be taken on any such Ordinance or Resolution until the commission shall have reported thereon, provided that the Board of Alders may establish by ordinance a period of not less than sixty (60) Days within which the commission shall file its report with the City Clerk and if no report is filed within such period the approval of the commission shall be presumed.

**B. Zoning authority of Board of Alders<sup>714</sup>.** The Board of Alders is authorized, by Ordinance, to regulate the height and bulk of structures to be erected and to limit the use of lot areas; the minimum areas or dimensions of rear, side and front yards or outer and inner courts and other open spaces within and surrounding any structure; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to classify, regulate and restrict the location of trades and industries and the location of structures designed for special uses; to divide the City of New Haven into districts of such number, shape and areas as may be best suited to carry out the provisions of this act. Regulations may be imposed in each district specifying the uses that shall be excluded or subjected to reasonable requirements of a special nature and designating the uses for which buildings may not be erected or altered. The regulations shall be uniform for each class of buildings or structures throughout any district. Regulations in one or more districts may differ from those in another district. Such regulations may provide that a board of appeals may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

**C. Zoning regulations to conform to comprehensive plan; purposes; factors considered<sup>715</sup>.** Such regulations shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

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<sup>712</sup> Provisions from current Article XXXI entitled "Planning and Zoning".

<sup>713</sup> 2013 recodification of current §180.

<sup>714</sup> 2013 recodification of current §181. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §303.

<sup>715</sup> 2013 recodification of current §182. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §304. Note: §§305 and 306 appear to be repealed.



**D. Procedure for adopting zoning regulations; enforcement<sup>716</sup>.** The City Plan Commission shall recommend the boundaries of districts and appropriate regulations and restrictions to be enforced herein. Such commission shall make a tentative report and hold a Public Hearing thereon. Public Notice of such hearing shall be given in accordance with Law. Such hearing may be adjourned from time to time. Within thirty (30) Days after the final adjournment of such hearing, the commission shall make a report to the Board of Alders and submit a proposed Ordinance in accordance with the provisions of this section. Such proposed Ordinance may be, by said Board of Alders, referred to the commission for further consideration. All Ordinances, when adopted under the provisions of this section, shall be enforced under the authority of a Public Official to be designated by such Ordinance.

**E. Altering regulations, district<sup>717</sup>.** The regulations imposed and the districts created under the provisions of this section may be changed or altered from time to time by Ordinance, but no such change or alteration shall be made until the proposed change shall have been referred to the City Plan Commission for a Public Hearing. Said commission shall, upon receipt from the Board of Alders of such proposed change, give Public Notice and proceed with a hearing in the same manner as is herein provided and shall report to said Board of Alders its recommendations in the matter, within thirty (30) Days after receipt by it of the proposal for a change. Thereafter the Board of Alders may, by Ordinance adopted in the usual manner, make the proposed change. When the owners of fifty (50%) per centum of the frontage in any district or part thereof shall present a petition to the Mayor requesting an amendment or repeal of any such regulation, the Mayor shall forthwith refer such proposed amendment or repeal to the commission for its further consideration and recommendation, and said commission shall, within ninety (90) Days from the receipt of petition, submit a report of the Board of Alders of said City of such approval or disapproval. If twenty (20%) per centum of the owners of the frontage of the property immediately affected by the proposed amendment or repeal or, if the owners of twenty (20%) per centum of the frontage of the rest of the block or blocks affected or the owners of twenty (20%) per centum of the frontage directly opposite the property immediately affected by such amendment or repeal, shall, within fifteen (15) Days after the filing of the report of said commission, file a protest in writing, signed by them with the City Clerk, such amendment or repeal shall not be adopted unless recommended by the City Plan Commission or unless three-fourths (3/4<sup>ths</sup>) of the members of the Board of Alders shall vote in favor of such amendment or repeal.

**F. Authority to prevent, abate, correct zoning violations<sup>718</sup>.** If any building or structure shall have been erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land shall have been used, in violation of any of the provisions of this Charter or of any Ordinance or other regulations made under authority conferred hereby, any official having jurisdiction, in

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<sup>716</sup> 2013 recodification of current §183. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §307. See also, Amend. of 7-1-93.

<sup>717</sup> 2013 recodification of current §184. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §308.

<sup>718</sup> 2013 recodification of current §186. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §310.

addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use, or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

**G. General enforcing authority; jurisdiction<sup>719</sup>.** Such regulations shall be enforced by the Public Official, Board or Commission or authority designated therein, which shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the provisions of this act. The owner or agent of any building or premises where a violation of any provision of such regulations shall have been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation has been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist, shall be fined not less than ten nor more than one hundred dollars for each day that such violation shall continue; but, if the offense be willful, the person convicted thereof shall be fined not less than one hundred nor more than two hundred fifty (\$250.00) dollars for each day that such violation shall continue or imprisoned not more than ten (10) Days for each day such violation shall continue, or both; and the municipal court of the City of New Haven shall have jurisdiction of all such offenses, subject to appeal as in other cases.

**H. Civil penalty for failure to discontinue violation<sup>720</sup>.** Any such person who, having been served with an order to discontinue any such violation shall fail to comply with such order within ten (10) Days after such service or who shall continue to violate any provision of the regulations made under authority of the provisions of this section specified in such order, shall be subject to a civil penalty of two hundred and fifty (\$250.00) dollars, payable to the City Treasurer.

### **Sec. 3. Assessment of Benefits and Damages.**

**A. Alders to refer public works matters to department<sup>721</sup>.** Before the Board of Alders shall decide to take any land, or to lay out any square, park, street, highway, bridge or walk, or to establish any building line or discontinue any highway, it shall refer all pending measures relating thereto to the Department of Public Works.

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<sup>719</sup> 2013 recodification of current §187. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §311.

<sup>720</sup> 2013 recodification of current §188. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §312. **Note:** §313 appears to be repealed.

<sup>721</sup> 2013 recodification of current §85. Derived from Sp. L. 1899, p. 412, §78; See also, Sp. L. 1901, p.1114, §1, 2 and Sp. L. 1911, p. 202; and, Sp. L. 1927, §126 (First paragraph).

**B. Department to prepare assessments of benefits, damages<sup>722</sup>.**

Said department shall, after notice to all owners and mortgagees of land proposed to be taken or affected by such measures, and after Public Hearing thereon, cause a survey of such land or layout of such public work to be prepared, and an assessment of benefits and damages to be made and said department shall report its doings to the Board of Alders in writing, and shall annex thereto a survey showing the particular designation of the land to be taken or the layout of the proposed public improvement.

**C. Notice to persons interested in property affected by public works<sup>723</sup>.** All such notices shall be signed by a clerk of the department, and a notice shall be delivered or mailed to each person, interested as aforesaid in such land, who resides in the City or to the agent in charge of such land, or be left at the usual place of abode of said person or agent, at least six (6) Days prior to such hearing. In case any person so interested shall not at the time reside in the City, or shall be under any legal disability, or in case the owner of any such property is unknown, such notice shall be given as a judge of the superior court may order.

**D. Action by Alders on special assessments<sup>724</sup>.** Said Board of Alders may, after all necessary appropriations have been made, accept said report, and adopt such layout or assessment, or may modify the same as it may deem best, and when such report or modification shall have been accepted and recorded in the records of the Board of Alders, and when the damages shall have been paid to the persons whose property has been taken or damaged for such public purpose, or shall have been deposited with the City Treasurer to be paid to such persons when they shall apply for same, then each of said assessments shall be legally deemed to have been made, and if the matter relates to the taking of the land, the land described in the Order of said Board of Alders shall be and remain devoted to the public use for which it shall have been designated.

**E. Notice to owner of special assessments; when payable<sup>725</sup>.** Within one week after compliance with the foregoing provision in regard to the payment of damages, and after the report of the Director of Public Works that the improvements have been completed, the City Clerk of said City shall deposit, in the post office a letter or postal card addressed to the person against whom any such assessment may have been laid, notifying such person of the amount of such assessment and the date when the same is payable, and thereupon such assessment shall be valid and of full force. Each assessment of benefits shall be payable five (5) Days after the date of depositing notice thereof as aforesaid.

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<sup>722</sup> 2013 recodification of current §86. Derived from Sp. L. 1927, §126 (Second paragraph) (see above; See also, Amend. of 7-1-93).

<sup>723</sup> 2013 recodification of current §87. Derived from See, Sp. L. 1899, p. 412, §79. See also, Sp. L. 1927, §127; and, Amend. of 7-1-93.

<sup>724</sup> 2013 recodification of current §88. Derived from Sp. L. 1899, p. 413, §81; See also, Sp. L. 1911, p. 143-144; and, Sp. L. 1927, §129 (First paragraph).

<sup>725</sup> 2013 recodification of current §89. Derived from Sp. L. 1927, §129 (Second paragraph). See, above.

**F. Payment, collection of assessments for benefits or damages; interest<sup>726</sup>.** If any person shall refuse to receive the amount found due him, or in case no one shall be found having authority to receive the sum found due to any particular person, such amount shall be deposited in the treasury of said City, to be paid to the persons entitled to receive the same whenever they shall apply therefor. No assessment for benefits shall be collectible nor bear interest until the work for which such assessment was laid shall have been completed. Every such assessment shall bear interest at the rate of six (6%) per centum per annum from and after the date of such completion until a certificate of lien therefor shall have been filed.

**G. Authority to require property owner to construct, repair, maintain sidewalks, curbs; lien for costs when done by City<sup>727</sup>.** The Board of Alders may Order the owner or owners of any land fronting on any highway or street in said City to construct or repair sidewalks, curbs within the highway adjacent to said land, in the manner and within the time specified in such Order, at such grade as said City may have constructed in said highway. Notice of such Order shall be given by the Director of Public Works to each property owner affected by said Order, in the manner prescribed for serving notices of hearing of said department. If any such owner(s) shall neglect or refuse to comply with such Order, or to remove snow, ice or sleet from the sidewalk adjacent to their land in the manner required by Ordinance, it shall be the duty of the superintendent of streets (or such other position as may be designated by the Director or by law), at the expense of the City, to perform the things required by such Order or Ordinance, and the expense so incurred shall, from the time when such superintendent begins to act and make expense in the premises, be and continue a lien and real encumbrance in favor of said City upon such land. Such amount may also be recovered in an action in the name of said City.

**H. Special assessment liens<sup>728</sup>.** All assessments of benefits made under this Charter shall be and remain a lien upon the property especially benefited by the public works or improvement in view of which assessments were made, but the whole amount of assessments for benefits, by reason of any such work or improvement, shall in no case exceed the cost thereof, including the damages payable; and such liens, and liens for the expenses of the laying of any sidewalk, curb by said City, or for the cleaning of any sidewalk, shall take precedence and priority of all other liens or encumbrances on the property whereon the same is imposed (except taxes and other City liens prior in date), and may be foreclosed in the same manner as though said liens were mortgages on such property in favor of said City to secure the amount of such assessment or expense; provided, that no such lien shall continue to exist longer than sixty (60) Days after such assessment shall have become payable, or, as the case may be, after such expense shall have been incurred, unless within that period a certificate of lien, in the manner and form elsewhere provided, shall be lodged with the City Clerk, to be recorded in a book kept for that purpose. When any lien is put upon any land or buildings under the Charter and bylaws of said City, such

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<sup>726</sup> 2013 recodification of current §90. Derived from Sp. L. 1927, §129 (Third paragraph); See, above.

<sup>727</sup> 2013 recodification of current §91. Derived from Sp. L. 1899, p. 413, §82; See also, Sp. L. 1901, p. 1114, §§1, 2 and p. 1117, §12; and, Sp. L. 1927, §130.

<sup>728</sup> 2013 recodification of current §92. Derived from Sp. L. 1899, p. 414, §83. See also, Sp. L. 1927, §131; and, Amend. of 7-1-93.

land and buildings shall be liable for the assessment and interest on the amount of such lien from the date thereof until paid, and also for the City Clerk's fee and a fee of one (\$1.00) dollar for the drafting of a lien certification, and, before such lien shall be removed, such assessment, interest and fees shall be paid to the collector.

**I. Apportioning assessments among joint owners<sup>729</sup>.** In case any land in front of which any sidewalk, curb is ordered, or against which an assessment of benefits for any public work is to be made, shall be held by two or more persons jointly, or two or more persons shall have different estates therein, the Department of Public Works may apportion between such persons the amount of such assessment or the expense of carrying out such Order. Said department shall report its doings to the Board of Alders, and the action of said Board of Alders thereon shall determine the amount to be paid by the said persons respective.

**J. Appeals from assessments<sup>730</sup>.** Any party who shall be aggrieved by any Order of the Board of Alders, making any such assessments of benefits or damages, or requiring the construction of any sidewalk, curb or the payment of any part of the expense thereof, may make written application for relief to the Superior Court, to be held in and for New Haven County; provided, such party shall cause a copy of said application to be served upon the City Clerk within thirty (30) Days after the doing of the act complained of. Said court may, by a committee or otherwise, inquire into the allegations of such application, and may confirm, annul or modify the assessment or other action therein complained of, or make such Order in the premises as equity may require, and may allow costs to either party at its discretion; and said court may inquire into the validity of all the proceedings upon which said assessments or other action is based. No land taken as aforesaid shall be occupied by the City until the time for taking appeals shall have expired, and until all appeals have been finally disposed of; provided, however, if the City shall, on any such appeal, if such appeal is not taken from the layout itself, file an offer to give such security as said court may require for the payment of all such damages as may be finally awarded to the appellant, said court, or in vacation, any judge thereof, after hearing the parties upon such notice as said court or judge may deem sufficient, shall proceed to fix the security to be given by said City for the payment of said damages; and when said City shall have given the security fixed as aforesaid, said City may immediately enter upon, take possession of, and use such land for the purpose or purposes for which said land is taken. All such appeals shall be privileged cases in the superior court, and it shall be the duty of the Corporation Counsel to cause such appeals to be heard as speedily as possible.

**K. Duration of liens; collection of assessments by suit; when sewer, street paving assessments effective<sup>731</sup>.** Such assessments shall be and remain a lien upon the land or other property assessed by said Board of Alders as aforesaid; provided that such lien shall not remain for a longer period than sixty (60)

<sup>729</sup> 2013 recodification of current §93. See also, Amend. of 7-1-93.

<sup>730</sup> 2013 recodification of current §94. Derived from Sp. L. 1899, p. 414, §85; See also, Sp. L. 1901, p. 1114, §§1, 2 and p. 1117, §12; Sp. L. 1913, p. 1119; Sp. L. 1927, §133; and, Amend. of 7-1-93.

<sup>731</sup> 2013 recodification of current §95. Derived from Sp. L. 1899, p. 427, §136; See also, Sp. L. 1901, p. 1114, §§1, 2 and p. 1136; Sp. L. 1927, §134 (Second paragraph); and, Amend. of 7-1-93.

Days after such actual expense has been ascertained, and the owner of such property notified, unless the tax collector shall sign and file with the City Clerk a certificate describing the property on which the lien exists and the amount claimed as a lien thereon; and the City of New Haven may collect the amount assessed against any street railway company in accordance with the provisions of this Charter by suit at law in any proper court. Authorized assessments for sewers and for street pavements need not be Published, but all such assessments shall be valid and of full force whenever the City Clerk shall have deposited in the post office a letter or postal card addressed to owner of the abutting property and to the street railroad company, against which any assessment may have been laid notifying such owner or railroad company of the amount of any such assessment.

## ARTICLE XIV. ADMINISTRATIVE PROVISIONS

### Sec. 1. Mandatory Decennial Charter Review<sup>732</sup>.

At least once every ten (10) years after July 1, 1993, the Board of Alders shall appoint a Charter Revision Commission pursuant to §7-190 of the General Statutes to consider such amendments to this Charter as the Board of Alders may direct and such other amendments as the commission may deem appropriate.

### Sec. 2. Severability<sup>733</sup>.

In the event that any of the amendments to this Charter voted in November, 2013, are found by a court of competent jurisdiction to be invalid for any reason, such finding shall not invalidate any other of these amendments.

### Sec. 3. Effective date<sup>734</sup>.

Unless otherwise set forth in this Charter, these amendments shall be effective at 12:01 A.M. on January 1, 2024<sup>735</sup>.

Commented [S37]: Adjustment.

<sup>732</sup> 2013 recodification of current §216.

<sup>733</sup> 2013 recodification of current §217.

<sup>734</sup> 2013 recodification of current §218.

<sup>735</sup> 2023 repeal, in part, of Article XV upon adoption of the Transitional Ordinance by the Board of Alders on June \_\_, 2023, including (1) "Role of the Purchasing Agent," recodification of §74(a) as Sec. 1.B (2013). See, Amend. of 7-1-75 and Amend. of 7-1-93; (2) "Written Contracts. When Required," recodification of §74(b) as Sec. 1.C (2013). See, Amend. of 7-1-75 and Amend. of 7-1-93; (3) "Form of contract; contractor's security; procedure for opening bids; effect of low bidder failing to accept contract or abandoning work; contracting with defaulters, debtors; copies of contracts," recodification of §75 as Sec. 1.F (2013). See, Amend. of 7-1-75 and Amend. of 7-1-93; (4) "Deposits accompanying bids," recodification of §76 as Sec. 1.G (2013). See, Amend. of 6-5-54 and Amend. of 7-1-93; (5) "Wage Provisions required in Public Works Contracts," recodification of §77 as Sec. 1.H (2013). See, Amend. of 7-1-93; (6) "Corporation Counsel" recodification of §17 as Sec. 2.B(1)(2013), as follows: "In addition to the general requirements applicable to Department Heads, There shall be in said city a corporation counsel who, at the time of appointment, the Corporation Counsel shall have been an attorney and counselor at law of this state for not less than ten years, and shall reside in said city during the term of office. The corporation counsel shall be appointed by and subject to the authority of the mayor, and shall serve a term coterminous with that of the mayor who appointed him. Said corporation counsel shall be responsible for the efficiency, discipline and good conduct of the department." The residency requirement is addressed by §2.C (3) of Article VI of this Charter. Derived from Sp. L. 1899, p. 395, § 15; Sp. L. 1905, p. 910, § 7; Sp. L. 1927, p. 17, § 15; (7) The Deputy and Assistant Corporation Counsels," recodification of .§19 (First clause of the first sentence) as Sec. 2.B(2) (2013), as follows: "The Mayor shall appoint deputy and assistant Corporation Counsels, all of whom shall have been admitted to the bar of this State and shall have been practicing attorneys for at least two (2) years<sup>735</sup>, each to hold office for the term of one (1) year from said appointment or until their successor shall be appointed and duly qualified". The final clause has been moved to §2.B (3) of this Article. See, Amend. of 7-1-93; (8) "The City Controller," recodification of §21 (Second sentence) as Sec. 2.B(3) (2013). See, Amend. of 7-1-93; (9) "The Purchasing Agent," repeal of Sec. 2.B(4) (2013); (10) "The City Assessor" recodification §81(b) (First sentence) as Sec. 2.B(5) (2013). See, Amend. of 7-1-93; (11) "The Director of Public Works," repeal of Sec. 2.B(6) (2013); (12) "The City Engineer," recodification of §96 (Second sentence) as Sec. 2.B(7) (2013). See, Amend. of 7-1-93; (13)

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"The Chief of Police," recodification of §101 (Third and fourth sentences) as Sec. 2.B(8) (2013). See, Sp. L. 1899, p. 403, § 47; Sp. L. 1901, p. 675, § 1; Sp. L. 1907, p. 179; See also, Sp. L. 1927, § 96; and, Amend. of 7-1-93; (14) "The Fire Chief" recodification of §103 (Fourth and fifth sentences) as Sec. 2.B(9) (2013), in lieu of the following: "In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the chief shall have an adequate knowledge of the organization and administration of ~~a the D~~ department of F fire S service and shall also have had experience of at least five (5) years in the protection of a municipality the City against danger from fire and in the management and direction of the operations of a fire department with at least two hundred (200) employees serving a population of at least one hundred (100,000) thousand residents of fire department personnel<sup>735</sup>. Said Fire Chief shall have earned at least a bachelor's degree from an accredited institution of higher education prior to being considered for the position". See, Amend. of 7-1-93. (15) "The Director of Parks and Recreation," recodification of §113 (Second sentence) as Sec. 2.B(10) (2013); (16) "The Building Officials of Inspectors," recodification of §123 (First sentence) as Sec. 2.B(11) (2013). Currently entitled "Same; qualifications; authority of Director to appoint, remove other employees." Derived from Sp. L. 1911, p. 624-626; See also, Sp. L. 1927, §§156, 157 and 158; See also, Amend. of 7-1-93; (17) "The Director of Public Health," recodification of §127 (Fifth sentence of first paragraph) as Sec. 2.B(12) (2013). See, Amend. of 7-1-93; (18) "The City Librarian," recodification of Sec. 2.B(13); (19) The Superintendent of Schools," recodification of Sec. 2.B(14); (20) The Personnel Director," recodification of §165 (Second sentence) as Sec. 2.B(15). See also, Amend. of 1-1-83 and Amend. of 7-1-93; (21) "The Planning Director," recodification of §178 (First sentence) as Sec. 2.B(16), as follows: "~~The Mayor shall appoint a~~ The Planning Director who shall be qualified by special training and experience in City planning". See, Amend. of 7-1-93; and, (22) "The Director of Traffic and Parking," as set forth in Sec. 2.B(17).



**ARTICLE XV. HISTORIC PURCHASING AND DEPARTMENT HEAD  
QUALIFICATION PROVISIONS SUBJECT TO SUNSET AS AUTHORIZED BY  
THIS CHARTER**

**Sec. 1. Purchasing Provisions.**

Commented [S38]: BOA #8

**A. Transition Provision Regarding Purchasing**<sup>736</sup>. Until the effective date of the procurement ordinance required by §4.F of Article VI of this Charter, matters pertaining to purchasing and bidding procedures shall be subject to the provisions of §1.B - H of this Article. In accordance with the Charter revisions approved in 2013, the Mayor shall appoint a task force for the purpose of preparing such ordinance for adoption. Said task force (following consultation with the City Purchasing Agent) shall report a proposed ordinance to the Mayor and Board of Alders within six (6) months from the adoption of this Charter. The pertinent provisions of §1.B - H of this Article shall remain in full force and effect until the effective date of the replacement Ordinance. Upon the effective date of the Ordinance the pertinent provisions of §1.B - H of this Article shall be null and void, unless otherwise set forth in the replacement Ordinance.

**B. Role of the Purchasing Agent**<sup>737</sup>. Except as otherwise provided in this Charter, all contracts to be made or let for work to be done or for supplies to be furnished to said City, and all sales of personal property in the custody of the several Public Officials, Departments or Boards or Commissions of said City shall be made by the Purchasing Agent.

**C. Written Contracts. When Required**<sup>738</sup>. Whenever any work is necessary to be done, or any supply is needed, and the several parts of said work or supply shall together involve the expenditure of more than five (\$5,000.00) thousand dollars, or such other amount established by the Board of Alders by Ordinance, such work shall be done or supply acquired pursuant to written contract, under such regulations as the Board of Alders may establish by Ordinance. All such contracts shall be founded on sealed bids or proposals made in compliance with Public Notice published at least ten (10) Days before the time fixed for opening said bids or proposals. If the Purchasing Agent shall not deem it for the interest of the City to reject all bids, the Purchasing Agent shall award the Contract to the lowest responsible bidder.

**D. Form of contract; contractor's security; procedure for opening bids; effect of low bidder failing to accept contract or abandoning work; contracting with defaulters, debtors; copies of contracts**<sup>739</sup>. The form of each contract, which shall include the specifications, shall be approved by the Corporation Counsel. A performance bond satisfactory to the City Purchasing Agent in the full amount of the contract price shall be required for all contracts for the construction, alteration or repair of any public building or public work in excess of seventy-five (\$75,000.00) dollars, or such larger amount that may be approved by the Board of Alders by Ordinance, and may be required in the discretion of the Purchasing Agent for any contracts for the provision of supplies, materials or equipment. All bids or proposals shall be publicly opened by the Purchasing Agent advertising for the same.

<sup>736</sup> NEW (2013).

<sup>737</sup> 2013 recodification of current §74(a). See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>738</sup> 2013 recodification of current §74(b). See, Amend. of 7-1-75 and Amend. of 7-1-93.

<sup>739</sup> 2013 recodification of current §75. See, Amend. of 7-1-75 and Amend. of 7-1-93.

If the lowest bidder shall neglect or refuse to accept the contract, after written notice that the same has been awarded according to the successful bid or proposal, or if the lowest bidder fails to execute the contract or to give proper security, it may be readvertised and relet in the manner provided, or, such Purchasing Agent may cause said work to be finished without making a new contract, and the original contractor shall be liable to the City for any excess in the cost of said work over the amount of the original contract. No bid shall be accepted from or contract awarded to any person, corporation or other entity who is in arrears to the City upon a debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the City.

**E. Deposits accompanying bids<sup>740</sup>.** Whenever proposals for furnishing supplies or doing work are invited by advertisement by the Purchasing Agent, the Purchasing Agent may require, as a condition precedent to the reception of any proposal, the deposit with the Purchasing Agent of a certified or bank check drawn to the order of the City, or of a surety bond issued by a company authorized to write such surety bonds in the State and in such form as shall be satisfactory to the Corporation Counsel. The Purchasing Agent shall require such a deposit in any instance where the contract would require a performance bond. Such check or surety bond shall accompany the proposal and shall be for an amount determined by the Purchasing Agent and stated in the advertisement for proposals. Within three (3) Days after the lowest responsible bidder has been determined, the Purchasing Agent shall return all such checks or surety bonds to the persons depositing the same, except the check or surety bond deposited by the lowest responsible bidder/proposing party. If the lowest responsible bidder or proposing party shall refuse or neglect to execute the contract after due notice that the contract has been awarded, the tendered deposit of the lowest responsible bidder or proposing party shall be forfeited to and retained by the City as liquidated damages for such neglect or refusal and such check or the amount of such bond shall be paid into the treasury of said City; but if said lowest responsible bidder or proposing party shall execute the contract within the time aforesaid, the amount of the tendered deposit shall be returned to said party or, in the alternative the surety bond deposited shall be canceled.

**F. Wage Provisions required in Public Works Contracts<sup>741</sup>.** Except in those contracts below an amount which may be established from time to time by the Board of Alders by Ordinance, in all contracts for the construction, repairing or remodeling of public buildings or public works of any kind by the City of New Haven or any of its divisions there shall be incorporated a provision that wages paid any mechanic, laborer or workman employed under such contract shall be at the rate of wage based upon the customary or prevailing rate of wages for the same type of work in the same trade or occupation prevailing in the City of New Haven, and based upon the wage schedule and rates therein set by the United States Department of Labor for the New Haven area or as otherwise provided by Law.

## **Sec. 2. Department Head Qualifications.**

Commented [S39]: BOA #8

**A. Transition Provision Regarding Department Head Qualifications<sup>742</sup>.** Until the effective date of the ordinance(s) required by §2.C of Article VI of this Charter, matters pertaining to the qualifications of Department Heads shall be subject to the provisions of this section. In accordance with the Charter revisions approved in 2013,, the Mayor shall instruct the Personnel Director to

<sup>740</sup> 2013 recodification of current §76. See, Amend. of 6-5-54 and Amend. of 7-1-93.

<sup>741</sup> 2013 recodification of current §77. See, Amend. of 7-1-93.

<sup>742</sup> NEW (2013).

commence the process of preparing a report delineating Department Head Qualifications as required by this Charter. The Mayor shall (following consultation with the Personnel Director) propose such modifications and recommendations to the Board of Alders within six (6) months from the adoption of this Charter. The pertinent provisions of §2.B (1) - (17) of this Article shall remain in full force and effect until the effective date of the replacement Ordinance. Upon the effective date of the Ordinance the pertinent provisions of §2.B. (1) - (17) of this Article shall be null and void, unless otherwise set forth in the replacement Ordinance.

**B. The following are the current qualifications of Department Heads as set forth in this Charter:**

(1) **The Corporation Counsel.** In addition to the general requirements applicable to Department Heads and subject to modifications set forth in §2.C of this Article, at the time of appointment, the Corporation Counsel shall have been an attorney and counselor at law of this State for not less than ten (10) years<sup>743</sup>.

(2) **The Deputy and Assistant Corporation Counsels**<sup>744</sup>. Subject to modification as set forth in §2.C of this Article, at the time of appointment, the Deputy and Assistant Corporation Counsels shall have been admitted to the bar of this State and shall have been practicing attorneys for at least two (2) years.

Commented [S40]: Waiver to be addressed by Ordinance.

(3) **The City Controller**<sup>745</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the Controller shall be chosen on the basis of training and at least five (5) years of broad experience in accounting and finance based upon nationally accepted standards, and shall have at least a bachelor's degree in accounting, finance or a similar field.

<sup>743</sup> 2013 modification and recodification of current §17, as follows: "In addition to the general requirements applicable to Department Heads, There shall be in said city a corporation counsel who, at the time of appointment, the Corporation Counsel shall have been an attorney and counselor at law of this state for not less than ten years, and shall reside in said city during the term of office. The corporation counsel shall be appointed by and subject to the authority of the mayor, and shall serve a term coterminous with that of the mayor who appointed him. Said corporation counsel shall be responsible for the efficiency, discipline and good conduct of the department." The residency requirement is addressed by §2.C (3) of Article VI of this Charter. Derived from Sp. L. 1899, p. 395, § 15; Sp. L. 1905, p. 910, § 7; Sp. L. 1927, p. 17, § 15.

<sup>744</sup> 2013 recodification of current §19 (First clause of the first sentence), as follows: "The Mayor shall appoint deputy and assistant Corporation Counsels, all of whom shall have been admitted to the bar of this State and shall have been practicing attorneys for at least two (2) years<sup>744</sup>, each to hold office for the term of one (1) year from said appointment or until their successor shall be appointed and duly qualified". The final clause has been moved to §2.A (3) of this Article. See, Amend. of 7-1-93.

<sup>745</sup> 2013 recodification of current §21 (Second sentence). See, Amend. of 7-1-93.

(4) **The Purchasing Agent**<sup>746</sup>. In addition to the general requirements applicable to Department Heads, qualifications shall be established as set forth in §2.B of this Article.

(5) **The City Assessor**<sup>747</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the City Assessor shall have completed at least eight (8) years responsible full-time professional experience in the field of property appraisal prior to appointment, of a character such as to develop working knowledge in the field of assessing property for municipal tax purposes, and shall be a certified municipal Assessor pursuant to §12-40a of the General Statutes.

(6) **The Director of Public Works**<sup>748</sup>. In addition to the general requirements applicable to Department Heads, qualifications shall be established as set forth in §2.B of this Article.

(7) **The City Engineer**<sup>749</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the City Engineer shall be a civil engineer licensed to practice such profession in this State and shall have had at least five (5) years experience in the design and supervision of the construction of public works.

(8) **The Chief of Police**<sup>750</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the Chief of Police shall have an adequate knowledge of the organization and administration of a City police department and shall also have had experience of at least five (5) years in the management and direction of supervisors of operations of a police department with at least two hundred (200) employees serving a population of at least one hundred (100,000) thousand residents. Said Chief of Police shall have earned at least a bachelor's degree from an accredited institution of higher education prior to being considered for the position.

(9) **The Fire Chief**<sup>751</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth

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<sup>746</sup> NEW (2013).

<sup>747</sup> 2013 recodification of current §81(b) (First sentence). See, Amend. of 7-1-93.

<sup>748</sup> NEW (2013).

<sup>749</sup> 2013 recodification of current §96 (Second sentence). See, Amend. of 7-1-93.

<sup>750</sup> 2013 recodification of current §101 (Third and fourth sentences). See, Sp. L. 1899, p. 403, § 47; Sp. L. 1901, p. 675, § 1; Sp. L. 1907, p. 179; See also, Sp. L. 1927, § 96; and, Amend. of 7-1-93.

<sup>751</sup> 2013 modification and recodification of current §103 (Fourth and fifth sentences), in lieu of the following: "In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the chief shall have an adequate knowledge of the organization and administration of ~~a the D~~ department of ~~F fire S~~ service and shall also have had experience of at least five (5) years in the protection of ~~a municipality~~ the

in §2.B of this Article, the chief shall have an adequate knowledge of the organization and administration of a department of fire service and shall also have had experience of at least five (5) years in the protection of a municipality against danger from fire and in the management and direction of the operations of a fire department with at least two hundred (200) employees serving a population of at least one hundred (100,000) thousand residents.

(10) **The Director of Parks and Recreation**<sup>752</sup>. In addition to the general requirements applicable to Department Heads and the qualifications established as set forth in §2.B of this Article, the Director of Parks and Recreation shall be a person experienced in the management and administration of City parks and recreation and shall be the head of the department.

(11) **The Building Officials or Inspectors**<sup>753</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, no person shall receive an appointment as building official or inspector who has not had at least five (5) years practical experience (a) as a builder, civil engineer or architect, in the case of the building official, (b) as a master or journeyman plumber, in the case of the plumbing inspector, or (c) as an electrician, electrical contractor or electrical engineer, in the case of the electrical inspector, or who lacks the qualifications and license required by Law.

(12) **The Director of Public Health**<sup>754</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the Director of Public Health shall either be a licensed physician or shall hold a graduate degree in public health as a result of at least one (1) year's training, including at least sixty (60) hours in local public health administration, in a recognized school of public health or shall have such combination of training and experience as meets the approval of the State Commissioner of Health Services or its successor in function.

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~~City against danger from fire and in the management and direction of the operations of a fire department with at least two hundred (200) employees serving a population of at least one hundred (100,000) thousand residents of fire department personnel~~<sup>751</sup>. Said Fire Chief shall have earned at least a bachelor's degree from an accredited institution of higher education prior to being considered for the position". See, Amend. of 7-1-93.

<sup>752</sup> 2013 modification and recodification of current §113 (Second sentence).

<sup>753</sup> 2013 recodification of current §123 (First sentence). Currently entitled "Same; qualifications; authority of Director to appoint, remove other employees." Derived from Sp. L. 1911, p. 624-626; See also, Sp. L. 1927, §§156, 157 and 158; See, . See also, Amend. of 7-1-93.

<sup>754</sup> 2013 recodification of current §127 (Fifth sentence of first paragraph). See, Amend. of 7-1-93.

(13) **The City Librarian**<sup>755</sup>. In addition to the general requirements applicable to Department Heads, the qualifications for the City Librarian shall be established as set forth in §2.B of this Article.

(14) **The Superintendent of Schools**<sup>756</sup>. In addition to the general requirements applicable to Department Heads, the qualifications for the Superintendent of Schools shall be established as set forth in §2.B of this Article.

(15) **The Personnel Director**<sup>757</sup>. In addition to the general requirements applicable to Department Heads, qualifications for the Personnel Director shall be established as set forth in as set forth in §2.B of this Article in a manner consistent with the classification plan adopted in accordance with the provisions of this Charter.

(16) **The Planning Director**<sup>758</sup>. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.B of this Article, the Planning Director shall be qualified by training and experience in City planning.

(17) **The Director of Traffic and Parking**<sup>759</sup>. In addition to the general requirements applicable to Department Heads, the qualifications for the Director of Traffic and Parking shall be established as set forth in §2.B of this Article.

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<sup>755</sup> NEW (2013).

<sup>756</sup> NEW (2013).

<sup>757</sup> 2013 modification and recodification of current §165 (Second sentence). See also, Amend. of 1-1-83 and Amend. of 7-1-93.

<sup>758</sup> 2013 modification and recodification of current §178 (First sentence), as follows: "~~The Mayor shall appoint a~~ The Planning Director ~~who~~ shall be qualified by special training and experience in City planning". See, Amend. of 7-1-93.

<sup>759</sup> NEW (2013).



## APPENDIX: COMMENTARY

### GENERAL HISTORIC NOTE:

This version of the Charter replaces the Charter that was last amended on November 3, 1992 and effective on July 1, 1993 ("The 1993 Charter"). The 1993 Charter was the most recent revision of the historic pre-home rule Charter, much of which was adopted by Special Act of the General Assembly in 1899. The final report on the amended and revised Charter was approved by the Charter Revision Commission on July 18, 2013 and received by the Board of Alders on July 22, 2013. The Commission was comprised of the following members: Hon. Michael Smart, Chair; Nilda Aponte; Kevin Arnold; Hon. Delphine Clyburn; Arlene DePino; Edward Fertik; Joelle Fishman; William Ginsberg; Caleb Kleppner; Melissa Mason; Brian Perkins; Carmen J. Reyes; Hon. Mark Stopa; and, Elizabeth Torres. Attorney Steven G. Mednick served as Special Counsel and Albert Lucas, the Director of Legislative Services served as the chief administrator of the charter revision process.

The Board of Alders approved the proposed revised Charter on August 5, 2013. The Board of Alders was comprised of the following members: Hon. Jorge Perez, President (5<sup>th</sup> ward); Hon. Jacqueline James, President Pro Tempore (3<sup>rd</sup> Ward); Hon. Alphonse Paolillo, Jr., Majority Leader (17<sup>th</sup> Ward); Hon. Tyisha Walker, Deputy Majority Leader (23<sup>rd</sup> Ward); Hon. Sarah Eidelson (1<sup>st</sup> ward); Hon. Frank E. Douglass, Jr., 2<sup>nd</sup> Ward; Hon. Andrea Jackson-Brooks, 4<sup>th</sup> Ward; Hon. Dolores Colon, 6<sup>th</sup> Ward; Hon. Douglas Hausladen, 7<sup>th</sup> Ward; Hon. Michael Smart, 8<sup>th</sup> Ward; Hon. Jessica Holmes, 9<sup>th</sup> Ward; Hon. Justin Elicker, 10<sup>th</sup> Ward; Hon. Barbara Constantinople, 11<sup>th</sup> Ward; Hon. Mark Stopa, 12<sup>th</sup> Ward; Hon. Brenda D. Jones-Barnes, 13<sup>th</sup> Ward; Hon. Santiago Berrios-Bones, 14<sup>th</sup> Ward; Hon. Ernie G. Santiago, 15<sup>th</sup> Ward; Hon. Migdalia Castro, 16<sup>th</sup> Ward; Hon. Salvatore E. Decola, 18<sup>th</sup> Ward; Hon. Alfreda Edwards, 19<sup>th</sup> Ward; Hon. Delphine Clyburn, 20<sup>th</sup> Ward; Hon. Brenda Foskey-Cyrus, 21<sup>st</sup> Ward; Hon. Jeanette I. Morrison, 22<sup>nd</sup> Ward; Hon. Evette Hamilton, 24<sup>th</sup> Ward; Hon. Adam J. Marchand, 25<sup>th</sup> Ward; Hon. Sergio Rodriguez, 26<sup>th</sup> Ward; Hon. Angela Russell, 27<sup>th</sup> Ward; Hon. Claudette Robinson-Thorpe, 28<sup>th</sup> Ward; Hon. Brian Wingate, 29<sup>th</sup> Ward; and, Hon. Carlton Stagers, 30<sup>th</sup> Ward.

The electors of the City of New Haven approved the amended and revised Charter on November 5, 2013.

### COMMENT ON THE FOOT NOTES:

These end-notes are prefatory in nature (Note: Don't be hoodwinked by the placement at the back of the book). They are designed to meet a couple of objectives. First, the 2013 Charter Revision represents the most comprehensive reorganization and restructuring of the Charter since the enactment of the Home rule Charter. The footnotes reference the sections of the 1993 Charter so that the reader may actually be able to reconstruct the changes. The thrust of these notes is to establish a pathway to understand and follow the transition from the current Charter to the proposed revised Charter. Furthermore, these end-notes refer to the Special Acts, other historical documents and source materials. The annotation was commenced within both budget and time constraints and should be viewed in that context. For example, if a section has no historical reference may simply mean that there was not sufficient time to burrow through all the versions of the charter or special acts to locate the historical foundation for the provision. These footnotes should not be relied upon as a definitive research tool or as the foundation for authoritative conclusions of the facts contained herein. They should be simply guideposts to the further research that will be necessary to reach any reach such conclusions or objectives.