



CHARTER REVISION COMMISSION
CITY OF NEW HAVEN, CONNECTICUT

PROPOSED REVISED CHARTER

FINAL REPORT

JULY 26, 2023
Pursuant to C.G.S. §7-191(c)

ANNOTATED

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NEW HAVEN BOARD OF ALDERMEN

HON. TYISHA WALKER-MYERS
President (23rd Ward)

HON. JEANETTE L. MORRISON
President Pro Tempore (22nd Ward)

HON. RICHARD FURLOW
Majority Leader (27th Ward)

HON. SALVATORE E. DECOLA
First Officer (18th Ward)

HON. EVELYN RODRIGUEZ
Deputy Majority Leader (4th Ward)

HON. ALEX GUZHNAVY
1st Ward

HON. FRANK E. DOUGLASS, JR.
2nd Ward

HON. RON HURT
3rd Ward

HON. KAMPTON SINGH
5th Ward

HON. CARMEN RODRIGUEZ
6th Ward

HON. ELI SABIN
7th Ward

HON. ELLEN CUPO
8th Ward

HON. CLAUDIA HERRERA
9th Ward

HON. ANNA FESTA
10th Ward

HON. RENEE HAYWOOD
11th Ward

HON. GERALD M. ANTUNES
12th Ward

HON. ROSE SANATANA
13th Ward

HON. SARAH MILLER
14th Ward

HON. ERNIE G. SANTIAGO
15th Ward

HON. JOSE CRESPO
16th Ward

HON. SAL PUNZO
17th Ward

HON. KIMBERLY R. EDWARDS
19th Ward

HON. DEVIN AVSHALOM-SMITH
20th Ward

HON. TROY STREATER
21st Ward

HON. EVETTE HAMILTON
24th Ward

HON. ADAM MARCHAND
25th Ward

HON. AMY MARX
26th Ward

HON. THOMAS FICKLIN
28th Ward

HON. BRIAN WINGATE
29th Ward

HON. HONDA SMITH
30th 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 law¹.

ARTICLE I. CONSTRUCTION OF THE GENERAL PROVISIONS²

Sec. 1. Title³.

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

Sec. 2. Definitions and Titles Generally⁴.

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 Generally⁵.

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

¹ 2013 modification of the pre-2013 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.

² Currently "Incorporation".

³ NEW (2013).

⁴ NEW (2013).

⁵ NEW (2013).

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 appointed⁶.
- 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 Statutes⁷.
- D. "Charter⁸" means the Charter of the City.
- E. "City⁹" 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 Haven¹⁰.
- F. "City Clerk" means the City and Town Clerk of New Haven¹¹.
- G. "Civil Service System" or "Civil Service¹²" means the Civil Service of the City, as required by this Charter and as further set forth in the Ordinances of the City.
- H. "Contract¹³" 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. It is the intent of this provision to include any written agreements documenting consensual settlements of any claims or allegations involving the City and any third parties, whether originating in a judicial or administrative proceedings under Law, this Charter or Ordinances or pursuant to or otherwise related to rights derived from any agreement, including collective bargaining agreements.
- I. "Day(s)¹⁴" 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.

⁶ 2013 modification and recodification of pre-2013 §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".

⁷ Required by C.G.S. § 7-193(a)(1)(C).

⁸ NEW (2013).

⁹ NEW (2013).

¹⁰ 2013 recodification of pre-2013 §1 (last sentence).

¹¹ 2013 recodification of pre-2013 §1 (last sentence).

¹² NEW (2013).

¹³ NEW (2023).

¹⁴ 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. "Department¹⁵" 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 Head¹⁶" 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 Official¹⁷" means an individual who holds an "Elected Municipal Office" (as defined in the General Statutes¹⁸ but shall not include a justice of the peace) in the City. The Elected Officials are set forth in §6.A of Article II.

M. "Elector¹⁹" 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 Statutes²⁰" means the Connecticut General Statutes, as may be amended from time to time.

P. "Law²¹" 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.

Q. "Mayor²²" means the chief executive officer of the municipality, as required by the General Statutes²³.

¹⁵ NEW (2013).

¹⁶ NEW (2013).

¹⁷ NEW (2013).

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

¹⁹ 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...".

²⁰ NEW (2013).

²¹ NEW (2013).

²² NEW (2013).

²³ Required by C.G.S. § 7-193(a)(2)(C).

R. “Meeting (or Hearing) Notice²⁴” 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 Official²⁵” 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 Article VI. “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. “Order²⁶” means a legislative action conferring authority to do a specified act, including, but not limited to, the approval of Mayoral appointments, proposed Contract s 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 Ordinances²⁷” 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 “Published²⁸” 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 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

²⁴ NEW (2013).

²⁵ NEW (2013).

²⁶ NEW (2013).

²⁷ NEW (2013).

²⁸ NEW (2013).

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. "Resolution²⁹" 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 Acts³⁰" means the acts of the General Assembly pertinent to the City.

Y. "State" or "Connecticut³¹" means the State of Connecticut.

Z. "State Constitution³²" means the Constitution of the State of Connecticut.

AA. "Vacancy³³" 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.

²⁹ NEW (2013).

³⁰ NEW (2013).

³¹ NEW (2013).

³² NEW (2013).

³³ NEW (2013).

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ARTICLE II. INCORPORATION AND GENERAL POWERS³⁴

Sec. 1. Established³⁵.

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 Rights³⁶.

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 Established³⁷. 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 Established³⁸. 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 (1st) Tuesday after the first (1st) Monday of November, 2015 and thereafter as set forth in §3.A(3)(b) of Article VII. 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.

³⁴ Currently "Territorial Limits". Incorporates pre-2013 Articles II and III ("Territorial Subdivisions").

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

³⁶ 2013 recodification of pre-2013 §1. See also, Sp. L. 1899, p. 288, § 2. See also, Special Laws 1969, Act No. 15, §2.

³⁷ 2013 recodification of pre-2013 §3. See, Amend. of 7-1-93.

³⁸ NEW (2013).

Sec. 4. Reapportionment of the Wards³⁹.

A. Federal Constitutional Standards⁴⁰. 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 Changed⁴¹. 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 Commission⁴². 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 party⁴³

(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 districts⁴⁴.

(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 commission⁴⁵.

(c) Upon receiving such plan, the City Clerk shall cause 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 ward and education district districting shall have the full force of law⁴⁶.

³⁹ Consolidation of pre-2013 §§4, 5, 6 and 7.

⁴⁰ 2013 recodification of pre-2013 §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.

⁴¹ 2013 recodification of pre-2013 §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.

⁴² 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.

⁴³ 2013 recodification of pre-2013 §4(c)(First portion of the first sentence).

⁴⁴ 2013 modification and recodification of pre-2013 §4(c)(Remainder of the first sentence).

⁴⁵ 2013 recodification of pre-2013 §4(c)(Second sentence).

⁴⁶ 2013 recodification of pre-2013 §4(c)(Third sentence).

C. In The Event General Assembly Districts Are Not Changed⁴⁷.

(1) Appointment of a Committee of Alders⁴⁸. 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 Report⁴⁹. 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 Alders⁵⁰. If said Board of Alders fails to appoint a committee as required in accordance with the provisions of §4.C of this Article 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 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.

⁴⁷ 2013 recodification of pre-2013 §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.

⁴⁸ 2013 recodification of pre-2013 §5. (First sentence). See, Amend. of 7-1-93.

⁴⁹ 2013 recodification of pre-2013 §5 (Second sentence).

⁵⁰ 2013 recodification of pre-2013 §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.

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 effective⁵¹.

(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 possible⁵².

Sec. 5. Application of the General Statutes; qualification of Electors; polling hours; voting districts⁵³.

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 established⁵⁴.

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

A. Elected Officials⁵⁵. 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.

B. Date of Elections; Term of Office⁵⁶.

(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)

Commented [S3]: BOA #4

⁵¹ 2013 recodification of pre-2013 §7 (First Paragraph). See, Amend. of 7-1-93.

⁵² 2013 recodification of pre-2013 §7 (Second Paragraph).

⁵³ 2013 recodification of pre-2013 §8 from pre-2013 Article IV entitled "Elections and Electors". See, Amend. of 7-1-93.

⁵⁴ Third sentence of pre-2013 §8 derived from Sp. L. 1899, p. 392, § 4.

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

⁵⁶ 2026 revision.

years from the first (1st) day of January 2026; and, thereafter, on the first Tuesday after the first Monday of November 2027 for a term of four (4) years from the first (1st) of January 2028 and quadrennially thereafter⁵⁷;

(2) The elected members of the Board of Education shall have a term of four (4) years, commencing on the first (1st) day of January 2028 and quadrennially thereafter; with the exception of the transitional two (2) year term for one member commencing on the first (1st) day of January 2026, as set forth in §3.A(3)(b) of Article VII.

(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 (1st) day of January next, and quadrennially thereafter⁵⁸.

C. **Plurality Vote**⁵⁹. 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**⁶⁰. 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 duties of Mayor and shall receive the same compensation otherwise due the Mayor⁶¹. 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 President⁶². The Board of Alders shall thereafter elect a new President Pro Tempore of said Board⁶³.

⁵⁷ 2013 recodification of pre-2013 §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.

⁵⁸ 2013 recodification of pre-2013 §9 (Third sentence of first paragraph). See, fn immediately, above.

⁵⁹ 2013 recodification of pre-2013 §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.

⁶⁰ 2013 recodification of pre-2013 §9 (Second Paragraph). See, Amend. Of 7-1-75.

⁶¹ 2013 recodification of pre-2013 §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.

⁶² 2013 recodification of pre-2013 §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.

⁶³ 2013 recodification of pre-2013 §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.

B. Vacancy in the Office of the Mayor-elect⁶⁴. 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 (1st) 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 Alders⁶⁵. 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 elections⁶⁶:

(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 election⁶⁷.

(2) If the position shall become vacant commencing on or after the first (1st) day of the nineteenth (19th) 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 ward⁶⁸.

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 Voters⁶⁹.

D. Vacancies of the Elected Members of the Board of Education⁷⁰. 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 elections⁷¹:

⁶⁴ 2013 recodification of pre-2013 §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.

⁶⁵ 2013 recodification of pre-2013 §53 (Fourth Paragraph). See, Amend. of 7-1-93.

⁶⁶ 2013 recodification of pre-2013 §53(Opening sentence).

⁶⁷ 2013 recodification of pre-2013 §53(a).

⁶⁸ 2013 recodification of pre-2013 §53(b).

⁶⁹ 2013 recodification of pre-2013 §53(Final sentence). See, Amend. of 7-1-75.

⁷⁰ NEW (2013).

⁷¹ NEW (2013).

(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 vacancy⁷². The person so elected shall assume office on the day of election⁷³.

(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 Voters⁷⁴.

Sec. 8. Vacancies of Appointed Public Officials⁷⁵.

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 Office⁷⁶.

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 inability⁷⁷. 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

⁷² NEW (2013).

⁷³ NEW (2013).

⁷⁴ 2013 recodification of pre-2013 §53(Final sentence).

⁷⁵ 2013 modification and recodification of pre-2013 §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.

⁷⁶ 2013 recodification of pre-2013 §146.

⁷⁷ 2013 recodification of pre-2013 §13 (First sentence). See, Amend. of 7-1-93.

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 removal⁷⁸. 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 same⁷⁹. Any such temporary suspension or appointment shall automatically end upon the resumption of duties by the Mayor⁸⁰.

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 approve⁸¹. 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 (21st) day, the same amount as salary as would be paid to the Mayor⁸².

Sec. 11. Salaries of Elected Officials⁸³.

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 (1st) day of January next succeeding the date of the election of said elected officers⁸⁴. The salary of all Elected Officials now set shall remain in full force unless otherwise modified as provided for herein⁸⁵.

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

A. Elected Officials⁸⁶. Every Elected Official shall be an Elector at the time of the election.

⁷⁸ 2013 recodification of pre-2013 §13 (Second sentence).

⁷⁹ 2013 recodification of pre-2013 §13 (Third sentence).

⁸⁰ 2013 recodification of pre-2013 §13 (Fourth sentence).

⁸¹ 2013 recodification of pre-2013 §13 (Fifth sentence).

⁸² 2013 recodification of pre-2013 §13 (Sixth sentence). See, Amend. of 7-1-93.

⁸³ Pre-2013 Article XXXVI entitled "Salaries of Elected and Appointed Officials". Note: The phrase "and Appointed" is deleted since there is no provision pertaining thereto.

⁸⁴ 2013 recodification of pre-2013 §208 (First sentence).

⁸⁵ 2013 recodification of pre-2013 §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.

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

B. Appointed Public Officials⁸⁷. Every Appointed Public Official shall be an Elector of said City, unless (1) otherwise permitted by Law and provided for by Ordinance, as set forth in §12.C of this Article for Department Heads and Deputies or (2) as may be waived pursuant to §12.D of this Article.

C. Department Heads and Deputies to be Electors; Exception⁸⁸. 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,⁸⁹ unless otherwise provided for by Ordinance or waived in accordance with the provisions of §12.D of this Article. Moreover, each such Department Head and deputy or second in command of Departments and other City organizations shall be required to comply with the requirements of this section during the term of office; unless otherwise modified by Ordinance⁹⁰.

(1) Failure to Comply⁹¹. 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 section⁹². 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

Commented [S4]: BOA RECOMMENDATION #6: Consider alteration of standard for Department Heads and membership on Boards and Commissions.

CRC RESPONSE: "ELECTORAL REQUIREMENT" REMAINS THE DEFAULT; HOWEVER, IN THE CASE OF DEPARTMENT HEADS THE BOARD OF ALDERS MAY ALTER THE STANDARD BY ORDINANCE OR WAIVER. WITH RESPECT TO BOARDS OR COMMISSIONS HE WAIVER PROVISIONS REAMINAS; HOWEVER< ONLY IF LEGALLY PERMISSIBLE.

Commented [S5]: BOA #10 - NO CHANGE(Altered by BOA REC. #2).

BOA RECOMMENDATION #2: Consider alteration of current Charter-based "residency" or "elector" requirement for Department Heads and other key city positions to allow for a discretionary standard to be addressed by Ordinance.

CRC RESPONSE: SEE ABOVE.

⁸⁷ 2013 recodification of pre-2013 §141 (Second sentence). See, Amend. of 7-1-93.

⁸⁸ 2013 recodification of pre-2013 §176 (First sentence of first paragraph).

⁸⁹ 2013 recodification of pre-2013 §176 (Second sentence of first paragraph). Incorporates the following current provisions regarding "residency": **(1) Corporation Counsel** (Pre-2013 §17, first sentence "...shall reside in said city during the term of office"); **(2) City Controller** (Pre-2013 §21, third sentence) "...shall reside in said City during the term of office"; **(3) City Assessor** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §123, third sentence, "The Director, building official and inspectors must reside in said City during tenure of office"; **(7) Director of Public Health** (Pre-2013 §127, first sentence of second paragraph, "The director of health shall reside in said City while serving in that capacity"; **(8) City Librarian** (Pre-2013 §133, eleventh sentence, "The City Librarian shall reside in said City during such term of office"; **(9) Planning Director** (Pre-2013 §178, second sentence, "Said director shall reside in the City during the term of office"; **(10) Director of Traffic and Parking** (Pre-2013 §214, third sentence, "The director shall reside in said City while serving in said capacity..."); and, **(11) Deputy Corporation Counsels** (Pre-2013 §19, second sentence, "All deputy Corporation Counsels shall reside in said City during their term of office". See, Amend. of 7-1-93.

⁹⁰ 2013 recodification of pre-2013 §176 (Second sentence of first paragraph).

⁹¹ 2013 recodification of pre-2013 §176 (Second paragraph).

⁹² 2013 recodification of pre-2013 §176 (First sentence of third paragraph).

in compliance with the provisions of this section⁹³. The Personnel Director at the same time shall also make a report to the appointing authorities when such an authority is other than the Mayor⁹⁴.

D. **Waiver**⁹⁵. The Elector requirement for appointment of Department Heads (unless otherwise modified by Ordinance as set forth in §12.C of this Article) and members of Boards and Commissions may be waived, if permissible under Law, by requiring an appointee(s) to establish evidence of a bona fide residence (as set forth in the General Statutes⁹⁶) 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 [S6]: BOA RECOMMENDATIONS #6: TBD
BOA #10 and Assistant CC Qualifications
CRC RESPONSE: SEE ABOVE.

Sec. 13. General Provisions⁹⁷.

A. **Oath of Office**⁹⁸. 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)*".

B. **Public Officials to hold over until successors chosen and qualified**⁹⁹. 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**¹⁰⁰. 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. At the time of the adoption of this provision of the Charter the following officials are

⁹³ 2013 recodification of pre-2013 §176 (Second sentence of third paragraph).

⁹⁴ 2013 recodification of pre-2013 §176 (Third sentence of third paragraph).

⁹⁵ NEW (2013)

⁹⁶ **Sec. 9-12. Who may be admitted.** (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section, a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town.

⁹⁷ Pre-2013 Article XXVIII entitled "Miscellaneous Provisions" include pre-2013 §§139 - 147.

⁹⁸ 2013 recodification of pre-2013 §143. Derived from Sp. L. 1899, p. 433, § 152; See also, Sp. L. 1927, §365.

⁹⁹ 2013 recodification and consolidation of pre-2013 §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).

¹⁰⁰ 2013 recodification of pre-2013 §145. Derived from Sp. L. 1899, p. 434, § 155; See also, Sp. L. 1927, §368. See also, Amend. of 7-1-93.

required to be covered by bonds: Controller¹⁰¹; Assistant City Treasurer, upon assuming the duties of the City Treasurer¹⁰²; Collector of Taxes¹⁰³; and, Director of Parks and Public Works¹⁰⁴.

D. Duty to deliver records to successors¹⁰⁵. 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.

E. Right of public to inspect records, accounts¹⁰⁶. 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.

(1) Inconsistent provisions repealed¹⁰⁷. 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 Ethics¹⁰⁸.

A. Policy declared. There is hereby established a code of ethics for all Public Officials and employees whether elected or appointed, paid or unpaid¹⁰⁹. 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 interests in matters affecting the City by such Public Officials and employees¹¹⁰. 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 Haven¹¹¹.

B. Conflicts of interest¹¹². 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

Commented [S7]: IN ACCORD WITH THE CHARTER COMMISSION REQUEST THE ALDERS ARE RECOMMENDING THE CHANGES PERTAINING TO THE TRANSFER OF CERTAIN DEPARTMENT FUNCTIONS TO THE CODE OF ORDINANCES

¹⁰¹ 2023 recodification of Article VI, Sec. 5.A(1)(a) derived from 2013 consolidation and recodification of pre-2013 §§21 (Fifth sentence) and 25. See, Amend. of 7-1-93.

¹⁰² 2023 recodification of Article VI, Sec. 5.A(3)(c) derived from 2013 recodification of pre-2013 §29 (Third sentence).

¹⁰³ 2023 recodification of Article VI, Sec. 5.A(3)(d) derived from 2013 recodification of pre-2013 §32 (second sentence).

¹⁰⁴ 2023 recodification of Article VI, Sec 8.B derived from 2013 recodification of pre-2013 §72 (Third sentence) and 2013 recodification of pre-2013 §82 (Second sentence). See, Amend. of 7-1-75.

¹⁰⁵ 2013 recodification of pre-2013 §140 (Second sentence). Derived from Sp. L. 1899, p. 436, § 160; See also, Sp. L. 1927, §372.

¹⁰⁶ 2013 recodification of pre-2013 §147.

¹⁰⁷ 2013 recodification of pre-2013 §139. See, Amend. of 7-1-93.

¹⁰⁸ Pre-2013 Article XXXVII entitled "Code of Ethics".

¹⁰⁹ 2013 recodification of pre-2013 §209(a) (First sentence). See, Amend. of 1-1-61.

¹¹⁰ 2013 recodification of pre-2013 §209(a) (Second sentence). See, Amend. of 1-1-61.

¹¹¹ 2013 recodification of pre-2013 §209(a) (Third sentence). See, Amend. of 1-1-61.

¹¹² 2013 recodification of pre-2013 §209(b). Amend. of 1-1-61.

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, 1962¹¹³.

(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 government¹¹⁴.

D. Disclosure of interest required.

(1) **Public Officials and Employees**¹¹⁵. 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, the extent and nature of any direct or indirect financial or other interest in matters affecting the City.

(2) **Board of Alders**¹¹⁶. 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 incapacitation¹¹⁷. In case the Mayor shall, by any cause whatsoever, be totally incapacitated physically or mentally for a period 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 Mayor¹¹⁸. 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

¹¹³ 2013 recodification of pre-2013 §212(a).

¹¹⁴ 2013 recodification of pre-2013 §212(b). Derived from Sp. L. 1899, p. 436, §161; See also, Sp. L. 1927, §373; and, Amend. of 1-1-61.

¹¹⁵ 2013 recodification of pre-2013 §210 (First sentence). Amend. of 1-1-61.

¹¹⁶ 2013 recodification of pre-2013 §210 (Second sentence). Amend. of 1-1-61.

¹¹⁷ 2013 recodification of pre-2013 §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.

¹¹⁸ Derived from Sp. L. 1899, p. 431, § 139; see also, Sp. L. 1927, §354.

Official to appear at a place and time specified in said summons to show cause why said appointee should not be removed from said office¹¹⁹. 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 office¹²⁰. 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 hearing¹²¹. 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 court¹²². But no such appointee so removed shall exercise any of the powers of office during the pendency of the appeal to the Superior Court¹²³.

C. Removals in classified service to conform to Charter; power of Mayor when unclassified¹²⁴. 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 Mayor¹²⁵. 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 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 Notice¹²⁶. 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.

¹¹⁹ 2013 recodification of pre-2013 §11(c) (First sentence).

¹²⁰ 2013 recodification of pre-2013 §11(c) (Second sentence).

¹²¹ 2013 recodification of pre-2013 §11(d) (First sentence).

¹²² 2013 recodification of pre-2013 §11(d) (second sentence).

¹²³ 2013 recodification of pre-2013 §11(d) (Third sentence).

¹²⁴ 2013 recodification of pre-2013 §189. **Note:** Pre-2013 Article XXXII entitled "Procedure for Removal from Office" included §§189 - 199.

¹²⁵ 2013 recodification of pre-2013 §190 (First sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

¹²⁶ 2013 recodification of pre-2013 §190 (Second sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

(2) **Written Order of Removal**¹²⁷. 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**¹²⁸. 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 costs¹²⁹.

(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 removal¹³⁰.

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 §12 of this Article II, and shall constitute sufficient cause for removal proceeding brought pursuant to this Charter¹³¹:

(a) The representation of private interests by an unpaid Appointed Official in any matter or litigation affecting the pertinent Department, Board or Commission¹³².

(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

¹²⁷ 2013 recodification of pre-2013 §190 (Third sentence).

¹²⁸ 2013 recodification of pre-2013 §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.

¹²⁹ 2013 recodification of pre-2013 §191 (Second sentence). Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

¹³⁰ 2013 modification and recodification of pre-2013 §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 ~~removal~~ removing him". Derived from Sp. L. 1899, p. 394, § 12; and, Sp. L. 1927, p. 16, § 12.5.

¹³¹ 2013 recodification of pre-2013 §211(a). Amend. of 1-1-61.

¹³² 2013 recodification of pre-2013 §211(a)(i). Amend. of 1-1-61.

represent private interests in any matter whatsoever affecting the pertinent Department or Board or Commission¹³³.

(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 City¹³⁴.

(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 Law¹³⁵.

(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 informal¹³⁶.

(f) The willful failure to affect such disclosure as is provided for in §§10.A and B of this Article¹³⁷.

(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 Article¹³⁸.

(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 Mayor¹³⁹.

A. Procedure. The Mayor may be recalled from office in the following manner¹⁴⁰:

¹³³ 2013 recodification of pre-2013 §211(a)(ii). Amend. of 1-1-61.

¹³⁴ 2013 recodification of pre-2013 §211(a)(iii). Amend. of 1-1-61.

¹³⁵ 2013 recodification of pre-2013 §211(a)(iv). Amend. of 1-1-61.

¹³⁶ 2013 recodification of pre-2013 §211(a)(v). Amend. of 1-1-61.

¹³⁷ 2013 recodification of pre-2013 §211(a)(vi). Amend. of 1-1-61.

¹³⁸ 2013 recodification of pre-2013 §211(b). Amend. of 1-1-61.

¹³⁹ 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).

¹⁴⁰ 2013 recodification of pre-2013 §192 (Opening clause).

(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 recall¹⁴¹.

(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 hand¹⁴².

(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 issued¹⁴³.

(4) **Form of Petition**¹⁴⁴. 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> |
|-------------|--|-------------|
| ----- | ----- | ----- |
| ----- | ----- | ----- |

(5) **Affidavit of Circulator Required**¹⁴⁵. 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:

*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**¹⁴⁶. A recall petition to be effective must be returned and filed

¹⁴¹ 2013 recodification of pre-2013 §192 (First sentence).

¹⁴² 2013 recodification of pre-2013 §192 (Second sentence).

¹⁴³ 2013 recodification of pre-2013 §192 (Third sentence).

¹⁴⁴ 2013 recodification of pre-2013 §193.

¹⁴⁵ 2013 recodification of pre-2013 §194.

¹⁴⁶ 2013 recodification of pre-2013 §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

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%) per centum of those who voted at the last preceding regular City election.

(7) Referral and Examination of Petition by Registrars of Voters¹⁴⁷. 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 (21st) day thereafter return said petition to the City Clerk with their findings endorsed thereon.

(8) Transmittal to Alders: Service on Mayor¹⁴⁸. 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 election¹⁴⁹. 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 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 aforesaid¹⁵⁰.

(10) Proposition Submitted to Voters¹⁵¹. 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 before¹⁵². If a majority of such votes be for the recall of the Mayor, the Mayor shall be deemed removed from office¹⁵³. The method of

^{10.E +92} of this Article Charter, and to be sufficient must bear the signatures of electors equal in number to at least twenty (20%) per centum of those who voted at the last preceding regular City election”.

¹⁴⁷ 2013 recodification of pre-2013 §196 (First sentence).

¹⁴⁸ 2013 recodification of pre-2013 §196 (Second sentence).

¹⁴⁹ 2013 recodification of pre-2013 §196 (Third sentence).

¹⁵⁰ 2013 recodification of pre-2013 §196 (Fourth sentence).

¹⁵¹ 2013 recodification of pre-2013 §197 (First sentence).

¹⁵² 2013 recodification of pre-2013 §197 (Second sentence).

¹⁵³ 2013 recodification of pre-2013 §197 (Third sentence).

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 Officials¹⁵⁴.

(12) Filling Vacancy¹⁵⁵. 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 prohibited¹⁵⁶. 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.

¹⁵⁴ 2013 recodification of pre-2013 §197 (Fourth sentence).

¹⁵⁵ 2013 recodification of pre-2013 §198.

¹⁵⁶ 2013 recodification of pre-2013 §199.

ARTICLE III¹⁵⁷. 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 officer¹⁵⁸. 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 office¹⁵⁹, 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 compensation¹⁶⁰.

B. **Transition Period**¹⁶¹. 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 15th in the year said Mayor was first elected up to the first (1st) 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**¹⁶². 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 Charter¹⁶³.

(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) as may be designated by this Charter, Ordinance or other Law, subject to the provisions of Article VI¹⁶⁴. 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 City¹⁶⁵. Said qualifications shall be prepared in accordance with nationally accepted professional

¹⁵⁷ Currently Article V.

¹⁵⁸ 2013 recodification of pre-2013 §10(a)(First sentence).

¹⁵⁹ 2013 recodification of pre-2013 §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).

¹⁶⁰ 2013 recodification of pre-2013 §10(a) last clause of second sentence).

¹⁶¹ 2013 recodification of pre-2013 §10(b). See, Amend. Of 7-1-75; and, Amend. of 7-1-93.

¹⁶² 2013 recodification of pre-2013 §11

¹⁶³ 2013 recodification of pre-2013 §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.

¹⁶⁴ 2013 recodification of pre-2013 §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.

¹⁶⁵ 2013 recodification of pre-2013 §11(i) (First sentence). See, Amend. of 7-1-75

standards and best practices in the applicable field and shall be updated prior to the appointment of such Coordinator¹⁶⁶.

(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 elected¹⁶⁷.

(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 provided¹⁶⁸.

(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 Services¹⁶⁹.

(6) To administer oaths to duly Elected Officials and Appointed Public Officials¹⁷⁰.

(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 Charter¹⁷¹.

B. Duties¹⁷². 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 City¹⁷³;

(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 transmission¹⁷⁴;

(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 effectual¹⁷⁵.

¹⁶⁶ NEW (2013).

¹⁶⁷ 2013 recodification of pre-2013 §11(b) (Second Paragraph).

¹⁶⁸ 2013 recodification of pre-2013 §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.

¹⁶⁹ 2013 recodification of pre-2013 §11(f). See, Amend. of 7-1-93.

¹⁷⁰ 2013 recodification of pre-2013 §11(g).

¹⁷¹ 2013 recodification of pre-2013 §11(h).

¹⁷² 2013 recodification of pre-2013 §12

¹⁷³ 2013 recodification of pre-2013 §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.

¹⁷⁴ 2013 recodification of pre-2013 §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.

¹⁷⁵ 2013 recodification of pre-2013 §12(b) (second sentence).

(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 Ordinance¹⁷⁶.

(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 meeting¹⁷⁷.

(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 effectual¹⁷⁸.

(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 absent¹⁷⁹.

(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 aforesaid¹⁸⁰.

(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 budget¹⁸¹; and,

(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

¹⁷⁶ 2013 recodification of pre-2013 §12(b) (third sentence).

¹⁷⁷ 2013 recodification of pre-2013 §12(b) (fourth sentence).

¹⁷⁸ 2013 recodification of pre-2013 §12(b) (fifth sentence).

¹⁷⁹ 2013 recodification of pre-2013 §12(b) (sixth sentence).

¹⁸⁰ 2013 recodification of pre-2013 §12(b) (seventh sentence).

¹⁸¹ 2013 recodification of pre-2013 §12(b) (seventh sentence, first proviso).

veto of the Mayor by a two-thirds (2/3rds) 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 Alders¹⁸².

(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 City¹⁸³.

Commented [S8]: BOA #6

(4) To see that all Contracts in which the City is party are faithfully kept and performed¹⁸⁴.

Commented [S9]: 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 Department¹⁸⁵.

(6) To obtain the approval of the Board of Alders for any Contract creating a present or future obligation longer than twelve (12) months in duration or payment in excess of the authorized limit established by Ordinance. The Board of Alders is authorized to adopt such Ordinances as are necessary to effectuate this provision in accordance with the authority set forth in Article IV of this Charter, including but not limited to §4.B(1) of said Article¹⁸⁶.

Commented [S10]: BOA #6

Sec. 3. Membership on Boards and Commissions¹⁸⁷.

A. General Rule¹⁸⁸. The Mayor may serve as a member of every Board or Commission of an executive or administrative nature as may be established by the 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.

¹⁸² 2013 recodification of pre-2013 §12(b) (seventh sentence, second proviso).

¹⁸³ 2013 recodification of pre-2013 §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.

¹⁸⁴ 2013 recodification of pre-2013 §12(d).

¹⁸⁵ 2013 recodification of pre-2013 §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.

¹⁸⁶ NEW (2023).

¹⁸⁷ 2013 modification and recodification of pre-2013 §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.

¹⁸⁸ 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.

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.

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 Mayor¹⁸⁹.

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 Mayor¹⁹⁰.

¹⁸⁹ 2013 recodification of pre-2013 §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.

¹⁹⁰ 2013 recodification of pre-2013 §16(b). See, Amend. of 7-1-93.

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ARTICLE IV. BOARD OF ALDERS¹⁹¹

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 office¹⁹².

(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 provided¹⁹³.

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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 Statutes¹⁹⁴.

(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. 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.

¹⁹¹ Pre-2013 Article IX.

¹⁹² 2013 recodification of pre-2013 §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.

¹⁹³ 2013 recodification of pre-2013 §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.

¹⁹⁴ 2013 recodification of pre-2013 §55 entitled "General authority to exercise powers of City".

(b) Members of Boards and Commissions, as set forth in §1.A of Article VII. 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 approved¹⁹⁵.

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 government¹⁹⁶.

(1) **Appointment of Staff**¹⁹⁷. 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**¹⁹⁸. 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, 1998¹⁹⁹. 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 qualified²⁰⁰.

Sec. 2. Organization of the Board of Alders.

A. Officers Elected by the Board²⁰¹. At the beginning of the municipal year 1952 and biennially thereafter, the Board of Alders shall elect from

¹⁹⁵ NEW (2013).

¹⁹⁶ 2013 recodification of pre-2013 §37(b) (First Paragraph). See, Amend. of 7-1-93.

¹⁹⁷ 2013 recodification of pre-2013 §37(b) (First sentence of second paragraph). See, Amend. of 7-1-75 and Amend. of 7-1-93.

¹⁹⁸ 2013 recodification of pre-2013 §37(b) (Second sentence of second paragraph). See, Amend. of 7-1-93.

¹⁹⁹ 2013 recodification of pre-2013 §37(b) (Third sentence of second paragraph).

²⁰⁰ 2013 recodification of pre-2013 §37(b) (Fourth sentence of second paragraph). See, Amend. of 7-1-93.

²⁰¹ 2013 recodification of pre-2013 §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.

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 officer elected under this section to serve in lieu of a representative of a minority party on any Board or Commission which requires said appointment; however, said appointment shall not circumvent the provisions of the General Statutes and this Charter pertaining to minority party representation. Party officers of the Board of Alders, including the third officer, if applicable, shall not serve ex officio on any Board or Commission.

B. Time of Meetings: Regular and Special Meetings²⁰². 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 Members²⁰³. 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^{ths}) of its members, expel a member for due cause.

D. Quorum and Voting Procedures²⁰⁴. A majority of all of the members of said Board shall constitute a quorum for the transaction of business, and the vote upon any question shall be taken by yeas and nays at the request of one-fifth (1/5th) of the members present.

E. Authority to compel attendance²⁰⁵. 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;

²⁰² 2013 recodification of pre-2013 §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.

²⁰³ 2013 recodification of pre-2013 §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.

²⁰⁴ 2013 recodification of pre-2013 §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.

²⁰⁵ 2013 recodification of pre-2013 §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.

Commented [S12]: BOA #5

BOA RECOMMENDATION #5: Restore current language regarding representation of Alders on Boards and Commissions.

CRC RESPONSE: Agreed.

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 into Contracts for expert and professional services²⁰⁶. 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 witnesses²⁰⁷. 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 Parks and 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 Parks and 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 courts²⁰⁸.

(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 §§15.C, D and F of Article 1²⁰⁹. 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 Mayor²¹⁰.

²⁰⁶ 2013 recodification of pre-2013 §43. See, Amend. of 7-1-93.

²⁰⁷ 2013 minor modification and recodification of pre-2013 §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.

²⁰⁸ 2013 minor modification and recodification of pre-2013 §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.

²⁰⁹ 2013 recodification of pre-2013 §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.

²¹⁰ 2013 recodification of pre-2013 §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.

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 reading²¹¹. The second reading of Ordinances cannot be waived or dispensed with²¹².

(2) **Effective Date**²¹³. 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 enactment and of it taking effect.

(3) **Publication of Codification of Ordinances**²¹⁴. 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, articles and sections therein contained, to announce and 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 with²¹⁵. Every such vote, Order, Resolution or other measure shall be

²¹¹ 2013 recodification of pre-2013 §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.

²¹² 2013 recodification of pre-2013 §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.

²¹³ 2013 recodification of pre-2013 §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.

²¹⁴ 2013 recodification of pre-2013 §42. Modification of second paragraph of Sp. L. 1927, §45; See, Sp. L. 1923, p. 122, §3. See, Amend. of 7-1-93.

²¹⁵ 2013 recodification of pre-2013 §41 (Third sentence).

printed for examination at the request of one-fifth (1/5th) of the members present, except in the instance of an emergency message from the Mayor²¹⁶.

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

A. Authority to provide for enforcement of Ordinances, rules²¹⁷. 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 wit²¹⁸:

(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 §4.H of Article I 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 lay taxes; and to provide for the adjustment of claims against said City, and for the payment of the same²¹⁹.

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(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 houses²²⁰.

(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,

²¹⁶ 2013 recodification of pre-2013 §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).

²¹⁷ 2013 recodification of pre-2013 §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.

²¹⁸ 2013 recodification of pre-2013 §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.

²¹⁹ 2013 recodification of pre-2013 §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.

²²⁰ 2013 recodification of pre-2013 §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).

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 therein²²¹.

(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 lands²²². 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 after such lines have been established in the same manner as now provided by Law for establishing and changing building lines²²³.

(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 filed²²⁴.

(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 places²²⁵.

²²¹ 2013 recodification of pre-2013 §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).

²²² 2013 recodification of pre-2013 §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).

²²³ 2013 recodification of pre-2013 §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.

²²⁴ 2013 recodification of pre-2013 §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).

²²⁵ 2013 recodification of pre-2013 §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).

(7) To regulate the speed of bicycles and all other vehicles; and to regulate the cleaning of their tracks by street railway companies²²⁶.

(8) To regulate or prohibit the running at large of animals in the streets or public places, and to provide for impounding the same²²⁷.

(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 buildings²²⁸.

(10) To license and regulate bill posting and similar occupations²²⁹.

(11) To prevent the committing of trespasses and nuisances in gardens, enclosures, cemeteries and public places²³⁰.

(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 dead²³¹.

(13) To regulate the planting, protection and removal of trees²³².

(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

²²⁶ 2013 recodification of pre-2013 §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).

²²⁷ 2013 recodification of pre-2013 §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).

²²⁸ 2013 recodification of pre-2013 §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).

²²⁹ 2013 recodification of pre-2013 §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).

²³⁰ 2013 recodification of pre-2013 §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).

²³¹ 2013 recodification of pre-2013 §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).

²³² 2013 recodification of pre-2013 §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).

unnecessary annoyance to those living or owning property in the vicinity²³³.

(15) To provide for the inspection of food of all kinds offered for sale, and to regulate the sale thereof²³⁴.

(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 admission²³⁵.

(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 others²³⁶.

(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 Charter²³⁷.

(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 defaults²³⁸.

(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 conditions²³⁹.

²³³ 2013 recodification of pre-2013 §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).

²³⁴ 2013 recodification of pre-2013 §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).

²³⁵ 2013 recodification of pre-2013 §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).

²³⁶ 2013 recodification of pre-2013 §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).

²³⁷ 2013 recodification of pre-2013 §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).

²³⁸ 2013 recodification of pre-2013 §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).

²³⁹ 2013 recodification of pre-2013 §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).

(21) To license, tax and regulate branch stores and other concerns established for temporary purposes only²⁴⁰.

(22) To restrain and punish vagrants and beggars; and to prevent cruelty to animals²⁴¹.

(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 constables²⁴².

(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 held²⁴³.

(25) To do all things necessary to make effectual the powers herein otherwise provided²⁴⁴.

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

A. Authority of Board of Alders over streets, highways, wharves, docks²⁴⁵. 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

²⁴⁰ 2013 recodification of pre-2013 §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).

²⁴¹ 2013 recodification of pre-2013 §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).

²⁴² 2013 recodification of pre-2013 §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).

²⁴³ 2013 recodification of pre-2013 §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).

²⁴⁴ 2013 recodification of pre-2013 §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.

²⁴⁵ 2013 recodification of pre-2013 §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.

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 railroads²⁴⁶. 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.

C. Authority to provide, regulate drainage and sewerage²⁴⁷. 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.

²⁴⁶ 2013 recodification of pre-2013 §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.

²⁴⁷ 2013 recodification of pre-2013 §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.

D. Power of Eminent Domain²⁴⁸. 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 [S14]: BOA #6 (conformity)

E. Authority over buildings, fire hazards²⁴⁹. 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.

F. Authority over awnings, marquees, overhanging signs, other projects²⁵⁰. 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 taxes²⁵¹.

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 Alders²⁵².

Commented [S15]: BOA #3.

Each member of Board of Alders shall receive no less than the sum of Five Thousand (\$5,000.00) Dollars annually as compensation, including accumulated cost-of-living adjustments. The President of the Board of Alders shall receive no less than Six Thousand Five Hundred (\$6,500.00) Dollars annual as compensation,

²⁴⁸ 2013 recodification of pre-2013 §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.

²⁴⁹ 2013 recodification of pre-2013 §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.

²⁵⁰ 2013 recodification of pre-2013 §51. Derived from Sp. L. 1915, p. 218. See also, Sp. L. 1927, §54 (Second paragraph). See also, Amend. of 1-1-83.

²⁵¹ 2013 recodification of pre-2013 §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.

²⁵² NEW (2023).

including accumulated cost of living adjustments. The Alders may review the amount of said compensation 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. Any cost-of-living adjustments or revisions by Ordinance 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.

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ARTICLE V. OTHER ELECTED OFFICIALS OF THE CITY

Sec. 1. City Clerk²⁵³.

A. Qualifications²⁵⁴. 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; bond²⁵⁵. 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 (15th) 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 records²⁵⁶. 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. Bond²⁵⁷. 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 thereby²⁵⁸. Said City Clerk shall perform such clerical services as may be required by the Ordinances of the City²⁵⁹. 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 words²⁶⁰. Said City Clerk shall cause a reasonable number of printed copies of such Ordinances to be prepared and

²⁵³ 2013 recodification of pre-2013 Article VIII.

²⁵⁴ 2013 recodification of pre-2013 §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.

²⁵⁵ 2013 recodification of pre-2013 §34. See, Amend. of 7-1-75 and Amend. of 7-1-93.

²⁵⁶ 2013 recodification of pre-2013 §35. See, Amend. of 7-1-75.

²⁵⁷ 2013 recodification of pre-2013 §36. See, Amend. of 7-1-75 and Amend. of 7-1-93.

²⁵⁸ 2013 recodification of pre-2013 §36 (First sentence).

²⁵⁹ 2013 recodification of pre-2013 §36 (Second sentence).

²⁶⁰ 2013 recodification of pre-2013 §36 (Third sentence).

deposited in said Clerk's office for distribution to persons making application therefor²⁶¹. 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 enacted²⁶². 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 clerk²⁶³. The designation in writing shall be filed in the office of the City Clerk and in the office of the Controller²⁶⁴. The City Clerk shall make such designation annually²⁶⁵. Said clerk shall keep the office open during such hours as the Ordinances of the City shall direct²⁶⁶. Said City Clerk shall be bonded in an amount to be set by the Controller²⁶⁷.

Sec. 2. Registrars of Voters²⁶⁸.

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 Education²⁶⁹.

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.

²⁶¹ 2013 recodification of pre-2013 §36 (Fourth sentence).

²⁶² 2013 recodification of pre-2013 §36 (Fifth sentence).

²⁶³ 2013 recodification of pre-2013 §36 (Sixth sentence).

²⁶⁴ 2013 recodification of pre-2013 §36 (Seventh sentence).

²⁶⁵ 2013 recodification of pre-2013 §36 (Eighth sentence).

²⁶⁶ 2013 recodification of pre-2013 §36 (Ninth sentence).

²⁶⁷ 2013 recodification of pre-2013 §36 (Tenth sentence).

²⁶⁸ Pre-2013 Article XXVII entitled "Town Officers". 2013 recodification of pre-2013 §138 entitled "Registrars - To have statutory powers, duties". See, Amend. of 7-1-93.

²⁶⁹ 2023 edit of Sec. 3 (2013).

ARTICLE VI. THE CITY GOVERNMENT: DEPARTMENTS AND DEPARTMENT HEADS²⁷⁰

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

A. Powers and Purposes²⁷¹. 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 Departments²⁷². 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. Departmental Functions²⁷³. The Department Head and Other Mayoral Departmental Appointees responsible for the Departments shall have charge of the City functions set forth in this Charter and Ordinances as well as the legal affairs of the City; budget and finance; oversight, testing and management of personnel; tax collection; property assessment; procurement; management and maintenance of infrastructure, parks and public works; engineering; police, fire and other emergency services; public information and technology; public libraries; public health; youth and recreation, economic development; city planning and zoning; transportation, traffic and parking; building inspection; and public education. These officials shall have direct reporting authority to the Mayor and, may be required, as directed by the Mayor, to conduct their functions under the administrative purview of a coordinator designated by the Mayor.

D. Reorganization Plans²⁷⁴.

(1) Departmental Categories; Reassignment of Department Heads. 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. Under such plan, any departmental categories may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by Law).

²⁷⁰ Pre-2013 Articles XIX and XXXIII entitled "Welfare" and "Department of Airports", respectively, are repealed.

²⁷¹ NEW (2013).

²⁷² NEW (2013).

²⁷³ NEW (2023).

²⁷⁴ NEW (2013). Pre-2013 §57(b) is repealed.

Commented [S16]: THE CHARTER COMMISSION REQUESTS THE ALDERS TO FORUMLATE RECOMMENDATIONS PERTAINING TO THE TRANSFER OF CERTAIN DEPARTMENTS TO THE CODE OF ORDINANCES.

BOA RECOMMENDATION #1: PLEASE REVIEW AND REFINE ARTICLE VI AND THE TRANSFER PROVISIONS CONSISTENT WITH THE RESTRUCTURING OF ARTICLE VI.

CRC RESPONSE: AGREED.

(2) Public Service Functions: Opinion of the Corporation Counsel. Any proposed reorganization plan must require 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, State or Charter mandate. 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 specifically enumerated Charter requirements.

Sec. 2. General Requirements Pertaining to All Department Heads and Mayoral Department Appointees²⁷⁵.

A. Authority of Department Heads²⁷⁶. 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 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 Requirement²⁷⁷. 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.

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 Heads²⁷⁸ (and other Deputies and Assistant set

²⁷⁵ NEW (2013).

²⁷⁶ NEW (2013).

²⁷⁷ 2013 recodification of pre-2013 §141; §176 (First sentence of first paragraph).

²⁷⁸ In lieu of pre-2013 §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".

forth in this Article²⁷⁹) 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 Contract²⁸⁰.

E. Position Titles²⁸¹. 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 Service²⁸². 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 determination by either the Mayor or the Board of Alders that full-time service is not required.

G. Term of Four Years²⁸³. Except as otherwise provided by General Statutes or this Charter, all Department Heads²⁸⁴ shall be appointed by the Mayor for terms of four (4) years on the basis of qualifications.

H. Vacancy²⁸⁵. 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.

I. Succession²⁸⁶. All Department Heads shall serve until their successors have been appointed and qualified, **unless terminated from employment**.

J. Inventory²⁸⁷. 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

Commented [S17]: BOA RECOMMENDED RECODIFICATION.

Commented [S18]: BOA RECOMMENDED RECODIFICATION.

Commented [S19]: BOA RECOMMENDED RECODIFICATION; AND, SCRIVENER'S CORRECTION.

Commented [S20]: BOA RECOMMENDED RECODIFICATION. IS THIS SOMETHING WE NEED IN THE CHARTER?

²⁷⁹ In lieu of pre-2013 §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".

²⁸⁰ 2023 repeal of Article VI, Sec. 14.B, derived from 2013 recodification of pre-2013 §122 (Third sentence). The word "Mayoral appointees" is inserted in lieu of "inspectors". The following is repealed: "**Salary.** Said Mayoral appointees shall receive for their services such salaries as shall be determined by the budget."

²⁸¹ NEW (2013).

²⁸² NEW (2013). This provision consolidates and recodifies pre-2013 §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".

²⁸³ 2023 revision and recodification of Article VI, Sec. 3.A(3)(first sentence) derived from 2013 recodification of pre-2013 §57(a) (First paragraph).

²⁸⁴ 2023 revision and recodification of Article VI, Sec. 3.A(3) (second sentence) derived from In lieu of "heads of departments and heads of bureaus".

²⁸⁵ 2023 recodification of Article VI, Sec. 3.A(9) derived from 2013 recodification of pre-2013 §57(a) (Third paragraph). See, Amend. of 7-1-93.

²⁸⁶ 2023 recodification and revision of Article VI, Sec. 3.A(10) derived from 2013 recodification of pre-2013 §57(a) (Fourth paragraph). See, Amend. of 7-1-93.

²⁸⁷ 2023 recodification and revision of Article VI, Sec. 5.C(3) derived from 2013 recodification of pre-2013 §26(a). See, Amend. of 7-1-93.

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.

Sec. 3. The Appointment of Coordinators, Department Heads, Deputy Department Heads and Other Mayoral Department Appointees²⁸⁸.

A. Appointment²⁸⁹. Except as otherwise provided by the General Statutes or this Charter, all Coordinators, Departments Heads and Other Mayoral Department Appointees, are subject to the authority and serve under the direction of the Mayor, as follows:

(1) Appointment Solely by the Mayor: Unless otherwise set forth in this Charter the Mayor is solely responsible for appointing the following:

(a) The Corporation Counsel²⁹⁰. Subject to the authority of the Mayor for a term coterminous with the Mayor who appointed said official. The qualifications of the Corporation Counsel shall be established by Ordinance²⁹¹.

(b) Deputy Corporation Counsels and Assistant Corporation Counsels²⁹²: Subject to a term of one (1) year from said appointment or until their successor shall be appointed and qualified. The qualifications of the Deputy and Assistant Corporation Counsels shall be established by Ordinance²⁹³. The appointment of the Deputy Corporation Counsel is further subject to the requirements of §12.C of Article II²⁹⁴.

(2) Appointed by the Mayor and Subject to Confirmation by the Board of Alders: Service Under the Direction of the Mayor²⁹⁵. Unless otherwise set forth in the Charter the Mayor is responsible for appointing the following the following Appointed Public Officials the Mayor, subject to approval by the Board of Alders, as set forth in §1.A (3) of Article IV:

(a) The Coordinators as authorized by §2.A (2) of Article II, who shall serve under the direction of the Mayor and are

²⁸⁸ NEW (2013).

²⁸⁹ 2023 recodification and revision of Article VI, Sec. 3.A derived from 2013 recodification of pre-2013 §57 entitled "General requirements concerning department heads; appointments, terms".

²⁹⁰ 2023 recodification of Article VI, Sec. 3.A(4) derived from 2013 modification and recodification of pre-2013 §17 (Second sentence). See, Amend. of 7-1-93.

²⁹¹ NEW (2023). The following provision of Article VI, Sec. (1) is repealed: "The Corporation Counsel shall be appointed pursuant to the provisions of §3.A (4) of this Article."

²⁹² 2023 revision of Article VI, Sec. 3.(4) derived from 2013 recodification of pre-2013 §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. Also, 2023 revision of Article VI, Sec. 4A(2)(first sentence) derived from 2013 recodification of pre-2013 §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.

²⁹³ NEW (2023). The following provision of Article VI, Sec. (1) is repealed: "The Corporation Counsel shall be appointed pursuant to the provisions of §3.A (4) of this Article."

²⁹⁴ 2023 recodification of Article VI, Sec. 4.A(2)(second sentence) which was added to the Charter in 2013.

²⁹⁵ 2023 revision and recodification of Article VI, Sec. 3.A(1)

removable at the pleasure of the Mayor²⁹⁶;

(b) Chief of Police²⁹⁷ and Fire Chief²⁹⁸, who shall serve subject to the authority of the Mayor for a term of office as set forth in §2.G of this Article. The person in office as Chief of Police²⁹⁹ and Fire Chief³⁰⁰ on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified.

(3) Appointed by the Mayor and Serving Under the Direction of the Mayor Subject to a Term of Office as Set Forth in §2.G of this Article, unless otherwise set forth in this Charter³⁰¹: Unless otherwise set forth in the Charter the Mayor is responsible for appointing the following the following Department Heads and such other Department Heads as may be established by Ordinance:

- (a) The City Controller³⁰²;
- (b) Director of Parks and Public Works³⁰³;
- (c) City Engineer³⁰⁴;
- (d) City Assessor³⁰⁵;
- (e) Director of Youth and Recreation³⁰⁶;
- (f) Director of Traffic and Parking³⁰⁷;
- (g) Planning Director³⁰⁸;

Commented [S21]: BOA RECOMMENDATION

Commented [S22]: SCRIVENER'S CORRECTION.

²⁹⁶ 2023 recodification of Article VI, Sec. 3.A(5) derived from 2013 recodification of pre-2013 §11(i) (Second sentence).

²⁹⁷ 2023 recodification of Article VI, Sec. 3.A(1) derived from 2013 modification and recodification of pre-2013 §101 (First sentence) ("subject to the authority of").

²⁹⁸ 2023 recodification of Article VI, Sec. 3.A(1) derived from 2013 modification and recodification of pre-2013 §103 (First sentence) ("subject to the authority of").

²⁹⁹ 2013 consolidation and recodification of pre-2013 §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".

³⁰⁰ 2013 consolidation and recodification of pre-2013 §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".

³⁰¹ 2023 revision and recodification of Article VI, Sec. 3.A(3)(first sentence)

³⁰² 2023 revision and recodification of Article VI, Sec. 3.A(3)(a) derived from 2013 recodification of pre-2013 §21 (Fourth sentence) ("under the direction of") and Article VI, Sec. 5.A(1)(last sentence).

³⁰³ 2023 revision and recodification of Article VI, Sec. 3.A(3)(b) derived from pre-2013 §82. Also, 2023 revision and recodification of Article VI, Sec. 3.A(3)(e) derived from 2013 recodification of pre-2013 §113 (Third sentence) ("subject to the authority of").

³⁰⁴ 2023 revision and recodification of Article VI, Sec. 3.A(3)(c) derived from pre-2013 §96.

³⁰⁵ 2023 revision and recodification of Article VI, Sec. 3.A(3)(d) derived from 2013 recodification of pre-2013 §81(Second sentence). Also derived from 2013 modification and recodification of pre-2013 §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."

³⁰⁶ 2023 revision and recodification of Article VI, Sec. 3.A(3)(e) derived from 2013 recodification of pre-2013 §113 (Third sentence) ("subject to the authority of").

³⁰⁷ 2023 revision and recodification of Article VI, Sec. 3.A(3)(f) derived from 2013 recodification of pre-2013 §214 (Second sentence) ("subject to the authority of").

³⁰⁸ 2023 revision and recodification of Article VI, Sec. 3.A(3)(f) derived from 2013 recodification of pre-2013 §178 (First sentence) ("qualified by special training and experience in city planning"). The following sentence was repealed in 2023: "The person in office as Director of Parks and Recreation (2013 consolidation and recodification of pre-2013 §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".), Planning Director (2013 recodification of pre-2013

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 political³⁰⁹.

(4) Appointment of the City Purchasing Agent by the Mayor³¹⁰. 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 board³¹¹. 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.

(5) Appointment of Building, Plumbing and Electrical Inspectors by the Mayor³¹². 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. They shall hold their respective offices until they vacate them or are removed for

§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" and Director of Traffic and Parking (2013 recodification of pre-2013 §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.") on the effective date of this Charter shall hold office until a successor has been duly appointed and qualified (023 revision and recodification of Article VI, Sec. 3.A(3)(second sentence)).

³⁰⁹ 2013 recodification of pre-2013 §57(a) (First paragraph).

³¹⁰ 2023 recodification of Article VI, Sec. 3.A(6)(a) derived from 2013 recodification of pre-2013 §72 (Second sentence). See, Amend. of 7-1-93.

³¹¹ 2023 recodification of Article VI, Sec. 3.A(6)(a) derived from 2013 recodification of pre-2013 §72 (First sentence), entitled "Procedure for appointment".

³¹² 2023 recodification of Article VI, Sec. 3.A(6)(b) derived from 2013 recodification of pre-2013 §124 entitled "Same; procedure for appointing".

sufficient cause, duly shown, which cause shall not be political³¹³.

(6) Appointment of the Personnel Director by the Mayor. 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 an eligible list for said position³¹⁴. The Personnel Director may not be removed from office without cause, which cause shall not be political. The appointment of Personnel Director is not subject to term limits³¹⁵.

(7) Appointment of the Director of Public Health by the Board of Public Health³¹⁶. The Director of Public Health shall be appointed by the Board of Public Health, for a term of years as set forth in §2.G of this Article³¹⁷. 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 political³¹⁸.

(8) Appointment of the City Librarian by the Board of Library Directors³¹⁹. The City Librarian shall be appointed by the Board of Library Directors, for a term of years as provided in §2.G of this Article.

(9) The Superintendent of Schools³²⁰. The Board of Education shall elect a Superintendent of Schools, in accordance with the General Statutes. Notwithstanding the provisions of §2.G of this Article the Superintendent may be elected to such term as may be permitted by the General Statutes³²¹. A written Contract shall be entered into between the

³¹³ 2023 recodification of Article VI, Sec. 14.C derived from 2013 recodification of pre-2013 §122 (Second sentence).

³¹⁴ 2023 recodification and minor revision of Article VI, Sec. 3.A(6)(c) derived from 2013 recodification of pre-2013 §165. See also, 2013 recodification of pre-2013 §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.

³¹⁵ NEW (2023).

³¹⁶ 2023 recodification of Article VI, Sec. 3.A(7)(a) derived from 2013 recodification of pre-2013 §127.

³¹⁷ 2013 modification and recodification of pre-2013 §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".

³¹⁸ 2013 recodification of pre-2013 §127 (Fourth sentence of first paragraph). Pre-2013 §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".

³¹⁹ 2023 recodification of and revision of Article VI, Sec. 3.A(7)(b) and Sec. 16.A derived from pre-2013 (1) §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~~"; and (2) §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").

³²⁰ 2023 recodification of Article VI, Sec. 3.A(7)(c) derived from 2013 recodification of pre-2013 §150 (Second sentence).

³²¹ 2013 modification and recodification of pre-2013 §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,

Board of Education and the Superintendent with all provisions and conditions of employment stipulated therein³²². The Board of Education may remove said Superintendent in accordance with the standards set forth in §15 B, D and E of Article II, unless otherwise required by Law³²³.

B. Deputy Department Heads³²⁴. Except as otherwise provided by the General Statutes, this Charter or other Law, each Department Head may, in consultation with the Mayor, employ one or more Deputy Department Heads, who, in addition to their own duties, shall have the authority to exercise the powers and duties of the Department Head and to act as the Department Head in the absence or incapacity of the Department Head, or under other circumstances as specified in the terms of employment. Said appointment shall be made in writing, filed in the Office of the City Clerk and record in the City records. Said appointment shall be valid unless and until revoked in writing by the Mayor and filed and recorded in the same manner as the appointment. In the case of multiple Deputies who report to one Department Head, their appointments shall describe the order in which each Deputy will be authorized to act for the Department Head in the event the Department Head is absent or incapacitated.

Sec. 4. Office of the Corporation Counsel³²⁵.

A. Department Head and Legal Staff.

(a) The Corporation Counsel³²⁶. The Corporation Counsel, as the Department Head, shall be responsible for the efficiency, discipline and good conduct of the department responsible for providing legal services on behalf of the City. 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 duties³²⁷.

(b) The Deputy and Assistant Corporation Counsels³²⁸. Said Deputy and Assistant Corporation Counsels shall perform such service as the Corporation Counsel may direct.

(c) Additional Counsel³²⁹. The Mayor may, if in said Mayor's opinion the interests of the City require it, appoint additional special

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".

³²² 2013 recodification of pre-2013 §152 (Second sentence).

³²³ 2023 recodification of Article VI, Sec. 17.A, derived from 2013 modification and recodification of pre-2013 §150 (Second sentence).

³²⁴ NEW (2023).

³²⁵ Pre-2013 Article VI.

³²⁶ 2023 recodification and revision of Article VI, Sec. 4.A(1) derived from 2013 recodification of pre-2013 §17 (Third sentence). See, Amend. Of 7-1-75.

³²⁷ 2013 recodification of pre-2013 §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.

³²⁸ 2023 recodification and revision of Article VI, Sec. 4.A(2)(a) derived from 2013 recodification of pre-2013 §19 entitled "Deputies and assistants" and pre-2013 §19 (Third Sentence). Derived from Sp. L. 1899, p. 396, § 17; Sp. L. 1927, p. 17, § 18.

³²⁹ 2023 recodification and revision of Article VI, Sec. 4.A(3) derived from 2013 recodification of pre-2013 §19 (Fifth sentence). Pre-2013 §19 (Sixth sentence) is repealed. See, SP. L. 51-604.

assistant Corporation Counsel or counsels whose salary shall also be fixed by the budget.

B. General Duties of the Corporation Counsel.

(1) **Advice of the Corporation Counsel**³³⁰. 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**³³¹. 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**³³². Said Corporation Counsel shall:

(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 City³³³;

(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 Counsel³³⁴;

(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 thereof³³⁵.

(d) Oversight responsibility for the administration of issues pertaining to labor relations, disability services and fair rent³³⁶.

(e) **Annual Report**³³⁷. Said Corporation Counsel shall annually, on or before the fifteenth (15th) 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

³³⁰ 2013 recodification of pre-2013 §18 (Second sentence). The first sentence was moved to §4.A (1), above.

³³¹ 2013 recodification of pre-2013 §18 (Third sentence).

³³² 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.

³³³ 2013 recodification of pre-2013 §18 (First clause of the fourth sentence).

³³⁴ 2013 recodification of pre-2013 §18 (Second clause of the fourth sentence).

³³⁵ 2013 recodification of pre-2013 §18 (Fifth sentence).

³³⁶ NEW (2023).

³³⁷ 2013 recodification of pre-2013 §18 (Sixth sentence). See, Amend. of 7-1-75.

may desire in regard to the condition of said Corporation Counsel's department at any time.

C. Litigation Settlement Committee³³⁸. 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, who shall not be of the same political party, elected by their fellow Alders. ~~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.~~

Sec. 5. Finance Administration and Functions.

A. Generally³³⁹. The functions under this provision are responsible for the administration of the fiscal policies of the City, including, but not limited to the: (1) keeping of accounts and financial records of the City; (2) assessment and collection of taxes, special assessments and other revenues; (3) the custody and disbursement of City funds and money; (4) control over expenditures; (5) purchase of services and materials, including insurance; (6) preparation of the Operating and Capital Budgets for submission to the Mayor, Board of Alders and other authorities otherwise provided in this Charter for the adoption of such budgets and for advising each of the authorities when requested as to fiscal matters; (7) information and technology; and, (8) such other powers and duties as may be required by the General Statutes, this Charter, Ordinance or Order or Motion of the Board of Alders.

B. Departments and Direct Reports to the Coordinator³⁴⁰. The following Department Heads and Other Mayoral Departmental Appointees are required to report on their functions to the coordinator responsible for the finance administrative functions of the City: (a) Controller; (b) Collector of Taxes; (c) Purchasing Agent; (d) Assessor; and (e) administrator responsible for information and technology services.

C. Department of Finance: The City Controller³⁴¹. The City Controller shall be the Department Head of the Department of Finance responsible for the financial operations of the City. The Controller is required to perform the duties and responsibilities as set forth in this Charter and the Ordinances, under the authority of the Mayor and operational purview of the Coordinator responsible for the finance administrative functions of the City or such other official in the event of a reorganization in accordance with §8-1.D of this Article. The Controller may appoint

³³⁸ 2023 modification of §5.C derived from 2013 recodification of pre-2013 §20. See, Amend. of 7-1-93.

³³⁹ NEW (2023)

³⁴⁰ NEW (2023).

³⁴¹ 2023 recodification of Article VI, Sec. 5.A(1) derived from 2013 modification and recodification of pre-2013 §21 (First sentence), as follows: "The City Controller shall be the Department Head of the a department responsible for the of finances and budget under the direction of the City Controller". Formerly Article VII entitled "Department of Finance". See, Amend. of 7-1-93.

Commented [S23]: BOA #5

BOA RECOMMENDATION #5: Restore current language regarding representation of Alders on Boards and Commissions. Add the underscored language and delete the highlighted language.

CRC RESPONSE: Agreed.

a Deputy, Tax Collector and Treasurer or, in lieu of the appointment of a Treasurer, assign an employee of the department the functions of the treasurer³⁴².

D. General Functions of the Finance Department³⁴³. The Coordinator responsible for the finance administrative functions of the City or, in the absence of such coordinator, the Controller (“Finance Officials”) shall be responsible for the execution and administration of the following duties and functions (both Finance Officials shall be equally liable unless the function is specifically assigned to one or the other):

Commented [S24]: CRC RECOMMENDATION. REVIEW IN THE CONTEXT OF WHETHER THERE ARE ANY SPECIAL ACT FUNCTIONS THAT NEED TO BE LEFT IN THE CHARTER?

(1) To prevent overdrawing, misapplication of appropriations; liability for payments exceeding appropriations³⁴⁴. The Finance Officials 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.

(2) To certify the availability of sufficient funds³⁴⁵. No warrant shall be issued unless sufficient funds to pay the same shall actually be in the treasury. Said Finance Official(s) shall:

(a) Certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each Budgeted Entity and officer of the City, and shall assure that purchase orders or contracts are valid obligations of the City of New Haven, bearing the certification of the Controller or other official designated by the Mayor, or by Ordinance.

(b) Refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in the opinion of the Finance Officials will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation.

If the Finance Official(s) 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 coordinator responsible for the finance administrative functions of the City or Controller, as the case may be,

³⁴² 2023 revision in lieu of current Article VI, Sec. 5.A(2), derived from 2013 recodification of pre-2013 §21 (Sixth sentence); Sec. 5.A(3) derived from pre-2013 §29 entitled “Designation of Assistant Treasurer to serve in absence, disability of City Treasurer”. See, Amend. of 7-1-93; Sec. 5.A(3)(a), derived from pre-2013 §29 entitled “Designation of Assistant Treasurer to serve in absence, disability of City Treasurer”. See, Amend. of 7-1-93; and, Sec. 5.A(3)(b) derived from 2013 recodification of pre-2013 §29 (Second sentence).

³⁴³ 2023 recodification of Article VI, Sec. 5.B derived from pre-2013 §22 entitled “General Duties”.

³⁴⁴ 2023 recodification and revision of Article VI, Sec. 5.C(1) (first sentence) derived from 2013 recodification of pre-2013 §23. Derived from Sp. L. 1899, p. 397, §24. See also, Sp. L. 1927, §24.

³⁴⁵ 2023 recodification and revision of Article VI, Sec. 5.C(1)(second and third sentences) derived from 2013 recodification of pre-2013 §23. Derived from Sp. L. 1899, p. 397, §24. See also, Sp. L. 1927, §24.

shall be personally liable there, and said Finance Official's sureties shall also be liable to the amount of the bond.

(3) To create a procedure for claims, accounts and payments³⁴⁶. The Finance Officials shall, administer procedures for the management of claims and accounts, including departmental accounts³⁴⁷, appropriation accounts³⁴⁸, forms, reports and public inspection protocols³⁴⁹, and rules for payments of Public Officials and employees³⁵⁰, as set forth by this Charter, Ordinance or by administrative action of the Mayor and Finance Officials.

(4) To establish amount of Bond for Public Officials³⁵¹. 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.

(5) Audits of Accounts of Public Officials and Employees³⁵². 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.

³⁴⁶ 2023 recodification and revision of Article VI, Sec. 5.C(2) derived from 2013 recodification of pre-2013 §24. Derived from Sp. L. 1899, p. 397, §25.

³⁴⁷ 2023 recodification and revision of Article VI, Sec. 5.B(1) derived from 2013 recodification of pre-2013 §22(a). Derived from Sp. L. 1899, p. 397, §20. See also, Sp. L. 1927, §20. See, Amend. of 7-1-93.

³⁴⁸ 2023 recodification and revision of Article VI, Sec. 5.B(4) derived from 2013 recodification of pre-2013 §22(d). Derived from Sp. L. 1899, p. 397, §23. See also, Sp. L. 1927, §23. See, Amend. of 7-1-93.

³⁴⁹ 2023 recodification and revision of Article VI, Sec. 5.B(2) derived from 2013 recodification of pre-2013 §22(b). Derived from Sp. L. 1899, p. 397, §21. See also, Sp. L. 1927, §21.

³⁵⁰ 2023 recodification and revision of Article VI, Sec. 5.B(5) derived from 2013 recodification of pre-2013 §22(f). See, Amend. of 7-1-93. See also, Sp. L. 1927, §25. See, Amend. of 7-1-93. See also, 2023 recodification of Article VI, Sec. 5.B(5) derived from 2013 recodification of pre-2013 §22(f). See, Amend. of 7-1-93.

³⁵¹ 2023 recodification of Article VI, Sec. 5.B(6) derived from 2013 recodification of pre-2013 §22(g). See, Amend. of 7-1-93.

³⁵² 2023 revision of Article VI, Sec. 5.C(4) derived from 2013 recodification of pre-2013 §26(b). Derived from Sp. L. 1899, p. 398, §27. See also, Sp. L. 1927, §27.

(6) To establish procedures for the deposit and payment of City Funds. The Finance Officials shall (a) deposit at such intervals and in such manner, including obtaining the highest rate of interest consistent with the safety of the deposits³⁵³; (b) and pay City funds³⁵⁴ in accordance with requirements and protocols as may be set forth by his Charter, Ordinance or by administrative action of the Mayor and Finance Officials. The City Treasurer, or an employee of the Finance Department assigned the functions of the said 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 Treasurer³⁵⁵.

(7) Authority to discount taxes, borrow in anticipation of taxes or bond sales³⁵⁶. 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.

Historical Transition Provision. The historical powers and duties of the Department of Finance, including the Controller, as set forth in Article XV, §4.B shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance and (2) a legal opinion as set forth in Article XV, §4.A certifying that the functions of Article XV, §4.B have been addressed by the Ordinance, Article XV, §4.B shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance.

E. Role of the Collector of Taxes³⁵⁷. The Collector of Taxes shall have all the authority to perform all the duties and assume all of the responsibilities entrusted to Tax Collectors by virtue of the General Statutes, this Charter and the Ordinances. The Collector shall have the same power as the Mayor to sign

³⁵³ 2023 recodification and revision of Article VI, Sec. 5.C(5) derived from 2013 recodification of pre-2013 §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.

³⁵⁴ 2023 recodification and revision of Article VI, Sec. 5.C(6) derived 2013 recodification of pre-2013 §27(b). See, Amend. of 7-1-93.

³⁵⁵ 2023 recodification and revision of Article VI, Sec. 5.C(7) derived 2013 recodification of pre-2013 §27(c). Derived from Sp. L. 1899, p. 399, §30. See also, Sp. L. 1927, §30. See, Amend. of 7-1-75.

³⁵⁶ 2023 recodification of Article VI, Sec. 5.C(8) derived from 2013 recodification of pre-2013 §28. See, Amend. of 7-1-93.

³⁵⁷ 2023 recodification of Article VI, Sec. 5.D(3) derived from 2013 recodification of pre-2013 §30 entitled "Qualifications; general powers, duties; power of the Mayor to issue tax warrants".

certificates of tax liens and certificates of their release and discharge³⁵⁸. The Mayor shall have power to issue a warrant for the collection of any of said taxes or assessments³⁵⁹.

Historical Transition Provision. The historical powers and duties of the Collector of Taxes as set forth in Article XV, §4.C shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance and (2) a legal opinion as set forth in Article XV, §4.A certifying that the functions of Article XV, §4.C have been addressed by the Ordinance, Article XV, §4.C shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance.

F. Role of the City Purchasing Agent³⁶⁰. The City Purchasing Agent shall be the Department Head of the department responsible for the procurements of the City³⁶¹.

(1) General Duties. The City Purchasing Agent shall make all purchases of supplies, materials, equipment and contractual services for all Departments³⁶². 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 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 Board³⁶³. It shall be the duty of the Purchasing Agent³⁶⁴:

(a) 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 government³⁶⁵.

Commented [S25]: COUNSEL EDIT IN ACCORDANCE WITH DEFINED TERM.

³⁵⁸ 2023 recodification of Article VI, Sec. 5.D(3) derived from 2013 recodification of pre-2013 §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.

³⁵⁹ 2023 recodification of Article VI, Sec. 5.D(6) derived from 2013 recodification of pre-2013 §30 (Third sentence).

³⁶⁰ 2023 recodification of Article VI, Sec. 6 derived from Pre-2013 "Article XIV. Bureau of Purchases".

³⁶¹ 2023 recodification of Article VI, Sec. 6.A(first sentence) derived from 2013 modification and recodification of pre-2013 §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.

³⁶² 2023 recodification of Article VI, Sec. 6.C(first sentence) derived from 2013 recodification of pre-2013 §73 (First paragraph).

³⁶³ 2023 recodification of Article VI, Sec. 6.C(second sentence) derived from 2013 revision.

³⁶⁴ 2023 recodification of Article VI, Sec. 6.C(third sentence) derived from 2013 recodification of pre-2013 §73 (First paragraph). Amend. of 7-1-93.

³⁶⁵ 2023 recodification of Article VI, Sec. 6.C(1) derived from 2013 recodification of pre-2013 §73(a). See, Amend. of 7-1-93.

(b) 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 Agent³⁶⁶.

(c) To assure that all supplies, materials and equipment purchased for the City conform to specifications and are of the quantity and quality contracted for³⁶⁷.

(d) 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 use³⁶⁸.

(e) To purchase at the expense of the City all surety bonds required by Law or by Ordinances for Public Officials and employees of the City³⁶⁹.

(f) To purchase at the expense of the City any insurance against liability or the damage or loss of property on the part of the City³⁷⁰.

(2) **Deputy and Other Employees.** There may be appointed Deputy Purchasing Agent³⁷¹ and other employees³⁷², who shall devote full time service to the performance of the duties of office, as recommended by the Purchasing Agent and provided for in the budget.

(3) **Adoption of a Procurement Ordinance and Regulations**³⁷³. 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

³⁶⁶ 2023 recodification of Article VI, Sec. 6.C(2) derived from 2013 recodification of pre-2013 §73(b). See, Amend. of 7-1-93.

³⁶⁷ 2023 recodification of Article VI, Sec. 6.C(3) derived from 2013 recodification of pre-2013 §73(c). See, Amend. of 7-1-93.

³⁶⁸ 2023 recodification of Article VI, Sec. 6.C(4) derived from 2013 recodification of pre-2013 §73(d). See, Amend. of 7-1-93.

³⁶⁹ 2023 recodification of Article VI, Sec. 6.C(5) derived from 2013 recodification of pre-2013 §73(e). See, Amend. of 7-1-93.

³⁷⁰ 2023 recodification of Article VI, Sec. 6.C(6) derived from 2013 recodification of pre-2013 §73(f). See, Amend. of 7-1-93.

³⁷¹ 2023 recodification and revision of Article VI, Sec. 6.D derived from 2013 recodification of pre-2013 §71(b). See, Amend. of 7-1-93.

³⁷² 2023 recodification and revision of Article VI, Sec. 6.B derived from 2013 recodification of pre-2013 §72 (Fourth sentence).

³⁷³ 2023 recodification of Article VI, Sec. 6.E derived from 2013 revision.

terms of this section referred to elsewhere in this Charter are hereby expressly repealed.

(a) 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

(b) 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.

(c) 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 Alders³⁷⁴. 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.

G. Additional Exemptions from §6.E of this Article³⁷⁵. The following contracts shall be exempt from the provisions of §6.E of this Article:

Commented [S26]: BOA# 8

COUNSEL RECOMMENDATION TO LEAVE THESE PROVISIONS IN CHARTER

³⁷⁴ 2023 recodification and restoration of pre-2013 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.

³⁷⁵ 2023 recodification and restoration of pre-2013 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.

(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.

G. Role of the City Assessor³⁷⁶. 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 Ordinances³⁷⁷ and shall devote full time service to the performance of the duties of said office³⁷⁸.

(1) **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 taxation³⁷⁹. 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 Assessor³⁸⁰.

³⁷⁶ 2023 recodification of Article VI, Sec. 7 derived from pre-2013 "Article XVI. Department of Assessments".

³⁷⁷ 2023 recodification of Article VI, Sec. 7.A(first clause of first sentence) derived from 2013 recodification of pre-2013 §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".

³⁷⁸ 2023 recodification of Article VI, Sec. 7.A(second clause of first sentence) derived from 2013 modification and recodification of pre-2013 §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".

³⁷⁹ 2023 recodification of Article VI, Sec. 7.C derived from 2013 recodification of pre-2013 §81(c) (Second sentence). See, Amend. of 1-1-61.

³⁸⁰ 2023 recodification of Article VI, Sec. 7.C derived from 2013 recodification of pre-2013 §81(c) (Third sentence).

(2) **Other Employees**³⁸¹. The department shall be under the charge of the City Assessor who shall appoint and remove all deputies, assistants and other employees of the department, subject to the rules and regulations of the Civil Service Board³⁸².

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**³⁸³.

Commented [S27]: BOA RECOMMENDATION. IS THERE A BOARD OF ASSESSORS? CAN WE ELIMINATE THIS PROVISION?

Sec. 6. Administrative, Operational and Infrastructure Functions

A. Generally³⁸⁴. The functions of the Departments in this provision of the Charter pertain to the administration and management of policies and programs relating to the operation and infrastructural needs of the City as set forth in this Charter and the Ordinances.

(1) **Departments and Direct Reports to the Assigned Coordinator**³⁸⁵. The following Department Heads and Other Mayoral Departmental Appointees are required to report on their functions to the coordinator responsible for the administrative, operational and infrastructural functions of the City: (a) Personnel or Human Resources Director; (b) Director of Parks and Public Works; (c) City Librarian; (d) City engineer; and (e) administrators responsible for emergency operations, information and technology services.

B. Personnel and Human Resources³⁸⁶. The Personnel Director shall be the Department Head of the department responsible for personnel and the Civil Service System.

(1) **Generally**³⁸⁷. The Personnel Director works with the Manager of Human Resources within the Department of Human Resources. The functions of this department involve the assistance to all Departments in the recruitment, selection, and training of new employees; conducting analyses of job classifications, developing and providing periodic employee training programs; aiding in establishing policies pertaining to the scope of federal and state laws pertaining to discrimination and harassment; and maintaining employee records.

³⁸¹ 2023 recodification of Article VI, Sec. 7.B derived from 2013 recodification of pre-2013 §72 (Fourth sentence).

³⁸² 2023 recodification of Article VI, Sec. 7.B derived from 2013 recodification of pre-2013 §81(a) (Second sentence).

³⁸³ 2013 recodification of pre-2013 §81(a) (Third sentence).

³⁸⁴ NEW (2023).

³⁸⁵ NEW (2023).

³⁸⁶ 2023 recodification and revision of Article VI, Sec. 18.A derived from 2013 recodification of pre-2013 §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".

³⁸⁷ NEW (2023).

(2) Powers and Duties of Personnel Director³⁸⁸. The Personnel Director shall have the authority and duty to:

(a) To furnish and recommend to the Civil Service Board job descriptions, qualifications and the compensation range relating to positions to be filled, including those of Department Heads³⁸⁹;

(b) 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 administration³⁹⁰;

(c) to advertise for candidates for examination for all positions, and to determine the eligibility of applicants for all positions in accordance with the rules established by the Civil Service Board, and the qualifications of the position. Public Notice of all job announcements for positions involving competitive examinations shall be given not less than fifteen (15) calendar Days prior to the date set for each such examination³⁹¹. The job announcement for competitive examinations shall be considered the notice of examination³⁹².

(d) 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 Board³⁹³;

(e) to maintain records of all applicants, their qualifications, and scores. The records of successful candidates shall be public records with the exception of the content of examinations³⁹⁴; and,

(f) such authority as may be further delineated by Ordinance.

³⁸⁸ 2023 recodification and revision of Article VI, Sec. 18.B derived from pre-2013 §166 entitled "Powers, duties of Personnel Director".

³⁸⁹ 2023 recodification and minor revision of Article VI, Sec. 18.B(2) derived from 2013 recodification of pre-2013 §166(b). See, Amend. of 7-1-93.

³⁹⁰ 2023 recodification and minor revision of Article VI, Sec. 18.B(4) derived from 2013 recodification of pre-2013 §166(d).

³⁹¹ 2023 recodification and minor revision of Article VI, Sec. 18.B(9) derived from 2013 recodification of pre-2013 §166(i). See, Amend. of 7-1-93.

³⁹² NEW (2023).

³⁹³ 2023 recodification and minor revision of Article VI, Sec. 18.B(10) derived from 2013 recodification of pre-2013 §166(j). See, Amend. of 7-1-93.

³⁹⁴ 2023 recodification and minor revision of Article VI, Sec. 18.B(11) derived from 2013 recodification of pre-2013 §166(k). See, Amend. of 7-1-93.

Historical Transition Provision. The historical powers and duties of the Personnel Director, as set forth in Article XV, §4.D shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance and (2) a legal opinion as set forth in Article XV, §4.A certifying that the functions of Article XV, §4.D have been addressed by the Ordinance, Article XV, §4.D shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance.

C. Parks and Public Works³⁹⁵. The Director of Parks and Public Works shall be the Department Head of the department responsible for the management, maintenance of the public works and parks of the City.

(1) General Duties of Director. Except as otherwise provided in this Charter, the Director of Parks and Public Works shall be responsible for the control, 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 same³⁹⁶;

(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 control of some other Public Official, Department or Board or Commission³⁹⁷;

(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 refuse³⁹⁸.

(d) use of all public parks, squares and open places which are currently included in the park system of the City, including the use of said parks, 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

³⁹⁵ 2023 recodification and revision of Article VI, Secs 8 and 13 derived from (1) with respect to public works pre-2013 "Article XVII. Department of Public Works" and pre-2013 §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; and (2) with respect to Parks, derived from 2013 recodification of pre-2013 §117 entitled ". Director; general powers, duties".

³⁹⁶ 2023 recodification of Article VI, Sec. 8.C(1)(a) derived from 2013 recodification of pre-2013 §83 (First clause of first sentence). Derived from Sp. L. 1899, p. 410, § 74. See also, Sp. L. 1927, §122.

³⁹⁷ 2023 recodification of Article VI, Sec. 8.C(1)(b) derived from 2013 recodification of pre-2013 §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

³⁹⁸ 2023 recodification of Article VI, Sec. 8.C(1)(c) derived from 2013 recodification of pre-2013 §83 (Third clause of first sentence). Derived from Sp. L. 1899, p. 410, § 74. See also, Sp. L. 1927, §122.

within or without the limits of said City, but not including streets in parks within the City limits³⁹⁹.

(e) 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 City⁴⁰⁰.

(f) of the preservation, development and adornment of said parks and places⁴⁰¹

(2) **Other duties of the Director.** The Director shall have charge to: (a) cause all Orders of the Board of Alders concerning any of said subjects to be executed⁴⁰²; (b) make all suitable rules and regulations in regard to said department and the conduct of its business⁴⁰³; (c) 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 Haven⁴⁰⁴; and such duties as may be prescribed by Ordinance⁴⁰⁵.

(3) **Other Employees. Role of the City Engineer**⁴⁰⁶. 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

³⁹⁹ 2023 recodification and revision of Article VI, Sec. 13.B(1) derived from pre-2013 §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".

⁴⁰⁰ 2023 recodification and revision of Article VI, Sec. 13.B(2) derived from 2013 recodification of pre-2013 §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".

⁴⁰¹ 2023 recodification and revision of Article VI, Sec. 13.B(3) derived from 2013 recodification of pre-2013 §117 (First clause of third sentence), as follows: "~~The director shall have charge~~ of the preservation, development and adornment of said parks and places".

⁴⁰² 2023 recodification of Article VI, Sec. 8.C(2) derived from 2013 modification and recodification of pre-2013 §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).

⁴⁰³ 2023 recodification of Article VI, Sec. 8.C(3) derived from 2013 modification and recodification of pre-2013 §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".

⁴⁰⁴ 2023 recodification of Article VI, Sec. 8.C(4) derived from 2013 recodification of pre-2013 §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.

⁴⁰⁵ NEW (2023).

⁴⁰⁶ 2023 recodification of Article VI, Sec. 13.C derived from 2013 recodification of pre-2013 §118 entitled "Director; power to hire employees, call on City Engineer for engineering services". See, Amend. of 7-1-93.

director may call on the City Engineer for such services as may be deemed necessary.

D. City Engineer⁴⁰⁷. The City Engineer shall be the Department Head of the department responsible for the engineering functions of the City.

(1) **General Duties⁴⁰⁸.** The Engineering Department is responsible for the engineering functions of the City including the scoping, design, construction, inspection, cost estimation, analysis, review, approval, and technical maintenance practices of the City's public infrastructure, facilities, and property, including but not limited to bridges, roads, sidewalks, buildings, lighting, open spaces, drainage, utility infrastructure, environment, and coastal infrastructure. The Engineering Department is responsible for creating and promulgating engineering standards for design and construction of public infrastructure such as improvements to public rights-of-way. In addition, the Engineering Department provides technical advisement and oversight to the Mayor, Corporation Counsel, the Board of Alders, and other Departments on engineering and technical matters, including as technical advisor in the City's land use processes and during emergency events such as natural disasters. The Engineering Department is also responsible for the maps and records of the public infrastructure of the City and any other responsibilities as may be set forth by Ordinance.

Commented [S28]: BOA RECOMMENDATION. PROPOSAL FROM THE CITY ENGINEER.

(2) **Other Employees⁴⁰⁹.** The City Engineer shall hire such professional and clerical staff as the City budget may provide and retain the services of consultants, professionals, contractors, and others as necessary to carry out the work of the Department.

Commented [S29]: BOA RECOMMENDATION. FINAL CLAUSE FROM THE CITY ENGINEER.

E. New Haven Free Public Library: City Librarian⁴¹⁰. 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. The function within this division of government pertains to the administration and management of the public library facilities for the City. The library provides resources for the interest, information, education and enlightenment of all people in the community it serves. The Library collaborates with local agencies, nonprofits, educational institutions, and cultural organizations to expand resources, provide enrichment programs, and address community needs⁴¹¹.

Commented [S30]: BOA RECOMMENDATION. PROPOSED BY THE CITY LIBRARIAN

(1) **Other Employees: Compensation, Appointment and Promotion.** Said Board shall recommend the compensation of such

⁴⁰⁷ 2023 recodification and revision of Article VI, Sec. 9.A derived from pre-2013 (1) "Article XVIII. Department of Engineering"; (2) §96 entitled "Creation; City Engineer qualifications and duties"; and (3) §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".

⁴⁰⁸ 2023 recodification and revision of Article VI, Sec. 9.B derived from 2013 recodification of pre-2013 §96 (Third sentence). Derived from Sp. L. 1899, p. 411, § 76.

⁴⁰⁹ 2023 recodification and revision of Article VI, Sec. 9.C derived from 2013 recodification of pre-2013 §96 (Fourth sentence); See also, Sp. L. 1927, §124.3.

⁴¹⁰ 2023 recodification and revision of Article VI, Sec. 16. derived from pre-2013 §133; see, notes attached to the Board of Library Directors.

⁴¹¹ NEW (2023).

officers and employees to be established in the budget⁴¹². 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 Charter⁴¹³.

(2) **Library Appropriations**⁴¹⁴. 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 [S31]: COUNSEL EDIT

Sec. 7. Administrative, Operational and Public Safety Functions

A. The Police Department⁴¹⁵; **the Chief of Police**⁴¹⁶. The Chief of Police shall be the Department Head of the department providing police services⁴¹⁷. Said Chief of Police shall be responsible for the efficiency, discipline and good conduct of the Police Department as further set forth in §4 of Article XIII and the Ordinances⁴¹⁸.

B. The Fire Department⁴¹⁹; **Fire Chief**⁴²⁰. The Fire Chief shall be the Department Head of the department providing fire services⁴²¹. Said chief shall be responsible for the efficiency, discipline and good conduct of the Fire Department as further set forth in §4 of Article XIII and the Ordinances⁴²². The Fire Chief shall be knowledgeable in all matters related to the effective and efficient governing of all hazard responses related to Fire and Emergency Services⁴²³. In the absence of the Fire

⁴¹² 2023 recodification and revision of Article VI, Sec. 16.B (first sentence) derived from 2013 recodification of pre-2013 §133 (Twelfth sentence).

⁴¹³ 2023 recodification and revision of Article VI, Sec. 16.B (second sentence)C derived from 2013 recodification of pre-2013 §133 (Thirteenth sentence).

⁴¹⁴ 2023 recodification and revision of Article VI, Sec. 16. derived from 2013 recodification of pre-2013 §134. See, Amend. of 7-1-93.

⁴¹⁵ 2023 recodification of Article VI, Sec. 10 derived from 2013 recodification of pre-2013 §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.

⁴¹⁶ 2023 recodification of Article VI, Sec. 10 derived from 2013 recodification of pre-2013 §101 entitled "Supervision by chief; appointment, qualifications, term, removal, duties of chief".

⁴¹⁷ 2023 recodification of Article VI, Sec. 10.A derived from 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.

⁴¹⁸ 2023 recodification of Article VI, Sec. 10.B derived from 2013 recodification of pre-2013 §101 (Fifth sentence). See, Amend. of 7-1-93.

⁴¹⁹ 2023 recodification and revision of Article VI, Sec. 11 derived from 2013 recodification of pre-2013 §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.

⁴²⁰ 2023 recodification and revision of Article VI, Sec. 11.A derived from 2013 recodification of pre-2013 §103 entitled "Supervision by Fire Chief; appointment; qualifications, term, removal of chief".

⁴²¹ 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.

⁴²² 2023 recodification and revision of Article VI, Sec. 11.B derived from 2013 recodification of pre-2013 §103 (Sixth sentence).

⁴²³ NEW (2023).

Chief the Assistant Chief of Administration (Executive Officer) shall act as the Fire Chief. In the event the Assistant Chief of Administration is absent, the Assistant Chief of Operations shall act as the Fire Chief⁴²⁴.

Commented [S32]: BOA RECOMMENDATION: PROPOSED BY FIRE CHIEF.

(1) **Responsibilities for the Fire Chief**⁴²⁵. The Chief is responsible for⁴²⁶: (a) the organization, financial management, general administration, and efficient operation of the Fire Department; (b) sole command over all persons connected with the Department and all apparatus and appurtenances belonging to same; (c) issuing such orders for the government of the Department and make all assignments, transfers and details as, to the Chief, may seem to be for the best interests of the Department; (d) establishing Department policy and developing new ideas and techniques for firefighting and administration; (e) evaluating Departmental procedures, organization and staffing; recommending and implementing changes in operation; and overseeing the placement of stations, distribution of personnel and distribution and types of equipment required to efficiently run the Department; and, (f) ensuring that the Charter and Ordinances of the City applicable to the Department are faithfully observed and shall promulgate and enforce all orders of the Board. The Chief shall report to the Board of Fire Commissioners any suggestions and/or recommendations as may be deemed to be in the best interest of the Department. The Chief shall promptly report to the Board of Fire Commissioners any officer or member of the Department who, by means of age, disease, accident or other incompetence, does not or cannot fully, promptly and properly perform full duty.

Commented [S33]: BOA RECOMMENDATION: PROPOSED BY FIRE CHIEF. PERHAPS MOVED TO ORDINANCE.

(2) **Duties of the Fire Marshal**⁴²⁷. 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 schoolhouses 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 buildings⁴²⁸. It shall be the Marshal's duty whenever deemed necessary in the discretion of the marshal to report all unsafe buildings and all

⁴²⁴ NEW (2023)

⁴²⁵ NEW (2023).

⁴²⁶ NEW (2023).

⁴²⁷ 2023 recodification and revision of Article VI, Sec. 11.C(1) derived from 2013 recodification of pre-2013 §105.

⁴²⁸ 2023 recodification and revision of Article VI, Sec. 11.C(2) derived from 2013 recodification of pre-2013 §105 (First sentence). Derived from Sp. L. 1899, p. 406, § 57; See also, Sp. L. 1911, p. 626, § 7; and, Sp. L. 1927, §105.

violations of such laws to the Fire Chief, Building Official and the State's Attorney for New Haven County⁴²⁹.

(3) **Acting Fire Marshal**⁴³⁰. In the absence of a Fire Marshal the Deputy Fire Marshall shall act as Fire Marshal. In the absence of the Fire Marshal and Deputy Fire Marshall, the Fire Chief shall act as Fire Marshal.

Commented [S34]: Scrivener's Correction.

C. **Public Safety Communications**⁴³¹. The Chief Administrative Office (or equivalent position) or designee shall be the Department Head. The Department shall be responsible for all aspects of the department including development and enforcement of procedures, hiring and scheduling and training staff, budgeting, reporting, quality assurance and maintaining and upgrading communications and related equipment.

Sec. 8. Community Services Functions.

A. **Generally**⁴³². The functions of the Departments in this provision of the Charter pertain to the administration and management of policies and programs relating to the community service needs and functions of the City as set forth in this Charter and the Ordinances.

(1) **Departments and Direct Reports to the Assigned Coordinator**⁴³³. The following Department Heads and Other Mayoral Departmental Appointees are required to report on their functions to the coordinator responsible for the community services functions of the City, as defined by this Charter and the Ordinances: (a) CSA Administration; (b) Social Services; (c) Health; (d) Youth and Recreation; (e) Homeless Coordination; (f) Food Systems Policy; (g) Elderly Services; (h) Elm City Compass; (i) Dixwell Q-House; (j) Community Resilience; and, (k) such other functions as may be set forth by Ordinance.

B. **Health Functions: Director of Public Health**⁴³⁴. The Director of Health shall be the Department Head of the department responsible for the administration and management of public health services that promotes the welfare of the entire population, ensures its security, and protects it from the spread of infectious disease and environmental hazards, and helps to ensure access to safe and quality care to benefit the population. The areas of public health responsibility include: (1) assuring an adequate local public health infrastructure, (2) promoting healthy communities and healthy behaviors, (3) preventing the spread of communicable disease, (4) protecting against environmental health hazards, (5) preparing for and responding to emergencies, and (6) assuring health services.

⁴²⁹ 2023 recodification and revision of Article VI, Sec. 11.C(1) derived from 2013 recodification of pre-2013 §105 (Second sentence).

⁴³⁰ 2023 recodification and revision of Article VI, Sec. 11.C(2) derived from 2013 recodification of pre-2013 §105 (Third sentence).

⁴³¹ NEW (2023). At the time of adoption of this Charter, this department is set forth in Division 4, Sec. 2-278 through 2-281 of the Code of Ordinances.

⁴³² NEW (2023).

⁴³³ NEW (2023).

⁴³⁴ 2023 recodification and revision of Article VI, Sec. 15.A, derived from 2013 revision and pre-2013 §127 (First sentence of first paragraph).

The responsibilities of the department shall be carried out in a manner that fulfills the legal authority set forth in General Statutes, Ordinances and as otherwise required by Law. The Director of Health shall have the general authority and administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications pursuant to Connecticut General Statutes⁴³⁵. The Director of Public Health shall be on the unclassified service⁴³⁶.

Historical Transition Provision. The historical powers and duties of the Health Director, as set forth in Article XV, §4.E shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance and (2) a legal opinion as set forth in Article XV, §4.A certifying that the functions of Article XV, §4.E have been addressed by the Ordinance, Article XV, §4.E shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance.

C. Youth and Recreation: Director⁴³⁷. The Director of Youth and Recreation shall be the Department Head of the department responsible for providing access to and assessing programs designed to develop beneficial outcomes for young residents of the City pertaining to academic success, health, character, decision-making skills, civic engagement, job readiness, developmentally appropriate levels of independence, culture awareness and sensitivity and other outcomes that may be established by Ordinance or the policies of the City. the management, maintenance of the public works and parks of the City⁴³⁸. 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. 9. Economic Development Functions

A. Generally¹. The functions of this division relate to neighborhood, community and economic development planning and programs, planning and zoning, code enforcement, blight enforcement, business development and tourism, transportation, mobility and parking and such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance.

(1) Departments and Direct Reports to the Assigned Coordinator⁴³⁹. The following Department Heads and Other Mayoral Departmental Appointees are required to report on their functions to the coordinator responsible for the economic development functions of the City, as defined by this Charter and the Ordinances: (a) Development Administration; (b) City Plan; (c) Transportation, Traffic and Parking; (d) Commission on Equal Opportunity; (e) Office Building Inspection and enforcement; (f) Livable City

⁴³⁵ At the time of the adoption of this Charter the applicable provision is C.G.S. §19a-200.

⁴³⁶ 2023 recodification of Article VI, Sec. 15.A (second sentences) derived from 2013 recodification of pre-2013 §127 (Third sentence of first paragraph).

⁴³⁷ 2023 recodification and revision of Article VI, Sec. 13.D derived from 2013 recodification of pre-2013 §116.

⁴³⁸ 2023 recodification and revision of Article VI, Sec. 13.A derived from 2013 recodification of pre-2013 §113 and §117 entitled "Created; Director as head of department". See, Amend. of 7-1-75.

⁴³⁹ NEW (2023).

Initiative; (g) Office of Cultural Affairs; (h) Small Business Initiative; and, (i) such other functions as may be set forth by Ordinance.

B. City Plan Functions: Planning Director⁴⁴⁰. The Planning Director shall be the Department Head of the department responsible for all matters pertaining to the planning functions of the City, as required by the General Statutes, this Charter and the Ordinances.

(1) Duties of the Planning Director⁴⁴¹. 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.

(2) Functions of the Planning Department⁴⁴². Departmental responsibilities overseen by the Planning Director include: writing and updating neighborhood, city-wide and regional plans as well as the Plan of Conservation and Development required by state statute; ensuring compliance of development applications with zoning standards; overseeing the City Plan Commission's function as the Municipal Inland Wetlands Agency, administering Coastal Area Management regulations; maintaining and updating the zoning ordinance; providing NEPA compliance review and maintaining an environmental clearance record; maintaining records of regulatory land use approvals, maps, land use projects, and historic districts; facilitating community engagement in planning processes and managing infrastructure projects as needed. The Department provides technical review and advice on a wide variety of land use related functions.

C. Transportation, Traffic and Parking Functions: The Director⁴⁴³. The Director of Transportation, Traffic and Parking shall be the Department Head of the department responsible for all matters pertaining to the transportation, traffic and parking functions of the City, as required by the General Statutes, this Charter and the Ordinances.

⁴⁴⁰ 2023 recodification and revision of Article VI, Sec. 19, derived from pre-2013 §178 entitled "Planning Director; appointment, qualifications, general duties". See also, 2013 recodification of pre-2013 §178 (First sentence). See, Amend. of 7-1-75.

⁴⁴¹ 2023 recodification and revision of Article VI, Sec. 19.B derived from 2013 recodification of pre-2013 §178 (Fourth sentence), with the addition of the word "City Planning Commission" in lieu of "commission".

⁴⁴² NEW (2023).

⁴⁴³ 2023 recodification and revision of Article VI, Sec. 20 derived from pre-2013 (1) Article XXXVIII entitled "Department of Traffic and Parking;" (2) §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;" and (3) §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."

(1) Administrative Responsibilities⁴⁴⁴. The functions of this Department are related to administration of all aspects of Traffic Safety, Operations and Controls; Transportation Planning and Traffic Engineering projects; and all On-street Parking related operations in the City; Planning, executing, and implementing transportation planning and traffic engineering projects and initiatives including, but not limited to traffic signal design, traffic operations analysis, traffic safety, traffic calming, complete streets, active transportation, public transportation; Installation and maintenance of traffic control devices, sign, signals, streetlights, and markings; parking planning, management, enforcement, meter distribution and revenue collection and management; Development and implementation of transportation policies and initiatives related to programs such as Open Streets, Safe Routes to School and Safe Routes for All and such other related activities as may be assigned to the Director from time to time by the Mayor or by Ordinance.

(2) General Duties. The Director shall have such responsibilities as set forth in this Charter and the Ordinances.

Historical Transition Provision. The historical powers and duties of the Director of Transportation, Traffic and Parking, as set forth in Article XV, §4.F shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance and (2) a legal opinion as set forth in Article XV, §4.A certifying that the functions of Article XV, §4.F have been addressed by the Ordinance, Article XV, §4.F shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance.

D. Building Inspection and Enforcement: Director. 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 construction⁴⁴⁵. The department shall also include the following inspectors: Building Official, Plumbing Inspector and Electrical Inspector⁴⁴⁶. 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 Charter⁴⁴⁷.

⁴⁴⁴ NEW (2023).

⁴⁴⁵ 2023 recodification and revision of Article VI, Sec. 14, derived from pre-2013 Article XXIV entitled "Office of Building Inspection and Enforcement," §122 (First sentence), in lieu of the following: "The building official, plumbing inspector and electrical inspector shall be appointed by the Mayor, and they shall be subject to the authority of the Mayor". Pre-2013 section entitled "Building, plumbing, electrical inspectors; appointment, terms, salaries".

⁴⁴⁶ 2023 recodification of Article VII, Sec. 14.A(1), derived from 2013 recodification of pre-2013 §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".

⁴⁴⁷ 2023 recodification of Article VI, Sec. 14.D, derived form 2013 recodification of pre-2013 §123 (Fourth sentence). Derived from Sp. L. 1927, §159; See, Sp. L. 1911, p. 624-626.

(1) **Administrative Responsibilities**⁴⁴⁸. The building division is authorized to engage in services related to building inspection and enforcement of the city as it pertains to the State Building Code including, but not limited to, the following: (a) Inspection services, administration and enforcement activities related to the building code, including plumbing, electrical and heating; (b) administration of zoning ordinances; (c) permit administration; (d) performance of all other functions concerning property inspection and enforcement as they relate to construction or reconstruction, except for those functions exercised by the director of public health or fire marshal under federal, state or local laws or regulations; and, (e) such other functions as may be set forth by the Ordinances.

Commented [S35]: RECOMMENDED BY OBIE

(2) **Restrictions**⁴⁴⁹. 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.

(3) **General Powers**⁴⁵⁰.

Commented [S36]: IS THERE ANYTHING HERE THAT REQUIRES ENUMERATION IN THE CHARTER?

(a) **Building Inspection**⁴⁵¹. With regard to the building inspection function the duty of the Building Official 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 to perform such other duties as may be by Ordinance prescribed.

(b) **Plumbing Inspection**⁴⁵². 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

⁴⁴⁸ NEW (2023).

⁴⁴⁹ 2023 recodification of Article VI, Sec. 14.E, derived from 2013 recodification of pre-2013 §123 (Second sentence).

⁴⁵⁰ 2023 recodification of Article VI, Sec. 14.F, derived from pre-2013 §121 entitled "Created; supervision by inspection; bureaus established". See, Amend. of 7-1-75;

⁴⁵¹ 2023 recodification of Article VI, Sec. 14.F(1), derived from 2013 modification and recodification of pre-2013 §121(a), as follows: "With regard to the A-Bureau of B- building 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 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.

⁴⁵² 2023 recodification of Article VI, Sec. 14.F(2), derived from 2013 modification and recodification of pre-2013 §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.

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.

(c) **Electrical Inspection**⁴⁵³. 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. 10. Education Functions.

A. **Department of Education: Superintendent of Schools.** The Superintendent of Schools shall be the Department Head of the public school system for the City⁴⁵⁴.

B. **Administrative Responsibilities.** The Superintendent is the representative of the Department for all matters relating to the education function, and is responsible for administering all day-to-day departmental operations, as well as facilitating the planning and implementation of long-range goals. In addition to duties assigned by the Board of Education, the Superintendent will be responsible for, and the direction of: (1) the academic achievement of students; (2) long-range planning of the school district; (3) the selection, supervision, training, and evaluation of all Board of Education personnel; (4) conduct specific duties related to teacher tenure and employment; (5) overseeing Board of Education personnel matters including recommendations for termination; (6) planning, implementation and evaluation of the district's academic curriculum, and instruction of the district student body; and, (7) Communication of the district's goals and objectives to the schools, the Board of Education, and the community⁴⁵⁵. 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 required⁴⁵⁶.

Commented [S37]: PROPOSED BY SUPERINTENDENT

⁴⁵³ 2023 recodification of Article VI, Sec. 14.F(3) , derived from 2013 modification and recodification of pre-2013 §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.

⁴⁵⁴ 2023 recodification of Article VI, Sec. 17.A derived from new language approved in 2013.

⁴⁵⁵ NEW (2023).

⁴⁵⁶ 2023 recodification of Article VI, Sec. 17.C, derived from 2013 revision.

C. 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 Education⁴⁵⁷. 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 Education⁴⁵⁸. 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 department⁴⁵⁹.

Commented [S38]: IS THIS NECESSARY?

⁴⁵⁷ 2023 recodification of Article VI, Sec. 17.B, derived from 2013 modification and recodification of pre-2013 §150 (Third sentence).

⁴⁵⁸ 2023 recodification of Article VI, Sec. 17.B, derived from 2013 modification and recodification of pre-2013 §150 (Fourth sentence).

⁴⁵⁹ 2023 recodification of Article VI, Sec. 17.B, derived from 013 modification and recodification of pre-2013 §150 (Fifth sentence).

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ARTICLE VII. BOARDS AND COMMISSIONS⁴⁶⁰

Sec. 1. General Requirements Concerning Membership on Appointive Boards and Commissions⁴⁶¹.

A. **Appointment**⁴⁶². 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 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.

B. **Publication of Boards and Commissions**⁴⁶³. 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 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**⁴⁶⁴. No person may serve on a Board or Commission unless such person is an Elector of the City; unless otherwise waived under §12.D of Article II, if permissible under Law. If any such

Commented [S39]: THE CHARTER COMMISSION REQUESTS THE ALDERS TO FORUMLATE RECOMMENDATIONS PERTAINING TO THE TRANSFER OF CERTAIN BOARDS AND COMMISSIONS TO THE CODE OF ORDINANCES. CRC RECOMMENDATIONS ARE SET FORTH IN ARTICLE VII.

BOA RECOMMENDATION #3: (a) RETAIN SPECIFIED BOARDS AND COMMISSIONS; (b) MANDATE THE CREATION OF OTHERS BY ORSDINANCE; AND, (c) CREATE A PRACTICE OF ESTABLISHING BOARDS AND COMMISSIONS BY ORDINANCE.

CRC RESPONSE: Agreed.

Commented [S40]: BOA #9

BOA #5

BOA RECOMMENDATION #5: Restore current language regarding representation of Alders on Boards and Commissions.

Delete the entire provision.

CRC RESPONSE: Agreed.

Commented [S41]: BOA RECOMMEDNATIONS #6.

CRC RESPONSE: Agreed.

⁴⁶⁰ Deletes the word "Appointive".

⁴⁶¹ 2013 recodification of pre-2013 §56.

⁴⁶² 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 pre-2013 §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".

⁴⁶³ 2013 modification and recodification of pre-2013 §56(a). See, Amend. of 7-1-93.

⁴⁶⁴ 2013 modification and recodification of pre-2013 §56(b). Recodifies the following: **(1) Board of Public Health** (Pre-2013 §126, second sentence, "All members of the Board of Public Health shall be residents of said City"); **(2) Board of Library Directors** (Pre-2013 §133 (Fifth sentence, "All the members of said board shall be residents of the City of New Haven"); and, **(3) City Planning Commission** (Pre-2013 §177 (first sentence) which requires members to the "electors of the City"). See, Amend. of 7-1-93.

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) year⁴⁶⁵.

(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 Alders⁴⁶⁶.

E. Compensation of Board and Commission Members⁴⁶⁷. All Members of Boards and Commissions shall serve without pay, except as otherwise expressly provided.

F. Vacancies⁴⁶⁸. Members of Boards and Commissions shall serve until completion of the current term of office (unless unable to complete the term of

⁴⁶⁵ 2013 recodification of pre-2013 §56(c). See, Amend. of 7-1-93.

⁴⁶⁶ 2013 recodification of pre-2013 §56(d). See, Amend. of 7-1-93.

⁴⁶⁷ 2013 consolidation and modification of all "compensation: provisions" and recodification of pre-2013 §144 by replacing "officers" with "Board and Commission Members". Recodifies the following provisions: (1) **Board of Education** (Pre-2013 §148, first sentence, as follows: "(Board of Education members) who shall serve without compensation"; (2) **Board of Park Commissioners** (Pre-2013 §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** (Pre-2013 §126, second sentence, "The Members shall serve without compensation"; (4) **Board of Library Directors** (Pre-2013 §133, fifth sentence, "The member shall serve without pay"); (5) **Civil Service Board** (Pre-2013 §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** (Pre-2013 §177, fourth sentence, "The members of the commission shall serve without compensation"). See, Amend. of 7-1-75.

⁴⁶⁸ Consolidation of the following "vacancy" provisions: (1) **Financial Review and Audit Commission**. (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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 cause shall not be political"; (6) **Board of Public Health** (Pre-2013 §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

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 Representation⁴⁶⁹. Unless otherwise required by the General Statutes or as otherwise set forth in this Charter, the political affiliation 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. Quorum⁴⁷⁰. 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.

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** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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").

⁴⁶⁹ 2013 consolidation and recodification of the following provisions: **(1) Board of Education** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §65 (First sentence), as follows: "~~There shall be a Board of Assessment Appeals in said City consisting of three (3) members,~~ Not more than two (2) members of the Board of whom shall belong to the same political party"); **(5) Board of Police Commissioners** (Pre-2013 §102, fourth sentence, "No more than three (3) members of said board, in addition to the Mayor, shall at any one time belong to the same political party"); **(6) Board of Fire Commissioners** (Pre-2013 §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** (Pre-2013 §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").

⁴⁷⁰ 2013 consolidation and recodification of the following: **(1) Board of Police Commissioners** (Pre-2013 §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** (Pre-2013 §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** (Pre-2013 §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".

I. Organization and Procedure⁴⁷¹. 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 Commissions⁴⁷².

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 finite 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.

Commented [S42]: BOA RECOMMENDATION #3 and 4: ALL BOARDS AND COMMISSIONS SHALL HAVE FIXED TERMS OF OFFICE.

(2) Any such Ordinance shall make provision for (a) the 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.G of this Article; (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

Commented [S43]: BOA RECOMMENDATION #3: IN ACCORD WITH THE CHARTER COMMISSION REQUEST THE ALDERS ARE RECOMMENDING THE CHANGES IN SEC. 3 - 6 PERTAINING TO THE TRANSFER OF CERTAIN BOARDS AND COMMISSIONS TO THE CODE OF ORDINANCES

⁴⁷¹ NEW (2013).

⁴⁷² NEW (2013).

A. The Board of Education⁴⁷³

Commented [S44]: BOA #2

(1) **Establishment**⁴⁷⁴. 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**⁴⁷⁵. 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.

(3) Term of Office.

(a) **Appointed Members**⁴⁷⁶. On or before the first (1st) 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 fall⁴⁷⁷.

(b) **Elected Members**⁴⁷⁸. Two (2) members elected, by Education District (as set forth in §§3 and 4 of Article II. One shall be elected 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, elected on the first

Commented [S45]: BOA #2 and #4

⁴⁷³ Pre-2013 Article XXIX entitled "Department of Education".

⁴⁷⁴ 2023 edit of Sec. 3A.(2). 2013 modification and recodification of pre-2013 §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 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 Educaiton" 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.

⁴⁷⁵ NEW (2013).

⁴⁷⁶ 2023 modification of pre-2013 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 (1st) 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".

⁴⁷⁷ 2023 repeal of Sec. 3.A(3)(a)(i) entitled "Transition Provision regarding the terms of Appointed Members of the Board of Education" (2013).

⁴⁷⁸ 2023 modification of Sec. 3.A(3)(b) (2013).

Monday in November 2025, shall serve for a term of two (2) years; and, thereafter, shall 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 thereafter⁴⁷⁹.

(4) Student Representation⁴⁸⁰. 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.

(5) Vacancies⁴⁸¹. 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 II.

(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 herein⁴⁸²;

⁴⁷⁹ 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).

⁴⁸⁰ 2023 recodification of Sec. 3.A.(2)(a) derived from the 2013 revision.

⁴⁸¹ 2013 modification and recodification of pre-2013 §149 (Third sentence).

⁴⁸² 2013 modification and recodification of pre-2013 §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". Pre-2013 entitled "General duties, powers of board; appointment of superintendent, power to discharge employees".

(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 Charter⁴⁸³.

(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 Statutes⁴⁸⁴.

(d) Annually, on or before the fifteenth (15th) 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 distribution⁴⁸⁵;

(e) Have the authority to determine all school boundaries of the City of New Haven is hereby expressly granted to this Board⁴⁸⁶; and,

(f) Identify and adopt nationally-recognized best practices for engaging the public in the education system⁴⁸⁷.

(7) **Budgets for department**⁴⁸⁸. 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

⁴⁸³ 2013 modification and recodification of pre-2013 §150 (Continuation of first sentence).

⁴⁸⁴ 2013 modification and recodification of pre-2013 §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 such rules and regulations for the proper operation of the public schools of the City as are not inconsistent with the laws of the State⁴⁸⁴."

⁴⁸⁵ 2013 modification and recodification of pre-2013 §150 (Fourth sentence), as follows: "~~(d)~~ Annually, on or before the fifteenth (15th) 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~~."

⁴⁸⁶ 2013 recodification of pre-2013 §148 (Second sentence), as follows: "~~(e)~~ ~~Have~~ (The authority to determine all school boundaries of the City of New Haven is hereby expressly granted to this board".

⁴⁸⁷ NEW (2013).

⁴⁸⁸ 2013 recodification of pre-2013 §153. See also, Amend. of 7-1-93.

request, it shall forthwith revise its detailed estimate of its expenditures in accordance therewith.

(8) Purchases for department⁴⁸⁹. 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 schools⁴⁹⁰. 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 Ethics⁴⁹¹.

(1) Establishment⁴⁹². 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) Composition⁴⁹³. The Board of Ethics shall consist of three (3) members appointed by the Mayor.

(3) Board members⁴⁹⁴. 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 hereunder⁴⁹⁵.

(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 ⁴⁹⁶.

(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

⁴⁸⁹ 2013 recodification of pre-2013 §154.

⁴⁹⁰ 2013 recodification of pre-2013 §155. See also, Amend. of 1-1-83.

⁴⁹¹ 2013 recodification of pre-2013 §213 entitled "Administration".

⁴⁹² 2013 recodification of pre-2013 §213 entitled "Administration" (third sentence).

⁴⁹³ 2013 modification and recodification of pre-2013 §213 (First clause of the first sentence), by repealing the following: "The administration of this article shall be charged top the Mayor..."

⁴⁹⁴ 2013 recodification of pre-2013 §213 (second sentence).

⁴⁹⁵ 2013 recodification of pre-2013 §213 (Third sentence).

⁴⁹⁶ 2013 recodification of pre-2013 §213 (Fourth sentence).

deletions as may be necessary to prevent disclosure of the identity of the Public Official or employee involved⁴⁹⁷.

(d) The Board is further authorized to hold Public Hearings in its discretion on matters pertaining to the administration and enforcement of this code⁴⁹⁸.

C. Board of Assessment Appeals⁴⁹⁹.

(1) **Establishment⁵⁰⁰.** 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.

(2) **Composition.** The Board shall consist of three (3) members⁵⁰¹.

(a) **Terms⁵⁰².** 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 (1st) day of February next following appointment to office.

(b) **Experience⁵⁰³.** 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.

⁴⁹⁷ 2013 recodification of pre-2013 §213 (Fifth sentence).

⁴⁹⁸ 2013 recodification of pre-2013 §213 (Sixth sentence).

⁴⁹⁹ 2023 recodification of pre-2013 Sec. #.D derived from pre-2013 Article XII entitled "Board of Tax Appeals". Pre-2013 §65 (Note: Board of Assessment Appeals) entitled "Created; membership; powers, duties".

⁵⁰⁰ 2023 recodification of pre-2013 Sec. 3.D, derived from pre-2013 §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".

⁵⁰¹ 2023 recodification of pre-2013 Sec. 3.D derived from 2013 modification and recodification of pre-2013 §65 (First sentence), as follows: ". There shall be a Board of Assessment Appeals in said City shall consist of three (3) members, not more than two of whom shall belong to the same political party".

⁵⁰² 2023 recodification of pre-2013 Sec. 3.D derived from 2013 modification and recodification of pre-2013 §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 (1st) 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".

⁵⁰³ 2023 recodification of current Sec. 3.D derived from 2013 modification and recodification of pre-2013 §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 (1st) 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.

D. Civil Service Board⁵⁰⁴.

(1) Establishment. There shall be a Civil Service Board⁵⁰⁵.

(2) Appointment and Membership⁵⁰⁶. The Board shall consist of five (5) members.

(a) Terms⁵⁰⁷. 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 (1st) day of February next succeeding the appointment.

(b) Restriction on Service⁵⁰⁸. None of such citizen members shall hold any other City office.

(c) Expenses⁵⁰⁹. 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 office⁵¹⁰. 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 examination⁵¹¹. Any such Secretary may be removed for cause, which shall be nonpolitical, after due hearing upon written notice served

⁵⁰⁴ 2023 recodification of current Sec. 3.K derived from 2013 recodification of §§156-158 of pre-2013 Article XXX entitled "Personnel and Civil Service".

⁵⁰⁵ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §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.

⁵⁰⁶ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §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.

⁵⁰⁷ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §157 (Fourth sentence).

⁵⁰⁸ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §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~~".

⁵⁰⁹ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §157 (Second sentence).

⁵¹⁰ 2023 recodification of current Sec. 3.K derived from 2013 recodification of current §163 (First sentence).

⁵¹¹ 2023 recodification of current Sec. 3.K derived from 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163 (Second sentence).

on the Secretary ten (10) Days before the date of the hearing. It shall be the duty of the Secretary⁵¹²:

(a) To attend all meetings of the Civil Service Board⁵¹³;

(b) To keep correct records of the Civil Service Board⁵¹⁴;

(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 Board⁵¹⁵;

(d) To send out all official notices⁵¹⁶;

(e) To perform all other official duties as instructed by the Civil Service Board⁵¹⁷.

(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 professional librarians, and superintendents of the different departments of the public library⁵¹⁸;

(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 disapproval⁵¹⁹;

(c) To hear and decide appeals from the decisions of the Personnel Director pursuant to §17.C (9) of this Article relating

⁵¹² 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163 (Third sentence).

⁵¹³ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163(a).

⁵¹⁴ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163(b).

⁵¹⁵ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163(c).

⁵¹⁶ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163(d).

⁵¹⁷ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §163(e).

⁵¹⁸ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §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.

⁵¹⁹ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §158(b). See, Amend. of 7-1-93.

to the determination of eligibility of persons and their qualifications for positions in the classified service⁵²⁰; 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 with⁵²¹.

(5) **Effect of Charter on existing rules of Board**⁵²². 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.

E. City Planning Commission.

(1) **Establishment**⁵²³. There shall be a City Planning Commission.

(2) **Appointment and Membership**⁵²⁴. 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) members⁵²⁵ appointed by the Mayor.

(a) **Terms**⁵²⁶. 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 (1st) day of February following their appointment.

⁵²⁰ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §158(c). See, Amend. of 7-1-93.

⁵²¹ 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §158(d). See, Amend. of 7-1-93.

⁵²² 2023 recodification of current Sec. 3.K derived from 2013 recodification of pre-2013 §164. **Note:** this provision has been in the Charter, at least, since 1962. See, Amend. of 7-1-93.

⁵²³ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §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).

⁵²⁴ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §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.

⁵²⁵ In lieu of "electors of the City".

⁵²⁶ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §177 (Second sentence).

(b) **Leadership and Rule**⁵²⁷. 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.

Commented [Ma46]: BOA #1

(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 operated⁵²⁸;

(b) To exercise all powers and responsibilities in regard to the subdivision of land as conferred upon planning commissions by the General Statutes⁵²⁹;

(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 Ordinances⁵³⁰;

(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 XIII⁵³¹.

F. Board of Zoning Appeals.

(1) **Establishment.** There shall be a Board of Zoning Appeals⁵³².

(2) **Appointment and Membership**⁵³³. The Board shall consist of three (3) members appointed by the Mayor, in accordance with the requirements of §1.A of Article VII; and, two (2) members appointed by

⁵²⁷ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §177 (Third sentence).

⁵²⁸ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §179(a).

⁵²⁹ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §179(b).

⁵³⁰ 2023 recodification of current Sec. 3.L derived from 2013 recodification of pre-2013 §179(c).

⁵³¹ 2023 recodification of current Sec. 3.L derived from 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)".

⁵³² 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (First sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (First sentence).

⁵³³ 2023 recodification of current Sec. 4.A derived from 2013 modification and recodification of pre-2013 §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).

the Board of Alders, of whom not more than three (3) may be officials of said City.

(3) Procedure for Appeals⁵³⁴. 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 decision⁵³⁵.

(a) The concurring vote of four (4) members of the Board shall be necessary to reverse such order, requirement or decision⁵³⁶.

(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 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 hearing⁵³⁷.

(c) The Chair of said Board, or, in the absence of the Chair, the acting Chair, may administer oaths and compel the attendance of witnesses⁵³⁸.

(d) All meetings of said Board shall be open to the public⁵³⁹.

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⁵³⁴ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 entitled "Board of Zoning Appeals; appointment, membership; procedure for appeals".

⁵³⁵ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §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.

⁵³⁶ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Third sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fourth sentence).

⁵³⁷ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Fourth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fifth and sixth sentence).

⁵³⁸ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Fifth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Seventh sentence).

⁵³⁹ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Sixth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Eighth sentence).

(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 actions⁵⁴⁰.

(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 record⁵⁴¹.

(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 taken⁵⁴².

(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 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 Ordinance⁵⁴³.

(i) Said Board of Zoning Appeals may also hear and act upon any other matters for which provision is made in the ordinance⁵⁴⁴.

(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 actions⁵⁴⁵.

⁵⁴⁰ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Seventh sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Ninth sentence).

⁵⁴¹ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §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.

⁵⁴² 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Ninth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Twelfth sentence).

⁵⁴³ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Tenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Thirteenth sentence).

⁵⁴⁴ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Eleventh sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Fourteenth sentence).

⁵⁴⁵ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §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.

(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 taken⁵⁴⁶.

(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 order⁵⁴⁷.

(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 court⁵⁴⁸.

(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 mistake or fraud, then such order, requirement or decision shall be set aside and vacated; otherwise, it shall remain in full force and effect⁵⁴⁹.

(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 actions⁵⁵⁰.

Sec. 4. Boards and Commissions Required by the Charter⁵⁵¹.

The Board of Alders is required to adopt Ordinances setting forth the organizational structures, terms, powers, duties and responsibilities of the following Boards and Commissions or replacement entities, in name or composition, which assume the

Commented [S50]: BOA RECOMMENDATION #3: IN ACCORD WITH THE CHARTER COMMISSION REQUEST THE ALDERS ARE RECOMMENDING THE CHANGES IN SEC. 3 - 6 PERTAINING TO THE TRANSFER OF CERTAIN BOARDS AND COMMISSIONS TO THE CODE OF ORDINANCES.

⁵⁴⁶ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Thirteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Sixteenth sentence).

⁵⁴⁷ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Fourteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Seventeenth sentence).

⁵⁴⁸ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Fifteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Eighteenth sentence).

⁵⁴⁹ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Sixteenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Nineteenth sentence).

⁵⁵⁰ 2023 recodification of current Sec. 4.A derived from 2013 recodification of pre-2013 §185 (Seventeenth sentence). Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §309 (Twentieth sentence).

⁵⁵¹ NEW (2023)

functions required by this Charter, subject to the requirements of Law, including but not limited to §1 and 2 of Article VII:

- A. The Financial Review and Audit Commission⁵⁵²;
- B. Board of Police Commissioners⁵⁵³;
- C. Board of Fire Commissioners⁵⁵⁴;
- D. Board of Parks Commissioners⁵⁵⁵;
- E. Board of Public Health⁵⁵⁶;
- F. Board of Library Directors⁵⁵⁷; and,
- G. Civilian Review Board⁵⁵⁸.

Historical Transition Provisions. The historical powers and duties of the Financial Review and Audit Commission; Board of Police Commissioners; Board of Fire Commissioners; Board of Park Commissioners; Board of Public Health; Board of Library Directors; and Civilian Review Board as set forth in §3.B - D and F - I as well as §3.E, each of Article XV (each the “pertinent provision”) shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance accompanied by (2) an opinion of an attorney, designated by the Board of Alders, certifying that (a) the functions of the pertinent section pertaining to the Board or Commission have been addressed by the Ordinance; and (b) the Ordinance complies with the administrative requirements of this Charter in particular, §1 and 2 of this Article, the pertinent provision or provisions of the Charter shall expire and may be removed from the Charter.

Sec. 5. Appointed Boards and Commissions Established by Ordinance or As Otherwise Required by the General Statutes⁵⁵⁹.

The Board of Alders may establish, by Ordinance or as otherwise may be prescribed by the General Statutes, such additional Boards and Commissions as are necessary to effectuate the powers and purposes of the City as enumerated in the

Commented [S51]: BOA RECOMMENDATION #3: IN ACCORD WITH THE CHARTER COMMISSION REQUEST THE ALDERS ARE RECOMMENDING THE CHANGES IN SEC. 3 - 6 PERTAINING TO THE TRANSFER OF CERTAIN BOARDS AND COMMISSIONS TO THE CODE OF ORDINANCES.
CRC RESPONSE: Agreed.

⁵⁵² 2023 recodification and revision of current Article VII, Sec. 3.C which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵³ 2023 recodification and revision of current Article VII, Sec. 3.E which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵⁴ 2023 recodification and revision of current Article VII, Sec. 3.F which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵⁵ 2023 recodification and revision of current Article VII, Sec. 3.H which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵⁶ 2023 recodification and revision of current Article VII, Sec. 3.I which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵⁷ 2023 recodification and revision of current Article VII, Sec. 3.J which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵⁸ 2023 recodification and revision of current Article VII, Sec. 4.B which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders.

⁵⁵⁹ NEW (2023)

General Statutes, Special Acts and this Charter in accordance with the provisions of §1 and 2 of this Article.

Commented [S52]: Scrivener's correction.

Sec. 6. Consolidation or Merger⁵⁶⁰.

The functions of any Board or Commission established or required under this Article may be merged or consolidated with another by Ordinance, as long as the legislative record includes an opinion of the Corporation Counsel verifying that the functional requirements of the Charter will be maintained in such consolidation or merger And that the requirements of §1 and 2 of this Article have been complied with.

Commented [S53]: BOA RECOMMENDATION #3: IN ACCORD WITH THE CHARTER COMMISSION REQUEST THE ALDERS ARE RECOMMENDING THE CHANGES IN SEC. 3 - 6 PERTAINING TO THE TRANSFER OF CERTAIN BOARDS AND COMMISSIONS TO THE CODE OF ORDINANCES.

CRC RESPONSE: Agreed.

Commented [S54]: Scrivener's correction.

⁵⁶⁰ NEW (2023)

**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 1st each year, the Mayor shall present to the Board of Alders a budget for the ensuing fiscal year consisting of⁵⁶¹:

(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 office⁵⁶².

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 Alders⁵⁶³.

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

⁵⁶¹ 2013 recodification of pre-2013 §58(a). See, Amend. of 7-1-93.

⁵⁶² 2013 recodification of pre-2013 §58(b). See, Amend. of 7-1-93.

⁵⁶³ 2013 recodification of pre-2013 §58(c) (First Paragraph). See, Amend. of 7-1-93.

of the entire membership of the Board of Alders, then eligible to vote, to increase and decrease individual lines of appropriations and to decrease the total appropriation and rate of taxation. By a two-thirds (2/3rd) 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 Mayor⁵⁶⁴.

E. The Board of Alders shall not reduce any item proposed by the Mayor for the payment of interest or principal of the municipal debt⁵⁶⁵.

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 year⁵⁶⁶.

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, and a two-thirds (2/3rd) vote of the entire Board of Alders shall be required to override said veto⁵⁶⁷.

H. The total amount of the annual appropriations for any year shall not exceed the estimated income for that year⁵⁶⁸.

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 Controller⁵⁶⁹.

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 same⁵⁷⁰.

⁵⁶⁴ 2013 recodification of pre-2013 §58(c) (Second Paragraph). See, Amend. of 7-1-93.

⁵⁶⁵ 2013 recodification of pre-2013 §58(c) (Third Paragraph). See, Amend. of 7-1-93.

⁵⁶⁶ 2013 recodification of pre-2013 §58(d). See, Amend. of 7-1-93.

⁵⁶⁷ 2013 recodification of pre-2013 §58(e). See, Amend. of 7-1-93.

⁵⁶⁸ 2013 recodification of pre-2013 §58(f). See, Amend. of 7-1-93.

⁵⁶⁹ 2013 recodification of pre-2013 §59 (First Paragraph). See, Amend. of 7-1-93.

⁵⁷⁰ 2013 recodification of pre-2013 §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 Alders⁵⁷¹.

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 office⁵⁷².

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 appropriations⁵⁷³.

Sec. 3. Transfers During Fiscal Year⁵⁷⁴.

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.

B. 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 safety, the Board of Alders shall hold a Public Hearing on any proposed special or emergency appropriation⁵⁷⁵.

⁵⁷¹ 2013 recodification of pre-2013 §59 (Third Paragraph). See, Amend. of 7-1-93.

⁵⁷² 2013 recodification of pre-2013 §59 (Fourth Paragraph). See, Special Laws 1967, Act No. 437, §3. See, Amend. of 7-1-93.

⁵⁷³ 2013 recodification of pre-2013 §59 (Fifth Paragraph). See, Amend. of 7-1-93.

⁵⁷⁴ 2013 recodification of pre-2013 §60. See, Amend. of 7-1-93.

⁵⁷⁵ 2013 recodification of pre-2013 §61 (First Paragraph). See, Amend. of 7-1-93.

C. 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 City⁵⁷⁶.

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 inspection⁵⁷⁷.

B. The Board of Alders may by Ordinance require that additional information be included in such report⁵⁷⁸.

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 reports⁵⁷⁹.

⁵⁷⁶ 2013 recodification of pre-2013 §61 (Second Paragraph). See, Amend. of 7-1-93.

⁵⁷⁷ 2013 recodification of pre-2013 §62 (First Paragraph). See, Amend. of 7-1-93.

⁵⁷⁸ 2013 recodification of pre-2013 §62 (Second Paragraph). See, Amend. of 7-1-93.

⁵⁷⁹ 2013 recodification of pre-2013 §62 (Third Paragraph). See, Amend. of 7-1-93.

ARTICLE IX. IMPROVEMENT BONDS

Sec. 1. Issuance Authorized⁵⁸⁰.

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, Mayor⁵⁸¹.

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 Issuance⁵⁸².

Upon petition addressed to the Board of Alders, signed by not less than fifteen (15%) per centum 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 unanimously⁵⁸³.

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%) per centum of such Electors.

Sec. 5. Authorization to be specific; relationship of term to life of project⁵⁸⁴.

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.

⁵⁸⁰ 2013 recodification of pre-2013 §66.

⁵⁸¹ 2013 recodification of pre-2013 §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.

⁵⁸² 2013 recodification of pre-2013 §68. Derived from Sp. L. 1927, §84; See, Sp. L. 1913, p. 837-839.

⁵⁸³ 2013 recodification of pre-2013 §69. Derived from Sp. L. 1927, §85; See, Sp. L. 1913, p. 837-839.

⁵⁸⁴ 2013 recodification of pre-2013 §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; Membership⁵⁸⁵.

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 budget⁵⁸⁶.

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, budget⁵⁸⁷.

Not later than February 15th 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.

⁵⁸⁵ 2013 recodification of pre-2013 §78. See, Amend. of 7-1-93.

⁵⁸⁶ 2013 recodification of pre-2013 §79.

⁵⁸⁷ 2013 recodification of pre-2013 §80. See, Amend. of 7-1-93.

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ARTICLE XI. RETIREMENT AND PENSION SYSTEMS

Sec. 1. Retirement and pensions⁵⁸⁸.

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, liens⁵⁸⁹.

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 company⁵⁹⁰.

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.

⁵⁸⁸ 2013 recodification of pre-2013 §205. See, Amend. of 7-1-93.

⁵⁸⁹ 2013 recodification of pre-2013 §206.

⁵⁹⁰ 2013 recodification of pre-2013 §207. See, Sp. L. 1903, pp. 276, 277, approved June 1, 1903.

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ARTICLE XIII. HISTORIC AND SPECIAL ACT PROVISIONS OF THE CHARTER

Sec. 1. Personnel and Civil Service⁵⁹¹.

A. Procedure for changing rules; rules to be public records⁵⁹².

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 notification⁵⁹³ 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^{594 595}.

(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 political⁵⁹⁶.

C. Appointments, removals violating Charter declared void; certification of payrolls⁵⁹⁷. 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 Service⁵⁹⁸. 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 a personnel director and members of the Civil Service Board thereunder shall be a

⁵⁹¹ §§156-158 of pre-2013 Article XXX entitled "Personnel and Civil Service" have been moved to Articles VI, §18 and VII, §3.K.

⁵⁹² 2013 recodification pre-2013 §159. See, Amend. of 7-1-93.

⁵⁹³ 2023 revision. Note: In lieu of "certification."

⁵⁹⁴ 2023 revision. Note: deletion of the following clause: "excepting supernumerary police and substitute fire personnel."

⁵⁹⁵ 2013 recodification of pre-2013 §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.

⁵⁹⁶ 2013 recodification of pre-2013 §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.

⁵⁹⁷ 2013 recodification of pre-2013 §161. See, Amend. of 7-1-93.

⁵⁹⁸ 2013 recodification of pre-2013 §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.

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 established⁵⁹⁹. 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 librarians throughout⁶⁰⁰ 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, paraprofessionals, laborers and custodians and security officers⁶⁰¹ 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 mechanics⁶⁰² 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, changing⁶⁰³. 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

Commented [S56]: BOA RECOMMENDATION

⁵⁹⁹ 2013 recodification of pre-2013 §167. See, Amend. of 7-1-75 and Amend. of 7-1-93.

⁶⁰⁰ NEW (2023). Note: In lieu of "superintendents of..."

⁶⁰¹ NEW (2023). Note: Adding: "paraprofessionals, laborers and custodians and security officers"

⁶⁰² NEW (2023). Note: In lieu of "laborers."

⁶⁰³ 2013 recodification of pre-2013 §168.

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 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, contents⁶⁰⁴. 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 positions⁶⁰⁵. 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 appointments⁶⁰⁶. 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. prohibited⁶⁰⁷. 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,

⁶⁰⁴ 2013 recodification of pre-2013 §169. See, Amend. of 7-1-75 and Amend. of 7-1-93.

⁶⁰⁵ 2013 recodification of pre-2013 §170. See, Amend. of 7-1-93.

⁶⁰⁶ 2013 recodification of pre-2013 §171.

⁶⁰⁷ 2013 recodification of pre-2013 §172. See, Amend. of 7-1-75.

promotion, reduction or removal of any person affected by this section. Any person 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**⁶⁰⁸. 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**⁶⁰⁹. 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 the meaning ascribed to it by the rules of the Civil Service Board.

L. Filling vacancies when no list of eligibles exists⁶¹⁰. 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) calendar days⁶¹¹ and within that period the Civil Service Board shall hold examinations of candidates for the class.

Commented [S57]: BOA RECOMMENDATION

M. Temporary appointments⁶¹². The Personnel Director, when the interests of the City require, shall have authority to extend a temporary appointment

⁶⁰⁸ 2013 recodification of pre-2013 §173. See, Amend. of 7-1-93.

⁶⁰⁹ NEW (2013).

⁶¹⁰ 2013 recodification of pre-2013 §174. See, Amend. of 7-1-93.

⁶¹¹ NEW (2023). Note: Adding the word "calendar" days.

⁶¹² 2013 recodification of pre-2013 §175. See, Amend. of 7-1-93.

for a period of ninety (90) calendar days⁶¹³ but shall not exercise this power more than once in the case of any given appointee.

Commented [S58]: BOA RECOMMENDATION

Sec. 2. Planning and Zoning⁶¹⁴.

A. Referral of Zoning Ordinances, Resolutions to City Planning Commission⁶¹⁵. 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 Alders⁶¹⁶. 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 considered⁶¹⁷. 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

⁶¹³ NEW (2023). Note: Adding the word "calendar" days.

⁶¹⁴ Provisions from pre-2013 Article XXXI entitled "Planning and Zoning".

⁶¹⁵ 2013 recodification of pre-2013 §180.

⁶¹⁶ 2013 recodification of pre-2013 §181. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §303.

⁶¹⁷ 2013 recodification of pre-2013 §182. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §304. Note: §§305 and 306 appear to be repealed.

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.

D. Procedure for adopting zoning regulations; enforcement⁶¹⁸. 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, district⁶¹⁹. 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^{ths}) of the members of the Board of Alders shall vote in favor of such amendment or repeal.

F. Authority to prevent, abate, correct zoning violations⁶²⁰. 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

⁶¹⁸ 2013 recodification of pre-2013 §183. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §307. See also, Amend. of 7-1-93.

⁶¹⁹ 2013 recodification of pre-2013 §184. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §308.

⁶²⁰ 2013 recodification of pre-2013 §186. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §310.

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 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; jurisdiction⁶²¹. 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 violation⁶²². 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 department⁶²³. 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.

⁶²¹ 2013 recodification of pre-2013 §187. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §311.

⁶²² 2013 recodification of pre-2013 §188. Derived from Sp. L. 1925, pp. 1006-1010; See also, Sp. L. 1927, §312. **Note:** §313 appears to be repealed.

⁶²³ 2013 recodification of pre-2013 §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, damages⁶²⁴.

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 works⁶²⁵. 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 assessments⁶²⁶. 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 payable⁶²⁷. 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.

F. Payment, collection of assessments for benefits or damages; interest⁶²⁸. 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

⁶²⁴ 2013 recodification of pre-2013 §86. Derived from Sp. L. 1927, §126 (Second paragraph) (see above; See also, Amend. of 7-1-93.

⁶²⁵ 2013 recodification of pre-2013 §87. Derived from See, Sp. L. 1899, p. 412, §79. See also, Sp. L. 1927, §127; and, Amend. of 7-1-93.

⁶²⁶ 2013 recodification of pre-2013 §88. Derived from Sp. L. 1899, p. 413, §81; See also, Sp. L. 1911, p. 143-144; and, Sp. L. 1927, §129 (First paragraph).

⁶²⁷ 2013 recodification of pre-2013 §89. Derived from Sp. L. 1927, §129 (Second paragraph). See, above.

⁶²⁸ 2013 recodification of pre-2013 §90. Derived from Sp. L. 1927, §129 (Third paragraph); See, above.

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 City⁶²⁹. 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 liens⁶³⁰. 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 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.

⁶²⁹ 2013 recodification of pre-2013 §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.

⁶³⁰ 2013 recodification of pre-2013 §92. Derived from Sp. L. 1899, p. 414, §83. See also, Sp. L. 1927, §131; and, Amend. of 7-1-93.

I. Apportioning assessments among joint owners⁶³¹. 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 assessments⁶³². 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 effective⁶³³. 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) 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

⁶³¹ 2013 recodification of pre-2013 §93. See also, Amend. of 7-1-93.

⁶³² 2013 recodification of pre-2013 §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.

⁶³³ 2013 recodification of pre-2013 §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.

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.

Sec. 4. General Provisions Concerning the Police and Fire Services⁶³⁴

Commented [S59]: BOA RECOMMENDATIONS

A. Duties of Chief of Police and Fire Chief⁶³⁵

(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 department⁶³⁶.

(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 departments⁶³⁷.

(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 require⁶³⁸.

(4) The Chief of Police 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 hearings⁶³⁹.

(5) The Fire Chief shall have the power to suspend without pay, from duty any officer or member of the Department up to a maximum of one hundred -eight (180) Days or refer the matter to the Board for adjudication; for but not limited to insubordination, disorderly conduct,

⁶³⁴ 2023 recodification and revision of Article VI, Sec. 12 derived from pre-2013 "Article XXII. General Provisions Concerning the Police and Fire Services".

⁶³⁵ 2023 recodification and revision of Article VI, Sec. 12.A derived from 2013 recodification of pre-2013 §106. See, Amend. of 7-1-75.

⁶³⁶ 2023 recodification and revision of Article VI, Sec. 12.A(1) derived from 2013 recodification of pre-2013 §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).

⁶³⁷ 2023 recodification and revision of Article VI, Sec. 12.A(2) derived from 2013 recodification of pre-2013 §106 (Second sentence).

⁶³⁸ 2023 recodification and revision of Article VI, Sec. 12.A(3) derived from 2013 recodification of pre-2013 §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).

⁶³⁹ 2023 recodification and revision of Article VI, Sec. 12.A(4) derived from 2013 recodification of pre-2013 §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).

conduct unbecoming or neglect of duty; reporting each suspension immediately to the President of the Board; without affirmative action by the board of fire 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 ninety-six hours (96) hours prior to the time fixed for such hearings⁶⁴⁰.

Commented [S60]: BOA RECOMMENDATION. PROPOSED BY THE FIRE CHIEF.

(6) 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 granted⁶⁴¹.

B. Effect of Charter on existing police, fire personnel⁶⁴². 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 effect⁶⁴³. 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.

⁶⁴⁰ NEW (2023).

⁶⁴¹ 2023 recodification and revision of Article VI, Sec. 12.A(5) derived from 2013 recodification of pre-2013 §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).

⁶⁴² 2023 recodification and revision of Article VI, Sec. 12.B derived from 2013 recodification of pre-2013 §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).

⁶⁴³ 2023 recodification and revision of Article VI, Sec. 12.C derived from 2013 recodification of pre-2013 §108. Derived from Sp. L. 1899, p., 407, §62. See also, Sp. L. 1927, §110.

ARTICLE XIV. ADMINISTRATIVE PROVISIONS

Sec. 1. Mandatory Decennial Charter Review⁶⁴⁴.

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. Severability⁶⁴⁵.

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 date⁶⁴⁶.

Unless otherwise set forth in this Charter, these amendments shall be effective at 12:01 A.M. on January 1, 2024⁶⁴⁷.

⁶⁴⁴ 2013 recodification of pre-2013 §216.

⁶⁴⁵ 2013 recodification of pre-2013 §217.

⁶⁴⁶ 2013 recodification of pre-2013 §218.

⁶⁴⁷ 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) years⁶⁴⁷, ~~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) "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

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~~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 personnel⁶⁴⁷. 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 2013 recodification intended repeal of Article VII, Sec. 4.C derived from of pre-2013 §113 (Second sentence) as Sec. 2.B(10) (2013); (16) "The Building Officials of Inspectors," recodification of 2013 recodification intended repeal of Article VII, Sec. 4.C derived from of pre-2013 §123 (First sentence) as Sec. 2.B(11) (2013). Pre-2013 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 2013 recodification intended repeal of Article VII, Sec. 4.C derived from of pre-2013 §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 [S61]: BOA #8

A. Transition Provision Regarding Purchasing⁶⁴⁸. Until the effective date of the procurement ordinance required by §4.G of Article VI, 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 and reaffirmed in 2023, 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 Agent⁶⁴⁹. 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 Required⁶⁵⁰. 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 contracts⁶⁵¹. 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. If the lowest bidder shall neglect or refuse to accept the contract, after written notice

⁶⁴⁸ NEW (2013).

⁶⁴⁹ 2013 recodification of pre-2013 §74(a). See, Amend. of 7-1-75 and Amend. of 7-1-93.

⁶⁵⁰ 2013 recodification of pre-2013 §74(b). See, Amend. of 7-1-75 and Amend. of 7-1-93.

⁶⁵¹ 2013 recodification of pre-2013 §75. See, Amend. of 7-1-75 and Amend. of 7-1-93.

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 bids⁶⁵². 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 Contracts⁶⁵³. 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 [S62]: BOA #8

A. Transition Provision Regarding Department Head Qualifications⁶⁵⁴. Until the effective date of the ordinance(s) required by §2.C of Article VI, 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 and reaffirmed in 2023, the Mayor shall instruct the Personnel Director to commence the process of preparing a report delineating Department Head

⁶⁵² 2013 recodification of pre-2013 §76. See, Amend. of 6-5-54 and Amend. of 7-1-93.

⁶⁵³ 2013 recodification of pre-2013 §77. See, Amend. of 7-1-93.

⁶⁵⁴ NEW (2013).

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 Article VI and §2.A 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) years⁶⁵⁵.

(2) **The Deputy and Assistant Corporation Counsels**⁶⁵⁶. Subject to modification as set forth in §2.C of Article VI and §2.A 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 [S63]: Waiver to be addressed by Ordinance.

(3) **The City Controller**⁶⁵⁷. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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.

(4) **The Purchasing Agent**⁶⁵⁸. In addition to the general requirements applicable to Department Heads, qualifications shall be established as set forth in §2.C of Article VI and §2.A of this Article.

⁶⁵⁵ 2013 modification and recodification of pre-2013 §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.

⁶⁵⁶ 2013 recodification of pre-2013 §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) years⁶⁵⁶, ~~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.

⁶⁵⁷ 2013 recodification of pre-2013 §21 (Second sentence). See, Amend. of 7-1-93.

⁶⁵⁸ NEW (2013).

(5) **The City Assessor**⁶⁵⁹. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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**⁶⁶⁰. In addition to the general requirements applicable to Department Heads, qualifications shall be established as set forth in §2.C of Article VI and §2.A of this Article.

(7) **The City Engineer**⁶⁶¹. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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**⁶⁶². In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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**⁶⁶³. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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

⁶⁵⁹ 2013 recodification of pre-2013 §81(b) (First sentence). See, Amend. of 7-1-93.

⁶⁶⁰ NEW (2013).

⁶⁶¹ 2013 recodification of pre-2013 §96 (Second sentence). See, Amend. of 7-1-93.

⁶⁶² 2013 recodification of pre-2013 §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.

⁶⁶³ 2013 modification and recodification of pre-2013 §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 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~~⁶⁶³. 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.

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 Recreation⁶⁶⁴. In addition to the general requirements applicable to Department Heads and the qualifications established as set forth in §2.C of Article VI and §2.A 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 Inspectors⁶⁶⁵. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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 Health⁶⁶⁶. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A 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.

(13) The City Librarian⁶⁶⁷. In addition to the general requirements applicable to Department Heads, the qualifications for the City Librarian shall be established as set forth in §2.C of Article VI and §2.A of this Article.

(14) The Superintendent of Schools⁶⁶⁸. 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.C of Article VI and §2.A of this Article.

⁶⁶⁴ 2013 modification and recodification of pre-2013 §113 (Second sentence).

⁶⁶⁵ 2013 recodification of pre-2013 §123 (First sentence). Pre-2013 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.

⁶⁶⁶ 2013 recodification of pre-2013 §127 (Fifth sentence of first paragraph). See, Amend. of 7-1-93.

⁶⁶⁷ NEW (2013).

⁶⁶⁸ NEW (2013).

(15) **The Personnel Director**⁶⁶⁹. 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.C of Article VI and §2.A of this Article in a manner consistent with the classification plan adopted in accordance with the provisions of this Charter.

(16) **The Planning Director**⁶⁷⁰. In addition to the general requirements applicable to Department Heads and subject to modification as set forth in §2.C of Article VI and §2.A of this Article, the Planning Director shall be qualified by training and experience in City planning.

(17) **The Director of Traffic and Parking**⁶⁷¹. 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.C of Article VI and §2.A of this Article.

Sec. 3. Transition Provisions for Boards and Commission Required by Charter and Created by Ordinance.

A. Historical Transition Provisions⁶⁷². The historical powers and duties of The Financial Review and Audit Commission; Board of Police Commissioners; Board of Fire Commissioners; Board of Park Commissioners; Board of Public Health; Board of Library Directors; and Civilian Review Board as set forth in this section shall remain in full force and effect until replaced by an Ordinance. Upon (1) the effective date of the approved Ordinance accompanied by (2) an opinion of an attorney, designated by the Board of Alders, certifying that (a) the functions of the pertinent section pertaining to the Board or Commission have been addressed by the Ordinance; and (b) the Ordinance complies with the administrative requirements of this Charter in particular, §1 and 2 of this Article, the pertinent provision or provisions of the Charter shall expire and may be removed from the Charter; unless otherwise specifically set forth in the Ordinance⁶⁷³.

B. The Financial Review and Audit Commission⁶⁷⁴.

Commented [S64]: BOA RECOMMENDATION #3: TRANSITION PROVISIONS

⁶⁶⁹ 2013 modification and recodification of pre-2013 §165 (Second sentence). See also, Amend. of 1-1-83 and Amend. of 7-1-93.

⁶⁷⁰ 2013 modification and recodification of pre-2013 §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.

⁶⁷¹ NEW (2013).

⁶⁷² NEW (2023).

⁶⁷³ **Comment of the 2023 Charter Revision Commission.** The intent of this provision is to provide the Mayor and Board of Alders with administrative flexibility without ignoring critical functions performed by Boards and Commission. The names of the Boards or Commission may change or they may remain the same, the same is true of the composition. Th critical point is that the foundational functions set forth in the Charter are fulfilled.

⁶⁷⁴ 2023 recodification of current Article VII, Sec. 3.C which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders. Pre-2013 §63 entitled "Creation, membership of the Financial Review and Audit Commission." See, Amend. of 7-1-93.

(1) **Establishment**⁶⁷⁵. 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**⁶⁷⁶. The Financial Review and Audit Commission shall consist of nine (9) members.

(a) **Terms**⁶⁷⁷. 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**⁶⁷⁸. 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**⁶⁷⁹. 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**⁶⁸⁰. 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**⁶⁸¹. 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.

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⁶⁷⁵ Derived from pre-2013 §64 (First and third sentences). See, Amend. of 7-1-93.

⁶⁷⁶ 2013 modification and recodification of pre-2013 §63 (First sentence), in lieu of the following: “There shall be in the City a nine (9) member financial review and audit commission, whose members shall be appointed by the Mayor with the approval of the Board of Alders.” See, Amend. of 7-1-93.

⁶⁷⁷ 2013 recodification of pre-2013 §63 (Fourth sentence). See, Amend. of 7-1-93.

⁶⁷⁸ 2013 recodification of pre-2013 §63 (Second paragraph). See, Amend. of 7-1-93.

⁶⁷⁹ 2013 recodification of pre-2013 §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”

⁶⁸⁰ 2013 modification and recodification of pre-2013 §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.

⁶⁸¹ 2013 recodification of pre-2013 §63 (Ninth sentence). See, Amend. of 7-1-93.

(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 commission⁶⁸². The commission may appoint such other personnel as the City budget may provide, who shall be members of the classified service⁶⁸³. The expenses of the commission, including the salaries of its employees, shall be paid by the City⁶⁸⁴.

(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 and in the audited financial statements, and to conduct such other business as may come before it⁶⁸⁵.

(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 request⁶⁸⁶.

(c) Not later than the tenth (10th) 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 and the City's financial condition as the commission may deem appropriate⁶⁸⁷.

(d) The commission shall make recommendations to the Board of Alders concerning the selection of the auditor of the City⁶⁸⁸.

C. **Board of Police Commissioners**⁶⁸⁹

(1) **Establishment**⁶⁹⁰. There shall be a Board of Police Commissioners. Said Board shall advise and consult with the Chief of Police

Commented [S66]: TRAFFIC AUTHORITY ISSUE WILL BE CONTROLLED BY STATUTE. THE CHARTER IS SILENT.

⁶⁸² 2013 recodification of pre-2013 §63 (Sixth sentence). See, Amend. of 7-1-93.

⁶⁸³ 2013 recodification of pre-2013 §63 (Seventh sentence). See, Amend. of 7-1-93.

⁶⁸⁴ 2013 recodification of pre-2013 §63 (Eighth sentence). See, Amend. of 7-1-93.

⁶⁸⁵ 2013 recodification of pre-2013 §64 (First sentence). Pre-2013 section entitled "Meetings of the commission; duties." See, Amend. of 7-1-93.

⁶⁸⁶ 2013 recodification of pre-2013 §64 (Second sentence). See, Amend. of 7-1-93.

⁶⁸⁷ 2013 recodification of pre-2013 §64 (Third sentence). See, Amend. of 7-1-93.

⁶⁸⁸ 2013 recodification of pre-2013 §64 (Fourth sentence). See, Amend. of 7-1-93.

⁶⁸⁹ 2023 recodification of current Article VII, Sec. 3.E which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders. Pre-2013 Article XX entitled "Department of Police Service". Section 102 entitled "Board of Police Commissioners; created; appointment; term; general duties, powers".

⁶⁹⁰ 2013 recodification of pre-2013 §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

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.

(2) Appointment and Membership⁶⁹¹. The Board shall consist of six (6) members.

(a) Terms⁶⁹². 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 (1st) day of February next succeeding.

(b) Police commissioners not to deal in intoxicating liquors⁶⁹³. 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 policies⁶⁹⁴.

D. Board of Fire Commissioners⁶⁹⁵.

(1) Establishment. There shall be a Board of Fire Commissioners⁶⁹⁶. 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 public⁶⁹⁷.

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.

⁶⁹¹ 2013 recodification of pre-2013 §102 (First sentence), as set forth above.

⁶⁹² 2013 recodification of pre-2013 §102 (Third sentence).

⁶⁹³ 2013 recodification of pre-2013 §109. Derived from Sp. L. 1899, p., 408, §63; see also, Sp. L. 1927, §111 (First sentence). See also, Amend. of 1-1-83.

⁶⁹⁴ 2013 recodification of pre-2013 §102 (Second sentence).

⁶⁹⁵ 2023 recodification of current Article VII, Sec. 3.F which has been transferred to Article XV of the Charter and will be repealed and removed from the Charter upon the adoption of an implementing Ordinance by the Board of Alders. Pre-2013 Article XXI entitled "Department of Fire Service". Section 104 entitled "Board of Fire Commissioners; created; membership, appointment, duties". See, Amend. of 7-1-75.

⁶⁹⁶ 2013 modification and recodification of pre-2013 §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.

⁶⁹⁷ 2013 recodification of pre-2013 §104 (Second sentence).

(2) Appointment and Membership⁶⁹⁸. The Board shall consist of five (5) members.

(a) Terms⁶⁹⁹. During the month of January each year the Mayor shall appoint for a term of three (3) years from the first (1st) day of February next succeeding such number of commissioners as may be necessary to fill vacancies arising by reason of the expiration of terms.

(3) Duties⁷⁰⁰. 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.

E. General Provisions Concerning the Police and Fire Commissioners⁷⁰¹.

(1) Power of Boards of Commissioners over employees⁷⁰². 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 and any applicable collective bargaining agreements.

Commented [S67]: "and any applicable collective bargaining agreements."

(2) Vote required for appointments, promotions.

(a) Board of Police Commissioners⁷⁰³. 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.

(b) Board of Fire Commissioners⁷⁰⁴. No appointment or promotion in the fire department shall be made except by the affirmative vote of a majority of the members present.

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(3) Removal, demotion, suspension⁷⁰⁵. Each of said Boards of Commissioners shall have power, for cause, after a hearing on charges,

⁶⁹⁸ 2013 recodification of pre-2013 §104 (First sentence), as set forth above.

⁶⁹⁹ 2013 recodification of pre-2013 §104 (Third sentence).

⁷⁰⁰ 2013 recodification of pre-2013 §104 (Sixth sentence).

⁷⁰¹ 2023 recodification and intended repeal of current Article VII, Sec. 4.G.

⁷⁰² 2023 recodification, modification and intended repeal of Article VII, Sec. 4.G(1) derived from 2013 recodification of pre-2013 §110 (First sentence). Derived from Sp. L. 1899, p., 408, §64; see also, Sp.L. 1927, §112.

⁷⁰³ 2023 recodification of Article VII, §3.G(2) derived from 2013 recodification of pre-2013 §110 (Third sentence). Derived from Sp. L. 1899, p., 408, §64; see also, Sp. L. 1927, §112.

⁷⁰⁴ NEW (2023).

⁷⁰⁵ 2023 recodification and intended repeal of current Article VII, Sec. 4.G(3) derived from 2013 recodification of pre-2013 §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).

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**⁷⁰⁶. 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 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 returnable⁷⁰⁷.

(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 court⁷⁰⁸.

(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 order⁷⁰⁹.

⁷⁰⁶ 2023 recodification and intended repeal of current Article VII, Sec. 4.G.(4) derived from 2013 recodification of pre-2013 §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).

⁷⁰⁷ 2023 recodification and intended repeal of current Article VII, Sec. 4.G.(5) derived from 2013 recodification of pre-2013 §112 (First sentence). Derived from Sp. L. 1903, p. 474, §1; See also, Sp. L. 1927, §113 (Second paragraph).

⁷⁰⁸ 2023 recodification and intended repeal of current Article VII, Sec. 4.G.(6) derived from 2013 recodification of pre-2013 §112 (Second sentence). Derived from Sp. L. 1903, p. 474, §1; See also, Sp. L. 1927, §113 (Second paragraph).

⁷⁰⁹ 2023 recodification and intended repeal of current Article VII, Sec. 4.G.(7) derived from 2013 recodification of pre-2013 §112 (Third sentence). Derived from Sp. L. 1903, p. 474, §1; See also, Sp. L. 1927, §113 (Second paragraph).

F. Board of Park Commissioners⁷¹⁰.

(1) Establishment. There shall be a Board of Park Commissioners⁷¹¹. 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 department⁷¹².

(2) Membership⁷¹³. The Board shall consist of eight (8) members.

(a) Classification of Members⁷¹⁴.

(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 (7th) day of November 2023 shall remain on the Board until said Board is either reconstituted or replaced by Ordinance. Upon adoption of the Ordinance reconstituting or replacing the Board, the composition of the Commission shall comply with the requirements of §2.A(1) of Article VII with regard to finite terms of office⁷¹⁵;

(ii) Six (6) commissioners shall be appointed by the Mayor, for staggered terms in accordance with §3.F(2)(b) of this Article, below;

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BOA RECOMMENDATION #4: Reconsider phase-out of lifetime membership and establish a replacement Commission.

⁷¹⁰ 2023 recodification and intended repeal of current Article VII, Sec. 4.H. Pre-2013 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. **Comment of the 2023 Charter Revision Commission:** It should be noted that at the time of the adoption of this Charter the Parks and Public Works Departments have been merged. The Board of Alders is authorized to replace the current Commission with a replacement entity that includes the park functions mandated by the Charter and the public works requirements as set forth in the Ordinance or other legislative enactments underlying the department. It goes without saying that the new Board or Commission must be enacted in compliance with §§1 and 2 of Article VII of this Charter.

⁷¹¹ 2023 recodification and intended repeal of current Article VII, Sec. 4.H(1) derived from 2013 recodification and derived from pre-2013 §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:".

⁷¹² 2023 recodification and intended repeal of current Article VII, Sec. 4.H(1) derived from 2013 recodification of pre-2013 §115 (First sentence).

⁷¹³ 2023 recodification and intended repeal of current Article VII, Sec. 4.H(2) derived from 2013 recodification and derived from pre-2013 §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:".

⁷¹⁴ 2023 modification, recodification and intended repeal of pre-2013 §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.

⁷¹⁵ **Comment of the 2023 Charter Revision Commission:** In the event the Board of Alders seeks to retain the current structure of the Board of Park Commissioners, the clear intent of the Commission in its report is to eliminate the permanent membership. On the other hand, the Board of Alders is authorized to replace the current Commission with a replacement Board or Commission in compliance.

(iii) Two (2) commissioners shall be elected by the Board of Alders, on a bipartisan basis, in each year⁷¹⁶.

(b) **Terms**⁷¹⁷. In January of each year the Mayor shall appoint one (1) commissioner (and up to two (2) per year in compliance with §2.A(1) of Article VII) to hold office for three (3) years from the first (1st) day of February.

(c) **Political affiliations**⁷¹⁸. Mayoral appointments shall take into account compliance with the minority party representation provisions of the General Statutes.

(d) **Rules of Procedure**⁷¹⁹. The Board shall adopt rules for the conduct of its business consistent with this Charter.

(3) 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 policies⁷²⁰. 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 Charter, related to the use, preservation and enjoyment of all public parks and recreation areas of the City of New Haven⁷²¹.

(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

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BOA RECOMMENDATION #5: Restore current language regarding representation of Alders on Boards and Commissions.

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⁷¹⁶ 2023 modification, recodification and intended repeal of the 2013 recodification of pre-2013 §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 pre-2013 §114 (Second sentence).

⁷¹⁷ 2023 modification, recodification and intended repeal of pre-2013 §3.H(2)(b) derived from 2013 /recodification of pre-2013 §114 (Fourth sentence).

⁷¹⁸ 2023 modification, recodification and intended repeal of pre-2013 §3.H(2)(c) derived from 2013 recodification of pre-2013 §114 (Fifth sentence).

⁷¹⁹ 2023 modification, recodification and intended repeal of pre-2013 §3.H(2)(d) derived from 2013 recodification of pre-2013 §114 (Sixth sentence).

⁷²⁰ 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(a) (first sentence) derived from 2013 recodification of pre-2013 §115 (Second sentence).

⁷²¹ 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(a) (second sentence) derived from 2013 recodification of pre-2013 §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).

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 apply⁷²².

(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 situated⁷²³.

(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 parks⁷²⁴.

(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, 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 located⁷²⁵.

Commented [S72]: BOA #6 (conformity)

⁷²² 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(b) derived from 2013 recodification of pre-2013 §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).

⁷²³ 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(c) derived from 2013 recodification of pre-2013 §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).

⁷²⁴ 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(d) derived from 2013 recodification of pre-2013 §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).

⁷²⁵ 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(e) derived from 2013 recodification of pre-2013 §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.

(f) Authority of Board to accept, control property⁷²⁶.

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.

(4) Applicability of budgeting, financial provisions to Director and park commission⁷²⁷. 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.

G. Board of Public Health⁷²⁸.

(1) Establishment. There shall be a Board of Public Health⁷²⁹. The Board of Public Health shall advise with the Director of Public Health on matters pertaining to the duties of office and to the conduct of the department⁷³⁰.

(2) Appointment and Membership⁷³¹. 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) years⁷³². The Mayor shall appoint one (1) member every year from the first (1st) 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 made⁷³³.

⁷²⁶ 2023 modification, recodification and intended repeal of pre-2013 §3.H(3)(f) derived from 2013 recodification of pre-2013 §119. See, Amend. of 7-1-75.

⁷²⁷ 2023 modification, recodification and intended repeal of pre-2013 §3.H(4) derived from 2013 recodification of pre-2013 §120. See, Amend. of 7-1-75.

⁷²⁸ Pre-2013 Article XXV entitled "Department of Public Health". Section 125 entitled "Created; composition".

⁷²⁹ Derived from pre-2013 §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".

⁷³⁰ 2013 recodification of pre-2013 §128 (First sentence).

⁷³¹ 2013 recodification of pre-2013 §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.

⁷³² 2013 recodification of pre-2013 §126 (Third sentence).

⁷³³ 2013 recodification of pre-2013 §126 (Fourth sentence).

(b) **Qualifications**⁷³⁴. At least two (2) of the members shall be doctors of medicine, from an accredited school of medicine.

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(c) **Employees**⁷³⁵. 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 require⁷³⁶. 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 occasions⁷³⁷.

H. Board of Library Directors⁷³⁸.

(1) **Statement of Purpose**⁷³⁹. 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 Directors⁷⁴⁰. 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

⁷³⁴ 2023 edit of the 2013 recodification of pre-2013 §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".

⁷³⁵ Derived from pre-2013 §128 (First sentence).

⁷³⁶ 2013 recodification of pre-2013 §128 (Second sentence) entitled "Same--Duty to advise with Director; regulations authorized".

⁷³⁷ 2013 recodification of pre-2013 §128 (Third sentence).

⁷³⁸ Pre-2013 Article XXVI entitled "Department of Public Library". Section 133 entitled "Department created; supervisions by Board of Library Directors; membership, appointment, general duties of board".

⁷³⁹ 2013 recodification of pre-2013 §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".

⁷⁴⁰ 2013 recodification of pre-2013 §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".

all money placed at its disposal by the City from whatever source derived⁷⁴¹.

(3) Appointment and Membership⁷⁴². 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 appointment⁷⁴³.

(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 hold the said office of director for the remainder of one (1) year⁷⁴⁴.

(4) General Duties of the Board⁷⁴⁵. 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 library⁷⁴⁶. 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.

⁷⁴¹ 2013 recodification of pre-2013 §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).

⁷⁴² 2013 recodification of pre-2013 §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).

⁷⁴³ 2013 recodification of pre-2013 §133 (Seventh sentence).

⁷⁴⁴ 2013 recodification of pre-2013 §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).

⁷⁴⁵ 2013 recodification of pre-2013 §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).

⁷⁴⁶ 2013 recodification of pre-2013 §137. Derived from Sp. L. 1899, p. 419, §103. See also, Sp. L. 1927, §182.

(b) Disposition of library receipts; books and records; debts exceeding available funds prohibited⁷⁴⁷. 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 purposes⁷⁴⁸. 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 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.

⁷⁴⁷ 2013 recodification of pre-2013 §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.

⁷⁴⁸ 2013 recodification of pre-2013 §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).

I. Civilian Review Board ⁷⁴⁹.

(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:

(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

⁷⁴⁹ NEW (2013).

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.

Sec. 4. Transition Provisions for Departments and Department Heads Required by Charter and Created by Ordinance.

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A. Historical Transition Provisions⁷⁵⁰. The historical powers and duties of following departments as set forth in this section shall remain in full force and effect until replaced by an Ordinance. If not replaced the provision shall remain in the Charter. Upon (1) the effective date of the approved Ordinance accompanied by (2) an opinion of an attorney, designated by the Board of Alders, certifying that (a) the functions of the pertinent section pertaining to the Board or Commission have been addressed by the Ordinance; and (b) the Ordinance complies with the administrative requirements of this Charter in particular, §1 and 2 of this Article, the pertinent provision or provisions of the Charter shall expire and may be removed from the Charter; unless otherwise set forth in the Ordinance⁷⁵¹.

B. Role of the Finance Department.

(1) Procedure for claims, accounts⁷⁵². 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

⁷⁵⁰ NEW (2023).

⁷⁵¹ **Comment of the 2023 Charter Revision Commission.** The intent of this provision is to provide the Mayor and Board of Alders with administrative flexibility without ignoring critical functions performed by Departments. The names of the Departments may change or they may remain the same, the same is true of the composition. The critical point is that the foundational functions set forth in the Charter are fulfilled.

⁷⁵² 2023 recodification of Article VI, Sec. 5.C(2) derived from 2013 recodification of pre-2013 §24. Derived from Sp. L. 1899, p. 397, §25. See also, Sp. L. 1927, §25. See, Amend. of 7-1-93.

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 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.

(2) Responsibilities of the Finance Department. The Finance Department is responsible for:

(a) Keeping accounts with each of the Departments, and such other accounts as the City Ordinances may direct⁷⁵³.

(b) Prescribing 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 employees⁷⁵⁴.

(c) Keeping 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 drawn⁷⁵⁵.

(d) Making rules regulating the method of payments of all Public Officials and employees of said City and prescribing the forms of receipts to be required⁷⁵⁶.

(3) The Controller that audit immediately after the first (1st) 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 (20th) day of January, the twentieth (20th) day of April, the twentieth (20th) day of July, and the twentieth (20th) 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 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 appropriations⁷⁵⁷.

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⁷⁵³ 2023 recodification of Article VI, Sec. 5.B(1) derived from 2013 recodification of pre-2013 §22(a). Derived from Sp. L. 1899, p. 397, §20. See also, Sp. L. 1927, §20. See, Amend. of 7-1-93.

⁷⁵⁴ 2023 recodification of Article VI, Sec. 5.B(2) derived from 2013 recodification of pre-2013 §22(b). Derived from Sp. L. 1899, p. 397, §21. See also, Sp. L. 1927, §21.

⁷⁵⁵ 2023 recodification of Article VI, Sec. 5.B(4) derived from 2013 recodification of pre-2013 §22(d). Derived from Sp. L. 1899, p. 397, §23. See also, Sp. L. 1927, §23. See, Amend. of 7-1-93.

⁷⁵⁶ 2023 recodification of Article VI, Sec. 5.B(5) derived from 2013 recodification of pre-2013 §22(f). See, Amend. of 7-1-93.

⁷⁵⁷ 2023 recodification of Article VI, Sec. 5.B(3) derived from 2013 recodification of pre-2013 §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.

(4) **Daily Deposit and Payment of City Funds**⁷⁵⁸. All City funds shall be deposited in such bank or banks as shall be designated by the Coordinator responsible for the finance administrative functions of the City or, in the absence of said coordinator, 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.

(5) **Payment of City Funds**⁷⁵⁹. Orders drawn upon any bank or trust company which has been designated as a City depository by the Coordinator responsible for the finance administrative functions of the City or, in the absence of said coordinator, 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 of the City Clerk or the 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.

C. Role of the Collector of Taxes⁷⁶⁰. 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 taxes⁷⁶¹. 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 same⁷⁶².

(2) Proceed forthwith to enforce payment of all taxes and

⁷⁵⁸ 2023 recodification and revision of Article VI, Sec. 5.C(5) derived from 2013 recodification of pre-2013 §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.

⁷⁵⁹ 2023 recodification and revision of Article VI, Sec. 5.C(6) derived 2013 recodification of pre-2013 §27(b). See, Amend. of 7-1-93.

⁷⁶⁰ 2023 recodification of Article VI, Sec. 5.D, derived from 2013 recodification of pre-2013 §30 entitled "Qualifications; general powers, duties; power of the Mayor to issue tax warrants".

⁷⁶¹ 2023 recodification of Article VI, Sec. 5.D, derived from 2013 recodification of pre-2013 §30 (First sentence).

⁷⁶² 2023 recodification of Article VI, Sec. 5.D(1), derived from 2013 recodification of pre-2013 §30 (Second sentence).

assessments⁷⁶³.

(3) Have the same power as the Mayor to sign certificates of tax liens and certificates of their release and discharge⁷⁶⁴.

(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 same⁷⁶⁵.

(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 forthwith⁷⁶⁶.

D. Powers and Duties of the Personnel Director⁷⁶⁷. The Personnel Director shall have the power and duty to:

(1) To assist employees in availing themselves of any provisions relating to personnel grievances and labor relations⁷⁶⁸.

(2) 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 position⁷⁶⁹.

(3) 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 Charter⁷⁷⁰.

⁷⁶³ 2023 recodification of Article VI, Sec. 5.D(2), derived from 2013 recodification of pre-2013 §31 (First sentence) entitled "...Duty to enforce taxes, assessments; reports of abatements to Tax Collector".

⁷⁶⁴ 2023 recodification of Article VI, Sec. 5.D(3), derived from 2013 recodification of pre-2013 §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.

⁷⁶⁵ 2023 recodification of Article VI, Sec. 5.D(4), derived from 2013 recodification of pre-2013 §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.

⁷⁶⁶ 2023 recodification of Article VI, Sec. 5.D(5), derived from 2013 recodification of pre-2013 §32 (First sentence) then 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.

⁷⁶⁷ 2023 recodification of Article VI, Sec. 18.B, derived from pre-2013 §166 entitled "Powers, duties of Personnel Director."

⁷⁶⁸ 2023 recodification of Article VI, Sec. 18.B(1), derived from 2013 recodification of pre-2013 §166(a).

⁷⁶⁹ 2023 recodification of Article VI, Sec. 18.B(3), derived from 2013 recodification of pre-2013 §166(c). See, Amend. of 7-1-93.

⁷⁷⁰ 2023 recodification of Article VI, Sec. 18.B(5), derived from 2013 recodification of pre-2013 §166(e). See, Amend. of 7-1-93.

(4) To assist in developing programs of training and education for persons in the municipal service⁷⁷¹.

(5) To investigate periodically the operation and effect of the personnel provisions of this Charter and report semiannually any findings and recommendations to the Mayor⁷⁷².

(6) To appoint and remove, subject to the provisions of this Charter, all employees in the office of the Personnel Director⁷⁷³.

E. Powers and Duties of the Director of Health. The following powers pertain to the Director of Public Health:

(1) With respect to Other Employees.

(a) **Generally**⁷⁷⁴. 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.

(b) **Registrar of Vital Statistics**⁷⁷⁵. 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 department⁷⁷⁶. 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 office⁷⁷⁷.

(c) **Salaries**⁷⁷⁸. The director's and assistants' salaries shall be recommended by the Board and provided for in the budget.

⁷⁷¹ 2023 recodification of Article VI, Sec. 18.B(6), derived from 2013 recodification of pre-2013 §166(f).

⁷⁷² 2023 recodification of Article VI, Sec. 18.B(7), derived from 2013 recodification of pre-2013 §166(g). See, Amend. of 7-1-93.

⁷⁷³ 2023 recodification of Article VI, Sec. 18.B(8), derived from 2013 recodification of pre-2013 §166(h). See, Amend. of 7-1-93.

⁷⁷⁴ 2023 recodification of Article VI, Sec. 15.B(1), derived from 2013 recodification of pre-2013 §129 (First sentence).

⁷⁷⁵ 2023 recodification of Article VI, Sec. 15.B(2), derived from pre-2013 section entitled "Bureau of Vital Statistics".

⁷⁷⁶ 2023 recodification of Article VI, Sec. 15.B(2), derived from 2013 modification and recodification of pre-2013 §130 (First and second sentence of first paragraph), as follows: "~~There shall be within the Department of Public Health a bureau of vital statistics~~⁷⁷⁶. 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.

⁷⁷⁷ 2023 recodification of Article VI, Sec. 15.B(2), derived from 2013 recodification of pre-2013 §130 (Second paragraph). See, Amend. of 7-1-75.

⁷⁷⁸ 2023 recodification of Article VI, Sec. 15.B(3), derived from 2013 recodification of pre-2013 §127 (Second sentence of second paragraph).

(2) **General Powers and Duties**⁷⁷⁹. The Director shall also:

(a) 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 Statutes⁷⁸⁰.

(b) 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 same⁷⁸¹.

(c) perform such other duties and take such other measures for the prevention of disease and the preservation of public health as provided by the Ordinances⁷⁸².

(d) serve as secretary of the Board ex officio, and attend its meetings⁷⁸³.

(e) 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 year⁷⁸⁴.

(f) 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 premises⁷⁸⁵.

(3) **Duty of police to enforce health regulations, orders**⁷⁸⁶. 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.

⁷⁷⁹ 2023 recodification of Article VI, Sec. 15.C, derived from 2013 recodification of pre-2013 §129 entitled "Duties, powers of Director".

⁷⁸⁰ 2023 recodification of Article VI, Sec. 15.C(1), derived from 2013 recodification of pre-2013 §129 (Second sentence).

⁷⁸¹ 2023 recodification of Article VI, Sec. 15.C(2), derived from 2013 recodification of pre-2013 §129 (Third sentence).

⁷⁸² 2023 recodification of Article VI, Sec. 15.C(3), derived from 2013 recodification of pre-2013 §129 (Fourth sentence).

⁷⁸³ 2023 recodification of Article VI, Sec. 15.C(4), derived from 2013 recodification of pre-2013 §129 (Fifth sentence).

⁷⁸⁴ 2023 recodification of Article VI, Sec. 15.C(5), derived from 2013 recodification of pre-2013 §129 (Sixth sentence).

⁷⁸⁵ 2023 recodification of Article VI, Sec. 15.C(6), derived from 2013 modification and recodification of pre-2013 §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.

⁷⁸⁶ 2023 recodification of Article VI, Sec. 15.D, derived from 2013 recodification of pre-2013 §132. See, Amend. of 7-1-75.

F. Powers and Duties of the Director of Transportation, Traffic and Parking. The Director 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 Haven⁷⁸⁷.

(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 City⁷⁸⁸.

(3) Subject to the articles of this Charter pertaining to personnel⁷⁸⁹:

(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.

Sec. 5. Historical Transition Provisions⁷⁹⁰.

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 (4th) year thereafter⁷⁹¹.

Commented [S76]: BOA RECOMMENDS REPEAL FOLLOWING LEGAL REVIEW OF CRC COUNSEL AND CORPORATION COUNSEL.

⁷⁸⁷ 2023 recodification of Article VI, Sec. 20.B(1), derived from 2013 recodification of pre-2013 §215 (First sentence).

⁷⁸⁸ 2023 recodification of Article VI, Sec. 20.B(2), derived from 2013 modification and recodification of pre-2013 §215 (Second sentence), as follows: "~~The director shall~~ 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".

⁷⁸⁹ 2023 recodification of Article VI, Sec. 20.B(3), derived from 2013 modification and recodification of pre-2013 §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".

⁷⁹⁰ 2023 recodification of Article VI, Sec. 3.A(8) derived from 2013 recodification of pre-2013 §57(a) (Second paragraph). See, Amend. of 7-1-93.

⁷⁹¹ Pre-2013 §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."

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 (5th ward); Hon. Jacqueline James, President Pro Tempore (3rd Ward); Hon. Alphonse Paolillo, Jr., Majority Leader (17th Ward); Hon. Tyisha Walker, Deputy Majority Leader (23rd Ward); Hon. Sarah Eidelson (1st ward); Hon. Frank E. Douglass, Jr., 2nd Ward; Hon. Andrea Jackson-Brooks, 4th Ward; Hon. Dolores Colon, 6th Ward; Hon. Douglas Hausladen, 7th Ward; Hon. Michael Smart, 8th Ward; Hon. Jessica Holmes, 9th Ward; Hon. Justin Elicker, 10th Ward; Hon. Barbara Constantinople, 11th Ward; Hon. Mark Stopa, 12th Ward; Hon. Brenda D. Jones-Barnes, 13th Ward; Hon. Santiago Berrios-Bones, 14th Ward; Hon. Ernie G. Santiago, 15th Ward; Hon. Migdalia Castro, 16th Ward; Hon. Salvatore E. Decola, 18th Ward; Hon. Alfreda Edwards, 19th Ward; Hon. Delphine Clyburn, 20th Ward; Hon. Brenda Foskey-Cyrus, 21st Ward; Hon. Jeanette I. Morrison, 22nd Ward; Hon. Evette Hamilton, 24th Ward; Hon. Adam J. Marchand, 25th Ward; Hon. Sergio Rodriguez, 26th Ward; Hon. Angela Russell, 27th Ward; Hon. Claudette Robinson-Thorpe, 28th Ward; Hon. Brian Wingate, 29th Ward; and, Hon. Carlton Stagers, 30th 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.

¹ NEW (2023)