

CHAPTER C

**CHARTER**

OF THE

**CITY OF MIDDLETOWN**

**Charter Revision Commission 2020-2021**

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

# CHARTER OF THE CITY OF MIDDLETOWN

## Contents

<b>CHAPTER I: INCORPORATION, GENERAL POWERS AND CONSTRUCTION OF THE CHARTER OF THE CITY OF MIDDLETOWN</b> .....	1
SECTION 1. INCORPORATION .....	1
SECTION 2. RIGHTS AND OBLIGATIONS .....	5
SECTION 3. GENERAL GRANT OF POWERS .....	5
SECTION 4. ASSESSMENT OF BENEFITS, AWARD OF DAMAGES .....	6
<b>CHAPTER II: OFFICERS AND ELECTIONS</b> .....	7
SECTION 1. STATE AND FEDERAL OFFICERS. ....	7
SECTION 2. ELECTED OFFICIALS - MUNICIPAL OFFICERS.....	7
SECTION 3. RESTRICTIONS ON ELECTED OFFICIALS. ....	7
SECTION 4. MUNICIPAL ELECTIONS; TERM OF OFFICE; LIMITATION OF POWERS. ....	7
SECTION 5. MINORITY REPRESENTATION.....	8
SECTION 6. ELECTIONS, VOTING DISTRICTS. ....	8
SECTION 7. ELIGIBILITY. ....	8
SECTION 8. VACANCY IN ELECTIVE OFFICE.....	9
SECTION 9. SPECIAL ELECTIONS. ....	10
<b>CHAPTER III: THE COMMON COUNCIL</b> .....	11
SECTION 1. COMMON COUNCIL.].....	11
SECTION 2. ORGANIZATION OF COUNCIL .....	11
SECTION 3. MEETINGS OF THE COMMON COUNCIL .....	11
SECTION 4. AUTHORITY OF THE COMMON COUNCIL.....	12
SECTION 5. BYLAW, ORDINANCE, BUDGETARY RESOLUTION OR APPROPRIATION; WHEN AND HOW IN EFFECT; CERTIFICATE OF CITY/TOWN CLERK. ....	13
SECTION 6. ORDINANCE FOR THE CREATION, MERGER, OR ELIMINATION OF ANY DEPARTMENT OR AGENCY. ....	14
SECTION 7. REFERENDA AND INITIATIVE.....	14
SECTION 8. INVESTIGATIONS.....	15
SECTION 9. ETHICS.....	15
<b>CHAPTER IV: DUTIES AND POWERS OF ELECTED OFFICERS AND OTHER CITY OFFICERS</b> .....	17
SECTION 1. MAYOR'S OFFICE. ....	17
SECTION 2. DUTIES AND POWERS OF THE MAYOR. ....	17
SECTION 2A. DEPUTY MAYOR.....	19
SECTION 3. CITY OFFICERS. ....	19
SECTION 4. CITY TREASURER. ....	19
SECTION 5. REGISTRARS OF VOTERS, BOARD OF TAX REVIEW.....	19
SECTION 6. COMMON COUNCIL TO PERFORM DUTIES OF SELECTMEN EXCEPT AS OTHERWISE PROVIDED. ....	20
SECTION 7. BOARD OF EDUCATION; ELECTION; TERM. ....	20
SECTION 8. OFFICE OF THE CITY ATTORNEY.....	20
<b>CHAPTER V: DEPARTMENTS OF THE CITY</b> .....	21
SECTION 1. DEPARTMENTS ESTABLISHED. ....	21
SECTION 2. DEPARTMENT HEADS.....	21
SECTION 3. ASSISTANT DEPARTMENT HEADS.....	21
SECTION 4. REMOVAL OF A DIRECTOR (MOVED TO SEC. 2).....	22

<b>CHAPTER VI: FINANCE AND TAXATION .....</b>	<b>23</b>
SECTION 1. BUDGET. ....	23
SECTION 2. SEPARATE BUDGETS PROVIDED (MOVE TO SEC. 1, Above) .....	25
SECTION 3. TAX RATES ESTABLISHED (MOVE TO SEC. 1, Above).....	25
SECTION 4. ANNUAL AUDIT. ....	25
SECTION 5. ASSESSMENTS, COLLECTION WARRANT LIEN.....	25
SECTION 6. LIENS, ASSESSMENTS FOR SERVICES. ....	26
<b>CHAPTER VII: SANITARY DISPOSAL DISTRICT .....</b>	<b>28</b>
SECTION 1. SANITARY DISPOSAL DISTRICT; BOUNDARIES. ....	28
SECTION 2. ALTERATION OF BOUNDARIES; NOTICE REQUIRED .....	28
<b>CHAPTER VIII: BOARD AND COMMISSIONS .....</b>	<b>30</b>
SECTION 1. GENERAL REQUIREMENTS FOR APPOINTED COMMISSIONS AND COMMITTEES. ....	30
SECTION 2. PLANNING AND ZONING COMMISSION. ....	30
SECTION 3. ZONING BOARD OF APPEALS. ....	31
SECTION 3. COMMISSIONS AND COMMITTEES (MOVE TO SEC. 1) .....	31
SECTION 4. REMOVAL OF APPOINTED COMMISSION AND COMMITTEE MEMBERS (MOVE TO SEC. 1).....	31
<b>CHAPTER IX: BONDING POWERS .....</b>	<b>32</b>
SECTION 1. POWERS GENERALLY; ISSUANCE AUTHORIZED. ....	32
SECTION 2. DEBT AUTHORIZATION. ....	32
SECTION 3. THE DEBT AUTHORIZATION ORDINANCE. ....	33
SECTION 4. SHORT PERIOD OF LIMITATION.....	33
SECTION 5. CONSTRUCTION OF POWERS. ....	33
<b>CHAPTER X: PERSONNEL POLICIES .....</b>	<b>34</b>
SECTION 1. CLASSIFIED SERVICE AND REGULAR PART-TIME.....	34
SECTION 2. HIRING TEMPORARY EMPLOYEES. ....	35
SECTION 3. APPOINTMENT OF CLASSIFIED EMPLOYEES OF THE CITY.....	35
SECTION 4. POLITICAL ACTIVITY. ....	35
<b>CHAPTER XI: GENERALLY .....</b>	<b>37</b>
SECTION 1. GENERALLY.....	37
SECTION 2. PARTIAL INVALIDITY. ....	37
SECTION 3. ADOPTION OF STATE LAW.....	37

# CHAPTER I: INCORPORATION, GENERAL POWERS AND CONSTRUCTION OF THE CHARTER OF THE CITY OF MIDDLETOWN

## SECTION 1. INCORPORATION TITLE<sup>1</sup>.

The title of this Act shall be the “Charter of the City of Middletown”.

## SECTION 2: DEFINITIONS AND TITLES GENERALLY<sup>2</sup>[S1].

The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless 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.

## SECTION 3: DEFINITIONS<sup>3</sup>.

Whenever used in this Charter:

A. “Board” or “Commission<sup>4</sup>”. For the purposes of this Charter and except as otherwise provided by Law, the terms “Board” and “Commission” shall include all Boards, agencies, Commissions, authorities or like entities of the City, whether elected or appointed.

B. “Capital Budget<sup>5</sup>” means expenditures for (1) any physical betterment or improvement or any preliminary studies or surveys relative thereto; (2) the acquisition of real property or other property of a permanent nature; (3) the purchase or acquisition of equipment for any public betterment or improvement; (4) major alterations and repairs to existing buildings, structures or equipment; or (5) any lease which commits the City to more than one year of aggregate payments in an amount set by the Common Council, from time to time.

C. “Charter” shall mean the Charter of the City of Middletown.

D. “City” shall mean the City of Middletown.

E. Classified Service<sup>6</sup> means and shall include all non-elective officers and both full time and regular part-time employees of the City, including the secretarial and clerical staff of the Mayor's office and personnel employed by the Board of Education not requiring certification by the State Board of Education, and appointees to all positions now or hereafter created except the Chief of Staff to the Mayor<sup>7</sup>, the Board of

<sup>1</sup> NEW (2021).

<sup>2</sup> NEW (2021).

<sup>3</sup> NEW (2021).

<sup>4</sup> NEW (2021).

<sup>5</sup> NEW (2021).

<sup>6</sup> Recodification and modification of Article X, Section 1.A.

<sup>7</sup> Modification of Chapter I, Sec. 3.E (Change “Administrative Assistant” to “Chief of Staff”).

Education's Director of Facilities, the Board of Education's Paraprofessionals, the Corporation Counsel, Department Heads and assistant Department Heads of said City, persons employed in the professional capacity, those retained to make or conduct a temporary or special inquiry, task, study or investigation, and any persons employed for a temporary period not exceeding three months in any one Department.

F. "Council" or "Common Council<sup>8</sup>" means the Common Council of the City, the legislative body of the municipality, as required by the General Statutes.

G. "Day(s)" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a 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.

H. "Department" means any major functional or administrative division of the City, including any offices, 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.

I. "Department Head" 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.

J. "Elected Official" or "Elected Official of the City" means an individual who holds an elected municipal office (as defined in C.G.S. §9-372 but shall not include a justice of the peace or notary public) in the City. The Elected Officials of the City are set forth in §3-3.A (1) of this Charter.

K. "Elector<sup>9</sup>" shall have the meaning contained in the General Statutes.

L. "General Statutes" shall mean the General Statutes of the State of Connecticut, as amended from time to time.

M. "Law" includes, but is not limited to, decisions of courts and administrative bodies, federal or state legislative enactments, rules and regulations and local Ordinances and regulations.

N. "Majority Vote of the Legislative Council" means more than half of the votes have been cast by the members at a meeting of the Council at which a quorum is present.

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<sup>8</sup> Required by C.G.S. §7-193(a)(1)(C).

<sup>9</sup> 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".

O. “Mayor” shall mean the chief executive officer of the municipality, as required by the General Statutes.

P. “Meeting (or Hearing) Notice” 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 as well as public hearings. In addition to the above-referenced postings, the City may post notices on its web-site or through other electronic media and, if practicable or otherwise required by Law, may be published in a daily newspaper of general circulation distributed in the City. A 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.

Q. “Official” or “Public Official” means an individual who holds an elected or appointed municipal office in the City; including but not limited to Elected Officials of the City; employees appointed subject to Chapter V, Sec. 2.A and 3.A of this Charter; and, members of Boards and Commissions. “Appointed Public Officials” shall include all Public Officials to the exclusion of Elected Public Officials. When the term “officer” is used, it shall be synonymous with the term “Official”.

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

S. “Ordinances” shall mean the powers of the Town 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..

T. “Public Notice” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, 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 shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice may be posted (1) in the Office of the Town Clerk and other public space or location in the City Hall designated by the City Clerk in order to assure sufficient disclosure to and access by the public; (2) in the central City Library (and each branch of the City Library); (3) on the City web-site or through other electronic media; and, (4) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the City.

U. “Resolution” means an action by the Legislative Council that (1) expresses the sentiment or intent of the Council; (2) governs the business of the Council; (3) expresses recognition by the Council; or, (4) complies with the specific requirements of the General Statutes with regard to certain legislative enactments. A declaratory statement of the Council on a given matter.

V. “Special Acts” or “Special Laws” shall mean the acts of the General Assembly pertinent to the Town.

W. “State” or “Connecticut” shall mean the State of Connecticut.

X. “State Constitution” shall mean the Constitution of the State of Connecticut.

Y. “Statutory Resolution” means a necessary legislative action required by General Statutes in order to utilize the provisions of State enabling legislation. Statutory Resolutions shall be enacted in the same manner as an Ordinance under the provisions of this Charter”.

Z. “Vacancy” or, in the alternative the use of the word “Vacant” means whenever any Official of the Town, including Registrars of Voters, is unable to complete the current term of office due to death, resignation, removal, incapacity or other reason as may be defined by Ordinance.

AA. Where reference is made to the word “shall” the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Code of Ordinances of the Town. It is recommended that to avoid any doubt the words “must” or “required” should be used in order to impose clarity on the concept of the obligations of the party referred to in this Charter or the Ordinances .

#### **SECTION 4. INCORPORATION<sup>10</sup>**

All the inhabitants dwelling within the territorial limits of the City of Middletown, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The City of Middletown," hereinafter called "the City," and, as such, shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said City and not inconsistent with the provisions of this Charter and the additional powers and privileges conferred upon cities under the General Laws of the State of Connecticut.

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<sup>10</sup> Recodification of Chapter, Section 1.

## **SECTION 25. RIGHTS AND OBLIGATIONS<sup>11</sup>.**

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in said City as of the effective date of this Charter are continued in said City and said City shall continue to be liable for all debts and obligations of every kind for which said City shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said City to collect any assessment, charge, debt or obligation. If any contract has been entered into by said City prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said City which contains provisions that the same may be enforced by any Commission, Board, Department or ~~Officer~~Official therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such Commission, Board, Department or ~~Officer~~Official shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said City.

## **SECTION 36. GENERAL GRANT OF POWERS<sup>12</sup>.**

In addition to all powers granted to cities under the Constitution and General Statutes, the City shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States or any Federal agency, State of Connecticut or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

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<sup>11</sup> Recodification of Chapter, Section 2.

<sup>12</sup> Recodification of Chapter, Section 3.

**SECTION 47. ASSESSMENT OF BENEFITS, AWARD OF DAMAGES<sup>13</sup>.**

The City of Middletown may by ~~resolution~~Resolution of its Common Council assess benefits against any property benefited by any public work or improvement and may award damages to any owner of property damaged by, or taken for, any such public work or improvement, and shall have a lien against the property so benefited for the fair share of the cost of such public work or improvement as the Common Council may determine and the owner of such properties shall have such rights and the City such power and authority with respect to such assessments and awards as are provided in the General Statutes.

APPROVED ITEMS (2/10) + ACTION ITEMS (2/21)

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<sup>13</sup> Recodification of Chapter, Section 4.

## CHAPTER II: OFFICERS AND ELECTIONS

### SECTION 1. STATE AND FEDERAL OFFICERS<sup>14</sup>.

**B.A. Nomination and Election of State and Federal Officials; Role of the Registrars of Voters<sup>15</sup>.** Nomination and election of State and Federal Officers, State Senators and Representatives, Judge of Probate, ~~and~~ and two Registrars of Voters ~~and Sheriff~~<sup>[s2]</sup>, shall be conducted and the Registrars of Voters shall prepare lists of ~~electors~~ Electors qualified to vote, therefore, in the manner prescribed by the Constitution and the General and Special Laws of this State applicable to the City of Middletown.

**G.B. Transition to Four Year Term for Registrars of Voters.** With the adoption of this Charter provision, the Registrars of Voters will be elected to a two-year term in the November, 2014 general election and a two-year term in the November, 2016 general election. Beginning with the November, 2018 general election, the Registrars of Voters will be elected to four-year terms, which elections will coincide thereafter with the State gubernatorial general elections in November.

### SECTION 2. ELECTED OFFICIALS - MUNICIPAL OFFICERS.

The ~~elected officials~~ Elected Officials of the City shall be: Mayor, twelve (12) Members of the Common Council, Treasurer, Nine (9) Members of the Board of Education, three (3) Members of the Board of Tax Review, and seven (7) members and three (3) alternate members of the Planning and Zoning Commission.

### SECTION 3. RESTRICTIONS ON ELECTED OFFICIALS.

~~No elected official in the Government~~ No Elected Official of the City, during the full term of the office for which said official was elected, shall be eligible for appointment to any salaried position except to the positions of Corporation Counsel and Mayor's Administrative Assistant(s) Chief of Staff<sup>[s3]</sup><sup>16</sup> within the City Government. Persons being so appointed must resign from the elected office.

### SECTION 4. MUNICIPAL ELECTIONS; TERM OF OFFICE; LIMITATION OF POWERS<sup>17</sup>.

**A. Term of Office.** The term of office for all ~~elected officials~~ Elected Officials will be four (4) years.

**B. Date of Election.** A meeting of the Electors of the City of Middletown shall be held biennially on the Tuesday after the first Monday of November of the odd-

<sup>14</sup> Amended 11-4-2014

<sup>15</sup> Modification of Chapter II, Sec. 1 (elimination of the position of "Sheriff").

<sup>16</sup> Modification of Chapter III, Sec. 3 (Change "Administrative Assistant" to "Chief of Staff").

<sup>17</sup> Amended 11-4-2014

numbered years for the purpose of electing ~~officials~~Officials to such Municipal Offices as are provided for in this Charter the terms of which are to expire.

1. At the first Biennial Election following adoption of this Charter provision, all ~~electd officials~~Elected Officials will appear on the ballot except for the four (4) longest-serving Board of Education members, three (3) longest-serving Planning and Zoning Commissioners, and one (1) longest serving alternate Planning and Zoning Commissioners.
2. The remaining officials will appear on the off-year Biennial Election, to be held on the Tuesday after the first Monday of November of the next odd-numbered year.

**C. Commencement of the Term of Office.** The Term of Office for all ~~electd officials~~Elected Officials of the City, except as otherwise provided by Law, shall commence at 12 o'clock Noon on the Tuesday following the certification of election of each such ~~Municipal Officer~~Elected Official by the City/Town Clerk of the City and shall continue until 12 o'clock noon of the Tuesday following the Biennial Election in which the ~~official's~~Official's term expires.

**D. Transition Period: Limitation of Authority of the Outgoing Mayor.** The period between a Biennial Election for Mayor and the commencement of a term of office for a new Mayor shall be a transition period and during said period the outgoing Mayor shall meet with and assist the incoming Mayor in all aspects of the Office of the Mayor and said outgoing Mayor shall not appoint, hire, remove, terminate, discipline, promote, demote or transfer any officer, ~~department head~~Department Head, assistant ~~department head~~Department Head, commission or committee members, or employee of the City.

## SECTION 5. MINORITY REPRESENTATION.

Not more than eight (8) members of the Common Council, not more than six (6) members of the Board of Education, not more than one (1) Registrar of Voters, not more than two (2) members of the Board of Assessment Appeals. and not more than four (4) members and not more than two (2) alternate members of the Planning and Zoning Commission may be members of the same political party at any time.

## SECTION 6. ELECTIONS, VOTING DISTRICTS.

The provisions of the General Statutes relating to town elections shall govern the conduct of all elections held under the provisions of this Charter except as otherwise provided herein. The Common Council shall set the boundaries of each voting district and at any time may, by ~~ordinance~~Ordinance, alter the boundaries of said districts or establish additional districts.

## SECTION 7. ELIGIBILITY.

No person shall be eligible for election to any City office who is not at the time of election a ~~resident~~<sup>[s4]</sup> of said City and any person ceasing to be a resident or ~~elector~~Elector of said City shall thereupon cease to hold elective office in the City.

## SECTION 8. VACANCY IN ELECTIVE OFFICE.

- A. Permanent Vacancy.** A permanent vacancy in any elective office shall occur by way of death or resignation of the Office Holder or as otherwise provided by State Statute.
- B. Voluntary Temporary Vacancy: Office of the Mayor.** A voluntary temporary vacancy in the Office of the Mayor may occur in the following manner:
1. Notification by the Mayor to the Deputy Mayor and the Council of a temporary vacancy.
  2. Termination of above temporary vacancy in Office shall be by notification by the Mayor to the Deputy Mayor of such termination.
- C. Involuntary Temporary Vacancy: Office of the Mayor.** An involuntary temporary vacancy in the office of Mayor may occur in the following manner:
1. In the event of the Mayor's inability to carry out the duties of the Office of Mayor by reason of physical and/or mental disability, the Common Council shall, upon unanimous vote of the Council at a regular or special meeting duly warned for that purpose, cause the Mayor to submit to examination by two physicians licensed to practice medicine in the State of Connecticut who shall submit written reports to the City/Town Clerk as to the ability of the Mayor to carry out the duties of the Office of Mayor. If such examination substantiates the Mayor's inability to carry out the duties of the Office of Mayor, the City/Town Clerk shall then declare a temporary vacancy.
  2. Termination of said temporary vacancy shall be confirmed by two physicians licensed to practice medicine in the State of Connecticut that the Mayor is physically and/or mentally able to carry out the duties of the Office of Mayor who shall submit reports to the City/ Town Clerk who shall notify the Common Council of the Mayor's ability to resume office.
- D. Permanent Elected Office Vacancies (with the exception of Mayor and Deputy Mayor).** Except for vacancies in the Offices of the Mayor and/or Deputy Mayor, the Common Council, at a regular or special meeting duly warned for that purpose and next following a Declaration of Permanent Vacancy in an Elective Office, shall, by a **majority of those present and voting**, fill any such vacancy. Such appointee shall be a member of the same political party as the predecessor in said office and shall serve the remainder of the term of office of the ~~elected official~~ Elected Official whose position he/ she has been appointed to fill.
- E. Permanent Vacancy in the Office of the Mayor.**

1. **The First Thirty-six Months of the Term of Office: Special Election.** In the event of a permanent vacancy in the Office of the Mayor during the first thirty-six (36) months of the term to which the Mayor was elected, a Special Election to fill said vacancy shall be called by the Common Council at a regular or special meeting duly warned for that purpose and following a Declaration of Permanent Vacancy in the Office of the Mayor.
  2. **The Last Twelve Months of the Term of Office: Succession by the Deputy Mayor.** The Deputy Mayor shall assume the Office of the Mayor in the event of a permanent vacancy during the last twelve (12) months of the Mayor's term and the Deputy Mayor shall serve as Mayor until 12:00 Noon the Tuesday following the next Biennial Election.
  3. **Simultaneous Vacancy of the Office of Mayor and Deputy Mayor.** In the event of permanent simultaneous vacancies in the offices of Mayor and Deputy Mayor, the majority leader of the Council shall assume the position of interim Mayor either until the special election called by the Common Council, if such vacancies occur during the first thirty-six (36) months of the term, or until a special Council meeting called within ten (10) days to elect a deputy mayor if such vacancies occur during the last twelve (12) months of the term. [Amended 11-4-2014]
- F. Permanent Vacancy in the Office of Deputy Mayor.** In the event of a permanent vacancy in the Office of Deputy Mayor due to assumption of the Office of Mayor as provided for in Subsection E, above, or a vacancy arising under Subsection A, above, the Mayor shall immediately appoint a successor Deputy Mayor in accordance with Chapter IV, Section 2A.
- G. Declaration of Vacancy.** A declaration of vacancy in any Office shall be made by the Mayor or, in the Mayor's absence, the Deputy Mayor upon written notification of such vacancy from the City/Town Clerk, which notice to the Mayor or, in the Mayor's absence, to the Deputy Mayor, shall be made forthwith.

## **SECTION 9. SPECIAL ELECTIONS.**

The Common Council shall call and warn Special Elections when required by any provision of the Connecticut General Statutes.

## CHAPTER III: THE COMMON COUNCIL

### SECTION 1. COMMON COUNCIL<sup>[S5]</sup><sup>18.</sup>

The Common Council shall consist of twelve (12) members, who shall be elected at large for a term of four (4) years. Not more than eight (8) candidates for the Common Council may be nominated by any political party for the elections and the twelve (12) candidates receiving the highest number of votes at said Election shall be declared elected. Each such member shall receive such stipend as may be provided by law<sup>Law</sup>.

### SECTION 2. ORGANIZATION OF COUNCIL

- A. **Date of Organization.** The Common Council shall meet to organize no later than **ten (10) days** following the commencement of its term of Office<sup>[S6]</sup>.
- B. **Staff**<sup>19</sup>. The Common Council may appoint such staff as it deems necessary to assist it in the performance of its duties. By a vote of nine (9) members and in consultation with the Office of the General Counsel, the Common Council may retain outside counsel for advice on individual matters<sup>[S7]</sup>.
- C. **Rules of Council.** The Common Council shall determine its own rules of procedure.
- D. **Council Commissions**<sup>[S8]</sup>. The Common Council shall establish as many Councilmanic Commissions as it shall deem necessary at any time to carry out the City's business. Each such Commission shall keep records of its proceedings and provide such information as may be requested by the Common Council. All such Councilmanic Commissions shall be advisory in nature, and shall have no authority to direct the administration of any Department<sup>[S9]</sup>.

### SECTION 3. MEETINGS OF THE COMMON COUNCIL

- A. **Regular Meetings.** Regular meetings of the Common Council shall be held on the first Monday of every month. If said Monday shall fall upon a legal holiday, as provided in the General Statutes, the Council shall meet on the Tuesday immediately following.
- B. **Special Meetings.** Special meetings may be called by the Mayor or by the Deputy Mayor, when exercising the duties of the Mayor, or upon a call signed by not less than five members of the Common Council.
- C. **Quorum.** A majority of the members of the Common Council shall constitute a quorum. In determining a quorum, in the absence of the Mayor<sup>[S10]</sup>, the member of the Council who is Deputy Mayor shall be counted. The Deputy Mayor, if presiding at a meeting in the absence of the Mayor, shall be allowed to vote on

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<sup>18</sup> Amended 11-4-2014.

<sup>19</sup> Modification of Chapter III, Section 2.B

any matters as a Council Member but will have no more than one (1) vote.

- D. Council Action in Accordance with Rules.** No appropriation, resolution, ordinance, report or other item of business shall be placed on any Common Council agenda unless it is filed with the Council Clerk in accordance with the rules established by the Common Council or a waiver of the rules to allow the inclusion of any matter shall have been approved by nine (9) Council Members.
- E. Public Comment.** ~~The public shall have the right to address the Council regarding matters of public concern.~~<sup>20</sup>[S11]. Subject to the rules of the Council, the public shall have the right to address the Council at any Council meeting on any item on the agenda for the Council meeting at which they speak and may address the Council on non-agenda matters of general public concern only in accordance with provisions established by the Council for such input.

#### SECTION 4. AUTHORITY OF THE COMMON COUNCIL<sup>21</sup>.

- A. Powers and Duties.** The Common Council shall have the powers and duties which, on the effective date of this Charter, were conferred by ~~law~~Law upon ~~boards, officers~~Officials, ~~Boards~~ and ~~commissions of the City~~Commissions existing immediately prior to said date, excepting, as otherwise provided in, or inconsistent with this Charter and amendments thereto, or established by General or Special Acts of the General Assembly.
- B. Legislative Body.** The Common Council shall be the legislative body of the City.
- C. Powers, Authority and Duties: Majority Vote Present and Voting.** Said Council shall have the power, authority and duty by a **majority vote of those members present and voting**<sup>[S12]</sup> to make such bylaws and ~~ordinances~~Ordinances and to adopt such ~~resolutions~~Resolutions as are deemed necessary for the conduct of the City's business, subject to the provision for hearings as provided herein, and not inconsistent with the ~~laws~~Laws of the State of Connecticut and/or of the United States:
1. to levy taxes as provided herein; to regulate the borrowing of money by the City;
  2. to adopt a budget for each fiscal year subject to the provisions herein; to authorize the issue of such bonds or notes as are required for the conduct of the City's business and other purposes as provided herein;
  3. to appropriate such funds as may be required for the proper conduct of the City's business;
  4. to determine and appropriate such salaries, expenses, compensation or other sums to be paid to all ~~elected officials~~Elected Officials, including the

<sup>20</sup> Modification of Chapter II, Sec. 4.E (2021).

<sup>21</sup> Amended 11-4-2008.

stipend to be received by members of the Common Council, provided such salaries, expenses, compensation or other sums shall not take effect before 12:00 Noon the Tuesday following the next biennial municipal election;

5. to review and approve all contracts, including agreements to settle litigation against the City, or those memoranda of agreement with collective bargaining units that meet the following criteria, which create a financial responsibility, on the current or any future City budget, which have not previously been approved by the Council through the budgetary process and authorize the Mayor to sign the same on behalf of the City; and,
6. it shall have such other powers appropriate to the exercise of its authority as the legislative body of the City and such powers and duties which, on the effective date of this Charter, were conferred by ~~law~~Law.

**D. Appropriations for Fire Services.** In addition to all other powers, the Common Council shall have the power to make appropriations for all things necessary or desirable to protect the City from fire, including but not limited to, appropriations for the Middletown Fire District, the South Fire District of the City of Middletown and the Westfield Fire District of the City of Middletown.

## **SECTION 5. ~~BYLAW~~<sup>[S13]</sup>, ~~ORDINANCE~~, ~~BUDGETARY RESOLUTION~~ OR ~~APPROPRIATION~~; WHEN AND HOW IN EFFECT; ~~CERTIFICATE OF CITY/TOWN CLERK~~.**

- A. **Effective Date of Council Actions.** No bylaw, ~~ordinance~~Ordinance or Statutory Resolution, budgetary resolution or appropriation passed by the Common Council shall take effect and be enforced until **fifteen (15) days** after such ~~bylaw~~, ~~ordinance~~Ordinance or a summary thereof ~~or Statutory Resolution~~, budgetary resolution, or ~~supplemental~~ appropriation shall have been published in ~~some newspaper of general circulation in accord with the City of Middletown~~<sup>[S14]</sup> Public Notice requirements of this Charter. Resolutions shall be effective upon passage.
- B. **Filing of Bylaws and Ordinances.** Prior to the ~~publication~~Public Notice of a summary, a copy of the full text of the bylaw, Ordinance or ~~ordinance~~<sup>[S15]</sup>Statutory Resolution shall be ~~filed~~filed ~~in accordance with the office~~Public Notice requirements of the City/Town Clerk ~~this Charter~~ and be available for public inspection. The summary shall include the title and a general statement of the subject matter of the bylaw or ~~ordinance~~Ordinance and shall state that a copy of the full text is on file in the office of the City/Town Clerk ~~and on the City's website.~~
- C. **Certificate of the City/Town Clerk.** The certificate of the City/Town Clerk, upon the records of the Common Council, that such bylaw, ~~ordinance~~Ordinance, Statutory Resolution, budgetary resolution or ~~supplemental~~ appropriation has been ~~so~~ published in accord with the Public Notice provisions of this Charter and

filed shall be prima facie evidence of such filing and publication in any suit or proceeding. Upon such publication, said Clerk shall make such certificate and thereupon, after the lapse of such fifteen (15) day period, such bylaw, ~~ordinance~~Ordinance, Statutory Resolution, budgetary resolution or supplemental appropriation shall be in effect subject only to the provisions of this Charter referring to ~~the referendum~~referenda.

## SECTION 6. ORDINANCE FOR THE CREATION, MERGER, OR ELIMINATION OF ANY DEPARTMENT OR AGENCY.

Any ~~ordinance~~Ordinance providing for the creation, merger or elimination of the departments, or agencies of City government shall be voted upon at two different meetings of the Common Council which shall be held at least thirty (30), and not more than ninety (90) days apart, each of which shall be preceded by a ~~duly noticed public hearing~~Hearing Notice. No such ~~ordinance~~Ordinance shall become effective unless adopted by the affirmative vote of nine members of said Council at each such meeting.

## SECTION 7. REFERENDA AND INITIATIVE<sup>22</sup>.

- A. **REFERENDA.** If within the period of fifteen (15) calendar days after publication in some newspaper with general circulation in the City of Middletown of such bylaw, ~~ordinance~~Ordinance, or a summary thereof, budgetary resolution, or supplemental appropriation a written petition, containing the signatures of at least five (5%) percent of the ~~electors~~Electors of the City and protesting any such enactment by the Common Council shall be filed with the City/Town Clerk, such bylaw, ~~ordinance~~Ordinance, budgetary resolution, or supplemental appropriation shall be suspended. The City/Town Clerk shall, within seven (7) days excluding Saturdays, Sundays and Municipal holidays thereof, make an examination of such petition and attach thereto a certificate that the same is sufficient or insufficient under the requirements of this Section. If the petition shall be found to be insufficient it shall be so certified by the City/Town Clerk. If the petition shall be found to be sufficient, the City/Town Clerk shall, within five (15) days excluding Saturdays, Sundays and Municipal holidays, submit the same to the Common Council, which shall within five (5) days excluding Saturdays, Sundays and Municipal holidays thereof, reconsider the measure. If it shall not be entirely repealed, the Council shall, within five (5) days excluding Saturdays, Sundays and Municipal holidays thereof, submit it to a vote of the ~~electors~~Electors affected by it at either a general or special election to be called for that purpose and in any event to be held no earlier than thirty and no later than sixty (60) calendar days. At such election all votes shall be taken by ballot and check list at the regular polling places. The Common Council shall set the hours of voting in any referendum and the Registrars of Voters shall prepare the polling places and the City/Town Clerk shall prepare the ballots. A simple majority vote of those voting in such referendum shall determine the matter.
- B. **INITIATIVE.** Any ~~elector~~Elector of the City may prepare a Petition regarding any matter of public interest, except for the approval of a bond or the appropriation

<sup>22</sup> Amended 11-4-2008.

of revenue, to be submitted for determination by the ~~electors~~Electors of the City and/or adoption as a ~~resolution~~Resolution or ~~ordinance~~Ordinance by the ~~electors~~Electors of the City in accordance with the provisions of this Charter to be placed on that year's November ballot. The Petition shall be filed with the City/Town Clerk in typewritten form, provided the wording of the Petition shall first be reviewed by the City/Town Clerk, in consultation with the ~~City Attorney~~General Counsel who, within seven (7) working days of its submission, shall determine whether or not such petition presents a matter within the public interest and has been correctly worded in such a manner as to clearly express its meaning and intent. If the wording and subject matter of a Petition fairly and accurately presents such a public issue, it shall be returned to the individual who filed the petition for the obtaining of signatures commencing on July 1 in accordance with the laws of the State of Connecticut regarding the same. The petition issue shall only be voted upon at the next regular November election if copies of the Petition containing the names of at least ten (10%) percent of the ~~electors~~Electors of the City are filed with the City/ Town Clerk on or before sixty (60) days prior to said November election date. The results of the balloting on said Petition shall not be binding unless approved by a simple majority of those voting on the Petition. No enactment passed pursuant to initiative shall be subject to referendum.

#### **SECTION 8. INVESTIGATIONS.**

The Common Council shall have the power to investigate any and all Departments, Offices and Agencies of the City.

#### **SECTION 9. ETHICS.**

The City shall adopt a code of ethics by ~~ordinance~~Ordinance. As part of such code, a Board of Ethics may be established<sup>23</sup>.

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<sup>23</sup> Editor's Note: See Ch. 40, Ethics, Code of.

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

## CHAPTER IV: DUTIES AND POWERS OF ELECTED OFFICERS/OFFICIALS AND OTHER CITY OFFICERS/OFFICIALS

### SECTION 1. MAYOR'S OFFICE<sup>24</sup>.

- A. **Term of Office**<sup>[S16]</sup>. Commencing with the first municipal election following the passage of ~~—~~ this charter provision, the Mayor's term of office shall be four (4) years.
- B. **Mayor's Office and Staff**<sup>25</sup>. The Mayor's Office shall consist of the Mayor and the following staff: ~~an Administrative Assistant, a~~ Corporation Counsel<sup>[S17]</sup>, ~~a Chief of Staff~~<sup>[S18][S19]</sup> and such other Staff as the Mayor may deem necessary. All such staff of the Mayor's Office shall be appointed by the Mayor and may be removed by the Mayor and shall not be included in the ~~classified service-~~Classified Service. All classified employees working in the Mayor's Office shall not be considered to be part of the Mayor's Staff as defined in this Section.
- C. **Compensation**. The Mayor shall receive such compensation as shall be fixed by the Common Council.

### SECTION 2. DUTIES AND POWERS OF THE MAYOR<sup>26</sup>.

- A. **Full time Chief Executive Officer**. The Mayor shall be the chief executive officer of the City and shall devote full time to the duties of the office. Full time shall mean primary occupation.
- B. **Voting Member of All City Boards, Agencies and Commissions**. Except as otherwise provided by ~~law~~Law, the Mayor shall be a voting member of all Boards, Agencies and Commissions appointed by the Mayor. As such, the Mayor shall be entitled to cast one vote.
- C. **Administration of Departments, Agencies and Offices**. Except as otherwise provided by law, the Mayor shall be directly responsible for the administration of all Departments, Agencies and Offices, in charge of persons or Boards appointed by the Mayor<sup>[S20]</sup> and shall supervise and direct the same.
- D. **Duties**. The Mayor shall:
  - 1. see that all ~~laws and ordinances~~Laws, including the Ordinances, governing the City are faithfully executed;
  - 2. make periodic reports to the Common Council and shall attend and

<sup>24</sup> Amended 11-4-2014.

<sup>25</sup> Modification of Chapter IV, Sec. 1.B (Change "Administrative Assistant" to "Chief of Staff" and eliminate "Corporation Counsel").

<sup>26</sup> Amended 11-4-2008.

participate in its meetings as provided by this Charter;

3. prepare and cause to be made available to the public, as soon as possible after the close of the fiscal year, an annual City report which shall include a summary of the activities of each City department during the preceding year and a statement of the departments' goals for the next year;
4. recommend to the Council such measures as the Mayor may deem necessary or expedient including, but not limited to, measures to organize or reorganize the Departments and Agencies of the City;
5. keep the Council fully advised as to the financial condition of the City;
6. prepare and submit to the Council an annual budget and such additions, deletions or amendments to the separate budgets provided for in Chapter VI, Section 2;
7. negotiate for the purchase of real estate and take options on such real estate in behalf of the City, provided that the Mayor shall expend no more than the amount set by ~~Council ordinance~~Ordinance for any one option; and,
8. exercise such other powers and duties as may be required of the Mayor by ~~ordinance~~Ordinance or resolution of the Council not inconsistent with this Charter.

#### E. Interactions with the Common Council.

1. **Diminution or Augmentation of Mayoral Authority.** The Council shall not diminish by ~~ordinance~~Ordinance, vote or otherwise, the powers and duties of the Mayor, except those powers and duties imposed on the Mayor by the Council under provisions of this Section.
2. **Contract Signing Authority.** The Mayor shall have the power to sign contracts approved by the Common Council, deeds and other instruments or documents and the Mayor shall have the power to administer oaths.
3. **Presiding Office of the Common Council: Voting Privileges in the event of Tie Vote.** The Mayor shall be the presiding officer of the Common Council and, as such, shall have the power to resolve a tie vote of the Common Council.
4. **Veto Authority.** The Mayor may veto any ~~ordinance~~Ordinance or appropriation passed by the Common Council and, in the event the Mayor shall veto any such ~~ordinance~~Ordinance or appropriation, the Mayor shall return the same to the Common Council within **five (5) days**, excluding Saturdays, Sundays and Municipal holidays, following the adoption of such vote with a statement in writing of the Mayor's objections thereto. If the Common Council, by a **vote of two-thirds (2/3<sup>rd</sup>s) of the members present and voting** at a special meeting called for that purpose within **ten**

(10) days, excluding Saturdays, Sundays, and Municipal holidays, following receipt of the Mayor's veto, shall readopt said ~~ordinance~~Ordinance or appropriation, it shall thereupon be effective as so readopted.

## SECTION 2A. DEPUTY MAYOR.

Upon commencement of the Mayor's term of office, the Mayor shall appoint a Deputy Mayor who shall be a member of the Common Council and shall be of the same Political party as the Mayor, unless there are no Council members of the same party, in which case the Mayor may appoint any member of the Council. Said appointment shall be subject to confirmation by the Common Council. The Deputy Mayor shall act as Mayor during any temporary vacancy in the Office of Mayor or until a permanent vacancy in the Office of Mayor has been filled as provided for in Chapter II, Section 8 of this Charter. The salary of the Deputy Mayor shall be determined by the Common Council.

## SECTION 3. CITY ~~OFFICERS~~OFFICIALS.

- A. Appointment by Mayor and Confirmation by the Common Council.** The following ~~officers~~Officials shall be appointed by the Mayor and confirmed by the Common Council: (i) City/Town Clerk; (ii) Tax Collector; and (iii) ~~Tax Assessor~~Assessor<sup>[S21]<sup>27</sup>. Each said ~~officer~~Official shall have the powers and duties vested in each said officer by the ~~laws~~Laws of the State of Connecticut and pursuant to ~~ordinances~~Ordinances adopted by the Common Council. They shall devote full time to the duties of their respective offices. Full time shall mean primary occupation.</sup>
- B. Additional ~~Officers~~Officials Established by Ordinance: Appointment and Confirmation.** There shall be such other ~~Officers of the City~~Officials as may be deemed necessary by the Mayor and the Common Council and whose duties and powers shall be defined by ~~ordinance~~Ordinance. All such ~~officers~~Officials shall be appointed by the Mayor and confirmed by the Common Council.
- C. Removal Authority of the Mayor.** The Mayor shall have the power to remove or discipline non-elected ~~officers~~Officials as provided for in Chapter V, Section 4.

## SECTION 4. CITY TREASURER.

There shall be a City Treasurer who shall have and exercise all the powers and duties prescribed for Treasurers of Towns and Cities by the General Statutes and additional powers and duties as may be prescribed by the Common Council.

## SECTION 5. REGISTRARS OF VOTERS, BOARD OF TAX REVIEW.

The power and duties of the Registrars of Voters and members of the Board of Assessment Appeals shall be as provided by ~~law~~Law and not inconsistent with this Charter and may be provided by ordinance.

<sup>27</sup> Modification of Chapter IV, Sec. 3.A(iii).

**SECTION 6. COMMON COUNCIL TO PERFORM DUTIES OF SELECTMEN EXCEPT AS OTHERWISE PROVIDED**<sup>[S22]</sup>.

All powers and duties had and performed under the ~~law~~Law by the Selectmen of any town, except such as are imposed upon them by the Constitution and the General Statutes relative to the admission of persons to the privileges of ~~electors~~Electors, shall be had and performed by the Common Council or as otherwise provided herein. The Common Council shall provide for the performance of all such functions by ~~ordinance~~Ordinance, bylaw, or otherwise, as it shall determine.

**SECTION 7. BOARD OF EDUCATION; ELECTION; TERM.**

There shall be a nine (9) member Board of Education which shall have such duties and powers as may be imposed by ~~law~~Law. Members of such Board, shall be elected in place of the members whose terms expire, each for a term -of four (4) years. Each ~~elector~~Elector may vote for the full number of members to be elected to each term and the candidates receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to Section 9-167a of the General Statutes exceeds the maximum number, as determined by said Section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election.

**SECTION 8. OFFICE OF THE ~~CITY ATTORNEY~~GENERAL COUNSEL**<sup>[S23]</sup>.

The ~~Office of the City Attorney~~General Counsel shall have the authority, with the approval of the Mayor and Council, to refer to the Corporation Counsel questions of ~~law~~Law involving the powers, obligations, and/or duties of any ~~City officer,~~ department~~Official,~~ Department, agency, ~~board~~Board or ~~commission~~Commission if, in its discretion, said questions relate to political matters or those which involve a potential conflict of interest<sup>28</sup>.

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<sup>28</sup> Modification of current Chapter IV, Sec. 8.

## CHAPTER V: DEPARTMENTS OF THE CITY

### SECTION 1. DEPARTMENTS ESTABLISHED.

#### A. Powers and Purposes (RECOMMENDED).

- B. **Creation of Departments.** All departments of the City may, from time to time, be established by ~~ordinance~~Ordinance. All employees of any department shall be subject to the City of Middletown Personnel Rules and Classification Plan. The Common Council shall have the power to prescribe by Ordinance the powers, duties and privileges of each Department, not inconsistent with any of the provisions contained herein.

#### C. Reorganization Plans (RECOMMENDED).

- D. **Effect of Charter on Departments.** Every Department, Authority, Board, or Commission, existing on the effective date of this Charter, shall continue in existence as if established by ~~ordinance~~Ordinance until merged or eliminated by ~~ordinance~~Ordinance pursuant to Chapter III, Section 6 of this Charter.

### SECTION 2. DEPARTMENT HEADS.

- A. **Appointment and Confirmation.** Each Department shall have a department head who shall be known as director and who shall be appointed by the Mayor and confirmed by the Common Council. Each such director shall devote full time to the duties of the Office and shall be responsible to and report to the Mayor.

- B. **Removal<sup>29</sup>.** The Mayor shall have the power to remove any director for cause but, in no case, may any director be removed for political reasons. In the event of dismissal of any director, the Mayor shall notify said director in writing of such action and the reasons therefore not more than one month prior to the effective date of such dismissal.

#### C. Additional Provisions Pertaining to Department Heads. (RECOMMENDED)<sub>[S24]</sub>

### SECTION 3. ASSISTANT DEPARTMENT HEADS.

- A. **Creation of Position.** There shall be such assistant ~~department heads~~Department Heads as may be provided by ~~Ordinance~~<sub>[S25]</sub>, who shall serve as assistant to the various department heads of the City.

- B. **Appointment and Confirmation.** Each assistant ~~department head~~Department Head shall be appointed by the Mayor and confirmed by the Common Council.

- C. **Duties and Responsibilities.** Each such assistant ~~department head~~Department Head shall be responsible to and report to the ~~department head~~Department Head and shall devote full time to the duties and responsibilities of the Office. Each such assistant ~~department head~~Department Head shall be removed or disciplined only in the same manner as ~~department~~

<sup>29</sup> Recodification of Chapter IV, Sec. 6.

heads Department Heads.

**SECTION 4. REMOVAL OF A DIRECTOR (MOVED TO SEC. 2).**

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

## CHAPTER VI: FINANCE AND TAXATION

### SECTION 1. BUDGET<sup>30</sup>.

- A. Commencement of the Budget Process.** Except as otherwise provided herein, not later than January 1st of each year, the Mayor, or the Mayor's designate, shall provide all Departments, Agencies, Offices and Commissions with forms for budgetary requests for the ensuing fiscal year.
- B. Mayor Transmits Proposed Fiscal Budget to the Common Council.** On or before April 1st the Mayor shall transmit a proposed *fiscal budget* to the Common Council.
- C. Contents of the Proposed Budget: Operating and Capital Budgets.** The *proposed budget* shall consist of an operating budget and a capital budget.
- 1. Capital Budget.** The capital budget shall consist of all funds necessary for any debt service payment needed during the fiscal year, including all payments for debt service incurred for the construction, renovation or improvement of any Board of Education buildings or property.
  - 2. Operating Budget.** The operating budget shall consist of all proposed expenditures for the fiscal year which are not part of the capital budget<sup>[S26]</sup>.
  - 3. Separate Budgets Not Included<sup>[S27]</sup><sup>31</sup>.** The Annual Budget prepared by the Office of the Mayor shall not include the budgets of those Boards, Commissions and Agencies for which separate budgets are required by the General Statutes or Special Acts. All separate budgets shall be subject to the referendum provisions contained in this Charter.
  - 4. Application of Veto and Referenda to Entire Budget<sup>[S28]</sup>.** All provisions for veto and referenda of the budget shall apply only to the entire budget and neither the operating budget nor the capital budget shall be subject to veto or referenda separately.
- D. Public Inspection (RECOMMENDED).**
- E. Public Hearing by the Common Council.** The Common Council shall, prior to April 30<sup>th</sup>, hold public hearings on the proposed budget.
- 1. Publication: Date of Hearing<sup>[S29]</sup>.** The Common Council shall cause such proposed budget to be published ~~at least once in a daily newspaper having a general circulation in~~ in accordance with the City Public Notice provisions of this Charter and shall accompany such publication with a ~~notice of the date of hearing~~ Hearing Notice, which ~~date~~ hearing shall be at least **two (2) days** after said publication. Upon such date, the Common Council shall meet to hear any parties interested in relation thereto, which meeting shall be held on or before April 30<sup>th</sup>.

<sup>30</sup> [Amended 11-4-2008]

<sup>31</sup> Recodification of Chapter VI Sec. 2.

2. **Hearing Participants.** At such hearings, all ~~electors~~**Electors** and persons paying taxes or charges to said City shall have the right to be heard concerning any proposed budget item.

**F. Modification of the Proposed Budget by the Common Council.** The Council shall have the power to add, delete, increase or decrease any item in said proposed budget and,

**G. Adoption of the Proposed Budget by the Common Council.** Not later than the 15<sup>th</sup> day of May of each year, the Common Council shall adopt a budget and make appropriations ~~therefor~~<sup>[S30]</sup>.

1. **Establishment of the Tax Levy**<sup>32</sup>. At the same time the Common Council shall approve the budget, it shall also fix the Tax Rate<sup>[S31]</sup> in Mills which shall be levied on the taxable property in the City as provided by Law. Said Tax shall be payable in two equal installments as shall be determined by the Common Council. Upon failure of any taxpayer to pay any installment of taxes within one month after the date on which said installment is payable, the full amount of the total bill shall be due and payable and subject to such interest charges as are provided by Statute. Any property tax due the City of Middletown in an amount not in excess of one hundred dollars (\$100) shall be due and payable in a single payment.

**2. Failure to Adopt a Budget (RECOMMENDED)**

**H. Transmittal of budget to Mayor (RECOMMENDED)**

**I. Mayoral Action**

1. **Veto authority of Mayor.** The Mayor shall have the power to veto, in writing, any addition, deletion, increase or decrease in said budget<sup>[S32]</sup> as voted by the Common Council, provided that the Mayor then shall transmit said veto to the Common Council within five (5) calendar days following the adoption of said budget by the Common Council.

**2. Legislative Action on Mayoral Veto.**

a. **Override of Mayoral Veto.** If the Common Council, by vote of **two-thirds (2/3<sup>rd</sup>s) of its entire membership** at a Special Meeting held for that purpose, shall readopt the item or items vetoed within **ten (10) days** of receipt of said veto, the Budget shall be effective as adopted.

b. **Failure to Override Mayoral Veto.** In the event the Common Council shall not readopt the item or items disapproved, then the budget shall be effective as modified by the veto.

**J. Referendum.** Within **fifteen (15) calendar days** following the passage of a

<sup>32</sup> Recodification of Chapter VI, Sec. 3.

budget, the electorate of the City shall have the power to challenge the budget by means of a referendum as provided in this Charter. The Common Council shall within **ten (10) days** following any referendum adopt a budget in accordance with such determination. In the event of any additional Mayoral veto, or referenda, said Common Council shall proceed in like manner until a tax shall be levied and accepted to cover such budgets.

- K. Such appropriations, when finally decided upon, shall be entered into the official records of the City and shall be subject to the inspection of any taxpayer during City Hall business hours. Any portion of an annual budget appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse and said portion of any appropriation shall revert to the respective Fund of said City.

## **SECTION 2. SEPARATE BUDGETS PROVIDED<sup>[S33]</sup> (MOVE TO SEC. 1, Above)**

## **SECTION 3. TAX RATES ESTABLISHED (MOVE TO SEC. 1, Above)**

## **SECTION 4. ANNUAL AUDIT<sup>33</sup>.**

The Common Council shall, by **majority vote<sup>[S34]</sup>** at a meeting to be held not later than one month after each Mayoral Election, appoint a certified public accountant or firm who shall audit the books and accounts of the City, in accordance with the provisions of the General Statutes, and who shall perform such other duties as may be deemed necessary by the Common Council.

## **SECTION 5. ASSESSMENTS, COLLECTION WARRANT LIEN.**

- A. **Issuance of Collection Warrant.** In any case where, under the provisions of this Charter or of any bylaw —or **ordinanceOrdinance** of the City, a sum of money, other than taxes, shall have been ordered by the Common Council to be paid by any person, or where any assessment shall have been made, or where any expense shall have been incurred by the City because of the failure of the property holder to comply with any **orderOrder** of the Common Council or with an **ordinanceOrdinance**, the Common Council may appoint a collector to collect such sums of money and assessments of expenses and shall cause the collector to account duly for the amount of same, the Mayor or Deputy Mayor shall issue a warrant authorizing such collector to collect same.
- B. **Authority of Collectors.** Every such collector shall proceed in the same manner and have the same powers and be under the same regulations as by **lawLaw** prescribed for collectors of public taxes.
- C. **Terms and Conditions.** All such sums of money, other than taxes, but including assessments or expenses, shall be subject to interest from the date when the same shall be payable at the same interest rate or rates and in the

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<sup>33</sup> [Amended 11-4-2014]

same manner as shall be provided by the General Statutes in case of delinquent taxes and shall remain a lien upon the property specially benefited by the public work or improvement with reference to which such assessment was made or upon the property against which such expense be chargeable.

- D. Precedence of Liens.** Such lien and all liens created under the provisions of this Charter shall take precedence and priority over any lien or encumbrance on the property whereon the same shall be imposed, except taxes and other City liens prior in date, and any such lien may be foreclosed in the same manner as if such lien were a mortgage given to said City to secure the amount of such assessment or such expense, provided such lien shall not continue for a period longer than sixty days after the time when such assessment or such expenses shall become payable, unless before the expiration of said sixty (60) days a certificate, signed by the Mayor or the City/Town Clerk of said City, describing the property on which the lien shall exist and the amount claimed by said City as a lien thereon, shall be lodged with the City/Town Clerk.
- E. Satisfaction of Lien: Recording of Certificate.** Whenever any such lien shall have been satisfied, a certificate of such fact signed by the Mayor, the Deputy Mayor, or the City/Town Clerk of said City, shall be lodged with said City/Town Clerk. The City/Town Clerk shall record all such certificates in a book kept for that purpose and the reasonable expense of filing and discharging such lien shall be added to such assessment or expense.
- F. Fines and Penalties for Certain Willful Actions.** Any person willfully interrupting, hindering, abusing and resisting or obstructing any such collector in the discharge of the collector's duty shall be fined in an amount not exceeding one hundred (\$100.00) dollars or imprisoned not exceeding sixty (60) days or both in any criminal action brought before the Superior Court<sup>[§35]</sup>.

## **SECTION 6. LIENS, ASSESSMENTS FOR SERVICES.**

- A. Water, Sewer and Sanitation Liens<sup>[§36]</sup>.** All water rents, sewer and sanitation charges and all service charges due for any service under the provisions of this Charter shall be and remain a lien upon the house, tenement or lot, wherein or in connection with which service shall have been rendered to the owner or occupant thereof and said lien shall have priority over all other liens and encumbrances on said house, tenement or lot, whereon the same is imposed, except taxes, tax liens and other City liens prior in date, and may be enforced or foreclosed by and in the name of the City of Middletown, before any Court having competent jurisdiction thereof, in the same manner as mortgages on lands and buildings are foreclosed.
- B. Sale of Liened Real Property.** The Common Council of the City of Middletown shall have the right and power to authorize the sale of any interest in any house, tenement or lot, which the City shall acquire by reason of such foreclosure, and the proceeds of any such sale shall be paid into the City treasury<sup>[§37]</sup>. Such liens shall be perfected and be in effect in accordance with provisions of the General Statutes relating to the taxes on real estate.

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

## CHAPTER VII: SANITARY DISPOSAL DISTRICT

### SECTION 1. SANITARY DISPOSAL DISTRICT; BOUNDARIES<sup>34</sup>.

The Sanitary Disposal District shall continue to be that portion of the City of Middletown as is constituted the Sanitary Disposal District on the effective date of this Charter, together with any other territory contiguous thereto which may hereafter be added in accordance with the provisions of this Charter. The expense for the maintenance and operation of said district shall be a service charge upon all property located within the district. The provisions of Special Act No. 466 (1951) of the Connecticut General Assembly not inconsistent with the provisions herein shall continue in effect.

### SECTION 2. ALTERATION OF BOUNDARIES; NOTICE REQUIRED

**Alteration of District Boundaries.** The boundaries of the Sanitary Disposal District shall not be extended except in the following manner:

- A. Annexation: Written Petition, Hearing Notice and Conduct of Public Hearing and Vote of City Council.** Upon the written petition of a majority of the property owners, without the Sanitary Disposal District but within any part of said City contiguous to said district, requesting to be annexed as a part of the Sanitary Disposal District and describing the limits of said contiguous territory to be annexed, the Common Council may, after a public hearing, ~~notice of in accord with Public Hearing Notice~~ which shall be given at least **five (5) calendar days** prior to such hearing ~~by publication in a newspaper having general circulation in the City~~, by ~~vote~~<sup>[S38]</sup> annex the territory described in such petition to the Sanitary Disposal District. The vote of the Common Council annexing such territory to said district shall specify the boundaries of the territory annexed, a date upon which service will be initiated and a copy of such vote, certified by the Clerk of the Common Council, shall be forthwith recorded in the land records of the City and filed in the Office of the Assessor and in the Office of the Sanitary Disposal District.
- B. Separation from District: Written Petition, Public Hearing Notice and Conduct of Public Hearing and Vote of City Council.** Upon the written petition of a majority of the property owners within any part of the Sanitary Disposal District that is contiguous to a non-member territory requesting to be separated from the Sanitary Disposal District and describing the limits of said contiguous territory to be separated, the Common Council may, after a public hearing, ~~notice of in accord with Public Hearing Notice~~ which shall be given at least **five (5) calendar days** prior to such hearing ~~in a newspaper having a general circulation in the City~~, by ~~vote~~<sup>[S39]</sup>, separate the territory described in such petition from the Sanitary Disposal District. The ~~favorable~~<sup>[S40]</sup> vote of the Common Council separating such territory from said District shall specify the boundaries of the territory separated, with an effective date of release, and a

<sup>34</sup> Amended 11-4-2008.

copy of such vote, certified by the Clerk of the Common Council, shall be forthwith recorded in the Land Records of the City and filed in the Office of the Assessor and in the Office of the Sanitary Disposal District.

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

## CHAPTER VIII: BOARD AND COMMISSIONS

### SECTION 1. GENERAL REQUIREMENTS FOR APPOINTED COMMISSIONS AND COMMITTEES.

- A. Creation of Boards and Commissions<sup>35</sup>.** *In addition to those Commissions and Committees established by this Charter there shall be such Commission and Committees of an advisory nature or limited duration, as may be deemed necessary by the Mayor and the Common Council. The powers, duties and organization of each Commission and Committee shall be prescribed by ordinance.*Ordinance.
- B. Appointment<sup>36</sup>.** All members of such Commissions and Committees shall be appointed by the Mayor and confirmed by the Common Council, except as herein provided.
- C. Vacancy.**
- 1. Defined.**
  - 2. Removal of Appointed Member<sup>[S41]</sup><sup>37</sup>.** A member of any appointed Commission or Committee, who shall be absent therefrom for three consecutive meetings without good cause shown, may, upon the recommendation of the chairman or director thereof and upon the approval by the appointing authority, be ordered removed therefrom by the Mayor.
  - 3. Filling a Vacancy<sup>38</sup>.** Upon such removal by the Mayor the appointing authority shall fill the unexpired term created by such vacancy.

### SECTION 2. PLANNING AND ZONING COMMISSION<sup>39</sup>.

- A.** There shall be a Planning and Zoning Commission which shall exercise all powers and authority enumerated in Chapter 124, Section 8-2 of the General Statutes, as amended, and shall exercise said powers and authority in accordance with the provisions of Section 8-3 and Section 8-4a of Chapter 124 of the General Statutes, as amended. All existing regulations shall continue in full force and effect until modified, repealed or superseded by action of the Planning and Zoning Commission.
- B.** The Planning and Zoning Commission shall consist of seven regular voting members. The Mayor and Director of ~~Public Works~~Planning and Zoning<sup>[S42]</sup><sup>40</sup>

<sup>35</sup> Modification and recodification of Chapter VII, Sec. 3.

<sup>36</sup> NEW (2021 Charter Revision)

<sup>37</sup> Modification and recodification of Chapter VII, Sec. 4.

<sup>38</sup> Modification and recodification of Chapter VII, Sec. 4.

<sup>39</sup> Recodification of Chapter VII, Sec. 1.

<sup>40</sup> Modification of Chapter VIII, Sec. 2.B. (replace "Director of Public works" with "Director of Planning and Zoning").

shall also be members without voting privileges. There shall be three alternate voting members. Members and alternates shall be elected for terms of four years. The Planning and Zoning Commission shall annually elect a Chairman, Vice Chairman, and Secretary from among its regular voting members. [Amended 11-4-2008]

- C. A quorum shall consist of six (6) commissioners and decisions shall be taken by affirmative vote of no less than five commissioners.

**SECTION 3. ZONING BOARD OF APPEALS<sup>41</sup>.**

There shall be a Zoning Board of Appeals in accordance with the provisions of Chapter 124 of the General Statutes. Members shall be appointed by the Mayor and confirmed by the Common Council. Members of the present Zoning Board of Appeals shall continue in office until the expiration of their terms.

**SECTION 3. COMMISSIONS AND COMMITTEES (MOVE TO SEC. 1)**

**SECTION 4. REMOVAL OF APPOINTED COMMISSION AND COMMITTEE MEMBERS (MOVE TO SEC. 1)**

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<sup>41</sup> Recodification of Chapter VII, Sec. 2.

## CHAPTER IX: BONDING POWERS

### SECTION 1. POWERS GENERALLY; ISSUANCE AUTHORIZED.

The City of Middletown shall have the power to incur indebtedness by issuing its bonds, notes or other obligations in accordance with the provisions of the General Statutes and for the following purpose:

- A. for any purpose authorized by the General Statutes;
- B. to fund an emergency expenditure;
- C. to meet that portion of the cost, including damages incurred, of any public improvement, duly authorized, the cost of which is ultimately to be defrayed from benefits assessed, providing nothing in this section shall be taken to interfere with the power of the Council to provide for the issuance of assessment of benefits as provided in this Charter;
- D. to prevent the City from defaulting on the principal or interest on its debt, the full amount of which, with interest to maturity, shall be included in the budget for the ensuing year wherein such notes shall be retired;
- E. to pay for the acquisition and development of a project or land outside of the City for any purpose for which it may develop a project or land within the City; and
- F. in anticipation of the receipt of the collection of taxes for the current fiscal year, such notes to be repaid from the proceeds of such taxes and, if not paid in full before the end of such year, an amount equal to the unpaid balance thereof shall be included in the budget for the ensuing fiscal year.

### SECTION 2. DEBT AUTHORIZATION<sup>42</sup>.

- A. **Referendum Authorizing Issuance.** The issuance of bonds, notes, or other obligations shall be authorized by ~~ordinance~~**Ordinance** adopted by the Council and if the total estimated cost of any improvement for which such obligations are proposed to be issued exceeds \$750,000, no bonds, notes, or other obligations shall be issued for such improvement unless ~~the ordinance~~**Ordinance** authorizing such issue shall also be approved by a majority of those voting thereon at a general municipal election or referendum called and warned for that purpose subject to any State Statute that may appertain to or be in addition to the Charter requirements.
- B. **Council Authorization of Issuance.** Provided however, if the total estimated cost of any improvement for which such obligations are proposed to be issued exceeds \$500,000 but less than \$750,000, no bonds, notes, or other obligations shall be issued for such improvement ~~unless the ordinance~~**Ordinance** authorizing such issue shall have received an affirmative vote by the majority

<sup>42</sup> Amended 11-3-2009.

of the Common Council at its next meeting after a special public hearing on the ordinance, which public hearing shall be held on a date prior to the Council's consideration of the issue.

- C. **Notes in Anticipation of Taxes.** Notes in anticipation of taxes shall be authorized by resolution of the Council<sup>[S43]</sup>.
- D. **Notes to Prevent Default.** Notes to prevent default on the principal or interest of the City's debt shall not be subject to referendum and shall be authorized upon Council adoption of a resolution<sup>[S44]</sup> following certification to the Council by the Treasurer that, except for such borrowing, a default on the part of the City would take place. Such certification shall be spread on the minutes of the Council.

### SECTION 3. THE DEBT AUTHORIZATION ORDINANCE.

The ordinanceOrdinance authorizing the issuance of bonds, notes or other obligations shall set forth

- A. The purpose for which the obligations are to be issued and, if they are to be issued for a public improvement<sup>[S45]</sup>, a description in brief and general terms of such improvement together with an estimate of its cost and the portion, if any, of such cost to be defrayed from sources, specifying the same, other than the proposed bond issue;
- B. The amount of the proposed issue;
- C. A statement showing that the proposed issue is within the limitations as provided herein; a determination of the estimated useful life of the improvement, if any, for which the obligations are to be issued; and,
- D. A determination that the principal and interest on the proposed issue are to be paid from property taxes and that the full faith and credit of the City are pledged to such payment.

### SECTION 4. SHORT PERIOD OF LIMITATION.

When ten (10) calendar days shall have elapsed after the passage and publication of a bond ordinanceOrdinance or, in the event of a referendum, the recitals or statements of facts therein shall be deemed to be true for the purpose of determining the validity of the bonds and the ordinanceOrdinance shall be conclusively presumed to have been duly and regularly passed and to comply with the provisions of this Charter and the validity of such bond ordinanceOrdinance shall not thereafter be questioned by either a party plaintiff or a party defendant except in a suit, action or proceeding commenced prior to the expiration of such ten (10) calendar days.

### SECTION 5. CONSTRUCTION OF POWERS<sup>[S46]</sup>.

The powers granted to the City of Middletown in this Chapter shall be construed to be in addition to, and not in limitation of, any powers granted to said City under the

provisions of any other Special Act.

## CHAPTER X: PERSONNEL POLICIES

### ~~CHAPTER X: PERSONNEL POLICIES~~<sup>[S47]</sup>

#### SECTION 1. CLASSIFIED SERVICE AND REGULAR PART-TIME.

~~**A. Classified Service Defined.** The classified service shall include all non-elective officers and both full time and regular part-time employees of the City, including the secretarial and clerical staff of the Mayor's office and personnel employed by the Board of Education not requiring certification by the State Board of Education, and appointees to all positions now or hereafter created except the Administrative Assistant to the Mayor, the Board of Education's Director of Facilities, the Board of Education's Paraprofessionals, the Corporation Counsel, department heads and assistant department heads of said City, persons employed in the professional capacity, those retained to make or conduct a temporary or special inquiry, task, study or investigation, and any persons employed for a temporary period not exceeding three months in any one Department.~~

**B.A. Classification Plan of the City<sup>43</sup>.** It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service, the compensation pertaining thereto and of the minimum qualifications for such positions. These statements shall comprise the Classification Plan of the City which shall become effective upon approval by resolution of the Common Council<sup>[S48]</sup> and which may be amended by resolution of the Council, either upon the recommendation of the Mayor or upon the initiative of the Council itself.

**C.B. New or Additional Classified Service Positions<sup>44</sup>.** New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Common Council<sup>[S49]</sup> upon recommendation of the Mayor or upon the initiative of the Council itself.

**D.C. Personnel Rules<sup>45</sup>.** The Mayor shall also cause to be prepared a set of personnel rules which shall be reviewed or revised at least every four (4) years and which shall provide, among other things, for:

1. The method of holding competitive examinations;
2. Administration of the classification plan;
3. Probationary period of employment;

<sup>43</sup> Recodification of Article X, Section 1.B.

<sup>44</sup> Recodification of Article X, Section 1.C.

<sup>45</sup> Recodification of Article X, Section 1.D.

4. Hours of work;
5. Vacations;
6. Sick leaves and other forms of absences; and,
7. Such other rules as may be necessary to provide for an adequate and systematic procedure for the handling of the personnel affairs of the City.

If the Mayor does not cause the personnel rules to be reviewed every four years, then the Common Council may initiate, by **majority vote**<sup>[550]</sup>, the review of the personnel rules. Such rules and amendments thereto shall become effective upon approval of the Common Council and being filed with the City/Town Clerk by the Mayor and copies of such rules and amendments thereto shall be provided for all members of the classified service.

**E.D. Employment Contracts for Classified Service Employees<sup>46</sup>.** Nothing in this section shall be construed to prevent members of the classified service from entering into a contract with the City for the purpose of establishing working conditions, wages and other conditions pertaining to the continuance and termination of employment.

**F.E. Regular Part-Time Employee defined<sup>47</sup>.** A regular part-time employee of the City shall mean any person who is employed a minimum of 20 hours per week for at least 8 months of a 12-month calendar year.

## **SECTION 2. HIRING TEMPORARY EMPLOYEES.**

All temporary employees shall be hired by the Mayor unless the Mayor gives written authorization to a Director to hire a temporary employee or employees.

## **SECTION 3. APPOINTMENT OF CLASSIFIED EMPLOYEES OF THE CITY.**

All classified employees of the City shall be appointed by the Mayor pursuant to and in accordance with the City Personnel Rules and Classification Plan. All positions of employment within the City government, except the Mayor's **Administrative Assistant/Chief of Staff<sup>48</sup>** and the Corporation Counsel **appointed by the Common Counsel<sup>49</sup>**, shall be open to all qualified applicants and the application, selection processes and, if applicable, testing shall be conducted in accordance with the Personnel Rules of the City.

## **SECTION 4. POLITICAL ACTIVITY.**

The political activities of classified municipal employees shall be governed by Section 7-421 and 7-421 (A) as set forth in Chapter 113 of the Connecticut General

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<sup>46</sup> Recodification of Article X, Section 1.E.

<sup>47</sup> Recodification of Article X, Section 1.F.

<sup>48</sup> Modification of Chapter X, Sec. 3 (Change "Administrative Assistant" to "Chief of Staff").

<sup>49</sup> Modification of Chapter X, Sec. 3 (Change appointing authority of the Corporation Counsel).

Statutes and any amendments thereto<sup>[S51]</sup>.

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)

## CHAPTER XI: GENERALLY

### SECTION 1. GENERALLY.

This Charter shall become effective **thirty (30) days** after approval by the ~~electors~~Electors of the City pursuant to Section 7-191(f), Connecticut General Statutes.

### SECTION 2. PARTIAL INVALIDITY.

If any provisions of this Charter shall be held to be invalid for any reason, the remaining provisions of this Charter shall not be affected by such determination and shall remain in full force and effect.

### SECTION 3. ADOPTION OF STATE LAW.

Those Chapters of the General Statutes pertaining to "Municipal Sewerage Systems," and "Uniform Fiscal Years," are hereby adopted.

APPROVED ITEMS (2/10) + ACTION ITEMS (2/24)