

# MIDDLETOWN CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #1 COMMON COUNCIL ORGANIZATION, STRUCTURE AND AUTHORITY

## REVIEW OF COMMON COUNCIL: PART I

**Hon. Mark Boughton**  
Former Mayor, Danbury  
Commissioner of Revenue Services

**Hon. Mick McGarry**  
President, Hamden Legislative Council

~~**Hon. Maly Rosado**  
President, Hartford Court of Common Council~~

~~**David Grant**  
Executive Assistant and Legislative Liaison, Court of Common Council~~

**Al Lucas**  
Director of the Office of Legislative Services  
New Haven Board of Alders

**Hon. Paul Pernerewski**  
President, Waterbury Board of Aldermen

**Issues:** The operation, structure, composition and authority of legislative bodies in Connecticut. The speakers represent municipalities with at-large, districts-ward and hybrid legislative bodies. They also represent communities where the are staggered terms and varied duration of term between the Mayor and legislative body. Other issues that could be discussed are the investigative/oversight role of local legislative bodies as well as the organizational structure (presiding officer...interaction between Mayor and legislative body) of the body.

## REVIEW OF COMMON COUNCIL: PART II

**Hon. Gerald Daley**  
Former Member, Common Council

**Hon. Sebastian Giuliano**  
Form Mayor and Former Common Council Minority Leader

**Hon. Mary Bartolotta**  
Former Common Council Deputy Majority Leader

**Hon Deborah Kleckowski**  
Former Member, Common Council

**Marie Norwood**  
Retired Clerk of the Common Council

**Hon. Ben Florsheim**  
Mayor

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## FRAMEWORK OF THE DISCUSSION

- **Organization of the Council**
  - Mayor or Council President as Presiding Officer?
  - President as elected representative of the legislative body, selected by all members of the Council?
  - Even number of Council members or retain authority of Mayor to break a tie vote?
  - Status of Deputy Mayor (Chapter IV, Sec. 2A)
- **Clarification of legislative body authority over staff and define the role of the Council Clerk (Chapter III, Sec. 2.B)**
- **Composition of Council**
  - At-Large, subject to minority party representation (current 12-member Council) (Chapter II, Sec. 2) or an odd number?
  - District representation (one member per district or odd-number multiple member districts, subject to minority party representation?)
  - Hybrid comprised of an at-large component and district representation
- **Role of the Corporation Counsel and relationship with Common Council (Chapter IV, Sec. 1.B)**
  - Conversion of Corporation Counsel to role of parliamentarian appointed by the Council.
  - Retain Corporation Counsel to perform role as legal representative of Mayor.
- **Term of Office: 2- years; or 4-year stagger (Chapter III, Sec. 1)**
- **Special Meetings of Council convened by Mayor, members of the Council and, President, if the role is created (Chapter III, Sec. B).**
- **Modify Quorum Rule if role of President is created (Chapter III, Sec. 3.C)**
- **Define the term “bylaws” (Chapter III, Sec. 4.C and Sec. 5)**

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- Move Chapter III, Sec. 6 to Chapter V re – creation, merger or elimination of departments or agencies.
- Discussion of Investigation Authority (Chapter III, Sec. 8)
- Discussion of Ethics (Chapter III, Sec. 9)

## CURRENT MIDDLETOWN CHARTER PROVISION CHAPTER III: THE COMMON COUNCIL

### SECTION 1. COMMON COUNCIL[S1]<sup>A</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.

### 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[S2]**.
- B. Staff<sup>B</sup>.** The Common Council may appoint such staff as it deems necessary to assist it in the performance of its duties, including the Corporation Counsel
- C. Rules of Council.** The Common Council shall determine its own rules of procedure.

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

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

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- D. **Council Commissions**<sup>[S3]</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>[S4]</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>[S5]</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 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**<sup>C</sup>. 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>D</sup>.

- A. **Powers and Duties.** The Common Council shall have the powers and duties which, on the effective date of this Charter,

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

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

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were conferred by Law upon Officials, Boards and 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[S6] to make such bylaws and Ordinances and to adopt such 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 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, including the 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.
- 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[S7], ORDINANCE, BUDGETARY RESOLUTION OR APPROPRIATION; WHEN AND HOW IN EFFECT;**

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## CERTIFICATE OF CITY/TOWN CLERK.

- A. **Effective Date of Council Actions.** No bylaw, Ordinance or Statutory Resolution, budgetary resolution or appropriation[S8] passed by the Common Council shall take effect and be enforced until fifteen (15) days after such bylaw, Ordinance or a summary thereof or Statutory Resolution, budgetary resolution, or supplemental appropriation[S9] shall have been published in accord with the Public Notice requirements of this Charter. Resolutions shall be effective upon passage.
- B. **Filing of Bylaws and Ordinances.** Prior to the Public Notice of a summary, a copy of the full text of the bylaw, Ordinance or Statutory Resolution[S10] shall be foiled in accordance with the Public Notice requirements of 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 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, Statutory Resolution, budgetary resolution or supplemental appropriation has been 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, Statutory Resolution, budgetary resolution or supplemental appropriation shall be in effect subject only to the provisions of this Charter referring to referenda.

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

Any 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 Hearing Notice. No such 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>E</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, or a summary thereof, budgetary resolution, or supplemental appropriation a written petition, containing the signatures of at least five (5%) percent of the Electors of the City and protesting any such enactment by the Common Council shall be filed with the City/Town Clerk, such bylaw, Ordinance, budgetary resolution, or supplemental appropriation shall be suspended. The City/Town Clerk shall, within seven (7) days excluding Saturdays,

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

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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 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 of the City may prepare a Petition regarding any matter of public interest, except for the approval of a bond or the appropriation of revenue, to be submitted for determination by the Electors of the City and/or adoption as a **Resolution[S11]** or Ordinance by the 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 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 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. As part of such code, a Board of Ethics may be established<sup>F</sup>.

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

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Composition, Organization and Terms of Office					
Municipality	Population	Form	Council Composition	Legislative Body Officers	Terms of Office
<b>Bridgeport</b>	145,639	M/C (4) <sup>G</sup>	20 Members (10 Districts)	Mayor Presides <sup>1</sup>  Council President <sup>2</sup>  Majority and Minority Leaders <sup>3</sup>	Mayor – 4 yrs. Council – 2 yrs. City Clerk – 4 yrs.
<b>New Haven</b>	130,331	M/C	30 Members and Ward	President, President Pro tempore and Third Officer <sup>4</sup>	Mayor and Alders – 2 yrs.
<b>Stamford</b>	129,309	M/C (4) <sup>H</sup>	40 Members (20 Districts)	President <sup>5</sup>	Mayor and Board of representatives – 4 yrs.
<b>Hartford</b>	123,088	M/C (4) <sup>I</sup>	9 Members (At-large)	President <sup>6</sup>	Mayor and Common Council – 4 yrs
<b>Waterbury</b>	108,276	M/C	15 Members and Districts	President, President Pro tempore, Majority Leader and Minority Leader <sup>7</sup>	Mayor – 4yrs Board of Aldermen – 2yrs.
<b>Norwalk</b>	88,599	M/C	15 Members 2 each from 5 Districts and 5 At-large <sup>8</sup>	Mayor Presides  Council President <sup>9</sup>	Mayor and Council – 2 yrs.
<b>Danbury</b>	81,619	M/C	21 Members from 7 ward and 7 at-large <sup>10</sup>	President <sup>11</sup>	Mayor and Council – 2 yrs.
<b>New Britain</b>	72,767	M/C	15 members 2 each from 5 districts and 5 at-large <sup>12</sup>	Mayor presides  President Pro Tempore <sup>13</sup>	Mayor and Common Council – 2 yrs.

<sup>G</sup> Mayor/Council = M/C; 4 = Four-year term for CEO

<sup>H</sup> Mayor/Board of Representatives/At Large Board of Finance

<sup>I</sup> Moved from City Manager

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Municipality	Population	Form	Council Composition	Legislative Body Officers	Terms of Office
<b>West Hartford</b>	63,063	C/TM <sup>J</sup>	9 members at-large	Mayor/President of Council <sup>14</sup>	Council – 2 years
<b>Greenwich</b>	62,587	S/RTM <sup>K</sup>			
<b>Fairfield</b>	61,740	S/RTM			
<b>Hamden</b>	60,982	M/C	15 members – 9 Districts and 6 at-large	Council President	Mayor and Council – 2 years
<b>Bristol</b>	60,218	M/C	6 Council Members 2 each from M3 Districts + Mayor	Mayor Presides <sup>15</sup>	Mayor and Council – 2 yrs <sup>16</sup> .
<b>Meriden</b>	59,767	C/TM			
<b>Manchester</b>	57,805	C/TM <sup>L</sup>			
<b>West Haven</b>	54,763	M/C	13 members - 10 districts and 3 at-large <sup>17</sup>	Chairman presides <sup>18</sup> Mayor attends <sup>19</sup> .	Mayor and Council – 2 yrs.
<b>Milford</b>	54,328	M/C	15 member – 5 districts 3 members from each district	Chairman presides <sup>20</sup> .	Mayor and Board of Aldermen 2 yrs.
<b>Stratford</b>	52,120	M/C <sup>M</sup>	10 members by district <sup>21</sup>	Chair and Chair Pro tempore <sup>22</sup>	Mayor – 4 yrs Council – 2 yrs <sup>23</sup> .
<b>East Hartford</b>	50,272	M/C	9 members, at-large <sup>24</sup>	Chairperson (Deputy Mayor), and Vice Chairperson selected by members <sup>25</sup>	Mayor and Council – 2 yrs.
<b>Middletown</b>	46,511	M/C		Mayor and Deputy Mayor	Mayor and Common Council – 4 years

<sup>J</sup> Council/Manager = C/TM

<sup>K</sup> Selectmen/RTM = S/RTM

<sup>L</sup> General Manager/Board of Directors

<sup>M</sup> Moved from TM

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Municipality	Population	Form	Council Composition	Legislative Body Officers	Terms of Office
<b>Wallingford</b>	44,596	M/C	9 member, at-large	Chairperson and Vice Chairperson <sup>26</sup>	Mayor and Town Council – 2 yrs.
<b>Enfield</b>	44,143	C/TM			
<b>Southington</b>	43,781	C/TM			
<b>Shelton</b>	41,141	M/C	8 members, two from each of 4 districts <sup>27</sup>	President and Vice President <sup>28</sup>	Mayor and Board of Aldermen – 2 yrs. <sup>29</sup>
<b>Norwich</b>	39,260	C/TM (4)			
<b>Groton</b>	38,825	C/TM			
<b>Trumbull</b>	35,976	S/C <sup>N</sup>			
<b>Glastonbury</b>	34,564	C/TM			
<b>Torrington</b>	34,489	M/C	6 members, at-large	Mayor presides and breaks tie <sup>30</sup>	
<b>Naugatuck</b>	31,347	M/C	9 burgesses, at-large <sup>31</sup>	Mayor Presides and votes <sup>32</sup>	Mayor and Board of Burgesses – 2 yrs.

<sup>N</sup> Selectmen/Council = S/C/

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<sup>1</sup> **Bridgeport Chapter 5, Section 3:** No vote by Mayor to break a tie in election of city council president or adoption of an ordinance.

<sup>2</sup> **Bridgeport Chapter 5, Section 4:** At the beginning of each term of office the city council shall elect from among its members **one council member to be president of the city council** who shall serve for a term until November 30 of the next odd-numbered year or until the president of the council's successor has been elected. The president of the city council shall preside in the absence of the mayor, and when so presiding shall have a casting vote in case of a tie in addition to his/her vote as council member. In the absence of the mayor and the president of the city council at any meeting, the city council may choose one of its members to act as president for the occasion who, when so presiding, shall have a casting vote in case of a tie in addition to his/her vote as council member. In the event of the death, resignation or inability to act of the president of the city council, the council shall elect another president in his place.

<sup>3</sup> **Bridgeport Chapter 5, Section 13.**

<sup>4</sup> **New Haven Charter, Article IV, Section 2A.**

<sup>5</sup> **Stamford Charter Part 2, Sec. C2-10-10. – President:** “The Board of Representatives, at its Organization Meeting, shall elect from among its members its President to hold office for the term for which the Board was elected. The President shall preside at all meetings of the Board. In the event of the President's absence, the members present may by majority vote elect a Chairperson of the meeting. The President or other Chairperson of the meeting shall have the same right to vote as any member of the Board (Referendum 11-3-1987)”; See also, **Sec. C2-10-11. - Removal of President:** “The President of the Board may be removed from the presidency by a vote of the majority of the entire Board at a Special Meeting duly called for the purpose”; and, **Stamford Charter Part 2 Sec. C2-10-3. - Funds for Investigation:** “The Board of Representatives shall have authority, by a two-thirds (2/3) vote of its entire membership, to incur any expenses which it deems necessary or advisable, in connection with any investigation authorized under Section C2-10-2 of this Charter. Expenses so incurred shall be paid by the Office of Administration on warrant issued by the Mayor and counter-signed by the Clerk of the Board of Representatives. The Board of Representatives may, by a two-thirds (2/3) vote of its entire membership, appropriate funds to cover expenses incurred pursuant to this Section without request for such appropriation by any officer of any department of the City, other than the Board of Representatives.

<sup>6</sup> **Hartford Charter, Chapter IV, Sec. 4 (b) Election of council president.** Following the administration of the oath of office, the first order of business shall be to elect, by majority vote, from among the council's membership a presiding officer, who shall be designated the council president. The council president shall serve as such for two (2) years, and a member may be elected to an unlimited number of successive two-year terms as council president. The council shall fill any vacancy in the office of council president by election of a new council president, who shall serve for the remainder of the two-year term, from among its members. (1) *Powers and duties of the council president.* The council president shall preside over meetings of the council, without thereby losing the right to vote or to speak as a member of council, and shall have such other powers and obligations as may be assigned to the presiding officer by the council's rules, by ordinance, or by this Charter. (2) *Presiding officer pro tempore.* The council may provide in its rules for the designation of a member to preside in the absence of the council president and, if there is no such provision in the council rules, the council president shall designate a temporary presiding officer whenever the council president is absent from a council meeting. (3) *Succession to the office of mayor.* Subject to the applicable provisions of the General Statutes governing the filling of vacancies in municipal office, in the event that the position of mayor becomes vacant, the council president shall serve as mayor until the next regularly scheduled municipal general election, or, if not permitted by the General Statutes, for the remainder of the mayor's term. Upon succession to the office of mayor, the council president's position on the council shall be filled as provided in section 4(c)(2) of Chapter III of this

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Charter. (4) *Removal of the council president.* The council may remove the council president from the presidency at any time by a vote of six (6) members, at a special meeting duly called for that purpose. **Sec. 3 - Power of investigation.** The council, or any committee thereof when so authorized by the council, shall have power to investigate the official conduct of any department or agency of the city government or of any officer or employee thereof. For the purpose of conducting any such investigation and hearings relating to the removal of appointive or elective officers or employees, pursuant to section 3(a) of this chapter, above, any member of the council shall have power to administer oaths and the council or authorized committees thereof may compel the attendance of witnesses and require the production of books and papers. Any person who refuses to obey the subpoena of the council or an authorized committee thereof shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days or both. The council may appropriate from available funds amounts necessary to cover expenses incurred pursuant to this section.

<sup>7</sup> **Waterbury Charter, Sec. 3B-1 – Organization and Officers of the Board of Aldermen. Sec. 3A-1)1 Board to Investigate departments.** The Board shall have power to investigate all departments, officers and employees and to inquire into any charges that may be preferred, and shall have access to all records thereto appertaining.

<sup>8</sup> **Norwalk Charter Sec. 1-2.1**

<sup>9</sup> **Norwalk Code of Ordinances, Sec. 1-196.**

<sup>10</sup> **Danbury Charter Section 2-2.**

<sup>11</sup> **Danbury Charter Sec. 3-2, Section 3-14 INVESTIGATION.** 15 The City Council, or any committee thereof duly appointed for the purpose of conducting an investigation pursuant to this section, which committee shall consist of not less than five (5) members, shall have power to investigate any and all offices and agencies of the City, and any organization spending City funds, and for such purposes shall have the power to call witnesses to appear to testify on any matter under investigation. If any officer, other than an elected officer, or employee of the City shall, after receipt of notice in writing, willfully fail or refuse to appear before the City Council or such duly appointed committee, or having appeared, shall refuse to testify or answer any question concerning the office or official duties of such officer or employee, or concerning the property, government or affairs of the City, his term or tenure of office or employment shall terminate and such office or employment shall be vacant provided, however such officer or employee shall be entitled to any further proceeding or hearing concerning dismissal as may be provided by law. The Council shall have the further power to require any office, agency, or other organization spending City funds to disclose information and account for the spending of such funds. Failure to comply with the Council's request shall be grounds for withholding the expenditure of further funds where not otherwise regulated by law.

<sup>12</sup> **New Britain Charter Sec. 3-3.**

<sup>13</sup> **New Britain Charter Sec. 4-4.**

<sup>14</sup> **West Hartford Chapter III Sec. 1. Chapter XIV, Sec 8 – Investigation of Public Officers:** “The council shall have power to **investigate** all town officers, departments, commissions, bureaus or boards, and shall have access to all records and papers kept by each town officer, department, commission, bureau or board, and shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of the council or any committee thereof. At the request of the council, any judge may issue a *caus* for the appearance of witnesses and the production of books and papers.

<sup>15</sup> **Bristol Charter Sec. 16(a)**

<sup>16</sup> **Bristol Charter Sec. 12A - Limits on successive terms for mayor and city council.** (a) No person who has been elected after the effective date of this section to the office of mayor for four successive two-year terms shall be eligible to run for election to the office of mayor until at least one term has elapsed. Provided, any person elected or appointed to the office of mayor to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to the office of mayor to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for election to the office

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of mayor for any term or terms that are not successive. (b) No person who has been elected after the effective date of this section to the city council in any district for four successive two-year terms shall be eligible to run for election to the city council or to be appointed to serve on the city council in any council district for any additional successive term until at least one term has elapsed. Provided, any person elected or appointed to serve on the city council to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to serve on the city council to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for any term or terms that are not successive. (c) This section does not disqualify a person who has served for successive terms as mayor pursuant to subsection (a) from being elected or appointed to any other elective or appointive office. (d) This section does not disqualify a person who has served for successive terms as a city council member pursuant to subsection (b) from being elected or appointed to any other elective or appointive office. (Amend. eff. 12-5-13; Amend. eff. 12-5-19).

<sup>17</sup> **West Haven Charter, Chapter II, Sec. 5.**

<sup>18</sup> **West Haven Charter, Chapter IV, Sec. 2.**

<sup>19</sup> **West Haven Charter, Chapter III, Sec. 4(c).**

<sup>20</sup> **Milford Charter, Article III, Sec. 4 Board of Aldermen—Organization generally; chairman as acting Mayor in absence of same.**

[Referendum of 11-5-1963; Referendum of 11-8-1966] “The Board of Aldermen shall meet to organize on the second Tuesday following its election. It shall elect from its membership a chairman, who shall preside at all meetings of the Board of Aldermen. The Chairman of the Board of Aldermen shall have the powers and discharge the duties of the Mayor during the absence of the Mayor or when the Mayor is unable to perform the duties of his office.” See also, **Article II, Sec. 8 - Investigation of departments, etc; power of Board of Aldermen.** “The Board of Aldermen shall have the power to investigate any and all departments, offices and agencies of the City and for such purposes shall have the power to issue subpoenas. The Board of Aldermen may request any judge to issue a capias for the appearance of witnesses and production of books and papers”.

<sup>21</sup> **Stratford Charter Section 2.2.1.**

<sup>22</sup> **Stratford Charter Section 2.1.5 – Council Chair;** See also, **Section 2.2.15 - Power to Investigate and Procure Information.** “The Council shall have the power to investigate town affairs. In exercising this power, the Council shall have the power to require any town elected or appointed official, officer, director, department head, or employee to furnish the Council or its designee all information, contracts, reports, papers, documents, records, or other material which is in the possession of the elected or appointed official, officer, director, department head, or employee, and which, in the opinion of the Council is necessary to enable the Council to discharge the duties imposed upon it by this Charter, or to properly and completely investigate town affairs. It is hereby made a duty and obligation of all town elected or appointed officials, officers, directors, department heads, and employees to provide the Council with the requested information, contracts, reports, papers, documents, records, or other material when so required by the Council. Notwithstanding any other provision of this Charter, the Council shall have the right to appropriate funds, either by way of the budget or by special appropriation, to fund any costs and expenses which may, in the opinion of the Council, be necessary, proper and required to conduct the investigation or to procure any information, contracts, reports, papers, documents, records, or other material” [Amended 11-4-2008]. See also, **Section 1 1.2.5 – Mayoral duties:** “Attendance at Council meetings with full right of participation in the discussions and deliberation of the Council, but without the right to vote on ordinances and resolutions except in the event of a tie vote of 5-5” [Amended 11-4-2008].

<sup>23</sup> **Stratford Charter Section 32.1.A – Limits.** “Elected Councilmen for the Town of Stratford shall be limited to serving three two-year consecutive terms and elected members of the Planning Commission, Zoning Commission, Board of Zoning Appeals and the Board of Education shall be limited to one four-year term.”

<sup>24</sup> **East Hartford Charter Sec. 3.1.**

<sup>25</sup> **East Hartford Charter Sec. 3.2.** See also, Sec. **3.7 Investigation.** “The Town Council shall have the power to investigate any and all departments, offices and agencies of the town and for such purposes shall have the power to call witnesses to appear before the Council to testify

# MIDDLETOWN CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #1

## COMMON COUNCIL ORGANIZATION, STRUCTURE AND AUTHORITY

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on any matter under investigation. There shall be a committee of the Council on investigations and audits, including proportionate minority representation, and such committee shall employ a certified public accountant to develop under its direction a regular council audit program in addition to the independent audit and may employ such other investigatory services as it deems necessary. If any nonelective officer or employee of the town who, upon receipt of adequate notice and opportunity, fails to appear or refuses to testify when so called by the Council, such refusal or failure shall be deemed to be grounds for dismissal from said office or position.

<sup>26</sup> **Wallingford Charter, Chapter IV, Sec. 2;** See also, **Section 10. Investigation**: “The Council, by a vote of at least three (3) members, shall have power to investigate any and all departments, offices and agencies of the town.” See also, **Chapter VII, Sec. 4. Hiring of Outside Counsel**: “Outside attorneys may be employed(a) if participation in the matter by the Department of Law would constitute a violation of the code of professional conduct; (b) if the matter involves a dispute between departments, officers, agencies, boards or commissions of the town; (c) if the matter involves complex or highly specialized legal issues; or (d) if their employment is necessary to assure the timely prosecution or defense of the legal matter of the town. No agency, officer, employee, board, or commission of the town, while acting in an official capacity, shall employ an outside attorney without the prior approval of the Department of Law, except that the Council may, at its discretion, appoint outside counsel to represent the Council on its business.”

<sup>27</sup> **Shelton Charter, Sec. 2.4.1(b)**

<sup>28</sup> **Shelton Charter, Sec. 4.2.** See also, **Sec. 4.6. - Investigation**. “The Board and each committee of the Board granted such authority, shall have the power to investigate any matter concerning the City and the public interest and well-being and to call witnesses to appear before the Board to testify on any matter under investigation by the Board.”

<sup>29</sup> **Shelton Charter, Sec. 2.4.1(a) and (b)**

<sup>30</sup> **Torrington Charter, Sec. C4-2. Sec. C4-4 - Investigatory power.** “The Board of Councilmen may compel any City board, commission, committee, or any member thereof, or any City official or City employee to furnish it with any information or materials which would be of assistance to it in the performance of its functions.”

<sup>31</sup> **Naugatuck Charter, Sec. 6.1**

<sup>32</sup> **Naugatuck Charter, Sec. 11.**