

REPORT OF THE CHARTER REVISION COMMISSION

THE PROPOSED CHARTER

OF THE

CITY OF HARTFORD, CONNECTICUT

MAY 14, 2009

CHARTER REVISION COMMISSION

CITY OF HARTFORD

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NOTE ON
THIS AMENDED CHARTER

The Charter of the City of Hartford, incorporating amendments approved by the electors of Hartford at the regular election of November 5, 2002, follows. The various effective dates of the amendments may be found in Chapter XIII, "Miscellaneous and Transition Provisions," and at Chapter IX, "Board of Education and Department of Education."

The amendments and revisions incorporated below are based on the Final Report of the Hartford Charter Revision Commission dated June 11, 2002. The Final Report recommended amendments to the City of Hartford Charter in the form of a proposed revised charter. By resolution of June 24, 2002, the Court of Common Council approved provisions of the Final Report, and placed them before the electorate at the November 5, 2002 election, "...except for the change to the composition and numbers of the Court of Common Council in Chapter III, Section 5..."

The Council-approved provisions of the Final Report were approved by the electorate at the November 5, 2002 election. The provisions of the Final Report relating to the composition and numbers of the Court of Common Council were not before the voters, and those provisions are unchanged in this revised Charter. Since the Council will have nine (9) members, rather than the eleven (11) members proposed in the Final Report, the provisions of the Final Report that specified a particular number of Council votes as being necessary have been adjusted.

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PREAMBLE

We, the people of Hartford, Connecticut, desirous of achieving a more perfect state of civil society, grateful for the liberty we enjoy as a matter of right, and fully cognizant of our duties as free men and women, hereby adopt this Charter for the more efficient, efficacious and equitable transaction of our public business.

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CHAPTER I. INCORPORATION AND BOUNDARIES.

Sec. 1. Incorporation.

The inhabitants of the State of Connecticut, dwelling within the territorial limits of the City of Hartford (the "City") as the same now are or may hereafter be, shall continue forever hereafter to be a body politic and corporate by the name of the "City of Hartford"; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, and of purchasing, holding, managing and conveying any estate real or personal; and may have a common seal and change and alter the same at pleasure. By virtue of this Charter said City shall be absolutely vested with, possess and enjoy all lands, tenements, hereditaments, property and rights, choses in action and estates, which at the effective date of this Charter were vested in said City.

Sec. 2. Boundaries.

The territorial limits of the body politic and corporate existing under the name of the City of Hartford are those set forth in Special Laws 1947, Act No. 30, Chapter I, §2; Ord. No. 28-67, 11-7-67; Sp. Laws 1971, Act No. 106 and are hereby reaffirmed by the City of Hartford.

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CHAPTER II. POWERS OF THE CITY.

Sec. 1. General grant of powers.

The City of Hartford shall have not only all the powers specifically granted by this Charter but 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 the exercise of which is not expressly forbidden by the constitution and General Statutes of the State of Connecticut ("General Statutes"). 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 in addition thereto.

Sec. 2. Further grant of powers.

In addition to all powers specifically granted by this Charter, the City shall have all powers now granted or that may hereafter be granted to municipalities under the Constitution and laws of Connecticut.

Sec. 3. Benefit assessments.

Subject to the provisions of this Charter, the City shall have power to defray the whole or any part of the cost of any public work or improvement by the assessment of benefits on the owners of real estate, including the State of Connecticut, specially benefited by such work or improvement, whether or not such real estate abuts upon such work or improvement, and to enforce and collect such assessments as a personal liability of the owner or directly as a lien on the lands benefited; provided the owner of any property damaged by such improvement shall be entitled to receive from the City the actual amount of such damage apart from any benefits on account of such work or improvement, and the amount of benefits assessed shall be set off against the amount appraised as damages or vice versa as the case may be. The City shall provide by ordinance for the extension of time for, and the manner of payment of, all such assessments and may issue and dispose of assessment certificates covering the amounts of any extended assessments. Nothing in this section shall apply to the mere repairing or reconstructing of any existing work or improvement once completed.

Sec. 4. Liens for work performed by the City.

If the owner of any building, the condition of which constitutes an immediate threat to life, health, or safety or is otherwise unfit for human habitation fails to comply with any order to repair or remove such building or portion thereof, issued pursuant to the General Statutes or to the Code of Ordinances of the City (the "Ordinances"), or when there exists actual and immediate danger of the falling of any structure or part thereof, so as to endanger life or property, the official charged with enforcement of such provisions may proceed forthwith to cause to be done all work required to be done in compliance with such an order, and if necessary, to demolish any structure or structures covered by any such order, and the City shall have a lien on such building and land for the cost of such work or demolition, which lien, if for work done rather than for demolition, shall take precedence over any other lien on the premises recorded after the effective date of the pertinent Special Acts, including mortgage liens but excepting liens for real estate taxes, provided that the person entitled to such other lien shall have been given written notice of the City's intention to undertake said work at least ten (10) days prior to the commencement thereof, and the City may

recover the cost of the work or demolition from the owner of such building or structure by appropriate proceeding on complaint of said official.

Sec. 5. Power to adopt regulatory Ordinances.

The City shall have power to adopt ordinances not in conflict with the General Statutes or the provisions of this Charter, for the preservation of the public peace, health, safety, comfort and welfare of the inhabitants of the City, and to provide penalties for the violation thereof enforceable in a court of competent jurisdiction as set forth in the General Statutes, but not exceeding a fine of One Hundred (\$100.00) Dollars, or the maximum amount set forth in the General Statutes and the Ordinances or imprisonment for more than thirty (30) days or both. Any individual, firm, corporation or association violating any such ordinance shall be liable to the City in a civil action for any damages caused by or arising out of such violation. The City shall have power to require wherever necessary in the execution of its powers permits or licenses and to fix the amount to be paid therefor.

Sec. 6. Eminent domain.

The City, in carrying out the powers and duties conferred or imposed on it by this Charter or the General Statutes, shall have power to acquire within or without the City lands, buildings and other structures, any interest or estate in land and air rights over land, and may take the same upon paying just compensation to the owner thereof in the manner provided in Title 48 of the General Statutes as amended.

CHAPTER III. ELECTIONS.

Sec. 1. Applicability of General Statutes.

The General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The Court of Common Council (the "Council") shall provide by ordinance for the manner of warning municipal elections and such additional regulations in respect of elections, not inconsistent with the statutes or this Charter, as may be necessary to accomplish the intent of this chapter.

Sec. 2. Registrars of voters and constables.

There shall be the number of Registrars of Voters permitted by the General Statutes and seven (7) constables. To the extent consistent with the General Statutes, the Council may by ordinance provide for the appointment of registrars or constables.

Sec. 3. Special elections.

Special elections when required under the provisions of this Charter or by the General Statutes shall be called and warned as required by the General Statutes. Such a special election may be held coincidentally with the general state election.

Sec. 4. Terms of Office of Elective Offices.

(a) Term of Office. All elected officials shall hold their respective offices for a term of four (4) years commencing on the 1st day of January following the election, as set forth below. The term of office for the elected members of the Board of Education is set forth in §4(b)(3), below, and, in Chapter IX of this Charter.

(1) Transition Provision Pertaining to Members of the Council Elected by District on the Tuesday after the first Monday in November 2011. Commencing on January 1, 2012 and quadrennially thereafter, the members of the Council elected by District on the Tuesday after the first Monday in November (as well as the Mayor, City Treasurer and Constables) shall hold office for a term of four years.

(2) Transition Provision Pertaining to Members of the Council Elected At-Large on the Tuesday after the first Monday in November 2011. Commencing on January 1, 2012 the members of the Council elected at-large on the Tuesday after the first Monday in November shall hold office for a term of two years.

(3) Transition Provision Pertaining to Members of the Council Elected At-Large on the Tuesday after the first Monday in November 2013. Commencing on January 1, 2014 and quadrennially thereafter, the members of the Council elected at-large on the Tuesday after the first Monday in November shall hold office for a term of four years.

(b) Date of Election of Elective Officers. Except as hereinafter provided:

(1) On the Tuesday after the first Monday in November 2011 and in the odd numbered years thereafter as the term of office shall fall, the electors of the City shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of

this Charter the following officers: (i) Mayor; (ii) Members of the Council elected from the five Districts; (iii) City Treasurer; and (iv) Constables.

(2) On the Tuesday after the first Monday in November 2013 and in the odd numbered years thereafter as the term of office shall fall, the electors of the City shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter the Members of the Council elected At-Large.

(a) Transitional Provision Pertaining to Members of the Council Elected At-Large to the term set forth in Chapter II, §4(a)(1). On the Tuesday after the first Monday in November 2011, the electors of the City shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter the Members of the Council elected At-Large.

(3) The electors shall elect, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter four (4) members of the Board of Education as set forth in Chapter IX of this Charter.

(4) On the first Tuesday after the first Monday on November 2004 and the even numbered years thereafter as the term of office shall fall, the electors of the City shall elect Registrars of Voters, in accordance with the provisions of the General Statutes and the applicable provisions of this Charter.

(c) Vacancies in Various Elective Offices.

(1) Vacancies Resulting From Changes In Member's Residence or Political Party Registration. A member of the Council shall be deemed to have resigned upon ceasing to be a resident of the City; or, in the case of a member of the Council representing a district, upon ceasing to be a resident of said District. With the exception of the final three (3) months of the term of office, a member of Council who changes political party registration and thereby alters the party composition of the Council shall be deemed to have resigned.

(2) Filling Council Vacancies. A vacancy in the Council, from whatever cause arising, shall be filled by majority vote of the Council within sixty (60) days following the vacancy, provided any vacancy shall be filled by appointment of a person (i) of the same political party as the appointee's predecessor; and, (ii) in the case of a member of the Council representing a District, residing in said District. An appointment made after the expiration of sixty (60) days shall nonetheless be valid. The length of the appointment shall be determined in accordance with the provisions of paragraph (3), below.

(3) Filling Vacancies in Any Elected Office. Subject to the provisions of applicable provisions of the General Statutes (C.G.S. §9-221) governing the filling of vacancies in municipal office, in the event a vacancy shall occur in any elective office (with the exception of Mayor, which is addressed in §4(b)(3) of Chapter IV of this Charter and the Board of Education as set forth in §5(c) of Chapter IX of this Charter) the Council shall fill any such vacancy by appointment until the next regularly scheduled municipal general election; or, if such election is not permitted by the General Statutes, for the remainder of the term of office. The vacancy filled by election shall be for the remainder of the term of office.

Sec. 5. Composition of the Court of Common Council.

The Council shall consist of thirteen members, consisting of one member elected from each of five Districts and eight elected at large. The Council shall designate such council districts by number. The maximum number of at-large members of the Council who may be members of the same political party shall reflect the requirements of the General Statutes with respect to minority party representation.

Sec. 6 **Establishment of Districts for** Court of Common Council.

(a) As required by the Constitution of the State of Connecticut and as is further set forth in the General Statutes, not later than thirty (30) days following the completion of reapportionment of the General Assembly, the Council shall appoint a districting commission consisting of seven (7) to fifteen (15) members, no more than fifty (50%) percent of whom shall be members of the same political party ("Appointment Date"). The districting commission shall report to the Council no later than seventy (70) days following the Appointment Date, setting forth the recommended boundaries of the five (5) Council districts.

(b) Council districts shall be:

(1) of substantially equal population and otherwise consistent with all federal and state constitutional and statutory requirements;

(2) to the extent possible, consistent with preceding, maintain the integrity of recognized neighborhood planning areas;

(3) geographically contiguous and compact; and

(4) to the extent possible consistent with the preceding, consistent with existing legislative districts.

(c) The districting commission shall be supported in its work by appropriate City staff which shall have available to it the necessary support to facilitate the work of the commission and well as such other professional assistance, subject to appropriation, as it shall choose.

(d) The districting commission shall hold a public hearing at least one week before it submits its report to the Council, and shall make a tentative map of its proposed districts available to the public electronically, in hard copy available at the City Clerk's office, and by causing it to be published in one or more newspapers of daily circulation in the City at least three (3) days before the public hearing. The districting commission may modify the tentative districts before submitting its report to the Council.

(e) The Council shall vote on the establishment of Council districts within three (3) weeks of its receipt of the districting commission's report. The Council may amend the district boundaries recommended by the districting commission before approving districts, but the districts approved by the Council must comply with the standards of subsection (b) of this section. A resolution approving districts must be affirmatively supported by a majority of the members of Council, and shall not be subject to veto by the Mayor.

(f) If the Council shall fail to approve the Council districts or take no action with respect thereto within the time limit established by subsection (e), the recommendation of the districting commission shall be deemed approved by the Council.

Transition Provision. No later than sixty (60) days following the adoption of this Charter Amendment the Council shall appoint a districting commission as set forth in §6(a). The date of appointment in this Transition Provision shall constitute the "Appointment Date" for purposes of apportioning the Council Districts for the 2011 general municipal election. In all other respects the procedures set forth in §6(b)-(f) pertaining to the apportionment of the Council Districts shall proceed from the Appointment Date established in this transition provision and shall be in full force and effect. In no event shall the apportionment exceed the time permitted in C.G.S. §9-169f.

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CHAPTER IV. THE COURT OF COMMON COUNCIL.

Sec. 1. The Legislative Power of the Council.

The legislative power and authority of the City shall be vested in the Council. No enumeration of powers contained in this Charter shall be deemed to limit the legislative power of the Council as provided for in the General Statutes.

(a) Compensation of Elected Officials. The Council may review the amount of the compensation of all elected officials and enact revisions thereof by ordinance in accordance with the provisions of Article XIX of the Constitution of the State of Connecticut.

(1) The Council. Each member of Council shall receive no less than the sum of fifteen thousand dollars (\$15,000.00) annually as compensation, together with reimbursement for just and necessary expenses incurred in the performance of the member's duties.

(i) Any such ordinance which provides for an increase in compensation for the Council shall become effective only upon approval of said ordinance by the electors of the City at a referendum held at the next regular municipal election, in accordance with the requirements of the General Statutes, whereupon it shall become effective at the next term of the Council or as may be permitted by Article XIX of the Constitution of the State of Connecticut.

(ii) The ballot questions shall include a delineation of the current level of compensation and the increased compensation.

(iii) The Council may, by ordinance, provide for a decrease in compensation for the Council, without resort to referendum. Such decrease in compensation may take effect during the current term of the Council.

(2) The Mayor. The Mayor shall receive such compensation as set forth in §1(b) of Chapter V of this Charter at such times as may be permitted by Article XIX of the Constitution of the State of Connecticut.

(i) Notwithstanding the provisions of §1(b) of Chapter V of this Charter and in addition thereto, the Council may increase the compensation of the Mayor, by an amount no greater than the change in the consumer price index, or any similar published index in the event the consumer price index is discontinued, provided that any such ordinance increasing the compensation of the Mayor shall be enacted only as permitted by Article XIX of the Constitution of the State of Connecticut.

(ii) The compensation for the Acting Mayor shall be determined by the Council but shall in no event exceed in proportion the salary of the Mayor as set in accordance with this Charter.

(3) The City Treasurer, Registrars of Voters and Other Elected Officials. The City Treasurer and Registrars of Voter shall receive such compensation as determined by the Council, by Ordinance, at such times as may be permitted by Article XIX of the Constitution of the State of Connecticut.

(b) Restrictions on Holding Office. No member of the Council shall hold any office of profit under the government of the United States, the State of Connecticut, or any subdivision

thereof, except that of notary public, nor shall any member of Council, during the term of office for which the member was elected and for one (1) year thereafter, be appointed to any other office of profit under the government of the City of Hartford.

Sec. 2. Powers of the Council.

The Council shall have the power:

(a) To exercise the powers specifically granted to the Council in this Charter or by statute;

(b) To enact ordinances in the manner provided in this Charter not inconsistent with law, or this Charter, for the government of the City and the management of its business, and to implement all of the powers set forth herein or otherwise conferred upon the City for which regulation or legislation is required;

(c) To adopt the capital and operating budget of the City, as provided in this Charter;

(d) To approve, by majority vote of its membership, all appointments made pursuant to §2(n) of Chapter IV, §§2(d) and (e) of Chapter V and other provisions of this Charter, with the exception of appointments to the Ethics Commission. Pending action by the Council, which shall be completed within sixty (60) days of the submission of the nomination, a proposed appointee to a position may perform the duties and exercise the powers of the position; although this provision shall not be applicable to appointees to boards or commissions. A rejected nominee may continue in office in an acting capacity pending resubmission of the candidate's name for approval at the Council's next regular meeting; however, a person's name may not be submitted more than two times. Other than to membership on a Board or Commission, the Mayor may designate an individual to hold a position in an acting capacity pending the selection of a nominee, but no person may hold such a position for more than six (6) months without being submitted for confirmation by the Council. If a nomination to a position or to a board or commission has not been affirmed or rejected by vote of the Council within sixty (60) days of the submission of the nomination by the Mayor or Council, in the case of the freedom of information advisory board, it shall be deemed to have been approved;

(e) To establish the fees charged by City agencies;

(f) In the name of the City, to receive gifts of money or property in excess of a value to be determined by the Council from time to time by ordinance. Gifts of a lesser value than specified in such an ordinance may be received by the Mayor, or by persons the Mayor may designate, in the name of the City;

(g) To undertake public improvements and to assess benefits and damages therefor, in the manner provided in this Charter;

(h) To approve labor agreements and employment contracts, but excepting employment arrangements for the non-classified appointees of the Mayor;

(i) To approve the purchase, sale, lease or other transfer of real property;

(j) To provide by Ordinance for such staff and other expert and professional staff or consultants necessary to provide assistance to the members of the Council as the Council may deem appropriate to meet its needs and to carry out its legislative function, providing that due

appropriation has been made therefor, and to provide by ordinance for the method of hiring and terminating such staff.

(k) To increase by ordinance any dollar amount in this Charter.

(l) To adopt a city plan within six (6) months following receipt of the report of the Planning and Zoning Commission.

(m) To adopt an ethics ordinance setting forth the standards governing the conduct of public officials and employees.

(n) To adopt the model ordinance concerning a municipal freedom of information advisory board as set forth in the General Statutes and to appoint, upon recommendation of the Council President, all the members of the board by a majority vote of its membership.

(o) To appropriate, notwithstanding other provisions of this Charter, necessary funds for the purpose of meeting a public emergency threatening the lives, health or property of citizens, as determined either by the President of the United States or the Governor of the State of Connecticut; provided such appropriation shall require at least nine (9) affirmative votes in the Council.

Transition Provision Regarding §2(o) of Chapter IV. The action of the Council shall require "...at least seven (7) affirmative votes in the Council" until 11:59:59 P.M. on December 31, 2011.

Sec. 3. Additional Powers of the Council.

(a) Removal of Elective Officers and Other Officers and Employees subject to Confirmation by the Council. In addition to the powers of the Mayor as set forth in §2(b) of Chapter VIII of this Charter, any elective officer or, officer or employee confirmed by the Council, may be removed, by the Council, from office for cause by a vote of nine (9) members of the Council. No such officers or employees may be removed except upon charges, which shall be proffered by vote of a majority of the membership of the Council, and after a hearing thereon before the full Council. Written notice by the Council of the charges and time and place of hearing shall be given to the officer or employee at least two weeks before such hearing. Such charges shall be for neglect or dereliction of official duty, or incompetence, or dishonesty or incapacity to perform official duties or some delinquency materially affecting the officer or employee's general character or fitness for office. Such officer or employee shall have the right to be represented by counsel at the hearing, to present testimony personally and through witnesses, to cross-examine witnesses presented in favor of removal, and to compel the attendance of witnesses by subpoena issued in the name of the Council. In a hearing concerning removal of the Mayor, the Council shall designate an attorney who is an elector of the City and has been a member in good standing of the bar of the State of Connecticut for at least ten (10) years as the temporary presiding officer in place of the Council President.

Transition Provision Regarding §3(a) of Chapter IV. The action of the Council shall require "...a vote of nine (9) members of the Council" until 11:59:59 P.M. on December 31, 2011.

(b) 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 §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.

(c) Annual Audit. The Council shall designate annually an independent public accountant or firm of independent public accountants to audit the books and accounts of the City as provided in the General Statutes.

Sec. 4. Organization and Officers of the Council: President and Town and City Clerk.

(a) Organizational Meeting. The Mayor shall convene the Council at 7 p.m. on the first Monday immediately following January 1st of each even-numbered year for an organizational meeting. The City Clerk shall administer the oath of office to all members.

(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 as set forth in the Ordinances, or 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 §4(c)(2) of Chapter III of this Charter.

(4) Removal of the Council President. The Council may remove the Council President from the presidency at any time by a vote of nine (9) members, at a special meeting duly called for that purpose.

Transition Provision Regarding §4(b)(4) of Chapter IV. The action of the Council shall require "...a vote of nine (9) members" until 11:59:59 P.M. on December 31, 2011.

(c) Town and City Clerk: Appointment and Duties. The Council shall appoint a Town and City Clerk (the "City Clerk") to serve for an indefinite term. The City Clerk holding office at

the effective date of this amendment shall continue to hold office until resignation, retirement, death or removal for other cause.

(1) Powers and Duties of the City Clerk. The City Clerk shall have all the powers and duties conferred or imposed by law on town clerks, shall act as clerk of the Council and shall have such other powers and duties as are prescribed in this Charter or by the Council. The City Clerk shall appoint and remove, subject to the provisions of this Charter and Ordinances pertaining to personnel and civil service, all deputies, assistants or employees in the City Clerk's office.

(2) Compensation and Fees. The City Clerk shall receive a compensation to be fixed by the Council and all fees collected by the City Clerk shall be paid into the City treasury.

(3) Attestation of the Land Records. It shall be sufficient attestation of the land records in the care or custody of the City Clerk when each volume of such land records shall bear a certificate of attestation with the written signature of the officer charged with the care of such records and authorized by law to record or file the same, providing nothing herein contained shall relieve the City Clerk or the City Clerk's assistant from noting the discharge of a mortgage, lien or other encumbrance on the margin of the record of such mortgage, lien or other encumbrance.

Sec. 5. Meetings.

(a) Regular Meetings. The Council shall have regular meetings at a time and place determined by resolution, except that the Council shall have at least one regular meeting a month.

(b) Special meetings. Special meetings may be held at any time the Council may direct and also may be called on forty-eight (48) hours' notice by the Mayor, the Council President, or any five (5) members of the Council. The notice of any special meeting shall be in such form and shall be delivered in such manner as the Council shall prescribe by ordinance. It shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such special meeting.

Transition Provision Regarding §5(b) of Chapter IV. The action of the Council shall require "three (3) members" until 11:59:59 P.M. on December 31, 2011.

(c) Emergency meetings. In the event a public emergency arises or threatens to arise involving or threatening the lives or property of the inhabitants of the City or the property of the City, the Mayor or Council President may call an emergency meeting of the Council upon three (3) hours' notice and may summon Council members to attend such meeting in such manner as the Council may prescribe by ordinance. Notwithstanding any provision of law or this Charter to the contrary, at such meeting, the Council may transact any item or items of business relevant to such emergency.

(d) Open Meetings and Public Comment. All meetings shall be open to the public and the Council shall make provision, in its rules, for a public comment period during, at least, one meeting per month.

Sec. 6. Procedures and Other Organizational Matters.

(a) The Council Journal. The Council shall keep for public inspection a journal, which shall be the official record of its proceedings. The Council journal shall be available to the public electronically and shall be published in such manner as the Council shall determine.

(b) Rules of Procedure. The Council shall have power, subject to the provisions of this Charter, to adopt its own rules of procedure.

(c) Voting. No ordinance, resolution, motion or vote shall be passed by the Council, except motions of a purely procedural nature, unless it shall have received the affirmative votes of at least a majority of the full membership of the Council; provided that no ordinance required, by §2(d)(3) of Chapter VII of this Charter, to be referred to the Planning and Zoning Commission shall be approved following a negative recommendation by said Commission except by a vote of nine (9) members of the Council. All voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

Transition Provision Regarding §6(c) of Chapter IV. The action of the Council shall require "...a vote of seven (7) members of the Council" until 11:59:59 P.M. on December 31, 2011.

Sec. 7. Procedures for Enacting Ordinances, Resolutions and other legislative enactments.

(a) Ordinances, when required. In addition to such acts of the Council as are required by the General Statutes or by other provisions of this Charter to be by ordinance, every act creating, altering or abolishing any agency, office or employment, or assigning or reassigning the same to departments, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by Ordinance.

(b) Form of Ordinances. Every ordinance, except the annual budget ordinance and an ordinance making a general codification of the ordinances, shall be confined to a single subject that shall be clearly expressed in its title. All ordinances shall be introduced in written or printed form. All ordinances that amend or repeal existing ordinances shall set forth in full the section or subsection to be amended or repealed and if it is to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring. When published prior to enactment in a newspaper or otherwise the same indications of omitted and new matter shall be used except that italics may be substituted for underscoring. The enacting clause of all ordinances shall be: "Be it ordained by the Court of Common Council of the City of Hartford." Unless another date is specified therein an ordinance shall take effect on the tenth (10th) day following its passage.

(c) Procedure for Passage of Ordinances.

(1) Introduction, first reading and publication. An ordinance may be introduced at any meeting by the Mayor, by any member of the Council, or any committee thereof. Upon introduction it shall be read a first time and a day and hour set, not earlier than the seventh day thereafter, at which the Council or a committee thereof shall hold a public hearing thereon. Such hearing may be at a regular meeting of the Council or at such time and place as the Council may order and may be adjourned from time to time. It shall be the duty of the City Clerk to publish the title and/or statement of purpose of every ordinance introduced, within three (3) days after its introduction, as a paid advertisement once in a daily

newspaper of general circulation in the City, together with a notice of the time and place at which the public hearing thereon shall be held and notice that a full copy of the ordinance is on file in the office of the City Clerk for public inspection. Immediately upon publication, the City Clerk shall place a copy of the publication clipped from such newspaper, together with a copy of the ordinance, in a file for use of the Council. Copies of the ordinance shall be maintained in the office of the City Clerk in suitable form for inspection and distribution.

(2) Public hearing, second reading and passage. No ordinance, except an emergency ordinance as defined in subsection (3) of this section, shall be read the second time and passed less than three (3) weeks following its introduction nor until the conclusion of public hearings thereon. The Council shall have the option to accept or reject an amendment at that meeting, or, to reassign the entire matter for public hearing as an original ordinance. If the amendment is approved and if the amendment is substantial, the proposed ordinance, as amended, shall be republished and assigned for public hearing, as provided in the case of a newly introduced ordinance, and shall not be finally passed prior to two (2) weeks following such amendment; provided that no republication or additional public hearing shall be required as the result of the adoption of any amendment that was filed with the Town Clerk in writing and made available to the public electronically, by noon of the fifth (5th) business day prior to the next Council meeting, at which action may be taken on the proposed amendment. If the amendment is defeated, the ordinance may be finally passed at that meeting.

(3) Emergency Ordinances. Emergency ordinances for the immediate preservation of the public peace, health and safety may be introduced at any meeting. An emergency ordinance shall be read a first time and published as provided in the case of other ordinances and may be read a second time and passed with or without amendment at any regular, special or emergency meeting subsequent to such publication. An emergency ordinance shall contain a specific statement of the emergency. The affirmative votes of nine (9) members of the Council shall be necessary for the adoption of an emergency ordinance.

Transition Provision Regarding §7(c)(3) of Chapter IV. The action of the Council shall require "...the affirmative votes of seven (7) members of the Council" until 11:59:59 P.M. on December 31, 2011.

(4) Approval of Ordinances, resolutions and appropriations by the Mayor.

(i) Every ordinance and resolution, except an emergency ordinance, a budgetary appropriation ordinance, and a tax levy ordinance, shall, before it becomes effective, be certified by the City Clerk to the Mayor for the Mayor's approval. The Mayor may sign the proposed ordinance or resolution, whereupon it shall become effective in accordance with its terms. The Mayor may, within seven (7) days, return a proposed ordinance or resolution to the City Clerk with a statement of the reasons for disapproval, which statement shall be transmitted by the City Clerk to the Council at its next regular meeting. If the Council shall pass the proposed ordinance or resolution by an affirmative vote of nine (9) members within fourteen (14) days or at the next meeting of the Council held after such ordinance or resolution has been returned with the Mayor's disapproval, whichever is later, it shall become effective without the Mayor's approval. If the Mayor does not return the proposed ordinance or resolution within the time required, it shall become effective without the Mayor's approval.

Transition Provision Regarding §7(c)(4)(i) of Chapter IV. The action of the Council shall require "...an affirmative vote of seven (7) members of the Council" until 11:59:59 P.M. on December 31, 2011.

(ii) Subject to the provisions of §5 of Chapter X of this Charter and the Ordinance pertinent thereto, the Mayor may reduce or disapprove any item or items of expenditure in any proposed appropriation. If the Mayor disapproves or reduces any item or items of expenditure, the Mayor shall, within two (2) days after submission to the Mayor pursuant to §5 (c) of Chapter X of this Charter, return it to the City Clerk together with a statement of the reasons for the disapproval or reduction. The City Clerk shall transmit said statement to the Council forthwith. In the event the Mayor shall disapprove or reduce any item or items of expenditure, the approved portion thereof shall become effective unless the disapproved or reduced portion thereof is passed over the Mayor's veto by an affirmative vote of nine (9) members of Council within the time allowed for adoption of the budget or passage of an appropriation hereunder, whereupon the item or items of expenditure shall become effective as finally passed. Failure of the Mayor to act upon any proposed item or items of expenditure within two (2) days as above set forth shall constitute approval of the proposed item or items of expenditure.

Transition Provision Regarding §7(c)(4)(ii) of Chapter IV. The action of the Council shall require "...an affirmative vote of seven (7) members of the Council" until 11:59:59 P.M. on December 31, 2011.

(d) Waiver of reading. By the unanimous consent of the Council members present, any first or second reading, or both, of an ordinance may be waived and said ordinance read by title and statement of purpose.

(e) Record and publication of Ordinances. Every ordinance after passage shall be given a serial number, printed in the journal, and recorded by the City Clerk in a book to be kept for that purpose which shall be properly indexed. All ordinances for the violation of which a penalty is imposed or which impose any burden on or limit the use of private property and all ordinances authorizing the issuance of bonds shall be published by the City Clerk once in a daily newspaper of general circulation in the City, within three (3) days of their passage, in the same manner and form as provided in §7(c)(1) of Chapter IV of this Charter. At least every ten (10) years, there shall be prepared under the direction of the corporation counsel by a competent legal publishing house employed by the City a codification of all ordinances in force, eliminating all obsolete and conflicting provisions. Said codification shall be passed by the Council as a single ordinance and without prior publication. Upon its passage it shall be published in loose-leaf form. Copies of all ordinances shall be printed as promptly as possible after their passage in the same loose-leaf form as the codification, for distribution.

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CHAPTER V. THE MAYOR.

Sec. 1. The Executive Power and Authority of the Mayor.

(a) There shall be a Mayor who shall be the chief executive officer of the City. The executive and administrative powers of the City are vested in the Mayor, except as otherwise provided in this Charter, or provided by law.

(b) Compensation of the Mayor. The Mayor shall be paid an annual salary in an amount equal to the base salary of a Judge of the Superior Court of the State of Connecticut, commencing at 12:01 A.M. on January 1, 2003. The salary of the Mayor may be adjusted to reflect any changes, as provided in §1(a)(2) of Chapter IV of this Charter.

Sec. 2. Powers and Duties of the Mayor.

In addition to the powers and duties specified elsewhere in this Charter or in the constitution and General Statutes, the Mayor shall:

(a) devote full time to the duties of the office;

(b) take care that the laws and Ordinances be faithfully executed within the boundaries of the City, insofar as it is the obligation of the City and its employees to do so;

(c) be responsible for the performance of their duties by all the appointive officers and departments and employees of the City and exercise ultimate operational control over the departments and agencies of the City; in this respect the Mayor shall have the discretion to delegate powers and responsibilities to any employee of the City. The Mayor shall conduct or cause the Chief Operating Officer to conduct an annual evaluation of each department head. While retaining the responsibilities defined in this provision the Mayor shall designate the Chief Operating Officer to carry out such responsibilities with regard to the supervision and direction of the departments and agencies of the City, as the Mayor may direct;

(d) appoint, subject to §2(d) of Chapter IV of this Charter, the Chief Operating Officer, Corporation Counsel and the heads of all departments, except as otherwise provided in this Charter or collective bargaining agreement, and such other officers and employees of the City as this Charter or the Ordinances of the Council consistent therewith may provide. Following October 1 of the year in which there is a Mayoral election a Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) days following the commencement of the term of office of the new Mayor. If the Mayor is re-elected this limitation shall not apply after the election. The Mayor shall have power to remove any appointee, except a member of the classified service. The Mayor may suspend from duty for not more than thirty (30) days any such appointee pending final action.

(e) appoint, subject to §2(d) of Chapter IV of this Charter, all members of all boards, commissions, agencies, authorities and other bodies of the City created by the General Statutes or by the Ordinances, with the exception of the appointment of members of the Ethics Commission appointed by the Council and the City Treasurer. Following October 1 of the year in which there is a Mayoral election a Mayor shall be entitled to make appointments only for a temporary period ending no later than sixty (60) days following the commencement of the term of office of the new Mayor. If the Mayor is re-elected this limitation shall not apply after the election. The Mayor shall have the power to initiate the removal of any appointee as set forth in §1(i) of Chapter VII of this Charter

(1) The Mayor has the power of appointment pertaining to all members of boards and commissions, including vacancies, except as otherwise designated by the General Statutes and in this Charter. However, if the Mayor fails to announce the appointment of a replacement member in the event of a vacancy on said board or commission: (i) during the first six (6) months of the term of office: within ninety (90) days following the effective date of that vacancy or (ii) during the remainder of the term of office: within sixty (60) days following the effective date of that vacancy, then the Common Council shall fill the vacancy within sixty (60) days thereafter by a majority vote of those present.

(2) If the Common Council fails to fill the vacancy during the sixty (60) day period, then the remaining members of the board or commission for which the vacancy exists shall fill the vacancy by appointment.

(3) Said appointments are subject to the requirements of the General Statutes and this Charter pertaining to minority party representation;

(f) act as the principal representative of the City in relations and affairs with the federal government, the state government, other municipalities, regional agencies, and any subdivisions, departments or agencies thereof;

(g) act as the principal strategist and spokesperson of the City in the creation and implementation of plans for economic development;

(h) have the right to appear at and address the Council and to cause proposals to be included on the agenda of the Council;

(i) deliver a written and oral report on the state and condition of the City and on any recommendations the Mayor deems appropriate at the first meeting of the Council in March of each year;

(j) prepare and submit to the Council not later than its first meeting in September of each year a concise and comprehensive report of the financial transactions and administrative activities of the City government during the fiscal year ending on the preceding thirtieth day of June;

(k) prepare and submit the annual budget as provided in Chapter X of this Charter;

(l) exercise within the limits of the City all the emergency powers given to the chief executive officer of a municipality under the General Statutes;

(m) examine, in person or through one or more designees, all data and property of the City in the possession of any officer, agency, department, commission, board (including the Board of Education), authority, employee or member of any part of the municipal government, provided that the Mayor shall not have the right to demand information about or interfere in any way in any investigation connected with the enforcement of any law or regulation, and further provided that the official responsible for any such investigation shall inform the Mayor of information relating to such investigations when, and to the extent that, in the judgment of the responsible official doing so: (1) will be in the interest of the City; (2) will not impair the integrity of the investigation; and (3) is otherwise consistent with applicable law;

(n) have the right to appear and speak before any board, committee, agency or commission of the City, except where the decision of the board, committee, agency or commission is

appealable on the record to the superior court;

(o) be the traffic authority of the City as defined in the General Statutes, provided that this section shall not affect the powers of a parking authority formed pursuant to chapter 100 of the General Statutes;

(p) declare a public emergency that exists or threatens to arise involving or threatening the lives or property of inhabitants of the City or property of the City and mobilize, organize and direct the forces of the City and call upon and cooperate with the forces of the State and other political subdivisions thereof. The Mayor may summon, marshal, deputize or otherwise employ other persons or do whatever the Mayor may deem necessary for the purpose of meeting the emergency. The Mayor may obligate the City in an amount of money not to exceed one hundred thousand dollars (\$100,000.00) to cope with such emergency until the Council convenes. The termination of the emergency shall be determined and declared by the Mayor, or by a vote of nine (9) members of the Council.

Transition Provision Regarding §2(p) of Chapter V. The action of the Council shall require "...a vote of seven (7) members of the Council" until 11:59:59 P.M. on December 31, 2011.

(q) assign any employee of one (1) department to the temporary performance of duties in another department; subject to the provisions of the applicable collective bargaining agreements, and whenever the interests of the City require. No such temporary assignment shall last past the beginning of the next Fiscal Year.

(r) assign employees or other staff to carry out the administrative duties of the various Boards and Commissions of the City.

Sec. 3. Organization of the Office of the Mayor.

(a) Appropriations. The Mayor may appoint a Chief of Staff, legislative assistant, research assistant, personal secretary and receptionist, or equivalent positions for which the Council shall appropriate sufficient funds. In addition, the Mayor may employ such other staff necessary for the administration of official duties as the Council may provide. All such Assistants and staff shall be appointed by the Mayor and shall serve at the pleasure of the Mayor and shall not be subject to the provisions of §2(d) of Chapter IV of this Charter.

(b) Chief Operating Officer. The budget shall provide for a Chief Operating Officer, who shall be the principal managerial aide to the Mayor and shall perform such duties as may be assigned by the Mayor. The Chief Operating Officer shall be an unclassified employee of the City and shall be appointed by and serve at the pleasure of the Mayor. Said Chief Operating Officer shall be appointed on the basis of substantial executive and administrative experience, qualifications and knowledge.

(c) Residency of Department Heads and Chief Operating Officer. The Council may, by ordinance, establish standards for the residency of department heads and Chief Operating Officer, subject to the requirements of the General Statutes.

Sec.4. Temporary Absence or Disability.

In the event that the Mayor is temporarily absent or disabled and is, because of such absence or disability, unable to the perform the duties of the Mayor's office, the Council President, or in the

President's absence or disability, such member as the Council shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. Absence from the City shall not constitute temporary absence in the event the Mayor is in contact with the Chief Operating Officer by electronic or voice communications. The Council shall provide by ordinance a procedure for determining said absence or disability.

CHAPTER VI. OTHER ELECTIVE OFFICES.

Sec. 1. City Treasurer.

There shall be a City Treasurer, who shall have the powers set forth in this Charter, or as otherwise provided by law.

(a) Duties. The City Treasurer shall have the following responsibilities, as well as any others set forth in this Charter, the General Statutes or by the Ordinances:

(1) Custodian of City Funds. Except as otherwise provided in or pursuant to any of the provisions to which reference is made in subparagraph 4 below, the City Treasurer shall have custody of, and shall disburse, all funds belonging to the city and shall deposit the same in one or more Authorized Public Depositories. For purposes of this chapter, an "authorized public depository" shall be any bank and/or trust company that qualifies as qualified public depository under and pursuant to the General Statutes to the extent the same has been designated as such by the Council on the recommendation of the Mayor, following consultation with the City Treasurer.

(2) Treasurer of Town Deposit Fund and Capital Improvement Funds. Investment Responsibilities. The City Treasurer shall have custody, and shall be treasurer, of the town deposit fund and the capital improvement fund as well as any trust or like funds which are established by or under this Charter or the General Statutes for any eleemosynary purposes by or for the benefit of the city of Hartford, its residents or any of its public parks, buildings or other improvements. In that capacity, the City Treasurer shall have authority to invest and reinvest the assets of all such funds in cash, securities and other investment instruments and/or vehicles which are legal for the investment of trust funds under the General Statutes, consistent with the fiduciary and other standards set forth in the Connecticut Uniform Prudent Investors Act. Nothing herein shall be construed to prevent sinking funds and trust funds from continuing to be managed by the trust companies managing them at the effective date of this Charter, unless the appointment is revoked by the Council for cause. Whenever a vacancy occurs in the management of any trust fund, or any trust fund is hereafter created, the Council shall have power, on the recommendation of the City Treasurer, to designate one or more Authorized Public Depositories to manage the same, which designation shall continue until revoked by the Council for cause.

(3) Disbursements. The City Treasurer shall make no disbursement from any funds of the city except by check or electronic transfer signed or authorized by the City Treasurer. Each check or transfer shall be based upon a voucher or payroll duly audited by the Director of Finance. Before signing any check or authorizing any transfer the City Treasurer shall be satisfied that such check or transfer represents the payment of a duly authorized obligation of the city. The City Treasurer shall keep such books and records as the Director of Finance shall prescribe. The City Treasurer's official bond shall be a surety company bond in an amount sufficient to satisfy the requirements of the General Statutes and the Ordinances.

(4) The Role of the City Treasurer with regard to City Pension Funds. The City Treasurer shall have the specifically delineated responsibilities pertaining to the care, custody and investment of the assets held in various of the pension and retirement funds that are maintained on behalf of current and/or former city employees and their beneficiaries, and such powers incident to such responsibilities (including the power, upon approval of the

pension commission, to invest and reinvest the same and to enter contracts with qualified custodians, investment advisers and life insurance companies) all as and in the manner referred to in Chapter XII of this Charter.

(b) Assistant City Treasurer. The City Treasurer shall appoint to serve at the treasurer's pleasure an Assistant City Treasurer and shall file with the City Clerk a certificate of such appointment and the City Clerk shall record such certificate in the minutes of the Council. Said assistant shall perform such duties as may be required by the City Treasurer and shall have all the powers and duties of the treasurer during the City Treasurer's absence or disability. Subject to the personnel and civil service provisions of this Charter and Ordinances the City Treasurer shall appoint and remove such other employees as may be provided by ordinance.

Sec. 2. Registrars of Voters.

The Registrars of Voters shall have such powers and duties as are conferred or imposed on them by the General Statutes and the provisions of this Charter.

CHAPTER VII. BOARDS AND COMMISSIONS.

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

(a) **Creation of Boards and Commissions: Number of Members, Terms.** In addition to those Boards and Commission established by this Charter, the Council shall by ordinance establish the number of Board and Commission members (and, alternates, in the case of the Planning and Zoning Commission and the Zoning Board of Appeals), which shall always be odd and terms of office, which may be staggered. Any such ordinance shall make provision for the appointment of a Chair, the keeping of records, and the frequency of meetings of all Boards and Commissions.

(b) **Appointment.** Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions, including the appointed members of the Board of Education, shall be appointed by the Mayor as set forth in this Charter. All Board or Commission members shall serve until their successors have been appointed and qualified.

(c) **Vacancy.** In the event of a vacancy on any Board or Commission, a successor may be appointed by the Mayor, pursuant to §2(e) of Chapter V (subject to §2(d) of Chapter IV) of this Charter, for the remainder of the term of office.

(d) **Publication of Boards and Commissions.** During the month of October of each year, the City Clerk shall cause to be published at least once for general circulation within the City and shall post for thirty days in a conspicuous location available to the public in the office of such City Clerk a list of all the Boards and Commissions of the City. Any elector desirous of serving on any Board, may express such desire in writing addressed to such City Clerk who shall retain such correspondence on file for two years. The appointing authority of any member of any Board shall review such notices prior to making the appointment to such Board.

(e) **Residency Requirement.** Except as otherwise provided by ordinance, no person may serve on a Board unless such person is an elector of the City. If any such person who is a member of a board shall move from the City, such person's membership on such Board shall be immediately terminated.

(f) **Conflict of Interest.** In addition to all applicable conflict of interest provisions of the General Statutes and of the Ordinances, no member of the Planning and Zoning Commission, the Zoning Board of Appeals, or any other board or commission set forth by Ordinance shall participate in the hearing or decision if such participation would be a "Prohibited Activity" as defined in the General Statutes. However, if the Council adopts a local ethics ordinance, as authorized by the General Statutes, said ordinance may establish a local standard applicable to members of Boards and Commissions.

(g) **Minority Party Representation.** The political affiliation of the members of appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation.

(h) **Compensation Prohibited.** No member of any appointive Board on which service is uncompensated as of June 1, 2002 shall receive compensation for services as such member.

(i) Removal. The Mayor may initiate proceedings to remove a member of any appointive Board, Commission, or "panel of alternates" for any of the following reasons: (1) misconduct in the performance of duties; (2) persistent absence; (3) conviction of a felony; (4) conviction of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office. Rules of Procedure for the removal of said member, and additional grounds for removal, shall be set forth in the Ordinances.

Sec. 2. Appointive Boards and Commissions Required by the Charter.

The following Boards and Commissions shall be established, in the Ordinances, subject to the provisions and powers enumerated in the General Statutes, Special Acts and this Charter:

(a) Internal Audit Commission. Said Internal Audit Commission and a unit or department, as set forth in §2-41(a) of the Municipal Code, as amended or otherwise modified by ordinance, shall have authority to examine into all matters relating to the integrity, efficiency and efficacy of the government of the City, including the Board of Education. The Commission (and the head of the internal audit unit) shall give due consideration to requests from the Council or any member thereof and from the Mayor in establishing and modifying the work plan of the Commission or its staff.

(1) Membership. Notwithstanding the provisions of this Charter pertaining to the establishment of Commissions, said Commission shall consist of three members, no more than two of whom are members of the same political party. The members of the Commission shall have professional experience in the fields of accounting, management or financial analysis. One member of the commission shall be appointed by majority vote of the Council; one member of the commission shall be appointed by the City Treasurer; and one member of the commission shall be appointed by majority vote of the Council, from two candidates selected by the ten (10) largest owners of taxable property as determined by the most recent grand list in accordance with a procedure to be established by ordinance.

(2) Annual Internal Audit Budget. The internal audit commission shall adopt and forward to the Mayor, in accordance with the procedures and timetable established for other City departments, a proposed annual budget. The Mayor's budget shall include, and the Council shall appropriate, for support of the internal audit unit at least the amount necessary to maintain the staffing of the unit as approved in the previous annual budget unless the commission requests a smaller amount.

(3) Internal Audit Unit. The Ordinance shall include the provision of employees of an Internal Audit Unit in numbers reasonable to conduct the examinations required by the Commission. The Commission may authorize the employees or consultants of the unit to cause such examinations as permitted by this provision of the Charter and the pertinent implementing ordinances. Said internal audit unit shall report to and be under the direction of the Commission as further set forth by ordinance.

(i) Head of the Internal Audit Unit: Qualifications. The head of the Internal Audit Unit shall be appointed by the Commission. The head of the internal audit unit shall be a member of the classified service, shall be certified as an internal auditor or fraud examiner and shall have an advanced degree in accounting, business management, or a related field as set forth by the commission or by ordinance.

(ii) Reports of the Unit. All reports of the internal audit unit, including any responses thereto, shall be public and shall be submitted to the Council and to the Mayor.

(iii) Procedures. The Council shall by ordinance specify the procedures the internal audit unit shall follow, including a requirement of a written response by any individual or the head of a department, agency or office cited in an internal audit report.

(b) Committee on Abatement of Taxes and Assessments. Said Committee on Abatement of Taxes and Assessments, shall have and exercise all the powers pertaining to (1) the abatement of taxes and assessments heretofore or hereafter conferred by law on the Council or any committee, board or officer of the City; (2) the abatement of taxes and assessments on dwelling units constructed by a private, nonprofit corporation for the public purpose of providing relocation housing under §221 of the National Housing Act, as amended. Such abatements shall reflect the amounts necessary to maintain rent levels for such housing within the financial reach of families to be relocated, as approved by the Council, and such abatements shall be subject to review annually.

Membership. Notwithstanding the provisions of this Charter pertaining to the establishment of Commissions, said Committee shall consist of the City Treasurer, Director of Finance and Corporation Counsel.

(c) Board of Assessment Appeals. There shall be a Board of Assessment Appeals. Said Board shall be the successor to the Board of Tax Review and shall have all the powers of said Board of Tax Appeals as set forth under the General Statutes, special statutes or the Ordinances, as may be amended from time to time.

(1) Membership. Each member of the board of assessment appeals at the effective date of this Charter shall continue in office until the expiration of the member's term and until a successor is duly appointed and qualified. The board of assessment appeals shall consist of three (3) persons appointed by the Mayor and confirmed by the Council, one (1) member to be appointed each year for a term of three (3) years, each of whom shall be selected for their knowledge of taxation and real estate values.

(2) Powers and Duties. The board of assessment appeals shall have the same powers and perform the same duties as boards of assessment appeals of towns. The board of assessment appeals shall act in accordance with the provisions of the General Statutes applicable to the board of assessment appeals of towns.

(d) Planning and Zoning Commission. Said Planning and Zoning Commission shall be comprised of individuals with skills and knowledge in related fields such as planning (including current involvement in the field), architecture, landscape architecture, real estate, or law. Said Commission shall have all the powers and duties of both a planning commission and a zoning commission under the General Statutes and, upon the effective date of this provision, shall supersede the commission on the City plan as the City's planning commission and the Council as the City's zoning commission. All ordinances and regulations adopted by the Council related to planning and zoning prior to the effective date of this provision shall continue in full force and effect until modified, repealed or superseded in accordance with this Charter and the General Statutes. The decisions of the planning and zoning commission shall be consistent with the plan of conservation and development, as required by the General Statutes, unless the commission concludes that changes in circumstances since the adoption of the plan of development support a deviation from the plan.

The commission shall set forth the basis for any deviation from the plan of development in its decision.

(1) Duty to plan. It shall be the duty of the commission to prepare and recommend from time to time, as required by the General Statutes, but no less than every ten (10) years, a plan of conservation and development for the City or any portion thereof. Said plan shall include all requirements of the General Statutes pertaining to such plans and any other criterion set forth by the commission in the exercise of its zoning function.

(2) Duties in relation to capital budget. The commission shall prepare and revise annually a program of public improvements for the ensuing five (5) years and shall submit annually to the Mayor, at such time as the Mayor shall direct, its recommendations of such projects to be undertaken in the ensuing fiscal year and in the full five-year period.

(3) Certain ordinances to be referred to planning and zoning commission. Every ordinance or resolution of the Council relating to the location of any street, bridge, boulevard, esplanade, square, park, playground, playfield, aviation field, parking space, public building, or to the facilities or terminal of any public utility, shall be at once referred to the planning and zoning commission and final action shall not be taken on any such ordinance or resolution until the commission shall have reported thereon, provided the Council may establish by Ordinance a period of not less than sixty (60) days within which the commission shall file its report with the City Clerk and if no report is filed within such period the approval of the commission shall be assumed.

(e) Zoning Board of Appeals. There shall be a Zoning Board of Appeals, which shall hear appeals as set forth in the General Statutes. The chair of the board and in the chair's absence the acting chair shall have the power to administer oaths and compel the attendance of witnesses. Any person who fails to obey a lawful subpoena of said chair or acting chair shall be fined not more than one hundred dollars (\$100.00) or the maximum amount set forth in the General Statutes and enacted by ordinance or imprisoned not more than thirty (30) days or both.

(1) Violation, punishment and remedies pertaining to Zoning Regulations. Zoning regulations as provided in this Charter shall be enforced by such employees of the City as the Council may, by ordinance, designate. Violations of such regulations shall be punished and such other remedies shall be available as provided in §§8-12 and 8-12a of the General Statutes and any amendments thereto.

(f) Ethics Commission. Said Ethics Commission shall have the authority as permitted by the General Statutes to investigate allegations of unethical conduct, corrupting influence or illegal activities levied against any official, officer or employee of the City. Each officer and employee of any such department, institution, board, commission or agency shall assist said Board of Ethics in carrying out the provisions of this section.

(1) Membership. Said Commission shall consist of five (5) members, no more than three of whom are members of the same political party, as follows: three (3) members shall be appointed by the Council by a majority vote of its membership following recommendation by the Council President; one member appointed by the Mayor; and, one member shall be appointed by the City Treasurer, each for a term of five (5) years. The Commission shall choose a chair and such other officers as it may desire for a term of two (2) years in duration.

(2) Rules and Regulations. Following a public hearing, the Ethics Commission shall adopt and promulgate reasonable rules and regulations for the administration of pertinent provisions of this Charter and the Ordinances which may be enacted hereunder. Thereafter any additions, modifications or changes in said rules and regulations shall, upon approval by the Ethics Commission, be in effect unless disapproved by the Council, within sixty (60) days from the date received by the Council. The rules and regulations so adopted and promulgated and all amendments thereof shall be made available to any elector of the City upon request to the Ethics Commission.

(3) Advisory Opinions. The Commission shall render advisory opinions to the Council or to any of its committees and to officials, members and officers of the City pursuant to written requests or upon its own initiative and shall make public such advisory opinions making such deletions as may be required to prevent disclosure of the identity of the officer, employee or official involved.

(4) Public Hearings. The Ethics Commission shall have the power to conduct public hearings concerning the application of this chapter and the rules and regulations thereunder, including, but not limited to procedures for the exercise of its authority to issue subpoenas or subpoenas *duces tecum*, as permitted by the General Statutes.

(5) Additional Powers. The Council may expand the jurisdiction of the Ethics Commission in a manner consistent with the General Statutes.

(6) Restrictions on Membership. No person who has:

(i) served within the previous three years as a public official (other than a member of the Ethics Commission, the Connecticut State Ethics Commission, Citizens Ethics Advisory Board or State Elections Enforcement Commission); or,

(ii) served within the previous three years as a political party officer; or,

(iii) had a spouse served in the positions set forth in sub-paragraphs (i) or (ii), above;

(iv) had a contract or otherwise conducted business with the City within the previous three years, either as an individual or in any business (for profit or not for profit) in which the person or a member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five (5%) per cent or more of the total outstanding stock of any class or a five (5%) per cent share of the Business,

shall be appointed to membership on this Commission. For purposes of this subsection the term "public official" means an individual who holds or has held a state, district or municipal office as defined in section 9-372 of the General Statutes; but shall not include a justice of the peace or a notary public and the term "political party officer" means an officer or member of a national committee of a political party, state central or town committee, or any person employed by any such committee for compensation.

(7) The members of the Commission shall adhere to the following code of ethics under which the members shall:

(i) Observe high standards of conduct so that the integrity and independence of the Commission may be preserved;

(ii) respect and comply with the law and conduct themselves at all times in a manner which promotes public confidence in the integrity and impartiality of the Commission;

(iii) be faithful to the law and maintain professional competence in the law;

(iv) be unswayed by partisan interests, public clamor or fear of criticism;

(v) maintain order and decorum in proceedings of the Commission;

(vi) be patient, dignified and courteous to all persons who appear in Commission proceedings and with other persons with whom the members deal in their official capacities;

(vii) refrain from making any statement outside of a Commission proceeding, which would have a likelihood of prejudicing a Commission proceeding;

(viii) refrain from making any statement outside of a Commission proceeding that a reasonable person would expect to be disseminated by means of public communication if the member or employee should know that such statement would have a likelihood of materially prejudicing or embarrassing a complainant or a respondent;

(ix) preserve confidences of complainants and respondents;

(x) exercise independent professional judgment on behalf of the Commission;

(xi) represent the Commission competently;

(xii) recuse themselves from participating in any proceeding or matter undertaken pursuant to this Charter and any ordinances adopted with respect thereto that involves the person who appointed such member to the Commission;

(xiii) not represent any business or person, other than himself or herself, before the Commission for a period of one year following the end of such member's service on the Commission; and

(xiv) not accept employment or otherwise become engaged with a business or person that appears before the Commission for a period of one year following the end of such former member's service on the Commission.

Sec. 3. Appointive Boards and Commissions Required by Ordinance.

The Council may establish, by ordinance, such Boards and Commissions as are necessary to effectuate the powers and purposes of the City as enumerated in the General Statutes, Special Acts and this Charter.

Sec. 4. Appointive Boards and Commissions Required by Special Act.

Pension Commission. The Pension Commission established under authority of "An Act Revising the Charter of the City of Hartford," Sp. Laws 1947, Act No. 30, approved May 1, 1947, as the same has been amended from time to time by special acts of the General Assembly and/or the Ordinances shall continue in existence and have all the rights, powers and responsibilities referred to in Chapter XII of this Charter.

(1) Membership. Notwithstanding the provisions of this charter pertaining to the establishment of commissions, there shall be three (3) voting members of the Pension Commission, none of whom shall hold any other office in the city government and at least one (1) of whom shall be a fellow or associate of either the Actuarial Society of America or the American Institute of Actuaries. Each of such members shall be appointed by the Mayor for staggered three (3) year terms, one (1) each commencing on the first Monday of each successive February. In addition to the three (3) voting members there shall be one (1) non-voting member of the commission elected by contributing members of the municipal employees' retirement fund. The members of the Pension Commission in office at the effective date of this provision shall continue in office until the expiration of their terms.

(2) Role of the City Treasurer and Director of Human Resources. The City Treasurer shall act as secretary of the Commission and the Director of Human Resources shall attend all meetings of the Commission, but neither shall have a vote.

(3) Duties of the Commission. The commission shall continue to administer all of the retirement programs, systems and funds of the City, as set forth in Chapter XII of this charter and the applicable special acts referred to therein, as the same may be amended from time to time.

CHAPTER VIII. DEPARTMENTS AND DEPARTMENT HEADS.

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

The City acting within the powers and duties enumerated in the General Statutes, Special Acts applicable thereto and this Charter, may establish, by ordinance, such departments necessary to carry out and organize the functions of government. The express intent of this Charter is to allow the Mayor and the Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City. The delineation of departmental categories in this Charter is advisory and may be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter. However, the powers, duties and functions defined in this Charter shall be assigned to officials of the City.

Sec. 2. Appointment of Department Heads. Requirements.

(a) **Creation of Departments.** The Council shall by ordinance establish the departments and agencies of the City as required to carry out the City's functions and to meet public need. Each of these departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and the Ordinances. Moreover, the directors of each department established by the Ordinances shall be subject to the provisions of this Charter generally applicable to department heads.

(b) **Appointment.** Except as otherwise provided by The General Statutes or this Charter, all department heads shall be appointed by and subject to the authority of the Mayor, following the confirmation by the Council in accordance with the provisions §2(d) of Chapter IV of this Charter. All department heads, who are unclassified employees, shall serve at the pleasure of the Mayor, subject also to the powers of removal of the Council as set forth in §3(a) of Chapter IV of this Charter.

(1) **Appointment of the Police Chief and the Fire Chief.** The Mayor shall appoint the police chief and the fire chief and, upon confirmation by the Council, as set forth in §2(d) of Chapter IV of this Charter, shall enter into an employment contract with each of them, on behalf of the City, for a term of up to four (4) years, subject to removal in accordance with the provisions of the General Statutes. A police chief or fire chief may be reappointed, but any such reappointment shall be subject to confirmation by the Council. In the event of a vacancy in the position of police chief or fire chief, or if the police or fire chief is temporarily unable to fulfill the obligations of the office, the Mayor may appoint an acting chief, subject to the limitations set forth in §2(b)(3) of Chapter VIII of this Charter.

(2) **Department Head Vacancies.** Vacancies in the office of any department head shall be governed by the provisions of §2(d) of Chapter V of this Charter.

(c) **Effect of Charter on Department Heads.** Unless otherwise terminated pursuant to law, the status of department heads holding office on the effective date of this Charter shall continue, subject to the provisions of this Charter addressing service at the pleasure of the Mayor.

(d) **Authority of Department Heads.** Once appointed as described in §2(d) of Chapter V of this Charter, the department head shall appoint, hire, discipline and remove all deputies, assistant and other employees of the department as provided for in the budget and in accordance with the rules and regulations of the Department of Human Resources, if any, and collective bargaining agreements, where applicable.

(e) Qualifications of Department Heads. The job qualifications of all department heads, in addition to those enumerated in this Charter, by General Statutes or Special Act shall be established by Ordinance following consideration of recommendation of the Director of Human Resources or such personnel official as may be designated by ordinance. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and shall be reviewed and updated every four years and whenever a vacancy occurs in the position.

(f) Compensation. The salaries and compensation of all officials (with the exception of elected officials), department heads, agents and employees of the City shall be set forth in the Ordinances, except where otherwise fixed by the General Assembly or as otherwise covered by civil service and collective bargaining agreement.

Sec. 3. Corporation Counsel.

(a) Office of the Corporation Counsel. There shall be an Office of Corporation Counsel which shall be the legal department for the City and all of the elected officials, officers, departments, boards, commissions or agencies thereof in all matters relating to their official duties.

(b) The Corporation Counsel of the City of Hartford. The Office of the Corporation Counsel shall be overseen and managed by the Corporation Counsel of the City of Hartford, who shall be appointed by the Mayor, subject to confirmation by the Council, in accordance with §2(d) of Chapter IV of this Charter, as of the first Monday of January 2004. Said Corporation Counsel shall serve a term coterminous with the Mayor who appointed him, subject to removal either by the Mayor as set forth in §2(b) of Chapter VIII of this Charter, or by the Council as set forth in §3(a) of Chapter IV of this Charter. The Corporation Counsel shall be an elector of the City and an attorney duly licensed to practice before the courts of the State of Connecticut for a period of not less than ten (10) years at the time of his appointment. At the time of his appointment, the Corporation Counsel shall be in good standing to practice before each bar to which he has been admitted.

(c) Duties. The Office of the Corporation Counsel and the Corporation Counsel shall perform the following duties:

(1) Legal Advisor to the City. The Office of the Corporation Counsel shall act in all respects as the attorneys for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies in the discharge of their official duties. To that end, the Office of the Corporation Counsel shall render written opinions and provide legal advice upon any legal question arising in connection with the exercise of official powers and duties, which opinions and advice may be requested by the Mayor, the Council, the President and/or any duly constituted committee thereof, or any of officer, department head, board, commission or agency of the City.

(i) All written opinions so rendered by the Office of the Corporation Counsel shall be recorded and indexed in a book kept for that purpose, care and custody of which shall be the responsibility of the Corporation Counsel. Said book shall be a matter of public record and the property of the City of Hartford and shall be delivered by the Corporation Counsel to his successor upon resignation, removal, or the expiration of his term;

(2) Representation of the City in Legal Proceedings. The Office of the Corporation Counsel shall:

(i) appear for and protect, prosecute or defend the rights and interests of the City in all actions, suits or proceedings brought by or against it or any of its elected officials, officers, departments, boards, commissions or agencies;

(ii) with the approval of the Mayor, have the authority to appeal from orders, decisions or judgments in such cases; and,

(iii) with the approval of the Mayor and Council, have the authority to compromise and settle any claims by or against the City. Notwithstanding the foregoing, the Council, by ordinance, may authorize the Corporation Counsel to consummate legal settlements of particular monetary values without the approval of the Council.

(3) Transactional Representation. The Office of the Corporation Counsel shall prepare all forms of contracts or other instruments to which the City is a party or in which it has an interest and approve the same as to form as to compliance with law.

(4) Retention of Legal Counsel. Except as is otherwise expressly provided by law, and as is set forth below or elsewhere herein, the Corporation Counsel shall approve the retention of all legal counsel to represent the City, its offices, departments, boards, commissions, agencies and/or any committees of subcommittee thereof as well as its elected officials, officers and employees acting in their official capacities:

(i) Retention of Counsel by the Board of Education and other Commissions. The Council may by ordinance authorize the board of education and commissions established in the Ordinances or by this Charter to retain their own counsel, for such purposes as are specified in the authorizing ordinance and/or this Charter, out of sums appropriated to the board of education or commission.

(ii) Retention of Counsel by the Council. The Council may also provide an appropriation for hiring its own staff counsel or for retaining independent counsel when, in the opinion of the Council, it is desirable for the Council to obtain legal advice in addition to the advice of the Corporation Counsel. The Council shall by ordinance prescribe the process by which such appropriation may be used. Notwithstanding any provisions of the Charter to the contrary, the selection of counsel for the exclusive use of the Council shall be the sole responsibility and prerogative of the Council, subject to such rules and processes as it may prescribe.

(5) Attendance at Meetings of the Council. The Corporation Counsel or a member of the Office designated by the Corporation Counsel shall, at the request of the President of the Council, attend in person or assign an assistant to attend all meetings of the Council. The Corporation Counsel or a member of the Office designated by the Corporation Counsel shall, at the request of the Chair of any committee of the Council, attend in person or assign an assistant to attend all meetings of said committee.

(6) Personnel. The Corporation Counsel shall have power, within the limitations of the appropriation therefore, to employ professional counsel and to appoint such other employees as prescribed by ordinance.

(7) Annual Report. The Corporation Counsel shall annually, on or before the first (1st) day of September, make a written report to the Mayor and the Council of the operations

of the Office of the Corporation Counsel for the fiscal year preceding. Said report shall contain:

(i) a summary and report on the status of all pending lawsuits and other contested matters to which the City, as well as any of its Officers, acting in the discharge of their official duties, Departments, Boards, Commissions, Authorities and Agencies are parties;

(ii) a summary of any such lawsuit which was conclusively resolved in the fiscal year preceding, including the terms of said resolution;

(iii) all transactions and other contracts which were consummated in the fiscal year preceding to which the City, as well as any of its Officers, acting in the discharge of their official duties, Departments, Boards, Commissions, Authorities and Agencies, are parties;

(iv) each expenditure by the Office of the Corporation Counsel on attorneys in private practice, as well as an explanation of the reasons for each such expenditure;

(v) a summary of the current staff of the Office of the Corporation Counsel, including the workload of each attorney employed therein; and

(vi) all such other information relating to the operation of the Office of the Corporation Counsel as may be requested in writing by the Mayor and/or the Council.

(d) Ethical Obligations. In discharging the foregoing duties, the Corporation Counsel, as well as each attorney employed by the Office of the Corporation Counsel, shall comply with all laws, codes, regulations, and other rules and procedures governing the conduct of attorneys licensed to practice before the courts of the State of Connecticut, including, but not limited to, the Connecticut Rules of Professional Conduct. In particular, the Corporation Counsel and each attorney employed by the Office of the Corporation Counsel shall be particularly mindful of the obligations imposed by Connecticut Rules of Professional Conduct., Rule 1.13, Organization as Client.

Sec. 4. Police and Fire Services.

(a) Police Department. There shall be a Police Department that shall consist of the Chief of Police and such other officers and employees of such ranks and grades as may be prescribed by the Ordinances. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the General Statutes, and the Ordinances and all rules and regulations made in accordance therewith. All members of the department shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes.

(1) Chief of Police. The head of the department shall be the Chief of Police who shall be in direct command of the Police Department and shall be responsible for the operation of the department consistent with the policy directives of the Mayor.

(2) Appointment and removal of Department Personnel. Subject to the personnel and civil service provisions of this Charter and the Ordinances, the Chief of Police shall

appoint and remove all other officers and employees of the department. The Chief of Police shall assign all members of the department to their respective posts, shifts, details and duties and shall make rules and regulations, in conformity with the Ordinances, concerning the operation of the department and the conduct of all officers and employees thereof. The Chief shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders of the chief or to the rules and regulations aforesaid shall be ground for dismissal or for other appropriate disciplinary action taken in accordance with the personnel and civil service provisions of this Charter and the Ordinances.

(b) Fire Department. There shall be a Fire Department that shall consist of the fire chief, the fire marshal and such other officers and employees of such ranks and grades as may be prescribed by ordinance. The Fire Department shall be responsible for the protection of life and property within the City from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.

(1) Fire Chief. The head of the department shall be the Fire Chief who shall be in direct command of the Fire Department and shall be responsible for the operation of the department consistent with the policy directives of the Mayor.

(2) Appointment and Removal of Department Personnel. Subject to the personnel and civil service provisions of this Charter and the Ordinances, the Chief shall appoint and remove all other officers and employees of the department. The Chief shall assign all members of the department to their respective posts, shifts, details and duties and shall make rules and regulations in conformity with the Ordinances concerning the operation of the department and the conduct of all officers and employees thereof. The Chief shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders of the chief or to the rules and regulations aforesaid shall be ground for dismissal or for other appropriate disciplinary action taken in accordance with the personnel and civil service provisions of this Charter and the Ordinances. The Chief shall have further power to make regulations with the force of law, implementing and giving effect to the laws and ordinances relating to fire prevention and fire safety.

Sec. 5. Government Administration.

(a) The Department of Finance.

(1) Director of Finance. The head of the department shall be the Director of Finance, a person shall be a person skilled in municipal accounting, budgeting and financial control. Commencing on January 1, 2004, the Director of Finance shall be appointed by the Mayor, subject to confirmation by the Council, to a term of four (4) years and shall be subject to removal only for cause during that term. The Director of Finance shall:

(i) Compile for the Mayor the estimates for the budget and the capital budget.

(ii) Supervise and control all encumbrances, expenditures and disbursements to ensure that budget appropriations are not exceeded.

(iii) Submit monthly to the Mayor and to the Council a public statement showing the amount of each appropriation with transfers to and from the same, the

allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against each appropriation during the preceding month, the total of such charges for the year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof. The Director of Finance shall also submit at the same time a statement showing the revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the year to the end of the preceding month, and the balance remaining to be collected. The Director of Finance shall furnish to the head of each department, office and agency a copy of the portion of the above statement relating to that official's department, office or agency.

(iv) Prepare for the Mayor as of the end of each fiscal year a complete financial statement and report of the financial transactions of the City for the preceding year.

(v) Maintain a general accounting system for the City government and each of its departments, offices and agencies in conformity with the best recognized practices in governmental accounting; keep records for and exercise financial budgetary control over each such department, office or agency; keep separate accounts for the items of appropriation contained in the budget and appropriation ordinance and the allotments thereof and encumber such items of appropriation and their respective allotments with the amount of each purchase order, payroll or contract approved by the Director of Finance immediately upon such approval; and keep such records as shall show at all times for each account the amount of the appropriation and the allotments thereof, the amounts paid therefrom and remaining unpaid, all encumbrances thereof and the unencumbered balance; require daily or at such other intervals as the finance director may deem expedient a report of receipts and disbursements from each of the several departments, offices or agencies; and prescribe the times at and manner in which moneys received by them shall be paid to the City Treasurer or deposited in a City bank account under the City Treasurer's control;

(vi) Prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices and agencies of the City government and provide suitable instructions for the use thereof;

(vii) Examine all contracts, purchase orders and other documents which involve financial obligations against the City and approve the same only upon ascertaining that moneys have been appropriated and allotted and that an unexpended and unencumbered balance is available in such allotment to meet the same;

(viii) Audit before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the City and approve the same if proper, legal and correct;

(ix) Inspect and audit the accounts or records of financial transactions as maintained in each department, office or agency of the City government apart from or subsidiary to the accounts kept in the finance director's office.

(b) Tax Collector. There shall be a Tax Collector, who shall be a member of the classified service and shall be appointed by the Mayor, from a list of eligibles determined by open competitive examination as provided for in the personnel provisions of this Charter and the

Ordinances. The tax collector shall receive and collect all taxes and assessments payable to the City and such other fees and licenses as may be designated by the Council by Ordinance or by order of the Mayor. The tax collector shall keep such books and records of transactions and use such forms of bills and receipts as may be prescribed by the Director of Finance. Except as otherwise provided in this Charter the tax collector shall have such powers and duties as are conferred or imposed on tax collectors of towns by the General Statutes.

(c) City Assessor. There shall be a City Assessor, who shall be a member of the classified service and shall be appointed by the Mayor, from a list of eligibles determined by open competitive examination as provided for in the personnel provisions of this Charter and the Ordinances. All deputies and other employees of the organizational unit responsible for assessment shall be appointed and removed by the City assessor subject to the personnel provisions of this Charter and the Ordinances.

(1) City assessor, powers and duties. The City Assessor shall have all the powers and shall perform all the duties imposed on assessors in towns of this state, together with such other duties as are imposed by this Charter. The Assessor shall act in all respects with regard to the assessment of property as required by the General Statutes. All departments and employees of the City and all owners of taxable property within the City shall provide such assistance and information to the assessor, consistent with applicable law, as the assessor shall require to carry out the duties of that office.

(d) Procurement Services. There shall be a central purchasing system for the City covering the purchase of all supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the Council shall establish by Ordinance the rules and regulations governing the operation of said central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. Any provisions referring to purchasing inconsistent with the terms of this section referred to elsewhere in this Charter are hereby expressly repealed. The Council shall, by ordinance, establish the rules and regulations governing the purchasing process for the City, including, but not limited to, the role and responsibilities of the Purchasing Agent, competitive bidding requirements, standards for contracts for public works and improvements and accounting control of purchases and contracts, provided that the Council shall require competitive bids for purchases in excess of \$25,000.00. Nothing in this Charter shall prevent the City or any of its agencies or departments from participating in any joint purchasing program administered by the State of Connecticut, the Capitol Region Council of Governments, the Connecticut Conference of Municipalities, the Connecticut Association of Boards of Education or any other public agency, including another municipality or municipalities, or other nonprofit organization the members of which are public bodies.

(1) Purchasing Agent. The head of the central purchasing system shall be the Chief Operating Officer or designee who, pursuant to rules and regulations set forth in the Ordinances, shall contract for and purchase all supplies, materials, equipment and contractual services required by any department, office or agency of the City government including the Board of Education. With respect to said Board of Education, the Purchasing Agent shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for said Board to meet the curriculum and scheduling requirements of the Board, upon reasonable notice by the Board. The rules governing purchasing and procurement, including a definition of "reasonable notice" shall be set forth by ordinance. The Purchasing Agent shall be responsible for the efficiency, discipline and good conduct of the system.

(e) Department of Human Resources. There shall be a Department of Human Resources, which shall be responsible for the administration of the civil service system and all other matters affecting civil service employment, collective bargaining and the employees of the City. In order to advance the purposes of this Charter, the Council, upon recommendation of the Mayor, shall enact ordinances relating to the operation of the Department and the civil service system.

(1) Director of Human Resources. The head of the department shall be the Director of Human Resources, who shall be appointed by the Mayor, from a list of eligibles determined by open competitive examination as provided for in the personnel provisions of this Charter and the Ordinances. The Director shall be responsible for the efficiency, discipline and good conduct of the department.

(2) Human Resources Policy of the City. It shall be the policy of the City to establish a civil service system that will assure recruitment of the best available persons to appointment to vacant positions, advance equal employment opportunity and affirmative action, continue training and evaluation of employees and bargain fairly with the collective bargaining representatives of employees. The Council, upon recommendation of the Mayor, shall establish ordinances that address the areas of (i) qualifications and competitive examinations for entry level and promotional appointments (encouraging, as far as practicable, the promotion from lower classes of City employees); (ii) creation and maintenance of eligible lists, certification of the same and the standards of appointment thereunder; (iii) standards of dealing with temporary appointments; (iv) preparing and maintaining classification and pay plans for classified City employees not included in a collective bargaining unit; (v) establishing a roster of City employees; (vi) certification of payroll; (vii) developing training and education programs for City employees; (viii) investigation of the operation of the personnel provisions of the Charter and the Ordinances; and (ix) standards of appointment and removal of City employees, not otherwise addressed by this Charter or the provisions of a collective bargaining agreement.

(3) Classified and unclassified service. The civil service of the City shall be divided into the unclassified and the classified service. The unclassified service shall comprise:

(i) Officers elected by the people and persons appointed to fill vacancies in elective offices;

(ii) Members of boards and commissions and any officers appointed by the Council;

(iii) The heads of departments appointed by the Mayor, and deputy heads of departments who shall be appointed by the respective department heads, with the concurrence of the Mayor, and shall serve at the pleasure of the respective department heads, and not more than one (1) confidential secretary in each department, except that the City assessor, the director of human resources, and the tax collector shall be members of the classified service;

(iv) Employees of the board of education;

(v) Staff in the office of the Council and in the office of the Mayor, including the Chief Operating Officer and the assistants to such Chief Operating Officer;

(vi) The corporation counsel and special counsel appointed by the corporation counsel;

(vii) The assistant City Treasurer;

(viii) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination.

The classified service shall comprise all positions not specifically included by this section in the unclassified service and all appointments and promotions therein shall be made according to merit and fitness to be ascertained so far as practicable by competitive examinations.

(4) Prohibited practices. No person in the classified service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of that person's race, national origin, political or religious opinions or affiliations, gender or sexual orientation. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution thereof or of the rules and regulations made in accordance therewith. No person shall either directly or indirectly, pay, render or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which either party is concerned. Any person who alone or with others willfully or corruptly violates any of the provisions of this section shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months or both. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the City service and shall, if an officer or employee of the City, immediately forfeit the office or position he or she holds.

(5) Veterans' preference. Any person who has served in time of war in the army, navy, marine corps, coast guard or air force of the United States and has been honorably discharged therefrom shall be entitled to have added to his or her rating in any examination for initial employment in the classified service ten (10) points on a scale of one hundred (100) if he or she is eligible for disability compensation or pension from the United States through the veterans' administration, or five (5) points on a scale of one hundred (100) if he or she is not so eligible, provided he or she is within the age limit specified for appointment to the position or class of position for which the examination is held, physically capable of performing the duties of such position and attains in the examination without such added points the minimum rating prescribed for passage of such examination.

Any employee in the classified service whose employment has been interrupted in time of war in the army, navy, marine corps, coast guard or air force of the United States and has been honorably discharged therefrom shall be entitled one (1) time to have added to his or her rating in any examination held under the provisions of this chapter ten (10) points on a scale of one hundred (100) if he or she is eligible for disability compensation or pension from the United States through the veterans' administration, or five (5) points on a scale of one hundred (100) if he or she is not so eligible, provided he or she is within the age limit specified for appointment to the position or class of position for which the examination is held, physically capable of performing the duties of such position and attains in the

examination without such added points the minimum rating prescribed for passage of such examination.

Sec. 6. Community Services.

There shall be established by the Council departments and agencies of the City that deal with key functions such as health, human services, recreation and other community services. Such administrative offices shall always have in place up-to-date action plans to address the health, human service and recreation needs of children, youth, adults and the elderly and shall implement these plans in close coordination with the appropriate state offices and with other pertinent private and public agencies.

CHAPTER IX. BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION.

Sec. 1. Board of Education.

There shall be a Board of Education consisting of nine (9) members five (5) appointed by the Mayor and four (4) elected on the Tuesday after the first Monday in November 2005 and quadrennially thereafter. In addition to the foregoing, the Mayor shall serve and shall serve solely in the capacity as a non-voting *ex officio* member of the Board of Education and shall not serve as Chairperson of the Board.

Sec. 2. Appointment of Board of Education Members.

(a) Term of Office.

(1) Appointed Members. After January 1, 2008 the Mayor shall appoint five (5) members for a term of four (4) years to take office on February 1st of the year of appointment and quadrennially thereafter, which members shall serve until their successors have been appointed and confirmed. The Mayor shall serve only in the capacity set forth in Section 1 of this Chapter.

(2) Elected Members. The members elected on the Tuesday after the first Monday in November 2009 shall serve a term of four years commencing on January 1, 2010. The elected members shall be elected quadrennially thereafter and serve a term of four years.

(b) Minority Party Representation. At no time shall more than three (3) of the members appointed by the Mayor be members of the same political party and, with respect to the elected members, the maximum number of members from the same political party shall be three (3). Candidates for the Board of Education shall be elected with party designation.

(c) Qualifications. In addition to the general requirements of statute law and this Charter the Mayor shall consider the following qualifications and experiences with regard to appointments to the Board of Education: training and/or experience in (1) education, (including, but not limited to, familiarity with the Hartford school district as a relative or guardian of a child currently or recently in the district); (2) a representative of a PTA/PTO or similar organization of adult supporters of education in the City; (3) financial matters (as evidenced by service as a certified public accountant or having earned a bachelor, master or doctorate degree in business, finance or public administration); (4) construction management; (5) workforce development or job training; (6) law; (7) information technology; (8) facility maintenance; and, (9) other qualifications as may be established by ordinance. Of equal weight with the foregoing requirements, the Mayor shall consider appointments reflective of the various neighborhoods and the ethnic, racial and cultural mix of the City.

(d) Ex Officio Members. The Council may create up to 2 non-voting *ex officio* positions on the Board of Education for students of the Hartford public schools, to be appointed by the Mayor for a one (1) year term.

(e) Powers of the Board of Education. The Board of Education shall perform such duties and have such powers as are or may be imposed by the General Statutes upon boards of education. The Department of Education shall perform the administrative functions of said Board.

(f) Applicability of Charter Provisions Pertaining to Boards and Commissions. The provisions of this Charter governing the appointment, vacancies, minority party representation and removal of members of Boards and Commissions shall apply to the Board of Education, unless otherwise set forth herein.

Sec. 3. Mandatory Training as a Prerequisite for Service.

The Board of Education shall contract with the Connecticut Association of Boards of Education, the State Department of Education, the National School Boards Association, or some similar organization, to provide a training course on the role and responsibilities of a board of education and its members. The Board of Education shall assure that the course is available at alternative times at no charge to City residents and is provided in a central location accessible by public transportation, and that childcare is available if needed by a resident who desires to take the course. No one shall be eligible to begin service on the Board of Education who has not taken the course within three (3) years of the beginning of his or her service.

Sec. 4. Prohibited Acts.

No member of the Board of Education may interfere with the performance by the Superintendent of Schools of those duties vested in or delegated to the Superintendent by statute or by act of the Board of Education. Such interference specifically includes any attempt by a member of the Board of Education to order or coerce, publicly or privately, any subordinate, official or employee of the District as to any matter within the authority of the Superintendent under statute or as conferred by the Board of Education through its policies, procedures, resolutions, or minutes of meetings. Such interference will constitute official misconduct that may be grounds for removal pursuant to §3(a) of Chapter IV of this Charter.

Sec. 5. Transition Provisions.

(a) Appointment and Election of Board of Education Members. In conformity with the provisions of Special Act No. 97-4, as amended by Special Act No. 01-7 effective on December 3, 2002 until December 5, 2005 the Board of Education shall consist of seven (7) members including four (4) members elected at the election held on November 5, 2002 and three (3) members who are electors of the City, appointed by the Mayor subject to approval by the Council. Candidates for the Board of Education shall be elected with party designation.

(b) Term of Office. The members appointed and elected pursuant to these transition provisions shall serve until December 5, 2005 or until their successors have been appointed and confirmed.

(c) Vacancies. The appointed members shall be subject to the provisions of Chapter VII, § 1(b) of this Charter. In the event an elected position on the Board of Education becomes vacant, it shall be filled by majority vote of the remaining members of the Board until the next regular general municipal election, if any, at which a successor shall be elected for the remainder of the vacant term and shall assume office at the first meeting of the Board following the certification of the results of the election. If the vacancy occurs too close in time to the next general election for the process of nomination to be completed in accordance with the General Statutes, the vacancy shall be filled by appointment for the remainder of the vacant term. Any person so appointed by the Board of Education shall be of the same political party as the departed member.

(d) Powers of the Board of Education. The Board of Education shall perform such duties and have such powers as set forth in §2(g) of this Chapter and otherwise comply with all provisions of this Charter.

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CHAPTER X. BUDGET.

Sec. 1. Fiscal Year.

The fiscal year of the City government shall be as provided in the General Statutes and the Ordinances conforming thereto.

Sec. 2. Annual Departmental Budget Estimates.

(a) Authority to Require Departmental, Agency or Office Estimates. The Mayor shall have the power to require the head of every department, office or agency, including the Board of Education, to submit to the Mayor or designee such (1) estimates of revenue and expenditures for the ensuing fiscal year; and (2) any additional information which they possess (including, but not limited to, records, books, accounts, contracts, reports and other papers and documents as specified by the Mayor) all of which, in the judgment of the Mayor, are necessary to discharge the duties imposed upon the Mayor by this Charter.

(b) Submission of Estimates. The head of every department, office or agency shall submit the information required in §2(a) of this Chapter, at such date as the Mayor shall determine and in accordance with such procedures as the Mayor shall establish, estimates of revenue and expenditure for that department, office or agency. Such estimates shall be submitted upon forms furnished by the Mayor and shall contain all necessary information. The Mayor shall review the estimates and in preparing the budget may revise them, except that in the case of the Board of Education, the Mayor shall have power to revise only the total estimated expenditure unless otherwise permitted by law.

Sec. 3. Submission of the Mayor's Proposed Budget. Public Hearing.

(a) Submission. On or before a date specified by ordinance, the Mayor shall submit to the Council through the City Clerk:

(1) An annual or current expense budget, hereafter referred to as the budget, which shall be a complete financial plan for the ensuing fiscal year, consisting of the budget proper and the budget message; and,

(2) A capital budget.

(b) Public hearing. Upon receipt of said budget, the City Clerk shall transmit copies to the Council forthwith and shall call a public hearing on the budget to be held by the Council no less than seven (7) days nor more than ten (10) days after its submission. Notice of the date, time and place of said hearing shall be published within three (3) days after the submission of the budget in the manner provided herein for the publication of Ordinances.

(c) Budget a public record. Both parts of the budget shall be a public record in the office of the City Clerk and shall be open to public inspection. The budget message shall be printed by the Mayor for general distribution at the time of its submission to the Council, and sufficient copies of the budget proper shall be made available at the same time for the use of the Council and the public.

(d) The budget message. The budget message shall contain the recommendations of the Mayor concerning the fiscal policy of the City, a description of the important features of the budget

plan, an explanation of all major increases or decreases in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main heads of expenditure.

Sec. 4. Required Contents for Budget Submission.

(a) Scope of annual budget.

The budget shall contain:

(1) An estimate of all revenue cash receipts anticipated from sources other than the tax levy of the ensuing fiscal year. The Council may, by ordinance, establish criteria that the Mayor must use for estimating cash receipts from sources other than the tax levy;

(2) An estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;

(3) The estimated expenditures necessary for the operation of the several departments, offices and agencies of the City;

(4) Debt service requirements for the ensuing fiscal year;

(5) An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, assuming a rate of collection not greater than the average rate of collection in the year of levy for the last three (3) completed fiscal years; and

(6) A balanced relation between the total estimated expenditures and total anticipated revenue cash receipts, taking into account the estimated general fund cash surplus or deficit at the end of the current fiscal year.

All estimates shall be in detail showing revenues by sources and expenditures by organization units, activities, character and object. The budget shall be so arranged as to show comparative figures for receipts and expenditures for prior years and for the current year and the Mayor's recommendations for the ensuing year.

(b) Appropriation and Tax Levy Ordinances. Simultaneously with the submission of the budget, the Mayor shall also introduce an appropriation ordinance and an ordinance making a levy in mills upon all the ratable estate within the City for the ensuing fiscal year. The appropriation ordinance shall be based on the budget but need not be itemized further than by departments and the major divisions thereof and by each independent office and agency and by the principal objects of expenditure. Neither of the above ordinances shall be acted upon until after the adoption of the budget. The hearing upon the budget shall be taken to be the hearings upon the appropriation and tax levy ordinances.

Sec. 5. Budget Deliberations of the Council.

(a) Modifications. After the conclusion of such public hearing, but not later than a date specified by ordinance, the Council may insert new items of expenditures or may increase, decrease or strike out items of expenditure, except that no item of appropriation for debt service and no item of appropriation necessary to fulfill the obligations of the City as determined by the pension commission shall be reduced. The Council shall not increase the Mayor's estimates of receipts. It

may, however, decrease the amount of the tax levy for the ensuing fiscal year as proposed by the Mayor in proportion to such decrease in the total of expenditures proposed by the Mayor as it may have determined. If it shall increase the total proposed expenditures such increase shall be reflected in full in the tax rate.

(b) Ordinance Establishing the Budget Process. The Council shall specify by ordinance the date by which the budget or the budget as amended shall be submitted to the Mayor in accordance with the provisions of §7(c)(4) of Chapter IV of this Charter.

(c) Adoption of the Budget. Upon approval, reduction and/or disapproval, of budgetary provisions by the Mayor, but not later than a date specified by ordinance but at least one (1) calendar month before the end of the current fiscal year, the Council shall adopt the budget, the appropriation ordinance and tax levy ordinance. If it fails to adopt the budget by that date the budget as adopted in the preceding fiscal year, as adjusted by the amount necessary to meet the funding requirement of the Pension Commission and legally and contractually required increases, as certified by the Finance Director, shall be deemed to be the budget of the City for the ensuing fiscal year and expenditures shall be made in accordance therewith. The Council shall thereupon adopt the appropriation ordinance and the ordinance making a tax levy in accordance with the budget adopted.

Sec. 6. Work program and allotments.

After the annual appropriation ordinance has been adopted and before the beginning of the fiscal year the head of each department, office or agency, except the department of education, shall submit to the Mayor in such form as the Mayor shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the Mayor may direct. Before the beginning of the fiscal year the Mayor shall approve, with such amendments as the Mayor shall determine, the allotments for each such department, office or agency, and shall file the same with the Director of Finance, who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments. The aggregate of such allotments shall not exceed the total appropriation available to said department, office or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the Mayor shall ascertain that the revenue cash receipts for the year, plus general fund cash surplus from the preceding year, will be less than the total appropriations, the Mayor shall reconsider the work programs and allotments of the several departments, offices and agencies, and revise the allotments so as to forestall the incurring of a deficit.

Sec. 7. Transfer, Additional and Lapse of Appropriations during the Fiscal Year.

(a) Transfers of appropriations. The Mayor may at any time transfer any unencumbered appropriation balance or portion thereof from one (1) classification of expenditure to another within the same department, office or agency. At the request of the Mayor, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one (1) department, office or agency to another, except that no funds may be transferred from the funds appropriated to the Board of Education.

(b) Additional appropriations. Appropriations in addition to those contained in the budget, except for the purpose of meeting a public emergency as provided in Chapter IV, §2(n), shall be made only on the recommendation of the Mayor and only if the Director of Finance certifies that there is available general fund surplus sufficient to meet such appropriation.

(c) Appropriations to lapse at close of Fiscal Year. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the Fiscal Year shall lapse.

Sec. 8. Certification of funds, penalties for violation.

No payment shall be made and no obligation incurred against any allotment or appropriation unless the Director of Finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be deemed illegal and all officials who shall knowingly authorize or make such payment or take part therein and all persons who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the City for the full amount so paid or received. If any officer or employee of the City shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take part therein such action shall be cause for removal.

Sec. 9. Capital Budget.

As a part of the budget message or as a separate report attached thereto the Mayor shall present a program of proposed capital projects for the ensuing fiscal year and for the four (4) fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually in the same manner as estimates of other budgetary requirements are prepared for the Mayor. The Mayor shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same. The Council may levy annually a tax of not more than two (2) mills to be assessed upon the ratable estate within the City at the same time as the regular annual taxes for City expenses, for the benefit of a fund to be known as "The Capital Improvement Fund" established for the purpose of paying the cost of capital improvements for which the City is authorized by this Charter to issue bonds and for no other purpose. The proceeds of such levy shall be kept by the City Treasurer in a special bank account until invested as provided in §1 of Chapter VI of this Charter. The Council shall have power to transfer from time to time to the capital improvement fund any portion of the general fund cash surplus not otherwise appropriated. Appropriations for construction or other permanent improvements, from whatever source made, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any project shall be deemed to have been abandoned if three (3) fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor, provided, at the request of the Mayor, the Council may, at any time by resolution, transfer any unencumbered balance or portion thereof from one project to another.

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CHAPTER XI. BORROWING.

Sec. 1. Issuance Authorized.

The City shall have the power to incur indebtedness by authorizing the issuance of its bonds and notes for such purposes, upon such terms, form and to such extent as is authorized and permitted by the General Statutes and applicable Special Acts. Said power shall extend to general obligation bonds, bond anticipation notes, temporary notes, grant anticipation notes, tax anticipation notes, notes or bonds pertaining to a public emergency as set forth in §2(n) of Chapter IV of this Charter, and other types of special obligations authorized and permitted by the General Statutes and applicable Special Acts (all hereinafter "Bond" or "Notes").

Sec. 2. Procedures.

(a) **Procedural Ordinance.** The Council may, by ordinance, adopt procedures for the structure, timing and method or manner of the issuance and sale of Bonds and Notes. Said Ordinance may set forth the respective roles and co-extensive responsibilities of the City Treasurer and the Director of Finance with respect to debt planning, issuance and management; including, but not limited to their authority to retain consultants for specialized services.

(b) **Authorization of Bonds and Notes.** Unless otherwise provided by the General Statutes or applicable Special Acts, Bonds and Notes shall be authorized by an ordinance approved by the affirmative vote of nine (9) members of the Council, except that Notes in anticipation of taxes and Bonds or Notes to prevent default shall be authorized in accordance with Subsection (d) of this section.

Transition Provision Regarding §2(b) of Chapter XI. The action of the Council shall require "...the affirmative vote of seven (7) members of the Council" until 11:59:59 P.M. on December 31, 2011.

(c) **Bond Referendum.** If the total estimated costs of any improvement for which Bonds or Notes are proposed to be issued exceeds Two Million (\$2,000,000.00) Dollars, and if the full faith and credit of the City shall be pledged to the payment of any portion of the principal of and interest on the Bonds or Notes, the ordinance authorizing the issuance of Bonds and Notes shall be subject to the approval of a majority vote of city electors voting thereon if, within thirty (30) days after published notice of the enactment by Council, a sufficient petition is filed with the City Clerk requesting that such ordinance be either repealed or submitted to a vote of the electors. In order for the petition to be sufficient it must be signed in ink by not less than three percent (3%) of the City electors as determined by the last-compiled registry list. If the petition is found sufficient, the City Clerk will notify the Council, which shall either repeal the ordinance or submit it to referendum of the electors at the next general election or at such earlier date as the Council may determine in accordance with the relevant statutes. Upon the filing of a sufficient petition, the ordinance will remain without effect until the electors vote on the question as provided above.

(d) (1) **Notes in Anticipation of Taxes.** Notes in anticipation of taxes shall be authorized by ordinance upon the affirmative vote of a majority of the Council. The City may pledge its full faith and credit to the payment of the principal of and interest on such Notes, provided, however, that the ordinance shall be effective upon passage and shall not be subject to a petition for referendum under subsection (c) of this section.

(2) Bonds or Notes to Prevent Default. Bonds or Notes to prevent default on the City's outstanding indebtedness shall be authorized by ordinance approved by the affirmative vote of nine (9) members of the Council following certification to the Council by the Mayor, with the concurrence of the Director of Finance 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. The City may pledge its full faith and credit to the payment of the principal of and interest on such Bonds or Notes, provided, however, that the ordinance shall be effective upon passage and shall not be subject to a petition for referendum under Subsection (c) of this section.

Transition Provision Regarding §2(d)(2) of Chapter XI. The action of the Council shall require "...the affirmative vote of six (6) members of the Council" until 11:59:59 P.M. on December 31, 2011.

Sec. 3. Short period of limitation.

When twenty (20) days shall have elapsed after the passage and publication of a bond ordinance not subject to a petition for referendum under §2(c) of Chapter XI of this Charter or, when twenty (20) days shall have elapsed after the period for bringing a petition on an ordinance subject to referendum and such petition has not been filed, the recitals or statements of fact therein shall be deemed to be true for the purpose of determining the validity of the Bonds, and the Ordinance 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 ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant except in a suit, action or proceeding commenced within the time limits of this section.

CHAPTER XII. PENSIONS.

Sec. 1. Continuance of provisions.

All the provisions of Sections 233, 234 and 235 of "An Act Revising the Charter of the City of Hartford," Sp. Laws No. 547, approved June 24, 1941, as the same have been amended from time to time by special acts of the General Assembly and/or the Ordinances (said provisions, as amended, being hereinafter referred to as the "1941 Act"), and all of the provisions of Chapter XVI of "An Act Revising the Charter of the City of Hartford," Sp. Laws 1947, Act No. 30, approved May 1, 1947, as the same have been amended from time to time by special acts of the General Assembly and/or the Ordinances (said chapter as amended and renumbered, being hereinafter referred to as the "1947 Act"), shall continue in existence, unaffected by this charter.

Without limiting the generality of the foregoing:

(a) The Role of the Pension Commission. The Pension Commission established under authority of the 1947 Act, and referred to in Chapter VII, §4(a) of this Charter, shall continue to administer the municipal employees' retirement fund (the "MERF") and the 415(m) Fund, so-called, established under the 1947 Act, as well as each of the police benefit fund, firemen's relief fund and retirement system for city employees established under the 1941 Act, and, in so doing, shall also continue to have responsibility to review and, as appropriate, approve and monitor, all investments of the MERF's assets as well as any contracts relating to the care, custody and/or procurement of investment advice with respect to said assets, and/or procurement of any annuities from any life insurance companies with such assets, all as and in the manner provided in the 1947 Act;

(b) The Role of the City Treasurer. Subject to subparagraph (a) above, the City Treasurer shall continue to have immediate responsibility for the care, custody and investment of all of the assets of the MERF, and also shall continue to have all powers incident to such responsibilities (including the power to invest and reinvest such assets and to enter contracts with qualified custodians, investment advisers and life insurance companies), all as and in the manner provided in the 1947 Act;

(c) No Rights, Benefits or Obligations Affected. No rights, benefits or obligations of any persons in or with respect to the MERF or any other of the city's retirement plans or funds (including, but not limited to, any persons who are receiving or entitled to receive any pensions, allowances or other benefits under or by virtue of any of the aforementioned funds or provisions, and/or any persons in the service of the City on the effective date of this Charter who are or become contributing members of the MERF) are affected by this Charter; it being the intent of this chapter that all such rights, benefits and obligations, and all of the provisions governing them (including, but not limited to, all such provisions as pertain to their administration and the care, custody, and investment of any assets set aside to fund them), shall continue in full force and effect and are not repealed or superceded by this Charter; provided however, that nothing herein shall preclude any of the same from hereafter being duly modified, amended or repealed as and in the manner provided by law.

(d) Role of the Council. The Council shall recodify the provisions of the 1947 Act and, in so doing, incorporate all of such provisions which pertain to any active employees of the City in and as a part of the Municipal Code and replace all references to the "City Manager" that are contained in or pertain to the 1947 Act with the term "Mayor," as permitted by the General Statutes.

CHAPTER XIII. MISCELLANEOUS AND TRANSITION PROVISIONS.

Sec. 1. Present Ordinances and rules effective.

All Ordinances of the City and all rules, regulations and orders legally made by any department, board, commission or officer of the City, in force at the effective date of this amended Charter and not inconsistent herewith, shall remain in force until amended, repealed or superseded as provided herein.

Sec. 2. Constitutionality.

In case any portion of this Charter shall at any time be found to be unconstitutional such finding shall not affect the remainder thereof, but as to such remainder this Charter shall remain in full force and effect until amended or repealed.

Sec. 3. Effective dates of the provisions of this Charter.

(a) The provisions of this amended Charter shall take effect on January 1, 2010.

Sec. 4. Periodic review of the Charter.

In April of 2011, and every ten (10) years thereafter, the Council shall appoint a Charter revision commission, pursuant to chapter 99 of the General Statutes or the then-comparable provisions. Nothing in this section limits the right of the Council to appoint one or more Charter Revision Commissions other than the commission required by this section, but no such commission shall be appointed if its appointment would preclude the Council from appointing a commission as required by this section.