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[HISTORY: Adopted by the Court of Common Council of the City of Meriden 7-5-1977; approved at referendum 11-8-1977. Amendments noted where applicable.]

## CHAPTER I

### Incorporation and General Powers

- § C1-1. General provisions.

The City of Meriden is a body politic incorporate and as such possesses all the inherent powers and privileges generally conferred upon cities and towns under the General Statutes of the State of Connecticut.

- § C1-2. Rights and obligations.

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

§ C1-3. General grant of powers.

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

CHAPTER II  
Elections

§ C2-1. General.

A. Nomination and election of federal and state officers, including, without limitation, two registrars of voters, Justices of the Peace and such elective municipal officers, boards and commissions as are provided for in this Charter or the General Statutes, as amended, shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the Constitution and general laws of the State of Connecticut.

B. The election of municipal officers for the City of Meriden shall be held on the first Tuesday after the first Monday in November 1979 and biennially thereafter. At such election there shall be elected the following:

1. Mayor: A Mayor shall be elected in conformance with the provisions stated in Chapter IV, § C4-1.
2. City Council: Members shall be elected in conformance with the provisions stated in Chapter III, § C3-2.
3. City Clerk: A City Clerk shall be elected in conformance with the provisions stated in Chapter VII, § C7-6.
4. Board of Education: Members shall be elected in conformance with the provisions stated in Chapter VI, § C6-1.

The terms of all municipal officers, unless otherwise provided, shall commence on the first Monday of December immediately following their election, and they shall hold office until their successors have been chosen and qualified. Except as otherwise provided in this Charter, all elective city officers shall have the powers and duties prescribed by law. [Amdt. approved 11-3-92]

§ C2-2. Minority representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the city shall be determined, except as hereinafter provided, in accordance with the provisions of Section 9-167a of the General Statutes, as amended.

§ C2-3.<sup>1</sup>

§ C2-4. Breaking a tie.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected or, in a case of a question at referendum, whether it shall be accepted or rejected. Said adjourned election shall be held on the seventh day after the election which resulted in a tie and shall be confined to the tied candidates or issues. Any voting machine the returns from which are not subject to disagreement may be unlocked and used in said special election. If voting machines are not available in sufficient number, paper ballots may be used in place of or in conjunction with voting machines.

§ C2-5. Vacancies.

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<sup>1</sup> Editor's Note: Section C2-3, pertaining to voting districts, was repealed by § 1 of an amendment approved by the voters on Nov. 8, 1988.

Any vacancy in any elective city office from whatever cause arising shall be filled by appointment by the City Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner, provided that when the person vacating in the office shall have been elected as a member of a political party such vacancy shall be filled by the appointment of a member of the same political party. If there shall be a biennial election before the expiration of the term of any office in which a vacancy occurs, such office shall be filled until said election by appointment as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term, and such person shall take office on the first Monday following his/her election.

§ C2-6. Eligibility.

No person shall be eligible for election to any city office who is not at the time of his/her election an elector of said city, and any person ceasing to be an elector of said city shall thereupon cease to hold elective office in the city. No person shall be eligible for election to any City Council area office who is not at the time of his/her election a resident of said Council area. [Amdt. approved 11-3-87]

§ C2-7. Reserved.<sup>2</sup>

CHAPTER III  
City Council

§ C3-1. General powers and duties.

The legislative body of the City of Meriden shall be called the City Council and shall have all of the rights, duties, privileges and powers which on the effective date of this Charter were vested in the existing Court of Common Council except as may otherwise be herein specified. The legislative and fiscal power shall be vested exclusively in the City Council. Said City Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the state and to create or abolish, by ordinance, boards, commissions, departments and offices except those created specifically by this Charter or by state statute. The City Council may contract for services and the use of facilities of the United States or a federal agency, the State of Connecticut and any political subdivision thereof or may, by agreement, join with any such agency, the state or any such political subdivision to provide services and facilities. The City Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state,

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<sup>2</sup> Editor's Note: Section C2-7, pertaining to recall of elective officers, was deleted by § III (1) of an amendment approved June 26, 1996.

or any portion thereof, by reference thereto in such ordinance, provided that upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two copies of such code, rules or regulations in the office of the City Clerk for examination by the public. Said City Council may by resolution regulate the internal operation of boards, commissions and offices which it fills by appointment and may fix the compensation of all elected officials and of the officers and employees not in the classified service who are hereinafter provided for in Chapter IX of this Charter; but no salary of any elected official so fixed by the City Council shall be raised or lowered during the official term of any incumbent. Said City Council may fix the charges, if any, to be made for services rendered by the city or for the execution of powers vested in the city as provided in this Charter.

The City Council shall have the power of eminent domain for any public purpose, consistent with the laws of the United States of America and the State of Connecticut.

The City Council shall fill, for the unexpired portion of any term, vacancies of any city office not herein otherwise provided for.

§ C3-2. Composition and election.

The City Council shall be composed of 12 members, except that the 10 members of the City Council elected at the November 1987 municipal election shall serve as such until the expiration of the terms to which they were originally elected.

The members of the City Council shall be elected at each biennial municipal election to be held in 1989 and thereafter, in the manner described herein.

There shall be four City Council areas, the boundaries and composition of which shall be determined from time to time, but no later than 120 days preceding any municipal election, by the City Council after public hearing.

At each biennial municipal election, a City Council member shall be elected from each of four City Council areas, and two City Council members shall be elected on a citywide at-large basis, all for a term of four years, commencing on the first Monday in December following each municipal election. [Amdt. approved 11-3-87]

§ C3-2a. Initiative.

Upon the filing with the City Clerk of a petition signed by qualified electors in number equal to 5% or more of the total number of electors of the city as determined by the last effective list of the registrars of voters, which petition requests the City Council to consider a proposed resolution or ordinance, the City Clerk shall within 10 days determine whether the petition contains a sufficient number of valid signatures and, if it

does, shall so certify and transmit the petition to the city council. Each page of such petition shall contain the full text of the proposed resolution or ordinance and shall clearly indicate that signatures to the petition are sought in order to bring the proposal before the City Council for consideration. Each signature shall be accompanied by the date of the signature. No signature made more than 60 days prior to the date the petition is submitted to the City Clerk shall be counted as valid. Any petition so certified shall be placed on the agenda of the next regular meeting of the City Council. Within 90 days thereafter, the City Council shall either approve or disapprove of the proposed resolution or ordinance. [Amdt. approved 6-26-96]

§ C3-3. Special powers.

- A. Grants and leases of real estate. All grants and leases of real estate belonging to said city authorized by the City Council, signed by the City Manager and sealed with the City Seal shall be effectual to convey such estate.
- B. Power of Council to obtain temporary loans. The City Council is empowered to authorize the Director of Finance of said city to obtain temporary loans in anticipation of the collection of the taxes of the municipal year in which debts are incurred, and the City Council may make, alter, repeal and enforce ordinances relative to such subject.
- C. Power of Council to authorize "emergency notes." The City Council may, by a two-thirds ( 2/3) vote of all its members present and absent, direct and empower the Director of Finance to borrow on behalf of said city such sums of money as may be required to discharge its obligations necessarily incurred and existing after the annual appropriations made by said City Council but not included in such appropriations and to execute a note or notes therefor. The City Council may determine whether the means of procuring the money necessary to pay the indebtedness accruing from such borrowing shall be by a special tax levy or by including the same in the next annual appropriation. Any note executed under the authority herein conferred shall be designated "City of Meriden, Emergency Note," and payment thereof shall be made from taxes thereafter levied and collected.
- D. Nonrecurring expenses. The City Council shall have the power granted to towns under Section 7-346 of the General Statutes of the State of Connecticut relative to the apportionment of nonrecurring capital expenditures over a period not to exceed five years.
- E. Meetings of Council; appointment of officers. The City Council shall meet on the first and third Monday of every month unless that day shall be a legal holiday in which case the following day shall be the day of the meeting. At first regular meeting in December following the biennial election, the City Council shall elect by roll call vote such officers, except for those officers otherwise provided for in this Charter, to such offices necessary for the transaction of the public business as may be created from time



to time by said City Council or provided for by law. Such officers shall serve for a period not to exceed two years from the date of such meeting and until their successors shall have been elected and qualified, unless such officers shall be sooner removed as provided in this Charter. In the event of the failure to elect any officer or officers at such meeting, said City Council may at any subsequent meeting fill such vacancy for the unexpired term. Said officers shall hold their respective offices for a period not to exceed two years from the date of their election and until their successors shall have been elected and shall have qualified unless sooner removed as provided in said Charter. Their compensation shall be fixed by said City Council subject to the provisions contained in this Charter as to the raising or lowering of the compensation or salary of public officers. [Amdt. approved 6-26-96]

F. Procedure in meetings; special meetings. The Mayor shall be the presiding officer of the City Council and shall call it to order. He/she shall not have a vote on any matter voted upon by the City Council except that, in those situations in which the City Council vote results in a tie the Mayor shall cast the tie-breaking vote. Notwithstanding the foregoing, the Mayor shall in no event have a vote on any zoning matter or on any matter related to the appointment, suspension or removal of the City Manager. Said City Council may be specially convened at any time by the Mayor or City Manager, or special meetings shall be called by the Mayor or City Manager to be held within 24 hours after the presentation of a petition for the same signed by a majority of its members. The City Council may determine the rules of its proceedings. The majority of all of members thereof shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day. Said City Council shall not be specially convened unless written notice shall be given to all of the members of said City Council by some proper officer or left at the usual place of abode of the members or read in their hearing. Such notice shall be given at least 10 hours before such meeting. Said City Council shall sit with open doors and shall cause the journal of its proceedings to be open to public inspection. In any case where the City Council is to elect or appoint any officer or to vote concerning the appointment or discharge of any officer, said City Council may by majority vote of the members present, declare itself in executive session and may thereupon direct that the room in which the Council shall sit be cleared of all persons except those entitled to sit with the Council; but no business other than that relating to appointment or removal from office or other matters permitted to be conducted in executive session by state statute shall be considered in such executive session. Each committee of the City Council shall have power to compel the attendance and testimony of witnesses, and the Chairman of such committee shall have power to administer oaths, and willful false swearing before it shall constitute a crime as defined in the General Statutes of the State of Connecticut and may be punished as such. Each vote, resolution, order or ordinance passed by said City Council, except zoning matters and matters pertaining to the appointment, suspension or removal of the City Manager, shall be transmitted to the Mayor, who shall have the power to veto it by returning the same to the Clerk of the City Council within seven calendar days following its adoption with a veto statement in writing of his/her objection thereto to be read into the Council

record. If the City Council by a vote of yeas and nays of two-thirds ( 2/3) of the entire membership at a special meeting or at the next regularly scheduled meeting shall approve it, then it shall thereupon be effective as so originally adopted.

Notwithstanding the foregoing, the Mayor shall have no authority to veto any zoning matter or any matter related to the appointment, suspension or removal of the City Manager. The Mayor may affirmatively waive in writing his/her veto authority as to any individual matter voted upon by the City Council. [Amdt. approved 6-26-96]

G. Proposed bylaws or ordinances to be referred to committees; public hearings. No proposed bylaw or ordinance of said city shall be voted upon by the City Council until it shall have been referred to a committee of said Council which shall hold a public hearing thereon. Any such proposed bylaw or ordinance referred to a committee of the Council shall be reported upon by such committee to the entire Council at any regular or special meeting thereof not later than 90 days from the date of original referral. Any matter not so reported upon within said 90 day period shall be void. Said committee shall give notice that a public hearing will be held by it upon any proposed bylaw or ordinance, which notice shall set forth title, object, time and place of hearing and shall be published at least once in at least one daily newspaper published in said city, at least five days prior to said hearing. [Amdt. approved 11-3-87]

G.1.<sup>3</sup> Publication of bylaws and ordinances; exception; when bylaws and ordinances affected. All bylaws or ordinances shall be published at least once after their enactment by the City Council in at least one daily newspaper published in said city unless such publication shall by vote of said City Council be ordered to be dispensed with, and no bylaw or ordinance shall be of force or effect until one week after the date of its last publication or until 10 days after adoption when said bylaw or ordinances is not published, unless the City Council shall by majority vote order that said bylaw or ordinance shall be effective immediately upon its adoption by the City Council.

The City Council may order that notice of the passage of any such bylaw or ordinance be published by setting forth the title and purpose thereof in lieu of a full printing of the text, provided that reference is made to the availability of the entire text of the bylaw or ordinance in the office of the City Clerk. [Amdt. approved 11-3-87]

H. Petitions and resolutions. All petitions or resolutions that have been referred to a committee of the Council shall be reported upon by such committee to the entire Council at any regular or special meeting thereof not later than 90 days from the date of original referral. Any matter not so reported upon within said ninety-day period shall be void. [Amdt. approved 11-3-87]

I. Public improvements not to be ordered unless appropriation made. No public improvement of any kind shall be ordered by the City Council or any other authority or

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<sup>3</sup> Editor's Note: Section 7c of an amendment approved Nov. 3, 1987, renumbered subsection C3-3(H) as C3-3(G.1).

officer having power to authorize the same or contract for the same until an appropriation for said improvements has been duly made and funds to pay for the same have been provided and set apart for that purpose.

J. How appointments by City Council made. The Mayor shall recommend any and all appointments to officers or positions within the appointing power of the City Council (except as to chairpersons of Council Standing Committees to the City Council) for approval. The City Council may, within its next two regular meetings after submission of a recommendation by the Mayor, reject said recommendation by majority vote of the entire membership except as herein otherwise specified, in failure of which said recommendation shall be deemed confirmed. [Amdt. approved 11-3-92]

K. Duties. The duties of all appointed officers not particularly designated in this Charter shall be prescribed by the City Council.

L. Deputy Mayor. The Mayor shall appoint the Deputy Mayor from within the membership of the City Council. Whenever the Mayor shall be absent from the city or prevented by illness or some other cause from attending to the duties of the office of Mayor, the Deputy Mayor shall act as Mayor and shall have all of the powers conferred upon the Mayor during the continuance of such absence, illness or inability of the Mayor. Whenever the Deputy Mayor shall serve as Mayor, he/she shall receive compensation at a rate to be fixed by the City Council. [Amdt. approved 11-3-92]

M. Removal from office; public hearings. Any officer, employee or commission members not herein otherwise provided for, appointed either by the City Manager or by the City Council or any city board, may be removed for malfeasance in office, neglect of duty, incompetency or other just cause but shall not be removed upon any charge preferred against him/her without due notice and hearing by the City Council. When any such charges shall have been preferred, the officer complained of shall have the right to be heard with his/her witnesses and by counsel, and such hearing may be adjourned from time to time as the City Council may direct. A Chairperson of a Council standing committee shall be considered an officer hereunder. Any officer, employee or commission member charged and subject to removal under the provisions of this section shall be removed from office or employment after due notice and hearing as herein provided upon majority vote of the City Council.

N. Zoning authority. The City Council shall be the zoning authority of the City of Meriden and shall sit as the Zoning Commission of the City of Meriden in determining zoning matters.

#### CHAPTER IV The Mayor

§ C4-1. Election, term and compensation.

The Mayor shall be elected separately at each biennial municipal election by the electors and shall serve until a successor shall be elected and qualified. The Mayor shall take office on the first Monday in December following each municipal election. He or she shall be the Chief elected officer of the City and receive such compensation as shall be fixed by a majority vote of the entire membership of the City Council. [Amdt. approved 11-3-92]

#### § C4-2. Duties.

The Mayor shall be an ex-officio member and the presiding officer of the City Council, and shall call it to order. He/she shall not have a vote on any matter voted upon by the Council except that, in those situations in which the City Council vote results in a tie, the Mayor shall cast the tie-breaking vote. Notwithstanding the foregoing, the Mayor shall in no event have a vote on any zoning matter or on any matter related to the appointment, suspension or removal of the City Manager. The Mayor shall be recognized as the official head of the Town for ceremonial purposes and military purposes. He or she shall keep informed on city matters and may make reports and recommendations to the City Council and electors of the City on matters of legislative concern and general town policy. The Mayor may recommend and introduce such ordinances, resolutions, motions and other measures to the City Council as he/she may deem necessary or expedient. The Mayor may attend any meeting of any board, commission or other governmental body of the City and shall receive such advance notification of any such meeting as is given to the members of said bodies. He or she shall have the full right of participation in discussions but shall not have the right to vote. The Mayor, as directed by the City Council, shall appoint such special sub-committees of the City Council as are required but shall in no way have the power to make appointments which are the responsibility of the City Council or Manager, except as provided in Section C3-3J. The Mayor shall have the power to veto any ordinance, legislative resolution or appropriation adopted by the City Council by returning the same to the City Council within seven calendar days following the adoption of such ordinance, legislative resolution or appropriation with a veto statement in writing of his/her objection thereto. If the City Council by a vote of two-thirds ( 2/3) of the entire membership at a special meeting or the next regularly scheduled meeting shall approve said ordinance, legislative resolution or appropriation, it shall thereupon be effective as so originally adopted. Notwithstanding the foregoing, the mayor shall have no authority to veto any zoning matter or any matter related to the appointment, suspension or removal of the City Manager. The Mayor may affirmatively waive in writing his/her veto authority as to any individual matter voted upon by the City Council. [Amdts. approved 11-3-92; 6-26-96]

## CHAPTER V The Manager

§ C5-1. Appointment, qualification and tenure.

The City Manager, hereinafter referred to as the "Manager," shall be appointed and may be removed or suspended with or without pay by the City Council. Said appointment, removal or suspension shall be at least by a majority vote of the full membership of the City Council. The minimum qualifications for the office of City Manager shall be a bachelor's degree. The Manager shall be chosen on the basis of such factors including but not limited to municipal and public experience, professional training, and executive and administrative qualifications. He/she shall serve for an indefinite term at the pleasure of the Council. At the time of his/her appointment, he/she need not be a resident of the town or state, but during his/her tenure of office he/she shall reside within the town. He/she shall devote his/her full time to the duties of his/her office. [Amdts. approved 11-3-87; 11-3-92]

§ C5-2. Powers and duties.

The Manager shall be the chief executive of the city. He/she shall have the powers and duties conferred upon chief executive officers of towns and cities by the General Statutes, except such powers as may be delegated to others by this Charter, and shall have the powers and duties conferred on Selectmen pursuant to Section 45a-654 of the General Statutes. He/she shall be directly responsible to the Council for the supervision and administration of all departments and offices of the city, except those elected by the people or appointed by state or federal authority, unless such responsibility is expressly delegated to him/her by the appointing authority. He/she shall perform the duties of any office over which he/she has a power of appointment until he/she makes such appointment. He/she shall see that all laws and ordinances governing the city are faithfully executed. He/she shall make periodic reports to the Council at least monthly or more frequently as the Council directs and shall attend its meetings.

He/she shall prepare and cause to be printed an annual report at the close of the fiscal year. He/she shall recommend to the Council such measures as he/she may deem necessary or expedient and shall keep the Council fully advised as to the financial conditions of the city.

He/she shall prepare and submit to the Council an annual budget and shall exercise such other powers and perform such other duties as may be required of him/her by ordinance, resolution or vote of the Council, unless inconsistent with this Charter. The Council shall not diminish, by ordinance, vote or otherwise, the powers and duties of the Manager granted to him/her by this Charter.

§ C5-3. Appointments.

The Manager, except as otherwise specifically provided in this Charter, shall appoint all department heads and other officers and full-time employees of the city and may remove all those over whom he/she has the power of appointment.

Any person removed hereunder shall have no rights under Chapter III, Section C3-3M.

Within 24 hours of any such removal of any person by the City Manager, he/she shall file a statement of his/her reason or reasons for such removal with the City Clerk; but this requirement shall not be construed in any way to require cause for any such removal.

#### § C5-4. Acting Manager.

(1) During the period of a vacancy or a suspension in the office of Manager, the Council shall appoint, by resolution, a person, other than a Council member, as Acting Manager, for a period not to exceed 90 days. He/she shall have all powers and duties of the Manager provide for herein.

(2) The Manager may designate a city employee to serve as temporary Acting Manager during the period of the Manager's temporary absence or disability. In the event that the Council shall determine that it is reasonably probable that the absence or disability shall be of a duration longer than one month, the Council shall by resolution appoint a city employee to perform the duties of the temporary Acting Manager, for a period not to exceed 90 days. Said temporary Acting Manager shall have all the powers and duties of the Manager.

#### § C5-5. Compensation.

The City Council shall fix the compensation of the Manager annually and shall publish at least annually in its minutes the terms of such compensation including the value of all perquisites. The compensation of the Manager may not be increased or decreased in any fiscal year except by a majority vote of the full membership of the City Council.  
[Amdt. approved 11-3-92]

#### § C5-6. Suspension and removal.

The Manager may be suspended with or without pay (notwithstanding the provisions of Section C5-5) or may be removed by vote of at least the majority of the full membership of the City Council with or without cause. He/she shall have no rights under Chapter III, Section C3-3M. The Acting Manager or temporary Acting Manager may be removed at any time by majority vote of the full membership of the Council.  
[Amdt. approved 11-3-92]

### CHAPTER VI

## Board of Education

### § C6-1. Elective transition.

There shall be a board of education consisting of nine members elected for terms of four years, in accordance with Section 9-204b of C.G.S., as the same may from time to time be amended, which is hereby adopted. The present members of the board of education shall continue in office for the terms for which they were elected and until their successors are duly elected and have qualified. In the 1993 municipal election there shall be elected five for a term of four years. Biennially, thereafter, commencing in the 1995 municipal election, there shall be alternately elected four members and then five members who shall hold office for a term of four years to succeed those whose terms expire. [Amdt. approved 11-3-92]

### § C6-2. Rights and duties.

The Board of Education shall have all the powers, obligations, rights and duties necessary for the operation, maintenance and supervision of the Meriden educational system or conferred on it by the Connecticut General Statutes or Special Acts of the General Assembly, except as otherwise provided by or inconsistent with this Charter or any amendment thereto.

## CHAPTER VII

### Boards, Commissions and Departments

#### § C7-1. Public Utilities Commission.

[A. Appointments; terms; chairperson; meetings.] The city shall continue to have a Public Utilities Commission consisting of five members. All members shall serve for three years and the City Council shall appoint members to the Public Utilities Commission to succeed the members whose terms have expired from time to time. The members of said Commission shall have the power to elect, by majority vote, one of the members of said Commission as Chairperson. Said Commission shall meet at least once monthly on a date to be determined by said Commission. Special meetings shall be held on an appointed date when said special meeting is requested in writing by either the Chairperson, the City Manager or a majority of the members of the said Commission and directed to the Secretary of the Commission; provided, however, that at least 24 hours' notice be given, either orally or in writing, to the members of said Commission. [Amdt. approved 11-3-87]

B. Powers and duties. There shall be a Public Utilities Commission appointed in the manner prescribed in this Charter. Said Commission shall consist of at least three divisions: a Water Division, a Sewer Division and a Fiscal Division and such other divisions as from time to time may be created by the City Council. Said Commission shall be responsible for administering, directing and coordinating the efficient operation

of those divisions under its control. Except as otherwise provided in this Charter, all provisions of the General Statutes with respect to the distribution of water by municipalities and municipal sewerage systems as well as all bylaws, rules and regulations of and relating to the Water and Sewer Departments of the City of Meriden in effect on the effective date of this Charter shall remain in force and effect and are to be administered by the city and said Commission.

C. Water Division. The Water Division shall be responsible, subject to said Commission, for matters relating to water supply treatment, distribution and transmission.

D. Sewer Division. The Sewer Division shall be responsible, subject to said Commission, for matters relating to sewage treatment and collection.

E. Fiscal Division. The Fiscal Division shall be responsible, subject to said Commission, for matters relating to the assessment and collection of all water and sewer charges and assessments. The Fiscal Division shall keep and maintain separate books and accounts for the Water and Sewer Divisions and such other divisions as may be established. If the Commission shall decide that a joint operation shall be advisable and economical, the Commission shall instruct the Fiscal Division to prorate any such joint expense among the divisions as the Commission determines to be equitable.

F. Budget. Said Commission shall annually cause to be prepared and submitted a budget for the approval of the City Council in the manner prescribed in Chapter VII of this Charter, except that the utilities budget shall contain an estimate of the gross revenues of each division, as well as the expenditures thereof, and a statement showing receipts and payments among utilities and other city departments and commissions for the use of personal services, equipment and facilities in accordance with the provisions of Subsection E of this section. Such budget shall provide for the setting aside from annual net income of an adequate depreciation reserve and/or surplus for each division. The Commission shall also prepare recommended water and sewer rate and assessment charges to be submitted to the City Council once monthly on a date to be determined by said Commission. Special meetings shall be held on an appointed date when said special meeting is requested in writing by either the Chairperson, the City Manager or a majority of the members of the said Commission and directed to the Secretary of the Commission; provided, however, that at least 24 hours' notice be given, either orally or in writing, to the members of said Commission. [Amdt. approved 11-3-87]

B. Powers and duties. There shall be a Public Utilities Commission appointed in the manner prescribed in this Charter. Said Commission shall consist of at least three divisions: a Water Division, a Sewer Division and a Fiscal Division and such other divisions as from time to time may be created by the City Council. Said Commission shall be responsible for administering, directing and coordinating the efficient operation of those divisions under its control. Except as otherwise provided in this Charter, all



provisions of the General Statutes with respect to the distribution of water by municipalities and municipal sewerage systems as well as all bylaws, rules and regulations of and relating to the Water and Sewer Departments of the City of Meriden in effect on the effective date of this Charter shall remain in force and effect and are to be administered by the city and said Commission.

C. Water Division. The Water Division shall be responsible, subject to said Commission, for matters relating to water supply treatment, distribution and transmission.

D. Sewer Division. The Sewer Division shall be responsible, subject to said Commission, for matters relating to sewage treatment and collection.

E. Fiscal Division. The Fiscal Division shall be responsible, subject to said Commission, for matters relating to the assessment and collection of all water and sewer charges and assessments. The Fiscal Division shall keep and maintain separate books and accounts for the Water and Sewer Divisions and such other divisions as may be established. If the Commission shall decide that a joint operation shall be advisable and economical, the Commission shall instruct the Fiscal Division to prorate any such joint expense among the divisions as the Commission determines to be equitable.

F. Budget. Said Commission shall annually cause to be prepared and submitted a budget for the approval of the City Council in the manner prescribed in Chapter VIII of this Charter, except that the utilities budget shall contain an estimate of the gross revenues of each division, as well as the expenditures thereof, and a statement showing receipts and payments among utilities and other city departments and commissions for the use of personal services, equipment and facilities in accordance with the provisions of Subsection E of this section. Such budget shall provide for the setting aside from annual net income of an adequate depreciation reserve and/or surplus for each division. The Commission shall also prepare recommended water and sewer rate and assessment charges to be submitted to the City Council for final approval, subject to the power of the City Council to modify either the budget or said rates and assessment or both; provided, however, that in no event shall the budget appropriation be greater than the expected revenue from said rates and assessments. Said Commission and its division shall cooperate fully with the Department of Finance in the preparation of the budget of the Commission.

§ C7-2. Existing or proposed boards, commissions or departments.

The City Council shall have the power to create, establish or eliminate, after public hearing, all boards, commissions and departments, except the hereinafter-listed boards, commissions and departments and those mandated by state statute, as it deems necessary for the efficient, orderly, economical and coordinated operation of the

municipal government, by an affirmative vote of two-thirds ( 2/3) of its full membership. [Amdt. approved 11-8-88]

#### List of Boards, Commissions and Departments

#### Which Cannot be Consolidated or Eliminated

1. Public Utilities Commission
2. Department of Law
3. Police Department
4. Fire Department
5. City Clerk
6. Board of Assessment Appeals [Admt. approved 6-26-96]
7. Board of Ethics
8. (Reserved) [Amdt. approved 11-3-87] [Amdt. approved 6-12-90]

#### § C7-3. Department of Law.

The City Council shall appoint and may remove a Corporation Counsel who shall be an attorney at law admitted to practice law in this state, in good standing as a member of the Connecticut Bar and who has been in active practice of his/her profession in Connecticut for at least five years. He/she shall appear for and protect the rights of the city in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. He/she shall be the legal advisor of the City Council, or any committee thereof, the City Manager, all city officers, boards and commissions and such other officials as the City Council shall from time to time authorize, in all matters affecting the city and shall, upon written request, furnish them with a written opinion of any question of law involving their respective powers and duties. Upon request, he/she shall prepare or approve forms of contracts or other instruments to which the city is a party or in which it has an interest. He/she shall have power, with approval of the City Council, to appeal from orders, decisions and judgments and, subject to the approval of the City Council and within the appropriation therefor, to compromise or settle any claims by or against the city. Whenever any person violates or threatens to violate any order or regulation of the City of Meriden, the Corporation Counsel is authorized in the name of the city to institute, before any court having jurisdiction, a civil action praying for an injunction restraining any such person from committing or continuing such violation. The Corporation Counsel with

the written consent of the City Council, may employ assistant corporation counsels and/or special counsel to assist him/her in the conduct of the Department of Law. The Corporation Counsel may appoint such other employees and incur such other expenses as he/she may deem necessary, provided that an appropriation has been made therefor.

§ C7-4. Police Department.

A. Powers. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the laws of the state and the ordinances of the City of Meriden, and all rules and regulations made in accordance therewith. All members of the Department, except clerical and other personnel without law enforcement responsibility, shall have the 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 of the State of Connecticut as from time to time amended.

B. Chief of Police. The City Manager shall appoint and may remove, subject to the provisions of Section 7-278 of the General Statutes, as amended, a Chief of Police who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter, all other officers and employees of the Police Department, including a Dog Warden, whose powers and duties shall be as provided in Chapter 435 of the General Statutes, as amended. The Chief of Police shall assign all members of the Department to their respective posts, shifts, details and duties. He/she shall make rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof. He/she 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, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action.

§ C7-5. Fire Department.

A. Powers. The Fire Department shall be responsible for the protection of life and property within the City of Meriden from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention or safety.

B. Fire Chief. The City Manager shall appoint and may remove, subject to the provisions of Section 7-302 of the General Statutes of the State of Connecticut, as from time to time may be amended, a Fire Chief who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter IX of this Charter, all other officers and employees of the Fire Department. He/she shall assign all members of the Department to their respective posts, shifts, details and duties. He/she shall make rules and regulations concerning the operation of

the Department and the conduct of all officers and employees thereof. He/she 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, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action.

C. Fire Marshal. The City Manager shall appoint and may remove, subject to the provisions of Sections 29-46 and 29-47 of the General Statutes of the State of Connecticut, as from time to time may be amended, a Fire Marshal for the City of Meriden. The Fire Marshal shall perform the duties prescribed for such an officer by the General Statutes and as prescribed by the City Council by ordinance or resolution not inconsistent therewith.

#### § C7-6. City Clerk.

The City Clerk shall also be the Town Clerk and Registrar of Vital Statistics and have all of the offices, duties and powers vested in said office by the laws of the State of Connecticut and shall have such other powers and duties as are prescribed in this Charter and by the City Council and may appoint and remove, in his/her discretion one unclassified Assistant to the City Clerk who may, at his/her discretion, perform all duties of Town and City Clerk. He/she shall devote his/her full time to the duties of his/her office. The City Clerk shall serve for a term of four years and until his/her successor shall be elected and qualified, and shall take office on the first Monday of December immediately following his/her election. [Amdt. approved 11-3-92]

The City Clerk shall receive compensation fixed by the City Council, and all fees collected by him/her shall be paid to the Department of Finance.

The City Clerk and his/her assistants shall have power to administer oaths and take affidavits and acknowledgements, and all records of such work or copies certified by him/her or his/her assistants shall have the same validity as records of Town Clerks and shall be received in evidence in all courts.

The City Clerk shall accept the recording of all proper legal documents until the close of business at 5:00 p.m., unless otherwise directed by an emergency order of the Manager. [Amdt. approved 11-3-92]

#### § C7-7. Board of Assessment Appeals.

The City Council shall appoint a Board of Assessment Appeals consisting of three members who shall serve for terms of two years. They shall exercise all the powers and perform all the duties prescribed for Boards of Assessment Appeals by the General Statutes. They shall keep correct minutes of their meetings and shall file a report of their findings with the Department of Finance and the City Clerk at the completion of

their work. two members shall form a quorum of said Board, and the concurrence of two votes shall be necessary for the transaction of its business.

The Board of Assessment Appeals shall hear all appeals regarding assessments, in the manner by the General Statutes provided as to appeals from assessments of city taxes.

Special meetings of said Board may be called by the City Manager at any time upon reasonable notice to the members and shall be called at any time upon the written request of a majority of the members of said Board. [Amdt. approved 6-26-96]

§ C7-8. Board of Ethics; conflicts of interest.

There shall be a Board of Ethics consisting of five members. Members shall be appointed in accordance with Section C3-3J of the City Charter for a term of three years, except that of the initially appointed members, who will serve for one year, two for two years, and two for three years. No more than two shall be members of the same political party.

All members shall be electors of the municipality. No member shall be appointed or continue to serve who shall (1) hold or be nominated for any elective public office, (2) have held public office, including office as a member of a party committee as defined by state statute, or have been a declared candidate for elective public office, or have been a member of any municipal agency, board, commission or committee, during a one-year period prior to appointment, (3) hold office in any party committee defined by state statute, (4) serve as a member of any other municipal agency, board, commission or committee, (5) be a City employee.

The City Council shall enact, and may amend from time to time, a Code of Ethics to provide guidelines for ethical standards of conduct for all City officials, employees, and contractors, by setting forth those acts or actions which are incompatible with the best interests of the City, by directing disclosure of private financial or other interests in matters affecting the City, by providing for a procedure by which said Board shall hear complaints and issue decisions and advisory opinions, by providing for penalties and the effect of violation of such Code, and by defining conflicts of interest under said Code, all in conformity with state statutes, as the same may be amended from time to time. [Amdt. approved 6-26-96]

§ C7-9. Additional compensation.

Any elected official, department head or chief assistant to an elected official or department head shall not be entitled to or receive or claim additional compensation for any personal services rendered for or on behalf of the City of Meriden.

§ C7-10. Removal of board and commission members.

In addition to the removal powers and procedures set forth in Section C3-3M, the City Council may, by majority vote, remove any person appointed by it from any board, commission or committee for nonattendance.

Such removal must be on an individual basis and must be voted within 30 days of the date of the introduction of the removal resolution. [Amdt. approved 11-3-87]

§ C7-11. Uniform term of office.

Unless otherwise provided in this Charter or otherwise directed by ordinance, the term of all appointments to boards, commissions and agencies made by the City Council shall be three years from the first day of February.

In the event that the term of any appointee expires and no other appointment to that office is made by the City Council after 60 days of the expiration of the term of such office, the incumbent appointee shall be automatically reappointed for a new three-year term from the date of expiration of the previous term.

The City Council shall provide by resolution for any staggered terms which it may deem necessary to implement its appointing authority by majority vote.

## CHAPTER VIII

### Department of Finance

§ C8-1. Department of Finance; Director; Purchasing Agent, bidding procedure.

A. Department of Finance. The Department of Finance shall commence operations on the first Monday of December following the regular municipal election for the year 1979 and shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of city funds and money, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the City Council. Accounts shall be kept by the Department of Finance showing the financial transactions of all departments and agencies of the city except the accounts showing the financial transactions of the World War II Veterans' Memorial Hospital, which shall be kept by the Chief Fiscal Officer of said hospital, subject to the supervision of and audit by the Department of Finance. Forms for such accounts shall be prescribed by the Director of Finance. Monthly or more frequent financial reports shall be prepared for and submitted to the City Council or department or division heads as may be required by the City Council.

B. Director. A Director of Finance shall be appointed by the City Manager subject to approval by the City Council to serve at the pleasure of the City Council. The Director of Finance shall be responsible for the operation and supervision of the Department of Finance and shall be under the direction, control and supervision of the City Manager.

C. Purchasing and bidding procedures.

(1) All supplies, materials, equipment, goods and other commodities, except as otherwise provided in this Chapter, shall be purchased by such employees of the City as may be designated to do so by the City Manager from time to time and in accordance with such rules and procedures as may be adopted by the City Council after public hearing. Services shall be purchased by such method as shall be deemed appropriate by such employees, subject to approval by the City Manager and Finance Director or in accordance with such procedures as required by ordinance enacted by the City Council.

(2) If any purchase or contract, or supplies, material, equipment, goods, or other commodities, including a continuing order or contract for the purchase of the same commodity over a period of time, involves an expenditure in excess of the minimum amount established by the City Council in accordance with the provisions of this section, written contracts shall be required therefore, which contracts shall be awarded on sealed bids or requests for written proposals. Notice of the solicitation of such bids or proposals shall be published in a newspaper of general circulation in the City at least 10 days prior to the date for submission of such bids or proposals. All such bids or proposals shall be publicly opened at the time set forth in such notice. All such contracts shall be awarded to the lowest responsible person, provided, however, if it is deemed by the City Manager to be in the best interest of the City to reject all such bids or proposals, or to otherwise award such contract, such contract shall be awarded in conformity with subsection (3) hereof. Each such bid or proposal as described in this section shall be accompanied by a certified check or equivalent payable to the order of the City of Meriden in an amount as may be determined appropriate, or said requirement may be waived in the discretion of the City Manager. Within three days after the opening of such bids or proposals, such checks shall be returned to all persons not awarded said contract. If the person whom said contract is awarded shall execute said contract in accordance with this section, then said check shall be returned, otherwise, it shall be forfeited to and retained by the City.

(3) Upon the recommendation of the employee(s) designated to make purchases, the requirements of subsection (2) hereof may be waived upon the written concurrence of the City Manager, the Director of Finance and the department head or the chief administrative employee of the agency, commission or entity requesting any such purchase. Said waiver shall be signed prior to the award of any such contract and shall set forth the procedure to be followed in the awarding of such contract. Upon execution,

such waiver shall be filed with the clerk of the City Council, or such other person as the City Council may designate, and the same shall be available for public inspection.

(4) If the person to whom any contract is awarded in accordance with this section shall neglect or refuse to accept said contract within five business days after a notice that the contract has been awarded, or if said person fails to execute the contract or give security for the faithful performance thereof as required, said contract may be awarded to the next lowest responsible person upon the written approval of the City Manager.

(5) No such contract shall be awarded to any person who is in arrears upon any debt, contract or obligation to the City. three copies of every such contract shall be executed, and one such copy shall be kept on file in the office of the City Clerk and be available for public inspection.

(6) All contracts not awarded in conformity with this section shall be void and the City shall have no obligation thereunder. The requirements of this section shall be incorporated into each such contract by reference hereto. [Amdt. approved 6-26-96]

#### § C8-2. General form of budget presentation.

The Director of Finance shall require each department, office or agency of the city supported wholly or in part by city funds or for which a specific city appropriation is made, including the Board of Education, to set forth, on such forms as the Director of Finance may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year.

#### § C8-3. Departmental estimates.

The Director of Finance, under the supervision and direction of the City Manager, shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the city as described in § C8-2 of this chapter, including the Board of Education, shall, at least 180 days before the end of the fiscal year, file with the Director of Finance, on forms prescribed and provided by him/her, a detailed estimate of the expenditures to be made by his/her department, office or agency and the revenue, other than tax revenues, to be collected thereby in the ensuing fiscal year and such other information as may be required by the City Council, the City Manager or the Director of Finance.

#### § C8-4. Duties of the Director of Finance.

At least 180 days prior to the end of the fiscal year the Director of Finance must submit all necessary budget data to the City Manager. Not later than 120 days from the end of the fiscal year the City Manager, after having obtained the necessary data from the Director of Finance, shall present to the City Council a budget consisting of: (a) a



budget message outlining the financial policy of the city government and describing in connection therewith the important features of the budget plan, indicating any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes and containing a clear general summary of its contents; (b) estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year and an estimate of available surplus; (c) itemized line estimates of expenditures, presenting in parallel columns the actual line item expenditures for each department, office, agency or activity for the last completed fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year and the City Manager's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items and such other information as may be required by the City Council. The City Manager shall present reasons for his/her recommendations. The Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as is required of the Director of Finance in Section C8-2 of this chapter for other departmental estimates. As part of the budget the City Manager shall present a program, previously considered and acted upon by the City Planning Commission in accordance with Section 8-24 of the General Statutes, as amended, concerning municipal improvements or proposed capital projects for the ensuing fiscal year and for the five years thereafter. Estimates of the costs of such projects shall be submitted by each department, office or agency annually in the form and manner prescribed by the Director of Finance. The City Manager shall recommend to the City Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same. [Amdt. approved 11-3-87]

The Director of Finance shall be the Fiscal Clerk of the City Council and shall keep a true and complete record of all its fiscal doings. The City Council may call for all information, including books and papers, in the possession of any board, commission, committee or officer of said city, and such officers and all members of said boards, commissions and committees shall appear before the City Council in person when summoned and furnish all facts and data, in written or printed form or otherwise, concerning their several departments. The City Council shall have power to levy taxes on the estates within the limits of said city, and such taxes shall be laid upon the grant list as decided upon by the Assessor.

If special appropriations in excess of those provided in the final adopted city budget shall be required for any purpose, an estimate of the same shall be required by the City Council, and the City Council shall have authority to make any such appropriations and to lay a special tax to meet the same; and the City Council may appropriate during the year, at any regular or special meeting which it may hold, sums not exceeding in the whole 1 1/2% of the general fund budget as established for the current year, without laying a special tax therefor. Any special tax so laid shall be laid upon the grand list of the city which shall have been made next before the laying of such tax.

The City Council shall have all the powers, rights, duties and obligations, as set forth in Section C8-5 herein.

§ C8-5. Duties of the City Council and Mayor on the budget.

Upon receipt of the proposed budget from the City Manager, the City Council shall hold one or more public hearings not later than 75 days before the end of the fiscal year at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates of the City Manager, the City Council shall cause sufficient copies of said estimates, together with any changes or modifications proposed by the City Council or a committee thereof, to be made available for general distribution in the office of the City Clerk, and at least five days prior to the aforementioned public hearing, the City Council shall cause to be published in a newspaper having a circulation in the city a notice of such public hearing. Within 20 days after holding the final such public hearing, the City Council shall adopt the budget proposed by the City Manager or make such changes in the line item estimates of expenditures as it may deem advisable and adopt said proposed budget with the changes, if any, as the final adopted city budget by majority vote. [Amdt. approved 11-3-87]

The Mayor shall have a veto power over the final adopted budget on a line item basis only. He/she, in exercising said veto, shall transmit his or her veto message, setting forth the reason(s) for said veto and specifying a recommended funding level for said line item, to the City Council within five days of the adoption of the city budget by the City Council. The City Council shall meet to consider said veto prior to fixing the tax rate in mills as provided for in this Charter. At such time, the City Council may override any line item veto by a two-thirds ( 2/3) vote of the entire membership, or may also increase or decrease any line item so vetoed, by a two-thirds ( 2/3) vote of the entire membership. The Mayor shall not have the power to veto any such subsequent City Council action. If the City Council fails to override said veto or to increase or decrease any line item so vetoed, the funding level(s) specified in said veto shall be the approved funding for said line item for the final adopted budget. [Amdts. approved 11-3-92; 6-26-96]

For the purpose of Chapters 108 and 111 of the General Statutes, as amended, the City Council shall be deemed to be the budget-making authority and the legislative body of the city. [Amdt. approved 11-8-88]

§ C8-5a.<sup>4</sup> (Reserved)

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<sup>4</sup> Editor's Note: Section C8-5a, pertaining to board of apportionment and taxation, was repealed by § 5 of an amendment approved by the voters on Nov. 3, 1987.

§ C8-6. Budget referendum.

A referendum on the adopted budget must be held when there shall be filed with the City Clerk, within 30 days of the date of adoption of the final approved budget by the City Council, a petition signed by qualified electors in number equal to 10% or more of the total number of electors of the city as determined by the last effective list of the registrars of voters, which petition shall be filed with the City Clerk who shall within 10 days determine whether or not the petition contains a sufficient number of valid signatures and, if it does, shall so certify to the Council. The city budget shall not then take effect until the Council has submitted it to a referendum, which shall be held not less than 20 nor more than 30 days after the filing of such petition with the City Clerk. The budget shall be null and void in the event that electors equal to 50%, plus one, of the total number of votes actually cast in the last regular election for municipal offices vote to reject the budget. Otherwise it shall take effect immediately following the referendum.

In the event that the budget should be defeated at the referendum, the interim spending until the adoption of a new municipal budget shall continue at the same level as the previous budget.

In the event that the budget is defeated at referendum, the City Council shall, after public hearing, adopt a new budget within 30 days of the date of the referendum.

There shall be only one referendum permitted hereunder for any one fiscal year's budget. [Amdts. approved 11-3-92; 6-26-96]

§ C8-7. Establishment of tax rate and tax districts.

Upon approval of the final adopted budget, the City Council shall fix within 10 days the tax rate in mills which shall be levied on the taxable property in the city for the ensuing fiscal year. Said tax rate shall be set so as to ensure that the tax monies to be raised shall be equal to the amount of the expenditures provided for in the adopted budget.

The City of Meriden, for the purpose of taxation, shall continue to be divided into two districts, First and Second, as they exist on the effective date of this Charter. Provided, however, that the City Council, by a two-thirds ( 2/3) vote of the entire membership of the City Council after public hearing, shall have the power to create, eliminate, change or otherwise modify any taxation district, except that at all times the First District shall be a general taxation district covering the city as a whole.

The City Council using the last completed grand list shall annually apportion such tax between the First District and the various additional taxation districts which the Council may have created, designating those items in the approved budget which shall be

apportioned against the First District and those items in the approved budget which shall be apportioned against any other tax district only. Upon such apportionment, said City Council shall levy the general city tax and the special district tax or taxes hereinbefore provided for and prepare and sign proper rate bills therefor. The City Council shall, annually, include in its estimates a sum sufficient to pay the interest on any bonds which may be issued by said City of Meriden to fund the city debt and may make provisions for the payment of such bonds. The taxes laid annually and any special tax shall be laid upon the lists of said city last completed. Whenever the rate of tax shall be determined as herein provided it shall be final for the tax and the annual special district tax or taxes laid by the City Council of said city shall be paid semiannually or in such installments as the Council may order by a two-thirds ( 2/3) vote of its entire membership.

During the fiscal year the City Manager shall review the administration of the budget and the financial operation of the city and make its [his/her] reports and recommendations at least quarterly or more often to the City Council or to the appropriate officer, board, commission or department.

The books of all public officials and city departments shall be audited annually by a certified public accountant or by certified public accountants to be selected by the City Council. [Amdt. approved 11-3-87]

§ C8-8. Line item changes to the budget.

Line item changes in the adopted budget may be recommended by the City Manager and must be approved by the City Council.

§ C8-9. Tax bills.

It shall be the duty of the Tax Collector to mail to each taxpayer a tax bill prepared in accordance with the provisions of Sections 12-130 and 12-131 of the General Statutes, as amended, with such additional duties as may be prescribed by ordinance or regulation of the City Council.

§ C8-10. Assessment and collection of taxes.

Except as specifically provided in this chapter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the Connecticut General Statutes.

§ C8-11. Expenditures and accounting.

(a) No purchase shall be made by any department, board, commission or officer of the city, other than the Board of Education and the municipal library as provided in

Chapter VIII, § C8-1C, of this Charter and the World War II Veterans' Memorial Hospital as provided in Chapter X, except through the Purchasing Agent. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

(b) No voucher, claim or charge against the city shall be paid until the same has been audited by the Director of Finance or his/her agent and approved by him/her for correctness and validity. Payment of all approved claims shall be authorized by the Director of Finance, which authorization shall be valid.

(c) The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the city shall pay the same to the city.

(d) The several departments, commissions, officers and boards of the city shall not involve the city in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved by the City Council, and each order drawn upon the city shall state the department, commission, board or officer and the appropriation against which it is to be charged.

(e) Appropriation for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any such project shall be deemed to have been abandoned if three fiscal years shall elapse without any expenditure from or encumbrance of the appropriation therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.

(f) Every payment made in violation of the provisions of this Charter shall be deemed illegal, and every official authorizing or making such payment or taking part therein and every person receiving such payment of any part thereof shall be jointly and severally liable to the city for the full amount as paid or received. If any officer or employee of the city shall knowingly incur any obligation or shall authorize to make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for his/her removal.

#### § C8-12. Fiscal year.

The fiscal year of the city shall begin on July 1st. The City Council shall have the power to change the fiscal year and tax collection dates of the city, after public hearing, by an affirmative vote of two-thirds ( 2/3) of its full membership. [Amdt. approved 11-8-88]

#### § C8-13. Borrowing.

The city shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes of the State of Connecticut, as the same may be from time to time amended, and subject to the limitations thereof and of this Charter. The issuance of all municipal bonds and notes shall be authorized by resolution of the City Council.

The City Council or such officials as it shall designate shall determine the rate of interest of such bonds and notes and shall determine the amount of each issue of bonds or notes, their form, their date, the dates of principal and interest payments, the manner of issuing such bonds or notes and by whom such bonds and notes shall be signed or countersigned and all other particulars thereof.

§ C8-14. Books, accounts, etc., to be open for inspection.

All books, accounts, bills, invoices, contracts or documents relating to the business of the city shall, at all reasonable times during regular office hours, be open to the inspection of any registered elector or group of electors of the City of Meriden.

§ C8-15. Books, records, equipment, materials, etc., to be city property.

All books, papers and records of every office, department, board or commission shall be city property and shall be kept by the proper officer or employees and shall be delivered to his/her successor in office, who shall give duplicate receipts therefor, one of which shall be filed with the City Clerk. Certified copies or extracts from the books, records and files shall be given by the officer, board or commission or employee having the same in custody to any person demanding and paying for such copies or extracts, but the records of the Police Department shall not be subject to inspection or copy without permission of the City Manager.

All equipment, collections, models, materials, instruments, tools and implements which are collected, maintained, used or kept by the city or by any department, board or commission shall be city property and shall be turned over by the custodian thereof to his/her successor or accounted for. All persons holding office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of his/her office or employment, and failure so to do shall be ground for removal.

§ C8-16. Tax Collector and Tax Assessor.

A Tax Collector and a Tax Assessor or one person holding both positions as Tax Assessor and Collector shall be appointed by the City Manager to serve at the pleasure of the City Manager. The Tax Collector and Tax Assessor shall have the powers and duties imposed by law on such officers and shall have such other powers and duties as the City Council may prescribe. [Amdt. approved 11-3-92]

§ C8-17. City Treasurer.

Upon the recommendation of the City Manager, the City Council shall appoint a City Treasurer to serve at the pleasure of the City Manager, and such Treasurer shall have and exercise all of the powers and duties prescribed for municipal treasurers by state statute.

The City Manager shall serve as the Assistant City Treasurer and shall have all of the powers and duties of the City Treasurer in the event of the death, disability, absence or other temporary vacancy in the office of City Treasurer.

CHAPTER IX

Personnel Department

§ C9-1. Personnel Department.

There shall be a Department of Personnel which shall administer the classification and compensation system hereinafter described.

§ C9-2. Director of Personnel.

There shall be a Director of Personnel who shall be responsible for the proper administration of the Department of Personnel and the classification and compensation system hereinafter described. Said Director shall be appointed by the City Manager. The Director of Personnel shall serve at the pleasure of the City Manager.

§ C9-3. Classification.

There shall be a classified service of the city pursuant to Section 7-194 of the Connecticut General Statutes, as amended. The classified service shall include all offices and positions in the municipal service of the City of Meriden except the following offices and positions herein excepted: all elected officials, all department heads, members of all appointed boards and commissions; the Corporation Counsel; those specifically exempted by state statute; no less than one assistant and one secretary to the City Manager, no less than one assistant to the City Clerk, no less than one assistant to the City Council and all those who serve at the pleasure of the City Manager or City Council, or both, as provided in this Charter. The number of such unclassified positions in each category shall be determined by majority vote of the City Council. [Amdt. approved 11-3-87]

Notwithstanding any contrary provision of the previous City Charter or of the classified system in existence upon the effective date of this Charter, all department heads and all

other officers provided in this Charter to serve at the pleasure of the City Manager or City Council, or both, shall be considered to serve without tenure after the effective date of this Charter, and the positions of department heads and other officers shall be considered to be new offices created by virtue of the adoption of this Charter, and any previous tenure or classified status of such department heads or other officers is hereby expressly terminated and revoked.

§ C9-4. Compensation system.

There is hereby created a compensation system which shall include a schedule of salary ranges consisting of minimum and maximum rates of pay and intermediate steps for all classes of positions included in the classification plan and the assignment of classes to salary ranges as such salary ranges may be hereinafter determined by the City Council.

§ C9-5.<sup>5</sup> (Reserved)

§ C9-6. Municipal pension plan.

1. The Municipal Employees' Pension Plan, the Police Department Pension Plan and the Fire Department Pension Plan shall continue to exist with respect to those persons presently pensioned thereunder, covered thereby or subject to the provisions thereof on and after the adoption and effective date of this Charter in the same manner as said pension systems exist under the various Special Acts of the Legislature by which the same were established.
2. On or after the effective date of the Charter the City Council shall by ordinance create and establish an integrated municipal pension plan and shall create a Municipal Pension Board to administer the same. Said pension plan shall cover and apply to all employees of the City of Meriden, including the Police and Fire Departments and the Board of Education (except Board of Education employees who belong or were eligible to belong to the State Teachers' Retirement Association). Said integrated municipal pension plan shall apply only to those employees whose employment with the City of Meriden shall commence on or after the effective date of this Charter and to those other employees who may, pursuant to appropriate provision of any ordinance of the City Council which may be adopted, be given the option of being covered thereunder.
3. Nothing herein shall be construed as in any way altering or affecting the pension rights of any employees of any department of the City of Meriden whose employment with the city commenced prior to the effective date of this Charter. The provisions of

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<sup>5</sup> Editor's Note: Section C9-5, pertaining to the personnel review board, was repealed by an amendment approved by the voters on Nov. 3, 1992.



the previous Charter of the City of Meriden and of any Special Act pertaining to the pension rights of any employee of the City of Meriden whose employment commenced prior to the effective date of this Charter are hereby expressly reaffirmed.

4. Nothing herein shall be construed to prevent amendments to the municipal pension plan as the result of any contract or agreement duly entered into between the City of Meriden and any validly constituted union or other municipal employee bargaining unit.

## CHAPTER X

### The World War II Veterans' Memorial Hospital, Bradley Trust and Maloney Scholarship

#### § C10-1. The World War II Veterans' Memorial Hospital.

The City of Meriden is hereby authorized to equip and maintain a hospital. Said hospital shall be known as the "World War II Veterans' Memorial Hospital" in memory of all of its residents who served in the United States Armed Forces in World War II, and particularly to those who gave their lives for their country in said war, and shall be owned by the City of Meriden and shall be managed by a Board of Trustees composed of 11 members, and there shall be an Advisory Committee composed of not more than 30 members, such Board of Trustees and Advisory Committee to be appointed in the manner provided in this Charter.

Said Board of Trustees shall direct, manage, control and operate said hospital in such manner as shall be directed by the City Council of the City of Meriden. The Advisory Committee shall advise with the Board of Trustees whenever necessary as to the general policy of said hospital. The Board of Trustees and the Advisory Committee shall make annual reports to the City Council of the City of Meriden concerning all of their activities on or before the first Monday of January in each year.

The City of Meriden is authorized to issue bonds under the corporate name and upon the credit of said city to be known as "World War II Veterans' Memorial Hospital Bonds." The avails of such bonds shall be used for the purpose of equipping and maintaining the World War II Veterans' Memorial Hospital provided for in this Charter.

The City Council shall, subject to any limitations contained in this Charter, determine the aggregate amount of said bonds, the time or times for payment, the denomination or denominations thereof, the rate of interest, the place or places of payment, the officers of the city by whom they shall be signed and the manner of disposing thereof. No meeting of the voters of the city shall be necessary for the issuance of such bonds, but the usual public hearing must be held. After the issuance of said World War II Veterans' Memorial Hospital Bonds, the City Council shall annually make an appropriation for

paying the principal and interest annually becoming due on said bonds, such appropriation and taxes to be a charge against the City of Meriden.

All bonds herein authorized, when executed and delivered in accordance herewith, shall be obligatory upon the City of Meriden and the inhabitants thereof according to the tenure and purport of the same. Any of the several numbers and denominations of bonds redeemed shall be entered upon the records of the City of Meriden by the City Clerk and each year as such may be redeemed shall be destroyed in the manner provided for by the City Council of the City of Meriden.

Notwithstanding any provision of Chapter VIII of this Charter, the Board of Trustees of the World War II Veterans' Memorial Hospital shall have the power to make line item changes in said hospital's budget without approval by the Department of Finance or the City Council, except that any individual line item change shall not exceed 1/5 of 1% of the total adopted and approved budget of said hospital for the year in which any such change is made without requiring approval of the City Council. The Board of Trustees shall control all cash transactions involving said hospital, including receipts and expenditures subject to the supervision and audit of the Department of Finance. The World War II Veterans' Memorial Hospital shall not expend moneys in excess of its annual budget limitation.

There shall be a World War II Veterans' Memorial Hospital Cash Operating Revolving Fund. The City Council shall at all times during the existence of said fund determine the amount of money necessary to be kept in said fund for the efficient and economical operation of the hospital. Said fund shall be used by the Board of Trustees of said hospital to make all of its necessary operating expenditures and shall be subject to the fiscal supervision and audit of the Department of Finance of the City of Meriden.

At the close of each fiscal year World War II Veterans' Memorial Hospital will transfer any excess of funds accrued over the year into a permanent fund to known as the "Capital Revolving Fund of World War II Veterans' Memorial Hospital." The Board of Trustees of the hospital, with the approval of the Court of Common Council, shall expend such funds from this Capital Revolving Fund as may be necessary for the capital needs, both short-term and long-term, of the hospital. The use and disposition of all moneys in this fund shall be at the sole discretion of the Board of Trustees of the hospital with approval of the Court of Common Council.

All purchases used in the operation of the World War II Veterans' Memorial Hospital, except specialized medical and hospital equipment, supplies, drugs and medicines, shall be purchased through the Central Purchasing Department of the City of Meriden. Nothing herein shall be construed to prevent the Purchasing Agent from authorizing the World War II Veterans' Memorial Hospital from utilizing the services of any regional or group hospital or institutional purchasing agency if such purchases would, in the opinion of the Purchasing Agent, result in savings or benefit to the hospital.

Notwithstanding the above, nothing contained in this section or elsewhere within this Charter or within the Code of the City of Meriden shall be deemed to mandate the continued ownership or operation of World War II Veterans' Memorial Hospital by the City of Meriden, or any agency thereof, or the continued existence of its Board of Trustees or advisory committee. The City Council of the City of Meriden, pursuant to resolution duly adopted in accordance with this Charter, may authorize the transfer, sale or conveyance of all of the city's right, title and interest in and to the real and personal property of every kind comprising the facility known as World War II Veterans' Memorial Hospital upon such conditions, covenants, restrictions, reservations and terms as said City Council may authorize as aforesaid. Upon such transfer, sale or conveyance, no provision of this Charter shall be applicable to the direction, management, control or operation of the World War II Veterans' Memorial Hospital and all provision of this Charter inconsistent with this section shall be deemed to conform thereto. [Amdt. approved 6-12-90]

§ C10-2. Clarence P. Bradley Trust.

The City Council of the City of Meriden shall designate a bank or trust company as trustee to administer the bequest of \$50,000 to the City of Meriden under the will of Clarence P. Bradley. Said trustee shall make an annual report of the condition, receipts and disbursements of said fund to the City Council and to the probate court for the district of Meriden.

§ C10-3. Francis T. Maloney Scholarship.

The City of Meriden is authorized to establish an annual four-year scholarship for a Meriden boy or girl who is eligible for a college education; the college to be chosen by the recipient of such scholarship; such scholarship to be in memory of United States Senator Francis T. Maloney and to be known as the "Francis T. Maloney Scholarship."

The City Council shall appoint a committee of five members, to be known as the "Francis T. Maloney Scholarship Committee," which shall select each year the boy or girl who is to receive such scholarship. It is further provided that those Committee members who are serving on the Committee upon the effective date of this Charter shall retain their positions for the terms to which they were appointed, and, upon the expiration thereof, the City Council shall appoint a successor to serve for a term of three years. Any vacancy in such Committee shall be filled by appointment by the City Council.

The City of Meriden, in a manner not inconsistent with this Charter, is authorized to appropriate such sums of money, on an annual basis, as it may deem advisable.

## CHAPTER XI

### Transfer of Powers

#### § C11-1. Transfer of powers.

The powers which are conferred and the duties which are imposed upon all existing boards and commissions and any other commission, board, department or office under the General Statutes or Special Acts concerning the city or any ordinance or regulation in force at the time this Charter shall take effect shall, unless otherwise provided in this Charter, thereafter be exercised and discharged by the commission, board, department, official or official body upon which are imposed such powers and duties under the provisions of this Charter, until such time as the City Council directs otherwise by ordinance or resolution consistent with this Charter.

#### § C11-2. Present employees to retain positions.

Except as hereinbefore otherwise provided, all persons holding permanent positions in the service of the city on the effective date of this Charter, whose positions are included in the classified service by the terms of this Charter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced in rank or removed in accordance with the provisions of this Charter. All other employees of the city on the effective date of this Charter whose positions are not abolished by the provisions of this Charter shall retain such positions pending action by the City Council or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the city or any office, department or agency thereof shall continue in effect until or unless amended or repealed by the City Council.

#### § C11-3. Transfer of records and property.

All records, property and equipment whatsoever of any commission, board, department or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact to the commission, board, department or office to which such powers or duties are so assigned. If part of the powers and duties of any commission, board, department or office or part thereof are by this Charter assigned to another commission, board, department or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned.

#### § C11-4. Legal proceedings.

No action or proceedings, civil or criminal, pending on the effective date of this Charter brought by or against the city or any commission, board, department or office thereof shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued, notwithstanding that functions, powers and duties of any commission, board, department or office party thereto may be or under this Charter are assigned or transferred to another commission, board, department or office, but, in that event, the same may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers and duties have been assigned or transferred by or under this Charter.

§ C11-5. Existing laws and ordinances.

All state and municipal laws, ordinances, resolutions, orders, rules and regulations in force in the City of Meriden at the time when this Charter takes effect, not inconsistent with its provisions, shall continue in force until otherwise provided by law, ordinance, resolution, order or vote.

The renumbering, relocation or consolidation of any state statute specifically referred to in this Charter which may be adopted subsequent to the adoption of the Charter shall be effective to renumber the affected statutory reference as designated in this Charter.

§ C11-6. Amendment of Charter.

This Charter may be amended in the manner prescribed by law.

§ C11-7. Saving clause.

If any section or part of any section shall be held invalid by a court of competent jurisdiction, such holdings shall not affect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holdings shall directly apply.

§ C11-8. Designation of gender.

All words used herein in the singular number shall extend to and include the plural. All words used in the plural number shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

§ C11-9. Effective date.

This Charter shall become effective on the first Monday of December 1979, except as otherwise provided herein.