

**DRAFT REPORT OF THE  
2024-2025 CHARTER REVISION COMMISSION  
APPROVED \_\_\_\_\_, 2025**



**Tim Bergin, Chair**

**Dr. Diane Clare Kearney, Vice-Chair**

**Emily Luna, Secretary**

**Harun Ahmed**

**Timothy Becker**

**Tom Ferguson**

**Michael Pohl**

**Richard Rader**

**Audra Ricci**

## SUMMARY OF RECOMMENDATIONS

- Changes the name of the Board of Directors to “Town Council” or, in the case of the Town changing its status to a city, “City Council.”
- Changes the status of the town to “City” provided that power is granted to municipalities under Connecticut General Statutes.
- Retains the Library Advisory Board in the charter, changes the qualifications of its appointments, and expands the Board’s membership and powers.
- Defines references to “taxpayer” under the charter to include residents.
- Retains the current structure of the Department of Law.
- Requires 15% turnout in any special election under the Petition for overrule and the Petition for enactment sections of the charter.
- Removes the residency requirement for the Director of Public Works and the Superintendent of the Water and Sewer Department.
- Removes the residency requirement for the Superintendent of Manchester Public Schools.
- Eliminates the Select Board and appoints vacancies through the Board of Directors or Board of Education, respectively, and for a vacancy that lasts for over 45 days, through the Office of the Mayor.
- Sets two-year terms for members of the Board of Education, concurrent with other candidates for municipal office, and four-year terms for constables.
- Increases compensation for members of the Board of Directors.
- Retains sections pertaining to zoning in the Charter.
- Consolidates the joint annual meeting of the Boards of Education and Directors to one meeting during the budget adoption process.
- Repeals a provision limiting the political speech of police officers and requires the Town Manager to adopt a policy on political activity to bring the Charter in alignment with State



Statute.

- Increases fines by way of ordinance to the maximum amount allowed under Connecticut General Statutes.
- Increases the competitive bidding threshold to the maximum amount allowed under Connecticut General Statutes.
- Extends the expiration of Boards and Commissions from November to December.
- Adopts technical changes as recommended by staff and Commission members.



**DRAFT REPORT OF THE  
2024 - 2025 CHARTER REVISION COMMISSION  
\_\_\_\_\_, 2025**

This Charter Revision Commission was established by the Town Board of Directors on September 10, 2024. Appointed to the Commission were: Tim Bergin (Chair), Dr. Diane Clare-Kearney (Vice Chair), Emily Luna (Secretary), Harun Ahmed, Timothy Becker, Tom Ferguson, Mike Pohl, Richard Rader, and Audra Ricci.

**On October 1, 2024, the Board of Directors charged the commission with the following:**

- a. Review the Charter to consider amending all references regarding the “Board of Directors” to “Town Council.”
- b. Review the Charter to consider amending all references regarding the "Town of Manchester" to “City of Manchester.”
- c. Review the Charter, including Sections 2-2, 2-4(c)(4), and 3-8, to consider amending the term “elector” to “resident.”
- d. Review Charter Chapter 18 to consider restructuring the Department of Law to a Corporation Counsel.
- e. Review Charter Section 3-10 to consider amending the process for Enactment by Petition.
- f. Review Charter Sections 11-3 and 12-4 to consider removing the residency requirement for the Director of Public Works and Superintendent of the Water and Sewer Department.
- g. Review Charter Sections 2-1, 2-11, and 8-1 to consider eliminating the Select Board.
- h. Review technical changes as may be recommended by Town staff.

**The Commission also reviewed and acted upon the following additional concepts:**

- i. The election and vacancies of the Board of Education.
- j. Board of Directors member compensation.
- k. Zoning regulations that exist in charter.
- l. The appointment of the Town Clerk.



- m. A prohibition period for the Town employment of a member of the Board of Directors.
- n. Reconsideration of the direct election of Mayor.
- o. Elimination of the Joint Annual Meeting of the Boards of Directors and Education.
- p. The prohibition of political activity by certain employees.
- q. The timing of our municipal elections.
- r. Additional technical revisions.
- s. The elimination of alternates to the Planning and Zoning Commission.
- t. The timing of appointments made in November.
- u. Board of Education member compensation.
- v. Term limits.
- w. Review Charter Sections 9-3 to consider removing the residency requirement for the Superintendent of Schools.

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## RECOMMENDATIONS OF CHARGES TO THE COMMISSION:

**Charge a. Review the Charter to consider amending all references regarding the “Board of Directors” to “Town Council.”**

**Recommendation:** The Charter Revision Commission voted 4-3 on January 21, 2025, to rename the Board of Directors and refer to its legislative body as a Town Council.

**Discussion/Rationale:** The narrow margin of approval for this item reflects the commission’s sentimentality and admiration for our town’s history and tradition. While recommending the change in Manchester’s status from a town to a city evoked a similar reverence, the uniqueness of having a Board of Directors was cited especially. The prevailing side sees this change as conforming with the recommendation to recognize Manchester as a city and an opportunity to provide clarity to our residents regarding the role and responsibilities of the members of our legislative body.

**Charge b. Review the Charter to consider amending all references regarding the “Town of Manchester” to “City of Manchester.”**



**Recommendation:** The Charter Revision Commission voted 4-3 on January 21, 2025, to change the status of the town to that of a city, provided the power is expressly granted to municipalities under state law.

**Discussion/Rationale:** There were a number of facets discussed to this particular charge – the first being the recommendation of the last Charter Review Commission (2021-22) to form a task force to further consider any potential change. On the question of our legal ability to change our status, we concluded that towns generally have this ability under existing law however our incorporation through special act of the legislature and the lack of specificity in state statute was enough to condition our recommendation while still advancing our general support of the change.

Second, although the margin of approval was narrow, there was general consensus amongst commission members that any change in status would have only a nominal effect.

The prevailing side ultimately treats the potential status of city as an honorific which would recognize our large and growing population, our many public services and commercial conveniences, and our general uniqueness relative to our neighboring suburban and rural communities.

Finally, it is worth mentioning that concern was expressed for creating any unintended expenses by making this change – whether through rebranding efforts or otherwise. In making this recommendation, our commission suggests the Town be deliberate and phase-in any changes to help mitigate unintended costs.

**Charge c. Review the Charter, including Sections 2-2, 2-4(c)(4), and 3-8, to consider amending the term “elector” to “resident.”**

**Recommendation:** The Charter Revision Commission voted 7-0-0 on February 4, 2025, to remove the Library Advisory Board from the charter and encourage the Board of Directors to establish an advisory board by ordinance or resolution with increased flexibility to appoint non-electors.

The Charter Revision Commission voted 5-3-0 on April 1, 2025, to change the qualifications of its appointments, expand the Board’s membership from 9 to 11 and include high school students, and expand the powers of the Library Advisory Board to include programming, however maintain the Library Advisory Board in the Charter.

**Discussion/Rationale:** This was one of the most deliberated items before the Commission which ultimately took careful inventory of town boards and commissions as well as any state laws that would supersede appointments contemplated by the Town or its charter. With the help of the Town Attorney’s staff, the Commission concluded that the Board of Directors has broad authority to appoint non-electors to boards and commissions that are created by resolution or ordinance, except for those preempted by state law. The Commission then singularly considered the Library Advisory Board and expressed a desire for increased flexibility



for those appointments which lead to our initial recommendation.

Well after two public hearings and as the Commission's work nearly concluded, a member of the Library Advisory Board requested the board remain in charter with changes to accommodate the original premise of providing greater flexibility in appointments to the board. Represented as being supported by the entire Board, the following recommendation contained in the appendix was adopted. However, some commissioners expressed concern with giving the board the "ultimate authority" over library "programming." If approved and codified, the potential for conflict arises from programming developed and directed by the Board of Directors and Town Staff and the "ultimate authority" over "programming" which will rest with the advisory board. Characterized as best practice by the board, the majority of the commission voted to adopt the entirety of the proposed changes but have kept the Library Advisory Board in the charter.

**Charge d. Review Charter Chapter 18 to consider restructuring the Department of Law to a Corporation Counsel.**

**Recommendation:** The Charter Revision Commission voted 7-0 on February 4, 2025, to take no action on this charge and retain the charter's Department of Law.

**Discussion/Rationale:** The commission best understood any proposed restructuring to be an issue of semantics rather than that of substantive reform. It is our understanding that our charter provides the Board of Directors with the ability to increase funding, create positions, retain outside counsel, and otherwise advise and direct legal resources on behalf of the town.

**Charge e. Review Charter Section 3-10 to consider amending the process for Enactment by Petition.**

**Recommendation:** The Charter Revision Commission voted 7-0 on January 21, 2025, to require 15% turnout in any special election for referenda under the charter.

**Discussion/Rationale:** The commission was largely indifferent on the timing and process set forth under this section, as it has existed without issue for some time, although it was recognized that our Registrar staff are available to assist in the certification of any petition.

It was noted that there are three different petition sections in our charter but only the budget petition provision requires a turnout threshold. In the interest of having a single standard and setting a threshold that approaches the number of voters who select their mayor and legislative body, it is our recommendation that 15% turnout be required for petitions for enactment and overrule.



**Charge f. Review Charter Sections 11-3 and 12-4 to consider removing the residency requirement for the Director of Public Works and Superintendent of the Water and Sewer Department.**

**Recommendation:** The Charter Revision Commission voted 7-1 on January 14, 2025, to remove the residency requirement for the Director of Public Works and Superintendent of the Water and Sewer Department.

**Discussion/Rationale:** The Town Manager helped advocate for this change by presenting to the Commission on 1/14/25. This proposal was framed as a way to help with recruitment and retention of supervisory roles – especially roles that necessitate more specific and technical qualifications. The underlying merits of residency requirements are still broadly appreciated by commission members and some concern was expressed for advancing a very similar ballot question to voters as the proposal that failed in 2023. Ultimately this recommendation of the 2025 commission is decidedly narrower than previously considered by voters.

**Charge g. Review Charter Sections 2-1, 2-11, and 8-1 to consider eliminating the Select Board.**

**Recommendation:** The Charter Revision Commission voted 8-0 on January 14, 2025, to eliminate the Select Board.

**Discussion/Rationale:** Recognizing that the board has not meet in half a century, the commission agreed early on to propose its elimination. We then carefully deliberated over assurances of minority representation and fairness in filling vacancies and ultimately recommend vacancies that are not appropriately filled by the Board of Directors, or in limited cases the Board of Education, to be filled by the mayor.

**Charge h. Review technical changes as may be recommended by Town staff.**

- i) Consider amending the limits governing fines for violations of municipal ordinances.
- ii) Repeal obsolete provisions related to the 8<sup>th</sup> Utilities District.
- iii) Increase the competitive bidding threshold: 0.00003 of the General Fund's grand list.
- iv) Reduce the number and clarify the manner of publications of public notices required under the charter.
- v) Adjust the public hearing schedule as part of the budget's preparation.

**Recommendation:** The Charter Revision Commission voted 8-0-0 on January 14, 2025, to i)





increase the governing fines for violations to the maximum allowed under state law, ii) repeal obsolete provisions related to the 8<sup>th</sup> Utilities District, and iii) increase the competitive bidding threshold.

The Charter Revision Commission voted 8-0 on February 18, 2025, to iv) reduce the number of publications required by the charter to the number and manner required by state law and delete references to “newspaper” as well as v) move the public hearing deadline from March 23<sup>rd</sup> to March 31<sup>st</sup>.

**Discussion/Rationale:** With respect to maximum fines by ordinance, competitive bidding thresholds, and the manner and frequency of public notices, the Commission finds requirements established by state law to be sufficient. The commission does not feel the budget adoption timeline will be compromised by delaying the public hearing deadline under 5-4 and has no concern in recommending the repeal of obsolete provisions related to the 8<sup>th</sup> Utilities District.

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#### **ADDITIONAL REVISIONS CONSIDERED BY THE COMMISSION:**

<b>Concept i. The election and vacancies of the Board of Education.</b>
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**Recommendation:** The Charter Revision Commission voted 8-0-0 on January 14, 2025, to eliminate staggered terms for the Board of Education and hold their elections on two-year municipal terms concurrent with the Board of Directors.

**Discussion/Rationale:** The commission reviewed scenarios where the nomination of candidates for unexpired terms creates confusion and makes compliance with minority representation more difficult. While members appreciate that staggered terms provide town governance with continuity, it was beyond the recollection of our members that the entire board has ever turned over. In the interest of simplifying terms, the process for selecting candidates, and the ballot itself, the commission came to this recommendation.

<b>Concept j. Board of Directors member compensation.</b>
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**Recommendation:** The Charter Revision Commission voted 8-0-0 on January 14, 2025, to increase the compensation for members of the Board of Directors as follows, and provide for additional cost of living adjustments in the future:

Mayor: \$15,000

Deputy Mayor and Secretary: \$10,000

Leader of the Minority Caucus: \$9,000

All other Members: \$8,000



**Discussion/Rationale:** The commission appreciates the stagnant compensation of Board members, the expanded role of the Office of the Mayor, and recommendation of the last Charter Review Commission (2021-22) to provide for increased compensation. In addition to recommended increased base levels of compensation, the commission also recommends providing for cost-of-living adjustments in future years to avoid stagnation absent a full charter revision.

**Concept k. Zoning regulations that exist in charter.**

**Recommendation:** The Charter Revision Commission voted 8-0-0 on January 14, 2025, to retain sections of the charter relating to zoning.

**Discussion/Rationale:** The Director of Planning and Zoning as well as members of the Planning and Zoning Commission recommended we review sections of the charter relating to zoning regulations in the event that they are contradictory or obsolete. While the commission recognizes that the process for amending veranda lines is no longer used, the process set forth in the charter has the effect of empowering the Planning and Zoning Commission with an explicit power that they may not otherwise have absent these Charter sections. So, it is the recommendation of this commission not to change those sections.

**Concept l. The appointment of the Town Clerk.**

**Recommendation:** The Charter Revision Commission voted 5-3-0 on January 14, 2025, to not recommend any changes to the election of our Town Clerk.

**Discussion/Rationale:** Commission members offered this concept in an effort to professionalize the office by making it a town appointment and noted past support for this reform from the previous Clerk. The prevailing side preferred the accountability to the electorate through continued elections.

**Concept m. A prohibition period for the Town employment of a member of the Board of Directors.**

**Recommendation:** The Charter Revision Commission voted 6-1-0 on January 21, 2025, to not a new waiting period for a member of the Board of Directors to accept a position with the Town.

**Discussion/Rationale:** Commission members offered this concept in an effort to advance good government, but similar prohibitions do not exist in other forms of public employment and such a change may have a limiting effect on the Town's ability to attract and retain employees.

**Concept n. Reconsideration of the direct election of Mayor.**



**Recommendation:** The Charter Revision Commission voted 6-1-0 on January 21, 2025, to retain the direct election of Mayor.

**Discussion/Rationale:** The item was offered and considered by a commission member however the voters of Manchester just enacted this change in the 2023 election and elected its first directly elected Mayor in the 2025 election.

**Concept o. Elimination of the Joint Annual Meeting of the Boards of Directors and Education.**

**Recommendation:** The Charter Revision Commission voted 7-0-0 on February 4, 2025, to eliminate the joint annual meeting under section 3-12 of the charter but retain the joint meeting requirement under 5-2(a).

**Discussion/Rationale:** Through the course of the Commission's work, it was observed that there are two joint meetings of the Boards of Directors and Education that are currently being ignored. The first is the joint meeting on consolidation which the Board of Directors charged the Commission with reviewing. The second meeting resides in section 5-2(a) of the charter and provides for a voluntary initial meeting between the boards to discuss requests for appropriations as well as a mandatory joint meeting between the two boards prior to the final adoption of the budget.

The Commission recognizes the efforts from previous charter revision commissions to not mandate a meeting solely focused on consolidation and perhaps not retain a provision that is not used in practice. Therefore, the Commission recommends the repeal of the obsolete joint meeting on consolidation under section 3-12. However, the Commission recognizes the importance of having more than just the Superintendent and Board Chair assist in the preparation of a final budget with the Board of Directors and sees the value in greater participation by the full membership of both boards in this process.

**Concept p. The prohibition of political activity by certain employees.**

**Recommendation:** The Charter Revision Commission voted 7-0-0 on January 21, 2025, to remove the prohibition of political activity by certain employees.

**Discussion/Rationale:** The impetus for this concept was a commission member suggesting that we do not have the ability to limit the free speech of our employees and that it is particularly concerning to single out one class of municipal employees within our charter. A review of section 10-5 revealed that members of the police department are prohibited from joining political committees, participating in conventions or caucuses, may not solicit votes on behalf of a candidate, and are prohibited from assuming any local elected or appointed position. The Commission recognizes the clear conflict with state statutes whose protections contradict this section of our charter along with the more severe conflicts with our state and US constitutions.



#### **Concept q. The timing of our municipal elections.**

**Recommendation:** The Charter Revision Commission voted 7-0-0 on February 4, 2025, to lengthen the term of constable to four-year terms, effective 2027.

**Discussion/Rationale:** The Commission broadly considered the merits of our existing two-year, four-year, and staggered terms. Ultimately, the only elected position that we unanimously recommend altering is that of constable. Such a change will simplify our municipal ballots every four years. In order to make this longer term be concurrent with the Town Clerk, the Commission also recommends the change take effect in 2027.

#### **Concept r. Additional technical revisions.**

- i) Establish a definition for taxpayer that includes any resident of the Town of Manchester.**
- ii) Conform remaining pronouns in sections 4-5, 10-2, 14-3, and 17-10.**
- iii) Increase sewer fines to the maximum allowed by state law.**
- iv) Repeal section 20-10.**

**Recommendation:** The Charter Revision Commission voted 7-0-0 on February 4, 2025, to i) adopt a definition of taxpayer that includes residents. Items r ii-iv were approved by a vote of 8-0-0 on March 4, 2025.

**Discussion/Rationale:** While considering the appointment criteria for certain boards and commissions, the Charter Revision Commission considered the application of taxpayer broadly and came to the consensus that all residents pay some manner of tax. The effect of defining “taxpayer” within the charter to include any resident has the effect of allowing the acceptance of residents’ complaints by the Ethics Commission, allows residents access to public records, and grants residents more explicit participation in public hearings.

The use of gendered pronouns was repealed as part of the most recent charter revision. This commission identified four sections of charter in need of conforming revisions. Section 20-10 directs the reader of the charter to interpret instances of pronouns as applying to both male and female genders. However, in making these remaining conforming changes, the Commission believes this section is no longer necessary.

The charter provides the ability to fine individuals for failure to connect to the Town’s sewer system. As an extension of the policy approved by the Commission under Concept h. 1), the Commission similarly recommends any limit on penalties be restricted by state statute and not our charter.



**Concept s. The elimination of alternates to the Planning and Zoning Commission.**

**Recommendation:** The Charter Revision Commission voted 7-0-0 on January 21, 2025, to retain the alternate members of the town's Planning and Zoning Commission.

**Discussion/Rationale:** One member of our Planning and Zoning Commission recommended the elimination of the alternate members. In reviewing state law, there is no apparent requirement that we appoint alternates and the commission's regular membership is due to expand by two full members. However, our commissioners expressed concern with the unpredictability of attendance by full members of the PZC and noted the frequent utilization of alternates during regular meetings. Ultimately the Charter Revision Commission voted to retain the appointment of alternates.

**Concept t. The timing of appointments made in November.**

**Recommendation:** The Charter Revision Commission voted 7-0 on January 21, 2025, to move appointments beginning in November to December.

**Discussion/Rationale:** The charter requires appointments by the Board of Directors to be made in November following the election of the Board itself. The membership of the Board that is seated often creates vacancies on various other boards and commissions, and there is little time for first-term Directors to consider the scope of their appointment authority. Providing an additional month will alleviate these pressures by lengthening the period between municipal election and the expiration of appointed terms.

**Concept u. Board of Education member compensation.**

**Recommendation:** The Charter Revision Commission voted 7-0 on February 18, 2025, to make no recommendations regarding compensation of members of the Board of Education.

**Discussion/Rationale:** State law prohibits members of boards of education from receiving compensation.

**Concept v. Term limits.**

**Recommendation:** The Charter Revision Commission discussed this item at our April 1, 2024 meeting but elected to take no action.

**Concept w. Review Charter Sections 9-3 to consider removing the residency requirement for the Superintendent of Schools.**

**Recommendation:** The Charter Revision Commission voted 6-2-0 on April 1, 2025, to remove



the residency requirement for the Superintendent of Manchester Public Schools and pose as a separate question on the ballot.

**Discussion/Rationale:** The Board of Education helped advocate for this change by providing a letter signed by 6 members of the Board of Education and presenting to the Commission at the Public Hearing on 3/28/25 advocating for this change. This proposal was framed as a way to help with recruitment and retention of a future leader for MPS. The underlying merits of residency requirements are still broadly appreciated by commission members and some concern was expressed for advancing a very similar ballot question to voters as the proposal that failed in 2023. Therefore, the CRC recommends that this question be posed separately from the question on residency requirements for the Water and Sewer Superintendent and Public Works Director, as the nature of this position is unique.

### **Appendix**

Proposed amendments to Town Charter

### **Additional Information**

Minutes of all Charter Revision Commission Meetings – See Charter Revision Website

<https://www.manchesterct.gov/Government/Town-Leadership/Boards-Commissions-Committees/Charter-Revision-Commission-2024-2025>

## **Acknowledgements**

The Charter Revision Commission expresses its sincere thanks to Assistant Town Manager Kasia Purciello and Assistant Town Attorney John Sullivan for their assistance during the Commission's deliberations.



# APPENDIX

## Chapter C. Charter

[HISTORY: The Charter of the Town of Manchester consists of Special Act, Jan. Sess., 1947, Sp. No. 193, as from time to time amended either by special legislation or by home rule procedure. Amendments have been worked into their proper places and amended or repealed provisions deleted. The amendments to each section are cited in the text, where applicable. The absence of such a citation indicates that the section has not been amended and is as originally enacted by the 1947 Charter Act. The 1947 Act was approved at referendum 6-30-1947. A uniform system of punctuation and capitalization has been used.]

### **STATUTORY REFERENCES**

Duties of Treasurer — See C.G.S. § 7-80 et seq.  
Municipal charters and special acts — See C.G.S. § 7-187 et seq.  
Police departments — See C.G.S. § 7-274 et seq.  
Municipal reserve funds — See C.G.S. § 7-359 et seq.  
Municipal bond issues — See C.G.S. § 7-369 et seq.  
Municipal audits — See C.G.S. § 7-391 et seq.  
Merit system — See C.G.S. § 7-407 et seq.  
Admission of electors — See C.G.S. § 9-12 et seq.  
Registrars of voters — See C.G.S. § 9-190.  
Deputy registrars of voters — See C.G.S. § 9-192.  
Nominations — See C.G.S. § 9-372 et seq.  
Boards of education — See C.G.S. § 10-218 et seq.  
Property tax assessment — See C.G.S. § 12-40 et seq.  
Board of Assessment Appeals — See C.G.S. § 12-110 et seq.  
Collector of Revenue — See C.G.S. § 12-130.  
Tree Warden — See C.G.S. § 23-58 et seq.

## CHAPTER I. INCORPORATION AND GENERAL POWERS

### **Sec. 1-1. Incorporation.**

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

[1]

*Editor's Note: For first incorporation of Town, see Special Acts, Art. I in this volume.*

### **Sec. 1-2. Rights and obligations.**

[Amended by referendum 11-8-2022]

All property, both real and personal, all rights and action and rights of every description and all securities and liens vested or inchoate in said [Town] City as of the date when this Charter shall take effect are continued in said [Town] City, and said [Town] City shall continue to be liable for all debts and obligations of every kind for which said [Town] City shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of said [Town] City to collect any assessment, charge, debt or lien. If any contract has been entered into by said [Town] City prior to the effective date of this Charter or any bond or undertaking has been given by or in favor of said [Town] City which contains provision that the same may be enforced by any officer, board, commission, bureau or department therein named, which is hereby





abolished, 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 officer, board, commission, bureau or department shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the **[Town] City Manager**.

### **Sec. 1-3. Corporate powers.**

The **[Town] City** shall have the following specific powers in addition to all powers granted to **[Towns] municipalities** under the Constitution and General Statutes, such powers to be exercised by **the [Town] City** through the enactment and enforcement of ordinances, bylaws or otherwise:

(1)

To contract and to be contracted with, to sue and be sued, and to institute, prosecute, maintain and defend any action or proceeding in any court of competent jurisdiction;

(2)

To make, have and use and, from time to time, to alter a common seal;

(3)

To take, purchase, hold, condemn, lease, sell and convey such real and personal property as the purposes of the Town may require;

(4)

To provide for the authentication, execution and delivery of deeds, grants and releases of **[Town] City** property and evidences of debt issued by said **[Town] City**;

(5)

To take by gift, grant, bequest and devise and hold real and personal estate absolutely or in trust for any public use including that of education, art, ornament, health, charity or amusement, for cemeteries, parks or gardens, or for the erection or maintenance of statues, monuments, buildings or structures, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said **[Town] City** and to provide for the proper administration of the same;

(6)

To prescribe the salaries and compensation of all officers of said **[Town] City** and the duties of such officers not expressly defined by law;

(7)

To manage, regulate and control the finances and property, real and personal, of the **[Town] City** and to regulate and provide for the sale, conveyance, transfer and release of **[Town] City** property and to provide for the due execution of contracts and evidences of indebtedness issued by the **[Town] City**;

(8)

To provide for the auditing, examination and investigation of the accounts and records of the **[Town] City** maintained by any of its departments, commissions, boards, bureaus or officers;

(9)

To make and enforce police, sanitary and other similar regulations and to protect or promote the peace, safety, good government and welfare of the **[Town] City** and its inhabitants;

(10)

To provide for the policing of the **[Town] City** and to regulate and prescribe the duties of the police force in respect to criminal matters within the limits of the **[Town] City** and to maintain and regulate a suitable place of detention within the **[Town] City** limits for the safekeeping of all persons arrested and awaiting trial;

(11)

To provide, organize, maintain and regulate a fire department, provide the necessary apparatus for extinguishing fires and do all other things necessary or desirable to protect the **[Town] City** from fire, and to establish fire limits within said **[Town] City**;

(12)

To preserve the public peace and good order, to prevent and quell riots and disorderly assemblages and to prevent disturbing noises;

(13)



To permit, regulate and prohibit games, coasting, sliding and the use of velocipedes, bicycles and tricycles on the streets or sidewalks of the [Town] City;

(14)

To license, regulate and prohibit the keeping, storing, manufacturing, selling or use of any explosive or inflammable substances or materials, including firecrackers and fireworks, within the [Town] City, or their conveyance into or through the [Town] City;

(15)

To regulate the speed of vehicles, subject to the provisions of the General Statutes relating to the regulation of the speed of motor vehicles and of animals, and the driving or leading of animals through the streets;

(16)

To secure the safety of persons passing through or in the [Town] City by regulations of fireworks, shows, parades, processions and music;

(17)

To define, prohibit and abate within the [Town] City all nuisances and causes thereof and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and to cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists;

(18)

To prevent vice, suppress gambling houses, houses of ill fame and disorderly houses and to punish for gambling and policy playing;

(19)

To regulate and prohibit swimming or bathing in public or exposed places within said [Town] City;

(20)

To provide for the health of said Town and to do all things necessary or desirable to secure and promote the public health;

(21)

To regulate and prohibit the erection or use and require the removal of sinks, cesspools, drains, sewers, privies, barns, outhouses and poultry pens and houses;

(22)

To regulate the removing of any offensive manure or other substance, night soil or dead animals through the streets of the [Town] City and to provide for the disposal of the same;

(23)

To preserve and care for public burial grounds and regulate the burial or disposal of the dead;

(24)

To regulate and prohibit the carrying on within said [Town] City of any trade, manufacture, business or profession which is or may be so carried on as to become prejudicial to public health, conducive to fraud and cheating or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity;

(25)

To regulate the emission of smoke from any chimney, smokestack or other source within the limits of the [Town] City, and provide for the proper heating of buildings within the [Town] City;

(26)

To license milk dealers and regulate the sale and manner of distribution of milk and beverages composed wholly or in part of milk, and to prohibit the sale thereof unless in accordance with such regulations;

(27)

To regulate and control the sale and distribution of all foodstuffs of every description;

(28)

To provide for such inspection service within and without the [Town] City and to make such regulations as may be necessary to the purity and wholesomeness of food products sold within the [Town] City;

(29)

To regulate weights and measures in accordance with the lawful standards thereof and provide proper inspection thereof;



(30)

To regulate the measuring, inspecting and manner of selling of wood, coke, coal, oils and other fuels, and the sale of goods by public auction in the [Town] City;

(31)

To regulate the construction, reconstruction, demolition, removal, altering or repairing of buildings of any kind and materials used in, and the location, height, maintenance, use and occupancy of, buildings, and generally to regulate all building operations within said [Town] City, and to regulate plumbing and the installation of heating apparatus, electrical wiring and all other construction work in any building in said [Town] City;

(32)

To regulate and prohibit the moving of buildings upon or through the streets or other public places of the Town, and to cause the removal and demolition of unsafe buildings or structures;

(33)

To regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of said [Town] City;

(34)

To establish lines beyond which no building, steps, stoop, veranda, billboard, advertising sign or device or other structure or obstruction may be erected;

(35)

To regulate and prohibit the placing, erecting or keeping of signs, awnings or other thing upon or over the sidewalks, streets and other public places of the [Town] City;

(36)

To prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets or other public places of the Town or into sanitary sewers;

(37)

To lay out, construct, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants;

(38)

To enter into or upon any land for the purpose of making necessary surveys or mapping in connection with any public improvement and to take by eminent domain any lands, rights, easements, privileges, franchises or structures which may be necessary for the purpose of establishing, constructing or maintaining any public work, either within or without the Town limits, or for any municipal purpose in the manner prescribed by § 48-12 of the General Statutes, as amended;

(39)

To prescribe the form of proceedings and mode of assessing benefits and appraising damages in taking lands for public use, or in making public improvements to be paid for in whole or in part by special assessments, and to prescribe the time when and the manner in which all benefits assessed shall be collected, when not specially prescribed in this Act;

(40)

To regulate and prohibit the excavation, altering, use or opening of streets, sidewalks, highways, public places and grounds for public and private purposes and the location of any work or thing therein, whether temporary or permanent, upon or under the surface thereof;

(41)

To regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the [Town] City;

(42)

To create, provide for, construct, regulate and maintain all things in the nature of public works and improvements;

(43)

To prevent trespassing on public and private lands and in buildings in said [Town] City;

(44)

To keep the streets, sidewalks and public places free from undue noises and nuisances and prohibit



loitering thereon;

(45)

To provide for lighting the streets, highways, and other public places of the [Town] City and for the care and preservation of public lamps and lampposts and fixtures;

(46)

To keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks, public grounds and places in said [Town] City;

(47)

To regulate and prohibit the operation of commercial motor vehicles of more than two (2) tons lightweight on residential highways;

(48)

To provide for the planting, rearing and preserving of shade and ornamental trees on the streets and public grounds;

(49)

To require owners or occupants of land adjacent to any sidewalk or public walk to remove snow, ice, sleet, debris or any other obstruction therefrom, to provide penalties upon their failure to do so and to cause such snow, ice, sleet, debris or other obstruction to be removed and to make the cost of such removal a lien on such property;

(50)

To provide public entertainments and amusements for the people of the [Town] City;

(51)

To prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played, including places for pool, billiards and bowling, and the business of peddlers, auctioneers and junk dealers;

(52)

To regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the [Town] City;

(53)

To regulate and prohibit the going at large of dogs and other animals in the streets and public places of the [Town] City and to prevent cruelty to animals and all inhuman sports;

(54)

To regulate and prohibit the keeping of swine, cattle, poultry and other animals within the [Town] City limits or portions thereof;

(55)

To lay out, establish, construct, maintain, manage and operate cemeteries, public buildings, parks, playgrounds, libraries, reading rooms and public places;

(56)

To provide for and regulate the collection and disposal of all garbage, trash, waste and ashes, either by contract or otherwise, and prohibit and regulate the depositing of the same within the [Town] City;

(57)

To make all lawful regulations, ordinances, bylaws, and orders in furtherance of any of said powers and to prescribe penalties and forfeitures for the violation. of the same;

(58)

To lay and collect taxes to meet the lawful expenses of the [Town] City;

(59)

By ordinance, to make such rules and regulations concerning the preparation and filing of tax lists as it may deem proper, the provisions of the statutes to the contrary notwithstanding, provided such ordinance shall have reference only to the form and filing of tax lists by the Assessor or by property owners or to the exclusion of all or certain items of taxable property from the addition of the penalty of ten (10) percent provided by law for failure to file tax lists; and provided no such ordinance shall be valid or effective until approved by the State of Connecticut, Office of Policy and Management.



## **(NEW) Sec. 1-4. Taxpayer defined.**

Whenever "taxpayer" is used in this Charter, it shall be construed to include any resident of the City of Manchester.

### **CHAPTER II. TOWN OFFICIALS GENERAL PROVISIONS**

## **Sec. 2-1. Elective officers.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 341; 25 C.S.A. 1069, approved by referendum 3-25-1950, effective 10 days thereafter. Amended by referendum 4-30-1968; amended by referendum 11-5-1996; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

A meeting of the electors of the [Town] City of Manchester for the election of [Town] City officers shall be held on the first Tuesday after the first Monday in November 1969, and biennially thereafter. At each such meeting there shall be elected a Mayor, eight (8) of the [Board of Directors] City Council, three (3) members of the Select Board, seven (7) Constables, and members of the Board of Education as hereinafter provided. Pursuant to Section 9-189a of the Connecticut General Statutes, electors of the [Town] City of Manchester shall: (a) elect a [Town] City Clerk in the election for [Town] City officers held on the first Tuesday after the first Monday in November in November 1973, and [quadrennially] quadrennially thereafter; and (b) elect two Registrars of Voters in the election for state and federal officers held on the first Tuesday after the first Monday in November in November 1972, and [quadrennially] quadrennially thereafter. In the election for members of the [Board of Directors] City Council, each political party may nominate a candidate for Mayor and not more than five (5) candidates, and no elector shall vote for more than a candidate for Mayor and not more than five (5) candidates for such office. The candidate receiving the highest vote total among mayoral candidates shall be Mayor. However, the unsuccessful mayoral candidates shall have the votes received for Mayor included in the compilation and the determination of the [Board of Directors'] City Council's membership. No grand jurors shall be elected or appointed. Each person elected to office shall be a resident elector of the [Town] City, and each elected officer, except as hereinafter expressly provided, shall assume their office on the third Monday in November in the year of their election and shall hold office until [his] their successor is elected and has qualified.

Effective January 1, 2027 [A] a meeting of the electors of the [Town] City of Manchester for the election of [Town] City officers shall be held on the first Tuesday after the first Monday in November 1969, and biennially thereafter. At each such meeting there shall be elected a Mayor, eight (8) of the [Board of Directors] City Council, three (3) members of the Select Board, [seven (7) Constables,] and members of the Board of Education as hereinafter provided. Pursuant to Section 9-189a of the Connecticut General Statutes, electors of the [Town] City of Manchester shall: (a) elect a [Town] City Clerk and seven (7) Constables in the election for [Town] City officers held on the first Tuesday after the first Monday in November in November 1973, and [quadrennially] quadrennially thereafter; and (b) elect two Registrars of Voters in the election for state and federal officers held on the first Tuesday after the first Monday in November in November 1972, and [quadrennially] quadrennially thereafter. In the election for members of the [Board of Directors] City Council, each political party may nominate a candidate for Mayor and not more than five (5) candidates, and no elector shall vote for more than a candidate for Mayor and not more than five (5) candidates for such office. The candidate receiving the highest vote total among mayoral candidates shall be Mayor. However, the unsuccessful mayoral candidates shall have the votes received for Mayor included in the compilation and the determination of the [Board of Directors'] City Council's membership. No grand jurors shall be elected or appointed. Each person elected to office shall be a resident elector of the [Town] City, and each elected officer, except as hereinafter expressly provided, shall assume their office on the third Monday in November in the year of their election and shall hold office until [his] their successor is elected and has qualified.



## **Sec. 2-2. Officers appointed by the [Board of Directors] City Council.**

[Amended by referendum 10-5-1964; amended by referendum 4-30-1968; amended by referendum 11-1978; amended by referendum 11-5-1996; amended by referendum 11-8-2022]

(a)

There shall be appointed by the [Board of Directors] City Council for the [Town] City a [Town] City Manager, a Planning and Zoning Commission consisting of [seven (7)] nine (9) members [and alternates] as provided by statute, a Zoning Board of Appeals consisting of five (5) members, and alternates as provided by statute, [a Library Board consisting of eleven (11) members,] a Board of Assessment Appeals consisting of three (3) members, a [Town] City Attorney, and an auditor or auditors. The [Town] City may by ordinance or resolution approved by the [Board of Directors] City Council provide for other offices, departments, boards and commissions and the duties and terms thereof and methods of appointment thereto. All of the officers appointed by the [Board of Directors] City Council under the provisions of this section, except the [Town] City Manager and auditor or auditors, shall be electors of the [Town] City at the time of their appointment, and, with said exceptions, all appointees except as hereinafter provided, regardless of the date of the original appointment, shall hold office until the Tuesday after the third Monday in November in the year in which their term expires and until their successors shall have been appointed and qualified. If any officer appointed by the [Board of Directors] City Council under this section, who is required to be an elector of the [Town] City, shall cease to be an elector during their term of office, then their office shall automatically become vacant and the [Board of Directors] City Council shall appoint a successor.

Effective November 17, 2025, there shall be appointed by the [Board of Directors] City Council for the [Town] City a [Town] City Manager, a Planning and Zoning Commission consisting of nine (9) members [and alternates] as provided by statute, a Zoning Board of Appeals consisting of five (5) members, and alternates as provided by statute, [a Library Board consisting of eleven (11) members,] a Board of Assessment Appeals consisting of three (3) members, a [Town] City Attorney, and an auditor or auditors. The [Town] City may by ordinance or resolution approved by the [Board of Directors] City Council provide for other offices, departments, boards and commissions and the duties and terms thereof and methods of appointment thereto. All of the officers appointed by the [Board of Directors] City Council under the provisions of this section, except the [Town] City Manager and auditor or auditors, shall be electors of the [Town] City at the time of their appointment, and, with said exceptions, all appointees except as hereinafter provided, regardless of the date of the original appointment, shall hold office until the Tuesday after the third Monday in November in the year in which their term expires and until their successors shall have been appointed and qualified. If any officer appointed by the [Board of Directors] City Council under this section, who is required to be an elector of the [Town] City, shall cease to be an elector during their term of office, then their office shall automatically become vacant and the [Board of Directors] City Council shall appoint a successor.

(b)

Appointing authorities for any board or commission shall consider the interests of gender identity and racial equity and make a good faith effort to seek out individuals for such appointment that reflect such equity. The [Town] City Manager shall create, maintain and make accessible on the [Town] City's website a system through which an individual may electronically submit a name to be considered for appointment as a public member to a board or commission and shall coordinate public education and outreach strategies to increase awareness of, and recruit diverse applicants for, such appointments.

## **Sec. 2-3. Restrictions on holding office.**

[Amended by referendum 11-5-1996; amended by referendum 11-8-2022]

No member of the [Board of Directors] City Council during the term for which they are elected shall hold





any other [Town] City office, elective or appointive, nor act as counsel in any matter before the [Board of Directors] City Council or any department, commission, board or bureau of the [Town] City. Except [has] as provided in § 4-1, nothing contained in this section shall preclude a member of the [Board of Directors] City Council from accepting appointment to any other [Town] City office, elective or appointive; however, such member's term on the [Board of Directors] City Council shall end upon entering the duties of said office. No other commission or board shall appoint any of its members to any office or employment for which compensation is paid from [Town] City funds during the term for which such member was appointed unless otherwise permitted by state law.

## **Sec. 2-4. Definitions; Ethics Commission; standards of official conduct.**

[Added by referendum 11-5-1991; amended by referendum 11-8-2022]

(a)

Definitions.

1.

"Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, investment property or any legal entity through which business is conducted for profit.

2.

"Commission" means the [Town] City Ethics Commission.

3.

"Complaint" means a written statement alleging any person subject to the standards of official conduct has by act or omission violated said standards. Said complaint shall state the acts or omissions constituting the alleged violations and the approximate date or dates upon which the alleged violations occurred. The Commission may require the complaint to be under oath.

4.

"Gift" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received.

5.

"Family" means a collective body of two (2) or more persons living in one (1) household.

6.

"Income" means any money or thing of value received, or expressly or impliedly promised, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense or any combination thereof.

7.

"Ministerial action" means an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or the exercise of, the person's own judgment upon the propriety of the action being taken.

8.

"Person" means an individual, business, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

9.

"Probable cause" means a finding that reasonable grounds exist to believe that a violation of the Standards of Official Conduct has occurred.

10.

"Town agency" means any department, commission, board, bureau, committee, legislative body, agency, or other establishment of the executive or legislative branch of the [Town] City, including the Board of Education to the extent that the provisions of this section may lawfully apply to the Board of Education.

11.

"[Town] City employee" means any individual who receives income, weekly or otherwise, from the [Town] City or who is responsible for taking or recommending official action of a nonministerial nature with regard



to: (i) contracting or procurements; (ii) administering or monitoring grants or subsidies; (iii) planning or zoning; (iv) inspecting; licensing or regulating any person; or (v) any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person.

12.

"[Town] City official" means an elected or appointed official in the executive or legislative branch of the [Town] City, excluding members of purely advisory boards and other boards that have no authority to extend public funds or to otherwise exercise the power of the [Town] City.

(b)

[Town] City Ethics Commission.

1.

Creation. There is created an Ethics Commission consisting of seven (7) members who shall be electors of the [Town] City of Manchester. Appointments to the Commission shall be made by the [Board of Directors] City Council. No more than three (3) of the members of the Commission shall maintain the same voter affiliation. Any vacancy occurring on the Commission shall be filled by the [Board of Directors] City Council within sixty (60) days by an elector maintaining the same voter affiliation as originally held by the vacating member.

2.

Alternate members. The [Board of Directors] City Council shall appoint alternate members to the Commission. Such alternate members shall be electors of the [Town] City of Manchester. There shall be one (1) alternate for each voter affiliation represented on the Commission. An alternate member shall, when seated, have all the powers and duties as set forth herein for members. An alternate shall only be seated in the place of an absent member maintaining the same voter affiliation.

3.

Terms. Members and alternates of the Commission shall serve for a three-year staggered term, each to commence on the Tuesday after the third Monday in November.

4.

Officers. The Commission shall elect a Chair, Vice Chair and Secretary. In the absence of the Chair or in the event of a vacancy in that position, the Vice Chair shall serve as Chair.

5.

Quorum. Any action by the Commission shall require the affirmative vote of a simple majority of its members, and a simple majority shall constitute a quorum.

6.

Meeting. The Chair or any three (3) members of the Commission may call a meeting, provided that at least three (3) days' advance notice of the meeting is given to all members.

7.

Compensation. Members of the Commission shall not be compensated, but shall receive reimbursement for their actual and necessary expenses.

(c)

Powers of Commission.

1.

Rules and regulations. The Commission shall prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out the provisions of this Act.

2.

Reports. The Commission shall prepare and publish such reports as it may deem appropriate.

3.

Advisory. The Commission, on its own initiative or upon request, may issue and publish advisory opinions on the requirements of this Act for those who wish to use the opinion to guide their own conduct.

4.

Complaints. The Commission, through its special counsel, shall conduct an investigation upon receipt of a written complaint by any elector or taxpayer of the [Town] City of Manchester alleging, under oath or affirmation, a violation of the standards of official conduct.

5.





Annual report. The Commission shall prepare an annual report for submission to the [Board of Directors] [City Council].

(d)

Investigations and hearings by Commission.

1.

Special counsel. The Commission shall appoint an attorney to act as special counsel to the Commission, which appointment shall continue at the pleasure of the Commission. The special counsel shall not be a member of the [Town] City Attorney's staff. The special counsel shall be compensated for their services on a case-by-case basis at public expense.

2.

Authority. The Commission shall refer any written complaint received by it to the special counsel for investigation. The Commission shall, not later than five (5) days after the receipt of such complaint, notify by registered or certified mail any person against whom such complaint was filed. A copy of such complaint shall accompany such notice.

3.

Powers of special counsel. The special counsel shall conduct an investigation of each complaint to determine if probable cause exists and shall make recommendations to the Commission based upon the investigation. Special counsel shall recommend dismissal of the complaint in the event probable cause is not found. In the event the special counsel finds probable cause, special counsel shall set forth the particular section or sections of the Standards of Official Conduct which special counsel finds to have been violated and may (1) recommend the complaint be accepted as filed; (2) recommend amendments to the complaint; or (3) recommend additional charges be added to the complaint. The special counsel shall make recommendations to the Commission within the time limits set by the Commission but in no event more than ninety (90) days after receipt of the complaint. In unusual circumstances the Commission may grant an extension to special counsel, not to exceed an additional sixty (60) days.

4.

Review by Commission. The Commission shall, within sixty (60) days of receipt of special counsel's recommendations, meet privately to review each recommendation. The Commission shall dismiss the complaint or set a date for a public hearing thereon or on the amended complaint, which hearing shall be held no later than sixty (60) days thereafter. The Commission shall give public notice of the date fixed for said hearing at least fourteen (14) days prior thereto. Notice of the Commission's decision to either dismiss the complaint or hold a public hearing on the complaint shall be given to the complainant and to the person subject to the investigation.

5.

Confidentiality. Irrespective of any statute to the contrary, the complaint, the probable cause investigation, the recommendations of special counsel and the minutes of the meeting of the Commission to receive special counsel's recommendations shall not be disclosed to the public unless and until the Commission sets a date for a public hearing on the complaint.

6.

Witnesses to testify. Any person may be compelled, by subpoena signed by competent authority, to appear before the Commission to testify in relation to any complaint brought to the Commission, and may be compelled, by subpoena signed by competent authority, to provide before the Commission for examination any books or papers which in the judgment of the Commission are relevant to the inquiry or investigation.

7.

Hearing procedure. Such hearing shall be open to the public and shall be conducted in accordance with the Commission's rules and regulations. Special counsel shall present evidence against the respondent. The respondent shall be entitled to counsel, to present evidence and to examine and cross-examine witnesses.

8.

Recording of hearing. The public hearings of the Commission shall be recorded at public expense. A written transcription of the recording shall be available to the public at the requiring party's expense. A written transcription of the recording shall be available to the Commission, at its request, at public expense.



9.

Memorandum of decision. The Commission shall, within thirty (30) days after conclusion of the public hearing, file a memorandum of decision containing its conclusions and recommendations and shall either dismiss the complaint or shall recommend appropriate action to the [Board of Directors] City Council.

(e).

Standards of official conduct.

1.

No person shall offer or give to a [Town] City official or [Town] City employee or a member of their family and no Town official or Town employee shall solicit any gift to influence the official or employee in the performance of their official duties.

2.

No [Town] City official or [Town] City employee shall accept any benefit or income in addition to that received in their official capacity for having exercised their official powers or performed [his or her] their official duties.

3.

No [Town] City official or [Town] City employee shall use or disclose information not available to the general public and gained in the course of, or by reason of, their official position or activities to further any person's financial interest.

4.

Any [Town] City official or [Town] City employee who has, or whose family has, a financial interest, distinct from that of the general public, in any decision of any Town agency shall disqualify themselves from participating in that decision. Any decision made as a result of a violation of this provision shall be voidable, at the option of the [Town] City.

5.

No [Town] City official or [Town] City employee shall knowingly have or acquire any financial interest or beneficial interest, direct or indirect, in any business that is incompatible with the proper discharge their official duties or that may tend to impair their independence or judgment in the performance of [his or her] their official duties.

6.

No [Town] City official or [Town] City employee shall knowingly misuse or misappropriate any [Town] City fund or [Town] City asset.

7.

The [Board of Directors] City Council shall have the authority, pursuant to Sections 7-148(c)(10)(b) and 7-148h of the Connecticut General Statutes as amended, to establish additional standards of official conduct by ordinance.

[1]

*Editor's Note: A referendum of 11-5-1991 deleted former § 2-4 of the Charter in its entirety and added a new § 2-4 to read as herein set out. Former § 2-4 pertained to restrictions respecting conflict in interest and derived from the original Charter as amended by referendum 10-1-1962.*

## **Sec. 2-4(a). (Reserved)**

[1]

*Editor's Note: A referendum of 11-5-1991 deleted former § 2-4(a) of the Charter in its entirety. Former § 2-4(a) pertained to standards of official conduct and derived from the original Charter as amended by referendum 11-7-1978.*

## **Sec. 2-5. Salaries.**

[Amended by referendum 4-30-1968]

The compensation, if any, of all appointive officers, except as fixed or otherwise provided for in this Charter, shall be determined by the [Board of Directors] City Council.



## **Sec. 2-6. Additional compensation not to be paid.**

[Amended by referendum 11-5-1996; amended by referendum 11-8-2022]

Except for extraordinary service, and then only by a majority vote of the whole membership of the [Board of Directors] City Council, no elected or appointed officer, superintendent, head of bureau, subordinate or employee of the [Town] City shall have or receive to their own use any prerequisite, compensation or fees pertaining directly or indirectly to the duties of their office in addition to their approved compensation. All fees paid to and received by any salaried officer or employee of the [Town] City for services rendered in their official capacity shall be paid by the officer or employee receiving the same to the Collector of Revenue for the use of the [Town] City.

## **Sec. 2-7(a). Official bonds.**

[Amended by referendum 11-7-1978; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The Director of Finance, Collector of Revenue and [Town] City Clerk shall, before entering upon their official duties, execute to the [Town] City and file with the [Town] City Clerk a surety company bond in a penal sum to be fixed by the [Board of Directors] City Council, conditioned upon the faithful performance of their official duties, in the form to be prescribed or approved by the [Town] City Attorney. Premiums for said bonds shall be paid by the [Town] City.

## **Sec. 2-7(b). Blanket bonds.**

[Amended by referendum 11-8-1960; amended by referendum 11-7-1978; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall purchase two (2) blanket bonds, one (1) conditioned for faithful performance of duty which shall include the [Town] City Manager, Purchasing Agent, and such other officers and employees as may be designated by the [Board of Directors] City Council; and one (1) conditioned to protect against loss occasioned by embezzlement or any other dishonest act and to include those eligible officers and employees not included in the faithful performance blanket bond. The penal sum of these blanket bonds shall be fixed by the [Board of Directors] City Council and to be in a form to be prescribed or approved by the [Town] City Attorney and filed with the [Town] City Clerk. Premiums for said bonds shall be paid by the [Town] City.

## **Sec. 2-8. Removal from office by [Board of Directors] City Council.**

[Amended by referendum 10-1-1962; amended by referendum 11-4-2003; amended by referendum 11-8-2022]

Except as hereinafter provided, the [Board of Directors] City Council may remove any officer or employee appointed by it, provided the officer or employee shall have been served with a written notice of the intention of the [Board of Directors] City Council to remove such officer or employee, containing a clear statement of the grounds for such removal and of the time and place, not less than ten (10) days after the service of such notice, at which they shall be given an opportunity to be heard thereon. For the purposes of this provision, absence of any appointee to a board or commission created by Charter or ordinance from more than three (3) consecutive regular meetings shall be considered grounds for removal. In the event this conflicts with any provisions of a board or commission currently operating under the Charter or an ordinance, it is intended that this provision shall control. After such hearing, which shall be public at the option of the officer or employee and at which they may be represented by counsel, the action of the [Board of Directors] City Council the officer or employee shall be ineligible to perform the duties of their office or employment, but they shall continue to receive [his] their salary or wages pending such final action. Notwithstanding the foregoing provisions, if any officer or employee appointed by the [Board of Directors] City Council shall be convicted by a final judgment of a felony, as deemed by the Connecticut General Statutes, the office held by such officer and the position held by such employee shall become vacant



forthwith upon such conviction.

## **Sec. 2-9. Removal from office by [Town] City Manager.**

[Amended by referendum 10-1-1962; amended by referendum 11-8-2022]

The [Town] City Manager may remove any officer or employee appointed by the [Town] City Manager when, in the [Town] City Manager's opinion, the best interests of the [Town] City require such action, provided the officer or employee shall have been served with a written notice of the intention of the [Town] City Manager to remove such officer or employee, containing a clear statement of the grounds for such removal. Any officer or employee so discharged shall be entitled, upon request in writing to the [Board of Directors] City Council, to a hearing before said Board under such procedure as said Board shall provide, which hearing shall be public at the option of such officer or employee and at which they may be represented by counsel, but the final decision with respect to any such discharge or removal shall rest with the [Town] City Manager. The [Town] City Manager may suspend from duty for not more than thirty (30) days any such officer or employee pending final action. Notwithstanding the foregoing provisions, if any officer or employee appointed by the Town Manager shall be convicted by a final judgment of a felony, as defined by the Connecticut General Statutes, the office held by such officer and the position held by such employee shall become vacant forthwith upon such conviction.

## **Sec. 2-10. Resignations.**

[Amended by referendum 11-8-2022]

Resignations of all officers and members of boards and commissions appointed by the [Board of Directors] City Council shall be presented to the [Board of Directors] City Council, and resignations of all officers and members of boards and commissions appointed by the [Town] City Manager shall be presented to the [Town] City Manager. Resignations of elective officers shall be presented to the [Board of Directors] City Council, except that resignations from the Board of Education shall be presented to that Board.

## **Sec. 2-11. Vacancies.**

[Amended by referendum 10-5-1964; amended by referendum 4-30-1968; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

Any vacancy in any elective [Town] City office, from whatever cause arising, shall be filled by appointment by the [Board of Directors] City Council for the unexpired portion of the term, except:

(a)

If a vacancy occurs in the office of any member of the Board of Education, it shall be filled by the remaining members of said Board of Education until the next regular [Town] City election, at which election a successor shall be elected. [for the unexpired portion of the term. The official ballot at such regular [Town] City election shall specify the vacancy to be filled. The person so elected at such election shall take office in accordance with Chapter II, § 2-1 of this Charter]; or

(b)

As may otherwise be provided for by state statute.

If any vacancy in any elective office is not filled, as thus provided, within forty-five (45) days from the time of its happening, the [Board of Select Board] Mayor or Acting Mayor shall fill the same. Any resignation by an elected official shall be deemed to have happened when written notice thereof is received by the Secretary of the [Board of Directors] City Council. Any vacancy in any appointive office, from whatever cause arising, shall be filled by the authority having the power of appointment to that office for the unexpired portion of the term if the vacancy be caused by resignation, death, removal or permanent disability or on a temporary basis in the event of the temporary absence, leave or temporary disability of the holder of the office.



## **Sec. 2-12. [Town] City Clerk.**

[Amended by referendum 11-8-1960; amended by referendum 11-8-2022]

On or before July 1 of the year of an election for the office of [Town] City Clerk, the [Town] City Clerk's salary shall be fixed by the [Board of Directors] City Council, except that it shall not be decreased at any time other than at the start of a new term of office. All fees, charges and compensation of any nature whatsoever paid to and received by the [Town] City Clerk for services rendered in [his] their official capacity shall be paid by said [Town] City Clerk to the Collector of Revenue, together with an accompanying itemized statement, for the use of the [Town] City. The [Town] City of Manchester shall pay all expenses of the office of said [Town] City Clerk, including salaries of employees, and the cost of materials and supplies reasonably required for the proper conduct of said office. The [Town] City Clerk shall have the exclusive right to appoint, supervise and discharge the employees in the [Town] City Clerk's office. Said employees shall be employees of the [Town] City of Manchester.

## **Sec. 2-13(a). Merit system established.**

All officers and employees in the classified service of the [Town] City as described in § 2-13(b) below shall be appointed on the basis of merit and in conformity with recognized principles of public personnel administration.

## **Sec. 2-13(b). Classified service.**

[Added by referendum 11-6-1973]

The classified service shall include appointees to all positions now or hereafter created except the following: elective officers and persons appointed to fill vacancies in elective offices; members of boards and commissions; officers appointed by the [Board of Directors] City Council; professional employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation; and persons employed for a temporary period not exceeding three (3) months. It shall be the duty of the Manager to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the [Town] City, which shall become effective upon approval by resolution of the [Board of Directors] City Council and which may be amended, upon recommendation of the Manager, by resolution of the [Board of Directors] City Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the [Board of Directors] City Council upon the recommendation of the Manager. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The Manager shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the [Town] City. Such rules and any amendments thereto shall become effective upon being approved by the [Board of Directors] City Council and filed by the Manager with the [Town] City Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.

## **Sec. 2-14. Justices of the Peace.**

[Added by referendum 11-4-2008; amended by referendum 11-8-2022]

Forty-five (45) Justices of the Peace shall be selected and their offices administered in accordance with state statutes.

## **CHAPTER III. [Board of Directors] CITY COUNCIL**





### **Sec. 3-1. [Board of Directors] City Council; general powers.**

[Amended by referendum 10-1-1962; amended by referendum 10-5-1964; amended by referendum 4-30-1968; amended by referendum 11-5-1996; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall, except in matters under the jurisdiction of the Board of Education and except as otherwise specifically provided in this Charter, exercise all the legislative powers of the [Town] City. Further, all legislative rights, powers and duties of the [Town] City and the powers of appointment to all boards, agencies and commissions not otherwise vested by this Charter are exclusively vested in the [Board of Directors] City Council. It shall have, in addition to all powers and duties conferred and imposed upon it by this Charter, all the powers and duties now or hereafter conferred or imposed by the General Statutes on [Town] Municipal boards of selectmen, relating to the abatement of taxes. The final authority concerning a budget and tax rate is vested exclusively in the [Board of Directors] City Council subject to the provisions of §§ 3-10 and 3-13 of this chapter. The [Board of Directors] City Council shall have the power to investigate any and all departments, offices and agencies of the [Town] City. For the purposes of such investigation, the Chair or Acting Chair shall have the power to administer oaths and issue subpoenas and, at their request, any judge may issue a capias for the appearance of witnesses and the production of books and papers except as herein provided. The [Board of Directors] City Council shall hold a special meeting to review the administrative performance of the [Town] City Manager between June 1 and July 31 of each year. Except to the extent to which such powers are conferred upon the [Town] City Planning Commission, the [Board of Directors] City Council shall exercise the powers hitherto possessed by the Town meeting and the Board of Selectmen relative to the collection of benefits due the [Town] City from the establishment of any building, street, sidewalk or curb or tree line or benefits accruing from the opening or improvement of any street or highway, including the assessment of a portion of the cost thereof on the owners of abutting property, and such powers are extended to include the construction and assessment of the cost of highways, sidewalks, curbs, gutters, sewers and drains. The [Board of Directors] City Council shall have the power to make, alter and repeal ordinances and bylaws, not inconsistent with this Charter or the General Laws of the state, for the execution of the powers vested in the [Town] City as provided in Chapter I of this Charter, for the government of the [Town] City and the management of its business and for the preservation of the good order, peace, health and safety of the [Town] City and its inhabitants. Such ordinances and bylaws shall be binding upon all the inhabitants of the [Town] City and upon persons coming within its limits, and said [Board] Council may provide penalties for breaches thereof not exceeding [one hundred dollars (\$100.00)] the maximum penalty allowed under the General Statutes for each offense. Notwithstanding any other provisions of this Charter, the [Board of Directors] City Council, subject to the general laws of the state, shall have the authority by ordinance or resolution to establish, delete or alter departments and divisions comprising the internal organizational structure of the [Town] City deemed necessary to effectively and efficiently perform the duties of those departments and functions specifically mentioned within the provisions of this Charter and to make such rules and regulations:

(a)

Concerning the creating or abolishing of departments and offices,

(b)

Regulating the internal operation of departments, offices and personnel,

(c)

Fixing the compensation of officers and employees of the [Town] City and the charges, if any, to be made for services rendered by the [Town] City, as it may deem to be in the best interest of the [Town] City. The [Board of Directors] City Council shall have the power to designate the [Town] City Manager as the personnel and office manager for the [Town] City and to require that all such office and personnel matters shall be administered by the [Town] City Manager in accordance with the rules and regulations adopted by the [Board of Directors] City Council.

The [Board of Directors] City Council may fix the charges, if any, to be made for services rendered by the [Town] City or for the execution of powers vested in the [Town] City as provided in Chapter I of this



Charter and the General Statutes, as amended. The [Board of Directors] City Council shall establish ordinances and regulations regarding such charges.

The [Board of Directors] City Council shall authorize all purchases of real estate by the [Town] City and all sales of real estate owned by the [Town] City by ordinance, which ordinance shall be enacted in compliance with § 3-8 and shall be subject to the provisions of §§ 3-9 and 3-10, except that all sales and purchases connected with redevelopment and urban renewal as provided in Chapter 130 of the Connecticut General Statutes, Revision of 1958, as amended, and all condemnation proceedings and acquisition, sale or exchange of easements necessitated by public improvement projects of the [Town] City authorized by the [Board of Directors] City Council are excluded from the operation of this section

### **Sec. 3-2. Number; election; term.**

[Amended by referendum 4-30-1968; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall consist of nine (9) members, including the Mayor and eight (8) members elected from the [Town] City at large for terms of two (2) years, commencing on the third Monday in November in the year of their election and until their successors shall have been elected and have qualified.

### **Sec. 3-3. Compensation.**

[Amended by referendum 4-30-1968; amended by referendum 11-3-1981; amended by referendum 11-5-1996; amended by referendum 11-8-2022]

The compensation of the members of the [Board of Directors] City Council shall be as follows: the Chair shall be paid [three] fifteen thousand dollars (\$[3,000.00] 15,000.00) annually, the Vice Chair and the Secretary shall be paid [two] ten thousand [four hundred dollars] (\$[2,400.00] 10,000.00) annually, the Leader of the minority cause shall be paid nine thousand dollars (\$9,000.00) annually, and the other members of the Board shall be paid [two] eight thousand dollars (\$[2,000.00] 8,000.00) annually, which sums shall be in full compensation for services rendered.

### **Sec. 3-4. Organization.**

[Amended by referendum 4-30-1968; amended by referendum 11-7-1978; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall meet in the afternoon on the third Monday in November, 1969, and biennially thereafter and organize by electing one of its own members to be for a term of two years Chair of the [Board of Directors] City Council; one of its own members to be for a term of two years Vice Chair of the [Board of Directors] City Council; and one of its own members to be for a term of two years Secretary of the [Board of Directors] City Council. The member elected as Chair shall be the member who received the highest vote count in the biennial election for the position of Mayor, irrespective of party affiliation or nonaffiliation. The Vice Chair and Secretary shall be elected by a majority vote of those present.

### **Sec. 3-5. Chair and Vice Chair.**

[Amended by referendum 10-5-1964; amended by referendum 11-7-1978; amended by referendum 11-8-2022]

The Chair, who shall be designated as Mayor of Manchester, shall preside at all meetings of the [Board] Council and may call special meetings thereof. The Chair shall call special meetings of the [Board] Council whenever requested in writing by the [Town] City Manager or four (4) members of the [Board] Council to do so. The Chair shall be recognized as head of the [Town] City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties. Whenever the Chair shall be absent or otherwise prevented from serving in any of [his] their official capacities, the Vice Chair, who shall be designated as the Deputy Mayor of Manchester, shall be Acting Chair and shall have all powers of the Chair until the Chair is able to exercise them. In case of a vacancy in the position of Chair,



the Vice Chair shall become the Chair. Whenever the Chair and Vice Chair shall both be absent or otherwise prevented from serving in any of their official capacities, an Acting Chair, who shall have all the powers of the Chair until either the Chair or Vice Chair is able to exercise them, shall be elected by the [Board] Council.

### **Sec. 3-6. Secretary.**

[Amended by referendum 4-30-1968; amended by referendum 11-8-2022]

The Secretary shall have charge of keeping a correct public record of all meetings of the [Board] Council, which record shall be open to inspection at all reasonable times by any taxpayer or elector of the [Town] City. Upon authorization by the [Board of Directors] City Council, the Secretary or the Chair may sign, on behalf of the [Board] Council, all formal notices and records. The Secretary shall have no power to sign contracts. The [Town] City Clerk may certify the records of the [Board of Directors] City Council as true copies of the records of the [Board of Directors] City Council as kept by the Secretary.

### **Sec. 3-7. Meetings; procedure.**

The [Board of Directors] City Council shall fix the time and place of its regular meetings and may provide a method for the calling of special meetings, but it shall hold at least one regular meeting each month. At any such regular meeting, any elector of the [Town] City may be heard in discussion of any subject within the jurisdiction of the [Board of Directors] City Council. The [Board] Council may hold other meetings at such times and places as it may determine, provided all meetings of the [Board] Council shall be open to the public and, at any special meeting, no matter shall be considered which was not included in the call for such special meeting. The [Board] Council shall determine its own rules of procedure, subject to the provisions of this chapter. The presence of five (5) members shall constitute a quorum, but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be adopted by less than five (5) affirmative votes.

### **Sec. 3-8. Public hearings on ordinances.**

[Amended by referendum 4-30-1968]

Before any ordinance or bylaw shall be finally enacted by the [Board of Directors] City Council, the [Board] Council shall have at least one (1) public hearing at which electors and taxpayers shall have an opportunity to speak for or against its adoption. Notice of such public hearing shall be given at least three (3) times [by advertisement in a newspaper having a general circulation within the Town] in a manner prescribed by the General Statutes. The final notice of such public hearing shall be at least five (5) days previous to holding the meeting, including the day that notice is given and any Sunday and any legal holiday which may intervene between such notice but not including the day of holding such meeting.

### **Sec. 3-9. Petition for overrule.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, Sec. 2, 25 C.S.A. 1193; amended by referendum, Ques. 7, 10-6-1958; amended by referendum 4-30-1968; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

No ordinance or bylaw adopted by the [Board of Directors] City Council, except those making appropriations, or fixing the tax rate, as provided in Chapter V of this Charter, shall become effective until it shall have been advertised in full or summarized in accordance with provisions contained in State Statutes at least three (3) times [in a newspaper having a general circulation in the Town] and a period of ten (10) days from the date of the third such advertisement shall have elapsed, during which ten (10) days no petition for a referendum on the ordinance shall have been filed in accordance with the provisions of this section. If, within ten (10) days after the third publication of any such ordinance, a petition signed by not less than five (5) percent of the electors of the [Town] City, as determined from the latest official lists of the Registrars of Voters, is filed with the [Town] City Clerk requesting its reference to a special [Town] City election, the [Town] City Clerk shall, within ten (10) days thereafter, fix the day and the place of such





election and certify the same to the [Town] City Manager, and such election shall be called and held in accordance with the provisions of the General Statutes and this Charter for calling and holding a [Town] City election. Any ordinance so referred shall become effective upon the conclusion of such election unless a majority of those voting thereat shall have voted in the negative on a "yes" and "no" vote on the question as to whether the ordinance or bylaws should be adopted. Said petition for overrule may be submitted to the electors at a [Town] City election if said [Town] City election occurs within sixty (60) days of the filing of said petition.

If a majority of the votes cast in the referendum are "Yes," or if the total number of votes cast in the referendum is less than 15% of the number of electors of the City as determined from the latest official lists of the Registrars of Voters, the adopted ordinance or bylaw shall take effect in accordance with the provisions of Chapter 3.

### **Sec. 3-10. Petition for enactment.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, Sec. 3, 25 C.S.A. 1193; amended by referendum, Ques. 7, 10-6-1958; amended by referendum 4-30-1968; amended by referendum 11-7-1978; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

Whenever a petition signed by not less than five (5) percent of the electors of the [Town] City, as determined from the latest official lists of the Registrars of Voters, proposing any lawful appropriation, ordinance or bylaw and including the complete text of any such ordinance or bylaw is filed with the [Town] City Clerk requesting its passage, the [Town] City Clerk shall, within ten (10) days thereafter, certify such petition and proposed ordinance or bylaw to the [Board of Directors] City Council for its consideration. If, within forty-five (45) days from such certification, the [Board of Directors] City Council shall not have made such appropriation or passed such ordinance or bylaw, or one substantially similar thereto, the [Town] City Clerk shall submit such proposed ordinance or bylaw to the [Town] City Attorney who shall, not later than thirty (30) days from the date the [Town] City Clerk submits such proposed ordinance or bylaw to the [Town] City Attorney, without materially changing its meaning and effect, correct the wording to avoid repetition, illegalities and unconstitutional provisions and assure accuracy and clarity. The [Town] City Clerk shall thereupon fix the day and place of a special [Town] City election and certify the same to the [Town] City Manager, and such special [Town] City election shall be called and held in accordance with the provisions of the General Statutes and this Charter for calling and holding [Town] City elections. The [Town] City Manager shall advertise such proposed appropriation, ordinance or bylaw in the same manner as provided for giving notice of a public hearing in § 3-8 of this Charter. If such appropriation, ordinance or bylaw is approved by a majority of those voting thereon at such special election, it shall become effective on the tenth day after such special election. Said petition for enactment may be submitted to the electors at a [Town] City election if said [Town] City election occurs within ninety (90) days of the filing of said petition.

If a majority of the votes cast in the referendum are "No," or if the total number of votes cast in the referendum is less than 15% of the number of electors of the City as determined from the latest official lists of the Registrars of Voters, the proposed appropriation, ordinance or bylaw shall not take effect.

### **Sec. 3-11. Revision of existing ordinances.**

[Amended by referendum 11-8-2022]

The provisions of §§ 3-8 and 3-9 of this chapter shall not apply to any ordinance or bylaw adopted by the [Board of Directors] City Council which is substantially similar in language to any ordinance or bylaw of the [Town] City adopted prior to January 1, 1947, except that the [Board of Directors] City Council or [Town] City Manager is substituted for the Board of Selectmen or the Chair of the [Board of Directors] City Council is substituted for the Chair of the Board of Selectmen. Any such ordinance or bylaw shall be effective upon passage by the [Board of Directors] City Council and filing with the [Town] City Clerk without the necessity of public hearing or advertisement.



### **Sec. 3-12. (Reserved) [Joint annual meeting of [Board of Directors] City Council and Board of Education.**

[Added by referendum 11-4-2003; amended by referendum 11-8-2022]

The [Board of Directors] City Council and the Board of Education shall annually during the month of September attend a joint meeting of the [Board of Directors] City Council and the Board of Education for the purpose of discussing the possible consolidation of similar functions performed independently by each unit of government. Within sixty (60) days of such meeting the Town Manager and Superintendent of Schools shall prepare a written report addressing proposed consolidation efforts discussed by the Boards. Any action to consolidate efforts will require a two-thirds vote of each Board to implement and repeal.]

### **Sec. 3-13. Petition for budget referendum.**

[Added by referendum 11-4-2008; amended by referendum 11-8-2022]

If, not later than ten days after adoption of the budget in accordance with § 5-6, a petition signed by not less than seven percent of the electors of the [Town] City, as determined from the latest official lists of the Registrars of Voters, is filed with the [Town] City Clerk, to reject the budget adopted by the [Board of Directors] City Council, the [Town] City Clerk shall, within ten days thereafter, fix the day and place of a special [Town] City election to vote on the petition to reject the adopted budget, and certify the same to the [Town] City Manager, and such election shall be called and held in accordance with the provisions of the General Statutes and this Charter for calling and holding a [Town] City election. The day of such special election shall be not more than 35 days after the date of adoption of the budget.

The petition for budget referendum shall be in substantially the following form and shall be approved by the [Town] City Clerk in accordance with Section 7-9 of the General Statutes before circulation:

WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL

We, the undersigned electors of the [Town] City of Manchester, present this petition requesting that the following question be referred to the voters at a referendum: "Shall the annual budget adopted by the [Board of Directors] City Council on (here insert date of adoption) take effect as adopted?" We certify that we are electors of the [Town] City of Manchester, residing at the addresses set opposite our names, and that we have not signed this petition more than once.

SIGNATURE

PRINTED NAME

NUMBER STREET

At the referendum, the electors shall choose one of the following three responses to the ballot question:

Yes.

No; the adopted budget is too high.

No; the adopted budget is too low.

If a majority of the votes cast in the referendum are "Yes," or if the total number of votes cast in the referendum is less than 15% of the number of electors of the [Town] City as determined from the latest official lists of the Registrars of Voters, the adopted budget shall take effect in accordance with the provisions of Chapter 5.

Provided that the total number of votes cast in the referendum is 15% or more of the number of electors of the [Town] City, a combined "No" vote by a majority of the electors voting shall reject the adopted budget and require the [Board of Directors] City Council to adopt a revised budget.

If the adopted budget is rejected, the [Board of Directors] City Council shall, within seven days after the special election, adopt a revised budget, which may be less or greater than the adopted budget, as the Board shall deem appropriate based on the results of the referendum. The revised budget shall take effect in accordance with the provisions of Chapter 5.

There shall be no more than one budget referendum in any year.



## **CHAPTER IV. [GENERAL] CITY MANAGER**

### **Sec. 4-1. Appointment.**

[Amended by referendum 11-4-2003; amended by referendum 11-8-2022]

At the meeting of the [Board of Directors] City Council on the first Monday in November, 1948, or as soon thereafter as possible, the [Board of Directors] City Council shall appoint a [Town] City Manager who shall be chosen on the basis of their executive and administrative qualifications with special reference to their actual experience in, and their knowledge of, accepted practices in respect to the duties of their office as herein set forth. At the time of their appointment, the [Town] City Manager need not be a resident of the [Town] City or state, but within one (1) year of appointment the [Town] City Manager shall reside within the [Town] City. No member of the [Board of Directors] City Council shall receive such appointment during the term for which they shall have been elected, nor within one (1) year after the expiration of their term.

### **Sec. 4-2. Tenure and removal.**

[Amended by referendum 10-5-1964; amended by referendum 11-8-2022]

The [Town] City Manager shall be appointed for an indefinite term. The [Town] City Manager may be removed by the affirmative vote of five (5) members of the [Board of Directors] City Council. At least thirty (30) days before such removal may be made effective, the [Board of Directors] City Council shall, by such a majority vote of its members, adopt a preliminary resolution stating the reasons for the proposed removal, and a copy of such resolution shall forthwith be mailed by registered mail to the [Town] City Manager at their usual place of abode. The [Town] City Manager may reply and may appear and be represented by counsel at a public hearing which shall be called by the [Board of Directors] City Council if requested by the [Town] City Manager. Such a request shall be made by the [Town] City Manager not more than thirty (30) days after the adoption of such preliminary resolution. Such hearing shall be held not more than twenty (20) days from the date of such request. After such public hearing, the [Board of Directors] City Council, by majority vote of all its members, may adopt a resolution removing the [Town] City Manager from office, which may be made [effectively] effective immediately. If no request for a hearing is made by the [Town] City Manager, the [Town] City Manager's removal from office shall be effective thirty-one (31) days from the date of said preliminary resolution. By the preliminary resolution, the [Board of Directors] City Council may suspend the [Town] City Manager from duty; but the [Town] City Manager shall be entitled to [his] their regular compensation until the [Town] City Manager shall have been removed from office, and until such removal the [Town] City Manager shall have access during regular business hours to all records, files and documents in the custody of any [Town] City official pertaining to [his] their conduct as [Town] City Manager. If the [Town] City Manager shall be found guilty by any court of misfeasance or malfeasance in office or of any felony, the [Town] City Manager may be summarily dismissed by the [Board of Directors] City Council, and the [Town] City Manager shall not be entitled to any salary other than any unpaid balance which may be due the [Town] City Manager.

### **Sec. 4-3. Salary.**

[Amended by referendum 11-8-2022]

The salary of the [Town] City Manager shall be fixed by the [Board of Directors] City Council, and it shall not be decreased except at the beginning of a fiscal year of the [Town] City.

### **Sec. 4-4. Absence or disability of [Town] City Manager.**

[Amended by referendum 11-8-2022]

To perform the duties of the [Town] City Manager pending the appointment of a [Town] City Manager or during the [Town] City Manager's temporary absence or disability, the [Board of Directors] City Council may appoint an Acting Manager, who shall not be one of its own members, to perform the duties of the [Town] City Manager.



## **Sec. 4-5. [Town] City Manager, powers and duties.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, Sec. 4, 25 C.S.A. 1194, effective 7-1-1949; amended by referendum 10-1-1962; amended by referendum 10-5-1964; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

The [Town] City Manager shall be the chief executive officer and the head of the administrative branch of the [Town] City government, and none of the administrative duties of the [Town] City shall be performed by any member of the [Board of Directors] City Council. All administrative rights, powers and duties of the [Town] City not otherwise vested by this Charter are exclusively vested in the [Town] City Manager. Except for the appointment of boards, agencies and commissions provided for by the General Statutes and except as herein provided, [he] the Manager shall exercise the powers and perform the duties in and for the [Town] City of Manchester which are conferred and imposed by law upon selectmen, except as to the filling of vacancies in elective offices as set forth in § 2-11 hereof and to the delivery and filing of the welfare reimbursement agreements and liens referred to in Sections 17-280 and 17-281, 1958 Revision of the General Statutes.<sup>u</sup> The service of any process against or notice to the [Town] City, and any notice which the General Statutes may provide, should be served upon the selectmen or any selectman of a [Town] municipality shall, in the case of the [Town] City of Manchester, be served upon the [Town] City Clerk. The [Town] City Manager shall have charge of the preparation of the annual report of the [Town] City required by law, shall attend meetings of the [Board of Directors] City Council, may participate in any discussion and may make recommendations but shall not have the right to vote at such meetings. In addition to the duties prescribed by this Charter, the [Town] City Manager shall perform such other duties as may be required of the [Town] City Manager by the [Board of Directors] City Council not inconsistent with the provisions of this Charter.

[1]

*Editor's Note: See now C.G.S. §§ 17b-125 and 17b-126.*

## **Sec. 4-6. Delegation of authority during vacancy of office.**

[Amended by referendum 11-8-2022]

Unless otherwise specially provided for in this Charter, the [Town] City Manager shall have the power to delegate any person to be the acting head of any department, commission, bureau or board appointed by the [Town] City Manager during the period of any vacancy, absence or disability and until a new appointment shall have been made.

## **CHAPTER V. BUDGET AND FINANCE**

### **Sec. 5-1. Fiscal year.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 3, 28 C.S.A. 12, approved 3-8-1957. See also Sp. Acts, Art. 20 in this volume]

The fiscal year of the [Town] City government which shall also be the budget and accounting year shall begin on the first day of July of each calendar year.

[1]

*Editor's Note: See also Ch. 46, Fiscal Year.*

### **Sec. 5-2(a). Preparation.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 2, 28 C.S.A. 11, approved 3-8-1957; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The [Town] City Manager shall prepare and, not later than March 13 of each year, shall submit to the [Board of Directors] City Council a tentative budget for the ensuing fiscal year and an explanatory budget message. Such tentative budget shall, where possible, include a statement of receipts during the last completed fiscal year, the receipts for the first six (6) months of the current fiscal year, an estimation of receipts for the entire fiscal year and an estimation of receipts during the ensuing fiscal year, all itemized in accordance with a



classification approved by the [Board of Directors] City Council. Such budget shall also, where possible, include a statement of the expenditures during the completed fiscal year, the expenditures during the six (6) months of the current fiscal year, an estimation of the expenditures for the entire current year, the appropriations requested and the recommendations of the [Town] City Manager, as itemized by departments and in accordance with a classification by object of expenditure approved by the [Board of Directors] City Council. Said budget message shall state the reason for any material increase or decrease in the estimate for the coming year of any item of receipts or expenditures from that for the current fiscal year. The Board of Education and each office, department and agency of the [Town] City which requires an appropriation shall, not later than February 14 of each year, submit to the [Town] City Manager a request for an appropriation for the ensuing year in accordance with a form prescribed by the [Town] City Manager and shall furnish the [Town] City Manager with such further information as to receipts and expenditures as the [Town] City Manager shall require. The request for an appropriation filed by the Board of Education with the [Town] City Manager shall be accompanied by a copy thereof for each member of the [Board of Directors] City Council. Within three (3) days of filing the request for an appropriation, the Chair of the Board of Education may submit a letter to the [Town] City Manager requesting joint meeting of the two (2) Boards for the purpose of discussing the appropriation request of the Board of Education and the recommendations of the [Town] City Manager. If the Chair of the Board of Education requests this initial joint meeting, the joint meeting shall be held not later than five (5) days before the [Town] City Manager submits [his] their tentative budget to the [Board of Directors] City Council. Following the submittal of the [Town] City Manager's tentative budget, but not later than seven (7) days before the adoption of the final budget, a mandatory joint meeting of the two (2) Boards shall be held for the purpose of presenting and discussing the appropriation request of the Board of Education.

### **Sec. 5-2(b). Submission to [Board of Directors] City Council.**

[Amended by referendum 11-8-2022]

The [Town] City Manager shall prepare and submit to the [Board of Directors] City Council a six-year capital improvement program as part of the tentative budget.

### **Sec. 5-2(c). Contents.**

The capital improvement program shall include:

(1)

A clear general summary of its contents;

(2)

A list of all capital improvements for the [Town] City including capital improvements of the Board of Education which are proposed to be undertaken during the six (6) fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements;

(3)

Cost estimates, methods of financing, and recommended time schedules for each such improvement; and

(4)

The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **Sec. 5-2(d). Definition.**

[Amended by referendum 11-8-1960; amended by referendum 10-5-1964; amended by referendum 11-5-1996]

For the purpose of this chapter, "capital improvement program" means a priority schedule of any and all necessary municipal capital improvements projected for a period of not less than six (6) years and so prepared as to show the general description, location and estimated cost of each individual capital improvement and including the proposed method of financing; "capital improvement" means a major





improvement or betterment of a nonrecurring nature to the physical plant of the municipality as differentiated from ordinary repairs or maintenance of a recurring nature or the acquisition of any specific item of capital equipment.

### **Sec. 5-3. Publication.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 3, 28 C.S.A. 12, approved 3-8-1957; amended by referendum 4-30-1968; amended by referendum 11-5-1991; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The budget and budget message and all supporting data shall be a public record in the office of the [Town] City Manager and shall be open to inspection at any reasonable time by any elector or taxpayer. The [Town] City Manager shall cause a summary of the tentative budget and budget message to be advertised in the same manner as provided for giving notice of a public hearing in § 3-8 of this Charter. The third such advertisement of the tentative budget and budget message shall appear not later than March 18 of each year.

### **Sec. 5-4. Public hearings.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 4, 28 C.S.A. 12, approved 3-8-1957; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall hold a public budget hearing not later than March [23] 31 of each year at which any elector or taxpayer may have an opportunity to be heard. The [Board of Directors] City Council shall determine the date of the hearing and shall cause a notice of the hearing to be published in a [newspaper having a general circulation in the Town] manner prescribed by the General Statutes not less than three (3) times and not less than five (5) days prior to the date of the hearing. The hearing may be adjourned from time to time by the [Board of Directors] City Council as it shall deem necessary.

### **Sec. 5-5. Consideration by the Board.**

[Amended by referendum 10-5-1964; amended by referendum 4-30-1968; amended by referendum 11-8-2022]

After the conclusion of the public hearing the [Board of Directors] City Council shall continue its consideration of the tentative budget. The [Board of Directors] City Council may revise any of the estimates of receipts or of expenditures for the ensuing fiscal year except that before inserting any new item of expenditure or increasing any item of expenditure either over the amount requested by any department or recommended by the [Town] City Manager, whichever amount shall be greater, it must call another public hearing, giving notice of such hearing in the same manner as provided for giving notice of a public hearing in § 3-8 of this Charter. The notice of such hearing shall state the nature of the proposed additions or increases.

### **Sec. 5-6. Adoption.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 5, 28 C.S.A. 13, approved 3-8-1957; amended by referendum 11-5-1991; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall convene to vote on the adoption of a final budget not later than April 17 of each year. Should the [Board of Directors] City Council take no final action to adopt the budget on or before May 17 of each year, the tentative budget submitted by the [Town] City Manager shall be deemed to have been finally adopted by the [Board of Directors] City Council, and it shall be the legal budget of the [Town] City for the fiscal year ensuing, unless a petition for a budget referendum shall be filed and certified in accordance with § 3-13.

### **Sec. 5-7. Certification.**

[Amended by referendum 11-8-2022]

A copy of the budget as finally adopted shall be certified by the [Town] City Manager and recorded in a



book kept for that purpose in the office of the [Town] City Clerk. From the date of the beginning of the fiscal year the several amounts stated in the budget as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

### **Sec. 5-8. Additions.**

[Amended by referendum 4-30-1968; amended by referendum 11-5-1996; amended by referendum 11-4-2008]

Whenever the [Board of Directors] City Council shall deem it necessary and in the best interests of the [Town] City to do so, it may, by majority vote of all its members, make additional appropriations to the Board of Education or to any office, department or agency of the [Town] City government and may make appropriations for purposes not included in the final budget but for additional appropriations in excess of \$500, only after a public hearing to be advertised in the same manner as provided for giving notice of a public hearing in § 3-8 of this Charter. At such hearing any elector or taxpayer of the [Town] City may have an opportunity to be heard. Whenever any such additional or new appropriation increases the total of the expenditure side of the budget, additional means of financing in a like amount shall be provided in such manner as may be determined by the [Board of Directors] City Council.

### **Sec. 5-9. Board of Assessment Appeals.**

[Amended by referendum 10-5-1964; amended by referendum 11-5-1996]

The Board of Assessment Appeals shall perform such duties as are or may be vested by statute in Boards of Assessment Appeals in the several [Town] City's. Members of the Board of Assessment Appeals shall be so appointed that the term of office of only one (1) member shall expire each year.

[1]

*Editor's Note: See C.G.S. § 12-110 et seq.*

### **Sec. 5-10. Tax rate.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 6, 28 C.S.A. 13, approved 3-8-1957]

The [Board of Directors] City Council, at the meeting wherein the final budget is adopted in accordance with § 5-6 of this chapter, shall also fix a tax rate which shall be sufficient, together with estimated receipts from other sources, to equal the sum of all appropriations which have been made, including any deficit from the prior year. This section shall not be construed to prevent the issuing of bonds to finance public improvements.

### **Sec. 5-11. Expenditure prohibited.**

No officer, employee, department or agency of the [Town] City shall expend or contract to expend any money in excess of the amount appropriated for that office or department and for that general classification of expenditure. Any contract made in violation of this provision shall be null and void.

### **Sec. 5-11(a). Appropriation of gifts or other aid.**

[Added by referendum 4-30-1968; amended by referendum 11-8-2022]

Any gift, contribution, income from trust funds, or other aid or income from any private source or from the federal or state governments, which is carried upon the records of the [Town] City or is received after July 1, 1968, shall be entered upon the records of the General Fund in a manner recommended by the [Town] City Manager and approved by the [Board of Directors] City Council. When so recorded, such amounts shall be deemed to be appropriated to the purposes of such gift, contribution or other aid or income.

### **Sec. 5-12. Lapse of appropriation.**

[Amended by referendum 4-30-1968]

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been



expended or lawfully encumbered excepting any funds appropriated to a reserve fund for capital and nonrecurring expenditures as authorized by Chapter 108 of the General Statutes and excepting any funds appropriated under the provisions of § **5-11(a)** of this Charter.

### **Sec. 5-13. Director of Finance to assume former powers and duties of [Town] City Treasurer.**

[Amended by referendum, Ques. 9, 10-6-1958; amended by referendum 11-5-1996; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The Director of Finance shall have all the powers and perform all the duties which are vested by statute in [Town] City treasurers, and, except as otherwise provided in this Charter, as amended, all the powers and duties which were formerly vested in the [Town] City Treasurer by this Charter. The Director of Finance shall have custody of and disburse all funds belonging to the [Town] City and shall deposit the same in such banks and trust companies as may be designated by the [Board of Directors] City Council on the recommendation of the [Town] City Manager. The Director of Finance shall keep such books and records as the [Board of Directors] City Council shall prescribe. The Director of Finance shall be the Treasurer of the [Town] City Deposit Fund and shall have authority to invest and reinvest the same in securities legal for investment of trust funds under the General Statutes. Nothing herein shall be construed to prevent sinking funds and trust funds from continuing to be managed by any trust company managing them at the effective date of this Charter unless the appointment is revoked by the [Board of Directors] City Council. Whenever a vacancy occurs, or any trust fund is hereafter created, the [Board of Directors] City Council shall have power on the recommendation of the [Town] City Manager to designate a trust company or trust companies to manage the same, which designation shall continue until revoked. The Director of Finance or Acting Director of Finance and the [Town] City Manager or Acting [Town] City Manager jointly shall have the power to endorse, negotiate, sign and transfer, on behalf of the [Town] City, any securities in order to effectuate the transfer thereof.

### **Sec. 5-14. (Reserved)**

[1]

*Editor's Note: Former Sec. 5-14, Assistant [Town] City Treasurer, was repealed by referendum 11-4-2008.*

### **Sec. 5-15. Disbursements.**

[Amended by referendum 4-30-1968; amended by referendum 11-5-1991; amended by referendum 11-4-2008]

Except as is otherwise provided by this Charter, payments from [Town] City funds shall be made only upon order of the Director of Finance or the Board of Education. Such order shall specify the office, department or agency and the budget item against which the payment is charged. Each such order by the Director of Finance shall certify that there is a sufficient unexpended and unencumbered balance in the budget appropriation and the item against which the payment is to be charged, and shall further certify that full value for the payment has been received.

### **Sec. 5-16. Director of Finance.**

[Amended by referendum 11-5-1991; amended by referendum 11-8-2022]

The [Town] City Manager shall appoint a Director of Finance who shall keep such accounts as may be necessary to maintain a constant record of the condition of each budget appropriation and item and shall keep complete accounts of all financial transactions of the [Town] City. Such accounts shall be kept in accordance with an accounting system which has the approval of the [Board of Directors] City Council. At least once during each month [he] the Director of Finance shall submit to the [Town] City Manager and the [Board of Directors] City Council a statement showing the condition of the budget for the portion of the fiscal year which ended the last day of the previous month and showing the general financial condition of the [Town] City as of the same date. Such monthly statements shall be public records.





## **Sec. 5-17. Purchases and contracts.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 600, 27 C.S.A. 526, approved 8-5-1955; amended by referendum 10-5-1964; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

With the exception of the Board of Education, no officer or employee of the [Town] City shall make any purchase or any contract, including contracts for service, or any commitment for any purchase or contract, including contracts for service, until the Director of Finance shall have certified that there is a sufficient unexpended and unencumbered balance of the appropriation and appropriation item against which the expense is to be charged. Whenever any such requisition has been so certified, the Director of Finance shall record the amount of the requisition as an encumbrance against such appropriation and appropriation item. Except as otherwise provided in this Charter, the [Board of Directors] City Council shall have power to make such other rules and regulations concerning purchases and contracts including contracts for service as it may deem to be in the best interest of the [Town] City. There shall be a Purchasing Agent for the [Town] City who shall be the [Town] City Manager or someone appointed by the Purchasing Agent. All purchases, except those for the Board of Education, shall be made by the Purchasing Agent in accordance with the rules and regulations adopted by the [Board of Directors] City Council.

## **Sec. 5-18. (Reserved)**

[1]

*Editor's Note: Former Sec. 5-18, Tax lists, was repealed by referendum 11-4-2003.*

## **Sec. 5-19. (Reserved)**

[1]

*Editor's Note: Former Sec. 5-19, Real estate and motor vehicles, was repealed by referendum 11-4-2003.*

## **Sec. 5-20. Forms.**

[Amended by referendum 11-5-1996]

The State of Connecticut shall provide a form to be used by property owners in the [Town] City of Manchester for listing property other than that not required to be listed under the provisions of the preceding section. The Assessor may provide a card or form, subject to the approval of the State Tax Commissioner, to conform to the foregoing provisions.

## **Sec. 5-21. (Reserved)**

[1]

*Editor's Note: Former Sec. 5-21, Penalty exemption, was repealed by referendum 11-4-2003.*

## **Sec. 5-22. Competitive bidding.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 583, 27 C.S.A. 516, approved 8-5-1955; amended by referendum 10-6-1958; amended by referendum 10-1-1962; amended by referendum 11-7-1978; amended by referendum 11-4-2003; amended by referendum 11-4-2008]

Before any department, commission, officer or employee of the [Town] City or the Board of Education shall make any purchase of or contract for any construction, supplies, materials, equipment or service, except personal services, provided by [Town] City employees and officers and professional services, involving an expenditure of more than [0.000003 of the current General Fund Taxable Grand List] twenty-five thousand (\$25,000.00), opportunity shall be given for competitive bidding in writing by at least three (3) bona fide bidders under such rules and regulations as the [Board of Directors] City Council or the Board of Education, as the case may be, may establish. Before any department, commission, board, officer or employee of the [Town] City shall sell any real or personal property of the [Town] City, opportunity shall be given for competitive bidding in writing by at least three (3) bona fide bidders under such rules and regulations as the [Board of Directors] City Council or the Board of Education, as the case may be, may establish; and all



moneys received from such sales shall be paid to the Collector of Revenue. Either of said Boards may waive the requirement for competitive bidding when the circumstances of a particular case do not permit a sufficient amount of time to fulfill the rules and regulations of that Board concerning competitive bids; or when a competitive bid is inappropriate; or when a competitive bid is impractical in that the Boards are unable to obtain competitive bids within the rules and regulations adopted by said Boards, which may provide for a limitation on the number of waivers in favor of any one (1) firm, person or corporation. Any such waiver shall be in writing, certified by the appropriate Board, and shall set forth a specific substantial reason for such waiver and shall be filed in the [Town] City Clerk's office as a public record.

### **Sec. 5-23. Assessment for collection of taxes.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, Sec. 5, 25 C.S.A. 1194, effective 7-1-1949; amended by referendum 10-5-1964; amended by referendum 11-4-2003]

Except in this Charter otherwise provided, the assessment of property for taxation shall be in accordance with the provisions of the General Statutes by the Assessor. Property taxes shall be collected in accordance with the provisions of the General Statutes by the Collector of Revenue. The compensation of the Assessor and of the Collector of Revenue shall be fixed by the [Board of Directors] City Council, except that such compensation shall not be reduced except at the beginning of a fiscal year. The dates on which property taxes shall be due and payable shall be fixed by the [Board of Directors] City Council at the time when the tax rate is fixed. All persons required to file lists of property subject to taxation with the Assessor of the [Town] City of Manchester shall do so in accordance with the applicable state statutes.

[1]

*Editor's Note: See C.G.S. § 12-40 et seq.*

### **Sec. 5-24. Borrowing in anticipation of taxes.**

In any fiscal year, in anticipation of the property tax for such year, whether levied or to be levied in such year, the [Board of Directors] City Council may by majority vote of all its members authorize the borrowing of money by the issuance of negotiable notes of the [Town] City. Such notes may be issued for a period not exceeding one (1) year and may be renewed from time to time but a sum sufficient to pay any such notes which are outstanding at the end of the fiscal year shall be included in the budget for the ensuing year as an expenditure.

### **Sec. 5-25. Borrowing for capital improvements.**

[Amended by Sp. Act, June Sess., 1955, Sp. No. 34, 27 C.S.A. 668, approved 8-11-1955]

To finance all or any part of the expense of any capital project which the [Town] City may lawfully construct or acquire, the [Town] City may incur indebtedness by issuing its negotiable bonds, or notes in anticipation of bonds, subject to the limitations of the General Statutes. Such bonds shall be authorized by a majority vote of all the members of the [Board of Directors] City Council. No bonds or notes in anticipation of bonds shall be issued, however, until the project for which the bonds or notes are to be issued has been favorably acted upon by the voters of the [Town] City at any regular or special election duly warned for that purpose. The question to be voted upon at such election shall include a statement of the project and the estimated amount of expenditure, and no bonds or notes shall be issued for any project in excess of said estimate of expenditure. Whenever the actual cost of such a project is determined to be less than the amount derived from the sale of bonds approved for that purpose, all excess moneys remaining therefrom shall be applied to the retirement of said bonds, either to principal or interest or both. Whenever such a project has been approved and undertaken, all expenditures of funds and all purchases and contracts shall be accounted for and made in accordance with the provisions of this Charter pertaining to the accounting for and expenditure of budgeted funds. Nothing in this section shall be construed to limit or restrict the powers of the [Town] City conferred under Chapter 38 of the General Statutes, entitled "Municipal Reserve Fund."<sup>1</sup>

[1]

*Editor's Note: See C.G.S. § 7-359 et seq.*



## **Sec. 5-26. Independent auditor.**

[Amended by Sp. Act, Jan. Sess., 1951, Sp. No. 408, Sec. 1, 26 C.S.A. 272, effective 7-1-1951; amended by referendum 4-30-1968; amended by referendum 11-5-1991]

Within ninety (90) days after taking office after each biennial election, the [Board of Directors] City Council shall, by majority vote of all its members, designate an auditor or auditors, who shall be a certified public accountant or accountants, to audit the books and financial affairs of the [Town] City government in accordance with the provisions of the General Statutes. The auditor or auditors so designated shall be designated based on their qualifications and experience in municipal audits and shall serve until the third Monday in November in the next odd-numbered year following their appointment.

[1]

*Editor's Note: See also C.G.S. 7-391 et seq.*

## **Sec. 5-27. Partial budget.**

The date limits set forth in this chapter are in each case the maximum limits, and nothing in this chapter shall be construed to prevent the [Board of Directors] City Council from adopting a budget for the Board of Education prior to the final adoption of the whole budget, provided all the requirements as to notice and opportunity for public hearing shall be complied with as set forth in this chapter.

## **Sec. 5-28. Special taxing district.**

[Added by Sp. Act, Jan. Sess., 1957, Sp. No. 10, Sec. 7, 28 C.S.A. 13, approved 3-8-1957; see ordinances, §§ 114-1, 114-2]

The [Board of Directors] City Council may by ordinance establish a Special Taxing District for the purpose of defraying the cost of maintaining and operating the [Town] City [Fire Department] by taxes levied solely on all property within such Special Taxing District, [and from which Special Taxing District shall be excluded that portion of the Town which continues to receive its fire protection from the Eighth School and Utilities District.] Such special tax shall be based on annual budget appropriations [and estimated receipts for Fire Department purposes] and shall be included but shown separately in the annual tax levy of the [Town] City. The [Board of Directors] City Council may also from time to time by ordinance alter the boundaries of such Special Taxing District.

## **Sec. 5-29. Assessor.**

[Added by referendum 10-5-1964; amended by referendum 11-8-2022]

The [Town] City Manager shall appoint an Assessor who shall, except as otherwise provided in this Charter, have such powers and duties as are conferred or imposed on assessors of [Town] City's by the General Statutes.

## **CHAPTER VI. COLLECTION OF REVENUE**

[1]

*Editor's Note: The former title of Chapter VI, Department of Revenue, was amended to "Collection of Revenue" by referendum 11-4-2003.*

## **Sec. 6-1. Collector of Revenue.**

[Amended by referendum, Ques. 1, 10-6-968; amended by referendum 11-8-2022]

The Collector of Revenue shall be appointed by the [Town] City Manager and shall receive and collect all taxes and assessments payable to the [Town] City and such other fees and charges as may be assigned to the Collector of Revenue for collection by the [Board of Directors] City Council on the recommendation of the [Town] City Manager. Except as otherwise provided in this Charter, the Collector of Revenue shall have such powers and duties as are conferred or imposed on tax collectors of [Town] City's by the General Statutes. In addition to any other persons designated by the Charter, the Collector of Revenue shall have the power to execute and release all liens provided for by the Charter.



## CHAPTER VII. NOMINATIONS AND ELECTIONS

### **Sec. 7-1. Biennial elections.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, 6, 25 C.S.A. 1195, effective 7-1-1949; amended by referendum 4-30-1958]

The [Town] City election shall be held on the first Tuesday after the Monday in November, 1969, and biennially thereafter. Voting machines shall be used at such elections in accordance with the provisions of the General Statutes relating to the use of voting machines. At each [Town] City election, the polls shall be open at six o'clock in the forenoon and shall close at eight p.m. in the afternoon. Each [Town] City election shall be conducted in accordance with the General Statutes, and at such [Town] City election such officials shall be elected as are provided for in this Charter.

### **Sec. 7-2. Voting districts.**

[Amended by referendum 11-8-2022]

The [Town] City may by ordinance establish voting districts. Whenever voting districts are established, each elector of the [Town] City shall vote in the district in which such elector resides. The Registrars of Voters of the [Town] City shall prepare a list of the electors in each voting district, listing the name of each such elector and their residence by street and number, if possible. The Registrar of Voters shall prepare similar lists of electors who are registered with each political party, or may combine such registration list with the list of the electors by indicating on the list of electors the political party affiliation, if any, of such elector. Any elector who shall move their residence from one voting district to another voting district in the [Town] City shall notify the Registrars of Voters of such removal, giving the street and number from which they moved, the street and number of their new residence, and the date of such removal.

[1]

*Editor's Note: See also Ch. 87, Voting Districts.*

### **Sec. 7-3. Deputy Registrars.**

Whenever voting districts are established, in addition to the Deputy Registrars of Voters provided for by the General Statutes, each Registrar may appoint a Deputy Registrar of Voters for each voting district.

[1]

*Editor's Note: See also C.G.S. § 9-192.*

### **Sec. 7-4. Admission of electors.**

The provisions of the General Statutes concerning the enrollment of voters in political primaries and caucuses are hereby made part of this Charter except that the provisions of the General Statutes relating to the "to be made" list for [Town] City, state and national elections shall not apply to the [Town] City of Manchester.<sup>[1]</sup>

[1]

*Editor's Note: See also C.G.S. § 9-12 et seq.*

## CHAPTER VIII. SELECTMEN

### **Sec. 8-1. [Powers and duties] Reserved.**

[Amended by referendum 11-5-1996; amended by referendum 11-8-2022]

[The powers and duties of the Select Board shall be limited to those specifically set forth in § 2-11 of this Charter.]

## CHAPTER IX. EDUCATION



## **Sec. 9-1. Election to Board of Education.**

[Amended by referendum 11-4-2003]

All of the public schools of the [Town] City of Manchester shall continue to be consolidated, and the Board of Education shall continue to consist of nine (9) members. At the [Town] City election held in [October, 1948] November, 2027, and at each biennial election thereafter, there shall be elected [three (3)] nine (9) members of the Board to serve for a term of [three (3)] two (2) years commencing on the second Monday in November in the year of their election, [and three (3) members to serve for a term of three (3) years commencing on the second Monday in November of the next year.] At each such election no elector shall vote for more than [two (2)] six (6) candidates to take office in the year of the election, [and two (2) candidates to take office the next year.]

[1]

*Editor's Note: See also C.G.S. § 10-218 et seq.*

## **Sec. 9-2. Powers and duties of Board of Education.**

The Board of Education shall perform such duties and have such powers as are or may be imposed or vested by the General Statutes upon boards of education in the several [Town] City's, which statutes shall prevail over any provision of this Charter in event of conflict.

## **Sec. 9-3. Superintendent of Schools.**

[Added by referendum 11-5-1996; amended by referendum 11-4-2003]

The Board of Education shall appoint a Superintendent of Schools. As to any term of office that commences after January 1, 1997, [the Superintendent need not be a resident of the [Town] City or state at the time of appointment but within one (1) year of appointment shall reside within the [Town] City.]

## **CHAPTER X. PUBLIC SAFETY**

[1]

*Editor's Note: The former title of Chapter X, Department of Public Safety, was amended to "Public Safety" by referendum 11-4-2003.*

*Editor's Note: See also C.G.S. § 7-274 et seq.*

## **Sec. 10-1. Chief of Police.**

[Amended by referendum 4-30-1968; amended by referendum 11-4-2003; amended by referendum 11-8-2022]

The [Town] City Manager shall appoint a Chief of Police who at the time of their appointment need not be a resident of the [Town] City or state but within one (1) year of appointment shall reside within the [Town] City. The Chief of Police shall be the executive head of the Police Department and, as such, shall have charge and control, under the direction of the [Town] City Manager, of the administration and discipline of the Police Department and of its buildings, property, apparatus and equipment. The Chief shall appoint such subordinate officers and members of the personnel in the Police Department, including supernumerary and special police, as the Chief may deem necessary and shall fix their compensation within a scale of wage rates recommended by the Chief and approved by the [Town] City Manager and within the appropriations made by the [Board of Directors] City Council. The Chief shall have control over traffic and traffic regulations and shall be the traffic authority of the [Town] City with all the powers and duties within the [Town] City vested in and imposed upon traffic authorities by the General Statutes. The Chief shall make and enforce such reasonable rules, orders and regulations, not inconsistent with the General Statutes and the provisions of this Charter, as may be necessary efficiently to exercise all the powers and duties imposed upon and vested in the Chief and the Department, including the duties and discipline of the personnel of the Department. The Chief shall have authority to administer oaths and take evidence in all proceedings relating to the direction and control of the Police Department.





## **Sec. 10-2. Qualifications of police[men] officer.**

[Amended by referendum 11-8-2022]

No person shall be appointed to the police force nor as a supernumerary or special police[man] officer unless they are of good moral character and habits and in good health and until they shall have passed such examination respecting [his] their educational, physical and general qualifications as may be prescribed by the Chief of Police with the approval of the [Town] City Manager.

## **Sec. 10-3. Removal of police[men] officers.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 589, approved 8-5-1955; amended by referendum 11-6-1973; amended by referendum 11-8-2022]

The Chief of Police shall have the power to remove, expel, suspend, reduce in rank or otherwise deal with officers of all ranks and regular, supernumerary and special members of the police when in the Chief's opinion the best interests of the Department require such action. Any officer or member of the Police Department thus subjected to disciplinary action shall be entitled upon request in writing to the [Town] City Manager to a public hearing before the [Town] City Manager under such procedure as the [Town] City Manager shall provide.

## **Sec. 10-4. Powers and duties of police[men] officers.**

[Amended by referendum 11-8-2022]

The Chief, officers and members of the Police Department shall have in criminal matters all the powers of police officers under the General Statutes, and shall also have the power to arrest any person found by them violating any of the laws of the state or the penal ordinances of the [Town] City. Such person shall be dealt with in the same manner as if they had been arrested upon a warrant theretofore duly issued. All criminal process for any offense committed within the [Town] City, and all process to recover or to enforce any penalty for the violation of any [Town] City ordinance issued out of any court, or by any judge within the [Town] City, and each process, subpoena or bench warrant issued by the State's Attorney of Hartford County, relating to any offense committed within said [Town] City, may be served by any member of the Police Department. The members of said Department shall possess such powers and perform such other duties as may be provided by law or ordinance.

## **Sec. 10-5. [Political activity prohibited] (Reserved).**

[Amended by referendum 11-8-2022]

[No officer or member of the Police Department shall be a member of any political committee or delegate to any political convention, nor shall be hold any elective or other appointive position in the local government except that of Animal Control Officer or Assistant Animal Control Officer. They shall not solicit any person to vote at any political primary, caucus or election, nor in any way or manner attempt to influence the vote of any elector thereat. Violation of any provision of this section shall constitute a cause for dismissal or suspension.]

## **Sec. 10-6. Animal Control Officer.**

[Amended by referendum 11-4-2003]

The Chief of Police shall be ex officio Animal Control Officer of the [Town] City and may appoint such assistants as are necessary and may delegate to any or all members of the Police Department any or all of the duties of an Animal Control Officer.

## **Sec. 10-7. (Reserved)**

[1]

*Editor's Note: Former Sec. 10-7, Police Commission abolished, was repealed by referendum 11-4-2003.*



### **Sec. 10-8. Fire districts and fire departments.**

The fire districts existing in the [Town] City at the effective date of this Charter shall continue in all respects as now provided by law.

### **Sec. 10-9. Areas outside fire districts.**

[Amended by referendum 11-8-2022]

The [Town] City Manager shall have power, with respect to all portions of the [Town] City not included within the limits of any Fire District, to make rules and regulations relating to fire protection therein and to enter into agreements with any municipality, fire district or voluntary fire company for aid in extinguishing fire in the [Town] City outside of any fire district and shall appoint a Fire Marshal for such portions of the [Town] City.

### **Sec. 10-10. (Reserved) [Provisions for consolidation.**

The [Town] City may, by ordinance, establish a [Town] City Fire Department, and assume all the powers and duties requisite thereto, and by such ordinance may include within the jurisdiction of such [Town] City Fire Department those portions of the [Town] City now within the boundaries of the South Manchester Fire District, or of the Eighth Utilities District of Manchester, or both, and may assume all the powers, duties, assets, liabilities and obligations of either, or both, of such Districts, relating to fire protection, provided the provisions of any such ordinance concerning the territory, jurisdiction or property of either the South Manchester Fire District or of the Eighth Utilities District of Manchester shall not become effective until such District, in a meeting duly called for that purpose, shall have voted to accept its provisions.]

### **Sec. 10-11. (Reserved) [Other functions of the Eighth Utilities District of Manchester.**

The [Town] City may also, by ordinance, assume any and all of the jurisdiction, powers, duties, assets, liabilities and obligations of the Eighth Utilities District of Manchester which do not relate to fire protection or the maintenance of a fire department, provided no such ordinance shall become effective until said District, in a meeting duly called for that purpose, shall have voted to accept its provisions.]

### **Sec. 10-12. [Town] City Fire Department.**

[Amended by referendum 4-30-1968; amended by referendum 11-4-2003; amended by referendum 11-8-2022]

The [Town] City Manager shall appoint a Fire Chief who at the time of their appointment need not be a resident of the [Town] City or state, within one (1) year of appointment shall reside within the [Town] City. The Chief of the Fire Department shall be the executive head of the Fire Department and as such shall have charge and control, under the direction of the [Town] City Manager, of the administration and discipline of the Fire Department and of its buildings, property, apparatus and equipment. The Chief of the Fire Department shall appoint such subordinate officers and members of the personnel of the Fire Department as [he] the Chief of Fire may deem necessary and shall fix their compensation within a scale of wage rates recommended by him and approved by the [Town] City Manager and within the appropriations made by the [Board of Directors] City Council. The Chief of the Fire Department shall make and enforce such reasonable rules, orders and regulations, not inconsistent with the General Statutes and the provisions of this Charter, as may be necessary efficiently to exercise all the powers and duties imposed upon and vested in him and the Department, including the duties and discipline of the personnel of the Department. Nothing herein shall be construed to prevent the continuance of volunteer fire companies, together with such paid assistants as may be deemed advisable.

[1]

*Editor's Note: See also Ch. 42, Fire Department.*





## **[Sec. 10-13. Chief of Town Fire Department.**

[Amended by referendum 4-30-1968]

If the [Town] City shall assume the powers and duties of the existing fire district within the [Town] City, it shall become a part of the [Town] City Fire Department. The provisions of §§ 10-2, 10-3 and 10-5 of this chapter shall apply to the personnel of the [Town] City Fire Department, the Chief of the Fire Department having the comparable powers and duties given to the Chief of the Police Department in said sections.]

## **CHAPTER XI. DEPARTMENT OF PUBLIC WORKS**

### **Sec. 11-1. Establishment of Department.**

[Amended by referendum 11-7-1978; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

There shall be a Department of Public Works which shall have supervision and control of the maintenance of all [Town] City-owned structures, including [Town] City-owned cemeteries, except such structures as are under the control of the Board of Education, except as otherwise specifically provided by this Charter. The Department of Public Works shall also have supervision and control of the surveying, planning, laying out, opening, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspection of highways, bridges, sidewalks and curbs, water and sewer operations under the jurisdiction of the [Town] City, stormwater sewers, public drains, snow and ice removal, street name signs, preservation, care and removal of trees within highways or public places, all engineering and architectural work of the [Town] City and the collection and disposal of garbage, rubbish and ash. The Department of Public Works shall supervise the enforcement of all Subdivision Regulations adopted by the [Town] City. The Department shall also have all the powers and duties conferred and imposed on Selectmen respecting highways and bridges, on superintendents of highways by the General Statutes, by any Special Act relating to the [Town] City of Manchester and Home Rule action pursuant thereto. The Department shall administer all laws, ordinances and regulations governing the construction of buildings and other structures, including all plumbing, electrical, mechanical, gas and oil burner installations therein. Any provisions of this section to the contrary notwithstanding, the Department of Public Works may maintain and care for school and library buildings and grounds, but only if and to the extent and for the period requested by the Board of Education or the Library Board and approved by the [Board of Directors] City Council.

### **Sec. 11-2. Duties of Department.**

[Amended by referendum 11-4-2003]

The Department of Public Works shall have supervision and control of the planning, design, construction and development of all [Town] City-owned buildings, structures and other improvements, including the preparation of preliminary and final plans and specifications, estimates of cost, the awarding of contracts and the supervision and inspection of construction. These duties apply to all [Town] City-owned buildings whether used for general government, Board of Education or other purposes.

### **Sec. 11-3. Director of Public Works; powers and duties.**

[Amended by referendum 4-30-1968; amended by referendum 11-4-2003; amended by referendum 11-8-2022]

The [Town] City Manager may appoint and may remove a Director of Public Works who [at the time of their appointment need not be a resident of the Town or state but within one (1) year of appointment shall reside within the Town. The Director of Public Works] shall be experienced in the management of municipal public works projects and shall be responsible for the efficiency, discipline and good conduct of the Department and in accordance with such personnel rules and regulations as may be adopted by the [Board of Directors] City Council or included in this Charter, shall appoint and may remove such deputies, assistants and employees as they may deem necessary within budget appropriations and shall prescribe their duties. The Director of Public Works shall exercise their powers and discharge their duties under the general



supervision of the [Town] City Manager. The Director of Public Works shall organize the work of the Department and establish such divisions within the Department in such manner as they shall deem most economical and efficient, provided the Director of Public Works may, at their discretion, serve as head of any such divisions. The Director of Public Works shall make recommendations as to the acceptance of streets sought to be dedicated to public use. The Director of Public Works shall supervise the granting of all permits to excavate or disturb any highway or other public property or to make any special use thereof and shall exercise such supervision and control over all public utilities in the [Town] City as is accorded by law to the [Town] City.

The Director of Public Works may select and employ engineering and architectural or other qualified firms or individuals to assist in the preparation of surveys, designs, plans and specifications when in their judgment such assistance is necessary, in accordance with § 5-17 of this Charter.

### **Sec. 11-4. Building Inspector Officer; Zoning Enforcement Officer; powers and duties.**

[Amended by referendum 10-5-1964; amended by referendum 11-6-1973; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

The Director of Public Works shall appoint and may remove, subject to such personnel rules and regulations as may be adopted by the [Board of Directors] City Council or included in this Charter, a Building Inspector, and such assistants as may be necessary. The [Town] City Manager or the [Town] City Manager's designee shall appoint a Zoning Enforcement Officer and such assistants as may be necessary.

## **CHAPTER XII. WATER AND SEWER**

### **Sec. 12-1. Water and sewer utilities.**

[Amended by referendum 10-5-1964; amended by referendum 11-4-2003; amended by referendum 11-8-2022]

The [Town] City of Manchester shall continue to have and possess all the rights, powers, franchises and property, real, personal and mixed, of the South Manchester Water Company and the South Manchester Sanitary and Sewer District and all other property heretofore and hereafter acquired by the [Town] City for the purpose of supplying water or sewer facilities and may continue to hold and operate all of said property under such regulations and conditions as it may establish. The South Manchester Water Company and the South Manchester Sanitary and Sewer District shall be managed in accordance with and under the direction of a plan established by the [Town] City Manager with the approval of the [Board of Directors] City Council, and this Department shall be constituted to perform such functions and have such powers and duties as are imposed by the Connecticut General Statutes, Special Acts applicable thereto, this Charter and ordinances approved by the [Board of Directors] City Council.

### **Sec. 12-2. Rates.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 503, Sec. 1, 25 C.S.A. 1230, approved 7-26-1949; amended by Sp. Act, Jan. Sess., 1955, Sp. No. 281, Sec. 2, 27 C.S.A. 232, approved 6-3-1955; amended by Sp. Act, Jan. Sess., 1957, Sp. No. 52, Sec. 3, 28 C.S.A. 73, approved 4-8-1957; amended by referendum 4-30-1968; amended by referendum 11-6-1973]

The [Board of Directors] City Council shall establish just and equitable rates or charges for the use of the waterworks system in accordance with Chapter 102 of the Connecticut General Statutes, Revision of 1958, as amended, and for the use of the sewerage system in accordance with Chapter 103 of the Connecticut General Statutes, Revision of 1958, as amended.

### **Sec. 12-3. Bills.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 281, Sec. 3, 27 C.S.A. 232, approved 6-3-1955; amended by Sp. Act, Jan. Sess., 1957, Sp. No. 52, Sec. 4, 28 C.S.A. 74, approved 4-8-1957; amended



by referendum 11-4-2008; amended by referendum 11-8-2022]

All bills for the use of the waterworks system and for the use of the sewerage system and sewage treatment works shall be prepared under the direction of the Superintendent of the Water and Sewer Department and paid to the Collector of Revenue. Separate accounts shall be kept of the funds derived from each of the utilities and of the disposition thereof, which account shall be audited annually, and the report of such audits shall be open to public inspection. The Director of Finance of the [Town] City shall be the custodian of such funds, which shall be kept separate from other funds of the [Town] City, and shall be used for such utilities, respectively, and for no other purpose, except that any surplus funds derived from either of said utilities may be transferred to the general funds of the [Town] City, on the recommendation of the [Town] City Manager, by a vote of the [Board of Directors] City Council, and may then be used for the general purposes of the [Town] City.

### **Sec. 12-4. Superintendent of Water and Sewer Department.**

[Amended by Sp. Act, Jan. Sess., 1957, Sp. No. 52, Sec. 28 C.S.A. 75, approved 4-8-1957; amended by referendum 4-30-1968; amended by referendum 11-8-2022]

The [Town] City Manager shall appoint a Superintendent of the Water and Sewer Department who [at the time of their appointment need not be a resident of the Town or state, but during the tenure of office shall reside within the Town. The Superintendent of the Water and Sewer Department] shall be the executive head of the Department and, as such, shall have charge and control, under the direction of the [Town] City Manager, of the administration and discipline of the Department and of the buildings, machinery, equipment and property of all kinds used by the Department. The Superintendent shall appoint, with the approval of the [Town] City Manager and within the limits of the appropriations made by the [Board of Directors] City Council, such employees of the Department as they may deem necessary for its proper management and operation, and shall fix their compensation within a scale of wage rates recommended by the [Town] City Manager and approved by the [Board of Directors] City Council.

### **Sec. 12-5. Budget and finances.**

[Amended by Sp. Act, Jan. Sess., 1965, Sp. No. 281, Sec. 4, 27 C.S.A. 233, approved 6-3-1955; amended by Sp. Act, Jan. Sess., 1957, Sp. No. 52, Sec. 6, 28 C.S.A. 75, approved 4-8-1957; amended by referendum 1-8-1960; for No. 542 of Special Acts of 1953, see Special Acts Art. 14 in this volume]

(1)

The provisions of Chapter V and Chapter XIX of this Charter shall apply to the water and sewer utilities and their management and operation, and money shall be expended only in accordance therewith, provided no money shall be appropriated for the budgets of the Water and Sewer Department for the sewerage system or for the waterworks system in excess of the anticipated revenues from such systems, respectively, except that, in the event such revenues shall be insufficient therefor, there shall be included in said budgets, respectively, such amounts as may be required for the payment of interest on or principal of indebtedness, other than indebtedness payable solely from such revenues, assumed or incurred by the [Town] City in connection with the acquisition, construction or improvement of the sewerage system and sewage treatment works or of the waterworks system, as the case may be. Bonds of the [Town] City issued pursuant to number 542 of the Special Acts of 1953 shall be deemed to be issued to acquire the water system and for water supply for the purposes of this Charter and of § 7-374 of the 1958 General Statutes, as they may from time to time be amended. No provision of this Charter shall be construed to prohibit the issuing of general obligation bonds for capital improvements relating to the water and sewer facilities or as restricting the powers of the [Town] City under the provisions of Chapters 102 and 103 of the General Statutes (Rev. of 1958), as they may from time to time be amended.

(2)

(a) *Creation of reserve fund for Water Department.* The [Board of Directors] City Council, by a majority vote, may create a reserve fund for capital and nonrecurring expenditures of the [Town] City Water Department to be known as the Water Department "Reserve Fund for Capital and Nonrecurring Expenditures."



(b)

*Procurement of fund.* The [Board of Directors] City Council may authorize the payment into such reserve fund (a) all or a part of the cash surplus of the Water Department available at the end of any fiscal period and an appropriation in the annual Water Department budget. All money so accumulated, together with all interest that may accrue thereon, shall be deposited in a separate bank account by the Director of Finance and may be invested and reinvested from time to time in securities which are legal investments for savings banks.

(c)

*Use of fund.* Upon approval by the [Board of Directors] City Council, any part or the whole of such fund may be used for capital and nonrecurring expenditures for the Water Department, but such use shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment. Upon the approval of any such expenditure, an appropriation account shall be set up plainly designated for the project or acquisition for which it has been authorized and any unexpended portion of such appropriation shall continue until such project or acquisition is completed. Any unexpended portion of any such appropriation remaining after such completion shall revert to said reserve fund.

(d)

*Discontinuance of reserve.* Said reserve fund may be discontinued at any time by the [Board of Directors] City Council, and the unexpended and unappropriated balance of said fund shall be transferred to the General Fund of the [Town] City Water Department.

(3)

(a) *Creation of a reserve fund for Sewer Department.* The [Board of Directors] City Council, by a majority vote, may create a Reserve Fund for capital and nonrecurring expenditures of the [Town] City Sewer Department to be known as the Sewer Department "Reserve Fund for Capital and Nonrecurring Expenditures."

(b)

*Procurement of fund.* The [Board of Directors] City Council may authorize the payment into such reserve fund (a) all or a part of the cash surplus of the Sewer Department available at the end of any fiscal period and an appropriation in the annual Sewer Department budget. All money so accumulated, together with all interest that may accrue thereon, shall be deposited in a separate bank account by the Director of Finance and may be invested and reinvested, from time to time, in securities which are legal investments for savings banks.

(c)

*Use of fund.* Upon approval by the [Board of Directors] City Council, any part or the whole of such fund may be used for capital and nonrecurring expenditures for the Sewer Department, but such use shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement or the acquisition of any specific item of equipment. Upon the approval of any such expenditure, an appropriation account shall be set up plainly designated for the project or acquisition for which it has been authorized, and any unexpended portion of such appropriation shall continue until such project or acquisition is completed. Any unexpended portion of any such appropriation remaining after such completion shall revert to said Reserve Fund.

(d)

*Discontinuance of reserve fund.* Said reserve fund may be discontinued at any time by the [Board of Directors] City Council, and the unexpended and unappropriated balance of said fund shall be transferred to the General Fund of the [Town] City Sewer Department.

## **Sec. 12-6. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-6, Water and sewer assessment for ~~extension~~extensions and laterals, as amended, was repealed by referendum 11-4-2003.*



## **Sec. 12-7. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-7, Procedure for assessments for extensions, as amended, was repealed by referendum 11-4-2003.*

## **Sec. 12-8. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-8, Payment and due date of assessment, as added 7-26-1949 and as amended, was repealed by referendum 11-4-2003.*

## **Sec. 12-9. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-9, Notice in case of exceptions, as added 7-26-1949, was repealed by referendum 11-4-2003.*

## **Sec. 12-10. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-10, Supply of water, as added 7-26-1949 and as renumbered 11-6-1973, was repealed by referendum 11-4-2003.*

## **Sec. 12-11. Damage.**

[Added by Sp. Act, Jan. Sess., 1949, Sp. No. 503, Sec. 9, 25 C.S.A. 1232, approved 7-26-1949; renumbered by referendum 11-6-1973]

The [Town] City shall not be liable for any damage caused by failure of the water supply, change of or lack of pressure or the shutting off of water, with or without notice, for repairs or other necessary operations. Water consumers shall so regulate their installations connected with the water supply system that damage will not occur if water is shut off without notice.

## **Sec. 12-12. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-12, Connection charge, as added 7-26-1949 and as renumbered 11-6-1973, was repealed by referendum 11-4-2003.*

## **Sec. 12-13. (Reserved)**

[1]

*Editor's Note: Former Sec. 12-13, Agreement with property owner, as added 7-26-1949, as amended, and as renumbered 11-6-1973, was repealed by referendum 11-4-2003.*

## **Sec. 12-14. Increased charges or rates for [Town] City of Glastonbury.**

[Added by Sp. Act, Jan. Sess., 1953, Sp. No. 559, 26 C.S.A. 1109, approved 6-30-1953; amended by Sp. Act, Jan. Sess., 1957, Sp. No. 52, Sec. 10, 28 C.S.A. 75, approved 4-8-1957; renumbered by referendum 11-6-1973]

Whenever in the opinion of the [Board of Directors] City Council public convenience and necessity require the addition of material, equipment and services to the distribution system to supply water to residents of the [Town] City of Glastonbury served now or in the future by the [Town] City of Manchester, the [Board of Directors] City Council may increase the rate or charge for water to such residents of Glastonbury by an amount necessary to amortize the cost of such additional material, payment and services.





## CHAPTER XIII. DEPARTMENT OF HUMAN SERVICES

[1]

*Editor's Note: The former title of Chapter XIII, Department of Social Services, was amended to "Department of Human Services" by referendum 11-4-2003.*

### **Sec. 13-1. Director and employees.**

[Amended by referendum 11-6-1973; amended by referendum 11-8-2022]

The [Town] City Manager shall appoint a Director of the Department of Human Services who shall be trained in the fields of social and human services. The Director shall appoint, with the approval of the [Town] City Manager, social service workers and other employees as shall be necessary for the administration of the Department, define their duties and fix their compensation within a scale of wage rates recommended by the Director and approved by the [Town] City Manager and within the appropriations made by the [Board of Directors] City Council. All employees of the Department engaged in social service and public welfare work shall be trained and qualified therein.

### **Sec. 13-2. Director; Duties.**

[Amended by referendum 10-1-1962; amended by referendum 11-6-1973; amended by referendum 11-5-1991; amended by referendum 11-8-2022]

The Director of the Department of Human Services shall have the responsibility of the management and supervision of the affairs of the [Town] City relative to impoverished persons, older adults, persons with mental health disabilities, persons with developmental disabilities and persons lacking the means to be self-sufficient. The Director shall oversee the efforts of the [Town] City relative to the impoverished, shall have charge of the [Town] City almshouse, if there be one, and, at the expense of the [Town] City, shall seek to ensure that adequate resources exist to meet the needs of the impoverished and those who lack the means to be self-sufficient and shall exercise all the powers and perform all the duties, except the release of the welfare reimbursement agreements and liens referred to in Chapter 319u of the General Statutes, given or delegated by the General Statutes to selectmen of [Town] City relative to the support of aged and persons in need and relative to charities, shelter, emergency housing or housing for homeless persons, parentage proceedings, commitments, removals, burials, [Town] City charges, persons with mental health disabilities, persons with developmental disabilities, persons with disabling conditions and the impoverished. The Director shall cooperate with and support the work of the agencies of the state and private organizations engaged in social service and welfare work within the [Town] City in order that the work of the Department may be coordinated with the work of said agencies and private organizations, and for that purpose the Director may avail the Department of and exchange with such agencies and organizations all data of common interest respecting social service and welfare work. The Director shall research, propose and advocate for new programs, efforts and services as necessary in order to ensure that the adequate resources exist to meet the needs of older adults, impoverished persons, persons with disabilities and persons who lack the necessary resources to be self-sufficient.

[1]

*Editor's Note: See C.G.S. § 17a-1 et seq.*

## CHAPTER XIV. RECREATION AND PARK COMMISSION

### **Sec. 14-1. Recreation and Parks.**

[Amended by referendum 11-5-1991; amended by referendum 11-8-2022]

The public parks and all public lands, equipment and facilities for passive or active recreation in existence and those which may hereafter be established, whether within or without the corporate limits of the [Town] City, shall be under the care, management and control of the [Town] City Manager.



## **Sec. 14-2. (Reserved)**

[1]

*Editor's Note: Former Sec. 14-2, Organization and duties, was repealed by referendum 11-8-2022.*

## **Sec. 14-3. Management of parks and recreation.**

[Amended by referendum 11-8-2022]

The [Town] City Manager, with the advice of the Commission, shall have the care, management and control of all public parks and grounds, equipment and facilities used for park purposes, playgrounds and athletic fields, shall provide regulations for their use and shall arrange for a balanced passive and active recreational program. In carrying out such program, the Manager may equip and maintain land and buildings with recreational and park equipment and facilities for the welfare of the residents of the [Town] City, all within the appropriations made by the [Board of Directors] City Council.

## **Sec. 14-4. Superintendent.**

[Amended by referendum 11-8-2022]

The [Town] City Manager may appoint a Superintendent of Recreation, a Superintendent of Parks, or a Superintendent of Recreation and Parks, any of whom, with the approval of the [Town] City Manager, may appoint such employees as they may deem necessary within the appropriations made by the [Board of Directors] City Council.

## **Sec. 14-5. Tree Warden.**

[Amended by referendum 11-8-2022]

The [Town] City Manager shall appoint a Tree Warden who shall be the Tree Warden for the [Town] City of Manchester and shall have, as such, all the powers and duties imposed upon Tree Wardens in the various [Town] City's as provided by the General Statutes.

[1]

*Editor's Note: See also C.G.S. § 23-58 et seq.*

## **Sec. 14-6. (Reserved)**

[1]

*Editor's Note: A referendum of 11-5-1991 deleted former § 14-6 of the Charter in its entirety, which pertained to abolition of the old Park Commission and derived unamended from the original Charter.*

## **Sec. 14-7. Gifts.**

[Amended by referendum 11-8-2022]

Real and personal property which has been or shall be granted, bequeathed, devised or conveyed to the [Town] City of Manchester for the purpose of improvement or ornamentation of said parks or purposes, or for the establishment or maintenance thereon of objects of interest, may be accepted by the [Town] City, upon such trusts and conditions as may be prescribed by the grantors or devisers thereof. All property so devised, granted, bequeathed or conveyed, and the rents, issues, proceeds and income therefrom, shall be subject to the exclusive management, direction and control of the [Town] City Manager.

## **Sec. 14-8. Exemption from taxation.**

All real and personal estate of the [Town] City of Manchester used for park purposes within the limits of any other [Town] City shall be exempt from taxation.

## **CHAPTER XV. HEALTH**





## **Sec. 15-1. (Reserved).**

[1]

*Editor's Note: Former Sec. 15-1, Board of Health, amended by referendum 11-4-2003, was repealed by referendum 11-8-2022 See Ch. 28, Art. VII, Advisory Board of Health.*

## **Sec. 15-2. Director of Health.**

[Amended by Ord. No. 53-1; amended by referendum 11-8-2022]

The Director of Health shall be appointed by the [Town] City Manager, with the approval of the Public Health Council of the State Department of Health. The Director of Health may be a practicing physician, devoting but part of their time to [Town] City public health work, except that at any time the [Town] City Manager may require the Director of Health to give full time to the office. In either case, the salary of the Director of Health shall be fixed by the [Board of Directors] City Council upon recommendation of the [Town] City Manager, except that it may be reduced only at the start of a fiscal year.

## **Sec. 15-3. Absence or inability of Director of Health.**

[Amended by ordinance of 8-7-1956; amended by referendum 11-4-2003; amended by referendum 11-8-2022]

To perform the duties of the Director of Health during a vacancy or their temporary absence or inability to serve, the [Town] City Manager may appoint some suitable person to act as Director of Health, with the approval of the State of Connecticut Commissioner of Health, and the person so appointed shall have all the powers and be subject to all the duties of the [Town] City Director of Health while acting as such.

## **Sec. 15-4. Powers and duties.**

[Amended by ordinance of 8-7-1956; amended by referendum 11-8-2022]

The Director of Health is vested with the exercise of all jurisdiction, powers and duties vested in and imposed upon [Town] City Directors of Health by General Statute. The Director of Health shall have the authority to make such reasonable rules and regulations as in their judgment are required for the preservation of the public health, and such rules and regulations, when advertised at least three (3) times in a newspaper having a general circulation within the [Town] City, shall have the full force and legality of local ordinances. The Director of Health shall do and cause to be done whatever is prescribed by the bylaws or ordinances of the [Town] City and the provisions of the Sanitary Code of the State to preserve the public health. The Director of Health shall have authority to appoint, with the approval of the [Town] City Manager, such deputies, inspectors, assistants and subordinates as may be necessary and to fix their compensation within the appropriation made for such purpose by the [Board of Directors] City Council.

[1]

*Editor's Note: See also C.G.S. § 19a-244.*

## **Sec. 15-5. Orders of Director of Health.**

[Amended by Ord. No. 53-1; amended by referendum 11-8-2022]

Every order of the Director of Health shall be in writing, signed by the Director, and shall set a reasonable time within which compliance therewith is required, and a true copy thereof shall be served on each person or their agent who shall be required to comply with such order. If such person or their agent shall not be a resident of the [Town] City, such copy may be served by sending the same by registered mail to [his] their last-known address and, if no address shall be known, then by publishing the same once in a newspaper having a circulation in the [Town] City. On the failure of any person to comply with such order, the Director of Health may execute such order and the expense thereof may be collected as a debt against such person and may be filed as a lien in favor of the [Town] City until the payment thereof and may be enforced in a civil action in the name of the [Town] City or by foreclosure or by any other remedy provided by the General Statutes for the collection of taxes and charges.



## **Sec. 15-6. Sewer connections.**

[Amended by Ord. No. 63-1; see Ord. Nos. 52-1 and 52-2]

The Director of Health shall have authority to compel the owners of property abutting any street or highway in which a public sanitary sewer is laid to connect any building on such property with such sewer. Any person who shall fail to connect such building with such sewer, after having been given reasonable notice by said Director of Health, shall be fined not more than **[one hundred dollars (\$100.00)] the maximum allowable under the General Statutes**. All pipes or drains within any highway through which sewage passes shall be a public sewer within the meaning of the provisions of this Charter.

## **CHAPTER XVI. LIBRARIES**

[1]

*Editor's Note: See also Ch. **205**, Library.*

## **Sec. 16-1. Library Board.**

[Amended by referendum 11-5-1996; amended by referendum 11-4-2003; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The Library Board shall consist of **[nine (9)] eleven (11)** voting members appointed by the **[Board of Directors] City Council**, two (2) of whom shall be no younger than fifteen (15) years of age and no older than twenty (20) years of age. The Library Board shall elect from its membership a Chair and such other officers as it shall deem necessary and may from time to time adopt regulations for its own government. Upon adoption of this section, the terms of the current Library Board shall be terminated, and the **[Board of Directors] City Council** shall appoint three (3) **[electors] residents** of the **[Town] City** for a term of one (1) year, two (2) **[electors] residents** for a term of two (2) years, **[and] two (2) [electors] residents** of the **[Town] City** for a term of three (3) years **and each voting member under twenty (20) years of age shall be appointed to a one-year term**. Thereafter each voting member shall be appointed to a three-year term. Terms of office for current and subsequent members of the Library Board shall expire in the month of November.]

## **Sec. 16-2. (Reserved) [Powers and duties of Library Board.**

[Amended by referendum 11-5-1996; amended by referendum 11-4-2003]

The Library Board shall from time to time confer with the Library Director with respect to: the use of the **[Town] City's** public library facilities; the Library Director's annual proposed budget for Library Services; the selection and acquisition of materials; the development, implementation, and alteration of programs; and capital planning. The ultimate authority with respect to the acquisition and selection of library materials, **[and] the composition of collections, library programming and displays** shall reside with the Library Board. Any person desiring to make a gift for the benefit of any public library in **[Town] City** may vest the title to such donation in the **[Town] City** of Manchester to be held and controlled according to the terms of the gift, and the Library Board shall be trustees of the gift.

## **Sec. 16-3. Management of libraries.**

[Amended by referendum 11-4-2003; amended by referendum 11-8-2022]

The **[Town] City** Manager shall have the care, management, and control of all public libraries in **[Town] City** and shall provide regulations for their use. The **[Town] City** Manager shall have overall responsibility for library operations and may equip and maintain land and buildings for library purposes within the appropriations made by the **[Board of Directors] City Council**. The **[Town] City** Manager may appoint a Library Director who, with the approval of the **[Town] City** Manager, may appoint such employees as **[he] the Library Director** may deem necessary within the appropriations made by the **[Board of Directors] City Council**.

## **CHAPTER XVII. PLANNING AND ZONING**



## **Sec. 17-1. Planning and Zoning Commission.**

[Amended by referendum 11-8-2022]

(a)

There shall be a Planning and Zoning Commission which shall have all the powers and duties conferred and imposed by the General Statutes upon zoning commissions and planning commissions, subject to the limitations and exceptions stipulated in this Charter, and all of the powers and duties conferred and imposed by this Charter.

(b)

The Planning and Zoning Commission shall consist of seven (7) electors of the [Town] City and alternates as provided by statute, and the [Town] City Planning Commission, as constituted at the time of approval of this Charter amendment by the electorate, shall be the Planning and Zoning Commission. On or after the effective date of this Charter amendment, the [Board of Directors] City Council shall stagger the terms of members of the Planning and Zoning Commission with the terms of not more than two members expiring in any year. At the expiration of the respective terms of the members thereof, their successors shall be appointed by the [Board of Directors] City Council for terms of five (5) years each and all future appointments to the Commission shall be made by the [Board of Directors] City Council. No salaried [Town] City officer may be appointed to membership on said Planning and Zoning Commission.<sup>[1]</sup>

Effective November 17, 2025, the Planning and Zoning Commission shall consist of nine (9) electors of the [Town] City and alternates as provided by statute, and the [Town] City Planning Commission, as constituted at the time of approval of this Charter amendment by the electorate, shall be the Planning and Zoning Commission. On or after November 17, 2025, the [Board of Directors] City Council shall stagger the terms of members of the Planning and Zoning Commission with the terms of not more than two members expiring in any year. At the expiration of the respective terms of the members thereof, their successors shall be appointed by the [Board of Directors] City Council for terms of five (5) years each and all future appointments to the Commission shall be made by the [Board of Directors] City Council. No salaried [Town] City officer may be appointed to membership on said Planning and Zoning Commission.

[1]

*Editor's Note: See Ord. No. B-141.*

## **Sec. 17-2. Plan of conservation and development.**

[Amended by referendum 11-4-2003]

(a)

The Commission shall adopt a plan of conservation and development and any parts thereof and amendments thereto in accordance with the General Statutes.

(b)

(Reserved)

(c)

Effect. The plan of conservation and development or part thereof or amendment thereto shall serve as a guide to all [Board of Directors] City Council and Planning and Zoning Commission actions concerning land use and development ordinances and regulations, urban renewal programs and expenditures for capital improvements.

## **Sec. 17-3. Subdivision of land.**

All plans of subdivision and resubdivision of land shall be approved by the Commission in accordance with the General Statutes. The Commission shall, with the concurrence of the [Board of Directors] City Council, adopt regulations governing the subdivision of land in conformance with the General Statutes.

## **Sec. 17-4. Building lines.**

The Commission shall have the power, whenever they deem it for the public good, to designate, establish



and, from time to time, alter building and veranda lines, or either, on the land of proprietors adjoining any highway within the [Town] City between which line and such highway, no building or part of a building shall thereafter be set up or erected, provided the aggregate damages payable in consequence of the establishment or alteration of a building or veranda line under the provisions hereof shall not exceed the aggregate special benefits assessed hereunder upon the property benefited thereby.

### **Sec. 17-5. Public hearings on building lines.**

[Amended by referendum 4-30-1968; amended by referendum 11-8-2022]

Before establishing or altering any building or veranda line, and before making any appraisal of damages or assessment of benefits therefor, a public hearing shall be given by the Commission to all parties in interest, and notice of the time and place of such hearing shall be given by causing a copy of the proposed order designating and establishing or altering any building or veranda line, with a notice of the time and place of hearing thereon, to be filed in the [Town] City Clerk's office and published in the same manner as provided for giving notice of a public hearing in § 3-8 of this Charter, and by depositing a like copy in any post office in said [Town] City, postage prepaid, directed to the person or persons interested at their last-known post office address.

### **Sec. 17-6. Benefit and damages.**

After such hearing, the Commission may establish the building or veranda line in accordance with such proposed order, or may modify the line as proposed in such order and establish the modified line, and shall appraise all damages therefor to the persons entitled to such damages, and shall assess upon the parties whose land is specially benefited by the establishment or alteration of such line, betterments or benefits therefor in proportion to the actual damages and special benefits to each respectively, and shall, within ten (10) days after establishing such line, appraising damages and assessing benefits therefor, cause the order establishing such line to be filed for record in the [Town] City Clerk's office with a certificate signed by them, setting forth the damages appraised and benefits assessed on account thereof and shall also, within ten (10) days, cause such order and certificate to be published at least once in a newspaper having a circulation in the [Town] City and a copy thereof to be sent by registered letter, postage prepaid, to all persons in whose favor damages are appraised or against whose land benefits are assessed.

### **Sec. 17-7. Appeal.**

Any person aggrieved by such appraisal of damages or assessment of benefits, or both, may, within ten (10) days after such order and certificate have been filed in the [Town] City Clerk's office and such notice given, appeal from such appraisal of damages or assessment of benefits, or both, to the court of proper jurisdiction. Such appeal shall be by petition in writing, setting forth the whole of such appraisal and assessment appealed from, asking for a reassessment of benefits only, with a citation attached thereto, signed by any authority empowered to sign writs, and returnable before such court at the same time and served and returned in the same manner as in case of a summons in a civil action returnable before said court. Service of said citation shall be upon the [Town] City Clerk.

### **Sec. 17-8. Committees.**

Such appeal may be heard by the court, but may, upon the motion of any party thereto, be referred for a hearing to a committee appointed by such court, which shall report to it the facts and their findings thereon. If, after the hearing of any appeal, the court shall find cause to alter such appraisal of damages or assessment of benefits, it may alter the damages appraised in favor of any person's damage, and the assessment of benefits upon the persons whose lands are specially benefited.

### **Sec. 17-9. Parties.**

If any party or the committee hearing such appeal shall be of the opinion that persons other than those who appear upon the record are interested in such appeal, the court or committee shall cause notice to be given



of the pendency of such proceedings to such other persons, in such manner as such judge or committee may direct. Such judge shall have all necessary power for the purpose of disposing of such appeal and may render judgment thereon and may tax costs in favor of any party and may issue execution therefor.

### **Sec. 17-10. Files.**

The court shall, when the proceedings in any such appeal are closed, return all papers connected with the case to the [Town] City Clerk of Manchester to be recorded in said [Town] City and kept by [him] the Clerk on file.

### **Sec. 17-11. Liens.**

Such benefits as finally determined shall be a lien upon the land on which they were assessed, which lien shall attach to such land from the time of filing the order and certificate of the Commission with the [Town] City Clerk, provided the same shall not remain a lien thereon for more than six (6) months thereafter, unless appeals are taken therefrom, and the time when papers in such appeal proceedings are returned to the [Town] City Clerk, unless said Commission shall file with the [Town] City Clerk a certificate signed by them describing the premises assessed, the amount assessed, and the work for which the assessment was made, and the [Town] City Clerk shall record such certificate in the land records of the [Town] City.

### **Sec. 17-12. Foreclosure; liens.**

Such liens may be foreclosed in the name of the [Town] City of Manchester in the manner provided by law for the foreclosure of mortgages, and the court having jurisdiction may limit a time for redemption, or order the sale of the property, or pass such other order or decree as it shall deem proper; or the [Town] City may, at its option, maintain a civil action against the person assessed, to recover the amount of the assessment, together with the costs of certificate, recording and interest at the rate of six (6) percent per annum.

### **Sec. 17-13. Payment of assessments.**

All assessments shall be due and payable within fifteen (15) days after the order and certificate are filed with the [Town] City Clerk, provided no appeal is taken, and when an appeal is taken, then within fifteen (15) days after the papers in such appeal are returned to the [Town] City Clerk, and all assessments remaining unpaid after they become due and payable shall draw interest at the rate of six (6) percent per annum.

### **Sec. 17-14. Penalties.**

The [Town] City may adopt ordinances providing suitable penalties for encroachment upon or nonobservance of any building or veranda lines.

### **Sec. 17-15. Zoning Board of Appeals.**

(a)

There shall be a Zoning Board of Appeals which shall have all the powers and duties conferred and imposed by the General Statutes upon Zoning Boards of Appeals.

(b)

The Zoning Board of Appeals shall consist of five (5) regular members and three (3) alternate members who shall be electors of the [Town] City and who shall be appointed by the [Board of Directors] City Council. The Zoning Board of Appeals as constituted at the time of approval of this Charter amendment by the electorate shall continue in office and, as the term of office of each member expires, the [Board of Directors] City Council shall appoint a successor for a term of five (5) years.

### **Sec. 17-16. Planning Director.**

[Amended by referendum 10-5-1964; amended by referendum 11-8-2022]





(a)

There may be, at the discretion of the [Board of Directors] City Council, a Planning Department under the direction and control of a Director of Planning. Such Director of Planning shall be appointed by the [Town] City Manager and may be removed by the [Town] City Manager at the [Town] City Manager's discretion.

(b)

The Planning Director shall:

(1)

Assist the [Town] City Manager in the preparation of all recommendations by the [Town] City Manager to the Planning and Zoning Commission respecting a plan of development for the [Town] City, zoning regulations and subdivision regulations, and any amendments or additions thereto;

(2)

Assist the [Town] City Manager and the Board of Education in the annual preparation of a capital improvements program as herein provided, insofar as it is related to the plan of development;

(3)

Advise the [Town] City Manager, the Planning and Zoning Commission, [Board of Directors] City Council, Board of Education, Redevelopment Agency, Housing Authority, and any department or other [Town] City agency respecting any matter relating to the physical development of the [Town] City on which their opinion has been requested or on which the Planning Director deems it advisable to report;

(4)

Advise the Planning and Zoning Commission and the Zoning Board of Appeals in the exercise of their functions and serve as principal technical advisor to the Planning and Zoning Commission and in connection therewith to provide necessary staff assistance;

(5)

Review and make recommendations regarding any proposed action implementing the plan of development.

(c)

The Director of Planning shall appoint and remove such professional staff and employees as they may deem necessary and shall prescribe their duties. The Director of Planning may contract with professional consultants as they deem necessary to carry out the duties and responsibilities here above set forth in accordance with § 5-17 of this Charter.

## CHAPTER XVIII. DEPARTMENT OF LAW

### ***Sec. 18-1. [Town] City Attorney; powers and duties.***

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 617, 27 C.S.A. 558, approved 8-11-1955; amended by referendum 10-1-1962; amended by referendum 10-5-1964; amended by referendum 11-7-1978; amended by referendum 11-5-1991; amended by referendum 11-5-1996; amended by referendum 11-4-2003; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

The [Board of Directors] City Council shall appoint a [Town] City Attorney, whose compensation shall be fixed by the [Board of Directors] City Council, and when the need exists, the [Board of Directors] City Council shall appoint a Bond Counsel. The [Town] City Attorney shall be the head of the Department of Law. The [Town] City Attorney shall be the legal adviser for the [Town] City, the [Town] City Manager, [Board of Directors] City Council, Board of Education, and all departments, boards, commissions, bureaus and other officers in all matters affecting the [Town] City or relating to their official duties. The [Town] City Attorney shall appear for and protect the rights and interests of the [Town] City in all actions, suits and proceedings brought by or against it or any of the departments, boards, commissions, bureaus, or officers on account of matters involving the performance of their official duties or affecting the [Town] City, and discharge such other legal duties as may be prescribed by law or by ordinance. The [Town] City Attorney shall have power, subject to the approval of the [Town] City Manager, to appeal from orders, decisions and judgments in which the [Town] City, or any department, commission, board, bureau or officer is a party. The [Town] City Attorney shall also have the power to enter into any agreement, compromise or settlement of any claims against the [Town] City in an amount not to exceed ten thousand dollars (\$10,000.00). The



[Town] City Attorney shall have the power, subject to the approval of the [Town] City Manager, to enter any agreement, compromise or settlement of claims against the [Town] City in an amount not to exceed twenty thousand dollars (\$20,000.00). Any agreement, compromise or settlement of claims against the [Town] City exceeding twenty thousand dollars (\$20,000.00) shall require the approval of the [Town] City Manager, [Town] City Attorney and the [Board of Directors] City Council. Notwithstanding the above, the [Town] City Attorney, with the concurrence of the [Town] City Manager, may enter into any agreement, compromise or settlement of any land use appeals, tax appeals, medical insurance claims, workers' compensation or heart and hypertension claims (excluding full and final stipulations), and all other claims for which settlement authority is vested in an entity other than the [Board of Directors] City Council. The [Town] City Attorney shall prepare or approve all forms of contracts and other instruments to which the [Town] City is a party or in which it has an interest. The [Town] City Attorney may, with the approval of the [Town] City Manager, employ special counsel to assist in the conduct of important cases or proceedings to which the [Town] City is a party or in which it has an interest. Except on behalf of the [Town] City, the [Town] City Attorney shall not appear as Counsel before any board, commission, officer or other agency of the [Town] City.

### **Sec. 18-2. Opinions.**

[Amended by referendum 11-7-1978; amended by referendum 11-8-2022]

The [Board of Directors] City Council and [Town] City Manager, Board of Education and Director of any department, commission, board, bureau or officer, or committee appointed pursuant to law or ordinance, may request in writing and the [Town] City Attorney thereupon shall render their written opinion upon any question of law involving their respective powers and duties.

### **Sec. 18-3. Assistants.**

[Amended by referendum 11-7-1978; amended by referendum 11-8-2022]

The [Town] City Attorney may appoint such assistant or assistants as the [Board of Directors] City Council may authorize to aid the [Town] City Attorney in the discharge of their duties, and any such assistant shall perform such duties as may be imposed upon him by the [Town] City Attorney and shall receive such compensation as the [Board of Directors] City Council shall provide. The [Town] City Attorney may remove any such assistant at any time.

## **CHAPTER XIX. BOND ISSUES, NOTES AND CERTIFICATES OF INDEBTEDNESS**

### **Sec. 19-1. General power of [Town] City to issue bonds, notes and certificates of indebtedness.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 281, Sec. 5, 27 C.S.A. 233, approved 6-3-1955]

The [Town] City of Manchester is authorized to issue negotiable bonds under its corporate name and seal and notes or other certificates of debt upon the credit of the [Town] City, for the purposes hereinafter specified, which bonds, notes or other certificates of indebtedness shall be obligatory upon the [Town] City and the inhabitants thereof according to the purport and tenor of same; provided each issue of bonds made under the authority hereof, for the purpose of obtaining funds for a period longer than one (1) year, shall be in serial form, payable in accordance with the provisions of § 7-371 of the General Statutes, as the same may from time to time be amended.

### **Sec. 19-2. Purposes for which bonds, notes and certificates may be issued.**

[Amended by referendum 10-1-1962; amended by referendum 4-30-1968]

The purposes for which such bonds, notes or other certificates of debt may be issued and for which the avails thereof shall be used are: to meet the cost of duly authorized public improvements, including water and sewer installations and extensions; to raise funds in anticipation of bond issues for the purpose of





financing such improvements for a temporary period previous to the issue of such bonds; to raise funds in anticipation of taxes; to redeem or refund outstanding bonds or other obligations of the [Town] City; to meet the cost in whole or in part, including damages awarded, which the [Town] City is required to defray temporarily in connection with duly authorized public improvements, including water and sewer installations and extensions, when benefits assessed cannot be immediately collected; to pay judgments rendered against said [Town] City; or for any purpose permitted by the General Statutes.

### **Sec. 19-3. Approval by [Board of Directors] City Council.**

[Amended by referendum 10-5-1964; amended by referendum 4-30-1968]

No bond shall obligate said [Town] City or its inhabitants unless the [Board of Directors] City Council shall have authorized its issue and determined its rate of interest and dates of maturity, nor unless it shall have been signed and sealed as hereinafter provided. At the discretion of the [Board of Directors] City Council, the rate of interest may be left for bid upon sale of any bond issue. No note, except as hereinafter provided, shall obligate said [Town] City or its inhabitants, unless issued in pursuance of its authority given by the [Board of Directors] City Council as herein provided.

### **Sec. 19-4. Formalities in execution.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, Sec. 10, 25 C.S.A. 1196, effective 7-1-1949; amended by referendum 11-7-1978; amended by referendum 11-4-2008; amended by referendum 11-8-2022]

Each note and bond of the [Town] City issued hereafter shall be signed by any two (2) of the following [Town] City officers: the Director of Finance, the [Town] City Manager and the Chair of the [Board of Directors] City Council. In event of the incapacity or unavailability of any of said officers, the [Board of Directors] City Council may by vote designate some other [Town] City officer for said purpose.

### **Sec. 19-5. Duty of [Board of Directors] City Council regarding bonds.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 281, Sec. 6, 27 C.S.A. 234, approved 6-3-1955; amended by referendum 4-30-1968]

The [Board of Directors] City Council shall be the trustees of all bonds. Said Board shall determine the particular form of bonds, superintend the issue and conduct the sale thereof. Except as hereinafter provided, bonds shall not be sold without public advertisement setting forth when bids therefor will be received and opened and specifying the amount and kind thereof to be sold. The bid of responsible parties which results in the lowest net cost to the [Town] City shall be accepted but if, in the opinion of the [Board of Directors] City Council, the amount bid shall be inadequate or the interest rate named shall be too high, all bids may be rejected. Nothing in this section shall prevent the negotiation of such bonds at private sale at an adequate price or a satisfactory interest rate after failure to obtain such price or rate upon public advertisement. Notes may bear interest or be discounted and shall be sold in such manner as shall be prescribed by the [Board of Directors] City Council.

### **Sec. 19-6. [Board of Directors] City Council; duty to lay special tax.**

[Amended by Sp. Act, Jan. Sess., 1955, Sp. No. 281, Sec. 7, 27 C.S.A. 234, approved 6-3-1955]

When the [Board of Directors] City Council shall approve a budget and authorize expenditures, it may provide for the issuance of bonds to pay for any part thereof which is to be spent for permanent improvements which are properly a charge upon capital, and the [Board of Directors] City Council shall lay a tax at least sufficient with other income of said [Town] City to be received during such budget year, as is estimated, to defray the balance of such budget of authorized expenditures including principal of and interest upon and any amortization charge in respect of all bonds and notes payable in such budget year,



except bonds and notes for waterworks or sewerage systems or other purposes which are payable as to principal and interest solely from revenues or assessments and including all ascertained deficiencies in the revenues of the preceding year and including also an adequate charge for the proper maintenance in good repair and working order or for depreciation of all permanent improvements then made or hereafter to be paid for out of the proceeds of bonds not so excepted.

## CHAPTER XX. MISCELLANEOUS

### **Sec. 20-1. Records to be evidence in all courts.**

[Amended by referendum 11-8-2022]

All records of the [Town] City, including those of all its departments, commissions, boards, bureaus and other officers, shall have the same validity as records of [Town] City Clerks and shall be, either by themselves or by certified copies thereof under the hand of the [Town] City Manager and the Seal of the [Town] City, evidence in all courts of the truth of the matters contained therein.

### **Sec. 20-2. Definitions and construction.**

[Amended by referendum 10-5-1964]

In the construction of this Charter, unless the contrary intent shall appear herein, the same construction shall be given the words and phrases used herein as set forth in §§ **1-1** and **1-2**, 1-1b, 1-1c, 1-1d, 1-1e, 1-1f, 1-1g, 1-3, 1-3a, 1-3b of the 1958 Revision of the General Statutes, and amendments thereto, so far as said section is [sections are] applicable to this Charter, but in no event shall the language used in the titles of the chapters and sections herein limit or restrict the words and phrases contained herein.

### **Sec. 20-3. Injunctions.**

The [Town] City may maintain action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any ordinance of the [Town] City, notwithstanding that the ordinance may provide a penalty for such violation.

### **Sec. 20-4. Savings clause.**

[Amended by referendum 11-8-2022]

The powers which are conferred and the duties which are imposed upon any commission, board or office under the General Statutes or Special Acts concerning the [Town] City, or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board or office be abolished by this Charter, shall be thereafter exercised and discharged by the department, commission, board, bureau or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards or officers, whether elected or appointed, abolished by this Charter, or whose method of appointment is changed by the provisions of this Charter, shall continue in the performance of their duties only until provision shall have been made for the discontinuance of such commissions, boards or officers, and the performance of their duties by other departments, commissions, boards, bureaus or officers created under this Charter and until the [Town] City Manager shall have notified the members of such commissions, boards or officers that their successors have been appointed.

### **Sec. 20-5. Constitutionality.**

The adjudging of any provision of this Charter to be unconstitutional or otherwise invalid shall not affect the validity of any other provisions hereof.

### **Sec. 20-6. Filing copies of regulations.**

[Amended by referendum 11-8-2022]

Each department, commission, board and bureau of the [Town] City when it shall have adopted any rules



or regulations for the conduct of its affairs or for the administration of matters within its jurisdiction shall, within thirty (30) days after the adoption of such rules and regulations or any amendments thereto, file the same with the [Town] City Clerk and with the [Town] City Manager where they shall be open for inspection at any reasonable time by any elector or taxpayer.

### **Sec. 20-7. Notice of special election.**

[Amended by Sp. Act, Jan. Sess., 1949, Sp. No. 475, Sec. 11, 25 C.S.A. 1196, effective 7-1-1949; amended by referendum 4-30-1968; amended by referendum 11-8-2022]

Each special election, except special elections subject to the provisions of § 9-164(b) of the General Statutes, shall be called by a warning which shall specify the objects for which such election is to be held. Notice of a special election shall be given by a printed or written warning signed by the [Town] City Manager and published in a newspaper having a circulation in the [Town] City, such publication to be at least five (5) days previous to holding the election, including the day that notice is given and any intervening Sunday, but not including the day of holding such election. The person who shall cause to be published the warning for any special election shall make a return in writing to the [Town] City Clerk, showing the notice given of such warning, and such return shall be kept on file and recorded at length with the record of such election.

### **Sec. 20-8. Existing laws and ordinances.**

All general laws applicable to the [Town] City and all ordinances and bylaws of the [Town] City shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter. All Special Acts or parts of Special Acts relating to the [Town] City are repealed with the exception of the following, which shall continue to apply in full force and effect except as they are inconsistent with the provisions of this Charter:

(a)

Resolution Incorporating the [Town] City of Manchester, passed May 1823. [See Special Acts Art. 1 in this volume.]

(b)

An Act Authorizing the [Town] City of Manchester to Issue Bonds, approved June 14, 1921. [See Special Acts Art. 5 in this volume.]

(c)

House Joint Resolution Authorizing the [Town] City of Manchester to make a contract with the New York, New Haven and Hartford Railroad Company for the construction and maintenance of a park or common on land of the said Railroad Company in said [Town] City of Manchester, approved May 5, 1905. [See Special Acts Art. 4 in this volume.]

(d)

An Act Authorizing the [Town] City of Manchester to pension its appointive officers and employees, approved June 5, 1923. [See Special Acts Art. 15 of this volume]

(e)

An Act Authorizing the [Town] City of Manchester to purchase the franchises and property of the South Manchester Water Company and the South Manchester Sanitary and Sewer District, approved April 10, 1933. [See Special Acts Art. 7 of this volume.]

(f)

An Act Concerning the closing of a highway in the [Town] City of Manchester, approved April 4, 1935. [See Special Acts Art. 8 of this volume.]

(g)

An Act Consolidating the schools of the [Town] City of Manchester, approved March 31, 1931, excepting section 6 of said Act which is expressly repealed. [See Special Acts Art. 6 of this volume.]

(h)

An Act Authorizing the Ninth School District of Manchester to transfer its assets to the [Town] City of Manchester, approved May 8, 1935. [See Special Acts Art. 9 of this volume.]

(i)



In Act Authorizing the [Town] City of Manchester to bring an action against the state, approved June 10, 1941. [See Special Acts Art. 10 of this volume.]

(j)

An Act Authorizing the [Town] City of Manchester to establish a retirement system for its employees, approved March 31, 1943. [See Special Acts Art. 15 of this volume.]

(k)

An Act Authorizing the [Town] City of Manchester to bring an action against the state, approved August 9, 1945. [See Special Art. 11 of this volume.]

### **Sec. 20-9. Conflict of authority.**

In case of any conflict of authority between the [Town] City of Manchester and any district incorporated within the limits of said [Town] City, the authority of said [Town] City shall prevail.

### **[Sec. 20-10. Gender.**

[Added by referendum 11-5-1991]

Whenever the male gender or female gender is used in this Charter, it shall be construed to include both male and female persons.]

