

Resolution to Establish a Charter Revision Commission and to Define the Charge to the Commission- Dated April 6, 2021

Charge to the Commission:

- 1. Review of substantive or administrative amendments to the Charter as identified by the Town Administration's and Town Attorney's review of the Town Charter.**
- 2. Review of Section 2-14 of the Town Charter, Justices of the Peace, to increase the authorized number of Justices of the Peace to 30.**

Sec. 2-14. Justices of the Peace. [Added by referendum 11-4-2008]

Fifteen (15) Justices of the Peace shall be selected and their offices administered in accordance with state statutes.

- 3. Review of Section 9-1 of the Town Charter, Election to Board of Education to consider revision of the terms of office.**

Sec. 9-1. Election to Board of Education. [Amended by referendum 11-4-2003]

All of the public schools of the Town of Manchester shall continue to be consolidated, and the Board of Education shall continue to consist of nine (9) members. At the Town election held in October, 1948, and at each biennial election thereafter, there shall be elected three (3) members of the Board to serve for a term of three (3) 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) candidates to take office in the year of the election and two (2) candidates to take office the next year.

- 4. Review of Section 14-1 of the Town Charter, Recreation and Park Commission, to consider increasing the membership of the commission from 7 members to 9 members.**

Sec. 14-1. Recreation and Park Commission. [Amended by referendum 11-5-1991]

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, shall be under the care, management and control of the General Manager. There shall be an Advisory Recreation and Park Commission consisting of seven (7) members who shall be appointed by the Board of Directors and who shall serve without compensation.

The five (5) members previously appointed shall serve until their present term expires. The two (2) remaining members shall be appointed, effective within the first fifteen (15) days of November, 1991. One (1) member shall serve for a term to expire on the first Monday of November, 1992, and one (1) member shall serve for a term to expire on the first day of November, 1993. Annually thereafter, as the foregoing terms expire the Board of Directors shall appoint members for the terms of three (3) years each. The members of said Commission shall serve until their successors have been appointed and have qualified, provided any member of said Commission may be removed as provided in § 2-8, Chapter II.

5. Review of Sections 3-2 and 3-3 of the Town Charter, election of the Board of Directors, to consider revision of the terms of office and compensation.

Sec. 3-2. Number; election; term. [Amended by referendum 4-30-1968]

The Board of Directors shall consist of nine (9) members elected from the Town 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]

The compensation of the members of the Board of Directors shall be as follows: the Chairman shall be paid three thousand dollars (\$3,000.00) annually, the Deputy Chairman and the Secretary shall be paid two thousand four hundred dollars (\$2,400.00) annually, and the other members of the Board shall be paid two thousand dollars (\$2,000.00) annually, which sums shall be in full compensation for services rendered.

6. Review of Sections 3-2 and 9-1 of the Town Charter, election to the Board of Directors and Board of Education, to consider the use of at-large elections.

Sec. 3-2. Number; election; term. [Amended by referendum 4-30-1968]

The Board of Directors shall consist of nine (9) members elected from the Town 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. 9-1. Election to Board of Education.¹ [Amended by referendum 11-4-2003]

All of the public schools of the Town of Manchester shall continue to be

consolidated, and the Board of Education shall continue to consist of nine (9) members. At the Town election held in October, 1948, and at each biennial election thereafter, there shall be elected three (3) members of the Board to serve for a term of three (3) 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) candidates to take office in the year of the election and two (2) candidates to take office the next year.

7. Review of Sections 3-1 and 4-5 of the Town Charter, powers of the Board of Directors, to consider the investigatory powers and ability to directly question department heads and initiate reports outside of the General Manager, as well as investigate matters within that department notwithstanding the General Manager's oversight of such department.

Sec. 3-1. Board of Directors; 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]

The Board of Directors 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. Further, all legislative rights, powers and duties of the Town 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. 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 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 subject to the provisions of §§ 3-10 and 3-13 of this chapter. The Board of Directors shall have the power to investigate any and all departments, offices and agencies of the Town. For the purposes of such investigation, the Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas and, at his request, any judge may issue a writ of habeas corpus for the appearance of witnesses and the production of books and papers except as herein provided. The Board of Directors shall hold a special meeting to review the administrative performance of the General Manager between June 1 and July 31 of each year. Except to the extent to which such powers are conferred upon the Town Planning Commission, the Board of Directors shall exercise the powers hitherto possessed by the Town meeting and the Board of Selectmen relative to the collection of benefits due the Town 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 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 as provided in Chapter I of this Charter, for the government of the Town and the management of its business and for the preservation of the good order, peace, health and safety of the Town and its inhabitants. Such ordinances and bylaws shall be binding upon all the inhabitants of the Town and upon persons coming within its limits, and said Board may provide penalties for breaches thereof not exceeding one hundred dollars (\$100.00) for each offense. Notwithstanding any other provisions of this Charter, the Board of Directors, subject to the general laws of the state, shall have the authority to establish, delete or alter departments and divisions comprising the internal organizational structure of the Town 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 and the charges, if any, to be made for services rendered by the Town, as it may deem to be in the best interest of the Town. The Board of Directors shall have the power to designate the General Manager as the personnel and office manager for the Town and to require that all such office and personnel matters shall be administered by him in accordance with the rules and regulations adopted by the Board of Directors.*

The Board of Directors may fix the charges, if any, to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter and the General Statutes, as amended. The Board of Directors shall establish ordinances and regulations regarding such charges.

The Board of Directors shall authorize all purchases of real estate by the Town and all sales of real estate owned by the Town 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 authorized by the Board of Directors are excluded from the operation of this section.

Sec. 4-5. General 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]

The General Manager shall be the chief executive officer and the head of the administrative branch of the Town government, and none of the administrative duties of the Town shall be performed by any member of the Board of Directors. All administrative rights, powers and duties of the Town not otherwise vested by this Charter are exclusively vested in the General Manager. Except for the appointment of boards, agencies and commissions provided for by the General Statutes and except as herein provided, he shall exercise the powers and perform the duties in and for the Town 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. The service of any process against or notice to the Town, and any notice which the General Statutes may provide, should be served upon the selectmen or any selectman of a Town shall, in the case of the Town of Manchester, be served upon the Town Clerk. The General Manager shall have charge of the preparation of the annual report of the Town required by law, shall attend meetings of the Board of Directors, 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, he shall perform such other duties as may be required of him by the Board of Directors not inconsistent with the provisions of this Charter.

8. Review of Section 3-1 of the Town Charter with respect to the formulation of boards and commissions and the appropriateness of establishing those bodies by resolution or ordinance instead, so as to have flexibility in amending their structure and responsibilities absent charter revision.

Sec. 3-1. Board of Directors; 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]

The Board of Directors 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. Further, all legislative rights, powers and duties of the Town 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. 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 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 subject to the provisions of §§ 3-10 and 3-13 of this chapter. The Board of Directors shall have the power to investigate any and all departments, offices and agencies of the Town. For the purposes of such investigation, the Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas and, at his request, any judge may issue a writ of habeas corpus for the appearance of witnesses and the production of books and papers except as herein provided. The Board of Directors shall hold a special meeting to review the administrative performance of the General Manager between June 1 and July 31 of each year. Except to the extent to which such powers are conferred upon the Town Planning Commission, the Board of Directors shall exercise the powers hitherto possessed by the Town meeting and the Board of Selectmen relative to the collection of benefits due the Town 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 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 as provided in Chapter I of this Charter, for the government of the Town and the management of its business and for the preservation of the good order, peace, health and safety of the Town and its inhabitants. Such ordinances and bylaws shall be binding upon all the inhabitants of the Town and upon persons coming within its limits, and said Board may provide penalties for breaches thereof not exceeding one hundred dollars (\$100.00) for each offense. Notwithstanding any other provisions of this Charter, the Board of Directors, subject to the general laws of the state, shall have the authority to establish, delete or alter departments and divisions comprising the internal organizational structure of the Town 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:

- (d) Concerning the creating or abolishing of departments and offices,*
- (e) Regulating the internal operation of departments, offices and personnel,*
- (f) Fixing the compensation of officers and employees of the Town and the charges, if any, to be made for services rendered by the Town, as it may deem to be in the best interest of the Town. The Board of Directors shall have the power to designate the General Manager as the personnel and*

office manager for the Town and to require that all such office and personnel matters shall be administered by him in accordance with the rules and regulations adopted by the Board of Directors.

The Board of Directors may fix the charges, if any, to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter and the General Statutes, as amended. The Board of Directors shall establish ordinances and regulations regarding such charges.

The Board of Directors shall authorize all purchases of real estate by the Town and all sales of real estate owned by the Town 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 authorized by the Board of Directors are excluded from the operation of this section.

9. Review of Section 4-5 of the Town Charter, General Manager appointments as opposed to Board of Directors appointments, not otherwise required by state or federal law.

Sec. 4-5. General 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]

The General Manager shall be the chief executive officer and the head of the administrative branch of the Town government, and none of the administrative duties of the Town shall be performed by any member of the Board of Directors. All administrative rights, powers and duties of the Town not otherwise vested by this Charter are exclusively vested in the General Manager. Except for the appointment of boards, agencies and commissions provided for by the General Statutes and except as herein provided, he shall exercise the powers and perform the duties in and for the Town 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.¹ The service of any process against or notice to the Town, and any notice which the General Statutes may provide, should be served upon the selectmen or any selectman of a Town shall, in the case of the Town of Manchester, be served upon the Town Clerk. The General Manager shall have charge of the

preparation of the annual report of the Town required by law, shall attend meetings of the Board of Directors, 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, he shall perform such other duties as may be required of him by the Board of Directors not inconsistent with the provisions of this Charter.

10. Review of Section 3-1 of the Town Charter, powers of the Board of Directors, to provide the Board of Directors with the ability to draft proposals absent the direction of the General Manager.

Sec. 3-1. Board of Directors; 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]

The Board of Directors 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. Further, all legislative rights, powers and duties of the Town 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. 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 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 subject to the provisions of §§ 3-10 and 3-13 of this chapter. The Board of Directors shall have the power to investigate any and all departments, offices and agencies of the Town. For the purposes of such investigation, the Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas and, at his request, any judge may issue a writ of habeas corpus for the appearance of witnesses and the production of books and papers except as herein provided. The Board of Directors shall hold a special meeting to review the administrative performance of the General Manager between June 1 and July 31 of each year. Except to the extent to which such powers are conferred upon the Town Planning Commission, the Board of Directors shall exercise the powers hitherto possessed by the Town meeting and the Board of Selectmen relative to the collection of benefits due the Town 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 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 as provided in Chapter I of this Charter, for the government of the Town and the management of its business and for the preservation of the good order, peace, health and safety of the Town and its inhabitants. Such ordinances and bylaws shall be binding upon all the inhabitants of the Town and upon persons coming within its limits, and said Board may provide penalties for breaches thereof not exceeding one hundred dollars (\$100.00) for each offense. Notwithstanding any other provisions of this Charter, the Board of Directors, subject to the general laws of the state, shall have the authority to establish, delete or alter departments and divisions comprising the internal organizational structure of the Town 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:

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- (h) Regulating the internal operation of departments, offices and personnel,*
- (i) Fixing the compensation of officers and employees of the Town and the charges, if any, to be made for services rendered by the Town, as it may deem to be in the best interest of the Town. The Board of Directors shall have the power to designate the General Manager as the personnel and office manager for the Town and to require that all such office and personnel matters shall be administered by him in accordance with the rules and regulations adopted by the Board of Directors.*

The Board of Directors may fix the charges, if any, to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter and the General Statutes, as amended. The Board of Directors shall establish ordinances and regulations regarding such charges.

The Board of Directors shall authorize all purchases of real estate by the Town and all sales of real estate owned by the Town 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 authorized by the Board of Directors are excluded from the operation of this section.

11. Review of Section 3-5 of the Town Charter, powers of the Board of Directors, to clarify leadership including succession in the event of the resignation of the Chairman/Mayor of the Board of Directors.

Sec. 3-5. Chairman and Vice Chairman. [Amended by referendum 10-5-1964; amended by referendum 11-7-1978]

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

12. Review of Section 3-1 of the Town Charter, to review training opportunities and possible requirements for members of boards and commissions.

Sec. 3-1. Board of Directors; 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]

The Board of Directors 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. Further, all legislative rights, powers and duties of the Town 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. 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 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 subject to the provisions of §§ 3-10 and 3-13 of this chapter. The Board of Directors shall have the power to investigate any and all departments, offices and agencies of the Town. For the purposes of such investigation, the Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas and, at his request, any judge may issue a writ of habeas corpus for the appearance of witnesses and the production

of books and papers except as herein provided. The Board of Directors shall hold a special meeting to review the administrative performance of the General Manager between June 1 and July 31 of each year. Except to the extent to which such powers are conferred upon the Town Planning Commission, the Board of Directors shall exercise the powers hitherto possessed by the Town meeting and the Board of Selectmen relative to the collection of benefits due the Town 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 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 as provided in Chapter I of this Charter, for the government of the Town and the management of its business and for the preservation of the good order, peace, health and safety of the Town and its inhabitants. Such ordinances and bylaws shall be binding upon all the inhabitants of the Town and upon persons coming within its limits, and said Board may provide penalties for breaches thereof not exceeding one hundred dollars (\$100.00) for each offense. Notwithstanding any other provisions of this Charter, the Board of Directors, subject to the general laws of the state, shall have the authority to establish, delete or alter departments and divisions comprising the internal organizational structure of the Town 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:

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- (k) Regulating the internal operation of departments, offices and personnel,*
- (l) Fixing the compensation of officers and employees of the Town and the charges, if any, to be made for services rendered by the Town, as it may deem to be in the best interest of the Town. The Board of Directors shall have the power to designate the General Manager as the personnel and office manager for the Town and to require that all such office and personnel matters shall be administered by him in accordance with the rules and regulations adopted by the Board of Directors.*

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The Board of Directors shall authorize all purchases of real estate by the Town and all sales of real estate owned by the Town 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 authorized by the Board of Directors are excluded from the operation of this section.

13. Review of Chapter III and Chapter IV of the Town Charter, to consider the structure of the council-manager form of government.

**CHAPTER III
BOARD OF DIRECTORS**

Sec. 3-1

Sec. 3-1. Board of Directors; 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]

The Board of Directors 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. Further, all legislative rights, powers and duties of the Town 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. 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 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 subject to the provisions of §§ 3-10 and 3-13 of this chapter. The Board of Directors shall have the power to investigate any and all departments, offices and agencies of the Town. For the purposes of such investigation, the Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas and, at his request, any judge may issue a writ of habeas corpus for the appearance of witnesses and the production of books and papers except as herein provided. The Board of Directors shall hold a special meeting to review the administrative performance of the General Manager between June 1 and July 31 of each year. Except to the extent to which such powers are conferred upon the Town Planning Commission, the Board of Directors shall exercise the powers hitherto possessed by the Town meeting and

the Board of Selectmen relative to the collection of benefits due the Town 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 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 as provided in Chapter I of this Charter, for the government of the Town and the management of its business and for the preservation of the good order, peace, health and safety of the Town and its inhabitants. Such ordinances and bylaws shall be binding upon all the inhabitants of the Town and upon persons coming within its limits, and said Board may provide penalties for breaches thereof not exceeding one hundred dollars (\$100.00) for each offense. Notwithstanding any other provisions of this Charter, the Board of Directors, subject to the general laws of the state, shall have the authority to establish, delete or alter departments and divisions comprising the internal organizational structure of the Town 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:

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

The Board of Directors may fix the charges, if any, to be made for services rendered by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter and the General Statutes, as amended. The Board of Directors shall establish ordinances and regulations regarding such charges.

The Board of Directors shall authorize all purchases of real estate by the Town and all sales of real estate owned by the Town 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 authorized by the Board of Directors are excluded from the operation of this section.

Sec. 3-2. Number; election; term. [Amended by referendum 4-30-1968]

The Board of Directors shall consist of nine (9) members elected from the Town 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]

The compensation of the members of the Board of Directors shall be as follows: the Chairman shall be paid three thousand dollars (\$3,000.00) annually, the Deputy Chairman and the Secretary shall be paid two thousand four hundred dollars (\$2,400.00) annually, and the other members of the Board shall be paid two thousand dollars (\$2,000.00) 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]

The Board of Directors 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 Chairman of the Board of Directors; one of its own members to be for a term of two years Vice Chairman of the Board of Directors; and one of its own members to be for a term of two years Secretary of the Board of Directors. The member elected as Chairman shall be the member who received the highest vote count in the biennial election, irrespective of party affiliation or nonaffiliation. The Vice Chairman and Secretary shall be elected by a majority vote of those present.

Sec. 3-5. Chairman and Vice Chairman. [Amended by referendum 10-5-1964; amended by referendum 11-7-1978]

The Chairman, who shall be designated as Mayor of Manchester, shall preside at all meetings of the Board and may call special meetings thereof. He shall call special meetings of the Board whenever requested in writing by the General Manager or four (4) members of the Board to do so. He shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties. Whenever he shall be absent or otherwise

prevented from serving in any of his official capacities, the Vice Chairman, who shall be designated as the Deputy Mayor of Manchester, shall be Acting Chairman and shall have all powers of the Chairman until the Chairman is able to exercise them. Whenever the Chairman and Vice Chairman shall both be absent or otherwise prevented from serving in any of their official capacities, an Acting Chairman, who shall have all the powers of the Chairman until either the Chairman or Vice Chairman is able to exercise them, shall be elected by the Board.

Sec. 3-6. Secretary. [Amended by referendum 4-30-1968]

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

Sec. 3-7. Meetings; procedure.

The Board of Directors 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 may be heard in discussion of any subject within the jurisdiction of the Board of Directors. The Board may hold other meetings at such times and places as it may determine, provided all meetings of the Board 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 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, the Board 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. 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]

No ordinance or bylaw adopted by the Board of Directors, 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, as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to a special Town election, the Town Clerk shall, within ten (10) days thereafter, fix the day and the place of such election and certify the same to the General 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 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 election if said Town election occurs within sixty (60) days of the filing of said petition.

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]

Whenever a petition signed by not less than five (5) percent of the electors of the Town, 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 Clerk requesting its passage, the Town Clerk shall, within ten (10) days thereafter, certify such petition and proposed ordinance or bylaw to the Board of Directors for its consideration. If, within forty-five (45) days from such certification, the Board of Directors shall not have made such appropriation or passed such ordinance or bylaw, or one substantially

similar thereto, the Town Clerk shall submit such proposed ordinance or bylaw to the Town Attorney who shall, not later than thirty (30) days from the date the Town Clerk submits such proposed ordinance or bylaw to the Town 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 Clerk shall thereupon fix the day and place of a special Town election and certify the same to the General Manager, and such special Town election shall be called and held in accordance with the provisions of the General Statutes and this Charter for calling and holding Town elections. The General 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 election if said Town election occurs within ninety (90) days of the filing of said petition.

Sec. 3-11. Revision of existing ordinances.

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 which is substantially similar in language to any ordinance or bylaw of the Town adopted prior to January 1, 1947, except that the Board of Directors or General Manager is substituted for the Board of Selectmen or the Chairman of the Board of Directors is substituted for the Chairman of the Board of Selectmen. Any such ordinance or bylaw shall be effective upon passage by the Board of Directors and filing with the Town Clerk without the necessity of public hearing or advertisement.

Sec. 3-12. Joint annual meeting of Board of Directors and Board of Education. [Added by referendum 11-4-2003]

The Board of Directors and the Board of Education shall annually during the month of September attend a joint meeting of the Board of Directors 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 General 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]

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, as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk, to reject the budget adopted by the Board of Directors, the Town Clerk shall, within ten days thereafter, fix the day and place of a special Town election to vote on the petition to reject the adopted budget, and certify the same to the General 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 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 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 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 on (here insert date of adoption) take effect as adopted?" We certify that we are electors of the Town 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 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, a combined "No" vote by a majority of the electors voting shall reject the adopted budget and require the Board of Directors to adopt a revised budget.

If the adopted budget is rejected, the Board of Directors 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 MANAGER

Sec. 4-1. Appointment. [Amended by referendum 11-4-2003]

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

Sec. 4-2. Tenure and removal. [Amended by referendum 10-5-1964]

The General Manager shall be appointed for an indefinite term. He may be removed by the affirmative vote of five (5) members of the Board of Directors. At least thirty (30) days before such removal may be made effective, the Board of Directors 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 General Manager at his usual place of abode. The General Manager may reply and may appear and be represented by counsel at a public hearing which shall be called by the Board of Directors if requested by the General Manager. Such a request shall be made by the General 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, by majority vote of all its members, may adopt a resolution removing the General Manager from office, which may be made

effectively immediately. If no request for a hearing is made by the General Manager, his 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 may suspend the General Manager from duty; but he shall be entitled to his regular compensation until he shall have been removed from office, and until such removal he shall have access during regular business hours to all records, files and documents in the custody of any Town official pertaining to his conduct as General Manager. If the General Manager shall be found guilty by any court of misfeasance or malfeasance in office or of any felony, he may be summarily dismissed by the Board of Directors, and he shall not be entitled to any salary other than any unpaid balance which may be due him.

Sec. 4-3. Salary.

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

Sec. 4-4. Absence or disability of General Manager.

To perform the duties of the General Manager pending the appointment of a General Manager or during his temporary absence or disability, the Board of Directors may appoint an Acting Manager, who shall not be one of its own members, to perform the duties of the General Manager.

Sec. 4-5. General 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]

The General Manager shall be the chief executive officer and the head of the administrative branch of the Town government, and none of the administrative duties of the Town shall be performed by any member of the Board of Directors. All administrative rights, powers and duties of the Town not otherwise vested by this Charter are exclusively vested in the General Manager. Except for the appointment of boards, agencies and commissions provided for by the General Statutes and except as herein provided, he shall exercise the powers and perform the duties in and for the Town 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.¹ The service of any process against or notice to the Town, and any notice which the General Statutes may provide, should be served upon the selectmen or any selectman of a Town shall, in the case of the Town of Manchester, be served upon the Town Clerk. The General Manager shall have charge of the preparation of the annual report of

the Town required by law, shall attend meetings of the Board of Directors, 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, he shall perform such other duties as may be required of him by the Board of Directors not inconsistent with the provisions of this Charter.

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

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