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CITY OF DANBURY

OFFICE OF THE MAYOR
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666

July 7, 2009

Honorable Members of the Common Council
City of Danbury, Connecticut

Dear Members of the Council:

Attached is the final Charter revision report together with a resolution setting forth:

1. The question to appear on the November 3, 2009 ballot;
2. Date of submission to the voters (November 3, 2009).

As the Council has acted upon the Charter Revision Commission's report and adopted the attached final Commission report, no other action is required but to consider the adoption of the resolution, permitting the placement of the proposed Charter revision before our voters.

Feel free to contact me in the event you have any questions.

Sincerely,

Mark D. Boughton
Mayor

A copy of the Charter Revision is available in the City Clerk and Corporation Counsel Office.

RECYCLED

RESOLUTION

CITY OF DANBURY, STATE OF CONNECTICUT

_____, A. D., 200_

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Charter Revision Commission ("Commission") submitted its final report recommending various amendments to the Danbury Municipal Charter; and

WHEREAS, with the exception of certain provisions of section 2-2 thereof, relating to the term of office of elected officials, the Common Council has approved the final report of the Commission.

NOW THEREFORE BE IT RESOLVED, that the foregoing amendments to the Danbury Municipal Charter, as approved by the Common Council, shall be submitted to the electors of the City of Danbury for their approval or rejection on November 3, 2009, and that the form of the question to be so submitted, as the same shall appear on the various voting machines, shall be as follows:

> Shall the proposed amendments to the Danbury Municipal Charter approved by the Common Council of the City on March 10, 2009 be approved?

BE IT FURTHER RESOLVED that the full text of each such proposed amendment shall be as indicated on the attached Exhibit A.

PREAMBLE

WE, THE PEOPLE, OF THE CITY OF DANBURY, IN THE COUNTY OF FAIRFIELD AND STATE OF CONNECTICUT, MINDFUL OF THE IDEALS OF OUR PREDECESSORS AND GRATEFUL FOR THEIR LABORS, DO HEREBY ADOPT THIS CHARTER TO DEFINE THE MANNER IN WHICH OUR GOVERNMENT SHALL BE FORMED, OPERATED, AND MAINTAINED. IT IS OUR INTENT TO PROVIDE A FRAMEWORK FOR CITY GOVERNMENT, TO GRANT SPECIFIC AUTHORITY TO ELECTED OFFICIALS, AND TO ENABLE THOSE ENTRUSTED WITH THE OPERATION OF THE CITY TO PLAN, PREPARE AND PROVIDE FOR THE NEEDS OF OUR COMMUNITY. WE BELIEVE IN STRONG POLITICAL LEADERSHIP, IN A REPRESENTATIVE COUNCIL, AND IN THE RIGHT OF EVERY CITIZEN TO BE PART OF THE DECISION MAKING PROCESS. WE INSIST ON HIGH ETHICAL STANDARDS, THE PROFESSIONAL MANAGEMENT OF OUR HUMAN, FISCAL AND NATURAL RESOURCES AND, IN RETURN, EXPECT THAT THIS WILL ENSURE THE PROPER AND EFFICIENT GROWTH OF OUR CITY.

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Section 2-2 MUNICIPAL ELECTIONS.

A. A general City election shall be held on the first Tuesday after the first Monday of November in each odd year. The following officers shall be elected for the terms specified at such election or at the election otherwise stated.

a. A Mayor who shall serve a term of two (2) years.

b. A ~~Common~~ CITY Council consisting of twenty-one (21) members, two (2) from each ward, and seven (7) at large, all of whom shall serve a term of two (2) years. There shall be minority representation among the members of the ~~Common~~ CITY Council, as set forth herein. The maximum number of at large members of the ~~Common~~ CITY Council who may be members of the same political party shall be as specified in the following table:

Column I Members of the same political party elected in seven wards	Column II Maximum number of at large members of same political party
14	4
13	5
12	6
11 or fewer	7

I hearby certify that this document is a true and accurate copy of the original, approved by the Common Council on March 10, 2009 and which is on file in this office.

City Clerk, Jean A. Natale

The provisions of Section 9-167a C.G.S. shall govern the method of determining the election of the at large members.

c. (1) A Board of Education consisting of eleven resident electors of the City. At the first general City election to be held after the effective date HEREof, ~~this paragraph as provided in Section 8-13~~ there shall be elected two (2) members of the Board of Education for a term of four (4) years and one (1) member for a term of two (2) years. At the second such general City election there shall be elected five (5) members for terms of four (4) years. At the third such general City election, there shall be elected six (6) members for terms of four (4) years. Alternately thereafter at each biennial election, there shall be elected five (5) members and then six (6) members who shall hold office for a term of four (4) years to succeed those whose terms expire.

(2) Nomination and election shall be governed by THE PROCESS AUTHORIZED IN Section 9-204a of the General Statutes, as amended.

d. A City Clerk who shall serve a term of two (2) years and who shall have the powers and duties prescribed by Section 3-3 of this Charter. ON DECEMBER 3, 2009, THE TITLE OF THE POSITION OF CITY CLERK SHALL BE CHANGED TO LEGISLATIVE ASSISTANT. UPON THE EXPIRATION OF THE 2009 TERM OF OFFICE THE LEGISLATIVE ASSISTANT SHALL CEASE TO BE AN ELECTIVE OFFICE AND THEREAFTER THE POSITION SHALL BE FILLED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3-3 OF THIS CHARTER.

e. A Treasurer who shall serve a term of two (2) years and who shall have the powers and duties prescribed by Section 6-1 of this Charter.

f. Five (5) Constables who shall serve a term of two (2) years.

g. A Town Clerk who shall serve a term of two (2) years.

h. (1) A Zoning Commission consisting of nine (9) members who shall be electors of the City, all of whom shall serve a term of two (2) years.

(2) Three (3) alternate members of the Zoning Commission who shall be electors of the City, all of whom shall serve a term of two (2) years.

~~(3)~~ The Zoning Commission shall have the powers and duties not inconsistent with this Charter, as prescribed in Chapter 124 of the General Statutes, as amended.

B. The terms of all municipal officers shall commence at twelve (12) noon on the first business day of December following their election and they shall hold office until their successors have been chosen and qualified.

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Section 2-3 MINORITY REPRESENTATION. Minority representation on any elective or appointive board, commission, ~~legislative body,~~ committee or similar body of the City shall be in conformity with the appropriate minority representation provisions of the General Statutes as may be in effect from time to time.

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Section 2-4 REAPPORTIONMENT OF WARDS AND VOTING DISTRICTS. The wards and voting districts as presently established shall continue through the general city election of 1991 and through any special elections which may be held before a reapportionment plan is adopted as provided in this section.

On or before February 15, 1992, and every ten years thereafter, there shall be designated a reapportionment advisory commission which shall prepare a plan to alter the boundaries of the various wards so as to make all wards substantially equal in population consistent with federal constitutional standards.

The reapportionment advisory commission shall consist of five members, all of whom shall be electors of the city. Two members shall be appointed by the majority leader of the ~~Common~~ CITY Council, and two members shall be appointed by the minority leader of the ~~Common~~ CITY Council, in the event that there are members of no more than two political parties on the ~~Common~~ CITY Council. In the event that there are members of more than two political parties, or members of two political parties and members unaffiliated with a political party, the members of the ~~Common~~ CITY Council who are not a member of the majority political party shall select one of their number, which person shall designate two members of the commission in lieu of the designation by the minority leader. The four members so designated shall within thirty days unanimously select the fifth member.

On or before the September 30 next occurring, the reapportionment advisory commission shall submit a plan of reapportionment to the ~~Common~~ CITY Council, which plan shall be based upon the population figures as reported in the most recent U.S. census. No plan shall be submitted to the ~~Common~~ CITY Council unless it is certified by at least three members of the commission. Upon receiving the plan, the ~~Common~~

CITY Council shall consider the plan in the same manner as an ordinance. The plan submitted to the Council is of an advisory nature only, and shall not be binding upon the Council.

If the reapportionment advisory commission fails to submit a plan by September 30, the ~~Common~~ CITY Council shall prepare its own plan of reapportionment.

In any event, whether or not the reapportionment advisory commission submits a plan by September 30, the ~~Common~~ CITY Council shall consider and adopt a plan of reapportionment by March 1 next occurring.

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Section 2-6 VACANCIES. Except as otherwise provided in the Charter, any vacancy in any elective City office except the Board of Education, from whatever cause, shall be filled within SIXTY (60) ~~40~~ days by appointment by the ~~Common~~ CITY Council for the unexpired portion of the term ~~or until the next biennial municipal election, whichever shall be sooner, at which election the office shall be filled for the remaining unexpired portion of the term, and such person shall take office the first Monday following his election~~. When the person vacating the office shall have been elected as a member of a political party, such vacancy, when filled by appointment, shall be filled by appointment of a member of the same political party.

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Section 2-7 ELIGIBILITY. No person shall be eligible for election to any City office who is not at the time of his election an elector of the City, and in the case of a member of the ~~Common~~ CITY Council elected from a ward, a resident of the ward to be represented. Any person ceasing to be a resident elector of said City, and/or ward, where such residence is required for eligibility, shall thereupon cease to hold elective office in the City or ward.

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Section 2-8 THE TOWN CLERK. The Town Clerk shall have all the powers and duties prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council. The Mayor shall appoint and may remove, subject to the merit system in effect in the City, all assistants and employees of the office. The Town Clerk's compensation shall be set by the ~~Common~~ CITY Council and all fees collected shall be paid to the City.

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CHAPTER III. THE ~~COMMON~~ CITY COUNCIL

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Section 3-1 THE COUNCIL. There shall be a Council consisting of twenty-one members, as provided in Section 2-2, which shall be vested with the legislative power of the City, hereinafter referred to as the ~~Common~~ CITY Council. The members of the ~~Common~~ CITY Council shall be compensated in an amount which will defray reasonable expenses incurred in performing their duties subject to provisions of Section 7-460 of the General Statutes, as amended. Such compensation~~,~~ shall be determined by the preceding ~~Common~~ CITY Council.

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Section 3-2 PRESIDING OFFICER. With the Mayor presiding, the ~~Common~~ CITY Council shall meet at eight o'clock p.m. on the ~~third Monday in November, 1977~~, FIRST MONDAY OF DECEMBER FOLLOWING EACH CITY ELECTION AT WHICH THE CITY COUNCIL IS ELECTED, for the purposes of organization~~, and biennially thereafter, and shall choose one of its members to be President of said Common Council~~. AT SAID ORGANIZATIONAL MEETING ONE OF THE MEMBERS OF THE CITY COUNCIL SHALL BE CHOSEN TO BE ITS PRESIDENT. The Mayor shall preside over all meetings of the ~~Common~~ CITY Council and shall have no vote except in case of a tie. The President shall preside over its meetings in the absence of the Mayor and the President shall exercise the powers and duties of the office of Mayor in the absence or disability of the Mayor. In the event of a vacancy in the office of Mayor, the President shall RESIGN FROM THE COUNCIL AND assume the powers and duties of the Mayor until the next ~~biennial~~ municipal election. ~~and shall resign from the Council, and~~ THE Council shall fill the President's vacancy for the remainder of the Council's term. EXCEPT IN THE EVENT OF A VACANCY IN THE OFFICE OF MAYOR, during all periods when exercising the powers and duties of Mayor, the President shall retain his vote as a member of the ~~Common~~ CITY Council.

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Section 3-3 LEGISLATIVE ASSISTANT ~~CITY CLERK~~. ON OR AFTER TWELVE (12) NOON ON THE FIRST BUSINESS DAY OF DECEMBER 2011, THE MAYOR SHALL APPOINT, AND BY AN AFFIRMATIVE VOTE OF TWO-THIRDS (2/3) OF THOSE PRESENT AND VOTING THE CITY COUNCIL SHALL CONFIRM, A LEGISLATIVE ASSISTANT. THE LEGISLATIVE ASSISTANT SHALL NOT BE SUBJECT TO THE MERIT SYSTEM. The LEGISLATIVE ASSISTANT ~~City Clerk~~ shall be the Clerk of the Council. The ~~City Clerk~~ LEGISLATIVE ASSISTANT shall keep for public inspection copies of every proposed ordinance and a

record of all proceedings including all roll call votes. All records so kept shall be authenticated by such ~~Clerk~~ LEGISLATIVE ASSISTANT or the President of the Council or both. The ~~Clerk~~ LEGISLATIVE ASSISTANT shall be responsible for the publication of such notices of hearing and publication of ordinances as may be necessary and perform such other duties as the Council may determine. ~~The Council may, at any time, appoint an Assistant Clerk or Clerks, who shall, in the absence or disability of the Clerk, perform all the duties of the Clerk, and all records and acts of said Assistant shall have the same validity as the records and acts of the Clerk~~.

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Section 3-4 GENERAL POWERS AND DUTIES. The ~~Common~~ CITY Council shall have the powers and duties which, on the effective date hereof, were conferred by law upon officers, boards and commissions of said City existing immediately prior to such date except as otherwise specifically provided in this Charter. The legislative power of the City shall be vested exclusively in the Council. Said Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the state; to create or abolish, by ordinance, boards, commissions, departments and offices not provided by the Charter, and the Council may, upon recommendation of the Mayor, contract for services and use of facilities of the United States or any federal agency, other states or political subdivisions, the State of Connecticut and any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities. The Council is authorized, in adopting ordinances, to incorporate any nationally recognized codes, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, as they may be amended, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such codes, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such codes, rules or regulations, as amended, in the office of the Town Clerk for examination by the public. Said Council may by resolution regulate the internal operation of boards, commissions and offices which it fills by appointment, and fix the compensation of the registrars of voters and the officers and employees. Said Council may fix the charges, if any, to be made for services rendered by the City or for the execution of powers vested in the City as provided in Chapter I of this Charter. Said Council shall also have all powers granted to municipalities by SectionS 7-194 AND 7-148 of the General Statutes, as amended, and any other powers conferred by the general law or special laws not inconsistent herewith. The Council, at each meeting, shall reserve the initial one half-hour period for the expression of views and opinions by residents ~~and~~ OR taxpayers of the City on the matters before the Council at

such meeting. ANY SUCH PUBLIC SPEAKING SESSION MAY BE EXTENDED IN THE DISCRETION OF THE PRESIDING OFFICER, PROVIDED HOWEVER THAT THE DECISION OF THE PRESIDING OFFICER MAY BE REVERSED OR MODIFIED BY A MAJORITY VOTE OF THE CITY COUNCIL.

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Section 3-5 GENERAL PROCEDURE. At the first meeting of the ~~Common~~ CITY Council following each ~~biennial~~ City election AT WHICH THE CITY COUNCIL IS ELECTED, said Council shall by resolution fix the time and place of its regular meetings and provide a method for the calling of special meetings. All meetings of the Council for the transaction of business shall be open to the public and the votes shall be recorded as prescribed by Section ~~1-21~~ 1-225 of the General Statutes, as amended. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title. The council shall keep for public inspection a journal of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. Said journal shall be maintained by the ~~City Clerk~~ LEGISLATIVE ASSISTANT. The records so kept shall be authenticated for each meeting by the signature of the President or the ~~Clerk~~ LEGISLATIVE ASSISTANT, or both.

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Section 3-7 ENACTMENT. EXCEPT AS OTHERWISE PROVIDED HEREIN, ordinances and resolutions shall be enacted by a majority vote. Every ordinance, after enactment and approval as herein provided, shall be filed with the ~~City Clerk~~ LEGISLATIVE ASSISTANT and recorded, compiled and published by the ~~Clerk~~ LEGISLATIVE ASSISTANT as required by law and this Charter.

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Section 3-8 PUBLIC NOTICE AND HEARING. At least one public hearing, notice of which hearing shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the City and by posting notice of such hearing in a public place, shall be held by the ~~Common~~ CITY Council before any ordinance is enacted except an emergency ordinance as provided in Section 3-12.

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Section 3-9 APPROVAL OF ORDINANCES AND APPROPRIATIONS BY THE MAYOR. Every ordinance enacted by the ~~Common~~ CITY Council except an emergency ordinance, or an ordinance relating to the Council or its

procedures shall, before it becomes effective, be certified to the Mayor for approval within seventy-two (72) hours after enactment by the Council which period shall not include Saturdays, Sundays or legal holidays as designated by the General Statutes. The Mayor shall sign the proposed ordinance, if it is approved, whereupon, subject to the provisions of Section 3-10 of this Charter, it shall become effective. If the Mayor disapproves a proposed ordinance, it shall be returned within five (5) days to the ~~City Clerk~~ LEGISLATIVE ASSISTANT with a statement of the reasons for disapproval which statement shall be transmitted by said ~~Clerk~~ LEGISLATIVE ASSISTANT to the Council at its next meeting. If the Council shall pass the proposed ordinance by an affirmative vote of at least two-thirds (2/3) of the entire membership within seven (7) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective without the Mayor's approval, subject to said Section 3-10. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without approval, subject to said Section 3-10. The Mayor may disapprove or reduce any item or items in any appropriation, whereupon the approved portion of the appropriation shall become effective unless the disapproved or reduced portion thereof is passed by the Council over the Mayor's veto in the manner herein provided, in which case the entire appropriation shall become effective as finally passed.

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Section 3-11 REFERENDUM. Upon a petition of not less than ~~fifteen (15)~~ TEN (10) percent of the electors of the City filed with the Town Clerk within thirty (30) days after publication of any ordinance, asking that the ordinance be submitted to the voters of the City at its next regular or special meeting, the ordinance shall be so submitted and in such event it shall not become effective unless a majority of the voters voting at such meeting vote in favor thereof.

Any petition shall conform to the requirements of Section 7-9 of the General Statutes, as amended, and shall contain the full text of the ordinance. All other matters concerning THE referendum, including the manner, method or procedure of the referendum shall be governed by the General Statutes, as amended.

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Section 3-12 EMERGENCY ORDINANCES. An ordinance stated to be a public emergency measure for the purpose of meeting a public emergency threatening the lives, health or property of citizens and stating the facts constituting such public emergency shall become effective immediately after publication thereof as required in Section 3-10 of this Chapter and no public hearing or notice of public hearing shall be required for any public

emergency ordinance provided such action shall be enacted by an affirmative vote of at least two-thirds of the entire membership of the ~~Common~~ CITY Council. Every such emergency ordinance including any amendments thereto, shall automatically terminate on the sixty-first (61st) day following final adoption of said ordinance.

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Section 3-13 COMMITTEES. All Committees of the ~~Common~~ CITY Council shall be ad hoc committees.

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

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Section 3-17 PROCEDURE FOR CONVEYING, LEASING REAL ESTATE. All grants and leases of real estate, belonging to said City signed by the Mayor, sealed with the City seal, and approved by at least two-thirds of the entire membership of the ~~Common~~ CITY Council and recorded in the town where the real estate granted or leased lies, shall be effectual to convey such estate.

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~~Section 4-1 ELECTION AND QUALIFICATION. In the first general City election under this Charter, a Mayor shall be chosen by the electors of the City.~~

~~Such Mayor shall serve for a term of two (2) years and until his successor shall be elected and qualified and shall take office on the first business day in December following the City election. The Mayor shall be the Chief Executive Officer of such City and shall receive such compensation as shall be fixed by the Common Council.~~

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Section 4-~~2~~1 DUTIES. THE MAYOR SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE CITY AND SHALL RECEIVE SUCH COMPENSATION AS SHALL BE FIXED BY THE CITY COUNCIL. The Mayor shall devote full time to the office and shall be directly responsible for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Mayor and shall supervise and direct the same. The Mayor shall have all the duties imposed by the Charter and the ordinances of the City and the laws of the State and of the United States. The Mayor shall take care that all laws and ordinances governing the City are faithfully executed; shall make periodic reports to the ~~Common~~ CITY Council and shall preside at its meetings; shall prepare and cause to be printed and made available to the public as soon as possible after the close of the fiscal year an annual city report; shall recommend to the Council such measures as deemed by the Mayor to be necessary or expedient; shall keep the Council fully advised as to the financial condition of the City; shall prepare and submit to the Council an annual budget as provided in this Charter and shall exercise such other powers and duties as may be authorized by ordinance or resolution of the Council not inconsistent with this Charter. The Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Mayor, except those powers and duties imposed on the Mayor by the Council under the provisions of this section. The Mayor shall be an ex officio member of the Board of Education and all other boards, agencies, committees, authorities and commissions without vote. EXCEPT WHEN OTHERWISE PROVIDED BY STATE LAW, THE MAYOR SHALL BE AUTHORIZED TO ACCEPT, ON BEHALF OF THE CITY OF DANBURY, ANY DONATION, GIFT, BEQUEST OR DEVISE OF REAL OR PERSONAL PROPERTY OR OF SERVICES, PROVIDED THAT THE AGGREGATE VALUE THEREOF DOES NOT EXCEED ONE THOUSAND DOLLARS ($1,000.00) FROM ANY ONE DONOR IN ANY FISCAL YEAR. THE MAYOR SHALL REPORT THE ACCEPTANCE OF EACH SUCH DONATION, GIFT, BEQUEST OR DEVISE TO THE CITY COUNCIL AT ITS NEXT REGULARLY SCHEDULED MEETING.

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Section 4-~~3~~2 ~~ADMINISTRATIVE ASSISTANT~~ CHIEF OF STAFF TO THE MAYOR. There shall be ~~an Administrative Assistant~~ A CHIEF OF STAFF to the Mayor who shall be appointed by the Mayor and may be removed by the Mayor; provided, however, that the appointment may be disapproved by a vote of two-thirds (2/3) OF the entire membership of the ~~Common~~ CITY Council at a meeting held not later than fourteen (14) days following delivery of notice of the appointment to the ~~City Clerk~~ LEGISLATIVE ASSISTANT and President of the ~~Common~~ CITY Council. The ~~Administrative Assistant~~ CHIEF OF STAFF shall not be subject to the merit system. Such ~~Assistant~~ CHIEF OF STAFF shall be chosen on the basis of administrative qualifications, character, education, training and experience in matters of municipal or governmental affairs. The ~~Assistant~~ CHIEF OF STAFF shall devote full time to the office. The Mayor may assign to ~~such Assistant~~ THE CHIEF OF STAFF any tasks, duties or functions which are within the scope of the duties of the office of the Mayor and any such tasks, duties or functions may be increased or diminished or terminated only by the Mayor. Nothing herein shall be construed to allow a delegation of powers to ~~such Assistant~~ THE CHIEF OF STAFF and the acts of the ~~Assistant~~ CHIEF OF STAFF shall not be the acts of the Mayor and such acts shall not result in or in any way be binding obligations of the City of Danbury.

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Section 5-1 PLANNING COMMISSION AND ZONING BOARD OF APPEALS. The functions of the Planning Commission and the Zoning Board of Appeals shall be determined according to the provisions of Chapter 124 (one hundred twenty-four) and 126 (one hundred twenty-six) of the General Statutes, as amended. There shall continue to be a Planning Commission and a Zoning Board of Appeals as the same are constituted on the effective date of this Charter. The Planning Commission and Zoning Board of Appeals shall consist of such number of members and alternate members who shall serve for such terms as provided by ordinance of the ~~Common~~ CITY Council pursuant to the General Statutes, as amended.

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Section 5-2 BOARD OF ~~TAX REVIEW~~ ASSESSMENT APPEALS. There shall continue to be a Board of ~~Tax Review~~ ASSESSMENT APPEALS as the same is constituted on the effective date of this Charter which shall consist of three (3) members appointed by the Mayor for terms of five (5) years on a rotating basis as terms expire. Said Board shall have all the powers and duties conferred or imposed by the General Statutes, as amended.

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Section 5-3 PARKING AUTHORITY. Special Law 1957, Act No. 557 AND SPECIAL ACT NO. 84-6 ~~as it relates~~ relating to the Parking Authority of the City of Danbury shall not be affected by this Charter but shall remain in full force and effect. The ~~Common~~ CITY Council, by ordinance, may designate the Parking Authority as a parking division pursuant to Chapter 100 of the General Statutes, as amended.

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Section 5-4 OTHER BOARDS AND COMMISSIONS. The ~~Common~~ CITY Council may, by ordinance, create other boards and commissions. Such boards and commissions shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolutions of the ~~Common~~ CITY Council.

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Section 6-1 TREASURER. The Treasurer of the City shall have all the powers and duties imposed by law on town, city or municipal treasurers and shall be the agent and treasurer of the capital improvement fund. The Treasurer shall have custody of and shall disburse all funds of the City and shall deposit the same in such banks or other depositories as the ~~Common~~ CITY Council shall prescribe.

No disbursement shall be made from any funds of the City except by check signed by the Treasurer and each such check shall be based upon a voucher or payroll duly audited and approved by the Director of Finance. Before signing any such check, the Treasurer shall be satisfied that such check represents the proper payment of a duly authorized obligation of the City. The ~~Common~~ CITY Council, by ordinance, shall designate a municipal officer or employee who may sign checks in the event of the inability to act or the absence of the Treasurer.

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Section 6-2 ADMINISTRATIVE DEPARTMENTS. There shall be the following offices and administrative departments: A Corporation Counsel, a Department of Civil Preparedness, a Department of Finance, a Department of Public Works, a Department of Planning and Zoning, a Police Department, a Fire Department, a Health AND HUMAN SERVICES Department, ~~a Welfare Department,~~ a Department of Parks and Recreation, a Department of Elderly Services, a ~~Personnel~~ Department OF HUMAN RESOURCES, and such other administrative departments as may, from time to time, be created by the ~~Common~~ CITY Council. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolution of said Council.

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Section 6-3 APPOINTMENTS OF OFFICERS AND EMPLOYEES OF CITY. When not otherwise provided, all heads and all officers of the foregoing departments including departments created by the ~~Common~~ CITY Council, and all police and fire officers shall be appointed by the Mayor and confirmed by the ~~Common~~ CITY Council. All other employees of the City~~, except those appointed by the Common Council pursuant to Section 3-3 of this Charter,~~ shall be appointed by the Mayor. All City officers and employees when not otherwise specified in the Charter may be subject to the rules and regulations adopted pursuant to the merit system as the same may be in effect in the City.

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Section 6-4 CORPORATION COUNSEL. The Mayor shall appoint and may remove a Corporation Counsel; provided, however, that the appointment may be disapproved by a vote of two-thirds (2/3) of the entire membership of the ~~Common~~ CITY Council at a meeting held not later than fourteen (14) days following delivery of notice of the appointment to the ~~City Clerk~~ LEGISLATIVE ASSISTANT and President of the ~~Common~~ CITY Council. The Corporation Counsel shall not be subject to the merit system. The Corporation Counsel shall be an attorney at law admitted to practice law in this state or a law firm doing business in this state. The Corporation Counsel shall appear for and protect the rights of the City in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions; shall be the legal advisor of the ~~Common~~ CITY Council, the Mayor, and all City officers, boards and commissions in all matters affecting the City and shall, upon written request, furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request, the Corporation Counsel shall prepare or approve forms of contracts or other instruments to which the City is a party or in which it has an interest. The Corporation Counsel shall have the power, with the approval of the Council, to appeal from orders, or decisions and judgments and, subject to approval of the Council, to compromise or settle any claims by or against the City. NOTWITHSTANDING THE FOREGOING, CLAIMS AGAINST THE CITY MAY BE COMPROMISED OR SETTLED BY THE CORPORATION COUNSEL WITH THE APPROVAL OF THE MAYOR, PROVIDED THAT ANY SUCH COMPROMISE OR SETTLEMENT FALLS WITHIN THE COVERAGES AND LIMITS OF A POLICY OF INSURANCE ISSUED TO THE CITY. A REPORT OF EACH SUCH COMPROMISE OR SETTLEMENT SHALL BE PROVIDED TO THE CITY COUNCIL AT ITS NEXT REGULARLY SCHEDULED MEETING. If, in special circumstances or for any

investigation under Chapter III, Section 3-14 of this Charter, the Council deems it advisable, it, by resolution, may provide, in addition, for the temporary employment of Counsel other than Corporation Counsel. There shall be an Assistant Corporation Counsel who shall devote full time to the office and shall not engage in private practice. Such Assistant shall be appointed by the Mayor and confirmed by the ~~Common~~ CITY Council. The Mayor shall appoint such other Assistant Corporation Counsel as the ~~Common~~ CITY Council shall prescribe from time to time. Assistant Corporation Counsels shall be attorneys at law admitted to practice law in this state. No other Counsel shall be employed by any branch of the municipality.

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Section 6-5 DEPARTMENT OF CIVIL PREPAREDNESS. The Mayor shall appoint and may remove, all in accordance with the provisions of Section 28-7 of the General Statutes, as amended, a ~~Chief Co-Ordinator of Emergency Operations,~~ DIRECTOR OF CIVIL PREPAREDNESS ~~who shall also be the local director of Civil Defense~~. The ~~Chief Co-Ordinator~~ DIRECTOR shall have those powers and duties provided in said Section 28-7 and such other powers and duties as may be prescribed by the ~~Common~~ CITY Council.

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Section 6-6 DEPARTMENT OF FINANCE. The Department of Finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the audit and control over expenditures and such other powers and duties as the ~~Common~~ CITY Council may prescribe. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the City. Forms for such accounts shall be prescribed by the Director of Finance with the approval of the Mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Mayor or the ~~Common~~ CITY Council. The Department of Finance shall consist of a Director of Finance, a Tax Collector, an Assessor, a Purchasing Agent, a ~~Data Processing Manager~~ Manager of Information Technology, and a Risk Manager.

A. *The Director of Finance: Powers, Duties and Qualifications*. The Mayor shall appoint a Director of Finance; provided, however, that the appointment may be disapproved by a vote of two-thirds (2/3) of the entire membership of the ~~Common~~ CITY Council at a meeting held not later than fourteen (14) days following delivery of notice of the appointment to the ~~City Clerk~~ LEGISLATIVE ASSISTANT and President of the ~~Common~~

CITY Council. The Director shall be subject to the merit system. The Director shall be responsible for the administration of the financial affairs of the City. The Director shall have direct supervision over the Department of Finance and shall supervise the accounting functions of the City, and shall maintain and supervise the general accounting system for all departments, offices, boards, commissions or agencies. Subject to the approval of the Mayor, the Director of Finance may perform the duties of any office in the department. The Director of Finance shall be chosen on the basis of training and broad experience in accounting and finance, including at least five (5) years of such experience and shall have a degree in accounting, finance or other similar specialty.

B. *The Tax Collector and Assessor*. The Tax Collector and Assessor shall have all powers and duties imposed by law on such officers; and they shall have such other powers and duties as the Council may prescribe.

C. *The Purchasing Agent.* The Purchasing Agent of the City shall purchase all supplies, materials, equipment and other commodities required by any department, agency, board or commission of the City, on requisition and specification signed by the head of the department, office or agency or chairman of the board or commission or the designee thereof. Nothing herein contained shall be construed to prevent the City Purchasing Agent from serving as the Purchasing Agent for the Board of Education and, in the event that the General Statutes are amended to permit municipalities to do the purchasing for Boards of Education, the City Purchasing Agent shall be the purchasing agent for the Board of Education. Purchases shall be made under such rules and regulations as may be established by the ~~Common~~ CITY Council and shall be subject to such bidding procedures as established by ordinance.

~~The effective date shall become the date that such an ordinance is enacted.~~

D. ~~*Data Processing Manager*~~ *MANAGER OF INFORMATION TECHNOLOGY*. The ~~Data Processing Manager~~ MANAGER OF INFORMATION TECHNOLOGY shall be responsible for the management, design, operation and programming of the ~~Data Processing~~ INFORMATION TECHNOLOGY System of the City and all of its departments, boards, agencies and commissions.

E. *Risk Manager*. The Risk Manager shall be responsible for the identification, analysis, and evaluation of risks or hazards which can adversely effect the ability of the City to perform its services, and shall determine methods to minimize such risks or hazards.

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Section 6-7 DEPARTMENT OF PUBLIC WORKS. The Department of Public Works shall have supervision and control of the maintenance of all city-owned or leased structures, AND OF ALL PARKS, PLAYFIELDS, PLAYGROUNDS AND OTHER PUBLIC GROUNDS, EXCEPT THOSE UNDER THE JURISDICTION OF THE BOARD OF EDUCATION UNLESS PROVIDED FOR BY AGREEMENT WITH THE BOARD, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks, and curbs, sewers, sewage disposal, drains, the municipal water system and other public improvements, and the preservation, care and removal of trees within highways or public places, all engineering work of the City and disposal of garbage and rubbish. The Department shall have such other powers and duties as the ~~Common~~ CITY Council shall prescribe. The Department of Public Works shall maintain and care for school buildings~~ and grounds.~~ The Department shall also have the supervision of the maintenance and repair of all municipally owned or leased motor vehicles and similar equipment, except those vehicles under the control of the City Fire Department. The Department of Public Works shall consist of a Director of Public Works, a City Engineer, and Superintendents of Highways, Public Utilities, Public Buildings and ~~Equipment Maintenance~~ CONSTRUCTION.

A. *Director of Public Works: Powers, Duties and Qualifications*. The Mayor shall appoint and may remove a Director of Public Works; provided, however, that the appointment may be disapproved by a vote of two-thirds (2/3) of all members of the ~~Common~~ CITY Council at a meeting held not later than fourteen (14) days following delivery of the notice of the appointment to the ~~City Clerk~~ LEGISLATIVE ASSISTANT and President of the ~~Common~~ CITY Council. The Director of Public Works shall not be subject to the merit system. The Director shall be responsible for the efficiency, discipline, and good conduct of the Department. Subject to the approval of the Mayor, the Director may perform the duties of any office in the Department and may consolidate two or more such offices under one person. The Superintendents and the City Engineer shall discharge their duties under the supervision of the Director of Public Works. The duties of the Director of Public Works shall be discharged under the supervision of the Mayor. The Director shall organize the work of the Department in such a manner as shall be deemed most economical and efficient by the Director, and may transfer employees and equipment between the respective divisions towards that end and shall assign to divisions such duties as are not hereafter specified and may provide for the sharing of responsibilities among the several divisions. The Director shall be chosen on the basis of significant technical training, demonstrated executive and administrative qualifications and experience in general construction.

B. *The Superintendent of Highways*. The Superintendent of Highways shall be responsible for the supervision of the construction, reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspection of highways, sidewalks and curbs. The Superintendent shall be chosen on the basis of experience in highway construction and administrative ability. At least five (5) years experience in highway construction shall be required. The Superintendent shall have the direction and control of a tree expert who shall be selected on the basis of training and experience in the care of trees and shrubs and shall have all the powers and duties of a tree warden as provided in the General Statutes.

C. *The City Engineer*. The City Engineer shall be responsible for all engineering projects of the City. The Engineer shall be a qualified professional engineer licensed to practice in the State of Connecticut with at least five (5) years of experience in the design and construction of public works, highways and public utilities.

D. *The Superintendent of Public Utilities*. The Superintendent of Public Utilities shall be responsible for sewers, sewerage disposal, drains, the water system, and disposal of solid waste. The Superintendent shall be a qualified sanitary engineer licensed to practice in the State of Connecticut with at least five (5) years experience in the field of maintenance and operation of public water supply or sewage disposal systems.

E. *The Superintendent of Public Buildings*. The Superintendent of Public Buildings shall be responsible for maintenance, construction and repair of municipal buildings. The Superintendent shall have at least five (5) years experience in building construction and maintenance.

~~F. *The Superintendent of Equipment Maintenance*. The Superintendent of Equipment Maintenance shall be responsible for equipment maintenance. The Superintendent shall be chosen on the basis of training and experience, at least five (5) years, in the maintenance of motor vehicles and similar equipment.~~

F. *THE CONSTRUCTION SUPERINTENDENT*. THE CONSTRUCTION SUPERINTENDENT SHALL BE RESPONSIBLE FOR OVERSEEING ALL ASPECTS OF MAJOR BUILDING AND INFRASTRUCTURE CONSTRUCTION PROJECTS UNDERTAKEN BY THE CITY, AS ASSIGNED BY THE DIRECTOR OF PUBLIC WORKS. THE SUPERINTENDENT SHALL HAVE AT LEAST FIVE (5) YEARS OF EXPERIENCE IN CONSTRUCTION ENGINEERING, CONSTRUCTION PROJECT MANAGEMENT AND CONTRACT ADMINISTRATION.

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Section 6-9 POLICE DEPARTMENT. The Police Department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the State, and the ordinances of the city and all rules and regulations made in accordance therewith. All members of the department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes, and all powers and duties imposed by law on constables except as otherwise provided by departmental rules and regulations. ALL SUCCESSFUL ENTRY LEVEL CANDIDATES FOR THE POSITION OF POLICE OFFICER SHALL BE RECOMMENDED FOR EMPLOYMENT BY THE CHIEF OF POLICE AND APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6-3 OF THIS CHARTER. ALL SUCH CANDIDATES SHALL BE SCREENED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF CONNECTICUT POLICE OFFICER STANDARDS AND TRAINING COUNCIL, OR SUCH OTHER STATE BODY HAVING COMPARABLE JURISDICTION AND AUTHORITY.

A. *The Chief of Police: Powers, Duties and Qualifications*. The Mayor shall appoint, and may remove, subject to the provisions of Section 7-278 of the General statutes, as amended, a Chief of Police who shall not be subject to the merit system. The Chief of Police shall assign all members of the department to their respective posts, shifts, details and duties. The Chief shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof and shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action. The Chief shall be selected on the basis of training and administrative ability and shall have had at least ten (10) years experience in an organized police department at least one-half of which shall have been in an administrative or supervisory capacity. Within six (6) months of appointment, the Chief of Police shall become a resident of the City and remain such while in office.

B. *Special Police*. In addition to the regular force provided for hereinabove, there shall be a Special Police Force consisting of such number of supernumeraries as may be determined, from time to time, by the Chief of Police, whose duty it shall be to act whenever their services are required by the Chief of Police. Members of the Special Police force shall be appointed and removed by the Mayor.

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Section 6-11 HEALTH AND HUMAN SERVICES DEPARTMENT. The Health AND HUMAN SERVICES Department shall be responsible for the preservation and promotion of the public health AND FOR THE PROVISION OF SOCIAL SERVICES, INCLUDING IMPROVING ACCESS TO HOUSING, EMERGENCY SHELTER AND MEDICAL CARE and shall perform such functions and shall have such RELATED powers and duties as are imposed by law ~~on Directors of Health~~ and ~~such other powers and duties~~ as the Council may prescribe.

A. The Director of Health: Powers, Duties and Qualifications. The Mayor shall appoint, subject to the provisions of Chapter ~~335~~ 368E of the General Statutes, as amended, a Director of Health who shall be administrative head of the Health AND HUMAN SERVICES Department. The Director shall organize the work of said Department in such manner as shall be deemed most economical and efficient; shall be charged with the enforcement of all laws, ordinances, rules and regulations in respect to ~~the~~ public health AND HUMAN SERVICES; and shall have the term, duties and qualifications prescribed in Chapter ~~335~~ 368E of the General Statutes relating to Directors of Health and may be removed as provided therein.

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Section 6-12 *WELFARE DEPARTMENT*. Delete this section.

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Section 6-1~~3~~2 DEPARTMENT OF PARKS AND RECREATION. The Department of Parks and Recreation shall be responsible FOR RECREATIONAL PROGRAM DEVELOPMENT AND for the control, development, ~~maintenance,~~ operation and management of all public grounds, park buildings, parks, playfields and playgrounds provided by the City for parks or recreation, except those under the jurisdiction of the Board of Education, which may be used by the Department with the consent of the Board of Education.

A. The Director of ~~Parks and~~ Recreation: Powers, Duties and Qualifications. The Mayor shall appoint a Director of ~~Parks and~~ Recreation who shall be appointed on the basis of his executive and administrative qualifications and shall have had experience in park or recreation administration. Said Director shall be charged with preparing regulations for the use of said parks and recreation facilities and the fees to be charged for such use and shall have such other powers and duties as the Council may prescribe.

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Section 6-14~~3~~ DEPARTMENT OF ELDERLY SERVICES. The Department of Elderly Services shall be responsible for the consolidation and enhancement of the delivery of services to the elderly and for the coordination of municipal and non-municipal functions and services available to elderly residents of the City of Danbury. The Department of Elderly Services shall act as an advocate for the elderly and shall advise the Mayor and the ~~Common~~ CITY Council on all matters concerning the welfare of the elderly in Danbury, including the need for additional programs or projects or the improvement of existing programs or projects designed to serve the elderly and concerning the appropriate level of funding to accomplish the same.

A. *Executive Director of the Department of Elderly Services.* The Mayor shall appoint and may remove an Executive Director of the Department of Elderly Services, who shall be responsible for the planning, development and supervision of a comprehensive program of activities and services which will promote the continuing development and social and emotional adjustment of older persons. The Executive Director shall possess the following minimum qualifications: an M.S. degree in Counseling or an M.S.W. or related Masters degree, and at least five years experience in the field of Elderly Services, including experience in working with related governmental agencies.

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Section 6-15~~4~~ ~~PERSONNEL DEPARTMENT~~ DEPARTMENT OF HUMAN RESOURCES. The DEPARTMENT OF HUMAN RESOURCES ~~Personnel Department~~ shall be responsible for the administration of the City's entire employee relations functions, including the development of personnel policy~~ies~~; the administration of job classification, salary, and benefit programs; the administration and interpretation of collective bargaining agreements and handling of grievances; and the administration of equal employment and affirmative action programs.

A. ~~*The Director of Personnel*~~ *The Director of Human Resources.* The Mayor shall appoint and may remove the ~~Director of Personnel~~ DIRECTOR OF HUMAN RESOURCES. The ~~Director of Personnel~~ Director of Human Resources of the City shall establish procedures and policies for the ~~Personnel Department~~ DEPARTMENT OF HUMAN RESOURCES and shall be responsible for the coordination and administration of the entire range of employee relations functions for City departments and agencies and acts as a liaison between the City administration and the Civil Service Commission and its Chief Examiner with respect to recruitment, hiring, and placement of civil service

employees. The Director shall be required to have a Bachelors degree in Industrial Relations, Liberal Arts, ~~Personnel~~ HUMAN RESOURCE Management, Business Administration or related fields with an advanced degree in one of the above fields preferred, and shall have five or more years of progressively responsible experience in ~~Personnel~~ HUMAN RESOURCE Management including significant supervisory experience, or an equivalent combination of education, training and experience.

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Section 6-16 OFFICIAL BONDS. Renumber this section 6-15.

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Section 7-2 DEPARTMENT ESTIMATES. The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the City as described in Section 7-1 of this Chapter, including the Board of Education, shall, not later than February 15th or the next business day thereafter if February 15th shall not be a business day, file with the Mayor on forms prescribed and provided by him, a detailed estimate of the expenditures to be made by the department, office or agency and the revenue other than tax revenues, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Mayor or the ~~Common~~ CITY Council.

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Section 7-3 DUTIES OF THE MAYOR ON THE BUDGET. Not later than April 7th or the next business day thereafter if April 7th shall not be a business day, the Mayor shall present to the ~~Common~~ CITY Council a budget consisting of:

a. A budget message outlining the financial policy of the City government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, and containing a clear general summary of its contents.

b. Estimates of revenue, presenting in parallel columns the itemized revenue collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total revenue estimated to be collected during the current fiscal year, estimates of revenue, other than from the property tax, to be

collected in the ensuing fiscal year, and a statement of an estimate of available surplus.

c. Itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures and estimated for the current fiscal year, and the Mayor's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items, and such other information as may be required by the ~~Common~~ CITY Council. The Mayor shall present reasons for his recommendations.

d. The Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as required of the Mayor in Section 7-2 of this Chapter for other departmental estimates.

e. As part of the budget, the Mayor shall present a program~~,~~ TO THE CITY COUNCIL FOR ADOPTION, ADDITIONS OR DELETIONS NO LATER THAN FEBRUARY 15TH THAT HAS BEEN previously considered and acted upon by the City Planning Commission in accordance with Section 8-24 of the General Statutes, as amended, concerning municipal improvements, of proposed capital projects for the ensuing fiscal year and for the five fiscal years thereafter. Estimates of the costs of such projects shall be submitted ~~to~~ BY each department, office or agency annually in the form and manner prescribed by the Mayor. The Mayor shall recommend to the ~~Common~~ CITY Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

f. As part of the budget, the Mayor shall present to the Council the data required to be presented to the Mayor by Section 7-1.

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Section 7-4 DUTIES OF THE ~~COMMON~~ CITY COUNCIL ON THE BUDGET. The ~~Common~~ CITY Council shall hold one or more public hearings not later than May 1st or the next business day thereafter if May 1st shall not be a business day, at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates from the Mayor, the Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the ~~City Clerk~~ LEGISLATIVE ASSISTANT and, at least five (5) days prior to the aforementioned public hearing, the Council shall cause to be published in a newspaper having a circulation in the City a notice of such public hearing and a summary of said proposed budget estimates

showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same columnar form as prescribed for budget estimates in Section 7-3 of this Chapter, and shall also show the amounts to be raised by taxation. Not later than May 15th or the next business day thereafter if May 15th shall not be a business day, the Council shall adopt a budget and file the same with the ~~City Clerk~~ LEGISLATIVE ASSISTANT; provided however, if the Council shall insert new amounts or programs, increase, decrease or strike out amounts or programs in the budget such changes shall be adopted by an affirmative vote of at least two-thirds (2/3) of all the members of the Council. The ordinance adopting the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function. At the time when the Council shall adopt the budget, together with a provision for uncollectible taxes reserve, it shall also fix the tax rate in mills which shall be levied on the taxable property in the City for the ensuing fiscal year. Should the Council fail to adopt a budget within the time specified, the budget as transmitted by the Mayor, in accordance with the provisions of Section 7-3 of this Chapter shall be deemed to have been finally adopted by said Council. The tax rate shall forthwith be fixed by the Mayor and thereafter expenditures shall be made in accordance with the budget so adopted.

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Section 7-5 EMERGENCY APPROPRIATIONS. For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations may be made upon the recommendation of the Mayor and by an affirmative vote of not less than two-thirds (2/3) of the entire membership of the ~~Common~~ CITY Council, provided a public hearing, at which any elector or taxpayer of the City shall have an opportunity to be heard, shall be held prior to making such appropriation, notice of which hearing shall be given in a newspaper having circulation in the City not more than ten (10) nor less than five (5) days prior to such hearing. Such hearing and notice of hearing may be waived if the Council, by at least two-thirds (2/3) affirmative vote of its entire membership, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. ~~In the absence of sufficient general fund resources to meet such appropriation, additional means of financing shall be provided in such manner, consistent with the provisions of the General Statutes and of this Charter, as may be determined by the Council.~~ FINANCING TO MEET SAID APPROPRIATIONS SHALL BE PROVIDED IN SUCH MANNER, CONSISTENT WITH THE PROVISIONS OF THE GENERAL STATUTES, AS MAY BE DETERMINED BY THE COUNCIL. ANY BORROWING ORDINANCE ADOPTED BY THE COUNCIL IN ORDER TO MEET SAID APPROPRIATIONS SHALL BE ADOPTED BY AN

AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS (2/3) OF THE ENTIRE MEMBERSHIP AND SHALL NOT BE SUBJECT TO REFERENDUM PURSUANT TO EITHER SECTIONS 3-11 OR 7-10 HEREOF.

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Section 7-8 SEWER AND WATER ASSESSMENTS AND USER CHARGES. All costs of operating the sewer system shall be raised and paid by user charges imposed on those property owners whose property is connected to said sewer system. Debt service and capital costs incurred in the expansion, renovation, and repair of the central sewer filtering plant, major trunk lines and pumping stations, shall be included in the sewer system operating costs. Rates shall be established by standards contained in an ordinance enacted by the ~~Common~~ CITY Council and in conformity with Chapter 103 of the General Statutes, as amended. All costs of extensions of new sewer services to a segment of the City, neighborhood, street or property through the construction of collector lines, lifting stations and/or laterals shall be borne by those whose property benefits by such extension project. Assessments of benefits for those whose property benefits by such extension project shall be established by standards contained in an ordinance enacted by the ~~Common~~ CITY Council and in conformity with Chapter 103 of the General Statutes, as amended. All costs of operating the water system shall be raised and paid by user charges imposed on those property owners whose property is connected to said water system. Debt service and capital costs incurred in the expansion, renovation and repair of the water treatment plants, pressure tanks, distribution and transmission lines and pumping stations shall be included in the water system operating costs. Rates shall be established by standards contained in an ordinance enacted by the ~~Common~~ CITY Council and in conformity with the General Statutes, as amended. All costs of extensions of new water service to a segment of the City, neighborhood, street or property through construction of distribution lines, pumping stations and/or laterals shall be borne by those whose property benefits by such extension project. Assessment of benefits for those whose property benefits by such extension project shall be established by standards contained in an ordinance enacted by the ~~Common~~ CITY Council and in conformity with the General Statutes, as amended. Nothing herein shall be construed to prevent the City from pledging its full faith and credit to the payment of bonds or notes issued under the authority of the General Statutes for the acquisition, expansion, extension, construction or repair of all or any part of the municipal sewer system or the municipal water system.

Nothing herein contained shall be construed to prevent the establishment by the ~~Common~~ CITY Council of a Sewer Authority pursuant to Chapter 103 of the General Statutes, as amended.

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Section 7-9 EXPENDITURES AND ACCOUNTING.

a. No purchase shall be made by any department, agency, board, commission, or officer of the City other than the Probate Court, except through the Purchasing Agent. The Director of Finance shall have recorded the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are paid.

b. No voucher, claim or charge against the City shall be paid until the same has been audited by the Director of Finance or agent of the Director and approved by the Director for correctness and validity. Payment of all approved claims shall be authorized by the Director of Finance which authorization shall be valid when countersigned by the Treasurer, provided, in the absence or inability to act of either the Director of Finance or Treasurer, the Mayor may be authorized to substitute temporarily for either or both of them.

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

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

e. The Mayor may at any time transfer any unencumbered appropriation among programs within a department, office, board, commission or agency. Upon the request of the Mayor but only within the last four (4) months of the fiscal year the ~~Common~~ CITY Council may by resolution transfer any unencumbered appropriation, balance or portion thereof from one department, commission, board or office to another. No transfer shall be made from any appropriation for debt service and other statutory charges.

f. Additional appropriations over and above the total budget may be made from time to time by resolution of the ~~Common~~ CITY Council, upon recommendation of the Mayor and certification from the Director of Finance that there are available unappropriated general fund resources in excess of the proposed additional appropriations.

g. Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or any encumbrance or the appropriation therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.

h. Every payment made in violation of the provisions of this Charter shall be deemed to be illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof, shall be jointly and severally liable to the City for the full amount so paid or received. If any officer or employee of the City shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for that person's removal.

i. If at any time during the fiscal year the Mayor shall ascertain that revenues for the year and the general fund surplus from the preceding year will be less than the total of the appropriations, he shall revise work programs and allotments to forestall the incurring of a deficit. He shall report to the ~~Common~~ CITY Council without delay, indicating the estimated amount of the deficit and his recommendations as to further action. The Council shall then take such action as may be necessary to prevent or reduce any deficit and for that purpose it may, by resolution, reduce one or more appropriations.

j. Whenever at the close of a fiscal year there shall appear a deficit in the current accounts of the City, it shall be mandatory to make an appropriation sufficient to cover such deficit in the next succeeding budget.

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Section 7-10 BORROWING.

a. The ~~Common~~ CITY Council shall have power to authorize indebtedness by issuing bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this Section. The issuance of bonds and notes shall be authorized by ordinance adopted by the ~~Common~~ CITY Council with the affirmative vote of at least two-thirds (2/3) of the entire membership of the Council. No bond shall be issued for a term

longer than the estimated life of the improvement for which they are issued and in no event, for a term longer than twenty years. SUBJECT TO THE PROVISIONS OF SECTION 7-5, whenever the ~~Common~~ CITY Council votes to issue bonds or notes in a principal amount ~~in excess of $500,000.00,~~ THAT WOULD CAUSE THE TOTAL ISSUANCE OF ALL BONDS AND NOTES AUTHORIZED IN ANY FISCAL YEAR TO EXCEED THREE MILLION DOLLARS ($3,000,000.00), the ordinance authorizing such issue~~s~~ shall be submitted for approval or disapproval of the electors at the next municipal election or at a special City meeting called by the Mayor and warned for the specific purpose of voting on the question of such issue on the voting machines in the several voting districts.

b. Bonds and Notes shall be authenticated by the seal of the City and the signature of the Mayor, and the Treasurer. In the absence, incapacity or vacancy of the office of Treasurer, the Director of Finance is authorized to sign bonds.

c. Subsection a. above notwithstanding, the ~~Common~~ CITY Council may authorize, by ordinance, the issuance of notes or bonds for the payment of costs of extensions of new sewer service and new water service as provided in Section 7-8, subject to limitations imposed by the General Statutes which ordinance is subject to Section 3-9 of this Charter. Payment of said bonds and notes including debt service thereon shall be made by assessments of benefits on the properties benefitted by said extensions of new water and new sewer service as set forth in Section 7-8. Said bonds may be issued for a term not to exceed twenty (20) years. Nothing herein shall be construed to prevent the City from pledging its full faith and credit to the payment of said bonds and notes.

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Section 8-1 TRANSFER OF POWERS. The powers which are conferred and the duties which are imposed upon any commission, board, department or office under the General Statutes or any ordinances or regulations, in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards,

departments or offices created under this Charter and until the ~~City Clerk~~ LEGISLATIVE ASSISTANT shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have qualified.

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Section 8-3 CONFLICTS OF INTEREST.

a. Any elected or appointed City officer or City employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest or of his responsibilities as prescribed in the laws of the State of Connecticut or of the City of Danbury, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct or indirect monetary gain or suffer a direct or indirect monetary loss, as the case may be, from any contract or purchase order for supplies, materials, equipment, or services furnished, to be furnished or to be used by the City or any board, agency, commission, or department thereof.

b. ~~He~~ AN ELECTED OR APPOINTED CITY OFFICER OR CITY EMPLOYEE does not have an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest or of his responsibilities as prescribed in the laws of the State of Connecticut or of the City of Danbury if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.

c. All elected or appointed City officers or City employees are prohibited from accepting or receiving, by rebate, gift or otherwise, directly or indirectly, from any person, firm, corporation, or other entity to which any contract or purchase order may be or has been awarded by the City, any money, or anything of value whatsoever, or any promise, obligation, contract, future reward or compensation.

d. ALL ELECTED OR APPOINTED CITY OFFICERS AND EMPLOYEES ARE PROHIBITED FROM HAVING AN INTEREST WHICH IS IN SUBSTANTIAL CONFLICT WITH THE PROPER DISCHARGE OF HIS DUTIES OR EMPLOYMENT AS HEREIN DEFINED.

E. The ~~Common~~ CITY Council, by ordinance, shall prescribe penalties for violation of this section.

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Section 8-9 POLICE AND FIREMEN'S PENSION FUNDS. Delete this section.

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Section 8-10 INTENT. Renumber this section 8-9.

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Section 8-1~~1~~0 ~~AMENDMENT OF CHARTER. This Charter may be amended in the manner prescribed by law.~~

PERIODIC CHARTER REVIEW. ON OR BEFORE JULY 15, 2019, AND AT LEAST EVERY TEN YEARS THEREAFTER, THE CITY COUNCIL SHALL CONSIDER AND ACT UPON A RESOLUTION CALLING FOR THE ESTABLISHMENT OF A CHARTER REVISION COMMISSION TO REVIEW AND, IF NECESSARY, AMEND THE DANBURY MUNICIPAL CHARTER. THE PROCESS OF INITIATING CHARTER REVISION SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 7-188 OF THE GENERAL STATUTES, AS AMENDED.

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Section 8-12 SAVING CLAUSE. Renumber this section 8-11

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Section 8-1~~3~~2 EFFECTIVE DATE. ~~The provisions of these Charter amendments, additions, and deletions shall take effect thirty (30) days after approval by the electors except for the following provisions which shall take effect upon the date specified:~~

~~a. The amendment to Section 2-2A.b. effective November 5, 1991.~~

THE PROVISIONS OF THESE CHARTER AMENDMENTS, ADDITIONS, AND DELETIONS SHALL TAKE EFFECT THIRTY (30) DAYS AFTER APPROVAL BY THE ELECTORS.