

**West Haven  
2018-2019 Charter Revision Commission  
Proposed Charter**

**27 September 2019**

**FINAL REPORT**



**CITY OF WEST HAVEN**

**Charter Index**

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**CHARTER OF THE CITY OF WEST HAVEN**  
**[HISTORY: Adopted by referendum 6-27-961; revised 11-7-1967;**  
**11-5-1974; 11-4-1980; 11-6-1984; 11-7-1995; 11-4-2009]**

**CONSTRUCTION OF CHARTER WORDS AND PHRASES**

1. Throughout the City Charter of the City of West Haven, words importing the masculine gender may be applied to females and words importing the feminine gender may be applied to males.
2. Whenever a title which denotes gender is applied to an individual, the title shall suit the gender of the individual.

**CHAPTER I - INCORPORATION AND GENERAL POWERS**

**SECTION 1-1: INCORPORATION:** All the inhabitants dwelling within the territorial limits of the Town of West Haven, as heretofore constituted, shall be a body politic and corporate under the name of the "City of West Haven," hereinafter called the "City," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said City and not inconsistent with the provisions of this Charter.

**SECTION 1-2: RIGHTS AND OBLIGATIONS:** All property, both real and personal, all rights of action and right of every description, and all securities and liens vested or inchoate in said City of West Haven, as of the effective date of this Charter, are continued and will be vested in said City; and said City shall continue to be liable for all debts and obligations of every kind, for which said City of West Haven shall be liable on said date whether accrued or not. Nothing herein shall be construed to affect the right of said City to collect any assessment, charge, debt or lien in existence at the time this Charter is adopted. If any contract has been entered into by said City prior to the effective date of this Charter, or if any bond or undertaking has been given by or in favor of said City of West Haven, which contains a provision that the same may be enforced by the City Council or by any commission, board, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall in no manner be impaired, but shall continue in full force and effect and the powers conferred and the duties imposed, with reference to the same upon the City Council or any such commission, board, department or officer shall, except as otherwise provided in this Charter hereafter, be exercised and discharged by the Mayor of said City.

**SECTION 1-3: GENERAL GRANT OF POWERS:** The City shall have, in addition to the powers specifically granted by this Charter and the Constitution and General Statutes of the State of Connecticut as amended, all powers, implied in or incident to the powers expressly granted herein and all other powers incident to the powers expressly granted herein and all other powers incident to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States, the State or any political subdivision thereof, for services and the use of facilities, the exercise of which powers is not expressly forbidden by the Constitution and the General Statutes. The City shall have the power, by its City Council, to assess benefits and may award damages to any owner of property damaged by or taken for any public work or improvement, and shall have a lien against the property so benefited for the fair share of the cost of such public work or improvement as the City Council may determine; and the owners of such properties shall have such rights and the City such power and authority, with respect to such assessments and awards, as are provided in the General Statutes. The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of powers but shall be considered as an addition thereto.

**SECTION 1-4: SAVING CLAUSE:** All special acts and special laws relating to the City of West Haven and the Town of Orange, except those pertaining to the First Fire Taxation District, the Allingtown Fire District and the West Shore Fire District, are repealed as of the effective date of this Charter, except that no rights, privileges or immunities of the City of West Haven, and no interest of any past or present City employee in any pension fund, retirement rights or otherwise, shall be affected thereby. In case any portion of this Charter shall at any time be found to be unconstitutional by a Court of competent jurisdiction, such finding shall not affect the remainder thereof, and the remainder this Charter shall remain in full force and effect until amended or repealed.

Any ordinance, rule or regulation of the City-Town of West Haven in force at the effective date of this amended Charter and not inconsistent with the provisions of this Charter, shall remain in full force and effect until repealed, amended, or superseded as provided herein.

**SECTION 1-5: BOUNDARIES OF THE CITY:** The Boundaries of the City of West Haven, hereby created, shall be identical to and consolidated with those of the City of West Haven as the same have been legally established; and the term "City" as used in the Charter, unless the context otherwise indicates, shall be taken to include the City.

## **CHAPTER II - ELECTIONS AND OFFICERS**

**SECTION 2-1: APPLICABILITY OF GENERAL STATUTES:** Except as specifically provided herein, the General Statutes of the State of Connecticut relating to the qualifications and admission of electors, the conduct of elections, the counting of votes and the declaration of the results, and elections in general shall be applicable to all General Municipal, Primary or Special Elections held in accordance with the provisions of this Charter. The City Council shall provide by ordinance for the manner of warning City elections and Special Elections any may provide any additional regulations in respect to Elections.

**SECTION 2-2: ELECTED OFFICIALS:** Following their election and during their tenure in office, no elected official shall:

1. Assume any other office of profit under the government of the City of West Haven
2. Be appointed to any other office, or position of profit under the government of the City of West Haven.
3. Resign during their term of office and take any other office or position of profit under the government of the City of West Haven.

Any elected official, who at the time of election, holds a position of profit under the government of the City of West Haven, may keep that position.

**SECTION 2-3: VOTING DISTRICTS:** The City of West Haven shall be divided into three (3) voting districts. The boundaries of these voting districts shall be established and maintained as mandated by the General Statutes.

**SECTION 2-4: GENERAL MUNICIPAL ELECTIONS:** A General Municipal Election shall be held on the First Tuesday after the First Monday of November, 2021. Thereafter, General Municipal Elections will be held on a quadrennial basis for the purpose of electing, in accordance with the provisions of this Charter, the following:

- 3-1 - Mayor
- 3-2 - Twelve members of the City Council
- 3-3 - Nine (9) members of the Board of Education
- 3-4 - Three (3) members of the Board of Assessment Appeals
- 3-5 - Two (2) Registrars of Voters.



The terms of offices referred to above shall commence on the First Sunday of December following election and shall run for a period of four years and until their successors have qualified.

**SECTION 2-5: NOMINATIONS OF CANDIDATES:** Candidates for the various elective offices in the Municipal Government shall be nominated in accordance with the provisions of the General Statutes of the State of Connecticut relative thereto. The candidates for the respective offices receiving a plurality of the votes cast shall be deemed elected, except as may otherwise be provided in this Charter.

**SECTION 2-6: QUALIFICATIONS OF ELECTIVE OFFICERS:** In addition to such other qualifications as may be required by law or by other provisions of this Charter, all elective officers shall be a legal resident of the City of West Haven for at least one year prior to taking office. Any person ceasing to be an elector of the city shall thereupon cease to hold elective office in the city. Any elected official who ceases to be a resident of the district which he/she represents shall cease to hold that office.

**SECTION 2-7: ELECTION OF CITY COUNCIL:** At the General Municipal Election in November, following ratification of this charter, and quadrennially thereafter, each political party within the municipality of West Haven, shall nominate not more than three (3) candidates for the office of City Council in each of the three (3) voting districts. The four (4) candidates receiving the highest number of votes in each district shall be elected to the City Council from that district. Any Councilperson elected from a district who moves out of the district which he/she represents during the term of office, shall be disqualified to hold office as of the date of said removal. No Councilperson shall be appointed to any other City position of profit during the term of office for which he/she has been elected, nor shall he/she resign during the term of office and take any other City position of profit.

**SECTION 2-8: VACANCIES IN ELECTIVE OFFICES:** In the absence of any superseding provision of the General Statutes requiring the application of an alternate procedure, whenever a vacancy occurs in any elective office and no other specific provisions for filling such vacancy are made in this Charter, the Mayor shall have ten (10) business days from the date the vacancy was created to notify the local chairman of the party of which the prior office holder was a member. The local chairman of that party shall then have ten (10) business days from the date of the Mayor's notice to submit to the Mayor the name of a member of that party as a candidate to fill the vacancy for the remainder of the term of the vacated office. The Mayor shall submit the candidate's name to the City Council at its next regular meeting following the submission of the candidate's name to the Mayor. At the City Council's next meeting following the submission of the candidate's name to the City Council, if the party of which the candidate is a member is represented on the City Council, the presiding officer of that meeting of the City Council shall call for a vote of the members of the City Council present at that meeting who are also members of the same party as the candidate to confirm the candidate to fill the vacancy in question. If the party of which the candidate is a member is not represented on the City Council, or if no members of the City Council who are also members of the same party as the candidate are present at that meeting, the presiding officer of that meeting of the City Council shall call for a vote of all the members of the City Council present at that meeting to confirm the candidate to fill the vacancy in question. An affirmative vote of a majority of the members so voting shall be required for confirmation.

In the event that a candidate whose name is submitted for confirmation under the provisions of the preceding paragraph is not confirmed, the procedure set forth in preceding paragraph shall be repeated until a candidate is confirmed or the remainder of the term of the vacated office expires. In repeating the procedure set forth in preceding paragraph, the date of the failed confirmation vote shall be substituted for the date the vacancy was created.

In the event that the office in question was vacated by an office holder that was not affiliated with any political party, the Mayor shall submit the name of a candidate not affiliated with any political party to the City Council at its next regular meeting following the tenth (10th) business day following the creation of the vacancy. At the City Council's next meeting following the submission of the candidate's name to the City Council, the presiding officer of the City Council shall call for a vote of the members of the City Council to confirm the candidate to fill the vacancy in question. An affirmative vote of a majority of the members so voting shall be required for confirmation.

In the event that a candidate whose name is submitted for confirmation under the provisions of the preceding paragraph is not confirmed, the procedure set forth in preceding paragraph shall be repeated until a candidate is confirmed or the remainder of the term of the vacated office expires. In repeating the procedure set forth in preceding paragraph, the date of the failed confirmation vote shall be substituted for the date the vacancy was created.

No candidate to fill a vacancy shall be eligible to fill such vacancy unless they meet all of the eligibility requirements for the office in question as may otherwise be set forth in this Charter.”

**SECTION 2-9: VOTING MACHINES:** Voting on measures solely relating to the City of West Haven which are by this Charter or any law, required to be submitted to the electors of said City, shall be by votes cast using such tabulators, or other method, as may be required under the General Statutes.

## **CHAPTER III – ELECTED POSITIONS**

### **SECTION 3-1: MAYOR**

1. **ELECTION AND QUALIFICATION:** On the First Tuesday after the First Monday, following the General Municipal Election in November, and quadrennially thereafter, a Mayor shall be chosen by the voters of the City. Such Mayor shall serve for a term of four (4) years and until their successor shall be elected and qualified, and shall take office on the First Sunday of December, following such election. The Mayor shall be the chief elected officer and Chairperson of the City Council. The Mayor shall receive compensation which shall be established by the City Council. The Mayor shall not be eligible for health or retirement benefits.
2. **VACANCY IN THE OFFICE OF THE MAYOR:** In the event of the death or resignation of the Mayor, the highest-ranking member of the City Council who is also a member of the same party as the Mayor shall succeed to the office until the expiration of the term for which the Mayor was elected. In the event all members of the City Council who are also members of the same party as the Mayor are of the same rank, then such member thereof having served for the longest period of time on the City Council shall succeed to the office of Mayor. In the event no members of the City Council are also members of the same party as the Mayor, then the Mayor's successor shall be chosen from amongst the members of the City Council by a majority vote of all of the members of the City Council. The City Council seat vacated by the Mayor's successor hereunder shall be filled in accordance with Chapter II, Sec. 2-8. For the purposes of this paragraph, the term vacancy shall be defined as the indefinite inability, by reason of illness, unavailability or otherwise, to perform the duties of Mayor under this Charter.
3. **POWERS AND DUTIES:** The position of Mayor is a paid part-time position whose salary is set by the City Council. The Mayor shall be the Chief Elected Officer in the City and shall have the following Powers and Duties:

- a. Be Chairperson and the presiding officer of the City Council and shall call it to order and have the right to vote.
- b. Have the ability to schedule and convene regular meetings of the City Council, including subcommittees, as determined necessary.
- c. Be allowed to call special meetings of the City Council
- d. Develop and submit the appropriate agenda for any meeting of the City Council.
- e. Be recognized as the official head of the City for ceremonial purposes.
- f. Shall keep informed on City matters and may make reports and recommendations to the City Council and electors of the City on matters of legislative concern and general town policy.
- g. May recommend and introduce such ordinances, resolutions, motions and other measures to the City Council as he/she may deem necessary or expedient.
- h. Shall make appointments to boards, commissions and other governmental bodies as outlined in this charter.
- i. May attend any meeting of any board, commission or other governmental body of the City and shall receive such advance notification of any such meeting as is given to the members of said bodies.
- j. Shall be an ex-officio member of all Boards and Commissions with legislative authority, and shall have the right to vote only in the event of a tie except where prohibited by the General Statutes from doing so.
- k. Designate suitable name for all accepted new streets and for all existing streets without names.
- l. Facilitate communication and understanding between elected and appointed officials
- m. Set goals for the City Council and advocate policy decisions
- n. Shall appoint such special subcommittees of the City Council, as are required, but shall in no way have the power to make appointments which are the responsibility of the City Manager.
- o. The Mayor shall have such powers as to all legislation as are defined in Chapter III, Section 302 (8) (Approval of Ordinances) of this Charter.

#### 4. **POWERS AS TO LEGISLATION:**

The Mayor shall have such powers as to all legislation as are defined in this Charter.

### **SECTION 3-2: THE CITY COUNCIL**

1. **COUNCIL STRUCTURE:** There shall be a City Council consisting of twelve (12) elected members in addition to the Mayor, who will preside as the City Council Chairperson. The Mayor (Chairperson) shall have the same right to vote as any other member. The City Council, with the exception of the Mayor, shall serve without compensation, unless otherwise authorized at the special meeting outlined in Section 3-2-12.
2. **ORGANIZATION:** On the first business day following the First Sunday of December, after each quadrennial election, the City Council shall be convened by the Mayor, for the purpose of organization. At said meeting, the City Council shall elect from among its members a Vice-Chairperson to hold office for the term for which the City Council was elected. The Vice-Chairperson shall act as the Chairperson in the absence of the Chairperson. Whenever a vacancy occurs in that office of Vice-Chairperson, the members of the City Council shall elect a new Vice-Chairperson to fill the office for the period of the vacancy. In addition, each party shall elect a Majority and Minority Leader.
3. **PROCEDURE:** At its organizational meeting, the City Council shall provide a method for the calling of special meetings in addition to the authority of the Mayor to call special meetings, as set forth in Chapter III, Sec. 4 of this Charter.

4. **CLERK OF THE COUNCIL:** The City Council may, by a majority vote, appoint a Clerk of the City Council for a term to run concurrently with that of the City Council or may designate the City Clerk as the Clerk of the Council. Said Clerk shall not be a member of the City Council. It shall be the Clerk's duty to make and keep a journal containing a record of all votes and all other proceedings at all meetings of said City Council. The Clerk shall be the custodian of said journal and of all books, papers, documents and electronic recordings belonging to said City Council. All such books, papers and documents kept by said Clerk shall be open to the inspection of the public of the municipality at any reasonable time. The Clerk shall post and serve notices which may be required by the City Council, and shall have the authority to issue certified copies of any order, rule, regulation or ordinance issued or authorized by said City Council. It shall be the Clerk's duty to transmit, or cause to be transmitted, any order issued by said City Council to any person to whom it is intended; and he shall keep a proper record of all orders, rules, regulations and a properly indexed book of ordinances adopted by said City Council. The Clerk shall also perform such other duties incident to this office as the City Council shall direct. The Clerk shall be sworn to faithfully perform the duties and shall give such bond and receive such compensation as the City Council shall prescribe. The City Council shall have the power to fill any vacancy in the office of the Clerk of the City Council.
5. **GENERAL POWERS AND DUTIES:** The City Council shall have the powers and duties conferred by General Statutes. The legislative authority of the City shall be vested in the City Council. Said City Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes. The City Council may, upon recommendation of the City Manager, contract services and the use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may, by agreement, join with any such political subdivision to provide services and facilities. Except as otherwise prohibited under the General Statutes or this Charter, the City Council has the authority to fix compensation under, and shall approve, all employment contracts for elected and appointed officers of the City prior to the posting of any such new position or posting the vacancy in any such existing position. Said Council may fix the charges, if any, to be made for services by the City or for the execution of powers vested in the City as provided in Chapter I of this Charter.
6. **FORM OF ORDINANCE:** Every ordinance, except the annual budget ordinance and any ordinance making a general codification of ordinances, shall be confined to a single subject, which shall be clearly expressed in its title. All ordinances which amend or repeal existing ordinances shall set forth in full the section or subsection to be amended or repealed and if it is to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets, and new matter by underscoring. When published, prior to enactment in a daily newspapers) of general circulation in the City of West Haven, the same indications of omitted and new matter shall be used except that italics may be submitted for underscoring. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of West Haven..."
7. **PROCEDURE FOR PASSAGE OF ORDINANCES:**
  - a. **INTRODUCTION:** Any ordinance may be introduced at any regular meeting by the Mayor or any other member of the City Council or any committee thereof. Upon introduction, it shall be read a first time and a day set, not earlier than seven days thereafter, at which the City Council or a committee thereof, shall hold a public hearing thereon. Such hearing may be at a regular meeting of the City Council or at such time and place as said City Council may prescribe, and it may be adjourned from time to time. It shall be the duty of the Clerk of the Council to publish, except as hereinafter provided, every ordinance introduced, within ten

(10) working days after its introduction, as a paid advertisement once in a daily newspaper having a circulation in the City of West Haven, together with a notice of the time and place at which the public hearing thereon shall be held. Said Clerk shall file for permanent record a copy of such published notice and shall keep available for inspection copies of such ordinances. Newspaper publication may be dispensed with in the case of an ordinance making a general codification of ordinances or if the title and a summary as to the intent and effect of the ordinance is prepared and published, provided such ordinance has been published in its entirety for public distribution, which, shall be available in the Office of the City Council. In such cases a description of the ordinance prepared by the Clerk shall be published once in a daily newspaper as above provided, together with the notice of hearing.

- b. **SECOND READING, PASSAGE:** No ordinance, except an emergency ordinance, shall be read the second time and passed prior to the next regular meeting following its introduction nor until the conclusion of public hearing thereon. If on second reading, an ordinance other than an emergency ordinance is amended, the amendment shall be published, as provided in the case of a newly introduced ordinance and shall not be finally passed prior to the next regular meeting following such amendment.
- c. **READING OF ORDINANCES:** As to any ordinance which is greater in length than two double spaced typed 8 1/2 by 11 pages, the City Council shall at the option of the Mayor or Vice-Chairperson in lieu of the Mayor's absence, be allowed to read a summary of the proposed ordinance at both the first and second readings. The summary shall be prepared by the Mayor or Vice-Chairperson in lieu of the Mayor's absence, with the aid and counsel of the office of the Corporation Counsel and sufficient copies of both the ordinance and the summary shall be available for distribution to the public.
- d. **EMERGENCY ORDINANCES:** Emergency ordinances for the immediate preservation of the public peace, health, welfare or safety may be introduced at any regular meeting or at any special meeting, provided the subject thereof has been included in the notice for such special meeting. An emergency ordinance shall be read a first time and published as provided in the case of other ordinances, and may be read a second time and passed with or without amendment at any regular or special meeting subsequent to such publication. An emergency ordinance shall contain a specific statement of the emergency. Two-thirds vote of the entire City Council shall be necessary for the adoption of an emergency ordinance.

#### 8. **APPROVAL OF ORDINANCES BY THE MAYOR:**

- a. Every proposed ordinance shall, before it becomes effective, be certified by the Mayor for approval. If approved, the Mayor shall sign the proposed ordinance and it shall become effective as of the date set forth in the ordinance or the date of the Mayor's signature if the effective date precedes the signature.
- b. If disapproved of a proposed ordinance, the Mayor shall return any proposed ordinance that the Mayor does not approve of to the City Council, along with the reasons for the disapproval thereof, within ten (10) days of passage by the City Council. If the City Council shall pass the proposed ordinance by an affirmative vote of two-thirds, 2/3rds, of the members present at the next regular meeting after such ordinance has been returned with the Mayor's disapproval, it shall become effective without the Mayor's approval as of its effective date or the date of said City Council action if the effective date is earlier than said action. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without the Mayor's approval on its effective date or immediately if said effective date has passed within the initial ten-day period.

9. **FINANCIAL IMPACT APPROVAL:** Any ordinance that financially impacts the City Budget needs the approval of the City Manager prior to it becoming effective. Once ratified by the Council, the City Manager has ten (10) business days to approve/disapprove the ordinance.
10. **INVESTIGATION:** The City Council shall have power, by ordinance by an affirmative vote of two-thirds, 2/3rds, of the members present, to investigate any elected or appointed city official, department or board and shall have power to compel the attendance of witnesses and the production of data at any meeting of the City Council or any committee thereof, and to the extent allowed by law, for that purpose may issue subpoenas, which shall be signed by the Chairman of the City Council. The investigation may be conducted by a committee appointed by the City Council for that purpose, provided that not more than half of the members of such committee shall be members of the same political party. The Chairman of the City Council, or Vice-Chairman in lieu of the Chairman's absence, may as deemed necessary and appropriate, request and be given the aid of counsel by and through the office of the Corporation Counsel.
11. **ANNUAL AUDIT:** The City Council shall annually designate an independent public accountant or firm of independent accountants to audit the books and accounts of the City as provided in the General Laws of the State of Connecticut. No independent public accountant or firm of independent accountants shall be designated for more than five (5) years.
12. **COMPENSATION FOR ELECTED OFFICIALS:** Compensation for any/all elected officials shall be determined and established by a 2/3rds vote of the City Council at a special meeting, called and publicly posted by the Mayor, following the General Municipal Election. This special meeting shall be held no later than 45 days following the City Council Organizational Meeting. All previous compensation levels are held constant until the new compensation levels are established.

### **SECTION 3-3: BOARD OF EDUCATION**

1. **ELECTION:** There shall be a Board of Education consisting of nine (9) members not more than six (6) of whom shall be from the same political party.
  - a. The terms of those members of the Board of Education voted into office at the first General Municipal Election following the referendum at which this charter was adopted shall be adjusted so that all nine seats on the Board of Education shall up for election at the next General Municipal Election thereafter.
  - b. At the second General Municipal Election following adoption of this charter, and quadrennially thereafter, each political party within the municipality of West Haven, shall nominate not more than two (2) candidates for the office of Board of Education in each of the three (3) voting districts. The three (3) candidates receiving the highest number of votes in each district shall be elected to the Board of Education from that district. As of 2025, Any Board of Education Member elected from a district who relocates out of the district which he/she represents, or is disqualified as outlined in the city charter, during the term of office, shall no longer be eligible to hold office. Upon such vacancy, refer to Chapter II, Section 2-8.
  - c. This Board shall serve without compensation, unless otherwise authorized by the City Council at their special meeting outlined in Section 3-2-12

d. The Mayor Shall be an ex-officio member of said Board, and shall have the right to vote, only in the event of a tie, except where prohibited by the General Statutes from doing so.

2. **ORGANIZATION:** Following the General Municipal Election, the members of the Board of Education, shall be organized by the Mayor during the month of December and quadrennially thereafter, and they shall elect a Chairperson, Vice-Chairperson and Secretary/Treasurer for the ensuing four (4) years. The Board shall adopt its own procedures and set its own meetings.

After the newly elected Board of Education has been sworn in and duly organized, the terms of office of all appointed members of the previous Board of Education shall terminate.

3. **POWERS AND DUTIES:** The Board of Education shall have all the powers and duties conferred and imposed by the laws of the State of Connecticut on Boards of Education in respect to the control and management of schools, except as otherwise provided in this Charter.

4. **BUDGET AND PURCHASING:** It shall be the duty of the Board of Education to submit its budget estimates to the City Manager at the same time as other departments of the City, and in the established form. All purchasing shall be done through the City Department of Finance, in accordance with the specifications as to quality supplied to said Department of Finance by the Board of Education.

#### **SECTION 3-4: BOARD OF ASSESSMENT APPEALS**

13. **ELECTION:** There shall be a Board of Assessment Appeals elected for a term of four (4) years to run concurrently with that of the Mayor. Said Board shall consist of three members, no more than two of whom shall be members of the same political party. This Board shall serve without compensation, unless otherwise authorized by the City Council at their special meeting outlined in Section 3-2-12

14. **POWERS AND DUTIES:** The Board of Assessment Appeals shall have the same powers and duties as conferred and imposed by the General Statutes upon Boards of Assessment Appeals of Towns.

15. **ASSESSMENT CHANGES:** After hearing an appeal, but before reaching a decision, the Board shall confer with the Assessor about the reasons for the assessment, and other facts, which may or may not have been disclosed at the hearing, and could impact the Board's decision. Any approved assessment changes shall be made public on the City of West Haven website, within 30 calendar days from the determination.

#### **SECTION 3-5: REGISTRARS OF VOTERS:**

There shall be not less than two Registrar of Voters who shall be elected quadrennially to hold office for the term of four (4) years to from the Wednesday following the First Monday of the January next succeeding their election, at the General Municipal Election, until the Wednesday following the First Monday of the fifth January succeeding their election. They shall appoint deputies and assistant registrars as provided in the General Statutes. The Registrars of Voters shall be nominated, elected and hold office as provided in the General Statutes and shall have such powers and duties as are conferred or imposed on them by the General Statutes and the provisions of this Charter. The General and Deputy Registrars of Voters shall receive compensation, which shall be established by the City Council.

## **CHAPTER IV – CITY MANAGER**

### **SECTION 4-1: APPOINTMENT AND SELECTION:**

The Mayor shall convene a search committee, for the purpose of initial selection or replacement of the City Manager. The Mayor shall nominate a candidate to serve as City Manager and recommend the terms and conditions of employment. The Mayor shall submit this candidate to the City Council, and the City Council shall appoint or reject, by majority-plus-one vote. The City Manager, hereinafter referred to as the “Manager”, shall be the Chief Executive Officer of the city. The Manager shall be chosen exclusively on the basis of executive and administrative qualifications, character, education, training and experience. The City Manager will be required to have an employment contract with the City, which runs for up to four (4) years. The Manager shall devote full working time to the duties of the office.

### **SECTION 4-2: QUALIFICATIONS:**

A Graduate degree with a concentration in public administration, public affairs, public policy or business administration and five (5) years’ municipal management experience.

### **SECTION 4-3: POWERS AND DUTIES:**

1. The Manager shall be the chief executive officer of the City of West Haven, responsible to the City Council for the supervision, direction and administration of all city departments, agencies and offices.
2. The Manager shall:
  - a. Ensure that all laws and ordinances governing the city are faithfully executed.
  - b. Keep the City Council fully advised as to the financial condition of the city, on a quarterly basis, and/or as directed by the City Council.
  - c. May attend City Council meetings, as required by the City Council, with full right of participation in its discussions but without a right to vote.
  - d. Prepare and cause to be printed, within three (3) months after the close of the fiscal year, an annual report.
  - e. Recommend to the City Council such measures as may be deemed necessary or expedient.
  - f. Provide staff support services for the mayor and City Council members, as needed.
  - g. Assist the City Council to develop long term goals for the city and strategies to implement these goals.
  - h. Prepare and submit an annual budget to the City Council.
  - i. Expend or withhold the funds necessary to assure the smooth operation of City business and the health, safety and well-being of the city and its residents, consistent with this Charter.
  - j. Exercise such powers and perform such other duties as may be required by ordinance or resolution of the City Council consistent with this Charter.

### **SECTION 4-4: APPOINTMENTS BY THE CITY MANAGER:**

The City Manager shall appoint, and may remove, all department heads and employees of the city except as otherwise specifically provided by this Charter or the General Statutes. The City Manager may, subject to the approval of the City Council, perform the duties of any such office except those of the Treasurer and



City Clerk provided that, in case the Treasurer is absent or unable to act, the City Manager may countersign checks. The City Manager shall designate either the Deputy City Manager or the Financial Director, if available, or another qualified administrative officer of the city to serve as acting City Manager during the City Manager's temporary absence (i.e. vacation, business trip).

**SECTION 4-5: ADMINISTRATIVE DEPARTMENTS:**

There shall be such administrative departments, agencies and offices as may from time to time be created by the 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 City Council. The department heads shall, with the approval of the City Manager, have the power to appoint and remove such deputies, assistants and employees as shall be deemed necessary, with approval of and their compensation established by the City Manager. The department heads shall be responsible for the efficient discharge of the responsibilities of their departments.

**SECTION 4-6: REMOVAL:**

1. The City Manager may be removed, for cause, by a two-thirds (2/3rds) vote of the entire membership of the City Council as herein provided. At least thirty (30) days before the proposed removal of the City Manager, the City Council shall adopt a resolution stating its intention to remove the City Manager and the reasons therefor. A copy of the resolution shall be served to the City Manager who may, within ten (10) business days, demand a hearing. In this event the City Manager shall not be removed until such hearing has been held. Upon the passage of such resolution, the City Council may suspend said City Manager from duty, provided that the salary of said City Manager shall continue until removal from office. Upon conclusion of any hearing for removal, the City Council shall make a finding regarding whether or not cause exists for removal, and, if such cause is found, the City Manager shall be removed from office. Any action of the City Council in removing the City Manager shall be final.
2. **ACTING MANAGER:** During the period of a vacancy, suspension, extended absence, or disability in the office of the City Manager, the Finance Director will become the temporary Acting City Manager, for a period not to exceed 180 days. The temporary Acting Manager shall have all powers and duties of the City Manager.

**SECTION 4-7: ANNUAL REPORT:**

At the end of each fiscal year, the head of each department, board or commission shall file with the City Manager a complete report of the operations, both physical and financial, of such department, board or commission during the preceding fiscal year. Within three (3) months after the end of the fiscal year; the City Manager shall have a summary of these reports prepared for distribution to the City Council and taxpayers and for public inspection at reasonable times. The City Manager shall include the most recent audited general fund balance sheet and statement of revenues, expenditures and changes in fund balance which is available at the time the Annual Report is prepared.

**SECTION 4-8: TEMPORARY TRANSFERS OF PERSONNEL BETWEEN DEPARTMENTS:**

The City Manager shall have the power, whenever the interests of the City require, to assign any employees of one department to the temporary performance of similar duties in any other department, as long as the transferring employee has the proper qualifications required to fill the position.

**CHAPTER V**  
**ADMINISTRATIVE OFFICERS AND DEPARTMENTS REPORTING DIRECTLY TO THE CITY**  
**MANAGER**

The following Departments and Officers will report directly to the City Manager:

- 5-1 – Department of Finance
- 5-2 – Town and City Clerk
- 5-3 – Department of Public Works
- 5-4 – Department of Personnel and Labor Relations
- 5-5 - Corporation Counsel
- 5-6 – Department of Planning and Development
- 5-7 - Department of Community Services
- 5-8 – Emergency Reporting System

**SECTION 5-1: DEPARTMENT OF FINANCE**

There shall be a Department of Finance which shall supervise the following departments and activities of accounting, purchasing, insurance, tax collection, property assessing, grants-in-aid, and data processing.

**1. DIRECTOR OF FINANCE:**

A Director of Finance shall be appointed by the City Manager, subject to approval by the City Council. The Director of Finance shall be responsible for the operation and supervision of the Department of Finance and shall be under the direction, control and supervision of the City Manager. The Director of Finance will be required to have an employment contract with the City and shall devote full working time to the duties of the office. The Director of Finance shall have at minimum a Bachelor's Degree, in an appropriate field of study, including a minimum of five (5) years of municipal experience. The salary of the Director of Finance shall be fixed by the City Manager.

**2. POWERS AND DUTIES:** The Director of Finance shall be responsible for:

- a. Supervision of the following departments:
  - i. Finance
  - ii. Tax Collection
  - iii. Tax Assessment
  - iv. Grants-in-Aid
  - v. Data Processing
- b. Install, maintain, and operate a comprehensive municipal accounting system consistent with applicable standards showing the current status of all funds.
- c. Purchasing
- d. Assessment and collection of taxes, special assessments and other revenues
- e. Custody and disbursement of City funds and money
- f. Control over expenditures and such other powers and duties as may be required by ordinance or resolution of the City Council.
- g. Accounts shall be kept, by the Department of Finance, showing the financial transactions of all departments and agencies of the City. Forms for such accounts shall be prescribed by the Director of Finance.
- h. Monthly or more frequent financial reports shall be prepared for and submitted to the City Council or department or division heads as may be required by the City Council or City Manager.
- i. The Director of Finance shall have all the powers and duties conferred by the General Statutes

and such other powers and duties as may be established by the City Council by ordinance or as may be established by instruction or order of the City Manager not inconsistent with such ordinance or the General Statutes.

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

### 3. EXPENDITURES AND ACCOUNTING:

- a. No purchase shall be made by any department, board, commission or officer of the City other than the Probate Court, except through the Director of Finance and such purchases shall be made under such rules and regulations as may be established by ordinance.
- b. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid
- c. No voucher, claim or charge against the City shall be paid until the same has been audited by the Director of Finance or his agent and approved for correctness and legality.
- d. Disbursements shall be drawn by the Director of Finance for the payment of approved claims, which shall be valid only when authorized by the Treasurer.
- e. In the absence or inability to act of either the Director of Finance or the Treasurer with respect to the above duty, the City Manager may be authorized to substitute temporarily for either but not both of them
- f. The Director of Finance shall prescribe the time at which and the manner in which persons receiving money for the City shall pay the same to the City Treasurer
- g. The several departments, commissions, officers and boards of the City shall not involve the City in any obligation to spend money for any purpose in excess of the amount appropriated therefor until the matter has been approved and voted by the City Council, and each order drawn upon the Treasurer shall state the department, commission, board or officer of the appropriation against which it is to be charged.
- h. When any department, commission, board or officer, except the Board of Education, shall desire to secure a transfer of funds, in excess of Two Thousand and Five Hundred (\$2,500) in its appropriations from funds set apart for one specific purpose to another, before incurring any expenditure therefor, such department, commission, board or officer shall make application to the City Manager whose duty it shall be to examine into the matter, and upon approval of the City Manager such transfer may be made, but not otherwise.
- i. When said department, commission, board or officer shall desire to secure a transfer of funds in the amount of Two Thousand and Five Hundred (\$2,500) or less, said transfer of funds shall be made only after certification and approval by the Director of Finance and the City Manager;
- j. The Director of Finance shall make a quarterly report to the City Council of all said transfers
- k. Upon the request of the City Manager; but only within the last three months of the fiscal year, the 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; or appropriations for the Board of Education
- l. Additional appropriations over and above the total budget may be made from time to time by

resolution of the City Council, upon recommendation of the City Manager and certification from the Director of Finance that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations

- m. Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof shall be jointly and severally liable to the City for the full amount so paid or received.
- n. If any officer or employee of the City shall knowingly incur any obligation or shall authorize to make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for his/her removal with the exception of those monies collected by the West Haven Water Pollution Control Commission, all monies received by the City of West Haven from whatever source shall be deposited in the City Deposit Fund. As to those monies collected and received on behalf of the West Haven Water Pollution Control Commission, they shall be kept in a fund established under the section of this Charter governing said commission. These funds will be administered by the Department of Finance in accordance with this Charter and General Statutes.

## **SECTION 5-1-A: TAX DEPARTMENT**

The Tax Department will consist of both a Tax Assessment and Tax Collection Division. These Divisions will both report, independently, to the Director of Finance

### **1. DIVISION OF COLLECTION**

- i. **COLLECTOR:** The Finance Director, with the approval of the City Manager, may appoint a Tax Collector, to run the day-to-day operations of this department. The Tax Collector shall appoint all employees in the department, with approval of the City Manager, subject to the provisions of this Charter. The Tax Collector shall be a Connecticut certified tax collector, in order to qualify for the appointment. The Tax Collector shall receive such compensation as determined by the City Manager.
- ii. **POWERS AND DUTIES:** Unless otherwise provided for under General Statutes, the Tax Collection Division shall receive and collect all taxes and assessments payable to the City and such other fees and licenses as may be assigned for collection by this Charter, the City Manager or by the City Council, and periodically or upon request of the Director of Finance turn the same over to the City Treasurer. The Tax Collection Division shall keep such books and records of the transactions of the office and use such forms of bills and receipts as may be prescribed by the City Manager, subject to the approval of the State Tax Commissioner. Except as otherwise provided in this Charter, the Tax Collection Division shall have such powers and duties as are conferred or imposed on Tax Collectors of Towns and Cities by the General Statutes. The Tax Department of the City of West Haven shall serve as the Tax Department of the First Fire Taxation District, the Allintown Fire District and the West Shore Fire District. The Tax Department shall maintain a municipal suspense tax book in accordance with the provisions of the General Statutes.
- iii. **COLLECTION TAXES:** Unless otherwise provided for under General Statutes, all City taxes in each fiscal year shall be due and payable in two equal installments on the first day of July and January, except that any tax of less than One Hundred Dollars (\$100.00) shall be due and payable in full on the first day of July. If any installment of such tax shall not be paid within thirty (30) days of the due date, such installment and all

succeeding installments shall immediately become delinquent and shall be considered as having become due and payable at the same time and shall be subject to interest at the rate and in the manner provided by the General Statutes.

- iv. **ABATEMENT OF TAXES AND ASSESSMENTS:** All the powers with relation to the abatement of taxes and assessments shall be exercised in accordance with the General Statutes.

## 2. DIVISION OF ASSESSMENT

- i. **ASSESSOR:** The Finance Director, with the approval of the City Manager, may appoint a Tax Assessor. The Tax Assessor shall be a Connecticut certified assessing officer. The Tax Assessor shall have the powers and duties imposed by law on such officers and shall have such other powers and duties as the City Council may prescribe. The Tax Assessor shall appoint all employees in the department, with approval of the City Manager, subject to the provisions of this Charter.
- ii. **POWERS AND DUTIES:** The Finance Director, with the approval of the City Manager, and advice of the Tax Assessor, may employ such Deputy Assessors and Assistant Assessors as may be necessary to carry out the functions of this division. The Tax Assessor shall have all the powers and perform all the duties that now are, or hereafter may be conferred upon or required of Tax Assessors by the General Statutes or by ordinance.

### SECTION 5-1-B: DIVISION OF GRANTS-IN-AID

**ADMINISTRATOR:** The Finance Director, with the approval of the City Manager, may appoint an administrator of Grants-in-Aid who will report to the Director of Finance and shall:

- i. Solicit possible grant needs from City Manager, Mayor, City Council members, City Commissioners, City Budget and City Five Year Capital Improvement Plan;
- ii. Conduct searches for grant funds to meet solicited needs;
- iii. Develop grant applications;
- iv. Monitor grant project progress;
- v. Develop reimbursement requests to recoup City funds expended on behalf of grants;
- vi. Manage State entitlement programs.

### SECTION 5-2: TOWN AND CITY CLERK

1. **TOWN AND CITY CLERK:** There shall be a Town/City Clerk appointed by the City Manager. The Clerk shall be chosen exclusively on the basis of qualifications, character, education, training and experience. The Town/City Clerk shall have a College Degree and/or a minimum of 5 years of experience working in related field. The Town/City Clerk will be required to have an employment contract with the City. The Town/City Clerk shall devote full working time to the duties of the office. In addition, the Town/City Clerk may be called upon to act as Clerk of the Council, if so, determined by the City Council.
2. **POWERS AND DUTIES:** The Town/City Clerk shall have all the powers and duties conferred or imposed on Town/City Clerks by the General Statutes of the State of Connecticut, and shall also be the Registrar of Vital Statistics and shall exercise all the powers and discharge all the duties conferred and imposed by law upon such Registrars, accept services on behalf of the municipality, issue official municipal notice, and shall have such other powers and duties incident to this office as may be prescribed

by the City Council or in this Charter.

- a. The Town/City Clerk shall appoint and remove, subject to the provisions of this Charter, all deputies, assistants or employees in his/her office.
- b. All fees collected by the Town/City Clerk shall be paid into the City Treasury. The Town/City Clerk shall be the keeper of the official seal of the municipality. The Town/City Clerk shall receive such salary as shall be set by the City Manager.

### **SECTION 5-3: DEPARTMENT OF PUBLIC WORKS**

There may be a Department of Public Works which shall have supervision and control of the maintenance of all City owned structures, along with the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, sewers, sewage disposal, public drains, and other public improvements, city building; the preservation, care and removal of trees within highways or public places; all engineering work of the City; and garbage, rubbish and ash collection and disposal, except structures, lands, property which are under the control of the Board of Education. Any provision of this Section to the contrary notwithstanding, the Department of Public Works may maintain and care for school buildings and grounds, but only if and to the extent approved by the Board of Education.

1. **DIRECTOR OF PUBLIC WORKS:** The City Manager may appoint a Director of Public Works. The Director of Public Works shall have a minimum of a bachelor's degree in public administration, engineering or a related field and demonstrated background of a minimum of five (5) years, in Public Works, Management and/or Civil Engineering. The Director will be required to have an employment contract with the City. It is essential that a public works director have experience managing projects with large budgets, long time frames, and broad scope. A project management professional certification is desirable.
2. **ORGANIZATION:** The Director of Public Works shall be responsible for Supervision of the following departments:
  - a. Water Pollution Control Authority
  - b. Highway
  - c. Engineering
  - d. Garage
  - e. Park Maintenance
3. **POWERS AND DUTIES:** The Director of Public Works shall be responsible for the efficiency, discipline, and good conduct of the Department, and who, in accordance with the provision of this Charter shall appoint such deputies, assistants and employees, with the approval of the City Manager, as may be deemed necessary and prescribe their duties. The Director of Public Works shall organize the work of the Department in such a manner as deemed most economical and efficient, and shall be charged with the care, maintenance and control of all equipment of the department.

The Director of Public Works may hire, with approval of the City Manager, engineering staff as deemed appropriate

## **SECTION 5-3-A: WATER POLLUTION CONTROL SUPERINTENDENT**

Unless the General Statutes state otherwise, the Director of Public Works, subject to the approval of the City Manager, shall hire a Water Pollution Control Superintendent. The Superintendent shall be qualified as per state guidelines and report to the Director of Public Works and/or the City Manager.

## **SECTION 5-4: DEPARTMENT OF PERSONNEL AND LABOR RELATIONS**

There may be a Department of Personnel and Labor Relations with the responsibility as a service unit, to execute a hiring procedure in compliance with an adopted Affirmative Action Plan. Also, to maintain all Medical Insurance Plans, to initiate all job classifications and write-ups, to monitor all Labor Relations including contract negotiations and grievance procedures and to maintain the City's Pension Plan.

1. **DIRECTOR OF PERSONNEL AND LABOR RELATIONS:** The City Manager may appoint a Director of Personnel and Labor Relations. The Director shall have a minimum of a Bachelor's Degree in a related field and/or at least five (5) years' experience and training in the field of Public Personnel Administration. The Director will be required to have an employment contract with the City. The Director of Personnel and Labor Relations shall devote full working time to the duties of the office and shall be responsible for the efficiency, discipline and good conduct of the department.
2. **POWERS AND DUTIES:** The Director of Personnel and Labor Relations shall have the following powers and duties, in conjunction with and subject to the approval of the City Manager, and to the extent the city has the authority to act:
  - a. Process the employment, termination and personnel matters of all employees of the City;
  - b. As the City's Affirmative Action Officer, maintain and carry out the City Affirmative Action Plan;
  - c. Serve as the chief negotiator for the City in all municipal labor contracts and grievance procedures;
  - d. Make up and issue all job classifications and descriptions, including minimum qualifications for the position;
  - e. Supervise the operation of the City's Pension Plan;
  - f. Oversee the City's Safety Program to ensure compliance with all applicable statutory and regulatory requirements.
  - g. Is responsible for all disciplinary action taken against City employees, up to and including discharge.
  - h. All related duties as assigned.
3. **EXCEPTIONS:** Nothing in this chapter shall in any way be construed to pertain to or have any effect on the Personnel Departments for the Independent Fire Department(s), Police Department, Board of Education or any other Departments excluded by General Statutes.

## **SECTION 5-5: CORPORATION COUNSEL**

There may be a Corporation Counsel appointed by the City Manager, who shall be an Attorney at Law, admitted to practice in the State of Connecticut. Corporation Counsel shall appear for and protect the rights of the City in all actions, suits for proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions. Corporation Counsel shall be the legal advisor of the City Council, the City Manager, 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 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 City Manager, with the advice of Corporation Counsel, shall appoint such Assistant(s) as deemed appropriate. Such Assistants shall work under the direction and supervision of Corporation Counsel. The salaries of the Corporation Counsel and Assistants shall be set by the City Manager.

## **SECTION 5-6: DEPARTMENT OF PLANNING AND DEVELOPMENT**

1. **DIRECTOR OF PLANNING AND DEVELOPMENT:** The City Manager may appoint a Director of Planning and Development. The Director shall have a minimum of a Bachelor's Degree in a related field and/or at least five (5) years' experience and training in the field of Public Planning and Development. The Director will be required to have an employment contract with the City. The Director of Planning and Development shall devote full working time to the duties of the office and shall be responsible for the efficiency, discipline and good conduct of the department. The salary of the Director of Planning shall be fixed by the City Manager.
2. **POWERS AND DUTIES:** The Director of Planning and Development shall be responsible for supervision of the following departments:
  - a. Building Code Enforcement
  - b. Planning and Zoning
  - c. Community Development Administration
  - d. Inland Wetlands Agency

The Director shall supervise the daily operations of the aforementioned Departments and Boards and Commissions consistent to the General Statutes and Ordinances of the City and shall have such other powers and duties as the City Manager or City Council may prescribe.

## **SECTION 5-6-A: DIVISION OF BUILDING CODE ENFORCEMENT**

The Division of Building Code Enforcement shall have the power and duties as prescribed by General Statutes.

1. **BUILDING OFFICIAL:** The Director of Planning and Development, with the approval of the City Manager, may appoint an officer to administer the State Building Code. This appointment shall be for a term of four (4) years and until a successor qualifies, and quadrennial thereafter shall so appoint a successor. Such officer shall be known as the Building Official and shall have a college degree and/or sufficient experience and qualifications.
2. **POWERS AND DUTIES:** The Building Official, with the approval of the City Manager, may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of the Basic Code. They shall receive such compensation as the City Manager shall prescribe. The Building Official may designate an employee as his deputy who shall exercise all the powers of the Building Official during the temporary absence or short-term disability of the Building Official.



## **SECTION 5-6-B: DIVISION OF COMMUNITY DEVELOPMENT ADMINISTRATION**

The Division of Community Development may exist, from time to time, as long as funds are available from State and Federal Agencies or through other sources outside the City of West Haven's General Operating Budget.

1. **ADMINISTRATOR:** The Director of Planning and Development, with the approval of the City Manager, may appoint an administrator of Community Development.
2. **POWERS AND DUTIES:** The Administrator shall manage the Community Development Agency by providing assistance and funding through programs such as Community Development Block Grant, other related Housing and Urban Development Programs and the State of Connecticut Department of Housing.

## **SECTION 5-7: DEPARTMENT OF COMMUNITY SERVICES**

There may be a Department of Community Services with the responsibility of assisting with programs and services that support the betterment of the community.

1. **DIRECTOR OF COMMUNITY SERVICES:** The City Manager may appoint a Director of Community Services. The Director of Community Services shall have a college degree and/or a minimum of 5 years of experience working in related field. The Director will be required to have an employment contract with the City.
2. **POWERS AND DUTIES:** The Director of Community Services shall be responsible for supervision of the following departments:
  - a. Health
  - b. Parks and Recreation
  - c. Elderly Services
  - d. Youth Services
  - e. Child and Adult Day Care Centers
  - f. Any other Public Assistance Program as deemed necessary by the City Manager or City Council

The Director of Community Services who shall supervise the daily operations of the aforementioned departments consistent to General Statutes and ordinances of the City. The Director shall have such other powers and duties as the City Manager or City Council may prescribe.

## **SECTION 5-7-A: DEPARTMENT OF HEALTH**

There may be a Department of Health with the responsibility of recommending for adoption by the City Council such rules, regulations and ordinances, as in their judgment, the public safety and health may require

1. **DIRECTOR OF HEALTH / HEALTH OFFICER:** The Director of Community Services, with the approval of the City Manager, may appoint a Director of Health and/or Health Officer(s) as required. These Health Officials shall be certified or licensed health professionals.
2. **POWERS AND DUTIES:** The Director of Health shall be responsible for the running of the

department and recommending such rules, regulations and ordinances involving public safety and health. These health officials shall have such duties and authority as are prescribed in the General Statutes relating to Health Officers, and in addition, they shall have such other duties and authority, not inconsistent with the General Statutes, as may be established by ordinance.

#### **SECTION 5-7-B: DEPARTMENT OF PARKS AND RECREATION**

There may be a Department of Parks and Recreation that shall be responsible for the management of parks, beaches, playing fields, playgrounds, nature centers and shoreline walkways, except structures, lands, property which are under the jurisdiction of the Board of Education. The department is responsible for the preservation of order, safety and decency therein, and to promulgate rules and regulations for the use thereof. The enforcement of any such rules and regulations shall be under the jurisdiction of the Department of Police.

1. **DIRECTOR OF PARKS AND RECREATION:** The Director of Community Services, with the approval of the City Manager, may appoint a Director of Parks and Recreation. The Director of Parks and Recreation shall have a college degree and/or at least five (5) years' experience and training in a related field.
2. **POWERS AND DUTIES:** The Director of Parks and Recreation will have the immediate supervision and management of all public parks, beaches, playing fields, playgrounds, nature centers, and shoreline walkways of the City and community recreation programs as deemed necessary.

#### **SECTION 5-7-C: ELDERLY SERVICES:**

1. **ELDERLY SERVICES COORDINATOR:** The Director of Community Services, with the approval of the City Manager, may appoint and Elderly Services Coordinator.
2. **POWERS AND DUTIES:** The Elderly Services Coordinator shall administer and supervise transportation, nutrition and daily programs for the elderly under the jurisdiction of the City government's control.

#### **SECTION 5-7-D: YOUTH SERVICE BUREAU**

1. **YOUTH SERVICES COORDINATOR:** The Director of Community Services, with the approval of the City Manager, may appoint a Youth Services Coordinator.
2. **POWERS AND DUTIES:** The Youth Service Bureau Coordinator will act as the Municipal Agent and administer all positive youth programs under the jurisdiction of the City and will adhere to all State mandates.

## **CHAPTER VI - PUBLIC SAFETY**

The various governmental functions pertaining to Public Safety in the City of West Haven shall be grouped for purposes of convenience within this section.

### **SECTION 6-1: DEPARTMENT OF POLICE**

There shall be a Department of Police and such officers and employees of such ranks and grades as may be prescribed by the Board of Police Commissioners. The Department of Police shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, enforcement of the laws of the State and the ordinances of the City, and all rules and regulations made in accordance therewith.

1. **POLICE CHIEF:** The Chief of Police shall be appointed by the Board of Police Commissioners and will be required to have an employment contract with the City. At the time of appointment, the Police Chief need not be a resident of the city or state, but within six (6) months of appointment and throughout the entire tenure of office the Chief of Police shall reside within the city, unless otherwise negotiated within the employment contract. The Chief of Police shall devote full working time to the duties of the office. The Chief of Police shall have the following powers and duties:
  - a. to assign all members of the department to their respective posts, shifts, details and duties;
  - b. to execute and administer the rules, regulations and policies set and established by the Board of Police Commissioners concerning the operation of the department and the conduct of all officers and employees thereof;
  - c. to be responsible for the administration, efficiency, discipline and good conduct of the Department;
  - d. to take disciplinary action, except dismissal, against subordinate officers and employees in the department for the violation of the rules and regulations of the department;
  - e. to be responsible to the Board of Police Commissioners for the installation of lights, signs and other traffic control devices;
  - f. to incarcerate any person charged with a criminal offense until an examination can be had before a proper Court;
  - g. to administer oaths and take evidence, affidavits and acknowledgments, and to issue subpoenas in all proceedings related to the department.

Should any of the above conflict with General Statutes, the General Statutes shall prevail.

### **SECTION 6-2: DEPARTMENT OF FIRE PROTECTION**

The City shall have, in addition to the powers specifically granted by the Constitution, General Statutes and the laws of the State of Connecticut, as amended, all powers implied in and incident to the powers to protect persons and property from fire and for the establishment and maintenance of a City Fire Department and for the management, discipline and control thereof.

### **SECTION 6-3: ORGANIZATION FOR CIVIL PREPAREDNESS**

There shall be an organization for Civil Preparedness in accordance with the State Civil Preparedness Plan and Program to consist of an Advisory Council and a Director.

**DIRECTOR OF CIVIL PREPAREDNESS:** The City Manager shall appoint and remove a local Director of a Civil Preparedness and an Advisory Council in accordance with the provisions of Section 28-7 of the General Statutes, Revision of 1958, who shall have those powers and duties as provided in said Section 28-7 except as otherwise provided in this Charter.

#### **SECTION 6-4: EMERGENCY REPORTING SYSTEM**

There may be a Director of Emergency Reporting System appointed by the City Manager. The Director shall be chosen exclusively on the basis of qualifications, character, education, training and experience. The minimum qualifications for this position shall be a college degree and/or a minimum of 5 years of experience working in related field. The Director will be required to have a contract with the City. The Director shall devote full working time to the duties of the office.

### **CHAPTER VII – BUDGET AND BONDING**

#### **SECTION 7-1: OPERATING BUDGET**

1. **DEPARTMENTAL ESTIMATES:** The Director of Finance, under the supervision and direction of the City Manager, shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the City, including the Board of Education, shall, at least 180 days before the end of the current fiscal year, file with the Director of Finance, on forms prescribed and provided, detailed budget estimates of the expenditures and revenues, other than tax revenues, for the ensuing fiscal year as well as other information required by the City Council, the City Manager or the Director of Finance. Extensions of the deadline for the submission of information hereunder may be granted at the discretion of the City Manager.
2. **DUTIES OF THE CITY MANAGER AND DIRECTOR OF FINANCE ON THE BUDGET:** At least 150 days prior to the new fiscal year the Director of Finance must submit all necessary budget data to the City Manager. Not later than 120 days from the new fiscal year the City Manager, after having obtained the necessary data from the Director of Finance, shall present to the City Council, at a special meeting called for that purpose a requested budget consisting of:
  - a. A budget message highlighting the recommended budget and impact on City government and outlining important features of the budget plan, indicating any major changes from the current year financial policies, increases or reductions in expenditures and/or revenues together with an explanation for such changes and an executive summary of its contents
  - b. Estimates of revenue, in parallel columns the itemized receipts showing the actual for the previous fiscal year, estimated for the current year and requested for the new fiscal year.
  - c. Itemized detailed line item estimates of expenditures, by department or activity, in parallel columns showing the actuals from the previous fiscal year, estimates for the current fiscal year and the recommended expenditures for the new fiscal year
  - 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 is required of the Director of Finance in this chapter for other departmental estimates.

As part of the budget the City Manager shall present a program in accordance with of the General Statutes, concerning municipal improvements or proposed capital projects for the ensuing fiscal year and for the five years thereafter. Estimates of the costs of such projects shall be submitted by each department, office or agency annually in the form and manner prescribed by the Director of Finance.

The City Manager shall recommend to the City Council those projects to be undertaken during the ensuing fiscal year and the source and method of financing

**3. DUTIES OF THE MAYOR AND THE CITY COUNCIL ON THE BUDGET:**

- a. Upon receipt of the proposed budget from the City Manager, the City Council shall hold one or more public hearings not later than the first Thursday of April, at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year.
- b. Following receipt of the estimates from the City Manager, the City Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the City Clerk, at least five days prior to the aforementioned public hearing, the City Council shall cause to be published in a newspaper having 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 column form as prescribed for budget estimates in Sub-Section 2 of this Chapter; and shall also show the amount to be raised by taxation.
- c. The City Council shall, in the publication of such budget and in printing copies thereof, including notice relevant to the section of the City Charter on the right of the citizens of West Haven to conduct a referendum on said budget and particular reference to said rights and duties.
- d. The City Council shall adopt a budget by majority vote and file the same with the City Clerk.
- e. The Council may increase or decrease any item of the City Manager's budget by not less than ***majority plus-one*** vote of the entire City Council. At the time when the Council shall approve the budget, 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.
- f. Should the City Council fail to adopt a final budget by the first Thursday in June, the budget as transmitted by the City Manager to the City Council shall be deemed to have been finally adopted by said City Council. The tax rate shall forthwith be fixed by the City Manager, and thereafter expenditures shall be made in accordance with the budget so adopted.

For the purpose of Chapters 108 and 111 of the General Statutes, as amended, the City Council shall be deemed to be the budget-making authority and the legislative body of the City.

4. **EMERGENCY APPROPRIATIONS:** Emergency appropriations may be made upon the recommendations of the City Manager and by a vote of not less than nine members of the City Council for the purpose of meeting a public emergency threatening the lives, health or property of citizens, 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 or less than five days prior to such hearing. Such hearing and notice of hearing may be waived if the City Council, by a unanimous vote of the members present shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of the citizens. In the absence of an available unappropriated and unencumbered general fund cash balance 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 City Council.
5. **FISCAL YEAR:** The fiscal year of the City of West Haven shall run from July 1 to June 30 of the next year. The provisions of Chapter 110 of the General Statutes concerning Uniform Fiscal Years are hereby adopted. Should a change to the General Statutes occur allowing for a change to the fiscal year of municipalities, the City Council shall have the power to change the fiscal year and tax collection dates of the City, after public hearing, by an affirmative vote of 2/3 of its full membership.

## SECTION 7-2: CAPITAL BUDGET

### 1. DEPARTMENT ESTIMATES:

- a. On or before the first Thursday in January of each year, the City Manager shall cause to be distributed to each department and agency the forms that they may require to request funding for capital projects in the City's Five- Year Capital Plan and Annual Capital Budget. Such capital project must have an original cost of at least \$50,000.00, and a useful life of at least ten years.
- b. On or before the first Thursday in February, departments and agencies requesting funding for capital projects in the ensuing fiscal year shall file their requests with the City Manager on the forms provided by the City Manager for that purpose. The City Manager shall immediately forward those requests to the Board of Finance.

### 2. DUTIES OF THE CITY MANAGER AND DIRECTOR OF FINANCE: On or before the third Thursday in March, the City Manager shall present the Recommended Five-Year Capital Plan to the City Council. The first year of said Plan shall constitute the Recommended Capital Budget for the ensuing fiscal year. The Recommended Five-Year Capital Plan shall contain an itemized list of the project requests for each of the five years of the Plan from the various departments and agencies, together with the City Manager's recommendations relative thereto. In addition to the list of the dollar amount requested and recommended for each project, the City Manager's Recommended Five Year Capital Plan shall include, but not be limited to:

- a. A recommended financing plan which identifies the source of funds that will be used to finance the Recommended Five-Year Capital Plan and Annual Capital Budget, including any amount proposed to be financed through the issuances of debt
- b. An estimate of the impact of the proposed financing plan on the City's debt service requirements over the ensuing Five-Year period, and an estimate of total debt service payments in each of the ensuing five years under the Recommended Plan
- c. An estimate of the impact of the Recommended Plan on the City's total bonded indebtedness.

### 3. DUTIES OF THE MAYOR AND CITY COUNCIL:

- a. On or before the first Thursday in April, the City Council shall hold one or more public hearings on the City Manager's Recommended Five-Year Capital Plan to solicit comments from the public on the proposed plan.
- b. On or, before the first Thursday in June, the City Council shall by majority vote, approve a Five-Year Capital Plan and Annual Capital Budget Appropriation ordinance for the ensuing fiscal year. The City Council shall have the authority to add, delete, or modify any projects on the list of requested or recommended projects; provided however, that if the aggregate amount of the Annual Capital Budget for the ensuing fiscal year exceeds the aggregate amount recommended by the City Manager, such Annual Capital Budget must be approved by the City Council by a ***majority plus-one*** vote. In the event the City Council fails to adopt a Five-Year Capital Plan and Annual Capital Budget by the third Thursday in June, the Five-Year Capital Plan and Annual Capital Budget as recommended by the City Manager shall be deemed to have been approved.

### 4. SUPPLEMENTAL APPROPRIATION: From time to time, the City Council may, upon request from the City Manager, approve supplemental capital appropriations. In making such request, the City Manager shall indicate the purpose of the appropriation; the source or method of financing such appropriation; the impact of the proposed method of financing such appropriation on the City's debt

service requirements in the five subsequent fiscal years; and the impact of such appropriation on the City's total bonded indebtedness. Such appropriations shall be approved in the same manner as other ordinances, except that all such appropriation ordinances shall require a two-thirds majority vote of the City Council.

### **SECTION 7-3: WATER POLLUTION CONTROL FACILITIES BUDGET**

1. **BUDGET:** On or before the first Thursday in February, the Director of Public Works and the Administrator of the Water Pollution Control Facilities shall jointly submit to the Water Pollution Control Commission on forms prescribed by the City Manager a detailed estimate of the anticipated expenditures and revenues (other than sewer use charge revenue) for the Waste Water Treatment Facilities for the coming year. Said estimates shall include all expenditures for the operation and maintenance of the Water Pollution Control Facilities and such debt service expenditures as deemed appropriate by the Director of Public Works and the Administrator. Any expenditure for debt service not so submitted shall be submitted to the City Manager and City Council in accordance with Section A of this Chapter. The Commission may grant one thirty (30) day extension.
2. **PUBLIC HEARING:** The Commission shall hold one or more public hearings on the budget, the first of said hearings being held no later than the second Thursday of March. The Commission shall cause sufficient copies of the budget to be made available for distribution and shall publish a summary of said budget including a statement of the proposed use charge in a newspaper of general circulation at least ten (10) days prior to the initial public hearing.
3. **ADOPTION:** Adoption of the operating budget and appointed charge. The Commission shall adopt its charge by majority vote no later than the second Thursday in May. If the Commission fails to so act, it shall be deemed that the budget and its charge as submitted shall be deemed adopted. The Commission shall take such other action as it deems appropriate pursuant to Chapter 103 of the General Statutes and Section 222.1 et seq. of the City Code.
4. **BORROWING:** All requests for borrowing shall be first submitted to the Water Pollution Control Commission for approval and then upon said approval, brought before the City Manager for approval and then to the City Council for final approval and authorization..

### **SECTION 7-4: ISSUANCE OF BONDS:**

The City shall have the power to incur indebtedness by issuing its bonds or notes as provided by the General Statutes, subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and notes shall be authorized by ordinance and subject to the provisions in Chapter 3, Section 2-9 (Financial Impact Approval). The City shall have power, by ordinance, to issue notes in anticipation of taxes to be paid within the same fiscal year.

**CHAPTER VIII  
BOARDS, COMMISSIONS, AGENCIES AND OTHER APPOINTMENTS BY THE MAYOR OR  
CITY MANAGER**

A. The Mayor, or City Manager where General Statutes require, shall appoint electors of the city to the following Boards, Commissions, Agencies and Other as deemed appropriate. For all Board, Commission, Agency and Committee appointments, where the City Council is required to vote on the Mayor’s nominee, the Mayor is only allowed to vote in the case of a tie.

Sec	Title	Appointing Authority
8-1	Treasurer	City Manager
8-2	Board of Finance	Mayor
8-3	Planning and Zoning Commission	Mayor
8-4	Zoning Board of Appeals	Mayor
8-5	Police Commission	Mayor
8-6	Economic Development Commission	City Manager
8-7	Redevelopment Agency	City Manager
8-8	Water Pollution Control Commission	Mayor
8-9	Board of Parks and Recreation	Mayor
8-10	Board of Health	Mayor
8-11	Constables	Mayor
8-12	Senior Citizen Commission	Mayor
8-13	Inland Wetlands and Watercourses Agency	Mayor
8-14	Flood and Erosion Control Board	Mayor
8-15	Board of Ethics and Compliance	Mayor

**B. MAYOR’S AUTHORITY:**

The Mayor shall have the full right of participation in discussions at all meetings of Boards and Commissions with legislative authority, and shall have the right to vote only in the event of a tie, except where prohibited by General Statutes from doing so.

C. **QUALIFICATIONS AND REMOVAL:** Unless otherwise provided by law or General Statutes, all appointments of the aforementioned shall adhere to the following:

1. Must be an elector in the City of West Haven
2. Shall serve without compensation
3. Shall serve at the pleasure of the Mayor and may be removed, for cause, with two-thirds vote of the City Council.

D. **VACANCY:** Within six months of a vacancy or expiration of a term, and after the Mayor has publicly advertised for qualified applicants, the Mayor shall recommend to the City Council a suitable replacement for approval. The City Council shall have 60 days from its receipt of the Mayor's recommendation to act on such recommendation. If the City Council fails to approve the Mayor's recommendation during that time period, the Mayor shall have an additional 60 days to recommend another suitable replacement to the City Council for approval. Thereafter, the City Council shall have 60 days from its receipt of the Mayor's second recommendation to act on such recommendation.



- E. **STATUS:** The City Council, upon request of the Mayor and with two-thirds (2/3rds) vote, has the authority to establish or abolish any Board, Commission or Committee that is not mandated by General Statute or this Charter.

## **SECTION 8-1: CITY TREASURER**

1. **CITY TREASURER:** The City Manager, with the approval of the City Council, shall appoint a City Treasurer to serve at the pleasure of the City Council, and such Treasurer shall have and exercise all of the powers and duties prescribed for municipal treasurers by General Statutes.
2. The City Treasurer must be an elector of the city and have a general understanding of municipal finance and a minimum of a Bachelor's degree in accounting, business, finance, economics, or a related field and/or five (5) years' experience working in finance or related business.
3. **POWERS AND DUTIES:** The City Treasurer shall have custody of all funds belonging to the City and shall deposit the same in such banks and trust companies as may be designated by the City Council. The City Treasurer shall be the Treasurer of all governmental proprietary and fiduciary funds of the City. The City Treasurer shall consult with the City Manager and the Director of Finance relevant to the investment and re-investment of City funds, in accordance with the General Statutes and authorized resolutions of the City Council.
4. No disbursements shall be made from any fund of the City until approved by the Director of Finance and then approved by the Treasurer. Each disbursement shall be based upon a voucher or payroll dully approved by the Director of Finance. Before approving any payment, the Treasurer shall be satisfied that such payment represents the expense of a duly authorized obligation of the City, provided that no payment shall be made for any services not performed or materials not received, with the exception of vacation salary prepayments. The Treasurer shall keep such books and records as he/she may deem proper and necessary. The Treasurer may upon written request require any City Official, Department Head or City employee to furnish within a reasonable time, any records or statistical information that may be deemed proper and necessary within the scope of the office. The Treasurer's official bond shall be a surety company bond in an amount sufficient to satisfy the requirements of the General Statutes and Ordinances of the City.
5. The Treasurer shall be a part-time position, whose salary is set by the City Council.
6. The Treasurer shall be an ex-officio member of all boards/committees overseeing city trusts or fiduciary funds, including but not limited to, police and fire pension funds and Other Post Employment Benefit (OPEB) accounts.

## **SECTION 8-2: BOARD OF FINANCE**

There shall be a Board of Finance consisting of seven members, including the; Mayor and six members appointed by the Mayor, for a term of three years. Of the six members appointed by the Mayor, no more than three members shall be members of the same political party. The Mayor shall serve as Chairman of the Board of Finance.

The function of the Board of Finance shall be:

- a. Operate as the financial advisement support team to the City Council

- b. Work closely with the City Manager and Director of Finance to obtain a complete understanding of the proposed Operating and Capital Budgets along with all financial items that impact the city.
- c. Provide guidance and recommendations to the Mayor and City Council on the Operating and Capital Budgets as well as other financial matters of the City.
- d. The Board of Finance should receive monthly reports on the Operating and Capital Budgets from the Director of Finance
- e. The Board of Finance shall meet on such occasions as are set by said Board at their February meeting and to hold such special meetings as it deems appropriate to review the monthly reports and make such recommendations as it sees fit to the City Council

**SECTION 8-3: PLANNING AND ZONING COMMISSION**

- 1. The Mayor, with the approval of the City Council, shall appoint a five (5) member Planning and Zoning Commission, as provided by ordinance. No more than three of the regular members shall be from the same political party. Each member shall serve for a term of five years from the date of appointment unless otherwise removed for cause. Each Year, one appointment shall be made on the first day of February, to replace the expiring appointment.
- 2. The Mayor, with the approval of the City Council, shall appoint three (3) alternates who shall be electors of the City of West Haven and who shall vote and/or participate only in the event of the absence of a regular voting member. No more than two of said alternates shall be affiliated with the same political party. Said alternates shall serve for terms of two years.
- 3. The Planning and Zoning Commission shall have all the powers and duties conferred and imposed by the General Statutes of the State of Connecticut on Planning and Zoning Commissions.

**SECTION 8-4: ZONING BOARD OF APPEALS**

- 1. The Mayor, with the approval of the City Council, shall appoint a five (5) member Zoning Board of Appeals. No more than three of the regular members shall be from the same political party. Each member shall serve for a term of five years from the date of appointment unless sooner removed for cause. Each Year, one appointment shall be made on the first day of February, to replace the expiring appointment.
- 2. The Mayor, with the approval of the City Council, may appoint three (3) alternates who shall be electors of the City of West Haven and who shall vote and/or participate only in the event of the absence of a regular voting member, no more than two of whom shall be affiliated with the same political party. Alternates shall serve for terms of two years.
- 3. The Zoning Board of Appeals shall have all the powers and duties conferred and imposed by the General Statutes of the State of Connecticut on Zoning Boards of Appeal.

**SECTION 8-5: BOARD OF POLICE COMMISSIONERS**

- 1. There shall be a Board of Police Commissioners consisting of five members appointed by the Mayor with the approval of the City Council, not more than three of whom shall be members of the same political party. Each Year, one member shall be appointed for a term of five years. At the time of their appointment, the members of the Board of Police Commissioners shall have been electors of the City of West Haven for at least one year, and shall serve without compensation. The Board of Police Commissioners shall be the traffic authority of the City of West Haven and shall have the following powers and duties:
  - a. Make all rules and regulations in conformity with the ordinances of the City and the General

Statutes concerning the operation of the department and the conduct of all officers and employees thereof;

- b. Appoint the Chief of Police and all other officers and employees of the department, provided, however, that no persons shall henceforth be appointed a policeman in the City of West Haven unless he shall have passed an examination conducted by a disinterested person or persons as to his educational, physical and general qualifications as the Board of Police Commissioners shall specify, and no person shall be appointed who shall fail to attain a rating of sixty per centum (60%) under the examination herein provided for. All appointments to the Police Department of said City shall be made by said Commissioners from the two candidates or applicants for appointments rated first and second, under such examination. Any persons appointed a policeman under the provisions of this act shall remain in office until removed for cause, which cause shall be only such as shall affect his efficiency as a police officer and shall not be political, racial or religious. No action as to removal shall be final, however, until due notice has been given to the individual concerned and a proper hearing granted to him; at such hearing, he shall be entitled to be represented by counsel. No Chief, Deputy Chief, Captain, Lieutenant or Sergeant of the Police Department shall be removed from the Police Department or demoted from the rank held by him except in the manner provided herein for the removal of a policeman. This act shall not be construed to require the examination of any Chief or Deputy Chief;
- c. Be responsible for the care and custody of all property used by the department;
- d. Formulate and establish the policies of the department.

#### **SECTION 8-6: ECONOMIC DEVELOPMENT COMMISSION**

1. The City Manager, with the approval of the City Council, shall appoint five (5) regular members and two (2) alternate members. Each member shall be a citizen of the State of Connecticut who shall either reside in the City of West Haven or have their regular place of business or employment in the city. Notwithstanding the aforesaid, no less than two (2) members of the Economic Development Commission shall be electors of the City of West Haven. Each Year, one appointment shall be made, to replace the expiring appointment of a Commission Member or Alternate. Any vacancy shall be filled in the same manner as the original appointment.
2. Said alternate members shall serve on the Commission in the absence of a regular member and when doing so shall act with the full power and authority of a regular member. Any vacancy shall be filled in the same manner as the original appointment. Said Commission shall select from its members a Chairperson and a Secretary, who shall serve for one (1) year. All members of said Commission shall serve without compensation.
3. The rights, powers and duties of said Commission shall be established by 7-136 of the Connecticut General Statutes. In addition to such powers, said Commission shall:
  - a. Make such recommendations, from time to time, as it deems appropriate to the City Planning and Zoning Commission with respect to possible amendments to the comprehensive City Plan or to the Zoning Regulations as they affect Industrial and Commercial Development.
  - b. Confer with similar Commissions of abutting municipalities in order to make recommendations with respect to the development of adequate roads, utility services and industrial sewage disposal in a manner consistent with that of other municipalities.
  - c. Foster and promote orderly commercial and industrial development in the City and work with other City agencies toward such ends.
  - d. Provide an annual report each year to the Mayor and City Council on its activities.

## **SECTION 8-7: REDEVELOPMENT AGENCY**

1. The City Manager, with the approval of the City Council, shall appoint a five (5) member Redevelopment Agency who shall serve for a period of five years unless otherwise terminated. All appointments made pursuant to City Code and all action taken thereunder are hereby ratified and affirmed and new appointments shall be made at the end of terms as established under said Code section unless sooner terminated in accordance herewith.
2. The Redevelopment Agency shall have such powers as conferred by Connecticut General Statutes Chapter 130 and shall serve at such terms and for such duration as is necessary to administer property and/or plans under said Chapter of the State General Statutes.

## **SECTION 8-8: WATER POLLUTION CONTROL COMMISSION**

1. The Mayor, with the approval of the City Council, shall appoint five (5) regular members and two (2) alternate members to the Commission. No more than three of the regular members shall be from the same political party and the alternates shall each be from a different political party or one may be an unaffiliated elector.
2. The terms of these members shall run concurrently with the Mayor.
3. All members appointed and all action taken pursuant to City Code Section 222.1 et seq. is ratified and affirmed.

## **SECTION 8-9: BOARD OF PARKS AND RECREATION**

1. There may be a Board of Parks and Recreation composed of five (5) members, appointed by the Mayor not more than three of whom shall be members of the same political party. Each year one member shall be appointed for a term of five years.
2. The Board of Parks and Recreation shall recommend to the City Council the adoption of all ordinances relative to the use of parks, beaches, playing fields, playgrounds and nature centers and shoreline walkways, and the preservation of order, safety and decency therein, and to promulgate rules and regulations for the use thereof. The enforcement of any such rules and regulations shall be under the jurisdiction of the Department of Police.

## **SECTION 8-10: BOARD OF HEALTH**

1. The Mayor may appoint a Board of Public Health consisting of five (5) members, not more than three of whom shall be of the same political party. Each Year, one member of the Board shall be appointed for five years, to replace the expiring appointment. All appointments shall be made on or before February 1st following adoption of this Charter.
2. The Board of Health shall recommend for adoption by the City Council such rules, regulations and ordinances as in their judgment the public safety and health may require.

## **SECTION 8-11: CONSTABLES:**

1. Each Year, the Mayor may appoint one Constable for a term of five (5) years. At any given time, not more than three Constables shall be members of the same political party.
2. Each Constable shall have the powers and duties conferred on Constables by the General Statutes of the State of Connecticut.

## **SECTION 8-12: SENIOR CITIZEN COMMISSION:**

1. The Mayor may appoint a Senior Citizen Commission consisting of five (5) members, no more than three members of the same political party. Each Year, one member of the Board shall be appointed for five years, to replace the expiring appointment.
2. The Senior Citizen Commission shall recommend to the City Council the adoption of ordinances and regulations relative to the issues of the elderly population.

## **SECTION 8-13: INLAND WETLANDS AND WATERCOURSES AGENCY**

1. The Mayor, with the approval of the City Council, shall appoint five (5) members, each of whom will serve for a term of five years from the date of appointment unless otherwise removed.
2. The Mayor, with the approval of the City Council, shall appoint three alternates who shall vote and/or participate only in the event of the absence of a regular voting member, no more than two of whom shall be affiliated with the same political party. Alternates shall serve for a term of two years.
3. All appointments made pursuant to City Code Section 22-3 et seq. and all action taken thereunder prior to the date of ratification of this Charter Revision are hereby ratified and affirmed and new appointees shall be at the end of terms as established under said ordinance unless sooner removed for just cause in accordance herewith.
4. The Inland Wetlands and Watercourses Agency shall have such power and duties as conferred by the General Statutes of the State of Connecticut, Chapter 440.

## **SECTION 8-14: FLOOD AND EROSION CONTROL BOARD**

1. The Mayor, with the approval of the City Council, shall appoint a five (5) member Flood and Erosion Control Board who shall be appointed for a period of five years.
2. The Board shall have the powers and duties as provided by the General Statutes.

## **SECTION 8-15: COMMISSION OF ETHICS AND COMPLIANCE**

1. The Mayor, with two-thirds consent of the City Council, shall appoint a Commission of Ethics and Compliance, consisting of five (5) electors of the City of West Haven not more than three (3) of whom shall be members of the same political party.
2. Each Member shall serve for a term of four years and cannot hold any other elected or appointed position within city government, nor can they be employed by or have a business contract with the City of West Haven.
3. Each Member shall only be able to be appointed to this Commission for one four-year term. If a member has served four years on this Commission, they will be ineligible to serve on this Commission again in the future.
4. The Commission shall be charged with the administration of the Code of Ethics in addition to compliance of the City Charter.
5. The Commission shall receive complaints of violations of this Code in addition to compliance of the City Charter, and shall, upon such complaint or on its own initiative, investigate same, and may hold hearings thereon, provided however, that the Commission shall hold a hearing at the request of any person whose conduct is called into question. Such hearing shall afford such person, who may be represented by counsel, the opportunity, along with their attorney, to cross-examine anyone complaining of their conduct and to meet and answer any complaint made of their conduct;
6. The Commission shall report its findings as to whether or not a violation of the Code of Ethics or Charter Compliance has occurred to the full City Council, and the City Council shall thereupon

- take such action as they may deem appropriate;
7. Within thirty (30) days of receipt of the Commission's recommendation, the City Council shall issue a response. Notwithstanding or in the absence of the City Council's required response, the Commission may obtain legal counsel, on behalf of the electorate, to formalize their recommendations on behalf of the City of West Haven.
  8. The Commission may also render advisory opinions to any official or employee and to any resident of the City pursuant to written request or upon its own initiative;
  9. The Commission may make public its findings and opinions with such deletions as it may deem necessary or desirable to prevent disclosure of the identity of the official or employee involved;
  10. The Commission shall have such powers and duties as prescribed by this Chapter and by the General Statutes Section 7-148h and Section 1-82a or such successor section of the General Statutes.

## **CHAPTER IX - CODE OF ETHICS**

There is hereby established a Code of Ethics for all City officers, employees and officials whether elected or appointed, paid or unpaid. The purpose of this Chapter is to establish suitable standards of conduct for all such officers, employees and officials by prohibiting acts or actions incompatible with the best interests of the City of West Haven and by directing disclosure of private financial or other interests in matters affecting the City by such officers, employees and officials. The provisions and purpose of this article and such rules, regulations and standards adopted by the Commission of Ethics and Compliance shall be declared to be in the best interests of the City of West Haven.

### **STANDARDS OF OFFICIAL CONDUCT:**

1. Except as herein provided, no City official or City employee, and no counsel on behalf of a City Official or City employees, shall represent anyone other than the City before any City agency in any non-ministerial matter, provided, however that a City official or City employee, or counsel on behalf of a City official or City employee, may appear before a City Agency when a matter, concerns a house occupied, or intended to be occupied, by the official or employee as their principal residence, or concerns buildings accessory thereto, or concerns a vacant plot of land intended to be the site of the principal residence of the official or employee;
2. No person shall offer to give to a City official or City employee or a member of their immediate family, and no City official or City employee shall solicit a gift to influence the official or employee in the performance of their official duties;
3. No City official or City employee shall accept any benefit or income, in addition to that received in their official capacity, for having exercised their official powers or performed their official duties;
4. No City official or City employee shall use or disclose information gained in the course of, or by reason of, their official position or activities to further their own financial interests or those of anyone else;
5. Any City official or City employee who has a financial interest, distinct from that of the general public, in any decision of any City Agency shall disqualify themselves from voting on that decision. Any decision made in violation of this provision shall be voidable, at the option of the City;
6. No City official or City employee shall knowingly have or acquire any financial interest or beneficial interest, direct or indirect, in any business that is incompatible with the proper discharge of their official duties or that may tend to impair his independence of judgment in the performance of their official duties.

## **CHAPTER X - INITIATIVE, REFERENDUM POWERS OF INITIATIVE**

The electors shall have the power to propose to the City Council any ordinance or resolution appointing or removing officials, specifying the compensation or hours of work of officials and employees, appropriating

money, authorizing the levy of taxes, or fixing the tax rate. If the City Council fails to adopt such ordinance or other measure within thirty days after a petition making such a proposal shall have been filed with the City Council, the electors may adopt or reject the same at an election held within ninety days after such proposed ordinance or measure was originally filed with the City Council, provided such petition shall be signed in ink or indelible pencil by qualified electors of the City, equal in number to at least ten percent of the registered voters at the last municipal election. Said petition shall be accompanied by affidavits signed and sworn to by each circulator of such petition, certifying to the authenticity of the signatures of such petition. The Town and City Clerk shall determine the sufficiency of the petition and the affidavits. A majority vote of the electors qualified to vote shall be necessary to initiate such ordinances or measures. Unless at least twenty percent of the electors entitled to vote on the question shall have voted, such proposed ordinance or measure shall not become effective and the result shall be construed as against adoption. No ordinance or other measure which shall have been adopted in accordance with the provisions of this Section shall be repealed or amended by the City Council except by petition and vote of the electors.

**POWERS OF REFERENDUM:** The electors shall have the power to approve or reject at a referendum as herein provided any ordinance or other measure passed by the City Council, except an ordinance or resolution appointing or removing officials, specifying the compensation or hours of officials and employees. Ordinances or other measures submitted to the City Council by initiative petition, and passed by the City Council without changes shall be subject to a referendum in the same manner as other ordinances or measures. Within thirty days after the enactment by the City Council or any ordinance or other measure which is subject to referendum, a petition signed in ink or indelible pencil by qualified electors of the City, equal in number to at least ten percent of the registered voters at the last municipal election may be filed with the Town and City Clerk requesting that any such ordinance or other measure be either repealed or submitted to a vote of the electors. Said petition shall be accompanied by affidavits signed and sworn to by each circulator of such petition certifying to the authenticity of the signatures of such petition. The Town and City Clerk shall determine the sufficiency of the petition and the affidavits. If the City Council fails to repeal such ordinances or other measures, the question of repeal shall be submitted to the electors of the City within sixty days. Upon the filing of a sufficient petition, the ordinance or measure shall remain without effect until the electors vote on the question as shall be necessary to repeal the ordinance or measure. It shall not become effective unless a total of at least twenty percent of the electors entitled to vote on the question shall have voted. If the vote to repeal fails, the ordinance or measure as passed by the City Council shall become effective immediately. The Town and City Clerk shall make known to any petitioner that certain items are mandated by State and Federal Law and as such any referendum concerning said items may not be binding.

Not more than one referendum on the budget shall be held in any one fiscal year.

## **CHAPTER XI - MISCELLANEOUS PROVISIONS**

**SECTION 11-1: VILLAGE IMPROVEMENT ASSOCIATION:** The Village Improvement Association, a non-profit 501c3 corporation, may continue to operate the West Haven Public Library and its subsidiaries in the same manner and under the same authority as heretofore. Funding of this non-profit 501c3 corporation, is at the discretion of the City Council. A certified Audit of the prior year's financial statements, as well as a detailed budget request for upcoming fiscal year, is required to be provided to the City Council and the City Manager at least 180 days before the end of the current fiscal year, in order to qualify for city funding.

**SECTION 11-2: PROBATE COURT:** The Probate Court of West Haven shall continue to function in the same manner and under the same authority as heretofore.

**SECTION 11-3: RECORDS TO BE OPEN:** All accounts and records of every office, department, board or commission shall be open to the public at all reasonable times.

**SECTION 11-4: EXPENSE ACCOUNT:** Members of the municipal boards and commissions who serve without compensation shall be reimbursed from the funds of the municipality, with prior City Manager Authorization, for actual out-of-pocket expenses, incurred, in the performance of their duties for the City and submitted within thirty (30) days as a result of their service.

**SECTION 11-5: RETIRED PERSONNEL:** No person on retirement compensation from any department of the municipal government shall be eligible for more than 19 hours per week of employment by the municipality. However, in the case of an emergency vacancy, a retired municipal government employee may be brought back as a contractor, on a temporary basis of no more than 90-days, to fill said vacancy and subject to approval of the City Council by two-thirds (2/3<sup>rd</sup>) vote. This position may be renewed for one additional period of up to but not exceeding an additional 90-days, by two-thirds (2/3<sup>rd</sup>) vote of the City Council.

**SECTION 11-6: TRANSITIONAL PROVISIONS:** The following provisions are intended to facilitate the transition to the new form of government established by this Charter.

1. **PRELIMINARY MEETING OF THE CITY COUNCIL:** On the first Tuesday following the declaration of the result of the General Municipal Election held on the First Tuesday after the First Monday in November, and on such dates thereafter as may be set by the City Council, the Mayor-elect and the City Council shall meet for the purpose of discussing such ordinances as may be necessary to affect the transition to the new form of government.
2. **EXTENSION OR REDUCTION OF TERMS OF OFFICE:** The terms of office for elected or appointed officials of the City of West Haven may be extended or reduced for the purpose of Charter Revision and the re-structuring of city government. The City Council shall determine the extension or reduction parameters for these positions.
3. **CHARTER REVISION TRANSITION:** Upon adoption by the voters of amendments to the City Charter, at a referendum, the City Council will be responsible for the creation and appointment of a temporary transition committee, with powers and duties outlined by the City Council. This committee must be established within 30 days of the referendum.

**SECTION 11-7: EFFECTIVE DATES OF THIS CHARTER:** All actions and approval required by these amendments including all provisions relating to appointments shall become effective at the next General Municipal Election, following the adoption of this Charter

**SECTION 11-8:** This Charter may be amended pursuant to the Connecticut General Statutes.