

**TOWN COUNCIL RECOMMENDATIONS
TO THE EAST HARTFORD CHARTER REVISION COMMISSION
May 16, 2022**

The East Hartford Charter Revision Commission has made significant, substantive recommendations for changes to the East Hartford Town Charter which will facilitate the efficient operation of town government. The Town Council urges the Commission members to consider the attached minor and technical changes to provide clarity and uniformity of charter language.

These changes are summarized, by chapter below:

Chapter III.

Section 3.1 The charter references ‘office of profit under the government’. The question of what that term means has occurred over the past few years without a lot of clarity. The meaning seems to be a position for which the person is compensated. To avoid future questions, the proposed change no longer used the term office of profit and instead uses “town government elected or appointed position for which such person is compensated”

Section 3.2 The charter sets the first meeting of a newly elected town council as the first Monday after the town election which in some years is Veterans’ Day. By practice, the meeting is pushed to the next day. This change codifies that practice and eliminates any question about whether to meet on a national and state holiday but providing when the Monday is a holiday, the first meeting will be on the succeeding Tuesday.

Section 3.2(c) Eliminates the use of pronouns and uses the position’s name

Section 3.4(g) Clarifies that the Town Council sets fees charged for use of or access to town property. The issue had previously come up regarding charges for private companies to provide fax services to the public in the library.

Section 3.5 Eliminates the parentheses as use of such does not occur in state or municipal statutes

Section 3.10 Eliminates the use of pronouns and uses the position’s name

Chapter IV

Section 4.2 Addresses the same ‘office of profit’ issue as in section 3.1 and eliminates the use of pronouns and uses the position’s name. Makes the first two sentences of (a) a separate subsection for clarity and renumbers the subsequent sections

Section 4.2(c) Changes ‘enquire’ to ‘inquire’

Section 4.3(c) Makes uniform the references to charter sections as “Section xx of the Charter” and corrects the reference from section 6.8 to section 6.9 as section 6.8 has nothing to do with checks being countersigned.

Section 4.3 (e) Working with the mayor several years ago, the Town Council set up a process in ordinance for removing board or commission members especially for non-attendance. This change aligns the charter language with the ordinance process which includes automatic removal if there is a failure to attend one third or more of the meetings.

Chapter V

Section 5.1 Eliminates the use of pronouns and uses the position’s name

Section 5.2 Eliminates ‘at his or her option’ since the language already states that the Town Clerk ‘may’

Section 5.3 Eliminates the use of pronouns and uses the position’s name and eliminates ‘at his or her option’ because the language already states the Town Treasurer ‘may’.

Section 5.4 Makes uniform the reference to ‘Council’. Clarifies that any change in departments is subject to approval by the Council rather than ‘shall be approved’ which makes it sound like the Council has no other option.

Section 5.6 (a) Makes uniform the references to charter sections and eliminates the use of pronouns

Section 5.6 (c) Eliminates the use of pronouns and uses the position’s name

Section 5.7 Eliminates the use of pronouns and uses the position’s name and splits up the Director’s program authority into three subdivisions for clarity.

Section 5.8 The provision allows the Public Works Department to provide services to the board of education provided the costs are assessed to the board. Over the years, the town and the board have provided various services to each other with assessing the actual cost to the other. This amendment provides for assessment of costs if the Town Council requires it which will align with current practice.

Section 5.9 Makes uniform the references to charter sections

Section 5.11 Makes uniform the references to charter sections

Section 5.13 Makes uniform the references to charter sections and eliminates the use of pronouns

Section 5.14 Eliminates the use of pronouns and uses the department reference

Section 5.17 Eliminates the use of pronouns and uses the position's name and eliminates 'town' in front of 'council'.

Section 5.19 Eliminates the use of pronouns and uses the position's name.

Section 5.21 Eliminates the use of pronouns and uses the position's name.

Section 5.22 Eliminates the use of pronouns and uses the position's name.

Section 5.25 Eliminates 'and/or' which is not a term used in statutory language.

Section 5.27 Eliminates the use of pronouns and uses 'such person'.

Chapter VI

Section 6.2 Eliminates the use of pronouns and uses the position's name.

Section 6.3 Makes uniform the references to charter sections

Section 6.4 Makes uniform the references to charter sections

Section 6.4(d) Clarifies the mayor's veto or reduction of budget items is effective unless overridden by the Council. The language currently says approval or disapproval by the mayor.

Section 6.5 (a) and (b) Eliminates 'town' in front of 'council'

Section 6.5 (d) Eliminates the use of pronouns

Section 6.7 Changes reference to chairman to chairperson

Section 6.9(b) Eliminates the use of pronouns and uses the position's name

Section 6.9(c) Adds commas to separate "and the manner in which" for clarity.

Section 6.9(d) changes "examine into the matter" to 'examine the matter'

Chapter VII

Section 7.1 Makes uniform the references to charter sections

Section 7.2 Aligns the language of this section with the changes to section 5.26 where compensation includes vacation time, sick leave and other leaves of absence. Section 5.26 requires Town Council approval. The personnel rules in section 7.2 do not. It has been

understood that any compensation for any town government employee would be in accordance with a systemic pay plan approved by the Town Council.

Chapter VIII

Section 8.2 Makes uniform the reference to charter sections, eliminates “town” before “council”

Section 8.3 Makes uniform the reference to charter sections and makes the correct section reference regarding the adoption of ordinance provisions. Eliminates “town” before “council” in several references.

Section 8.4 Makes uniform the reference to charter sections and makes the correction section reference regarding the referendum petition form.

Chapter I. Incorporation and General Powers

Sec. 1.1 Incorporation and General Powers.

All the inhabitants dwelling within the territorial limits of the Town of East Hartford, as unified and consolidated according to the provisions of Special Act No. 501 of the 1929 Session of the Connecticut General Assembly, as heretofore constituted, shall continue to be a body politic and corporate under the name of "The Town of East Hartford," hereinafter called "the town." The Town of East Hartford shall have perpetual succession, may hold and exercise all powers and privileges heretofore exercised by the town not inconsistent with the provisions of this charter; and shall have the additional powers and privileges conferred in this Charter; in addition to all powers and privileges conferred upon towns under the constitution and general laws of the State of Connecticut.

Sec. 1.2 Rights and Obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the town as of the effective date of this Charter (April 2, 1968) are continued in said town and the town shall continue to be liable for all debts and obligations of every kind for which the town shall be liable on said date, whether accrued or not. Nothing herein shall be construed to affect the right of the town to collect any assessment, charge, debt, or lien. If any contract has been entered into by the town prior to the effective date of this Charter (April 2, 1968) or any bond or undertaking has been given by or in favor of the town which contains provisions that the same may be enforced by any commission, board, department or officer therein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired but shall continue in full force and effect and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said town.

Sec. 1.3 General Grant of Power.

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

Chapter II. Elections

Sec. 2.1 General.

(a) Nomination and election of federal and state officers, including Registrars of Voters, and of such elective municipal officers, boards and commissions as are provided for in this Charter shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the constitution and general laws of the State of Connecticut, except as hereinafter provided.

(b) A meeting of the electors of the Town of East Hartford for the election of municipal officers shall be held on the Tuesday after the first Monday of November in 1969, and biennially thereafter. At such meeting there shall be elected a Mayor, Treasurer, nine members of the Town Council, not more than six of whom shall be of the same political party, three Selectmen and seven Constables all for terms of two years, and all elected at large.

(c) Also, at such meeting to be held in 1969 there shall be elected five members of the Board of Education for terms of four years. Alternately thereafter at each biennial election there shall be elected four members and then five members of the Board of Education for terms of four years to succeed those whose terms expire.

(d) The terms of all municipal officers shall commence on the first Monday following their election and they shall hold office until their successors have been chosen and qualified. Except as otherwise provided in this Charter, all elective town officers, boards and commissions shall have the powers and duties prescribed by law.

Sec. 2.2 Minority Representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the town shall be in conformity with the appropriate minority representation provisions of the General Statutes. No political party shall nominate for any elective office a number of candidates exceeding the number it may elect.

Sec. 2.3 Voting Districts.

The number of voting districts and their boundaries shall be established by ordinance in conformity with provisions of the General Statutes.

Sec. 2.4 Breaking the Tie.

When any regular or special municipal election or primary election conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of the General Statutes as may be amended.

Sec. 2.5 Vacancies.

Any vacancy in any elective town office other than on the Board of Education shall be filled by

appointment by the Town Council for the unexpired portion of the term or until the next biennial election in accordance with the provisions of the General Statutes; provided, that when the persons vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by the appointment of a member of the same political party.

Sec. 2.6 Eligibility.

No person shall be eligible for election to any town office who is not at the time of the election a resident elector of the town and any person ceasing to be a resident and elector of the town shall thereupon cease to hold elective office in the town.

Sec. 2.7 Removal of Elected Officials.

Any elected town official may be removed from office for cause which shall include, but not be limited to, conviction of a felony, conviction of a lesser crime involving fraudulent or dishonest conduct, willful violation of this Charter, or a willful violation of the Town's Code of Ethics. No removal proceeding shall commence except upon a vote of a majority of the membership of the Town Council that there is probable cause to believe grounds for removal exist. A hearing thereon before the full Town Council shall take place after the determination of probable cause. Written notice by the Town Council of the charges and the time and place of the hearing shall be given to the official at least two weeks before such hearing. The Town Council may appoint legal counsel to present evidence of the charges at the hearing. At the hearing, the official shall have the right to be represented by legal counsel. The official and the Town Council's legal counsel shall have the right to examine and cross-examine witnesses and to present evidence. A decision to remove an elected official shall require an affirmative vote of seven members of the Town Council.

Chapter III. The Town Council

Sec. 3.1 -The Council.

There shall be a Town Council consisting of nine members hereinafter referred to as the Council. No member of the Council shall hold any other ~~office of profit under the government town~~ **government elected or appointed position for which such person is compensated** or -be employed by the Town of East Hartford except as permitted by law, nor shall the member during the term of office be appointed to any office of profit under the government of the Town.

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Sec. 3.2 Presiding Officer and Clerk.

(a) With the Mayor presiding, the ~~Town~~ Council shall meet at seven thirty p.m. on the second Monday in November, 1969 and biennially thereafter, and shall choose one of its members to be Chairperson of said Council to preside at all meetings, but such office shall not deprive such Chairperson the right to vote on any question. **provided when such day is a federal or state holiday such meeting shall be held on the succeeding Tuesday.**

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~~(b) The Chairperson shall also be the Deputy Mayor and shall exercise the powers and duties of the Office of Mayor in the event of the absence, death, disability or resignation of the Mayor provided if the Chairperson is unable to assume the office of Mayor, the Vice Chairperson shall assume the office of Mayor. If the Vice Chairperson is unable, the Council shall elect one of its members to assume the Office of Mayor. The fact of disability of the Mayor shall be determined by an affirmative vote of eight of the members of the Council and shall continue for such time until a majority of the Council members determine that such disability no longer exists. If a Council member assumes the powers and duties of the Mayor until the next biennial election, the Council member shall resign from the Council, and the Council shall fill the vacancy for the remainder of the Council's term. During all other periods when the Deputy Mayor exercises the powers and duties of Mayor, the Deputy Mayor shall retain the right to vote as a Councillor.~~

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~~(b) The Chairperson shall also be the Deputy Mayor and shall exercise the powers and duties of the Office of Mayor in the event of the absence, death, disability or resignation of the Mayor. The fact of disability of the Mayor shall be determined by an affirmative vote of eight of the members of the Council and shall continue for such time until a majority of the Council members determine that such disability no longer exists. If the Deputy Mayor shall assume the powers and duties of the Mayor until the next biennial election, the Deputy shall resign from the Council, and the Council shall fill the vacancy for the remainder of the Council's term. During all other periods when the Deputy Mayor exercises the powers and duties of Mayor, he or she shall retain his or her vote as a Councillor.~~

(c) Upon selection of a Chairperson, the ~~Town~~ Council shall elect one of its members to the office of Vice Chairperson who shall assume the Chairperson's duties in ~~his or her~~ **the Chairperson's** absence including powers and duties of Deputy Mayor.

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(d) At such meeting, and biennially thereafter, the Council shall also select a Clerk of the Council who shall receive and transmit communications for the Council and shall keep the records of its meetings and transactions in accord with the provisions of this Charter, the Ordinances, and Rules of the Council and perform such other services for the Council as may by resolution be prescribed.

Sec. 3.3 Procedure.

(a) At the first meeting of the ~~Town~~ Council following each biennial town election said Council shall by resolution fix the time and place of its regular meetings, which shall be at least once each month, and provide for the calling of special meetings. The Chairperson shall have the power to

call a special meeting of the Council at any time and shall call such meeting whenever requested by one-third or more of the Councilors so to do. The call for each special meeting of the Council shall state the purposes of the meeting and shall be served upon or mailed to each Councilor at least twenty-four hours before the hour of said meeting; but the lack of a call or the insufficiency of the service thereof shall not invalidate any meeting of the Council at which all members shall be present. No business shall be acted upon at any special meeting except that concerning which notice of proposed action shall have been given in the call for the meeting. The Council shall by resolution determine its own rules of procedure.

(b) All meetings of the Council for the transaction of business shall be open to the public and the votes shall be recorded in accordance with law. Five members shall constitute a quorum. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title.

(c) The Council shall keep for public inspection -minutes of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. Said -minutes shall be maintained by the Clerk of the Council. The record so kept shall be authenticated for each meeting by the signature of the Chairperson or the Clerk or of both.

Sec. 3.4 -General Powers and Duties.

(a) The ~~Town~~ Council shall have the powers and duties which, on the effective date of this Charter (April 2, 1968) were conferred by law upon officers, boards and commissions of said town existing prior to such date except as otherwise specifically provided in this Charter. The legislative power of the town shall be vested exclusively in the Council, except as otherwise provided in section 3.10 of the Charter-.

(b) The Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the state; to create or abolish, by ordinance, boards or commissions; to establish the rate of compensation for the members of the succeeding Town Council.

(c) The Council may contract for services and the use of the 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. The Town Council may establish such rules and regulations by ordinance as it deems necessary in order to enable the Purchasing Agent to enter into regional purchasing agreements, retaining such controls as are required by this Charter. The ~~Town~~ Council shall not, however, commit the town to participation in any metropolitan or regional government, nor to any metropolitan, regional or municipal governmental body to which the town's control over its municipal service is transferred in whole or in part, regardless of the town's representation thereon, without prior approval by the voters at a referendum called for that purpose at a special or general election.

(d) The Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance wherein such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained copies of such code, rules or regulations in the office of the Town Clerk for examination by the public, and there shall be available copies of such code, rules or regulations or portions thereof as are incorporated by reference in any ordinance for sale at cost to any member of the public.

(e) The Council may fix the penalty for the violation of any of the bylaws, ordinances, and enactments made by it in accordance with State law.

(f) The Council may, by resolution, regulate the internal operations of the boards, commissions and offices which it fills by appointment, and fix the compensation of the Selectmen, the Registrars of Voters, and the officers and employees not in the classified service as hereinafter provided in this Charter. The Council shall establish, by ordinance, the qualifications of appointed officers and employees not in the classified service hereinafter provided.

~~(g) The Council may fix the charges, if any, to be made for services rendered by the town or the execution of powers vested in the town including the use of or access to, town property.~~

~~(h) The Clerk shall refer a copy of each ordinance introduced to the Corporation Counsel for advice regarding the validity, legal effect, style, and form of the proposal, but such advice shall not be binding upon the Council.~~

~~(g) The Council may fix the charges, if any, to be made for services rendered by the town or the execution of powers vested in the town.~~

~~(h) The Clerk shall refer a copy of each ordinance introduced to the Corporation Counsel for advice regarding the validity, legal effect, style, and form of the proposal, but such advice shall not be binding upon the Council.~~

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Sec. 3.5 Public Hearing on and Publication of Ordinances.

At least one public hearing, notice of which shall be given at least five days in advance by publication in a newspaper having general circulation in the Town of East Hartford, and by posting a notice in a public place, shall be held by the ~~Town~~ Council before any ordinance shall be passed. Every ordinance, ~~(except bond ordinances), after passage, shall be assigned a -serial number and- shall become a part of the Town's Code of Ordinances.~~ Upon final passage, the Town Clerk shall keep an updated Code of Ordinances in accordance with the General Statutes. Within ten days after final passage, all ordinances shall be published once in their entirety in a newspaper having general circulation within the town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-~~__~~first day after such publication following its final passage.

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Sec. 3.6 -Emergency Ordinances.

An ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after publication thereof as required in ~~Sec 3.5 section 5 of this chapter~~ and no public hearing or notice of public hearing shall be required for any public emergency ordinance. An emergency ordinance shall be effective for sixty days following passage.

Sec. 3.7 Investigation.

The ~~Town~~ Council shall have the power to investigate any and all departments, offices and agencies of the town and for such purposes shall have the power to call witnesses to appear before the Council to testify on any matter under investigation. There shall be a committee of the Council on investigations and audits, including proportionate minority representation, and such committee shall employ a certified public accountant to develop under its direction a regular council audit program in addition to the independent audit and may employ such other investigatory services as it deems necessary. If any nonelective officer or employee of the town who, upon receipt of adequate notice and opportunity, fails to appear or refuses to testify when so called by the Council, such refusal or failure shall be deemed to be grounds for dismissal from said office or position.

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Sec. 3.8 Relations to Administrative Service.

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Neither the ~~Town~~ Council nor any of its members shall direct or request the appointment of any person to any office or employment, or direct or request the removal of any person from any office or employment which office or employment, by the provisions of this Charter, the Mayor or any of ~~his~~ **the mayor's** appointees are empowered to fill by appointment, provided the Mayor may seek advice from the Council regarding appointments and provided further the Council may prefer charges in writing against any officer or employee appointed by the Mayor in the manner hereinafter prescribed for the removal of officers and employees. The Council and its members shall deal with the Administrative Service solely through the Mayor and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor either publicly or privately, provided a properly constituted meeting of the Council, which the Mayor has been invited to attend, may call before it any employee or officer for the purpose of investigation.

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Sec. 3.9 -Annual Audit.

The ~~Town~~ Council shall annually designate an independent public accountant to audit the books and accounts of the town in accordance with the provisions of the General Statutes, as amended. In addition to the annual audit, the ~~Town~~ Council shall obtain an audit of any nonrecurring project (except for single expenditures for goods or services) costing more than \$500,000.00, if no state or federal audit is required. The ~~Town~~ Council shall designate an independent public accountant to conduct such audit.

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Sec. 3.10 Approval of Ordinances and Appropriations by the Mayor.

(a) Every ordinance except an emergency ordinance shall, before it becomes effective, be certified to the Mayor for his approval. The Mayor shall, within five days of passage by the ~~Town~~ Council, sign the proposed ordinance, if ~~he~~ **the Mayor** approves it, whereupon, subject to the provisions of Section 3.5 of this chapter, it shall become effective. If ~~he~~ **the Mayor** disapproves a proposed ordinance, ~~he~~ **the Mayor** shall within five days return it to the Clerk of the Council with a statement of the reasons for ~~his~~ disapproval which statement shall be transmitted by said Clerk to the Council at its next meeting. If the Council shall pass the proposed ordinance by an affirmative vote of at least six members within seven days after such ordinance has been received by the Council in meeting with the Mayor's disapproval, it shall become effective without his approval. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without ~~his~~ **their** approval. The Mayor may disapprove or reduce any item or items in any appropriation, whereupon the approved portion of the appropriation shall become effective unless the disapproved or reduced portion thereof is passed by the Council over the Mayor's veto in the manner herein provided, in which case the entire appropriation shall become effective as finally passed.

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(b) In computing the time periods specified in this Section, the period begins with the first day after Council approval and does not include Saturdays, Sundays and legal holidays.

Chapter IV. The Mayor

Sec. 4.1 Election and Qualification.

At each town election a Mayor shall be chosen by the electors of the town. Such Mayor shall serve for a term of two years and until a successor shall be elected and qualified and shall take office on the first Monday following the town election. The Mayor shall be the chief executive officer of the town and shall receive such compensation as shall by ordinance be fixed by the ~~Town~~ Council.

Sec. 4.2 Duties.

~~(a)~~ The Mayor shall be directly responsible for the administration of all departments, agencies, and offices in charge of persons or boards appointed by him or her and shall supervise and direct the same. The Mayor shall also be the Director of Emergency Management.

~~(b)~~ The Mayor shall appoint and may remove a Chief Administrative Officer to assist the Mayor with the day-to-day administration of all departments, agencies and offices of the Town. The Chief Administrative Officer shall be appointed based upon generally accepted professional experience, education, and qualifications as established by ordinance. The Chief Administrative Officer shall report solely to the Mayor, shall perform such duties and responsibilities as are assigned by the Mayor, and shall be responsible to the Mayor in the exercise of powers and in the performance of duties hereunder. The ability to assign responsibilities to a Chief Administrative Officer shall not abrogate the Mayor's responsibilities or rights under this Charter.

~~(a)~~

~~(b)(c)~~ The Mayor shall devote full time to the duties of the office. The Mayor shall hold no other office of profit under the government of the town, town government elected of appointed position for which such person is compensated nor shall he or she the Mayor during the term for which he or she the Mayor is elected be appointed to any office of profit under the government of the town such position.

~~(e)(d)~~ The Mayor shall see that all laws and ordinances governing the town are faithfully executed; shall make periodic reports to the ~~Town~~ Council and may attend its meetings; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year an annual town report; shall recommend to the Council such measures as ~~he or she may deem~~ necessary or expedient; shall keep the Council fully advised as to the financial condition of the town; shall prepare and submit to the Council an annual budget as provided in Chapter VI of this Charter; and shall exercise such other powers and duties as may be authorized by ordinance or resolution of the Council not inconsistent with this Charter.

~~(d)(e)~~ The Mayor shall have the power to ~~enquire inquire~~ directly, or through a designated agent, into the activities of any organization spending town funds and to require complete disclosure of information, with persistent resistance to such request being grounds for dismissal.

~~(e)(f)~~ The Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Mayor, except those powers and duties imposed on ~~him or her~~ the Mayor by the Council.

~~(f)(g)~~ The Mayor may at ~~his or her~~ their option become a contributing member of the town retirement system.

Sec. 4.3 -Appointments and Terms.

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(a) The Mayor ~~shall appoint and may remove shall appoint and may remove~~ all department heads and other officers and employees of the town, except as otherwise specifically provided by this Charter and except employees in the offices of elected officers or boards. The terms of such appointees shall terminate on the same date as the term of the Mayor except such appointees may continue to serve until their successors are appointed and qualified, and except that the terms of board and commission members shall be those provided by statute or ordinance.

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(b) The Chiefs of the Police and Fire Departments ~~shall~~ be in the classified service and shall be appointed and serve under the merit system.

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(c) ~~In lieu of any appointment by the Mayor or any of his or her appointees to any office under his or her jurisdiction the~~ Mayor may, subject to the approval of the Council, perform the duties of any office under ~~his or her~~ the Mayor's jurisdiction, except those of the Town Treasurer, provided in case the Town Treasurer is absent or unable to act, the Mayor may countersign checks in accordance with the provisions of ~~Chapter VI, Section 8 of this Charter~~ **Section 6.9 of the Town Charter.**

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(d) The Mayor shall appoint, with the consent of the Council, the members of the Board of Tax Review, the Town Planning and Zoning Commission and the Zoning Board of Appeals at such times and for such terms as are prescribed in the statutes, this Charter, or ordinances. The Mayor shall in like manner appoint members of other commissions, committees, and boards created by the Council to administer programs or parts of programs and appoint individuals to represent the town on regional bodies.

(e) The Mayor may terminate any of these appointments made with consent of ~~the~~ Council for persistent nonattendance at meetings ~~or. The Mayor may propose the termination of any of these appointments~~ for cause and the termination shall be effective ~~if a vote with an affirmative vote of the Council upholds the sufficiency of the cause. The process for removal of persistent non-attendance or for cause shall be established by ordinance.~~

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(f) The Mayor may appoint citizen advisory or study committees to serve for the purposes and periods ~~he or she~~ the Mayor determines.

(g) The power to remove an officer or employee shall include, wherever it appears in this Charter, the power to suspend, either pending investigation or as a disciplinary penalty under the applicable standards.

Chapter V. Offices and Departments

Sec. 5.1 -Corporation Counsel.

(a) The Mayor shall appoint, and may remove, a Corporation Counsel, who shall be an attorney of at least five years' practice in the State of Connecticut.

(b) The Corporation Counsel shall appear for and protect the rights of the town in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. The Corporation Counsel shall be the legal advisor of the Town Council, the Mayor, and all town officers, boards and commissions in all matters affecting the town and shall upon written request furnish them with a written opinion on any question of law involving their respective powers and duties.

(c) When a board or commission requests an opinion, the Corporation Counsel shall prepare a written opinion stating his or her best advice as to the legality, efficacy or validity of the actions or positions proposed by the board or commission requesting the opinion. In a final paragraph of the written opinion, the Corporation Counsel shall indicate whether ~~the conclusion follows with~~ substantial certainty from the applicable law or whether it simply represents ~~his or her~~the Corporation Counsel's best judgment as to applicable law and that there is some degree of uncertainty in determining what a court will ultimately decide. In all cases where the Corporation Counsel has indicated in ~~his or her~~ written opinion that the conclusion follows with substantial certainty from applicable law, such written opinion will be binding upon the board or commission which requests such opinion. This subsection does not apply to opinions requested by the ~~Town~~Council.

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(d) Upon request the Corporation Counsel shall prepare or approve forms of contract or other instruments to which the town is a party or in which it has an interest.

(e) The Corporation Counsel shall have power to appeal from orders, decisions and judgments and, subject to approval of the Council, to compromise or settle any claims by or against the town. The Corporation Counsel shall have such other powers and duties as may be prescribed by the ~~Town~~Council.

(f) If in special circumstances or for any investigation under Chapter III, Section 7 ~~the Council~~ deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than the Corporation Counsel.

(g) The Corporation Counsel shall appoint, and may remove, such part time assistant Corporation Counsels and temporary employees as ~~he or she deems~~ necessary. In addition, there shall be a full time Assistant Corporation Counsel who shall be a member of the classified service and subject ~~to~~ all of the provisions of Chapter VII of this Charter.

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Sec. 5.2 -Town Clerk.

The Mayor shall appoint, and may remove, a Town Clerk, who shall have all powers and duties conferred or imposed by law on town clerks, who may act as Clerk of the ~~Town~~Council if selected, and who shall have such other powers and duties as are prescribed in this Charter or by the Council. The Town Clerk shall appoint and remove, subject to such rules and regulations as may be adopted pursuant to the merit provisions of Chapter VII of this Charter all deputies, assistants or employees in the office. The Town Clerk shall receive a compensation fixed by the

Council and all fees collected by the office shall be paid into the town treasury. The Town Clerk may, ~~at his or her option,~~ become a contributing member of the town retirement system.

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Sec. 5.3 -Town Treasurer.

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The Town Treasurer shall be Treasurer of town funds and school funds, and shall countersign all checks. ~~He or she~~The Treasurer shall be responsible for the issuance of bonds authorized by the town, the payment of interest and principal obligations on debt of the town, the borrowing of money in anticipation of taxes, or other issuance of temporary notes, and all duties imposed by the General Statutes on the Treasurer of the town. The Town Treasurer shall also be agent of the town deposit fund. The Treasurer may ~~at his or her option,~~ become a contributing member of the town retirement system.

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Sec. 5.4 -Administrative Departments.

(a) There shall be the following administrative departments: a Department of Finance, a Human Resources Department, a Department of Development, a Treasury Department, a Police Department, a Fire Department, a Public Works Department, a Department of Parks and Recreation, a Department of Inspections and Permits, a Department of Health and Social Services, a Department of Youth Services, ~~a Department of Information Technology~~ and a Department of Libraries. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or by resolution of said Council.

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~~(b) Subject to Connecticut General Statutes, the Mayor shall have the authority (i) to appoint one individual to serve as the Director of one or more administrative Departments; and (ii) realign responsibilities between, merge, or rename administrative departments. Such appointments shall be communicated to the Council. Any realignment, merger, or renaming of department shall be subject to approval by the Council.~~

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Sec. 5.5 -Department of Finance.

(a) The Department of Finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the control over expenditures and such other powers and duties as may be required by ordinance or resolution of the Town Council.

(b) The department shall in addition have responsibility ~~for developing applications of electronic data processing to town financial and operating information,~~ for the planning and placement of ~~for~~ insurance of the town's risks, and for the administration, including further planning, of the town retirement system.

(c) Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the town. Forms for such accounts shall be prescribed by the Director of Finance with the approval of the Mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Mayor.

Sec. 5.6- Director of Finance.

(a) Except as provided in ~~Chapter IV, Section 3~~Section 4.3 of this Charter, the Mayor shall appoint and may remove a Director of Finance who shall have direct supervision over the Department of Finance

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and the administration of the financial affairs of the town. The Director of Finance shall exercise ~~his or her~~the powers and discharge ~~his or her~~the duties ~~of the office~~ under the supervision of the

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Mayor. The Director of Finance shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter VII of this Charter, a Tax Collector, an Assessor, a Purchasing Agent, and all other employees of the Department of Finance. Subject to the approval of the Mayor, the Director of Finance may perform the duties of any office ~~under his or her supervision~~**within the department** and may consolidate one or more such offices under one person.

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(b) The Tax Collector and the Assessor shall have the powers and duties imposed by law on such officers, and shall have such other powers and duties as the Council may prescribe.

(c) The Purchasing Agent of the town shall purchase all supplies, materials, equipment and other commodities required by any department, agency, board or commission of the town except the Board of Education, libraries and the Probate Court, on requisitions signed by the head of the department, office or agency or ~~Chairman~~**chairperson** of the board or commission or responsible representative appointed by ~~him or her~~**the Purchasing Agent**. Nothing herein contained shall be construed to prevent the town Purchasing Agent from serving as Purchasing Agent for the Board of Education, libraries or the Probate Court upon the request of the Board of Education, a Judge of such Court or the Director of Libraries. Purchases shall be made under such rules and regulations as may be established by the Council, provided, if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity over a period of time involves the expenditure above the threshold limit established by the ~~Town~~ Council by ordinance, the Purchasing Agent, unless it shall be determined by the Council to be against the best interests of the town, shall invite sealed bids or proposals, giving ten days public notice thereof by publication at least once in a newspaper having circulation in the town and shall award the purchase or contract to the lowest bidder thereon, or may reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly.

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Sec. 5.7 -Director of Human Resources.

The Mayor shall appoint and may remove the ~~-Human Resources~~ Director. The Director shall have responsibility for administering the merit system provided for in this Charter, ~~he or she~~**the Director** shall initiate programs for **(i)** the recruitment of the best available persons to fill vacant positions in the town service, for continued training and evaluation of the employees and officers, for employee relations generally, ~~for~~**(ii)** assistance to department heads and the Mayor in dealing with organized employees, and ~~for~~**(iii)** interpreting to the employees and potential employees the opportunities and terms of employment with the Town of East Hartford. The ~~Human Resources~~ Director shall have a general responsibility for making employment with the town attractive to able people, productive and efficient, equitable in its relationships, fair in its opportunities, and personally satisfying. The Director shall, for these objectives, develop and propose to the Mayor, the Council, or both, from time to time changes in personnel policies. In addition to these duties and those following from Chapter VII, ~~he or she~~**the Director** may be assigned additional tasks by the Mayor or the Council. The Director shall appoint and remove subject to such rules and regulations as may be adopted pursuant to the merit provisions of Chapter VII of this Charter all assistants or employees in the office. The Director shall exercise ~~his or her~~ powers, and discharge ~~his or her~~ duties **of the department** under the supervision of the Mayor.

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Sec. 5.8 Department of Public Works.

The Department of Public Works shall have supervision and control of the maintenance of all town owned structures, except such structures as are under the control of the Board of Education, the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, flood control, public and private storm drains, and other public improvements, town buildings, and the preservation, care and removal of trees within highways or public places, all engineering work of the town and the collection and disposal of garbage, rubbish and ash, provided that the inspection of sidewalks shall be a function of the Department of Inspections and Permits, and shall have such other powers and duties as the ~~Town~~Council may prescribe. 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 and for the period requested by the Board of Education and approved by the Council, provided the costs are charged ~~against the Board of Education's appropriations~~ **in accordance with the provisions of the Council approval.**

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Sec. 5.9 Director of Public Works.

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Except as provided in ~~Chapter IV, Section~~**Section 4.3-3** of this Charter, the Mayor shall appoint and may remove a Director of Public Works who shall be responsible for the efficiency, discipline, and good conduct of the department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Chapter VII of this Charter, shall appoint and may remove such deputies, assistants and employees as ~~he or she may deemed~~ necessary and shall prescribe their duties. The Director of Public Works shall exercise ~~his or her~~**the** powers, and discharge ~~his or her~~**the** duties **of the department** under the supervision of the Mayor. ~~He or she~~**The Director** shall organize the work of the department in such manner as ~~he or she shall deemed~~ most economical and efficient. The Director of Public Works shall be the Tree Warden, and shall have all the powers and duties thereof as provided in the General Statutes, as amended.

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Sec. 5.10 Police Department.

The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the state, and the ordinances of the town and all rules and regulations made in accordance therewith. All members of the department shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes, and all powers and duties imposed by law on constables except as otherwise provided by department rules and regulations.

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Sec. 5.11 Chief of Police.

~~(a)~~ **(a)** Except as provided in ~~Chapter IV, Section 3~~**Section 4.3-** of this Charter, the Mayor shall appoint and may remove subject to the provisions of the General Statutes, as amended, a Chief of Police who shall appoint and may remove, subject to such rules and regulations, as may be adopted pursuant to the merit system provisions of Chapter VII of this Charter, all other officers and employees of the Police Department including a Dog Warden whose powers and duties shall be as provided in the General Statutes, as amended. The Chief shall exercise ~~his or her~~**the** powers, and discharge ~~his or her~~**the** ~~—~~**—**duties **of the department** under the supervision of the Mayor.

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~~(b)~~ **(b)** The Chief of Police shall assign all members of the department to their respective posts, shifts,

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details, and duties. ~~He or she~~**The Chief** shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. ~~He or she~~**The Chief** shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action.

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Sec. 5.12 Fire Department.

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

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Sec. 5.13 Fire Chief.

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~~(a)~~ **(a)** Except as provided in ~~Chapter IV, Section~~**Section 4.3-3** of this Charter, the Mayor shall appoint and may ~~remove~~ subject to the General Statutes, as amended, a Fire Chief who shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter VII of this Charter, all other officers and employees of the Fire Department as may be necessary. The Chief shall exercise ~~his or her~~**the** powers, and discharge ~~his or her~~**the** duties of the department under the supervision of the Mayor.

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~~(b)~~ **(b)** The ~~Fire~~**Fire** Chief shall assign all members of the department to their respective posts, shifts, details and duties. The Chief shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. The Chief shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to the lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action.

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~~(c)~~ **(c)** The Mayor shall appoint and may remove subject to the rules and regulations adopted pursuant to the merit system provision of this Chapter VII of this Charter, the Fire Marshal in accord with this Charter. The Fire Chief shall assign the Fire Marshal ~~his or her~~**their** respective posts, shifts, details and duties of such office. The Fire Department shall have responsibility for the fire inspections and shall cooperate with the Zoning Enforcement Officer and the Department of Health and Social Services in the enforcement of the housing and fire codes.

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Sec. 5.14 Department of Development.

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The Mayor shall appoint and may remove the Director of Development. The Director of Development shall coordinate insofar as possible the planning and zoning activities, the renewal activities, and the capital planning activities of the town with the view of conserving desirable existing values and achieving economically, socially, and aesthetically desirable development in the town. It shall be a special duty to be aware of development opportunities arising from federal and state programs and to propose programs for the use of these opportunities in East Hartford. It shall be a further task to assemble and convey to representatives of business, industry, and land development interests' information for their East Hartford development decisions. The Director shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the merit system provisions of Chapter VII of this Charter, such assistants and employees as may be necessary. ~~He or she~~**The Director** shall exercise ~~his~~**the** powers and discharge ~~his or her~~**the** duties of the department under the supervision of the Mayor.**the**

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~~supervision of the Mayor.~~

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Sec. 5.15 Planning and Zoning Commission.

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Upon the adoption of an appropriate ordinance, there shall be a combined Planning and Zoning Commission and the present separate commissions for these purposes shall be terminated.

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Sec. 5.16 Department of Health and Social Services.

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The Department of Health and Social Services shall be responsible for the administration of the public health and social service programs of the town. The Director of Health shall be the Director of Health and Social Services. The Mayor shall appoint and may remove the Director of Health in accordance with state law. The Director of Health and Social Services shall have all the powers and duties relating to the poor and defective and dependent persons vested by law in the selectmen of towns and shall also be director of public assistance. Further, the Director shall be responsible for the preservation and promotion of the public health and shall perform such functions and shall have such powers and duties as are imposed by law on directors of health and such other powers and duties as the council may prescribe. Subject to the General Statutes and in accordance with the merit system provided under Chapter VII of this charter, the Director may appoint and may remove assistants and employees.

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Sec. 5.17 Director of Libraries.

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~~(a) (a)~~ The Director of Libraries shall administer and coordinate the affairs of town libraries under the general supervision of the Mayor. ~~Upon the vacancy of the Director of Libraries by the person serving in such position on July 1, 2004, and whenever thereafter there is a vacancy in such position,~~ The Mayor shall appoint and may remove the Director. ~~He or she~~ **The Director of Libraries** shall be responsible for the development of library resources and library services to the town. ~~He or she~~ and shall appoint and may remove, in accord with this Charter, assistants, librarians and other employees in the town libraries.

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~~(b) (b)~~ The ~~Town~~ Council may, by ordinance, create or abolish ~~Commission on Culture and Fine Arts, which will act as a library board,~~ a **Library Board**. ~~The Board~~ **Commission** shall have the powers as established by ordinance and as set forth herein.

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~~(c) (c)~~ The ~~Commission library board~~ shall from time to time confer with the Director of Libraries with respect to: the use of the town's public library facilities; the Director of Libraries' annual proposed budget for library services; the selection and acquisition of materials; the development, implementation and alteration of programs; and capital planning. The ~~Commission Library Board~~ shall confer with the Director of Libraries with respect to the acquisition and selection of library materials and composition of collections.

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~~(d) (d)~~ The ~~Commission Library Board~~ and Director of Libraries shall collaborate on the proposed annual budget prior to submitting to the Mayor and shall have input to the evaluation of the facility, its services and the director position and shall prepare an annual report on the state of the libraries.

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Sec. 5.18 Department of Parks and Recreation.

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The Department of Parks and Recreation shall have custody over and develop and maintain the parks, playgrounds, and other recreation facilities of the town and shall develop and provide the recreation programs and services deemed needed in the town, and shall have such other powers and duties as the Town Council may prescribe.

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Sec. 5.19 Director of Parks and Recreation.

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The Mayor shall appoint and may remove a Director of Parks and Recreation who shall be responsible for the efficiency, discipline and good conduct of the department and who, in accordance with such rules and regulations as may be adopted pursuant to the merit system provisions contained in Chapter VII of this Charter, shall appoint and may remove such deputies, assistants, and employees as may be deemed necessary and shall prescribe their duties. ~~He or she~~**The Director** shall exercise ~~his the~~ powers and discharge ~~his or her the~~ duties under the supervision of the Mayor. The Director shall organize the work of the department in such manner as ~~he or she shall deemed~~ most economical and efficient.

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Sec. 5.20 Department of Inspections and Permits.

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The Department of Inspections and Permits shall have responsibility for the enforcement of all state and local laws, codes, regulations, and ordinances governing land use, the construction, alteration, or repair of, or the making of additions to, buildings or other structures, and for the enforcement of the subdivision regulations, making the necessary inspections and, upon compliance, issuing the appropriate permits. The head of the department, or a duly appointed designee, shall be the Zoning Enforcement Officer. The department shall have responsibility for the sidewalk inspections performed by the town. The department shall cooperate with the Planning and Zoning Commission and the Director of Development and shall have responsibility for proposing improvements in the codes and ordinances it enforces and in the methods of enforcement. The department shall have such other responsibilities as the Council may prescribe.

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Sec. 5.21 Director of Inspections and Permits.

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The Mayor shall appoint and may remove the Director of Inspections and Permits. The Director of the department shall be responsible for the efficiency, discipline, and good conduct of the department and shall exercise ~~his or her the~~ powers and ~~discharge his or her the~~ duties ~~of the department~~ under the supervision of the Mayor. The Director shall appoint and may remove in accord with this Charter such deputies, assistants and employees as may be deemed necessary and shall prescribe their duties. The Director may call on law enforcement officers, prosecutors and the Corporation Counsel for assistance in enforcement of the laws and regulations under his or her charge.

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Sec. 5.22 Department of Youth Services.

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(a) The Department of Youth Services shall be responsible for informing, educating and counseling the youth of East Hartford with regard to social issues. The Department shall also coordinate all activities of the various Town Departments involving youth activities and problems and train department personnel in handling youth problems.

~~(a) (b) Director of Youth Services.~~ The Mayor shall appoint and may remove the Director of Youth Services. The Director of Youth Services shall administer the office and coordinate youth services under the supervision of the Mayor. The Director shall appoint and may remove, in accord with this Charter, employees of the Department.

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Sec. 5.23 Department of Information Technology

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~~(a) The Department of Information Technology shall be responsible for providing infrastructure, governance and functional support in all areas of information technology strategies and initiatives, for the Town of East Hartford.~~

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~~(b) The Mayor shall appoint and may remove the Director of Information Technology who shall be the town's Chief Information Officer. The Director of Information Technology shall administer the office and coordinate information technology under the supervision of the Mayor. The Director shall appoint and may remove, in accord with this Charter, assistants and employees of the Department.~~

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Sec. 5.243 Board of Zoning Appeals.

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There shall be a Zoning Board of Appeals with the members and alternates appointed by the Mayor, with the consent of Council, in accord with the General Statutes and ordinances of the town. It shall have the powers, duties and responsibilities prescribed by the statutes and ordinances.

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Sec. 5.254 Official Bonds.

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The Mayor, Town Clerk, Director of Finance, and agent of the town deposit fund, Tax Collector, Director of Public Works, Director of Inspections and Permits, and such other officers and employees as may be required to do so by the Council shall, before entering on their respective official duties, execute to the town, in the form prescribed by the Council and approved by the Corporation Counsel, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Council, conditioned upon honesty ~~and/or~~ the faithful performance of such official duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.

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Sec. 5.265 Salaries Compensation.

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~~Salaries Compensation~~ of all directors and other officers and all employees in the classified service of the town shall be determined by the Council, in conformity, with a systematic pay plan for the position involved, upon recommendation of the Mayor, provided nothing herein shall be construed to limit the power of the Board of Education to fix the compensation of employees of the school system. ~~As used in this section, compensation includes salaries, health and retirement benefits, vacation, other leave and other benefits provided to directors, officers and employees.~~

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Sec. 5.276 Political Activity.

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No person holding a full time appointed position in the non-classified service of the town shall be required to make any contribution to the campaign funds of any political party or candidate for public office nor shall ~~he or she~~ **such person** be required to take any part in the management, affairs or campaign of any political party.

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Chapter VI. Finance and Taxation

Sec. 6.1 General Form of Budget Presentation.

The town shall continue to operate on the Uniform Fiscal Year. The Mayor shall require each department, office or agency of the town supported wholly or in part by, town funds, or for which a specific town appropriation is made, including the Board of Education, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year.

Sec. 6.2 Departmental Estimates.

The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the town as described in section 6.1 of this Chapter, including the Board of Education, shall, no later than January 5th of each year, file with the Mayor on forms prescribed and provided by ~~him or her~~ **the Mayor** a detailed estimate of the expenditures to be made by the department, office or agency and the revenue other than tax revenues, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Mayor.

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Sec. 6.3 Duties of the Mayor on the Budget.

Not later than February 23rd of each year the Mayor shall present to the Council the next fiscal year's budget consisting of:

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

(b) Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total receipts estimated to be collected during the current fiscal year, estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year, and an estimate of available surplus;

(c) Itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity of the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures as estimated for the current fiscal year, and the Mayor's recommendations of the amounts, to be appropriated for the ensuing fiscal year for all items, and such other information as may be required by the Council. The Mayor shall present reasons for the recommendations. The Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as required by the Mayor in **Section 6.2 of this Chapter-Charter** for other departmental estimates. Estimates of the costs of capital programs shall be submitted by each department, office or agency annually in the form and manner prescribed by the Mayor. The Mayor shall recommend to the Council those capital projects to be undertaken during the ensuing fiscal year and the method financing the same. Those financed from certified unappropriated surplus and

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current revenue shall be unlimited in amount.

Sec. 6.4 Duties of the Council on the Budget.

(a) The Council shall hold one or more public hearings not later than March 11th at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates from the Mayor and the Board of Education, the Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the Town Clerk and, at least five days prior to the aforementioned public hearing, the Council shall cause to be published in a newspaper having circulation in the town a notice of such public hearing and a summary of said proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same columnar form as prescribed for budget estimates in ~~section~~ **Section 6.3 of this Chapter Charter**, and shall also show the amount to be raised by taxation.

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(b) Subject to the provisions of ~~Section 10, Chapter III~~ **Section 3.10** of this Charter, within ten days after holding the final such public hearing the Council shall adopt a budget and file the same with the Town Clerk. At the time when the Council shall finally adopt the budget, it shall also fix the tax rate in mills which shall be levied on the taxable property in the town for the ensuing fiscal year.

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(c) Should the Council fail to adopt a budget within the specified ten days, the budget as presented by the Mayor in accordance with the provisions of Section 3 of this Chapter shall be deemed to have been finally adopted by said Council. The tax rate shall forthwith be fixed by the Mayor and thereafter expenditures shall be made in accordance with the budget so adopted. For the purposes of the General Statutes, as amended, the Council shall be deemed to be the budget making authority and the legislative body of the town and shall have all the powers and duties contained in said General Statutes for the creation of a "Reserve Fund for Capital and Nonrecurring Expenditures."

(d) Within five days following the adoption of the budget by the ~~Town~~ Council, the Mayor may veto or reduce any item or items in the budget, whereupon the ~~approved and/or disapproval or~~ reduced portion of the budget shall become effective unless the ~~Town~~ Council, by an affirmative vote of no less than six members, shall override the vetoed or reduced portion of the budget within five days after the Mayor's veto. In the event of an override, the budget shall be effective as adopted by the ~~Town~~ Council. If the override fails, then the budget as presented by the Mayor in accordance with Section 6.3 ~~of this Charter~~ shall be the adopted budget for the next fiscal year.

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(e) Notwithstanding any other provision of this Charter, the ~~Town~~ Council may, subsequent to the adoption of the budget but prior to the beginning of the next fiscal year, amend the tax rate downward if additional revenues are committed to the town's budget for the next fiscal year. Such amended budget shall not be subject to budget referendum.

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Sec. 6.5 Budget Referendum

(a) A referendum on the annual town budget shall be called by the ~~Town~~ Council if the Town Clerk certifies that a petition requesting such referendum is: (1) on a form as prescribed by the Town Clerk that is in accordance with State law and as required in subsection (c) of this section; (2) filed with the Town Clerk within fifteen days of the final approval of the town budget; and (3) signed by qualified electors in a number of not less than fifteen percent of the total number of

electors in the town determined by the registrars of voters to be eligible to vote in the state or municipal election immediately preceding the vote on the annual town budget. The Town Clerk shall issue such certification or a determination that the petition does not comply with the provisions of this section within five days of the submission of such petition to the Town Clerk. If the Town Clerk issues such certification, the ~~Town~~ Council shall hold a meeting within four days of the issuance of the certification and call for a referendum on the annual town budget to be held not less than twenty days nor more than twenty-seven days from the date of such ~~Town~~ Council meeting.

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(b) If the majority of the votes at the referendum are in the affirmative and the total number of votes cast at the referendum are equal to at least twenty percent of the total number of electors in the town determined by the registrars of voters to be eligible to vote in the state or municipal election immediately preceding the vote on the annual town budget, the ~~Town~~ Council shall adopt a new budget in accordance with the results of such referendum and such budget shall be the annual town budget for the next fiscal year. No further referendum shall be permitted after the adoption of a new budget by the ~~Town~~ Council. If the referendum fails, the budget adopted pursuant to Section 6.4 of this Charter shall become the budget for the next fiscal year.

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(c) The petition for referendum on the annual town budget shall be of the following form and shall be approved by the Town Clerk in accordance with state law prior to circulation:

WARNING: ALL SIGNATURES SHALL BE IN INK

We, the undersigned electors of the Town of East Hartford, hereby present this petition requesting that the following question be referred to the voters at a referendum: "Shall the town council adopt a new annual town budget that is (insert the word "less" or "more") than the annual town budget adopted in accordance with Section 6.4 of the Town Charter on (date)." We certify that we are electors of the Town of East Hartford, residing at the addresses set opposite our names and that we have not signed this petition more than once.

SIGNATURE PRINTED NAME STREET ADDRESS

(d) Each petition page shall be signed by the circulator of such page and such circulator shall attest and state under penalties of false statement that each person whose name appears on the petition page has signed the same in the circulator's presence and is known to the circulator or has been satisfactorily identified ~~himself or herself~~ to the circulator.

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Sec. 6.6 Emergency Appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations may be made upon the recommendation of the Mayor and by a vote of not less than two-thirds of the entire membership of the Council, provided a public hearing, at which any elector or taxpayer of the town 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 town not more than ten nor less than five days prior to such hearing. Such hearing and notice of hearing may be waived if the Council, by at least two-thirds of its entire membership, shall decide that a delay in making the emergency appropriation would

jeopardize the lives, health or property of its 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 Council.

Sec. 6.7 Tax Bills.

It shall be the duty of the Tax Collector to mail to each taxpayer, at least seven days before the date when taxes are due and payable, a tax bill prepared and signed by the Director of Finance as rate maker from rate bills signed by the ~~Chairman~~ **Chairperson** of the Council in accord with the General Statutes.

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Sec. 6.8 Assessment and Collection of Taxes.

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

Sec. 6.9 Expenditures and Accounting.

(a) No purchase shall be made by any department, board, commission, or officer of the town other than the Board of Education, the libraries, and the Probate Court, except through the Purchasing Agent, provided that petty cash funds may be established and maintained by the Director of Finance with the approval of the Mayor, from which funds purchases or contractual service payments in modest amounts may be made, with records kept of the amount, purpose, and payee of each item as a basis for restoration of the funds. The Director of Finance shall record the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are to be paid.

(b) No voucher, claim or charge against the town shall be paid until the same has been audited by the Director of Finance or ~~his or her~~ **the Director's** agent and approved ~~by him or her~~ **for the** correctness and validity. Checks shall be drawn by the Director of Finance for the payment of approved claims which shall be valid only when countersigned by the Treasurer. In the absence or inability to act of either the Director of Finance or Treasurer with respect to the above duty, the Mayor shall be authorized to substitute temporarily for either but not both of them.

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(c) The Director of Finance shall prescribe the time at ~~which~~ **and** the manner in which, persons receiving money on account of the town shall pay the same to the Town Treasurer.

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(d) The several departments, commissions, officers and boards of the town shall not involve the town in any obligation to spend money for any purpose in excess of the amount appropriated therefore until the matter has been approved by the Council and each order drawn upon the Treasurer shall state the department, commission, board or officer and the appropriation against which it is to be charged. When any department, commission, board or officer shall desire to secure a transfer of funds in its or his or her appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefore, such department, commission, board or officer, with the approval of the Director of Finance, shall make application to the Mayor whose duty it shall be to examine ~~into~~ **the** matter, and upon approval of the Mayor such transfer may be made and shall be reported to the Council.

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(e) Upon the request of the Mayor, but only within the last three months of the fiscal year, the 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 appropriations for debt service and other statutory charges.

(f) Additional appropriations over and above the total budget may be made from time to time by resolution of the Council, upon recommendation of the Mayor and certification from the Director of Finance that there is available an unappropriated and unencumbered general fund cash balance to meet such appropriations.

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

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

Sec. 6.10 Borrowing.

The town shall have the power to incur indebtedness by issuing its bonds or notes as provided by General Statutes subject to the limitations thereof and the provisions of this section. The issuance of bonds and notes shall be authorized by resolution of the Council adopted in the same manner as provided in this Charter for the adoption of ordinances and shall include a referendum.

Chapter VII. Merit System

Sec. 7.1 Merit System Established.

All officers and employees in the classified service of the town as described in Section ~~2-7.2 of this Charter below~~ shall be appointed or promoted on the basis of merit and in conformity with recognized principles of public personnel administration. The merit system shall be administered under the supervision of the Mayor by the Director of Human Resources. Until personnel policies have been adopted under this Chapter the ordinances presently in effect shall be operative.

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Sec. 7.2 The Classified Service.

(a) The classified service shall include all appointees to all positions now or hereafter created except the following: Elective officers and persons appointed to fill vacancies in elective offices; members of the boards and commissions; officers appointed by the Council; employees of the Board of Education; ~~the Chief Administrative Officer; the Director of Information Technology;~~ the Director of Finance; the Director of Human Resources; the Director of Development; the Corporation Counsel and any part time assistant; the Town Clerk; the Director of Inspections and Permits; the Director of Public Works; the Director of Parks and Recreation; the Director of Youth Services; the Director of Libraries; the Director of Health and Social Services; and an assistant and a personal secretary to the Mayor; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation; the Judge and any personnel of the Probate Court; and persons employed for a temporary period not exceeding three months.

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(b) It shall be the duty of the Mayor to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointment to such positions. These statements shall comprise the classification plan of the town, which shall become effective upon approval by resolution of the Council and which may be amended, upon recommendation of the Mayor, by resolution of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made, by resolution of the Council upon the recommendation of the Mayor.

~~(e) A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended.~~

~~(c) Compensation for all positions in the classified service shall be determined in accordance with the provisions of section 5.26 of the Town Charter~~

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~~(d) (d) No later than July 1, 1968 the Mayor shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, and probationary periods of employment, hours of work, ~~vacations, sick leaves and other leaves of absence,~~ removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the town. Such rules and any amendments thereto shall become effective upon being filed by the Mayor with the Town Clerk and the Council Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.~~

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~~(e) Any member of the classified service may be removed only for the good of the service and any officer desiring to remove, or otherwise discipline, an employee shall notify the employee in writing of the reasons for the proposed removal or other disciplinary action. The employee charged may request a hearing before the Director of Human Resources, who shall within ten days grant such hearing. The Director of Human Resources Personnel Appeals Board, which shall~~

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~~within ten days grant such hearing. The Personnel Appeals Board shall make a public finding as to whether or not the charges are true and as to whether they constitute grounds for removal. The final action in the matter, subject to any statutory rights of the employee, shall be made by the officer having powers of appointment and removal.~~

~~the charges are true and as to whether they constitute grounds for removal. The final action in the matter, subject to any statutory rights of the employee, shall be made by the officer having powers of appointment and removal.~~

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Sec. 7.3 Political Activity.

No person holding a position in the classified service of the town shall be required to make any contribution to the campaign funds of any political party or candidate for public office or take any part in the management, affairs, or campaign of any political party further than in the exercise of his or her rights as a citizen, to register as a member of a political party, to express any opinion and to vote. Violation by any such person of the provisions of this section shall be grounds for removal.

Sec. 7.4 Personnel Appeals Board.

~~(a) There shall be a Personnel Appeals Board, the number of members and terms of which shall be determined by ordinance. The Mayor shall appoint one-third of the members and the selection of the remainder shall be determined by ordinance.~~

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~~(b) When an employee brings a matter to the Board, the Board shall have the power to require officers and employees of the town to appear and give testimony and present evidence and may hear testimony from other sources.~~

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~~(c) The Board shall seek to assure that the employment system of the town is fair and equitable and serves the interests of the town while respecting the proper claims of the employees. The Board shall make findings and recommendations in individual cases brought before it and may make recommendations to the council or to the mayor for improvements in the employment system.~~

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Chapter VIII. Initiative and Referendum

Sec. 8.1 Initiative, Power and Scope.

The electors shall have the power to propose to the Council any ordinance or other measure, in accordance with this Chapter, except an ordinance or resolution appointing or removing officials, specifying the compensation or hours, of work of officials or employees.

Sec. 8.2 Initiative, Petition Procedure.

If the Council fails to adopt such ordinance or measure within sixty days after a petition making such a proposal has been filed with the Town Clerk, the electors may adopt or reject the same at the next regular election, provided such petition shall be substantially in the form prescribed in ~~Section 7 of this Chapter~~**Section 8.7 of this Charter**, and shall be in ink or indelible pencil, signed by not less than fifteen per cent of the electors as determined by the last completed registry list. The Town Clerk shall determine the sufficiency of the petition and, if said petition is found to be sufficient, shall certify it to the council within ten business days after receipt of the petition. No signature on such petition shall be valid unless it has been obtained within ninety days of the filing of the petition. There should be publication after the ~~Town~~**Town**-Council decides to submit for determination by the voters, not more than thirty days and not less than fifteen days before the date set for said referendum.

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Sec. 8.3 Referendum, Power and Scope.

The ~~Town~~**Town**-Council may, at its discretion, and by a majority vote, submit to the voters' local questions for their approval at a regular or special election. Prior to the taking of such action by the ~~Town~~**Town**-Council, the Council shall hold a public hearing on the matter or matters proposed and the date, time, place and subject of the public hearing shall be specified in a formal resolution of the Town Council. This section shall apply to bonding questions. There should be publication after the ~~Town~~**Town**-Council decides to submit for determination by the voters, not more than thirty days and not less than fifteen days before the date set for said referendum.

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The electors shall have the power to approve or reject at a referendum as herein provided any ordinance or other measure passed by the Council except the following:

- (a) An ordinance or resolution appointing or removing officials, or specifying the compensation or hours of work of officials or employees;
- (b) An ordinance authorizing the issuance of bonds or notes which ordinance shall be subject to referendum only in accordance with ~~Chapter VI, Section 9~~**Section 6.10** of this Charter;
- (c) The town budget or substitute town budget;
- (d) The resolution establishing the tax rate, which resolution shall not be subject to referendum.

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Sec. 8.4 -Referendum, Petition Procedures, Suspension of Ordinance

Within thirty days after the enactment by the Council of any ordinance or other measure which is

subject to referendum, a petition substantially in the form prescribed in ~~Section 7 of this Chapter~~**Section 8.6 of this Charter**, and signed in ink or indelible pencil by not less than fifteen per-cent of the electors as determined by the last compiled registry list may be filed with the Town Clerk requesting that any such ordinance or other measure be either repealed or submitted to a vote of the electors. The Town Clerk shall determine the sufficiency of the petition and, if said petition is found to be sufficient, shall so certify to the Council with ten business days after receipt of the petition. If the Council fails to repeal such ordinance or other measure, the question shall be submitted to a referendum of the electors of the town conducted in accordance with the relevant General Statutes, at the next regular election following the date on which the ~~Town~~Council takes its action. Upon the filing of a sufficient petition, the ordinance or measure shall remain without effect until the electors vote on the question as above provided.

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Sec. 8.5 Initiative, Referendum Vote Required.

Any question placed before the voters under the procedures specified by this Chapter shall fail, unless approved by a majority of the electors voting thereon. If a vote to repeal fails, the ordinance or measure as passed by the Council shall become effective immediately.

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Sec. 8.6 Initiative and Referendum.

The form of petition for initiative or referendum shall be as follows:

WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.

We, the undersigned electors of the Town of East Hartford, hereby present this petition (here insert the word "initiating" or the words "requesting the repeal of") the following ordinance (measure) (Here insert the text of the ordinance or measure) and we certify that we are electors of the Town of East Hartford residing at the addresses set opposite our names and that we have not signed this petition more than once.

Name Address

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Sec. 8.7 Form of Question.

The form of question for any ordinance or measure placed on the voting machines in accordance with the initiative and referendum provisions of this Chapter shall be as follows: Are you in favor of the ordinance (measure) or proposed ordinance (proposed measure) relating to (here insert brief description of the ordinance or measure and its intent)?

Sec. 8.8

The provisions of this section do not apply to charter adoption, revision or amendment which is prescribed by the Home Rule Act.

Chapter IX. Transition and Miscellaneous Provisions

Sec. 9.1 Transfer of Powers.

(a) The powers which are conferred and the duties which are imposed upon any commission, board, department or office under the General Statutes or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers, and duties under the provisions of this Charter.

(b) All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive shall continue in the performance of their duties until provision shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this Charter and until the town shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have been qualified.

(c) All appointive powers now or hereafter conferred by the General Statutes upon Boards of Selectmen shall be exercised by the Council unless otherwise specifically provided in this Charter. The powers of the Board of Selectmen in the Town of East Hartford, shall hereafter be limited to those set forth in the Constitution of the State of Connecticut, as amended.

Sec 9.2 Present Employees to Retain Positions.

All persons holding permanent positions in the service of the town on the effective date of this Charter (April 2, 1968), whose positions are included in the classified service by the terms of this Charter, shall immediately become members of the classified service and retain such positions until promoted, transferred, reduced in rank, or removed in accordance with the provisions of this Charter. All other employees of the town on the effective date of this Charter (April 2, 1968), whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Council or the appropriate officer charged by this Charter with powers of appointment and removal. Any provisions of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure or office, promotions, removal, pension and retirement rights, civil rights or any other rights and privileges of employees of the town, or any office, department or agency thereof shall continue in effect, until or unless amended or repealed in accordance with the provisions of this Charter.

Sec. 9.3 Conflict of Interests.

The ~~Town~~ Council shall adopt a conflict of interest ordinance regarding activities of any elected or appointed official or any employee of the town within the classified service as outlined in Chapter VII of this Charter with appurtenant penalties for the violation thereof.

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Sec. 9.4 Transfer of Records and Property.

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

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Sec. 9.5 Legal Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter (April 2, 1968) brought by or against the town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or office party thereto may, by or under this charter, be assigned or transferred to another commission, board, department or office, but in that event the same may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 9.6 Existing Laws and Ordinances.

(a) All general laws of the State of Connecticut applicable to the town and all ordinances of the town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter.

(b) Upon the adoption of this Charter all provisions of special acts relating to East Hartford and now in effect which are in conflict with this Charter shall cease to apply and all provisions of such acts not in conflict with this Charter shall continue in effect.

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Sec. 9.7 Amendment of Charter.

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

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Sec. 9.8 Saving Clause.

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

Sec. 9.9 Effective Date.

The Charter will be in effect from the date of adoption for purposes of conducting a special election and shall be fully effective on April 2, 1968.

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Sec. 9.10 Provisions for Special Election.

A meeting of the electors of the Town of East Hartford for the election to municipal offices shall be held on April 2, 1968. At such meeting there shall be elected a Mayor, Treasurer, and nine members of the Town Council of whom not more than six may be of the same political party, three Selectmen and seven Constables. They shall take office from the date of election, and the aforesaid persons shall hold office until their successors qualify.

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