

## **Chapter III. The Town Council**

### **Sec. 3.1 The Town Council.**

There shall be a Town Council consisting of nine members. No member of the Town Council shall hold any other 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.

### **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 Town 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.

(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 Town 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 Town Council and shall continue for such time until a majority of the Town Council members determine that such disability no longer exists. If a Town Council member assumes the powers and duties of the Mayor until the next biennial election, the Town Council member shall resign from the Town Council, and the Town Council shall fill the vacancy for the remainder of the Town 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.

(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 the Chairperson's absence including powers and duties of Deputy Mayor.

(d) At such meeting, and biennially thereafter, the Town Council shall also select a Clerk of the Town Council who shall receive and transmit communications for the Town 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 Town 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 Town 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 Town Council at any time and shall call such meeting whenever requested by one-third or more of the Town Councillors so to do. The call for each special meeting of the Town 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 Town 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 Town Council shall by resolution determine its own rules of procedure.

(b) All meetings of the Town 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 Town 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 Town 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 Town Council, except as otherwise provided in section 3.10 of the Charter.

(b) The Town 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 Town 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 Town 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 Town 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 Town 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 Town Council shall establish, by ordinance, the qualifications of appointed officers and employees not in the classified service hereinafter provided.

(g) The Town 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 Town Council.

### **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.

### **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 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 Town Council to testify on any matter under investigation. There shall be a committee of the Town 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 Town Council audit program in addition to the independent audit and may employ such other investigatory services as it deems necessary. If any non-elective 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 Town Council, such refusal or failure shall be deemed to be grounds for dismissal from said office or position.

### **Sec. 3.8 Relations to Administrative Service.**

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 the Mayor's appointees are empowered to fill by appointment, provided the Mayor may seek advice from the Town Council regarding appointments and provided further the Town 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 Town Council and its members shall deal with the Administrative Service solely through the Mayor and neither the Town 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 Town Council, which the Mayor has been invited to attend, may call before it any employee

or officer for the purpose of investigation.

### **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.

### **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 the Mayor approves it, whereupon, subject to the provisions of Section 3.5 of this Charter, it shall become effective. If the Mayor disapproves a proposed ordinance, the Mayor shall within five days return it to the Clerk of the Town Council with a statement of the reasons for disapproval which statement shall be transmitted by said Clerk to the Town Council at its next meeting. If the Town 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 Town 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 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 Town Council over the Mayor's veto in the manner herein provided, in which case the entire appropriation shall become effective as finally passed.

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