

# CHARTER OF THE CITY OF BRIDGEPORT

## CHAPTER 1 GENERAL PROVISIONS

### **Section 1. General Provisions.**

The corporation now existing and known by the name of the city of Bridgeport shall be and remain a body politic and corporate by said name, and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all actions and suits whatsoever and of purchasing, receiving, accepting, holding and conveying, in fee simple or otherwise, any and all property, real or personal; and may and shall have a common seal with power to alter the same at pleasure; and shall have and continue to exercise and enjoy all the rights, immunities, powers privileges and franchises now belonging to, and shall be subject to all the duties, liabilities and obligations, now resting upon, said corporation, except as herein otherwise expressly provided. The city shall continue to possess all the rights, immunities, powers, privileges and franchises granted to it and shall be subject to all the duties, liabilities and obligations imposed upon it under the provisions of any special act of the Connecticut General Assembly which provisions are not inconsistent with this charter, irrespective of whether such acts are specifically referred to in this charter.

### **Section 2. Rights, liabilities and property of the town of Bridgeport.**

All property and rights of every description that at any time belonged to the town of Bridgeport, or were vested in said town and that were transferred to the city of Bridgeport, shall continue to belong to the city and be vested in the city, and said city shall be liable in place of said town in respect to all liabilities, debts, and obligations that at any time were owing from said town.

### **Section 3. Town obligations imposed on city.**

All burdens and all expenses of the town and city of Bridgeport shall be borne by said city, and it shall continue to perform all the duties and have and exercise all the rights, powers and privileges of and relative to all matters by law conferred upon towns, and all laws of the state imposing such duties, burdens and expenses and conferring such rights, powers and privileges upon towns are hereby made applicable to and operative upon said city.

### **Section 4. Taxation liability of inhabitants and property.**

All of the inhabitants and property within the limits of the city of Bridgeport shall be liable to taxation to defray all the burdens and expenses of the city of Bridgeport.

### **Section 5. Money payable to the town of Bridgeport.**

The town of Bridgeport is exempted from the operation of all laws of the state requiring moneys to be paid to towns, or to the treasurers or other officers of towns, and in said town all such moneys shall be paid to the treasurer of the city of Bridgeport; and all state, city, and town officers, or other persons or corporations who are required by law to pay money to towns or to the treasurers and other officers of towns, are authorized and directed to pay to the treasurer of said city of Bridgeport all moneys to which the town of Bridgeport, or the treasurer or other officers of said town are or shall be entitled.

### **Section 6. Requisites of notice by publication.**

All notices required by this charter or by any ordinance to be made by publication may be published in any daily or weekly newspaper printed in the English language and having a circulation in the city of Bridgeport of more than five thousand copies of each edition, upon such terms and conditions as the city council may prescribe by ordinance. The publication of any such notice once in any such paper shall be legal publication.

### **Section 7. Severability.**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

### **Section 8. Catchlines.**

The catchlines of the several sections of this Charter printed in bold face type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections.

### **Section 9. Boundaries.**

The territorial boundaries of the City of Bridgeport shall be established in the manner provided by law.

## **CHAPTER 2 OFFICERS AND ELECTIONS**

### **Section 1. Municipal Elections.**

(a) A meeting of the electors for the election of town and city officers shall be held on the first Tuesday after the first Monday in November of each odd numbered year, and shall constitute the municipal election referred to in this charter.

(b) At the municipal election held in November 1999 and quadrennially thereafter there shall be elected a Mayor, who shall hold office for the term of four years from the first of December next succeeding.

(c) At the municipal election held in November 1999 and quadrennially thereafter there shall be elected a City Clerk, who shall hold office for the term of four years from the first day of December next succeeding.

(d) At the municipal election held in November 1999 and quadrennially thereafter there shall be elected a Town Clerk, who shall hold office for the term of four years from the first day of December next succeeding.

(e) At each municipal election there shall be elected six sheriffs, who shall be officers of the city and shall hold their respective offices for the term of two years from first day of December next succeeding.

(f) At each election, a plurality of votes cast shall elect.

(Amended 11/3/98; effective 11/2/99)

## **Section 2. Officers to be residents and registered voters.**

All officers of the city, elected or appointed under the provisions of the charter, shall be residents and registered voters of the city of Bridgeport.

## **Section 3. Absence or Disability of Mayor; Vacancy in Office of Mayor; Special Election.**

(a) In the event that the mayor is temporarily absent or temporarily disabled and is, because of such absence or disability, unable to perform the duties of his office, the president of the city council shall possess all of the powers and perform all of the duties of the mayor until the mayor is able to act.

(b) In the event that a vacancy occurs, for any reason, in the office of mayor, the president of the city council shall act as mayor, until the office of mayor is filled as provided in subSection (c) of this section.

(c) Whenever a vacancy occurs in the office of mayor, other than during the final year of such mayor's term of office, the city council shall cause a special election for the office of mayor to be held not less than 120 nor more than 150 days from the date that such vacancy occurs. The person elected mayor at such special election shall take office on the 7th calendar day following his/her election and shall serve the unexpired portion of the term vacated. In the event the vacancy occurs during the final year of the mayor's term, the president of the city council shall become mayor and serve for the unexpired portion of the term vacated.

#### **Section 4. Vacancies in office of city clerk and town clerk.**

(a) Whenever a vacancy occurs, for any reason, in the office of the city clerk or town clerk, the assistant city clerk, or the designated assistant town clerk, as the case may be, shall possess all of the powers and perform all of the duties of the city clerk or town clerk until such vacancy is filled as provided in subSection (b) of this section.

(b) Within thirty (30) days of the occurrence of a vacancy in the office of the city clerk or town clerk the city council shall meet and elect a new officer who shall serve for the unexpired portion of the term vacated. Any person elected pursuant to the provisions of this subSection shall be a registered voter and a member of the same political party as the person vacating such office.

#### **Section 5. Vacancy in an elective city office.**

Unless otherwise provided in this charter, or the general statutes, any vacancy in an elective city office shall be filled, for the unexpired portion of the term, by the city council. The person filling such office shall be a registered voter and a member of the same political party as the person vacating such office.

#### **Section 6. Notice of Appointments and Elections; Certain officers to be sworn and give bonds.**

(a) Whenever a person is appointed or elected to any office, including membership on any board or commission, the authority responsible for such appointment or election shall give written notice of the appointment or election to the city clerk.

(b) All elected and appointed officials of the city shall be sworn to the faithful discharge of their respective duties. The person administering such oath shall file a certificate thereof, under their hand, which certificate shall be recorded in the office of the city clerk.

(c) The city clerk, assistant city clerk, town clerk, assistant town clerks, treasurer, sheriffs, city attorney, director of finance, fire chief and such officials as the city council may, by ordinance, direct shall severally give bonds, with surety, in such amount, manner and form as may be prescribed by ordinance, for the faithful discharge of their respective duties; and in the case of the refusal or neglect of any such officer to give such bonds, said office shall thereupon become vacant.

#### **Section 7. Salaries of elected officials.**

(a) The city council, by ordinance, shall have the power and authority to determine and change the salaries or other compensation of all elected officials of the city.

(b) During each even numbered year the city council shall review the compensation of all elected officials, established under the provisions of this section, taking into account the salaries paid to persons performing similar duties in other cities and towns and the private sector and all other relevant factors,

and shall determine whether any adjustment should be made.

(c) Any actions taken under the provision of this section, including any increase in the compensation of elected officials shall be consistent with the Constitution and General Statutes of the State of Connecticut.

### **Section 8. Term of office.**

All elected and appointed officers of the town and city shall hold their respective offices during the terms for which they shall be chosen and until the choice and qualification of their successor, except in case of their prior death, resignation, or removal from office.

### **Section 9. Vacancies in office; how filled.**

Except as otherwise provided in this chapter, whenever a vacancy shall occur, for any reason, in any appointment office or in the membership of any of the boards and commissions, such vacancy shall be filled for the unexpired term in the same manner as the original appointment.

### **Section 10. Registrars of Voters.**

There shall continue to be two Registrars of Voters who shall be elected citywide in the manner provided by law. Each registrar shall appoint a deputy who shall serve at the pleasure of the registrar. In the event of the death, removal or resignation of the registrar, the deputy registrar shall become registrar.

### **Section 11. Board of Admission of Electors.**

Pursuant to the provisions of Section 9-15a of the Connecticut General Statutes the board of admissions of electors shall consist of the town clerk and the registrars of voters.

### **Section 12. Sheriffs.**

The sheriffs shall severally have, within the limits of the city, the same power and authority, and be liable to the same suits or penalties for neglect of their official duty, to all intents and purposes, as sheriffs by law now have and are, and the city shall be liable for the defaults of its sheriffs in their offices to the extent of the bond given to the city by such sheriffs.

### **Section 13. Board and Commission Members; Residency Requirement.**

Except as otherwise provided in this charter, no person shall be appointed to any board or commission established by this charter who is not a resident and registered voter of the city.

#### **Section 14. Subpoena Powers.**

The presiding officers of the boards and commissions of the city shall have the power to compel the attendance and testimony of witnesses before the respective bodies over which they preside, by the issuance of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice, and when it shall be necessary to secure the attendance of witnesses before said boards or committees, the respective chairman shall have the right to apply to the proper authority for the issue of a *capias ad testificandum* for that purpose, as provided in number 461 of the special acts of 1907.

#### **Section 15. Ethics Commission.**

The city council shall provide, by ordinance, for the establishment of an ethics commission for the City of Bridgeport.

#### **Section 16. Boards and Commissions: Membership.**

No person shall be discriminated against, with respect to service on any board or commission of the City, on the basis of race, color, religious creed, sex, age, national origin, or ancestry. In making appointments to the various boards and commissions of the city, appointing authorities shall endeavor reflect the ethnic and cultural diversity of the city.

#### **Section 17. Removal of Certain Officers.**

(a) If the mayor believes that any person appointed to the office by him/her or any of his/her predecessors to be incompetent, or guilty of misfeasance or malfeasance, or violation of ethics as determined by the ethics commission, such mayor may, upon thirty (30) days written notice, summon the officer before him/her at a place and time specified in such summons to show cause why he/she should not be removed from office. Such summons shall include a written statement of the charges against the officer. If, after full hearing, the mayor finds that such officer is incompetent or guilty of misfeasance or malfeasance, or violation of ethics as determined by the ethics commission, he/she may remove such person from office.

(b) If the mayor or a majority of the members of the city council believes that any person appointed to office by the city council is incompetent or guilty of misfeasance or malfeasance, or violation of ethics as determined by the ethics commission, such mayor or council may, upon thirty (30) days written notice, summon the officer to appear before the city council at a place and time specified in such summons to show cause why he/she should not be removed from office. Such summons shall include a written statement of the charges against the officer. If, after full hearing, the city council finds that such officer is incompetent or guilty of misfeasance or malfeasance, or violation of ethics as determined by the ethics commission, it may, upon the affirmative vote of two-thirds of the members of the city council remove such person from his/her office;

(c) The official charged shall have the right to appear at any proceeding conducted pursuant to the provisions of this section; to be represented by counsel; to confront and cross examine all witnesses and to produce witnesses in his own defense and to the same compulsory process available the mayor or the city council as the case may be. A transcript of any hearing shall be prepared and filed with the city clerk.

(d) Any official removed pursuant to the provisions of this Section may appeal such removal to the superior court in the manner provided in Section 51-197b of the Connecticut General Statutes.

(e) The provisions of this Section shall not apply to any officer or employee serving at the pleasure of the Mayor or to any employee covered by the provisions of Chapter 19 of this Charter.

### **CHAPTER 3 MAYOR**

#### **Section 1. Selection; Powers; Duties.**

(a) The chief executive officer of the city shall be a mayor, elected pursuant to the provisions of Chapter 2 of this charter.

(b) The mayor shall take care that the laws are executed and enforced within the city; shall be the conservator of the peace with the city; shall have and may exercise, within the limits of the city, all the powers given the sheriffs or other officers as provided by law; and shall exercise ultimate operational control of all departments and agencies of the city.

(c) The mayor shall devote the full time necessary to the duties of the office and shall be responsible for the proper performance of their duties by all the appointive officers and departments and employees.

(d) The Mayor shall be, ex-officio, a non-voting member of every board and commission of the city and shall have the right to attend all meetings of every board and commission of the city and to address it at any meeting. No board or commission shall have the authority to exclude the mayor from its meetings. The mayor shall have the power to convene a special meeting of any appointive Board, provided he/she specifies the reasons for calling the special meeting and the business to be transacted. Unless expressly provided for in this charter or the ordinance creating the board or commission, the mayor shall have no right to vote at any such meeting. The provisions of this Section shall not apply to the Planning and Zoning Commission; the Zoning Board of Appeals or any other board or commission whose decisions are appealable to the superior court based on the record before such board or commission.

(e) It shall be the duty of the mayor to recommend the adoption of all such measures connected with police, fire, and public safety, public health and social services, public facilities, planning and economic development, finances, policy and management of the city, and the improvements of its government, and

improvements all of which shall within ten days thereafter, be entered in the records of the city council. It shall be the further duty of the mayor to fill, by appointment, any vacancies in office in all cases in which the Mayor is given by law the power to appoint.

(f) The Mayor shall have authority at any time to examine all data and property of the city in the possession of any officer, agency, department, commission, board, authority, employee or any other member of the municipal government, and may exercise this authority in person or through any other official appointed by the mayor for that purpose by written designation and authority.

(g) In addition to the powers enumerated herein, the Mayor shall have authority to perform such acts and duties as may be prescribed in this charter or by the laws of this state or the United States or by the ordinances of the city of Bridgeport.

(h) Subject to the availability of funds, the Mayor may appoint such assistants as the mayor deems necessary for the administration of the duties of the office of mayor.

(i) Any mayoral appointment to the positions listed below shall possess the requisite academic and professional qualifications generally recognized by professionals in the appropriate field: Directors of Finance, Office of Policy and Management, Health and Social Services, Public Facilities and Planning and Economic Development.

## **Section 2. Annual report of mayor.**

In September of each year, the Mayor shall present an annual report showing the situation of the government, finances and improvements of the city of this chapter, to the city council. The annual reports of all administrative city officers and boards, shall be made to the Mayor on or before the fifteenth day of August in each year.

## **Section 3. Term of mayor.**

The term of office of the mayor shall begin at 12:01 a.m., local time, on the first day of December following each mayoral election.

# **CHAPTER 4 CITY AND TOWN CLERKS**

## **Section 1. Duties of city clerk.**

The city clerk shall make and keep true records of all the votes and proceedings of the city council and an index thereof in alphabetical order. The city clerk shall cause ordinances of the city to be published in the manner provided for by this charter and, when the same shall have been so published, shall enter upon the records of the city council a certificate of the fact of such publication. The city clerk shall cause

to be served all notices of orders passed by the city council and make upon the records of the city council a return of service of such notices. The city clerk shall prepare the agenda for meetings of the city council in the manner provided in the rules of the city council. All such records hitherto kept or which may hereafter be kept shall be, in all courts evidence of the matters therein contained; and a certified copy of any such record, under the hands of the city clerk or assistant city clerk, shall be received in all courts as evidence of the same validity as the original record. The city clerk shall perform all such duties as may be required of said clerk by this charter, the laws of the State of Connecticut or by any order or vote of the city council or by any ordinance of the city.

## **Section 2. Appointment, powers and duties of assistant city clerk.**

(a) The assistant city clerk shall devote said his/her entire time to the duties of the office and shall, in the absence or disability of the city clerk, have power to perform all the duties of said city clerk, and shall perform all other duties which may be imposed upon such assistant city clerk by order or vote of the city council or by ordinance of the city. All acts of the assistant city clerk and all records kept by him/her shall have the same validity and effect as acts and records of the city clerk.

(b) The assistant city clerk shall be in the classified service.

## **Section 3. City clerk and assistant to serve as clerks to committees; salaries.**

(a) The city clerk and assistant city clerk shall be clerk of the city council and of all committees appointed by the city council.

(b) The city clerk shall receive a salary which shall be established pursuant to the provisions of this Charter. The salary of the assistant city clerk shall be established in the same manner as other city employees. Neither the city clerk nor the assistant city clerk shall be allowed to draw any other compensation, either directly or indirectly, from the city for performing the duties of such office.

## **Section 4. Duties of Town Clerk.**

The town clerk shall possess all of the powers and perform all of the duties vested by law in the town clerks of towns.

## **Section 5. Assistant town clerks.**

(a) There shall be one or more assistant town clerks who shall assist the town clerk in the performance of the duties of such office. They shall devote their entire time to the duties of the office. The town clerk shall designate one of the assistant town clerks who shall, in the absence or disability of the town clerk, have power to perform all the duties of the town clerk, and shall perform all other duties which may be imposed upon the assistant town clerk by law or by order or vote of the city council or by ordinances. All acts of the assistant town clerk and all records kept by them shall have the same validity and effect

as acts and records of the town clerk.

(b) The assistant town clerks shall be in the classified service.

### **Section 6. Salary of town clerk; accounts; salary of assistant.**

(a) The town clerk shall receive a salary which shall be established pursuant to the provision of this charter. The salaries of the assistant town clerks shall be established in the same manner as other city employees.

(b) The fees or compensation now or hereafter provided by the laws of this state to be paid to town clerks shall be collected by said town clerk, and all moneys collected by him/her, in accordance with said laws or by the charter or ordinances of the city, shall be deposited by said town clerk with the treasurer of said city and at the time of making each such deposit, the town clerk shall file with said treasurer a full statement of such receipts so deposited. The town clerk shall also keep a record of the receipts of the office of the town clerk, in such form as the treasurer may direct. The salaries of the town clerk and assistant town clerks shall be in lieu of all fees and other compensation.

## **CHAPTER 5 CITY COUNCIL**

### **Section 1. Selection.**

(a) The legislative body of the City shall be a city council consisting of twenty council members to be elected at each municipal election.

(b) At the city election in the odd-numbered years, two council members shall be elected from each aldermanic district by the electors of the city residing in such district and council members shall be residents and electors in the district which they represent. No resident of one council district shall vote for a council person of any district other than that in which he/she is registered.

(c) Council members shall serve for a term of two years from the first day of December next succeeding their election and until their successors are elected and have qualified.

(d) Whenever a vacancy occurs, for any reason, in the membership of the city council, such vacancy shall be filled for the unexpired portion of the term by a majority vote of the city council members from the same political party as the council member vacating such office. If there are no other members from the same political party as the member vacating such office, the vacancy shall be filled by majority vote of the whole number of council members. No person shall be elected to fill a vacancy on the city council unless he/she is a resident and registered voter of the city and is a member of the same political party as the person vacating such office. No person shall be elected to fill a vacancy in the office of any council member unless he/she is also a resident and registered voter in the same council district as the person

vacating such office.

## **Section 2. Reapportionment Procedure and Districting.**

(a) On or before the fifteenth day of February next following the year in which the decennial census of the United States is taken, the city council shall, by ordinance, establish ten districts which shall be effective on the first day of January next succeeding. Such districts shall be established in conformity with provisions of the general law and by making each such district as equal in population to each other such district as possible, taking into consideration senate and assembly district lines and natural boundaries and divisions.

(b) If the city council fails to adopt a plan of districting by the first day of July next following the year in which the decennial census of the United States is taken, there shall be created a commission on redistricting composed of six members, three of whom shall be appointed by the leader of the majority party on the city council and three of whom shall be appointed by the leader of the minority party in the city council. In the event that there is only one party on the city council, the minority party members shall be appointed by the registrar of voters whose party is not represented on the city council. Such commission shall forthwith prepare and, not later than the first day of December following its appointment, adopt a plan of districting consistent with the principles set forth in subSection (a) of this section. The affirmative votes of at least four members of such commission shall be required in order to adopt a plan of districting.

(c) A plan of districting adopted pursuant to the provisions of this Section shall remain in effect until the first day of January following the decennial census of the United States.

(d) The city council shall provide suitable polling places in such districts and shall define the boundaries of the area to be served by each polling place. The town clerk, registrar of voters and all other officers of the city shall perform the duties required of them by law with respect to elections in the voting districts.

(e) Notwithstanding the adoption of a plan of districting, council members shall continue to represent the districts from which they were elected for the balance of the term for which they were elected.

## **Section 3.**

The mayor shall preside at the meetings of the city council, but shall have no vote therein except in case of a tie. The mayor shall not vote to break a tie in the election of city council president or adoption of an ordinance.

## **Section 4.**

(a) At the beginning of each term of office the city council shall elect from among its members one council member to be president of the city council who shall serve for a term until November 30 of the

next odd-numbered year or until the president of the council's successor has been elected. The president of the city council shall preside in the absence of the mayor, and when so presiding shall have a casting vote in case of a tie in addition to his/her vote as council member. In the absence of the mayor and the president of the city council at any meeting, the city council may choose one of its members to act as president for the occasion who, when so presiding, shall have a casting vote in case of a tie in addition to his/her vote as council member. In the event of the death, resignation or inability to act of the president of the city council, the council shall elect another president in his place.

(b) The city clerk and assistant city clerk shall be clerk of the city council and of all committees appointed by the city council.

## **Section 5.**

(a) The city council shall hold regular meetings at such times as may be fixed by ordinance, and may be specially convened at any time by the mayor and shall be convened by him/her or upon the written request of three council members within a reasonable time after the they receive such request.

(b) The city council may determine its rules of proceeding in conformity to the general principles of parliamentary law, may punish members for disorderly behavior, and, after notice and hearing, may, by a two-thirds vote of all council members, expel a member for due cause. A quorum shall consist of eleven council members. At the request of any council member, the vote upon any question shall be taken by roll call vote.

(c) Whenever a regular or special meeting has been called, and no quorum is present, those present may, by vote, request the mayor or presiding officer, and said mayor or presiding officer shall, upon request, issue a warrant signed by him/her, directed to the sheriff of Fairfield County, the sheriff's deputy or any sheriff of the city of Bridgeport, to arrest and bring into such meeting the absent council members so as to make a quorum; and at any such meeting those present shall have the power to make any orders to compel the attendance of council members and to summon all necessary assistance.

(d) No vote shall be taken upon any ordinance, resolution or other measure in the city council until the same shall have been referred to and reported upon by an appropriate committee. A matter may be considered without being referred to a committee if the city council determines, by a two-thirds vote of the members present and voting, that an emergency exists which requires immediate action on the matter.

(e) The presiding officers of the city council and of the several committees of the city council, shall have the power to compel the attendance and testimony of witnesses before the respective bodies over which they preside, by the issue of subpoenas and the administration of oaths in the manner and according to the rules governing the same in courts of justice, and when it shall be necessary to secure the attendance of witnesses before said boards or committees, the respective chairman shall have the right to apply to the proper authority for the issue of a *capias ad testificandum* for that purpose, as provided in number

(f) (1) No member of the city council shall take any official action, or attempt to influence the official action of another person, with respect to any vote, resolution, or matter whatever in which he/she has a direct or special pecuniary interest or where his property will be directly or especially affected thereby.

(2) Any member of the city council who, while holding office, shall directly or indirectly, take or bargain for any fee, compensation or reward to influence his vote or action upon any matter pending in the city council, shall be expelled from the city council.

(g) (1) No member of the city council shall, during the time in which he/she serves as a member of the city council, be appointed to or hold any office, the emoluments of which are to be paid from the city treasury.

(2) No person while holding office as a member of the city council shall be a member of any of the boards of the city, and no member of the city council shall be appointed to an office by any of such boards for which compensation is to be paid.

## **Section 6.**

The city council may, by ordinance, provide for the establishment of a non-partisan office of legislative services to assist the members of the council in the performance of their official duties.

## **Section 7.**

(a) The city council shall have power, by the concurrent vote of a majority of the whole number of council members, with the written approval of the mayor, or over the mayor's veto, as herein provided, to make, alter, and repeal ordinances not inconsistent with law, or the provisions of this charter and all amendments thereto, which shall be valid and operative within the limits of the city, for the government of Bridgeport and the management of its business, for the preservation of good order, peace and health, for the welfare and safety of its inhabitants and the protection and security of their property. It is authorized and empowered, by ordinance, to regulate, amplify and define the corporate powers. The city council may prescribe fines, penalties, and forfeitures of goods for the violation of any ordinance, and otherwise provide for the enforcement and collection of the same, when not inconsistent with law or this charter.

(b) The city council is authorized and empowered to enact ordinances concerning, regulating and controlling the production and emission of smoke from chimneys, smokestacks or other sources; concerning, regulating and controlling air pollution caused by the escape of soot, cinders, noxious or harmful or unnecessary acids, fumes, gases, vapors and fly ash or other substances or things; concerning, regulating or controlling the sale, use and consumption of fuels, tending to create or contributing to the creation of air pollution or the emission of smoke of unreasonable, unnecessary, harmful or offensive

density; concerning, regulating or controlling the construction, reconstruction, repair, installation, maintenance, use of and additions to furnaces, stoves, ovens, incinerators, refuse-burning equipment and all fuel-burning plants, including all fuel-burning equipment and devices, and requiring notice to said city of all purchases and sales thereof; establishing or creating a bureau, office, department or other agency or agencies for the adequate enforcement of such ordinance or ordinances; establishing fees for the examination of plans and issuance of permits, inspection of furnaces or other fuel-burning equipment or devices, issuance of certificates of operation, and for other purposes as may be required in connection with the full and adequate enforcement of such ordinance or ordinances; providing fines and penalties for the violation of any provision of such ordinance or ordinances, within the terms and limits of the fines and penalties permitted to be imposed by law for violation of any ordinance of said city of Bridgeport.

(c) The city council shall have no authority to exempt the city of Bridgeport or any public or private industry or enterprise from the provisions of any ordinance or ordinances adopted pursuant to the provisions of subSection (b) of this section.

(d) The city council may, by ordinance, provide in what manner snow, ice, or sleet shall be removed from the sidewalk in front of any land or building in the city, and may, in like manner, provide for the collection of the expense of such removal, when done by the city, from the owner or occupier of the land or building adjoining any such sidewalk.

(e) If any person or persons, upon whom any of the orders specified in subSection (d) of this Section shall have been made, shall neglect to perform the requirements of any such order, in the manner and within the time specified in such order, the city engineer may execute such order at the expense of the city; and such expense, if such negligent person be only the occupant, and not the owner of such premises, may be collected from such person by warrant of distress, under the hand of the mayor of the city, in the same manner as town taxes are the law collected. If such negligent person shall be the owner of such premises, then such expense shall be and remain a lien or real encumbrance on such premises in favor of the city, and the payment thereof may be enforced by the city, in like manner, in all respects as is authorized and provided, in the case of benefits assessed for the layout or alteration of streets and highways and all the provisions in relation to liens and the collection of benefits, are incorporated into this Section and made applicable to such expenses, mutatis mutandis; provided, however, that the lien created by this action shall be good and valid, if the certificate thereof shall be lodged at any time within six months from the time of the commencement of the work for which such lien is claimed, and shall embrace any number of claims for work performed at different times during such period.

(f) The city council shall continue to have power to establish by ordinance a district or districts in the city within which no person shall erect, enlarge, or elevate any building, or addition to a building, unless the outer walls and the covering of the roof thereof be composed wholly of fireproof materials, and no person shall move any building from one place to another in said district, or from within said district outside the same, or from outside said district into the same, unless the exterior walls and the covering of the roof of such building be composed wholly of fireproof materials. If in the opinion of said city council public safety shall require, it may by ordinance establish rules and regulations concerning the

compulsory use of fireproof materials, in whole or in part, in the construction within said fire limits of any building or part of building, provided any building of dimensions not greater than twelve feet square and one story in height above the ground, not having the outer walls and the covering of the roof composed of fireproof materials, may be so erected or moved, subject to the restriction that there shall be no chimney, fireplace, stove, furnace, or stovepipe in or attached to such building, and provided the city council may, by a two-thirds vote of the members thereof and the approval of the mayor thereto, remove the prohibitions herein authorized to be imposed concerning any building, upon written petition to the city council signed by each owner of property located within two hundred feet of the lot on which such building may stand or be proposed to be built.

(g) The city council may, by ordinance, regulate the moving of buildings through the streets of the city. No building shall be moved through any of the public streets or highways within the limits of the city, except in accord with such ordinance.

(h) Every person who shall violate or infringe or aid in violating or infringing any of the provisions or requirements contained in subsections (f) and (g) of this Section or any of the provisions, conditions, or regulations of any license granted or of any ordinance established by the city council, under any of the provisions of said sections, shall forfeit and pay to the city the sum of one hundred dollars, to be recovered by the city in any proper form of action; and any person who shall continue or aid in continuing any such violation or infringement, shall forfeit and pay to the city the sum of fifty dollars for each and every month during which such violation or infringement shall be continued, to be in like manner recovered; and, in addition thereto, such building or addition shall be assessed fourfold in the list of polls and ratable estate of the city.

## **Section 8.**

In addition to such acts of the council as are required by the general statutes or by other provisions of this charter to be by ordinance, every act creating, altering or abolishing any agency, office or employment, or assigning or reassigning the same to departments, fixing compensation, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

## **Section 9.**

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Every ordinance, except an ordinance making a general codification of ordinances, shall be confined to a single subject which shall be clearly expressed in its title. All ordinances which amend or repeal existing ordinances shall set forth in full the Section or subSection to be amended or repealed and if it is to be amended shall indicate matter to be omitted from the revised Section or subSection by enclosing the same in brackets and new matter by underscoring or capitalization. The enacting clause of all ordinances shall be: "Be it ordained by the city council of the City of Bridgeport."

(b) No ordinance, except an emergency ordinance as defined in subSection (d) of this section, shall be enacted unless a public hearing is first held before the city council or a committee thereof. It shall be the duty of the city clerk to publish the title and/or statement of purpose of every ordinance introduced, together with a notice of the time and place at of the public hearing thereon in a daily newspaper of general circulation in the city at least three days prior to the public hearing.

(c) Following the introduction of any ordinance it shall be the duty of the city attorney to examine it for form and legality and to provide a written opinion within sixty (60) days of the introduction of such ordinance. No ordinance shall be passed unless written opinion from the city attorney thereon is on file in the office of the city clerk.

(d) Emergency ordinances for the immediate preservation of the public peace, health and safety may be passed, without a prior hearing at any regular meeting, special meeting or emergency meeting, provided, in the case of a special or emergency meeting, the subject thereof has been included in the notice for such meeting. An emergency ordinance shall contain a specific statement of the emergency. A two-thirds affirmative vote of the members present and voting shall be necessary for the adoption of an emergency ordinance.

(e) Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after passage unless another date is specified therein.

(f) Every ordinance after passage shall be given a serial number, printed in the journal, and recorded by the city clerk in a book to be kept for that purpose which shall be properly indexed. All ordinances, except an ordinance making a general codification of ordinances, for the violation of which a penalty is imposed or which impose any burden on or limit the use of private property shall be published by the city clerk once in a daily newspaper of general circulation in the city, within thirty days of their passage, in the same manner and form as provided in Chapter One, Section 6, of this charter.

(g) Not later than July 1, 1993, there shall be prepared under the direction of the city attorney a codification of all ordinances in force, eliminating all obsolete and conflicting provisions. Said codification shall be passed by the council as a single ordinance. Upon its passage the city clerk shall cause it to be published in loose-leaf form. A similar recodification shall be prepared, passed and published as above provided, every ten years thereafter. Copies of all ordinances shall be printed as promptly as possible after their passage in the same loose-leaf form as the codification, for distribution.

## **Section 10.**

(a) All elections or appointments to any office or position by the city council or of any board established by this charter or by ordinance, shall be by roll call vote; and the person receiving a majority of the whole, with the limitations herein provided, shall be elected. In case of a tie vote for any officer to be elected by the city council or by any board, the mayor shall have the casting vote.

(b) No session of the city council for the purpose of electing to any office shall be held on less than three days' notice, except as in this charter is otherwise provided.

### **Section 11.**

Every affirmative vote, and every resolution, order or ordinance which passes the city council shall upon final passage be transmitted to the mayor, who shall either approve it, in which case it shall become operative and effectual, or disapprove it, in which case the mayor shall within twenty-one (21) days after it is transmitted to him/her, return it to the city council with a statement of objections; and after such statement has been read in said board, another vote shall be taken on such vote, resolution, order or ordinance, and if it passes the city council by a two-thirds vote of the whole number of council members, it shall become operative and effectual without the approval of the mayor. If any vote, resolution, order or ordinance which passes the city council shall not be either approved or disapproved by the mayor within twenty-one days after the same shall have been transmitted, it shall thereupon become operative and effectual without each approval. Any disapproval pursuant to the provisions of this Section shall be filed with the city clerk not later than the close of business on the twenty-first day after the matter is transmitted to the mayor. In the event that such twenty-first day falls on a day when the city clerk's office is closed the period for the mayor to act and to file such disapproval shall be extended until the close of business on the next day when the city clerk's office is open for business.

### **Section 12. Printing of city council proceedings.**

The city clerk shall cause the proceedings of the city council to be prepared in journal form and shall cause as many copies of the official proceedings to be prepared the city council as may be required. Such publication shall be the only legal publication of said official proceedings.

### **Section 13. Majority and Minority Leaders.**

As used in this chapter, the term "majority leader" shall refer to the leader selected by the council members from the party having the largest number of members on the city council and "minority leader" shall mean the leader selected by the council members from the party or parties other than the one having the largest number of members on the city council.

## **CHAPTER 6 DEPARTMENT OF POLICY AND MANAGEMENT**

### **Section 1. Department of Policy and Management; Director; Powers and Duties.**

(a) There shall be an department of policy and management which shall be responsible for budget analysis, development and administration; operations planning and improvements; program performance evaluation and monitoring; management improvements for all boards, commissions and departments of the city; intergovernmental relations and such other functions as the mayor or the city council may, from

time to time, assign to it.

(b) The head of the department shall be a director of policy and management who shall be appointed by and serve at the pleasure of the mayor. The director shall hold a degree in public administration or management, planning, business administration, government, political science, economics, finance or a similar field or shall possess an equivalent combination of education and experience. The director may, with the approval of the mayor, appoint a deputy director who shall serve at the pleasure of the director. The heads of the various units of the department of policy and management shall be appointed by the director of policy and management, with the approval of the mayor, and shall serve at the pleasure of the director.

(c) The director of policy and management shall be responsible for the general supervision of the operations and management of the several units of the department of policy and management. He/she shall advise and assist the mayor, the city council and the boards, commissions and departments of the city with respect to matters within the jurisdiction of the department of policy and management. The director shall be responsible for the preparation of the department's budget, the supervision of all employees of the department and the preparation of an annual report on the activities of the department of policy and management.

(d) The director of policy and management shall compile the operating and capital budgets for the mayor and shall advise and assist the mayor, the city council and the boards, commissions and departments of the city in matters relating to budget preparation, adoption and administration. The director shall have full power to require each city officer or employee to furnish all the information which they may possess, and to exhibit to all books, contracts, resolutions, reports and other papers and documents in his department or in their possession, requisite, in the director's opinion to required to discharge the director's duties, and all city officers shall furnish and exhibit the same in such manner and form as may be prescribed by said director.

## **Section 2. Certification of Funds.**

The director of policy and management shall certify as to the availability of appropriated funds for expenditure and for the payment of every obligation arising by reason of proposed purchases or contracts of every budgeted agency of the city, except purchases or contracts made by the board of education and no purchase order or contract shall be the valid obligation of the city of Bridgeport unless it bears such certificate of the director.

## **CHAPTER 7 LAW DEPARTMENT**

### **Section 1. Law Department; Department Head.**

There shall be a Law Department, the head of which shall be a city attorney appointed pursuant to the

provisions of Section 2 of this chapter.

## **Section 2. Appointment of City Attorney; Deputy City Attorney; Assistant City Attorneys; Associate City Attorneys.**

- (a) The mayor, in the month of December of each odd numbered year shall appoint a city attorney for a term of years equal to that of the mayor's from the first day of January next succeeding such appointment. The compensation of the city attorney shall be determined by the city council from time to time by ordinance.
- (b) The mayor may appoint a deputy city attorney who shall serve at the pleasure of the mayor.
- (c) The mayor may appoint such assistant city attorneys to such positions as have been created by the city council. Such assistant city attorneys shall serve at the pleasure of the mayor. The compensation for the deputy city attorney and the assistant city attorney shall be determined by the city council from time to time by ordinance.
- (d) The deputy city attorney and the assistant city attorneys shall be in the unclassified service.
- (e) Subject to the provisions of chapters nine and seventeen of this charter, the city attorney may employ and appoint such associate city attorneys as he/she requires. Such associate city attorneys shall be in the non-competitive division of the classified service. No associate city attorney shall engage in the private practice of law.

## **Section 3. Supervision of Law Department.**

The city attorney shall have the general supervision of the operation and management of Law Department. The city attorney shall be responsible for the presentation of a consolidated budget to the director of policy and management, the supervision of all employees of the department and the preparation of an annual report of the activities of Law Department.

## **Section 4. Duties of Law Department; Retention of Outside Counsel.**

The Law Department shall be the legal counsel to every board, commission, department and officer of the city and shall represent the city in the prosecution and defense of all civil actions. When the interests of the city require, the city attorney may engage any necessary outside counsel, experts or assistants; provided that funds are available for such purpose. If a conflict arises between different boards, commissions, departments, officers, or between any of them and city council, the city attorney shall assign different attorneys within the Law Department to represent each said governmental body in conflict and said attorneys shall represent them in the manner required by all rules of professional conduct of attorneys unless the city attorney determines that the only manner in which a conflict can be avoided is by retention of private legal counsel for one or more of such governmental bodies, in which

case the city attorney shall select said counsel. Except as otherwise expressly provided by law, no board, commission, officer or department of city shall retain legal counsel to represent it in any matter without the approval of the city attorney.

## **CHAPTER 8 DEPARTMENT OF FINANCE**

### **Section 1.**

(a) There shall be a Department of Finance, which shall be responsible for all matters relating to accounting, assessments, collections, financial reporting, fund custody and disbursement, debt administration, investments, purchasing, revenue planning and the levy and collection of taxes. Such department shall include the offices of comptroller, tax assessor, tax collector and city treasurer, internal audit, and any other offices or functions which the mayor or the city council may, from time to time, assign to it.

(b) The head of the department shall be a director of finance who shall be appointed by and serve at the pleasure of the mayor. The director shall have a bachelors degree in public administration or management, business administration, economics, accounting, finance or other appropriate field, or an equivalent combination of education and experience and shall be knowledgeable concerning all aspects of municipal finances and financial management systems, operations and procedures. The director may, with the approval of the mayor, appoint a deputy director of finance, who shall serve at the pleasure of the director. Unless otherwise expressly provided in this charter, the heads of the various offices of the department of finance shall be appointed by and serve at the pleasure of the mayor. No person shall serve as director or deputy director of finance and 1) treasurer; 2) tax assessor; 3) tax collector.

(c) The director of finance shall have the general supervision and management of the several units of the department of finance. They shall advise and assist the mayor, city council and the boards, commissions and department of the city relative to financial matters including bonding. The director of finance is authorized to transfer positions and employees between units of the department as the need arises and funds are available. The director shall be responsible for the presentation of the department's budget to the director of policy and management, the supervision of all employees of the department and the preparation of an annual report on the activities of the entire department of finance, which shall include the annual reports of the tax assessor, tax collector and city treasurer.

(d) The director of finance shall, to the extent permitted by law, supervise and coordinate the activities of the comptroller, tax assessor, tax collector, city treasure, and internal audit. He/she shall have the power to inspect and audit the books and records of such officers and may require them to provide such reports and information as he/she may require in order to discharge the duties of his office. The director of finance shall have the power to establish uniform systems, policies and procedures for such offices. He/she may, from time to time, recommend to the mayor, the city council and the responsible officer or officers any measures which he/she believes are necessary in order to improve the operation of any such

office.

(e) Copies of all reports and recommendations of the city's internal auditor shall be provided to the city council or a committee designated by it.

## **Section 2.**

The director of finance shall be responsible for the disbursement of all moneys and for ensuring that appropriations are not exceeded. He/she shall keep or cause to be kept complete books of accounts showing all financial transactions of the several departments of the city and shall prepare such reports as may be required by the city council, the mayor or the director of policy and management. He/she shall certify as to the funds appropriated, encumbered and expended during each fiscal year and shall audit, or cause to be audited, every invoice, bill or claim presented for payment. He/she shall have full power to require each city officer or employee to furnish all of the information which he/she may possess, and to exhibit to him/her all books, contracts, resolutions, reports or other papers and documents in his/her department or possession, requisite, in the opinion of said director to enable him/her to discharge his duties, and all city officers shall furnish and exhibit the same in such manner and form as he/she may prescribe. Said director shall sign warrants on the treasurer of the city of the payment of all invoices, bills and claims upon approval of the invoices by the city officer having authority to give such approval, except invoices, bills and claims of the board of education and checks for the payment of debt and interest of the city, and approval of such invoices, bills and claims by the city council shall not be required to authorize said warrants, and the treasurer of the city shall accept and authorize the payment of warrants drawn in accordance with the provisions of this act. He/she shall audit, or cause to be audited, such departmental accounts as he/she shall consider should be so audited.

## **Section 3. Tax Collector.**

(a) The tax collector shall be in the classified service and shall be selected pursuant to the provisions of Chapter 17 of this charter except as follows:

(1) The tax collector shall be experienced in business or public administration, financial management and collection systems and procedures and shall be thoroughly familiar with the procedures, powers and duties of the tax collector under the charter and the general statutes of the State of Connecticut. Nothing in this Section shall preclude the civil service commission from establishing greater qualifications for the position of tax collector, provided that such qualifications shall not include a requirement of prior service with the city of Bridgeport. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position.

(2) The examination for the position of tax collector shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee for the city of Bridgeport. The examination shall be open and competitive and shall not be promotional.

(3) Whenever a vacancy arises in the position of tax collector, the Personnel Director shall certify to the mayor the name of the (3) candidates standing highest upon the employment list for such position. If no such list exists, the personnel director shall within 150 days of the creation of the vacancy, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the names of the (3) persons standing highest thereon.

(4) Within sixty (60) days of receipt of the certification required by subSection (a)(3) of this section, the mayor shall appoint one (1) of the persons so certified as the tax collector and shall notify the civil service commission, the director of finance of such appointment. The mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) days from the date of his receipt of the certification. Unless otherwise stated such appointment shall be effective immediately.

(5) The person so appointed shall hold office for a term of five (5) years from the effective date of this appointment but may be removed for just cause. A person holding the position of tax collector may, only within 150 days of the end of his/her term, be reappointed by the mayor for an additional term of five (5) years beginning at the expiration of such official's current term, without the need for further examination or testing. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section.

(6) Whenever a vacancy occurs in the office of tax collector, the mayor may appoint an acting tax collector. The person so appointed shall possess all of the qualifications established for the position of tax collector. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting tax collector until the position is filled as provided in this section.

#### **Section 4. Tax Assessor.**

(a) The tax assessor shall be in the classified service and shall be selected pursuant to the provisions of Chapter 17 of this charter except as follows:

(1) The tax assessor shall be experienced in business or public administration, financial management and real estate assessment and valuation, and shall be thoroughly familiar with the procedures, powers and duties of the tax assessor under the charter and the general statutes of the state of Connecticut. Nothing in this Section shall preclude the civil service commission from establishing greater qualifications for the position of tax assessor, provided that such qualifications shall not include a requirement of prior service with the city of Bridgeport. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position.

(2) The examination for the position of tax assessor shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the city of Bridgeport. The examination shall be open and competitive and shall not be promotional.

(3) Whenever a vacancy arises in the position of tax assessor, the personnel director shall certify to the mayor the name of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the personnel director shall within 150 days of the creation of the vacancy, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the three (3) names of the persons standing highest thereon.

(4) Within sixty (60) days of receipt of the certification required by subSection (a)(3) of this section, the mayor shall appoint the person so certified as the tax assessor and shall notify the Civil Service Commission, the director of finance of such appointment. The mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) days from the date of his receipt of the personnel director's certification. Unless otherwise stated such appointment shall be effective immediately.

(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of tax assessor may, only within 150 days of the end of his term, be reappointed by the mayor for an additional term of (5) years beginning upon the expiration of the assessor's current term, without the need for further examination or testing. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section.

(6) Whenever a vacancy occurs in the office of tax assessor, the mayor may appoint an acting tax assessor. The person so appointed shall possess all of the qualifications established for the position of tax assessor. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting tax assessor until the position is filled as provided in this section.

## **Section 5.**

The tax assessor shall have all the powers and shall perform all the duties imposed on assessors in towns of this state, together with such other duties as are imposed by this charter. At the request of the mayor or city council the assessor shall report in writing concerning any matters pertaining to the duties of his office.

## **Section 6.**

(a) The tax assessor shall have the power to summon to appear before said assessor within sixty days after November first in each year any person or persons whom he/she may have reason to believe to be the owner of any property taxable in said city concerning which additional information shall be desired for the purpose of making an assessment. Such person or persons shall be required to furnish under oath such information to the tax assessor. Notice of such summons shall be sent in writing by mail, postage prepaid and registered, and the person so summoned shall appear within one week from the date of the sending of such summons unless directed to appear at a later date. Such notice shall state clearly the

purpose of such summons and the property concerning which information is desired. Failure to comply therewith, in addition to any penalty that may be provided by law, shall debar the right of such person to appeal to the board of tax review and to the superior court, under the statutes in such case provided, from any action which the tax assessor may take in the premises, provided, if the board of tax review shall decide that such failure to appear before the tax assessor was not willful or was excusable, such appeal may be allowed if made within the time as provided by the general statutes.

(b) The town clerk shall file with the assessor daily, a complete abstract of all deeds and conveyances of land or of personal property or of certificates of intention to transfer personal property placed in this custody for record during the day preceding.

### **Section 7.**

(a) The tax collector shall perform all the duties and shall have all the powers prescribed by the general statutes and by this charter. He/she shall present at such other times as the mayor or city council may require, a list of all delinquent taxes owed to the city, together with the name and address of each delinquent taxpayer, with the amount of the tax and, separately, of interest and other charges thereon due.

(b) He/she shall give bond to the city in the amount established by ordinance. The city council may require other persons employed by the collector, who handle the funds of the city to give bond in the like manner in such amount as it may determine. Each such bond shall be conditioned on the faithful performance of the duties of the official or employee for which it shall have been given.

### **Section 8.**

The tax assessor and the tax collector shall make such rules and regulations for the conduct of their respective offices as may be approved by the director of finance.

### **Section 9.**

The tax collector shall present to the city attorney, not later than the fifteenth (15) day of December of each year, a list of all personal taxes which shall have been due and unpaid for six months, and all taxes and assessments secured by a lien which are due and unpaid and the city attorney shall, forthwith, upon receiving such list, bring any action necessary to obtain judgment upon such overdue taxes assessments and execution thereon. Nothing in this Section shall preclude the tax collector from more frequently referring matters to the city attorney.

### **Section 10.**

(a) There shall continue to be a board of tax review, which shall consist of three members appointed by the mayor, with the advice and consent of the city council, as provided in this section. Not more than

two members of the board of tax review shall be members of the same political party. The board of tax review so constituted shall possess all of the powers and shall annually perform all of the duties in and for the city imposed by law on the board of tax review. The board of tax review shall keep a record of its actions and activities and shall, on request, report, in writing, to the mayor and city council concerning the performance of its duties.

(b) During the month of December, annually the mayor shall, with the advice and consent of the city council, appoint a member of the board of tax review to serve for a term of three years from the first day of January next succeeding and until his successor is appointed and has qualified. Vacancies shall be filled by appointment of the mayor, with the advice and consent of the city council, for the balance of the term vacated.

### **Sections 11. Treasurer.**

(a) In December of each odd-numbered year the mayor shall appoint a treasurer, who shall serve for a term of two (2) years, from the first day of January next succeeding. Vacancies in the office of the city treasurer shall be filled by the mayor for the unexpired portion of the term of the person vacating the office. The treasurer shall be experienced in and knowledgeable concerning accounting; municipal finances; investments; department management; and cash revenue and management. The treasurer shall devote his full time to the duties of this office.

(b) The treasurer shall have the same powers as treasurers of towns and shall be accountable to the city in the same manner and to the same extent as town treasurers. He/she shall be custodian of all funds belonging to the city and shall deposit the same in any national bank, state bank or trust company within the state in such proportions and under such conditions as the treasurer shall determine the interests of the city require, provided any interest or other consideration of value allowed on deposits shall belong to said city. The treasurer shall comply with all regulations, orders and ordinances consistent herewith which may be made by the city council respecting the duties of said office.

(c) In the event the treasurer is absent or unable to act, the mayor may designate a person to act as treasurer until such time as the treasurer returns or is able to act.

### **Section 12. Public Purchases.**

There shall be, within the department of finance, an office of public purchases, which shall be headed by a purchasing agent appointed pursuant to the provisions of Section 13 of this chapter. The office of public purchases shall purchase all articles and materials for the use and needs of all departments, boards, committees and officers of the city, including the board of education, park board and library board, provided, such departments, boards, committees and officers may prescribe the dimensions, composition, quality, character and general standards of the articles and materials required by them, respectively.

### **Section 13.**

(a) The position of purchasing agent shall continue to be in the classified civil service. All vacancies in the position of Purchasing Agent filled after the adoption of this charter shall be filled in the manner provided in subSection (b) of this section.

(b) The purchasing agent shall be selected pursuant to the provisions of Chapter 17 of this charter except as follows:

(1) The qualifications for the position of Purchasing Agent shall not include a requirement of prior service with the city of Bridgeport. Any qualification for such position shall be based solely on the knowledge, skills and experience required for the position.

(2) The examination for the position of purchasing agent shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the city of Bridgeport. The examination shall be open and competitive and shall not be promotional.

(3) Whenever a vacancy arises in the position of purchasing agent, the civil service commission shall certify to the mayor the name of the candidate standing highest upon the employment list for such position. If no such list exists, the personnel director shall, within 150 days of the creation of the vacancy, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the name of the person standing highest thereon.

(4) Within sixty (60) days of receipt of the certification required by subSection (a)(3) of this section, the mayor shall appoint the person so certified as the Purchasing Agent and shall notify the Civil Service Commission, the director of finance and the Board of Public Purchases of such appointment. The mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) days from the date of his receipt of the personnel director's certification. Unless otherwise stated such appointment shall be effective immediately.

(5) Whenever a vacancy occurs in the office of purchasing agent, the mayor may appoint an acting purchasing agent. The person so appointed shall possess all of the qualifications established for the position of purchasing agent. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting purchasing agent until the position is filled as provided in this section.

### **Section 14.**

(a) There shall be a board of public purchases, consisting of the director of finance and four members appointed by the mayor. The members appointed by the mayor shall be knowledgeable concerning or experienced in procurement, finance, business or public administration or other disciplines related to the work of the department. In December of each year the mayor shall appoint two persons to serve for a

term of two years from the first day of January following their appointment and until a successor is appointed and has qualified. The board shall elect one of the members appointed by the mayor as President and may elect such other officers as it deems necessary. The members of the board shall serve without compensation.

(b) The board of public purchases shall: 1) advise the city concerning the affairs of the office of public purchases; 2) approve the city's annual purchasing policy statement; 3) approve all procedural rules and regulations promulgated pursuant to the provisions of this part; and 4) hear such appeals from the decisions of the purchasing agent as may be authorized by law.

### **Section 15.**

(a) The city council shall, by ordinance, provide for the competitive procurement of goods and services for use by the city and its agencies, including, but not limited to, authorized procurement methods: advertising and solicitation of bids and proposals and action thereof: consultation with the effected department or departments: award and execution of contracts: bonds: exclusions from competitive procurement: waiver of competitive procurement requirements, appeals from decisions of the purchasing agent: disposition of surplus property and such other matters as are necessary to carry out the provisions of this part.

(b) The purchasing agent may, with the approval of the board of public purchases, adopt procedural rules and regulations concerning the operation of the office of public purchases. No such rule shall be inconsistent with the ordinances adopted pursuant to subSection (a) of this section.

## **CHAPTER 9 BUDGET AND FISCAL CONTROLS**

### **Section 1. Budgeted Agency Defined.**

As used in this chapter, "budgeted agency" shall mean each board, commission, department, officer or agency, of the city to which funds are appropriated.

### **Section 2. Fiscal Year; Certain fiscal requirements.**

The fiscal year of the city shall begin on the first day of July in each year and end on the last day of the succeeding June, both days inclusive.

### **Section 3.**

(a) No money, other than that appropriated pursuant to Section 5 of this chapter shall be expended for any purpose, unless a special appropriation therefore by the city council shall first be approved by a two-thirds vote, taken by yeas and nays, of all members of the city council. The city council shall have no

power to make any such special appropriation unless the unappropriated revenues of the city are sufficient for the purpose, and the order or resolution making such special appropriation shall state specifically what the unappropriated revenues of the city thus appropriated consist of. No budgeted agency shall contract debts in excess of its appropriations, and if any such debt be so contracted it shall not be paid out of any future appropriation.

(b) If a special appropriation in excess of the unappropriated revenues of the city is required for any purpose, an estimate of the same shall be prepared by the director of policy and management with the approval of the mayor and submitted to the city council, at a special meeting called for that purpose, and the city council, at said meeting or any adjournment thereof, shall have power to make any such appropriation and to lay a special tax to meet the same; but no such appropriation shall be made unless a special tax is laid sufficient to cover the amount of excess of such appropriation over the unappropriated revenues of the city.

#### **Section 4. City Council Power to procure information.**

The city council shall have full power to require the different city officers and employees to furnish all the information which they may possess and to exhibit to it all books, contracts, reports and other papers and documents in their respective departments, or in their possession, requisite, in the opinion of said board, to enable it to discharge the duties imposed upon it by this chapter and it is hereby made the duty of all the city officers to furnish and exhibit the same when so required.

#### **Section 5. Budget; Mill Rate.**

(a) The city council shall have the power to levy taxes on the polls and estates within the limits of the city for such purposes as the city is by law authorized. Every tax hereafter laid by the city council shall be laid upon the grand list of the city, which shall have been made according to law next before the laying of such tax.

(b) Each budgeted agency shall, on or before a date determined by the mayor, report to the office of policy and management an estimate of the amount of money required agency for the next ensuing fiscal year, giving details as far as practicable.

(c) Not later than the first Tuesday in April of each year, the mayor shall present to the city council a proposed budget for the ensuing fiscal year. The proposed budget shall include the following information: (1) an itemized statement of appropriations proposed by the mayor for current expenses, capital items and permanent improvements for each budgeted agency for the ensuing fiscal year together with comparative statements, in parallel columns of the requests made by the various budgeted agency of the appropriations and expenditures for the current and preceding fiscal years; the increase and decrease between the current and ensuing fiscal years in the appropriations recommend; and the expenditure estimates required by clause (c)(3) of this section; (2) an itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year with

comparative statements, in parallel columns, of the taxes and other revenues for current and preceding fiscal years; of the increase and decrease estimated or proposed, and the revenue estimates required by clause (c)(3) of this section; (3) an estimate of the expenditures required by each budgeted agency for the fiscal year following the next ensuing fiscal year and an estimate of the taxes required and of the estimated revenues of the city from all other sources for the fiscal year following the next ensuing fiscal year; (4) a statement of the assumptions on which the estimates required by clause (c)(3) are based; and (5) such other information as the city council shall, by ordinance, require. The estimates and statements required by clauses (c)(3) and (c)(4) of this Section shall be advisory only.

(d) The city council shall have the following powers with respect to any item in the budget recommended by the mayor.

(1) It shall have the power to reduce or delete any item in the budget recommended by the mayor by a majority vote of the council members present and voting;

(2) It shall have the power to increase any item in said budget or add new items to said budget only on a two-thirds (2/3) affirmative vote of the entire membership of the council.

(e) Prior to taking final action on the proposed budget and mill rate the city council shall hold at least one public hearing at which members of the public shall be allowed to comment thereon.

(f) Not later than the seventh day after action on the budget is completed, the city council shall, by resolution, set a mill rate for the ensuing fiscal year, which shall, together with other sources of revenue, generate sufficient funds to support the budget adopted by the city council. Such resolution may be disapproved by the mayor in the manner set forth in subSection (e) of this section. For the purposes of this section, action on the budget shall be deemed to be completed when (1) the budget takes effect pursuant to subSection (h) of this section; or (2) the mayor approves the budget or it becomes effective without the mayor's approval pursuant to subSection (g) of this section; or (3) the city council completes action on any and all items disapproved by the mayor pursuant to subSection (g) of this section.

(g) The budget adopted by the city council as provided in subSection (b) shall be submitted to the mayor not later than the second Tuesday in May of each year. The mayor shall sign the adopted budget if he/she approves it, or within fourteen days after adoption of the budget by the city council as provided herein, the mayor may veto any action taken by the city council pursuant to subSection (d) of this section. The veto power of the mayor shall be that of a line item veto only, and any such veto may be overridden by a two-thirds vote of the entire membership of the city council. If the mayor shall disapprove any action by the city council, he/she shall, no later than the close of business on the last day of said fourteen day period, return the proposed budget to the city council with a statement of objections. Thereupon, the president of the city council shall call a meeting of said council to be held no later than seven days after the receipt of the mayor's veto. At such meeting the mayor's statement of his reasons for disapproving any item shall be read to the city council and thereafter another vote shall be taken on such item and if it passes the city council by a two-thirds vote of the whole number of council members, it

shall become operative and effectual without the approval of the mayor. If, within fourteen days after the adoption of a budget by the city council, as provided herein, the mayor neither signs the adopted budget nor disapproves any action of the city council, said budget shall become operative and effectual without such approval.

(h) If the city council fails to adopt the budget by the second Tuesday in May of any year, the budget proposed by the mayor shall become the budget of the city for the ensuing fiscal year.

(i) Transfers between line items of the adopted budget may be requested by the mayor, the director of policy and management or the head of any budgeted agency and be approved by the affirmative vote of a majority of the council members present and voting. Such transfers may be disapproved in the manner set forth in Chapter 5 of this charter.

## **Section 6. Capital budget.**

(a) Not later than the first day of November of each year, every budgeted agency of the city shall submit to the director of policy and management an estimate of the capital expenditures required in each of the next three fiscal years. The estimates shall be in such form and supported by such information as the director of policy and management shall prescribe. The director of policy and management shall review such estimates and shall develop, after consultation with the department of finance, a draft capital budget which shall consist of two parts: first, a three year capital improvement plan listing the capital projects required in each of the next three years; and second, an annual element listing programs to be funded during the next fiscal year and the source of such funding. The draft capital budget shall be submitted to the mayor not later than the first Tuesday in February annually.

(b) Not later than the first Tuesday in March of each year, the mayor shall submit a proposed capital budget to the city council. Such proposed capital budget shall contain the same elements as the draft capital budget and shall also identify those projects to be funded from the general fund budget and those which are to be funded from other sources.

(c) The city council shall solicit suggestions, comments and recommendations from city officials and the members of the public regarding the proposed capital budget and shall conduct at least one public hearing.

(d) Not later than the first Tuesday in May, the city council shall adopt the annual element of the capital budget, including a statement of the funding sources for all projects included in the annual element, and shall make such changes in the five year plan as it considers appropriate. The city council shall include in the general fund budget of the city sufficient funds to support all projects identified in the capital budget as being funded from such general fund.

(e) The city council may, by ordinance, prescribe the type and dollar value of the projects to be included in the draft capital budget, the proposed capital budget and the adopted capital budget.

(f) Any provision of this charter to the contrary notwithstanding, no bonds of the city shall be issued in support of any project which is not included in the capital budget unless a statement of the need for such project is first (a) signed by the mayor and filed with the city clerk; or (b) adopted by an affirmative vote of two-thirds of the whole number of council members.

### **Section 7. Monthly Financial Report.**

(a) Not later than the fourth Friday of each month, the Mayor shall submit the City Council a report showing: (1) budgeted and actual revenues up to the last day of the prior month; (2) budgeted and actual expenditures for each budgeted agency of the city up to the last day of the prior month; and (3) the projected budget surplus or deficit for the fiscal year. Such report shall also be filed in the office of the City clerk and copies made available to the public.

(b) The City council may, by ordinance, require that additional information be included in such report.

### **Section 8. Enterprise Funds.**

(a) As used in this Section "enterprise fund" shall mean a fund used solely to support a specified activity or activities of a budgeted agency.

(b) The city council may, by ordinance, provide for the establishment and maintenance of one or more enterprise funds. Such ordinance shall specify the monies to be deposited in such fund and the activities to be supported by the fund and shall provide for the administration of such funds.

(c) The City Treasurer shall be the custodian of all enterprise funds and shall be responsible for investing them in same manner as other city funds.

(d) Expenditures from enterprise funds shall be included in the operating budget of the city and shall be subject to the same controls as other appropriations.

### **Section 9. Special Funds.**

The city council may, by ordinance, regulate the establishment of and the accounting for grants, bond proceeds, trust and other special purpose funds.

### **Sections 10. Grants.**

Each budgeted agency may apply for and with the approval of the mayor and city council, accept grants from federal, state and private sources to support the activities of such agency.

# BONDING AND LONG TERM DEBT

## Section 1.

(a) The city council of the city of Bridgeport, by vote of the majority of the whole number of council members may authorize the issuance of bonds for the use of the city of Bridgeport, the property of which are to be used for any public work or improvement of a permanent nature, the purchase or taking of land or interests in land, the improvement of land taken or acquired for such public work or improvements, the purchase of equipment of a lasting character and for any other purpose for which cities and towns are authorized by the general statutes to issue bonds. Bonds for a single purpose may be authorized and issued at one time or from time to time and bonds for two or more purposes may be consolidated into a single bond issue which may be sold at one time or from time to time, all as the city council shall determine. The city council shall determine or shall authorize the city treasurer or the mayor, to determine the date, maturities, interest rate or rates, form, manner of sale and other details of the bonds of each authorized bond issue but such bonds shall conform to the provisions of the applicable general statutes as to maximum term, serial maturities, authentication and maximum rate of interest.

(b) Bonds of the city of Bridgeport shall be signed by the mayor, treasurer and director of finance/comptroller of the city, provided that the city council may be permit such signatures to be executed with a facsimile of such signatures printed on the bonds. The coupons annexed to any bonds issued in coupon form shall bear the facsimile signatures of the mayor, treasurer and director of finance/comptroller. Any bonds of the city of Bridgeport and any coupons appended thereto, if properly executed, whether or not such execution shall be by manual signature or by the printing of facsimile signatures thereon shall be valid and binding according to their terms notwithstanding that, before the delivery thereof and payment therefor, any or all of such officers shall have for any reason ceased to hold office.

(c) Any premium received from the sale of bonds less the cost of preparing, issuing and selling such bonds, shall be used to pay the principal of the first of such bonds to mature. The proceeds of bonds when received shall be delivered to the city treasurer and shall be kept by him/her in separate accounts according to the purpose or purposes for which such bonds were authorized and, except for premium, shall be used solely for such purpose or purposes, provided, if there should be any accumulation of interest from the investment of the proceeds of such bonds pending the accomplishment of the specific purpose or purposes for which such bonds were issued, such interest may be placed in a capital account to be used for the purpose of reducing the bonded indebtedness of the city or to be used for any purpose for which bonds of the city could be issued. If a surplus remains from the proceeds of bonds issued for a particular purpose or purposes after such a purpose has been accomplished, the city council may authorize the use of such surplus bond proceeds for any purpose for which bonds of the city could be issued or for paying the principal of such bonds as they mature. The city council, by vote of a majority of the whole number of members, may declare that a purpose for which bonds of the city have been issued has been abandoned and thereupon the balance of the proceeds of such bonds available for such purpose shall be deemed surplus bond proceeds and may be used as hereinbefore in this Section provided.

(d) Nothing in this charter shall be deemed to affect adversely the validity of any of the outstanding bonds of the city of Bridgeport.

## **CHAPTER 11 PUBLIC IMPROVEMENTS**

### **Section 1.**

There shall continue to be a board of appraisal of benefits and damages, composed of three electors of the city. The mayor, in December of each year, shall appoint a member of said board for the term of three years from the first day of January next succeeding. Not more than two members of such board shall be members of the same political party. In case any member of said board shall become disqualified by reason of interest in any public improvements in connection with which said board is to estimate benefits and damages, the mayor shall appoint another person to take his place temporarily to perform his duties in respect to the particular improvement causing such disqualification, and no other, and no longer. The board may appoint a clerk from outside of its number, who shall receive such compensation as is established by ordinance.

### **Section 2.**

(a) The board of appraisal of benefits and damages shall have the exclusive jurisdiction of appraising, assessing and apportioning all benefits and damages accruing or resulting to any persons from such public improvement, or from the construction or purchase of any sewer or sewers, or from any other public improvement in the city whatsoever which shall be ordered or determined upon by the city council, in connection with which an appraisal of benefits and damages is required by this charter to be made.

(b) Before making any such appraisal of benefits and damages, the board of appraisal of benefits and damages shall give reasonable notice to all persons having an interest in any land affected by such public improvement, of the time and place it will meet for that purpose. A written or printed notice in the name of a majority of said board sent by registered or certified mail, return receipt requested to the usual place of abode of any person interested as aforesaid at least fourteen days before the time fixed in such notice for such meeting shall be reasonable and sufficient notice to such interested person. The board of appraisal of benefits and damages shall meet at the time and place designated in such notice and at such other times as it may adjourn to, and shall hear all parties in interest who may appear before it. It shall determine the person or persons who will be damaged by such taking of land or such public improvement, and the amount thereof in excess of any special benefits received; also the person or persons who will be specially benefited thereby, and the amount of benefits in excess of any damages received. The amount of benefits assessed for any particular public improvement shall not exceed the amount of damages assessed on account of such public improvement. It shall report the amount of damages and benefits determined and the names of the person to whom the same respectively appertain and belong, to the city council. Before assessing benefits and damages for such public improvement the

board of appraisal of benefits and damages shall file in the office of the town clerk a notice containing a general description of such public improvement. Such notice shall be signed by the chairman or clerk of the board and shall be recorded by the town clerk in a volume kept for such purpose. The provisions of this Section shall not require notice to mortgages, or to persons claiming any lien, or to any person whose interest is not disclosed by the land records.

(c) The report of the board of appraisal of benefits and damages shall be continued until the next regular meeting of the city council before being acted upon, and shall be printed in the journal of the city council. The city council may thereupon accept said report or return it to the board for reconsideration and correction. It shall not be necessary that such reconsidered or corrected report be laid over, but the same may be forthwith accepted or otherwise acted upon by the city council. Upon the acceptance of said report, the city clerk shall record the same; and he/she shall also record and attest the survey and particular description hereinbefore required. The city council shall cause a notice, signed by the mayor or city clerk, containing the names of the persons thus assessed, with the respective amounts thereof, to be published in the manner provided for by this charter, and such publication shall be legal and sufficient notice to all persons interested in such assessments. When said assessments shall have been recorded in the records of the city council they shall immediately become due and payable. The city council shall order the damages thus assessed to be paid to the person or persons to whom they respectively belong, provided, if any person shall refuse or neglect to receive the amount so found due and ordered paid to him/her, it shall be deposited in the city treasury, to be paid to the person entitled to receive it whenever he/she shall apply for the same. The city council shall fix the time within which such public improvements shall be opened for public use, and may give notice of such limitation as it deems necessary and proper to appropriate the same to such public purposes.

### **Section 3.**

(a) The assessments of benefits so made shall be and remain a lien upon the land upon which they are respectively made and shall take precedence of all other liens or encumbrances thereon except taxes due the state, and the land on which any such lien may exist shall be liable to be foreclosed in a suit by the city, in the same manner as a mortgage; provided such lien shall not continue to exist for a period longer than sixty days after the assessments as aforesaid, unless within that period a certificate, signed by the tax collector and describing the land upon which such lien exists and the amount claimed as a lien thereon, shall be lodged with the town clerk; and provided such lien shall cease to exist whenever a certificate to that effect signed by the tax collector, shall be lodged with the town clerk. Such assessments may also be collected by warrants in the same manner as municipal taxes are collectible.

(b) All municipal or improvement liens upon private property which shall have been recorded in the land records of the city of Bridgeport for more than fifteen years shall be invalid, and such property shall be free from the encumbrance of such lien unless an action or foreclosure shall have been commenced during such period of fifteen years and a notice of lis pendens filed for record in the office of the town clerk, the town clerk shall, if no such notice shall have been filed, upon the request of any interested person, discharge such lien of record by noting on the margin of such record "Discharged by operation of law" and thereafter no payment of the debt evidenced by such lien shall be enforced against any

person or corporation.

#### **Section 4.**

The City of Bridgeport shall have the power to take land for the purposes and in the manner provided by law.

#### **Section 5. Power to lay out, alter or discontinue streets.**

The city council shall have power and authority as it shall deem needful to lay out new highways, streets, public walks, public avenues and public landing places, in the city, and to alter, extend, or enlarge any highway, street, public walk, public avenue, or public landing place in the city, and to discontinue or exchange the same for any other highway, street, public walk, public avenue, or public landing place in the city, and to make and cause to be executed all such orders relating thereto as it shall judge proper. Any person desiring to lay out any walk, public avenue, or open any new highway, street, or public landing place in the city, shall give notice of such intended layout by publishing a description as near as may be of the same, in the manner provided for by Section before making application to the city council for such street, public walk, public avenue, or public landing place, and then, having obtained from the city council permission therefor may lay out the same as, and the same shall become and be, a public highway, street, avenue, walk, or landing place, whenever so laid out or opened; and a survey and particular description thereof, made by the person so opening the same, and approved by the city council, shall be recorded in the records of the city council.

#### **Section 6. Orders as to certain uses of streets.**

The city council may, by ordinance, establish regulations governing corporations or persons using the streets of the city for the purpose of burying conduits, pipes, and wires therein, including limitations upon the use of such streets and the repair thereof by the responsible person or corporation to repair any and all damages resulting from such activity. No such corporation or person shall be permitted to excavate in any street where a permanent pavement is laid unless arrangements for the repair of the pavement, acceptable to the Director of Public Works, are made prior to beginning of such excavation. Every person or corporation who shall violate any of the provisions of this Section shall forfeit and pay to the city a sum not less than one hundred dollars, nor more than one thousand dollars, to be recovered by the city in proper form action and shall further be liable for the cost of any necessary repairs.

#### **Section 7. Establishment of building lines.**

The city council shall have the power to designate and establish a line or lines on the land of any proprietor adjoining any public highway, street, walk or avenue, now or hereafter existing in the city, except where building lines are already established and any building has been constructed on such highway, street, walk or avenue, and provided the city council may, by ordinance, permit the extension of cornices and by windows above the first story of any building and not more than thirty inches beyond

such line. Every person who shall erect or locate any building, or part of a building, between any such line and any such highway, street, walk or avenue, except as above provided, shall forfeit and pay to the city a sum not less than one hundred dollars, nor more than one thousand dollars, to be recovered by the city in any proper form of action; and, in addition to such penalty, all such buildings shall be annually assessed fourfold in the list of polls and ratable estates of the city. An injunction may be obtained by the city or any property owner who has built back of any such line, restraining the erection of any building by any person, if the building being erected or to be erected or located between any such line and the street adjacent shall be within a block in either direction distant from the building of the property owners with a block on either side of the line sought to be modified or abolished.

### **Section 8. Establishment of harbor lines.**

The city council shall have power to designate and establish a line or lines on or along either or both sides of Bridgeport harbor and Pequonnock River, or any part thereof, from the mouth of said harbor to the head of tidewater, and on or along either or both sides of Black Rock harbor, Yellow Mill Pond, Burr Creek, Cedar Creek, Johnson's Creek or River, and all other rivers, creeks, or estuaries, so far as the same lie within the territorial limits of the city, between which line or lines and the channel, no dock, pier, or wharf, or part thereof, shall be erected or constructed; and the city council shall also have power to take and appropriate any saltwater creek or portion thereof, and the mudflats bordering the same, within the limits of the city, for the purpose of a reservoir or basin, from which the tidewater may be or now is excluded by means of a dike or dam, and in which the water discharged therein from any sewer or gutter may be, or now is, retained during high tide and discharged therefrom at low tide.

### **Section 9. Public hearing required before making of improvements.**

(a) Before the city council shall determine to exercise any of the powers referred to in sections six, seven and eight of this chapter it shall hold a public hearing at which or at any adjournment thereof all parties in interest shall be invited to appear and be heard relative thereto. Notice of such public hearing shall be by publication as set forth in this charter and such notice shall describe in general terms the nature and location of such proposed public improvement and the time and place when and where such public hearing will be held. Such publication shall be made at least six days before the day set for such hearing.

(b) If after such hearing the city council shall resolve to make any such public improvement, it shall appoint a committee, whose duty it shall be to make a layout of such public improvement, and to report in writing its doings to the city council, which report shall embody a survey and particular description of any such public improvement. If such report shall be accepted and approved by the city council, it shall be referred to the board of appraisal of benefits and damages for action by it.

### **Section 10. Sewers Construction; assessment procedure.**

The city council shall have power to construct or alter or cause to be constructed or altered, sewers, with sills or catchbasins, through or along any street or public grounds, or across, through, in or upon the

land of any person in the city; and to alter and purchase for the city any such sewer already constructed and not owned by the city. It shall have power to cause to be assessed, on a uniform rate basis, an amount not exceeding the total cost of any sewer so constructed or purchased, upon the person or persons whose property may be especially benefited thereby; shall have power to cause to be assessed and apportioned all damages which may arise from the construction of any such sewer and shall have power to cause go be assessed, on a flat rate basis, an amount not exceeding the total cost of any sewer so constructed or purchased, upon the person or persons whose property may be especially benefited thereby, although the land of such person or persons may not abut upon the street through which such sewer may be laid; and, if such sewer be a lateral or connecting sewer, it shall have power to cause to be assessed not only an amount not exceeding the cost of such lateral or connecting sewer, but, in addition thereto, a reasonable or proportional part of the expense of the main or trunk sewer into or through which such lateral or connecting sewer may be discharged. In case any sewer constructed or purchased by the city shall require relaying or altering on account of defective construction, the entire cost of such relaying or altering shall be borne by the city. Before proceeding to construct or purchase any such sewer, the city council shall give notice of such proposed construction or purchase, and of a time and place when and where the parties interested therein may be heard by said council in relation hereto, by publishing the same in the manner provided for by this charter at least six days before said hearing; provided, in case any sewer or sewers shall be constructed across, through, in or upon the land of any person, notice shall be given to the owner or owners of such land in the same manner, in all respects as is hereinbefore prescribed to be given in the layout of highways in this charter. In all proceedings concerning the construction, alteration or purchase of sewers, the city council may act by itself, through a Water Pollution Control Authority or similar body or by a committee appointed for that purpose from among the members of the city council.

### **Section 11. Same Connection of sewers within Stratford, Fairfield and Trumbull to Bridgeport system.**

(a) The city of Bridgeport, acting through its city council, may, with the approval of the town council of the town of Stratford, the town council of the town of Trumbull or the representative town meeting of the town of Fairfield, permit any property owner in said towns to discharge storm or sanitary sewers, either directly or through other sewer lines, into the sewer system of the city of Bridgeport, upon the payment by the property owner of such sum to said city as may be prescribed by its city council and subject to the payment of such future sums for the maintenance and improvement of the sewer facilities of said city as its city council may provide.

(b) If such permission shall be granted, the ordinances of the city of Bridgeport, and the penalties therein provided, relating to the construction, installation and maintenance of the sewers within the city of Bridgeport and to the substances which may be discharged therein shall apply to the sewers in said adjacent towns which, directly or indirectly, discharge into the sewer system of the city of Bridgeport so long as such discharge continues. The director of public facilities of the city of Bridgeport shall have the same rights and powers with relation to said sewers and to the sewer lines through which said sewers discharge into the sewer system of the city of Bridgeport as he/she would have, under said ordinances, if said sewers and sewer lines were located within the city of Bridgeport. In the installation and

maintenance of said sewers and sewer lines, the property owners constructing or maintaining the same shall also be subject to and shall comply with all ordinances and regulations of the town in which the property is located which is serviced by said sewers.

(c) No sewer in any of said adjacent towns shall be connected with the sewer system of the city of Bridgeport, and no sewer shall be connected to any sewer line in any of the said adjacent towns which shall directly or indirectly discharge into the sewer system of Bridgeport, until a permit, as may be required by the ordinances of the city of Bridgeport, shall have been obtained therefor and until such permits as may be required by the ordinances of said adjacent towns shall likewise have been obtained and until a writing, signed by the owner of said property and said director of public facilities, shall have been entered into and recorded on the land records of said adjacent town setting forth the permission which has been granted to make such connection and describing in general terms the conditions and limitations under which said connection may be made and maintained.

(d) Any person in any of said adjacent towns who shall make any connection to the sewer system of the city of Bridgeport, or any connection to any sewer line in said adjacent towns which directly or indirectly discharges into the sewer system of the city of Bridgeport, except in accordance with the provisions hereof, shall be fined not more than one hundred dollars for each offense or imprisoned not more than one year, or both.

## **Section 12. Same Assessments and liens.**

After the construction of any such sewer and the assessment as provided in Section eleven has been made and accepted the city council shall give notice as is provided to be given in relation to assessments on streets, etc., to said property holders, of the several sums so assessed upon them respectively, and of the time when the same shall be due, and thereupon, at the time specified, such assessments shall be deemed to be completed, and said sums shall be due and payable, and the payment thereof may be enforced by the city in like manner, in all respects, as is authorized and provided in case of assessments of benefits for the layout or alteration of highways and streets; and all the provisions of this charter in relation to liens and the collection of benefits are incorporated into and made part of this section.

## **Section 13. Street paving assessments.**

The city council shall have power to order that any street, macadamized, asphalted, or otherwise improved, and to cause all orders to be executed. It shall have power, upon the execution of any such order, to cause to be assessed one-half of such expense upon the persons whose property may be especially benefited thereby; and notice of such proposed improvement shall be given, and the assessments therefor shall be made, published, collected, or secured, as the case may be, in the same manner as provided and required in the case of sewers.

## **Section 14. Street connections before paving.**

Whenever the city council shall contemplate ordering any street to be paved, macadamized, asphalted, or otherwise improved, or shall contemplate repairing any street already paved, macadamized, cobbled, asphalted, or otherwise improved, wherein any sewers or water or gas mains are laid, the city council shall have power to order the owners of property fronting on such streets to lay branches or connections from any such sewer, water, or gas main to the gutter or curb in front of their respective premises and to place a stopcock on such branch from water or gas main, on a level with the grade of sidewalk just inside the curblines; and in case of neglect or refusal so to do, for the period of fifteen days after such order is made, and notice thereof given in the manner provided for by Section ten, the city engineer shall cause such branches or connections to be laid and the expenses thereof shall be and remain a lien or real encumbrance on the property in front of which the same are laid similar in effect, and to be proceeded with, in all respects, as provided in Section nine and such expenses may also be collected by warrant as provided in Section eight.

### **Section 15. Appeals from determinations as to benefits and damages.**

Any person who shall be aggrieved by any act of the board of appraisal of benefits and damages or the city council in making any of the assessments of benefits or damages authorized in this act may, within thirty days after public notice is given of the acceptance of the report of such board by the city council, make written application for relief to the superior court; provided he/she shall give notice to the city of such application by causing a copy to be left with the city clerk, or at his usual place of abode, at least twelve days before the return day of such appeal, and within thirty days after such public notice is given. Said superior court may make such order as equity may require, and may allow costs to either or neither party and may inquire into the validity of the proceedings upon which such assessment is based. No land taken for a public square, park, street, highway, bridge or walk, or alteration thereof, laid out under the provisions of this act, shall be occupied by the city until the expiration of the time limited for the giving of notice to said city of such an application for relief nor shall any land be occupied as to which such an application for relief has been made until such application shall be finally disposed of by said superior court, except on appeals where no question is raised as to the validity of the proceedings upon which such assessment is based; provided any person claiming to be aggrieved shall be deemed, by taking an appeal as provided in this section, to have waived any claim of illegality arising from the failure of such board to give or file the notices required in Section two (b) of this chapter.

### **Section 16. Construction of sidewalks and gutters.**

The city council shall have power and authority, from time to time, as public convenience may require, to designate and establish the width, course, height, and grade of all sidewalks and gutters in and upon the streets and highways in the city. The city council may, from time to time, order the proprietor or proprietors of the land and buildings fronting such sidewalks and gutters, at their own expense, to grade, raise, or form such sidewalks and gutters on their several fronts, according to the width, course, height, and grade designated as aforesaid, and also to lag, pave or make such sidewalks and gutters in such manner and of such materials as the city council shall direct; and the city council may limit such time as it may deem reasonable for so grading, raising, forming, flagging, paving, or making such sidewalks or gutters. In cases where the land or buildings fronting such sidewalks or gutters shall be holden for a term

of years, or any other estate less than a fee simple, the city council may, by its order, apportion in such manner as it shall judge equitable the expenses of raising, grading, forming, flagging, paving, or making such sidewalks and gutters, among the different persons having an interest in the lands or buildings holden as aforesaid. The giving of said orders according to the requirements of Section one hundred and thirty shall be good and sufficient notice under the provisions of this section.

### **Section 17. Completion of work by city upon neglect of owners to comply with orders of city council.**

If any proprietor of any such land or buildings shall neglect to grade, raise, form, flag, or make any such sidewalk or gutter, in such manner, of such materials, and within such time as the city council may, after such notice, and after the expiration of the time ordered, instruct the director of public facilities to raise, grade, form, flag, pave, or make such sidewalk or gutter, and may adjust and liquidate the expense thereof, and such expense shall be a lien or real encumbrance on such land and building in favor of the city, and payment thereof may be enforced by the city, and in like manner, as provided in Section one hundred and twenty-eight in the case of benefits assessed for the layout or alteration of streets and highways, and the provisions of said Section in relation to liens and the collection of benefits are incorporated into this Section and made applicable to such expense, mutatis mutandis.

### **Section 18. Sidewalk repairs How compelled.**

The director of public facilities of the city of Bridgeport shall have authority, whenever, in his judgment, public convenience or necessity may require, to order the proprietor or proprietors of any land or building fronting on any highway or street in said city to repair the sidewalks, curbs or gutters on their several fronts in the manner and within the time specified in such order. A written or printed notice in the name of the director of public facilities left by any person with or at the usual place of abode of such proprietor or proprietors, residing in the city, at least fourteen days before the time specified in such order for the making of such repairs or replacement shall be good and sufficient notice under the provisions of this section. If the proprietor or proprietors, as the same shall appear upon the records of the tax assessor, at least twenty-one days before the time specified in such order for the making of such repairs or replacement shall be good and sufficient notice under the provisions of this section.

### **Section 19. Same Power of director of public facilities to make.**

If any proprietor or proprietors of any such land shall neglect to repair or relay any such sidewalks, curbs or gutters in such manner and with such materials and within such time as said director of public facilities shall order and limit, said director may, after notice given as aforesaid, and after the expiration of the time so limited, repair or relay such sidewalks, curbs or gutters, and may adjust and liquidate the expense thereof; and such expense when reported to and accepted by the city council shall be a lien or real encumbrance of such land and buildings in favor of the city, and payment thereof may be enforced by the city, and in like manner, as provided in Section one hundred and twenty-eight of the charter of the city in the case of benefits assessed for the layout or alteration of streets and highways, and the

provisions of said Section in relation to liens and the collection of benefits are incorporated in this Section and made applicable to such expense, mutatis mutandis.

### **Section 20. Construction of crosswalks.**

The city council may cause any of the crosswalks in the city to be suitably graded, raised, paved, flagged, or made at the expense of the city.

### **Section 21. Interest on assessments; lien therefore.**

If any assessment or expenses which have been or shall be made a lien or real encumbrance on property situated in the city shall remain unpaid sixty days or more after legal notice that the same is due, and addition of three-quarters of one per centum shall be made to the amount of such assessments or expenses for each month the same shall so remain unpaid after said lien is filed, and the same shall be collectible as a part of such assessment or expenses and be and remain a lien on such real estate, in like manner and subject to the same modes of enforcement and collection as the principal sum to which the same is added. It shall be the duty of the collector of said assessments to demand payment by a written or printed statement of the character and amount of such assessment, within ten days from the date when the same shall have been placed in his hands, sent to all persons against whom such assessments are laid.

### **Section 22. Water Pollution Control Authority.**

Nothing in this chapter shall be deemed to limit the authority of the city council to establish, in the manner provided by law, a Water Pollution Control and to transfer to its duties, powers and responsibilities which this charter vests in other agencies of the city, including the duties, powers and responsibilities vested in the city council and the director of public facilities under Section 11 of this chapter. Nor shall it effect the existence, powers or prior acts of the Water Pollution Control Authority heretofore established.

## **CHAPTER 12 PUBLIC FACILITIES**

### **Section 1.**

The duties, powers and responsibilities of the department of public facilities shall be established by ordinance.

### **Section 2.**

The head of the department of public facilities shall be a director of public facilities who shall be appointed by and serve at the pleasure of the mayor. The director may, with the approval of the mayor, appoint one or more deputy directors who shall serve at the pleasure of the director. The qualifications

and duties of the deputy directors shall be established by ordinance.

### **Section 3.**

The director of public facilities shall have the general supervision of the operation and management of the several units of the department which are under its jurisdiction including engineering, streets and sanitation, maintenance and parks and recreation. He/she shall advise the mayor, the city council and all boards, commissions and departments of the city relative to public facilities matters. The director is authorized to transfer positions and employees between units of the department of public facilities as the need arises and funds are available. The director shall be responsible for the presentation of a consolidated budget to the director of policy and management, the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department of public facilities.

### **Section 4.**

The city council may, by ordinance, provide for the establishment of a central maintenance bureau and shall designate the services to be provided by such bureau and the agencies to be served.

### **Section 5. City Engineer.**

(a) The city engineer shall be in the classified service and shall be selected pursuant to the provisions of Chapter 17 of this charter except as follows:

(1) The city engineer shall be a licensed professional engineer. Nothing in this Section shall preclude the civil service commission from establishing greater qualifications for the position of city engineer, provided that such qualifications shall not include a requirement of prior service with the city of Bridgeport. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position.

(2) The examination for the position of city engineer shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the city of Bridgeport. The examination shall be open and competitive and shall not be promotional.

(3) Whenever a vacancy arises in the position of city engineer, the personnel director shall, upon request, certify to the mayor the names of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the personnel director shall within 150 days of the creation of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the names of the three (3) persons standing highest thereon.

(4) Within sixty (60) days of receipt of the certification required by subSection (a)(3) of this section, the

mayor shall appoint one (1) of the persons so certified as the city engineer and shall notify the Civil Service Commission and the director of personnel and labor relations of such appointment. The mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) days from the date of his receipt of the personnel director's certification. Unless otherwise stated such appointment shall be effective immediately.

(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of city engineer may, only within 150 days of the end of his term, be reappointed by the mayor for an additional term of five (5) years, effective upon to expiration of the city engineer's current term, without the need for further examination or testing. There shall be no limit on the number of times a person may be reappointed pursuant to the provisions of this section.

(6) Whenever a vacancy occurs in the office of city engineer, the mayor may appoint an acting city engineer. The person so appointed shall possess all the qualifications established for the position of city engineer. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting city engineer until the position is filled as provided in this section.

(b) The assistant city engineer shall be in the classified service.

## **Section 6.**

The duties, powers and responsibilities of the city engineer shall be established by ordinance.

## **Section 7. Airport.**

(a) There shall be in the city of Bridgeport an airport commission which shall consist of the mayor, the director or finance/comptroller, the city clerk and the president of the city council, all acting ex officio, which commission shall have the care, management, control, operation and administration of, and the use of, all airports, and all buildings and real and personal property used in connection therewith, owned or controlled by said city, both within and without the corporate limits of said city, and the maintenance, operation and use of such airports and of all buildings and real and personal property used in connection therewith shall be an essential governmental function of said city, both as to said city and as to its servants and agents. In all matters relating to the care, management, control, operation, administration and use of the Bridgeport Municipal Airport located in the town of Stratford, the administrative head of said town, acting ex officio, shall be a member of said airport commission, and said airport commission shall consist of the above indicated officials of the city of Bridgeport and said administrative head of the town of Stratford.

(b) The city council is authorized, from time to time, to prescribe by ordinance the powers and duties of said airport commission and to enact such ordinances as may be needful or proper for the use, care, management, control, operation and administration of and for the maintenance of safety and the

preservation of order and property at any such airports, whether such airports be within or without the corporate limits of said city, and to provide fines and affix penalties for the violation or disobedience of such ordinances.

(c) Said airport commission shall have the power to make and enforce rules and regulations governing said airports and their use, and governing all buildings and real and personal property used in connection therewith, not inconsistent with any ordinance of said city or any general statute or special act, which rules and regulations shall have the force and effect of ordinances of the city of Bridgeport; provided no such rule or regulation shall be of any effect unless it shall have been first approved by the city council, and then published in full in a newspaper published in Bridgeport and printed copies thereof posted in conspicuous places within the limits of the airport to which such rule or regulation is intended to apply. For the purpose of enforcing such rules and regulations and the ordinances authorized in subSection (c) of this section, and the penalties prescribed thereby, all such airports and property, whether within or without the corporate limits of said city, are placed under the police jurisdiction of the city of Bridgeport; and complaints for violations of such rules, regulations or ordinances may be made by the prosecuting attorney to the superior court of said city. Any member of the police department of said city may arrest without warrant in or upon any such airport, whether within or without the corporate limits of the city of Bridgeport, any person who has violated or failed to comply with any such rule, regulation or ordinance, or committed an offense in or upon said airport; and the superior court of said city of Bridgeport shall have jurisdiction of all offenses and violations of such rules, regulations and ordinances committed within the limits of said airport, in the same manner and to the same extent as if they had occurred within the corporate limits of said city.

(d) The powers, duties and functions of the city engineer, the director of public facilities, the director of parks and recreation and the board of park commissioners and of all other officers, boards, commissions and agencies of said city shall, respectively, extend and apply to municipal airports of the city of Bridgeport, whether within or without the corporate limits of said city, so far as the services, facilities and equipment of such officers, boards, commissions and agencies are or may be required for or in connection with the care, use, operation, maintenance and construction thereof or any part thereof.

(e) The terms of any general statute, or any part thereof, inconsistent with any of the terms of this act, shall not apply to the city of Bridgeport, but nothing herein contained shall impair or abrogate any rights of the town of Stratford under Section one thousand one hundred and fifty-five of the general statutes.

## **Section 8. Parking.**

(a) For the purposes of this chapter "parking facilities" shall mean and include lots, garages, parking terminals and other structures and accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge. "Parking authority" shall mean the commission established under subsections (b) and (c) of this Section and exercising the powers herein provided.

(b) The city of Bridgeport, acting through its city council, when in legal meeting assembled, by a vote of

the majority of the members present and voting, subject to the approval of the mayor as provided by the Chapter 5 of this charter, shall have the power and authority to create and establish off-street parking facilities; acquire by purchase, gift, devise, lease or condemnation in the manner provided by law for the taking of land for highway purposes, real property or any interest therein necessary for or incidental to the construction, maintenance or operation of off-street parking facilities, including the erection, construction and improvement of, buildings and other structures and the installation therein of such equipment, furnishing, fixtures, mechanisms, and apparatus as may be necessary or incidental for use thereof as a public bus terminal and waiting room, public garage, public comfort station, and for such other and like purposes as may be determined by said city council, in like manner, including the erection and installation therein of such stands, stores, shops or shopping facilities as may serve the convenience, necessity of welfare of the public utilizing such structure or structures; prepare necessary plans and drawings for the same; construct and improve or cause to be constructed and improved such parking facilities and structures by contract or otherwise, maintain and operate of all such parking facilities and structures; establish and collect reasonable parking fees and other fees and rentals for the use thereof.

(c) When and after said land has been acquired and the construction and erection of such building or buildings, structure or structures has been completed, and said equipment, furnishings, fixtures, mechanisms and apparatus have been installed, the city of Bridgeport is authorized, empowered and directed to conduct, operate, maintain and improve all of the same under the supervision and direction of the Director of Transportation. Any land owned, acquired or rented by the by the city for or in connection with the purposes hereinbefore authorized, and adjoining or abutting upon any building or structure hereinbefore authorized to be erected and constructed, shall not be or be deemed to be public highways of the city, notwithstanding that the same may be used by motor vehicles or pedestrians in connection with the purposes for which such building or structure may be erected and maintained. The city shall not be immune from liability for damages by reason of injuries caused to a person or for damages caused to property by the negligence of said city unless written notice of such damage and a general description of the same and of the cause thereof and of the time and place of its occurrence shall, within ten days thereafter, be given to the clerk of said city.

(d) The city of Bridgeport is authorized and empowered, upon approval of the city council and the mayor as provided in this charter, to enact ordinances relating or with respect to or regulating or controlling the use, operation and conducting of said buildings and structures and the public operations conducted therein, and the use thereof by members of the general public, which ordinances may contain such penalties for their violation as said city is permitted by law to prescribed.

## **Section 9.**

(a) Effective July 1, 1993, the parking authority and the department of transportation of the City of Bridgeport, as it existed at the passage of this charter is abolished. All powers vested in and duties heretofor placed upon the parking authority and the department of transportation by law or by the charter are vested in and transferred to the department of public facilities.

(b) Nothing in this Section shall prevent the city from establishing a parking authority in the manner provided in the general statutes of the State of Connecticut. Notwithstanding any provision of this charter, any authority so established may exercise all the powers granted to it by the general statutes.

(c) Nothing in this chapter shall effect, in any manner, the validity of any bonds issued under the authority of Special Act 560 of the 1951 session of the Connecticut General Assembly. Any obligations imposed on the former parking authority by virtue of the issuance of such bonds are hereby imposed upon and shall be assumed by the City of Bridgeport.

### **Section 10. Board of Park Commissioners.**

(a) The public parks of the city of Bridgeport now in existence and those that may hereafter be established, whether within or without the corporate limits of the city, with all park property which may be acquired, shall continue to be under the management, care and control of a board under the name and style of the board of park commissioners.

(b) The board of park commissioners shall consist of eight members to be appointed as hereinafter provided. The mayor shall be a member of said board, ex officio, but shall have no vote in the proceedings of said board except in case of a tie vote. The membership of said board, with the exception of the mayor, shall at all times consist of no more than four members of one political party.

(c) The mayor, during the month of December of each year, shall, with the advice and consent of the city council, appoint two members of said board to serve for four year terms commencing the first day of January next succeeding and until a successor has been appointed and qualified. Any vacancy which may occur through death, resignation or otherwise may be filled for the unexpired term by an appointment of the mayor with the advice and consent of the city council.

(d) The board of park commissioners shall elect such officers as it deems necessary and may appoint a clerk.

(e) The city council may, by ordinance, provide for an advisory board of recreation and such other advisory boards and committees as it deems appropriate. Such boards and committees shall advise the board of park commissioners with respect to such matters as are assigned to them.

### **Section 11.**

(a) The director of parks and recreation shall be appointed every three years in the month of January by the board of park commissioners with the approval of the mayor.

(b) The qualifications for the position of director of parks and recreation shall not include a requirement of prior service with the city of Bridgeport. Any qualification for such position shall be based solely on the knowledge, skills and experience required for the position.

(c) Whenever a vacancy occurs in the office of director, the mayor may appoint an acting director. The person so appointed shall possess all of the qualifications established for the position of director. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting director of parks and recreation until the position is filled as provided in this section.

## **Section 12. Acquisition of Park Property.**

(a) The board of park commissioners constituted as aforesaid shall have the care, management and control of all parks and grounds used for park purposes, all boulevards connecting parks, and structures thereon, and all parkways now or hereafter owned by or in control of the city, and may give proper designating name thereto.

(b) The board shall have power to acquire, and the city of Bridgeport to hold, property, whether within or without the corporate limits of said city, for the purpose of establishing public parks and squares or the enlarging of existing parks, or for boulevards connecting parks or parkways by condemnation or by contract for the same; to accept conveyances thereof; to receive gifts, donations or devises of land or other property for park purposes; to lay out and improve with walks, drives and roads; to build necessary culverts and bridges; to drain, plant and otherwise at their discretion to improve and adorn the parks and other property thus held or acquired by said board; to erect such buildings as may be needed for the purpose of administration, or for the use, protection and refreshment of the public; provided in no case shall any expenditures be made in excess of the amount previously appropriated.

(c) The board shall have power to make and alter, from time to time, all needful rules and regulations for the maintenance of order, safety and decency in said parks, both within and without the limits of the city, and affix penalties for disobedience thereof, which rules and regulations shall have the force of ordinances of the city of Bridgeport when adopted by city council and approved by the mayor as provided in the case of ordinances. For the purpose of enforcing such rules and regulations all such parks and property, whether within or without the limits of said city, are hereby placed under the police jurisdiction of the city of Bridgeport; and complaints for violations of such regulations may be made by the state's attorney to the superior court. Any member of the police department may arrest without warrant, in any such parks or places whether within or without the limits of the city of Bridgeport, and person who has broken any park rule or committed an offense in said park; and the superior court shall have jurisdiction of all misdemeanors, felonies and offenses committed within the limits of said parks.

(d) When said board of park commissioners desires to exercise the power conferred upon it to acquire property either within or without the corporate limits of said city for the purpose of establishing public parks and squares, or enlarging existing parks or for boulevards connecting parks or parkways the city engineer shall, at the request of said board, prepare a descriptive survey of the property proposed to be acquired, and said board shall ascertain the price of such property from the owners thereof. If said board shall be unable to agree with the parties as to the price to be paid for such land, said board may, on behalf of said city, bring an application to the superior court for the appointment of appraisers and

ascertainment of the compensation to be paid for such land, and the superior court shall proceed upon each application in the same manner as provided this Section of the charter for the ascertainment of compensation to be paid for property desired to be taken by the city council. Such land shall not be used or enclosed by said city until such amount shall be paid to the person to whom it is due or shall be deposited for this use with the treasurer of said city. Upon such payment or deposit, such land shall become the property of said city. The city shall pay the committee making such assessment a reasonable compensation to be taxes by said court or judge.

(e) Said board shall have the supervision, management and direction of the planting, regulation and care of all shade and ornamental trees in the public highways of the city, and shall have the power to enact such rules and regulation as they may require to carry out this work, provided no such enactment shall in any way conflict with any ordinances or resolves of the city council, governing the use and care of the highways of the city. The director of parks and recreation shall act as tree warden of the city and perform all the duties required of said tree warden under the general laws of the state.

### **Section 13. Sale or lease of park land.**

No parks or park land belonging to the city shall be sold or capital leased unless such sale or capital lease is recommended by the board of park commissioners and approved by a two-thirds vote of the entire membership of the city council, both bodies having conducted a public hearing prior to taking any action. Any such approval may be disapproved by the mayor, in the manner provided in Chapter Five of this charter.

### **Section 14. Control over use of park properties.**

The board of park commissioners shall have sole power to determine the places in said parks and other property under its control, where sewers and gas and water pipes shall be laid; and no trench for these purposes shall be opened until the board shall have designated the location of same and given permission in writing. No railroad, telegraph, telephone, or electric light wires, or other wires or posts or supports therefor, shall be erected in, upon, through, or over said parks or parkways, without the consent in writing of said board, which shall designate the place and the manner of erecting and maintaining the same, to be altered at such time and in such manner and under such conditions as the said board may deem best.

### **Section 15. Beechwood Park; use for school purposes authorized.**

(a) The city of Bridgeport is authorized and empowered to permit the board of education to construct and erect a high school on that portion of land known as "Beechwood Park" in the city of Bridgeport, which land was purchased by said city and dedicated as a public park.

(b) The city shall thereupon make available to the park department other land to be dedicated for park purposes or provide funds to be used for the further development of existing parks.

(c) If the portion of property so used shall no longer be used for school purposes or said site shall be abandoned as a proposed site for school purposes hereunder, said site shall revert to the control and supervision of the park board and be rededicated for park purposes.

### **Section 16. Park property exempted from taxation.**

Pursuant to the provisions of Section 21 of number 461 of the special acts of 1907, all real and personal estate of the city used for park purposes within the limits of any other town shall be exempt from taxation.

### **Section 17. Connecting of parks.**

The said board of park commissioners shall have power to connect any public park under its control with any other park over which it has jurisdiction, by a boulevard or parkway; and whenever, in its judgment, necessary, it may designate as such any existing highway, or parts thereof, which shall thereupon be deemed a part of said parkway; but the same shall remain under the control of the city authorities now having jurisdiction thereof.

### **Section 18. Title to certain beach property.**

All the right, title and interest of the state in and to the public lands and public beaches within the town of Bridgeport, lying between the property formerly of P.S. Pearsall and Ash Creek and the waters of Long Island Sound, is hereby granted, ceded and relinquished to the city of Bridgeport to be held, improved and enjoyed as a public park. The land and rights herein conveyed shall be under the jurisdiction of the board of park commissioners of the city of Bridgeport in the same manner as all other lands and property held as public parks by the city of Bridgeport. Whenever the board of park commissioners of the city of Bridgeport shall agree with the owners of the property adjoining said public land and public beaches relative to any disputed boundary line between them, said board of park commissioners may, by their agreement, settle such dispute and establish such boundary lines, and for and in the name of the city of Bridgeport, make and deliver such deeds of conveyance as may be necessary to carry into effect such agreement for the location and establishment of said boundary lines.

### **Section 19. Procedure in improving land of doubtful title.**

The city, before proceeding to lay out, alter, exchange, or extend any public park or part thereof, or any public highway through or upon the property of private individuals, the title and ownership of which, or any part thereof, is deemed to be in doubt, or obscure or unknown, shall cause a notice to be given to all parties in interest, by publishing such notice in the manner provided for in Chapter One, Section six, at least six days before the hearing herein provided, which said notice shall contain a general description of the proposed layout, alteration, exchange, or extension of such park or highway, and of the time when and where a hearing will be had in reference to said extension. Pursuant to the terms of said notice, the

city council shall assemble in manner and form as by this act provided, and shall hear all parties interested in reference to such layout, alteration, exchange or extension. The city shall take such other proceedings for the taking and appropriation of such lands for the aforesaid purposes in the manner and form now specified in this act for the layout of highways. All persons, whose land is taken and appropriated as aforesaid, shall, upon demand and upon proof of title, be entitled to receive, and the city clerk shall cause to be paid to each of said persons, the value of said land so taken and which belongs to them, less the benefits received by said persons from said improvements.

### **Section 20. Gifts of land for park purposes.**

The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for parks purposes, or the improvements of which would entail an injudicious outlay.

### **Section 21. Capital improvement fund.**

(a) There shall continue to be a fund to be known as the "Park Capital Improvement Fund." Said fund shall be separate and distinct from any other fund of the city, and shall consist of all moneys received from the sales of any park department property. Said fund shall be used for the purposes of relocating, equipping, acquiring or developing park properties at any time leased or owned by the city, or any combination of such purposes.

(b) All moneys belonging to said fund shall be deposited with the city treasurer of said city, who shall be responsible for the management and investment of said fund. No expenditures shall be made from said fund without the approval of the board of park commissioners. All orders on said fund shall be signed by the president of the board of park commissioners.

### **Section 22. "Park property" defined.**

The term "park property" includes all parks, squares, and areas of land within the management of said board and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, herbage, flowers, and other things thereon, and enclosures of the same, all shade trees on streets or thoroughfares, resting places, watering stations, playgrounds, parade grounds, or the like, all connecting parkways and roads or drives between parks, all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers, and ornaments of any description, all objects of interest or instruction, and all tools, birds, animals or curiosities, or objects and implements, placed in or on any of such enclosures, ways, parkways, roads, or places; and said included terms shall be liberally construed.

## **CHAPTER 13 POLICE**

### **Section 1.**

(a) The Mayor of the City of Bridgeport shall exercise, through the Chief of Police ultimate operational control of the Police Department.

(b) The Board of Police Commissioners shall establish departmental policies, goals and objectives and perform the duties set forth in Section 3 of this chapter.

(c) The Chief of Police shall be the head of the Police Department and shall be responsible for the operation of the department consistent with the directives of the mayor and the policies of the Board of Police Commissioners as provided in subsections (a) and (b) of this section.

## **Section 2. Board of Police Commissioners.**

(a) There shall continue to be a board of police commissioners which shall consist of seven members. The mayor, in December of each odd numbered year, shall appoint, with the approval of the city council, four members of said board who shall serve for the term of two years from the first day of January next succeeding. The mayor, in December of each even numbered year, shall appoint, with the approval of the city council, three members of said board who shall serve for the term of two years from the first day of January next succeeding.

(b) The city council may, after notice and hearing, by a two-thirds vote, remove any member of the board of police commissioners for cause. The mayor shall, ex officio, be a member of the board of police commissioners, but shall have no vote in any of its proceedings except in case of a tie vote. The mayor may preside at all meetings of said board at which he/she may be present. At all meetings of said boards, four members, exclusive of the mayor, shall constitute a quorum and the concurrent vote of four members shall be necessary for the transaction of business.

## **Section 3. Duties of Board of Police Commissioners.**

(a) The Board of Police Commissioners shall be responsible for:

(1) Establishing departmental goals, policies and objectives;

(2) Reviewing and approving rules and regulations recommended by the chief of police;

(3) Conducting periodic reviews of the operations of the police department and advising the mayor, the city council and the chief of police concerning departmental issues and operations;

(4) Hearing and deciding appeals from decision of the chief of police pursuant to Section 5(a)(7) of this chapter and imposing penalties in cases where appropriate.

(5) Establish upon recommendation of the chief physical fitness standards for all members of the department and require that they be met on a continuing basis.

(6) Such other duties as may be assigned to it by law, this charter, the ordinances of the City of Bridgeport, collective bargaining agreements and court orders.

(7) The board of police commissioners of the city of Bridgeport, acting as the traffic authority of the city, is authorized, empowered and directed, from time to time, to make, promulgate and enforce such rules and regulations, and to issue such orders, as may be necessary in the interests of the public safety, health, welfare or convenience with respect to or regulating and controlling the use and manner of use of the public highways in the general area where such building or structures shall be erected, and the land owned, acquired or leased by pedestrians, and with respect to the parking of any vehicles. Any person who shall violate any such rule or fail to comply with any order, rule or regulation so made or issued, shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

#### **Section 4. Chief of Police.**

(a) The head of the department shall be a Chief of Police selected pursuant to the provisions of this section.

(b) The chief of police shall be in the classified service and be selected pursuant to the provisions of Chapter 17 of the charter except as follows:

(1) The chief of police shall, at a minimum, be experienced in urban law enforcement, including supervisory experience in the operations and management of a law enforcement agency. Nothing in this Section shall preclude the civil service commission from establishing greater qualifications for the position of chief of police, provided that such qualifications shall not include a requirement of prior service on the Bridgeport Police Department. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position and not on the attainment of any rank or ranks.

(2) The examination for the position of Chief of police shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the city of Bridgeport. The examination shall be open and competitive and shall not be promotional.

(3) Whenever a vacancy arises in the position of chief of police, the personnel director shall, upon request, certify to the mayor the names of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the personnel director shall, within 150 days of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the names of the three persons standing highest thereon.

(4) Within sixty (60) days of receipt of the certification required by subSection (a)(3) of this section, the mayor shall appoint one (1) of the persons so certified as the Chief of police and shall notify the Civil

Service Commission and the Board of Police Commissioners of such appointment. The mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) days from the date of his receipt of the personnel director's certification. Unless otherwise stated such appointment shall be effective immediately. In the event that the mayor fails to appoint a chief of police within sixty days of receipt of said certification, the board of police commissioners shall, forthwith, make such appointment.

(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of Chief of police may, only within 150 days of the end of each term, be reappointed by the mayor for one additional term of five (5) years, effective upon the expiration of the chief's current term, without the need for further examination or testing. Not later than 180 days prior to the expiration of such term the board of police commissioners shall, by majority vote, advise the mayor whether the chief should be reappointed and shall specify the reasons for its recommendation. The vote and advise of the board of police commissioners shall be advisory only and is not binding.

(6) Any provisions of this charter to the contrary notwithstanding, no person shall serve as chief of police for more than ten (10) years not including any time served in an acting capacity.

(7) Whenever a vacancy occurs in the office of Chief of police, the mayor may appoint a member of the Bridgeport Police Department as the acting Chief of police. The person so appointed shall possess all of the qualifications established for the position of Chief of police. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting Chief of police until the position is filled as provided in this section.

## **Section 5. Powers and Duties of the Chief of Police.**

(a) Subject to the operational control of the mayor, the Chief of Police shall be responsible for:

(1) The administration, supervision and discipline of the Police Department including suspension, loss of pay and discharge of members of the department;

(2) The proper care and custody of the property, apparatus and equipment used by the Department;

(3) The preservation of the public peace, prevention of crime, apprehension of criminals, the enforcement of traffic laws and regulations, protection of rights of persons and property and enforcement of the laws of the state, and the Ordinances of the City;

(4) Making all appointments and promotions to positions in the Police Department. The Chief of Police shall be the appointing authority for all subordinate positions in the Police Department;

(5) The assignment of all members of the Department to their respective posts, shifts, details and duties;

(6) Making rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof subject to approval by the Board of Police Commissioners;

(7) Conducting an investigation and initial informal hearing or hearings in relation to any charges against any officer or member of the Department concerning abuse of power, negligence or dereliction of duty, incompetency, incapacity to perform or some delinquency seriously affecting the Officer's general character or fitness for office. At the completion of the investigation and hearings the chief shall, forthwith, reported the results of any such investigation and hearings, including the discipline, if any, imposed to the board of police commissioners;

(8) Establishing procedures for the filing and recording of all complaints and the disposition thereof;

(9) Attending meetings of the Board of Police Commissioners as a nonvoting ex-officio member.

## **CHAPTER 14 FIRE DEPARTMENT**

### **Section 1.**

(a) The Mayor of the City of Bridgeport shall exercise, through the Fire Chief, ultimate operational control of the Fire Department.

(b) The Board of Fire Commissioners shall establish departmental policies, goals and objectives and perform the duties set forth in Section 3 of this chapter.

(c) The Fire Chief shall be the head of the Fire Department and shall be responsible for the operation of the department consistent with the directives of the mayor and the policies of the Board of Fire Commissioners as provided in subsections (a) and (b) of this section.

### **Section 2. Board of Fire Commissioners.**

(a) There shall continue to be a board of fire commissioners which shall consist of seven members. The mayor, in December of each odd numbered year, shall appoint, with the approval of the city council, four members of said board who shall serve for the term of two years from the first day of January next succeeding. The mayor, in December of each even numbered year, shall appoint, with the approval of the city council, three members of said board who shall serve for the term of two years from the first day of January next succeeding.

(b) The city council may, after notice and hearing, by a two-thirds vote, remove any member of the board of fire commissioners for cause. The mayor shall, ex officio, be a member of the board of fire commissioners, but shall have no vote in any of its proceedings except in case of a tie vote. The mayor

may preside at all meetings of said board at which he/she may be present. At all meetings of said boards, four members, exclusive of the mayor, shall constitute a quorum and the concurrent vote of four members shall be necessary for the transaction of business.

### **Section 3. Duties of Board of Fire Commissioners.**

(a) The Board of Fire Commissioners shall be responsible for:

(1) Establishing departmental goals, policies and objectives;

(2) Reviewing and approving rules and regulations recommended by the fire chief;

(3) Conducting periodic reviews of the operations of the fire department and advising the mayor, the city council and the fire chief concerning departmental issues and operations;

(4) Hearing and deciding appeals from decision of the fire chief pursuant to Section 4(a)(7) of this chapter and imposing penalties in cases where appropriate;

(5) Establish upon recommendation of the chief physical fitness standards for all members of the department and require that they be met on a continuing basis;

(6) Such other duties as may be assigned to it by law, this charter, the ordinances of the City of Bridgeport, collective bargaining agreements and court orders.

### **Section 4. Fire Chief.**

(a) The head of the department shall be a Fire chief selected pursuant to the provisions of this section.

(b) The fire chief shall be in the classified service and shall be selected pursuant to the provisions of Chapter 17 of the charter except as follows:

(1) The fire chief shall, at a minimum, be experienced in urban fire protection, including supervisory experience in the operations and management of a fire department. Nothing in this Section shall preclude the civil service commission from establishing greater qualifications for the position of fire chief, provided that such qualifications shall not include a requirement of prior service on the Bridgeport Fire Department. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position and not on the attainment of any rank or ranks.

(2) The examination for the position of Fire chief shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the city of Bridgeport. The examination shall be open and competitive and shall not

be promotional.

(3) Whenever a vacancy arises in the position of Fire chief, the personnel director shall, upon request, certify to the mayor the names of the three (3) candidates standing highest upon the employment list for such position. If no such list exists, the personnel director shall, within 150 days of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the names of the three persons standing highest thereon.

(4) Within sixty (60) days of receipt of the certification required by subSection (a)(3) of this section, the mayor shall appoint one (1) of the persons so certified as the Fire chief and shall notify the Civil Service Commission and the Board of Fire commissioners of such appointment. The mayor may designate the time when such appointment shall take effect provided it shall not be more than ninety (90) days from the date of his receipt of the personnel director's certification. Unless otherwise stated such appointment shall be effective immediately. In the event that the mayor fails to appoint a fire chief within sixty days of receipt of said certification, the board of fire commissioners shall, forthwith, make such appointment.

(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of Fire chief may, only within 150 days of the end of each term, be reappointed by the mayor for one additional term of five (5) years, effective upon the expiration of the fire chief's current term, without the need for further examination or testing. Not later than 180 days prior to the expiration of such term the board of fire commissioners shall, by majority vote, advise the mayor whether the chief should be reappointed and shall specify the reasons for its recommendation. The vote and advise of the board of fire commissioners shall advisory only and is not binding.

(6) Any provisions of this charter to the contrary notwithstanding, no person shall serve as fire chief for more than ten (10) years not including any time served in an acting capacity.

(7) Whenever a vacancy occurs in the office of Fire chief, the mayor may appoint a member of the Bridgeport Fire Department as the acting Fire chief. The person so appointed shall possess all of the qualifications established for the position of Fire chief. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting Fire chief until the position is filled as provided in this section.

## **Section 5. Powers and Duties of the Fire Chief.**

(a) Subject to the operational control of the mayor, the Fire chief shall be responsible for:

(1) The administration, supervision and discipline of the Fire Department including suspension, loss of pay and discharge of members of the department;

(2) The proper care and custody of the property, apparatus and equipment used by the Department;

- (3) The prevention and suppression of fires and fire hazards within the city;
- (4) Making all appointments and promotions to positions in the Fire Department. The Fire chief shall be the appointing authority for all subordinate positions in the Fire Department;
- (5) The assignment of all members of the Department to their respective posts, shifts, details and duties;
- (6) Making rules and regulations concerning the operation of the Department and the conduct of officers and employees thereof subject to approval by the Board of Fire Commissioners;
- (7) Conducting an investigation and initial informal hearing or hearings in relation to any charges against any officer or member of the Department concerning abuse of power, negligence or dereliction of duty, incompetency, incapacity to perform or some delinquency seriously affecting the Officer's general character or fitness for office. At the completion of the investigation and hearings the chief shall, forthwith, reported the results of any such investigation and hearings, including the discipline, if any, imposed to the board of fire commissioners;
- (8) Establishing procedures for the filing and recording of all complaints and the disposition thereof;
- (9) Attending meetings of the Board of Fire commissioners as a nonvoting ex-officio member.

## **CHAPTER 15**

### **EDUCATION**

#### **Section 1.**

- (a) The board of education of the city of Bridgeport shall consist of nine members who shall be electors of the city of Bridgeport and who shall be elected to serve for a term of four years, from the first day of December next succeeding their election.
- (b) At the election to be held on the first Tuesday after the first Monday of November, 1993, and quadrennially thereafter there shall be elected five members of said board. Each political party entitled to nominate candidates for election to said board shall nominate three persons and the five persons receiving the highest number of votes at such election shall be elected. Each elector may vote for any three of the candidates nominated for such office.
- (c) At the election to be held on the first Tuesday after the first Monday of November, 1995, and quadrennially thereafter there shall be elected four members of aid board. Each political party entitled to nominate candidates for election to said board shall nominate three persons and the four persons receiving the highest number of votes at such election shall be elected. Each elector may vote for any three of the candidates nominated for such office.

(d) If a vacancy arises for any reason in the membership of the Board of Education, the remaining members shall elect a new member to serve for the balance of the term vacated. The person so elected shall be a resident and elector and a member of the same political party as the member vacating such office.

## **Section 2.**

The board of education shall have all the powers vested in, and shall perform all the duties imposed, boards of education under the laws of this state and the United States.

## **CHAPTER 16 LIBRARIES**

### **Section 1. Selection of the library directors.**

(a) There shall continue to be a board of directors of the Bridgeport public library which shall be responsible for the management and direction of the Bridgeport public library and shall possess all of the powers and shall perform all of the duties of library directors, as set forth in the general statutes of the state of Connecticut.

(b) The board of directors of the Bridgeport public library shall consist of nine members who shall be appointed, as provided in subSection (c) of this section, for terms of three years from the first day of July next succeeding their appointment.

(c) In June of each year, the board of directors of the Bridgeport public library shall appoint, with the approval of the city council, three persons as library directors to succeed those whose terms are to expire in that year. Vacancies in the membership of the board of directors of the Bridgeport public library shall be filled by the library board, with the approval of the city council, for the unexpired portion of the term vacated.

### **Section 2. Annual Report.**

The board of directors of the Bridgeport public library shall make the report required by Section 11-34 of the general statutes to the mayor and city council on or before the fifteenth of July in each year. Such report shall be for the year ending June 30th.

### **Section 3. Library fund.**

All moneys collected as penalties by the board of directors of the public library for violation of the rules and regulations adopted by the directors for the governance of the library and reading room or that may be collected under other rules and regulations adopted by such directors, and all fines and penalties

which may be imposed upon any person for the violation of any city ordinance relative to the use and governance of said public library and reading room, shall be placed in the treasury of said city to the credit of the "Library Fund", and shall be expended by said directors in the same manner as any other moneys credited to said library fund.

#### **Section 4. Klein Memorial Operation and management.**

The board of directors and trustees of the Bridgeport Public Library is authorized to operate and manage the Klein Memorial in Bridgeport. Such operation and management shall be in accord with the terms this charter concerning civil service, purchasing maintenance and such other laws as affect the operation and management of city property.

#### **Section 5. Same Annual appropriation for operation.**

The city council is authorized to appropriate, annually, to the board of directors and trustees of the Bridgeport Public Library such sums as may reasonably be necessary for the operation and maintenance of said Klein Memorial in the manner and under the conditions provided by law for appropriations to the city's various departments. Such appropriations shall not affect any amount to be appropriated for library purposes.

### **CHAPTER 17 CIVIL SERVICE**

#### **Sec. 203. Civil service commission.**

(a) There shall continue to be a civil service commission, which shall consist of five members appointed by the mayor as hereinafter provided. In October of each year, the mayor shall appoint one person as a successor of the member whose term shall expire, to serve for five years. Any vacancy shall be filled by the mayor for the unexpired portion of the term. Not more than two members shall be adherents of the same political party and no member shall hold salaried public office. The mayor may, remove a commissioner during his term of office only for misfeasance, nonfeasance or partisan activity while in office, upon stating in writing the reason for the removal and allowing him a hearing in his own defense before the city council and such removal shall then be effective only upon a two-thirds vote of the city council. (Amended, 1986 referendum)

(b) Commencing with the appointment to the civil service commission to be made next after the passage of this act, the mayor shall appoint an employee of the city of Bridgeport as a member of the civil service commission; and the successors of this particular member shall be employees of the city of Bridgeport. In making this appointment, and the successor appointments to it, the mayor shall accept for appointment the person who shall have been elected by the employees of the city of Bridgeport. The member of the civil service commission who is also an employee of the city of Bridgeport shall be permitted to hold paid public office or position.

(c) The nominations for the election called for in this act shall be made at an open meeting to be called by the chairman of a combined city employees election committee, chosen for the sole purpose of administering the provisions of this act, no earlier than September first and no later than September fifteenth of the year or years in which such an appointment is made, and said chairman shall cause to be published in a Bridgeport newspaper a legal notice of such a meeting at least two weeks prior to the date of said meeting. Such notice shall include the time, place and date of the aforesaid meeting. The chairman of the combined-city employees' election committee shall preside over this meeting. The recording secretary of said combined city employees' election committee shall record all nominations that have been duly made and seconded. The combined city employees' committee shall examine credentials of all participating in nominations to see that they are city employees.

(d) Within five days after said meeting the combined city employees' election committee shall cause ballots to be printed bearing the names of all nominees. The election committee shall cause to be published in a Bridgeport newspaper a legal notice of the list of candidates on or before September twentieth of the year or years such appointments are to be made. One ballot shall be sent, together with a self-addressed return envelope, on or before September twenty-third to each city employee by the election committee. Such ballots shall be sealed and returned to the election committee on or before October first. Said ballots shall be tabulated by the election committee no later than the eighth day of October of said year or years the said appointments are to be made. The election committee shall present to the mayor, before October tenth, the name of the candidate receiving the highest number of votes, and said candidate shall be appointed a member of the civil service commission.

(e) Should a vacancy occur in an unexpired portion of a term of a city employee position on the civil service commission the same procedure shall be followed as provided for in a regular appointment except that the nominations, elections and appointment shall be held at the time such vacancy occurs.

(f) No provision of the general statutes or special acts inconsistent with any provision of this act shall apply to the city of Bridgeport.

### **Sec. 203.1. Equal employment opportunity.**

(a) No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of race, sex, age, national origin or political or religious opinion or affiliation.

(b) There shall be, under the civil service commission, an equal opportunity officer who shall monitor, review and advise the commission regarding the enforcement of subSection (a) of this section, as well as local, state and federal laws and regulations concerning equal employment opportunity. Such officer shall, annually, report to the mayor and city council on the activities of his office, and shall forthwith report to the commission, the mayor and the city council any violations of the equal opportunity provisions of this charter and of any local, state or federal law. (Adopted, 1984)

## **Sec. 204. Personnel director; assistants; civil service status.**

(a) The civil service commission shall appoint a personnel director and such examiners, investigators, clerks and other assistants as may be necessary to carry out the provisions of this act. Such persons, including the personnel director, shall be subject to the civil service laws. The personnel director shall be a person thoroughly in sympathy with the application of merit and sound business principles in the administration of personnel; shall be thoroughly familiar with the principles and methods of personnel administration and skilled therein and shall have had at least three years of successful experience as director or assistant director in the administration of an employment system involving at least five hundred positions or employees. He/she shall direct and supervise the administrative work of the personnel bureau and perform such other functions as may be required of him/her by the civil service commission.

(b) The position of Personnel director of the city of Bridgeport, established under the provisions of the charter is included in the competitive division of the classified service created under said act, as amended. (These sections amended, 1986 referendum)

## **Sec. 205. Classified and unclassified service; definitions.**

(a) The civil service of the city is hereby divided into the unclassified and classified service. The unclassified service shall comprise: (a) The mayor and all officers elected by the people; (b) all executive offices or positions specifically created by charter and the method of filling which is governed by specific and express provisions of the charter, including the civil service commissioners, superintendent of schools, assistant superintendent of schools, superintendent of the department of public welfare, with the exceptions hereinafter noted; (c) members of boards and commissions appointed by the mayor and serving without pay; (d) members of any board or commission appointed by the city council; (e) all classes of teachers in the school system of the city, so far as their original appointments hereto are concerned; (f) the deputy director of public works, the assistant city treasurer, the assistant town clerk, the assistant city attorney and the assistant city engineer.

The classified service shall include all other offices or positions existing at the time of the passage of this act or thereafter created, including all positions and offices in the police department, including that of chief of police, and all positions and offices in the fire department including that of fire chief.

(b) Any provision of 1935, S.A.No. 407 inconsistent with the placing of all classes of teachers in the school system of the city of Bridgeport, insofar as their original appointments thereto are concerned, in the unclassified service of said city is amended to that effect. (Sec. 205 amended, 1986 referendum)

### **Sec. 205.1. Classified service divisions.**

The classified service is divided into two parts, which shall be designated as the competitive division and the noncompetitive division. The noncompetitive division shall comprise: (1) Unskilled, manual

labor; and (b) positions or classes of positions for which the commission, by unanimous vote of all of its members, decides that it is not practicable to determine the relative merit and fitness of applicants by competitive examination. The competitive division shall include all other offices or positions of the classified service. The commission shall designate the position or classes of positions which shall be in the noncompetitive division, and thereafter no position or class of positions shall be placed in the noncompetitive division until after a public hearing, unanimous vote of approval by the membership of the commission and approval by the mayor. The commission may, at any time, and without restriction, change a position or class of positions from the noncompetitive to the competitive division.

### **Sec. 206. Powers and duties of civil service commission.**

(a) The members of the civil service commission shall hold regular meetings at least once each month and may hold additional meetings as may be required in the proper discharge of their duties. Said commission shall: (1) After public hearing, adopt and amend rules and regulations for the administration of the chapter which shall have the force and effect of law, upon a majority vote of the city council and approval by the mayor; (2) after public hearing, adopt, modify or reject such classification and compensation plans for employees in the classified service, except teachers, together with rules for their administration, as may be recommended by the personnel director after thorough survey of the personnel and departmental organizations included in such plan or plans, which shall become effective after a majority vote of the city council and approval of the mayor. The classification, rating, assignment, transfer and compensation of teachers shall remain under the control of the board of education, anything contained in this chapter to the contrary notwithstanding; (3) make investigations, either on petition of a citizen or on its own motion, concerning the enforcement and effect of this chapter, require observance of its provisions and the rules and regulations made thereunder; (4) hear and determine complaints or appeals respecting the administrative work of the personnel department, appeals upon the allocations of positions or concerning promotions, the rejection of an applicant for admission to an examination and such other matters as may be referred to the commission by the personnel director; (5) make such investigations as may be requested by the governor or the legislature and report, thereon.

(b) As soon as practicable after the passage of this act (1957, S.A.No. 85) the personnel director shall make or cause to be made an investigation of the duties and responsibilities of all positions in the classified service in order to aid the commission in determining the proper class or classes in the classification plan to which such positions should be allocated or reallocated and to report his findings in writing to the commission. Upon consideration of the facts made available to it through the report of the director and all other sources available to it, the commission shall forthwith allocate or reallocate on the basis of merit all such positions to the appropriate existing class or classes in the classification plan or it shall add such new class or classes to the classification plan as it may deem proper in accordance with the formula hereinafter described, and it shall allocate or reallocate on the basis of merit such positions as it may deem proper in accord with said formula to said next class or classes. All permanent positions in the classified service in existence on April 18, 1957 shall be allocated or reallocated by the commission in accordance with the provisions of this act within one year of its adoption.

(c) The personnel director in his report called for in subSection (b) of this Section and the commission in

determining the classifications and allocations on the basis of merit, as called for in said subsection, shall use only the following formula: Positions which are sufficiently similar in respect to their duties and responsibilities, (1) that the same title may be used with clarity to designate each position allocated to the class, (2) that the same requirements as to experience, education, capacity, knowledge, ability and other qualifications should be required of the incumbents, (3) that the same tests of fitness may be used to choose qualified employees, and (4) that the same salary range can be applied with equity under the same or substantially the same employment conditions, shall be allocated to the same class. A single position essentially different from all other positions in characteristics enumerated above shall be considered as a class in itself and allocated to same.

(d) Whenever the appointing authority of any department desires to establish a new permanent position in the classified service, the personnel director shall make or cause to be made an investigation of the need of such position and report his findings to the commission. If upon consideration of the facts the commission determines that the work of the department can not be properly and effectively carried on without the position, it shall classify and allocate the new position to the proper class after the position has been established by the city council. If the commission determines that the position is not necessary and that the work of the department can be properly and effectively carried on without the position, it shall promptly transmit such determination to the city council. Such determination by the commission shall be final unless the city council, within two months of the date of such disapproving action by the commission, shall by its duly enacted resolution approve the establishment of such position. In such event the final action of the city council shall be promptly transmitted to the commission and the commission shall allocate the position or positions therein approved to its proper class in the classification plan. All classifications and allocations made pursuant to this subsection shall be based on the same procedure and formula called for in subsections (a) and (b) of this Section

(Amended 1986 referendum)

### **Sec. 207. Powers and duties of personnel director.**

The personnel director shall: (1) Attend the regular and special meetings of the civil service commission, act as its secretary and record its official actions; (2) supervise and direct the work of the employees of the personnel department; (3) prepare and recommend rules and regulations for the administration of this act, administer such rules and regulations and propose amendments thereto; (4) establish and maintain in card or other suitable form a roster of officers and employees in the service of the city; (5) ascertain and record the duties and responsibilities appertaining to all positions in the classified service, except teachers, and classify such positions in the manner hereinafter provided. All promotion tests for teachers shall be prepared and corrected under the direction of the superintendent of schools, as provided in Section two hundred and eleven; (6) provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment or promotion to any class of position and as a result thereof establish employment and reemployment lists for the various classes of positions; (7) and, upon written request, give the name of the person highest on the reemployment or employment list for the class to the civil service commission, who shall certify the name to the appointing authority; (8) establish records of performance and a system of service ratings to be used in determining increases and

decreases in salaries, in promotions, in determining the order of layoffs and reemployment and for other purposes, provided all ratings of teachers shall be made under the direction of the superintendent of schools; (9) keep such records as may be necessary for the proper administration of this chapter; (10) provide a system for checking payrolls, estimates and accounts for payment of salaries to employees of the classified service, as set up by individual departments and paid through the comptroller's office, to enable the commission upon satisfactory evidence thereof to establish the fact for its own records that the persons whose names appear thereon have been regularly employed in the performance of the duties indicate at the compensation rates, and for the period for which compensation is claimed, before payment be lawfully made to such employees; (11) make investigations concerning the administration and effect of the charter and the rules made thereunder and report his findings and recommendations to the commission, and (12) make an annual report to the civil service commission.

Upon appointment to the position, the appointee shall hold the position for a period of not less than three months and not more than six months and shall be on probation for such time; the personnel director, the executive head of the department and a majority of the commissioners shall determine the permanent appointment.

(Amended 1986 referendum)

### **Sec. 208. Status of various officers and employees.**

(a) Any person holding a position in the classified service when this act (1935, S.A.No. 407) shall take effect, with the express exception of employees and officers of the department of public welfare and all of its branches and divisions, who shall have served in such position for a period of at least three months, shall be retained without preliminary or performance tests, and shall thereafter be subject in all other respects to the provisions of this act. Any others in the classified service at the time this act shall take effect shall be regarded as holding their positions under probationary appointment. Each person holding an office created by ordinance and serving for a stipulated term shall continue in such office until the expiration of such term, at which time such office shall be filled, pursuant to the provisions of this act.

(b) In the event that the city absorbs or assumes operation of an enterprise or function from, and theretofore conducted or performed by, the federal government, or any agency thereof, the state or another governmental subdivision thereof, or any private individual, business or agency, those employees who have been continuously engaged in such enterprise or function so taken over for not less than one year and who may be considered essential to its operation by the authority or officer of the city who has supervision of such new enterprise or function and the personnel director, shall be retained without preliminary or performance tests, and shall be regarded as holding their positions under probationary appointment, and shall thereafter be subject in all respects to the provisions of this act.

(c) Any person occupying, under an appointment other than permanent, a teaching position in the classified service on July 1, 1947, who shall have continuously served in such position for a period of at

least two years immediately preceding July 1, 1947, shall be retained without preliminary or Performance tests, and shall be regarded as holding such position under permanent appointment, and shall thereafter be subject in all respects to the provisions of this act, provided such person shall possess on July 1, 1947, all appropriate state board of education certificates of qualification required by law for said position.

(d) Any person occupying, under an appointment other than permanent, a position in the classified service, described as of January 1, 1949, by the civil service commission as bridge operator or bridge maintenance man, who shall have continuously served in such position for at least two years immediately preceding the passage of this act, shall be retained without preliminary or performance tests, and shall be regarded as holding such position under permanent appointment, and shall thereafter be subject in all respects to the provisions of this act.

### **Sec. 209. Compensation plan.**

The personnel director shall, after consultation with the appointing authorities, and not later than January first of any year, recommend to the civil service commission a compensation plan including a proposed schedule of compensation for any or all classes of positions in the classified service, except teachers, which compensation schedule shall incorporate the provisions of any collective bargaining agreement and shall be based upon experience in filling various positions and upon such data as he may assemble relating to rates of pay and comparable service in commercial and industrial establishments, and in other public employment, prevailing market rates, costs and standards of living, and the city's policies, finances and needs. Such compensation plan, when unanimously approved by the commission, by the city council by a majority vote and by the mayor, shall constitute the city's compensation schedule for classes of positions in the classified service, except teachers, for the ensuing fiscal year, and thereafter, until a new compensation schedule shall be adopted in the manner prescribed. The compensation plan for teachers shall be that adopted by the board of education.

(Amended, 1986 referendum)

### **Sec. 210. Reemployment lists.**

(a) When any employee in the classified service, who has been performing his duties in a satisfactory manner as shown by the records of the department or other agency in which he has been employed, shall be laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing with the consent of the civil service commission and the department under whose jurisdiction he was employed, and has withdrawn his resignation without being restored to his position, the personnel director shall, on order of the commission, cause the name of such employee to be placed on the reemployment list for the appropriate class, for reemployment within two years thereafter when vacancies in such class shall occur. The order in which names shall be placed on the reemployment list for any class shall be established by rule. No resigned person shall be reinstated or have his name restored to such list unless

such resignation shall be withdrawn within six months after it has been presented and accepted.

(b) When an employee in the classified service who has performed his duties in a satisfactory manner as shown by the records of the department or other agency in which he has been employed has entered the armed forces of the United States since October 16, 1940, he shall, within six months after his honorable discharge from such armed forces and within sixty days after written application for reemployment to the civil service commission, be reassigned to his former position and duties. Such reinstated employee shall received the salary to which he would have been normally entitled and shall be credited with the continuity of service which he would have enjoyed if he had remained in said classified service, provided he is mentally and physically qualified to perform the duties of such position.

(c) Any provision of this charter inconsistent with the provisions of subSection (b) of this Section shall be inoperative and of no effect

(Amended, 1986 referendum)

### **Sec. 211. Tests for employment and promotion; lists.**

(a) The personnel director shall, from time to time, as conditions warrant, hold tests for the purpose of establishing employment lists for the various positions in the competitive division of the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held with limitations specified in the rules of the commission as to residence, age, health, habits, moral character and prerequisite qualifications to perform the duties of such position, provided applicants shall be citizens of the United States. Promotion tests shall be public, competitive and free only to all persons examined and appointed under or holding an office or position by virtue of Section two hundred and eight of this act and who have held a position for one year or more in a class or rank previously declared by the commission to involve the performance of duties which tend to fit the incumbent for the performance of duty in the class or rank for which the promotion test is held. Efficiency and seniority in service shall be considered in connection with tests for promotion. The personnel director shall hold promotion tests whenever there shall be an opening in a superior class to be filled. The examination shall be open to those in inferior rank in the same class, the duties of which directly tend to fit the incumbents thereof for the performance of the duties of the superior grade. A person who has served less than one year in a lower grade shall not be eligible for a promotion test. If fewer than two persons submit themselves for a promotion test, or if, after such test has been held, all applicants shall fail to attain a general average of not less than the minimum standard fixed by the rules of the commission, said director shall forthwith hold an original entrance test and certify from the employment list resulting therefrom.

All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the duties of the position to which appointment or promotion is to be made, and may include tests of physical fitness or of manual skill. No credits shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or

political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked, nor shall the identity of any applicant be disclosed to the examiner or to the one correcting the applicant's test. As many tests shall be held as may be necessary to provide eligibles for each class of positions and to meet all requisitions and to fill all positions held by temporary appointees. From the return and report of the examiners or from test by him, the personnel director shall prepare a list of eligibles for each grade of the persons who shall attain such minimum mark as may be fixed for the various parts of such test, and whose general average standing upon the test for such position is not less than the minimum fixed by the rules of the commission, and who may lawfully be appointed. Such persons shall rank upon the list in the order of their relative excellency as determined by the tests without reference to priority of time of tests. The markings of all test shall be completed, the resulting employment list and the answers to all questions in competitive written examinations posted as soon as possible thereafter and not later than ninety days from the date of the test. The commission shall cancel such portion of any list as has been in force for more than two years. The markings and test papers of each candidate shall be open to his inspection. The markings and test papers of all persons upon any list of eligibles may be open to public inspection in the discretion of the civil service commission. An error in the marking of any test, other than the existence of a difference of opinion, if called to the attention of the commission within one month after the posting of an employment list resulting from such test, shall be corrected by it. No certification of appointment shall be made for one month after posting the eligible list. Notice of the time, place and general scope of each test and of the duties, pay and experience advantageous or requisite for all positions in the grade for which the test is to be held shall be given by the personnel director. Such notice shall be by publication, at least once a week for two weeks preceding the test, in a newspaper printed in the English language and having a circulation in the city of Bridgeport of more than five thousand copies of each edition. Such further notice shall be given as the commission may prescribe. All tests for promotions in the teaching service shall be prepared and corrected under the direction of the superintendent of schools, with the approval of the board of education, and he shall, in like manner, determine the prerequisite qualifications for admission to such tests, all in the spirit of this act and solely on the basis of merit. The administration and control of such tests and the results thereof shall, in all other respects, be subject to all the terms and provisions of this act.

(b) The personnel director may, from time to time, hold promotion tests for any or all positions in the competitive division of the classified service which are allocated to classes which have been or shall be established to be at the promotion level by the civil service commission. When a position in a promotion class shall become vacant, and no appropriate reemployment list or employment list exists, the personnel director shall, within one hundred and twenty days of the date of the creation of the vacancy, hold a promotion test for such class. (Amended 1986 referendum)

(c) When an employment list for any class in the noncompetitive division of the classified service expires, the personnel director, within one hundred and twenty days of the date of such employment list expired, Shall hold examinations for the purpose of establishing an employment list for such class. (Amended, 1986 referendum)

(d) Positions in the noncompetitive division of the classified service shall be filled by those persons who, upon proper noncompetitive examination, are certified by the personnel director as being qualified to

discharge the duties of such positions.

### **Sec. 211.1. Prevention of discrimination.**

It shall be the duty of the civil service commission and the personnel director to take affirmative steps to insure that examinations conducted under the provisions of this chapter: (1) are non-discriminatory; (2) are based on valid indicators of whether an applicant possesses the skills and abilities required for the job in question; and (3) comply with all state and federal laws and regulations concerning examinations for public employment.

(Adopted 1984 referendum)

### **Sec. 212. Rejection of certain persons; appeal.**

The personnel director may reject the application of any person for admission to a test or refuse to test any applicant or refuse to certify the name of an eligible for employment who is found to lack any of the established qualification requirements for the position for which he applies or for which he has been tested, or who is physically unfit to effectively perform the duties of the position, or who is addicted to the habitual use of drugs or intoxicating liquors, or who has been guilty of any crime or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency, or who has made a false statement of any material fact or practiced or attempted to practice deception or fraud in his application or in his tests, or in securing eligibility or appointment. Any such person may appeal to the civil service commission from the action of the personnel director in accordance with the rules established hereunder.

### **Sec. 213. Appointments to positions in the competitive division of the classified service.**

(a) When a position in the competitive division of the classified service shall become vacant and when an appropriate reemployment list or employment list exists for the class to which such position is allocated, the appointing authority within thirty days of the date said vacancy was created, shall serve notice on the personnel director declaring whether or not it desires to fill the vacancy. If it desires to fill the vacancy, the appointing authority shall, within such thirty days, make requisition upon the personnel director for the name and address of a person eligible for appointment thereto. Pursuant to such requisition the personnel director shall make or cause to be made an investigation to determine whether or not such a vacancy does exist and to report his findings to the commission. If, upon consideration of the facts, the commission determines that such a vacancy does exist, it shall order the personnel director, within thirty days of the date such requisition was made, to certify the name of the person who is highest on the appropriate reemployment list, or employment list if no appropriate reemployment list exist, for the class to which the vacant position has been allocated and who is willing to accept appointment. If, upon consideration of the facts, the commission determines that a vacancy does not exist, it shall order the personnel director to serve notice on the appointing authority making the request that no appointment may be made. If the appointing authority declares its desire not to fill a vacant position or if the

appointing authority fails to serve notice on the personnel director within the thirty day period set forth in this section, the commission shall at its next regular meeting abolish the position from the classified service. If there is no appropriate reemployment list for the class, the personnel director shall certify the name of the person standing highest on the employment list established for the class. If more than one vacancy is to be filled, an additional name shall, in like manner, be certified for each additional vacancy. The appointing authority shall forthwith appoint such person to such a vacant position. When requisition is so made, and is approved by the commission in accordance with the provisions of this section, or when a position is held by a temporary appointee and a reemployment list or employment list for the class of such positions exists, the personnel director shall forthwith certify the name of the person eligible for appointment to the appointing authority and such appointing authority shall forthwith appoint the person so certified to such position. No person so certified shall be laid off, suspended, given a leave of absence from duty, transferred or reduced in pay or grade except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval. Appointments shall be regarded as taking effect upon the date when the person certified for appointment shall report to duty. A person tendered certification may waive or refuse certification in writing for a period, for reasons satisfactory to the commission, and such waiver or refusal shall not affect the standing or right to certification to the first vacancy in the class occurring after expiration of such period. If such waiver or refusal shall be filed in writing with the commission, and, if, after one waiver has been filed and the period thereof has expired, a person tendered certification shall fail to report for duty forthwith after tender of certification has been made, his name may, at the discretion of the commission, be stricken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this act shall not affect the standing of any person on the list for permanent appointment. To enable appointing officers to exercise sound discretion in the filling of positions, no appointment, employment or promotion in any position in the competitive division of the classified service shall be deemed final until after the expiration of a period of three to six months probationary service, as may be provided in the rules of the civil service commission. The commission, the personnel director and the executive head of the department concerned shall determine the permanent appointment. During the probationary period, they may terminate the employment of the person so certified, during the performance test thus afforded, upon observation or consideration of the performance of duty, they shall deem him unfit for service, whereupon the personnel director shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon such duties until some person shall be found who is deemed fit for appointment, employment or promotion and who shall have occupied the position for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be permanent.

(Amended 1986 referendum)

(b) Any person whose name is or has been on an employment list or promotion list shall, while on active duty with the armed forces of the United States, retain his or her rights and such status on such list. If such list expires or is exhausted during the time that such person is on such military duty or during the period of one year after the termination of such military duty, such person, upon written request to the civil service commission, provided he has received an honorable discharge from such military duty and

provided he has made such written request no later than three months from the date of such honorable discharge, shall be placed on a special employment or promotion list and shall be certified in the order of his original standing on the employment list to any available vacancy before certification shall be made from an employment list for the same position. Such names may be placed upon special employment or promotion lists only in the event that such names were reached for certification during the life of the original list and when reached such persons were not available to accept appointment because of their being on active duty with the armed forces of the United States. Such names shall remain on such special employment list or promotion list for a period of two years after the termination of such military service and honorable discharge therefrom.

(c) The probationary period for teachers shall comply with the general statutes and the regulations of the state board of education regarding the permanent certification of teachers.

(Amended, 1986 referendum)

### **Sec. 213.1 Veterans' eligibility for appointments.**

(a) Any person, who is a resident of the city of Bridgeport and has served in the armed forces of the United States in time of war and has received therefrom an honorable discharge, and who is not eligible for disability compensation or pension through the veteran's administration, shall have five points added to his earned rating on any examination held for the purpose of establishing an original employment list for said city. Any such person shall be entitled to such additional five points on any promotional examination, provided he shall receive at least a minimum passing grade on such examination.

(b) Any such person with a service-connected disability which is substantiated by record or other sufficient documentary evidence on any such examination shall have ten points added to his earned rating, provided such disability shall not make it physically impossible for him or her to perform the required duties and functions of the employment for which he or she seeks classification on any employment list.

(c) Any such person, having a service-connected disability, shall be exempt from so much of any physical examination required under the provisions of this act as concerns such disability, provided such disability shall not make it physically impossible for him or her to perform the required duties and functions of the employment for which he or she seeks classification on any employment list, or any subsequent eligibility list arising therefrom.

(d) The names of veterans described herein shall be placed upon the lists of eligibles for appointment under the civil service act of said city in the order of such augmented ratings.

(e) In addition to such other person as shall be entitled to the privileges and benefits provided in subsections (a) and (d) of this section, such privileges and benefits shall be extended, subject to such other conditions and limitations as therein provided, to those residents of the city of Bridgeport who

have served as members of the armed forces of the United States during the period from June 25, 1950, to the date of the termination of hostilities as fixed by the United States government.

(Amended 1986 referendum)

#### **Sec. 214. Provisional appointments.**

If necessary to prevent the stoppage of public business or inconvenience to the public, but not otherwise, the personnel director, with the approval of the commission, may authorize the filling of a position by provisional appointment pending the establishment of a reemployment or employment list. No person who does not possess the minimum required qualifications for such position as may be prescribed by the personnel director shall be permitted to serve in such temporary position or office. Such provisional appointment shall continue only until the establishment of a reemployment or employment list. In no case shall such appointment exceed a total of four calendar months. No person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year. In case of an emergency, an appointment may be made by the appointing authority, such appointment not to exceed five days. Such appointment shall be immediately reported to the personnel director.

#### **Sec. 215. Transfer of employees in the classified service.**

The personnel director may, at any time, authorize the transfer of any employee in the classified service from one position to another position in the same class and not otherwise, provided persons who have not been examined and certified under the provisions of this act shall not be entitled to transfer. Transfers shall be permitted only with the consent of the personnel director and the departments concerned.

#### **Sec. 216. Certification of payrolls.**

Neither the treasurer, the comptroller nor any other officer of the city shall approve the payment of, or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services to any person holding a position in the classified service unless a payroll, estimate or account for such salary, wage or other compensation containing the names of the person to be paid, a statement of the amount to be paid each such person and the services which have been performed, bearing the certificate of the commission that the persons named in such payroll, estimate or account have been appointed or employed in pursuance of law and of the rules made by the commission and have complied with the terms of this chapter and of the rules of the commission when required to do so, shall first have been filed with him. Before making any such certificate, the commission shall investigate the nature of each item of such payroll, estimate or account, and if it shall ascertain that the provisions of the law in respect to any such item, have not been strictly complied with, it shall refuse to certify such item. The commission shall refuse to certify the pay of any such public officer or employee who shall willfully or through culpable negligence violate or fail to comply with the provisions of this chapter or the rules of

the commission.

(Amended, 1986 referendum)

**Sec. 217. Civil suits for and against the civil service commission.**

The commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of this act and the rules of the commission and shall defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the city attorney, but the commission may, in any case, be represented by special counsel if the city attorney shall not be available. The comptroller shall pay the compensation and expenses of any such special counsel upon certification by the commission. Any taxpayer of the city may maintain an action in any court of record to recover for the treasury any sums paid contrary to the provisions of this act or of the rules of the commission from the person or persons authorizing any such payment, or to enjoin the commission from attaching its certificate to a payroll in violation of the provisions of this act.

(Amended, 1986 referendum)

**Sec. 218. Investigations; power to subpoena witnesses.**

In any investigation conducted by the civil service commission or personnel director, it or he shall have the power to subpoena and require the attendance of witnesses and the production by them of books and papers pertinent to the investigation and to administer oaths to such witnesses. Upon application by said commission, all courts of the state are authorized to enforce compliance with said commission's subpoena, to require witnesses to testify thereunder and, in proper cases, upon certification of said commission, to hold witnesses in contempt. The city attorney shall act as legal advisor to said commission and the personnel director.

**Sec. 219. Certain acts prohibited.**

No person shall deceive or obstruct any person in respect to his or her right of test under the provisions of this act or falsely mark, grade or estimate or report upon the test or standing of any person tested hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment, employment or promotion. No applicant shall deceive the commission for the purpose of improving his chances or prospects for appointment or promotion. No person shall solicit, orally or by letter, and no public officer or employee shall receive or be in any manner concerned in the receiving or soliciting of any money or valuable thing from any officer or employee holding a position in the classified service for any political party or purpose. No person shall use or promise to use his influence or official authority to secure any appointment or promotion or prospect of appointment or promotion to any position classified under this act as a reward or return for personal or partisan political service. No public officer or employee shall, by means of threats or coercion, induce or attempt to induce any person

holding a position in the classified service to resign his position or to take a leave of absence from duty or to waive any of his rights under this act. A resignation executed previous to appointment shall be of no effect.

### **Sec. 220. Limitation on political activity of officers and employees.**

No person holding an office or place in the classified service under the provisions of this act shall seek or accept election, nomination or appointment as an officer of a political club or organization or take an active part in a political campaign or serve as a member of a committee of any such club or organization or circulate or seek signatures to any petition provided for by any primary or election law or act as a worker at the polls, or distribute badges, colors or indicia favoring or opposing a candidate for election or nomination to a public office, whether federal, state, county or municipal; provided nothing in this act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office.

### **Sec. 221. Penalty.**

Any person who shall, willfully or through culpable negligence, violate any of the provisions of this act, or of the rules of the commission, shall be fined not less than fifty dollars nor more than three thousand dollars or imprisoned not more than six months or be both fined and imprisoned.

### **Sec. 222. Reports to civil service commission.**

Immediate report in writing shall be given to the commission, by the appointing authority and by such other persons as may be designated by the commission, of all appointments, reinstatements, vacancies or absences or other matters affecting the status of positions or the performance of duties of officers or employees classified under the provisions of this act, and all such notices shall be prepared in the manner and form prescribed by the commission.

### **Sec. 223. Discharge or reduction of officers or employees.**

No person or employee holding a permanent office or position in the classified service shall be removed, discharged or reduced, except for just cause which shall not be political or religious. No such person shall be removed, discharged or reduced unless the appointing authority first gives him notice person the opportunity to respond. A copy of any such notice of the proposed action and the basis for it and affords such person the opportunity to respond. A copy of any such notice shall immediately be forwarded to the commission. Nothing in this Section shall preclude an employee being suspended pending discharge proceedings.

Within three days after the removal, discharge or reduction, an appeal may be made to the commission,

in writing, by the employee so removed, discharged or reduced. The commission, on receiving such notice of appeal, shall set a date for a hearing or investigation of the reasons for the removal, discharge or reduction, which date shall not be more than thirty days after the date of the removal, discharge or reduction. Notice of the time and place of such hearing or investigation shall be served upon the employee appealing, in the same manner that a summons is served in this state. Like notice shall also be given the appointing authority making the removal. The civil service commission, or any committee appointed by said commission, shall conduct the hearing or investigation. The employee appealing shall have full opportunity to be heard and may be represented by counsel of his own choosing or by a duly authorized member of the employee organization of which he is a member, if he so desires. When the employee shall be represented by counsel, the appointing authority making the removal, discharge or reduction may be represented by the city attorney. If such appointing authority shall choose to be represented by counsel other than the city attorney, it may do so, but any expense so incurred shall not be paid by the city. In the course of a hearing or investigation as herein provided for, any member of the commission and of any committee appointed by it, shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such hearing or investigation as provided in Section two hundred and eighteen hereof. All evidence may, on the order of the commission, be taken by a competent reporter. The decisions and findings of the commission, or of the investigation committee, when approved by the commission, shall be final and shall be filed, in writing, with the personnel director and shall be forthwith certified to and enforced by the head of the department or appointing authority. Any person or employee holding a permanent position in the classified service who is fined in excess of twenty-five dollars, suspended for a period exceeding ten days or who is disciplined to an equivalent extent by his appointing authority, shall have all the rights of appeal as provided for in this section. If any disciplinary action taken by an appointing authority or department head shall cause the appealing employee to lose pay, seniority or privileges, the commission shall have the power to restore the same. The decisions and findings of the commission referred to in this Section may be appealed from the person adversely affected thereby to any judge of the superior court in the manner prescribed by Section two hundred and thirty-eight of the charter, except that such appeal shall be served, as therein directed, on the chairman of the commission.

(Amended, 1986 referendum)

#### **Sec. 224. Records and reports of civil service commission.**

The commission shall investigate and report annually to the mayor concerning the administrative needs of the service, the personnel and positions in the service and the compensation provided therefor, the examinations held by the commission, the appointments made, service ratings and removals in the civil service, the operation of the rules of the commission and recommendations for promoting efficiency and economy in the service, with details of expenditure and progress of work. The mayor may require a report from said commission at any time respecting any matter within the scope of its duties hereunder. The records of the commission shall be open to public inspection by any person under reasonable supervision.

(Amended, 1986 referendum)

**Sec. 225. Municipal assistance to civil service commission.**

Each civil service commissioner shall be paid his necessary traveling expenses incurred in the discharge of his official duty. The financial authorities of the city shall make adequate provision to enable the civil service commission properly to carry out the purposes of this act. All officers of the city shall allow the reasonable use of public buildings and rooms for the holding of any examinations or investigations provided for by this act and in all possible ways shall facilitate the work of the civil service commission and the personnel director.

**Sec. 226. Definitions.**

The following terms, as used in this act, shall mean as follows: "applicant" shall mean a person who has filed an application for examination; "appointing authority" shall mean the officer, commission, board or other body having the power of appointment to subordinate offices or positions in any municipal department, office, board or institution; "certified appointment" shall mean an appointment to permanent position made from an eligible list; "probationary appointment" shall mean appointment to a position for a period of not less than three months until the permanent appointment shall be made; "provisional appointment" shall mean a temporary appointment under Section two hundred and fourteen of this charter; "appointment" shall be construed to mean "Promotion" where the context shall permit and shall so indicate; "charter" shall mean the charter of the city of Bridgeport; "class" or "class of position" shall mean a position or a group of positions, either permanent or part time, sufficiently similar in respect to their duties and responsibilities so that the same requirements as to education, experience, knowledge, ability and other qualifications are required of the incumbents and that the same tests of fitness are used to choose qualified employees; "commission" shall mean the civil service commission; "commissioners" shall mean the members of the civil service commission; "employment" shall be construed to mean promotion where the context shall permit and shall so indicate; "position" shall be construed to mean office and "office" to mean position where the context shall permit and shall so indicate; "promotion" shall mean a change from one class of position to another class of position having a higher rate of compensation and involving a change of duties and responsibilities and requiring a competitive civil service examination, and shall be construed to mean appointment or employment where the context shall permit and shall so indicate; "teacher" shall mean any person, including any principal or supervisor certified by the state department of education for a teaching, supervisory, or administrative position in the day or evening classes of the Bridgeport public schools, except the superintendent of schools and the assistant superintendent of schools.

(Amended 1986 referendum)

**Sec. 227. Repealing provision.**

No provision of the general statutes or special acts inconsistent with any provision of this chapter shall

apply to the city of Bridgeport.

(1986 referendum)

**Sec. 228. Severability provision.**

The adjudging of any portion of this chapter to be invalid shall not affect the validity of any other portion thereof.

(1986 referendum)

**Sec. 229. Effective date.**

(Repealed, 1986 referendum)

**CHAPTER 18  
PLANNING AND ECONOMIC DEVELOPMENT**

**Section 1.**

There shall be an office of planning and economic development which shall be responsible for neighborhood, community and economic development planning and programs; housing programs; liaison to state and federal agencies dealing with these areas; development of the proposed master plan for the city and revisions thereto; and such other related activities as may be assigned to it from time to time by the mayor or the city council.

**Section 2.**

The head of the department shall be a director of planning and economic development who shall be appointed by and serve at the pleasure of the mayor. The director may, with the approval of the mayor, appoint a deputy director who shall serve at the pleasure of the director.

**Section 3.**

The director of the office of planning and economic development shall have the general supervision of the operation and management of the several units of the department. The director is authorized to transfer positions and employees between units of the office of planning and economic development as the need arises and the funds are available. The director shall be responsible for the presentation of a consolidated budget to the director of policy and management; the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department of economic development.

#### **Section 4.**

(a) There shall be, within the office of planning and economic development a division of housing and community development, which shall be responsible for the management and supervision of all housing and community development programs of the city of Bridgeport. The head of the division shall be a director of housing and community development who shall be appointed by the director of planning and economic development with the approval of the mayor.

(b) The city council shall provide, by ordinance, for a housing and community development commission which shall advise the mayor and the director of housing and community development with respect to housing and community development matters and shall perform such other functions as may be assigned to it by ordinance.

### **CHAPTER 19**

#### **DEPARTMENT OF LAND USE CONSTRUCTION AND REVIEW**

#### **Section 1.**

There shall be a department of land use construction and review which shall consist of the planning and zoning authorities of the city, building department and any other agencies responsible for historic preservation and land use regulation activities. The department of land use regulation shall also provide all professional and staff assistance to the city's planning and zoning authorities.

#### **Section 2.**

(a) The head of the department shall be a director of land use construction and review who shall be in the classified service and shall be selected pursuant to the provisions of Chapter 17 of this charter except as follows:

(1) The Director of Land Use Construction and Review shall, at a minimum, be experienced in Urban Planning, Architecture, Engineering, Building and Construction Regulation, Land Use Regulation or Public Administration. Nothing in this Section shall preclude the civil service commission from establishing greater qualifications for the position of Director of Land Use Construction and Review, provided that such qualifications shall not include a requirement of prior service with the city of Bridgeport. Any qualification so adopted shall be based solely on the knowledge, skills and experience required for the position.

(2) The examination for the position of Director of Land Use Construction and Review shall be open to any person possessing the minimum qualifications established for such position regardless of whether the applicant is currently or has ever been an employee of the city of Bridgeport. The examination shall be open and competitive and shall not be promotional.

(3) Whenever a vacancy arises in the position of director of land use construction and review, the personnel director shall, upon request, certify to the mayor the name of the (3) candidates standing highest upon the employment list for such position. If no such list exists, the personnel director shall within 150 days of the creation of the request, hold a test for such position and shall, upon the establishment of an employment list, certify to the mayor the names of the (3) persons standing highest thereon.

(4) Within sixty (60) days of his receipt of the certification required by subSection (a)(3) of this section, the mayor shall appoint (1) one person so certified as the Director of Land Use Construction and Review and shall notify the Civil Service Commission and the Planning and Zoning Commission of such appointment. The mayor may designate the time when such appointment shall take effect, provided it shall not be more than ninety (90) days from the date of his receipt of the certification. Unless otherwise stated such appointment shall be effective immediately.

(5) The person so appointed shall hold office for a term of five (5) years from the effective date of his appointment but may be removed for just cause. A person holding the position of Director of Land use regulation may, only within 150 days of the end of his term, be reappointed by the mayor for an additional term of five (5) years, effective upon the expiration of the director's current term without the need for further examination or testing. There shall be no limit or the number of times a person may be so reappointed.

(6) Whenever a vacancy occurs in the office of Director of Land Use Construction and Review the mayor may appoint an acting Director. The person so appointed shall possess all of the qualifications established for the position of Director of Land Use Construction and Review. Any provision of this charter to the contrary notwithstanding, the person so appointed may serve as acting Director of Land Use Construction and Review until the position of Director is filled as provided in this section.

(7) Notwithstanding any provision of law to the contrary, no person serving as Director of Land Use and Construction Review shall be engaged, directly or indirectly, in any enterprise, including self-employment, which is concerned, in whole or in part, with real estate sales, acquisition or development.

### **Section 3.**

The director of land use construction and review shall have the general supervision of the operation and management of the several units of the department. The director is authorized to transfer positions and employees between units of the department of land use regulation as the need arises and the funds are available. The director shall be responsible for the presentation of a consolidated budget to the director of policy and management, the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department.

### **Section 4.**

The department land use construction and review shall annually make available to the members of the land use bodies of the city and their alternates instruction and training concerning the duties and responsibilities of such boards including, but not limited to legal principals and statutory requirements concerning planning, zoning, land use, administrative law and procedure and the requirements of the freedom of information act.

## **Section 5.**

(a) There shall be a Planning and Zoning Commission, composed of nine (9) members, which shall be the planning and zoning authority of the city.

(b) The terms of office of the members of the commission shall be three years which shall commence on the first day of January. Those terms shall be staggered so that no more than three terms shall expire annually.

(c) Vacancies on the planning and zoning commission shall be nominated by the mayor and the members of the city council and filled by the mayor, with the advice and consent of sixty per cent of the entire membership of the city council (exclusive of the Mayor), for the balance of the term.

(d) The current planning commission consisting of five (5) members plus alternates and the current zoning commission of five (5) members plus alternates shall be combined into a nine (9) member planning and zoning commission.

## **Section 6.**

(a) Such commission may adopt and from time to time amend, alter or repeal, in the manner provided by law, any necessary zoning rules and regulations and may establish and alter, in the manner provided by law, any necessary zoning districts shall, as nearly as feasible, conform to the provisions of the city plan adopted under the provisions of this chapter and of the general statutes. Whenever such commission adopts any rule, regulation or district which does not conform to the provisions of the city plan it shall specify the reasons why such reasons in the minutes of the meeting at which such rule, regulation or district is adopted. This requirement shall be in addition to any other requirements established by this Charter of the General Statutes.

(b) Not later than July 1, 1993, the Planning and Zoning Commission shall adopt the comprehensive review, revision and updating of the zoning rules, regulations and districts mandated by Section 1 of the Charter amendment adopted November 7, 1989. The commission shall cause a similar comprehensive review, revision and updating to be undertaken at least once every ten years thereafter.

## **Section 7.**

(a) The Planning and Zoning Commission is authorized to make, adopt, amend, extend and carry out a

city plan as provided in this chapter. The commission shall adopt such a plan not later than January 1, 1996 and shall undertake a comprehensive review of such plan and revise it as necessary at least once every five years thereafter. The City council may, by ordinance, specify the subjects to be addressed in such plans.

(b) The commission may adopt the city plan by a single resolution, or may, by successive resolutions, adopt successive parts of the plan and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon, notice of the time, place and purpose of which shall be given by publishing the same once in a newspaper printed in the English language and having a general circulation in said city, at least seven days prior to the date of such hearing. The adoption of the plan, or any such part or amendment or extension or addition, shall be by resolution of the commission carried by the affirmative votes of not less than members of the commission. Attested copies of the plan or any part thereof shall be certified to the city council and to the municipal clerk.

(c) Whenever the planning and zoning commission shall have adopted a plan for the city or for one or more sections or districts thereof, no street, square, parkway or other public way, no park, playground or other public ground or open space and no public building or public structure shall be constructed or authorized in any portion of the city included in such plan until the location, character and extent thereof shall have been submitted to and approved by the commission, or by the city council as provided in Section hereof. The failure of the commission to pass upon any such submitted proposal within sixty days from the date of formal submission thereof to the commission shall constitute approval thereof.

**Section 8.**

Whenever the term "Planning Commission" or "Zoning Commission" appears in this charter or the ordinances of the City of Bridgeport it shall be deemed to mean or refer to the Planning and Zoning Commission.

**Section 9.**

(a) The regulations of the Planning Commission or the Zoning Commission in effect on the effective date of the amendment shall continue in force until altered or amended by the Planning and Zoning Commission.

(b) All matters pending before the Planning Commission or the Zoning Commission of the effective date of this amendment shall be transferred to the Planning and Zoning Commission which shall hear and decide such matters in the same manner as matters originally filed with the Planning and Zoning Commission.

## **Section 1.**

There shall be a department of health and social services, consisting of an administrative office, a department of health, a department of welfare; the department or departments which administer, plan and/or coordinate all programs relating to a department of health and human services, including programs for the disadvantaged and the needy; and other agencies or programs as may be assigned to it from time to time by the mayor or the city council.

## **Section 2.**

The head of the department shall be a director of health and social services who shall be appointed by and serve at the pleasure of the mayor. The director may, with the approval of the mayor, appoint a deputy director who shall serve at the pleasure of the director. Except as otherwise provided by law the heads of the various units of the department of social services shall be appointed by and serve at the pleasure of the mayor.

## **Section 3.**

The director of health and social services shall have the general supervision of the operation and management of the several units of the department. The director is authorized to transfer positions and employees between units of the department as the need arises and the funds are available. The director shall be responsible for the presentation of a consolidated budget to director of policy and management, the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department of social services.

## **Section 4.**

The city council may, by ordinance, establish a social services advisory commission which shall advise and consult with the director of social services pertaining to his duties and to the conduct of the department and its agencies and shall advise the director in regard to policies, rules and regulations of the department.

## **Section 5.**

The director of public welfare shall be responsible to the director of health and social services for the efficiency, discipline and good conduct of the department of public welfare. He/she shall have all the powers and perform all the duties relating to poor or other persons in need of the services of said department which are now or may hereafter be vested in or required by the general statutes of the selectmen of towns.

## **Section 6.**

(a) The director of public health shall be appointed in the manner provided by law and shall possess the qualifications established for directors of public health. The director shall also be, ex-officio, the registrar of vital statistics for the city.

(b) The director of public health shall: (a) have the responsibility for the efficiency, discipline and good conduct of the department of public health; (b) have and exercise in the city and over the navigable waters adjacent thereto, all the jurisdiction and powers conferred and all the duties imposed upon city, town or district directors of health of this state in their respective jurisdictions by the general statutes; (c) regulate the production, processing and distribution of foodstuffs in the city; (d) have the power and duty to order forthwith the vacating of any land or building unfit for human habitation and to abate nuisances affecting public health after reasonable notice, at the expense of the owners or persons creating or maintaining same; (e) perform such other duties and take such other measures for the prevention of disease and the preservation of public health as provided by the ordinances of the city of Bridgeport and statutes of the State of Connecticut.

(c) The director of public health in his/her capacity as registrar of vital statistics shall perform the duties imposed by law upon registrars of vital statistics. He/she shall cause to be established a division of vital statistics in the department of health to be supervised by an assistant registrar of vital statistics.

## **CHAPTER 21 PENSIONS**

### **Section 1. Continuance of Provisions.**

The pensions heretofore granted to employees and former employees of the Town or City of Bridgeport by special act or charter provision shall continue, as prior to the effective date of this Charter, notwithstanding the fact that such acts or provisions are not set out in this charter.

### **Section 2. Police and Fire Pensions.**

The Boards of Police and Fire Commissioners shall continue to be the trustees of the pension funds of their respective departments.

### **Section 3. Janitors' and Engineers' Retirement Fund.**

(a) There shall be in the city of Bridgeport a fund known as the "Janitors' and Engineers' Retirement Fund" for the benefit of janitors and engineers of the public schools of the city, which shall consist of moneys received from the following sources: (a) All bequests or donations made to the fund from private or public sources for the purpose for which said retirement fund is established; (2) the monthly assessments on the salaries of all janitors and engineers, not exceeding two and one-half per cent per annum, as the trustee of said retirement fund shall from time to time determine.

(b) The words "janitors" and "engineers" as used in this Section shall include janitors, custodians, supervising custodians, building superintendents, the supervisor of custodians and any other person paying into said janitors' and engineers' retirement fund.

(c) All moneys belonging to said retirement fund shall be deposited with the treasurer of the city of Bridgeport, but the direction, management and investment of said fund shall be under the charge of the board of education who shall be trustee of said fund. All orders on said fund shall be signed by the secretary of the board of education and counter signed by the president of the board of education. The city treasurer shall, as custodian of said fund, provide the board of education with such information and reports as it requires in order to discharge its duties as trustee.

(d) From said retirement fund the board of education as such trustee, by a majority vote, shall, from time to time, appropriate and cause to be paid such sums as may be needed for the purpose of paying the pensions herein provided.

(e) The board of education may retire from active service any janitor or engineer who has been continuously in the service of the board of education for a period of twenty-five years or has reached the age of seventy years. When any janitor or engineer who has been in the service of the board of education for a period of twenty-five years or has reached the age of seventy shall make written application requesting retirement from active service, said board shall order the immediate retirement of such applicant from active service. The board of education may retire any janitor or engineer who has in fact become permanently disabled for the performance of his/her duties by reason of physical disability resulting from injury received or exposure endured in the performance of his/her duty.

(f) No person or employee coming within the operation of this charter shall be employed or engaged by the board of education unless such Person shall, after a thorough medical examination, be found to be in proper physical condition. Unless said requirements as to health shall have been complied with, such persons shall not be eligible for the benefits provided by this charter.

(g) Whenever any janitor or engineer shall have been retired as aforesaid, he/she shall receive, yearly, from said retirement fund for the remainder of his/her life, a sum equal to one-half his/her yearly compensation paid by the city to him/her prior to such retirement, and, in any event, not less than six hundred dollars per year. In addition, any person entitled to a pension under this act, as amended, shall receive a sum equal to two per cent of his/her yearly compensation paid to him prior to such retirement for each year of service over twenty-five years, but the total maximum pension shall not in any case exceed seventy per cent of his/her pay prior to retirement.

(h) Any janitor or engineer who may be retired and who has not paid into such fund an amount equal to the amount of said annual pension of six hundred dollars, shall receive such pension, less twenty per cent thereof, which deduction shall be made, annually, until the amount of such deduction, added to the assessments paid by such pensioner, shall have amounted to six hundred dollars, and thereafter such pensioner shall receive the full amount of six hundred dollars per annum.

(i) Whenever the employment of any janitor or engineer shall have been terminated, prior to his retirement, for any other than his own willful neglect of duty such janitor or engineer shall be entitled to receive from said retirement fund the amount which he/she has contributed thereto by his/her assessments. When any member of the janitors' or engineers' retirement fund, whether active or retired, shall die, the spouse of such member at the time of his/her death, if he/she is in active service at the time of the enactment of this amendment, or a monthly sum equal to one fourth of his/her salary received by such member just prior to his/her retirement, if retired after the date of enactment of this amendment. If there be no spouse surviving him/her, then any surviving children shall be entitled to receive from said retirement fund the amount which has been contributed thereto by his/her assessments only if said member is in active service at the time of his/her death.

(j) No retired janitor or engineer shall have the right to pledge, assign, transfer or create and charge any lien upon his/her annual pension, nor shall it be subject to any process of attachment, nor shall such annual pension be paid to any person except such retired janitor or engineer.

(k) All janitors or engineers employed by the board of education, to be in charge of the school buildings, shall receive permanent appointment and shall continue in such employment unless removed by the board of education for cause. Before such power of removal shall be exercised the board of education shall cause such janitor or engineer to be summoned to appear and show cause why he should not be dismissed from his/her office, which summons, with a copy of the charges referred against him, shall be left with him/her, or at his/her usual place of abode, at least six days before the date of the hearing.

(l) Said board of education, as such trustee, shall file with the finance director of the city, on or before the first day of January of each year, a statement of said retirement fund, showing the amount thereof, and all payments and disbursements made therefrom, and the securities in which said fund has been invested.

(m) If the funds in the janitors' and engineers' retirement fund shall not be sufficient to pay the amount allowed janitors or engineers retired under the provisions of this charter, the common council shall, from the revenues of said city, appropriate and provide the necessary additional funds which shall be paid into the janitors' and engineers' retirement fund to pay the person or persons, who may be retired, the sums which they may be entitled to receive under the provisions of this act.

(n) No amount of allowance payable under the terms hereof shall be allowed or paid to any retired janitor or engineer so long or for such period as such janitor or engineer shall receive compensation under the provisions of the compensation laws of this state.

(o) Any janitor or engineer retired pursuant to the terms of subsection (e) of this Section shall be required to submit to such medical examinations as the board of education as such trustee may, from time to time, prescribe. If, after such examination and any additional inquiries made by such trustee, such trustee shall determine that such retired janitor or engineer is no longer disabled or has recovered from

his disability, such retired janitor or engineer shall be ordered back to duty by said trustee and his pension or retirement allowance shall cease, and such pension or retirement allowance shall likewise cease if such retired janitor or engineer shall, fail to return to duty when so ordered.

(p) All the terms and provisions hereof shall be expressly subject to the terms and provisions of any amendment to the charter of the city of Bridgeport, creating a civil service or merit system for employees of said city.

## **CHAPTER 22 TRANSITIONAL PROVISIONS**

### **Section 1. Effective Date.**

This charter shall take effect at 11:59 p.m., local time, on January 1, 1993.

### **Section 2. Repeal of Other Laws.**

All special acts and provisions of the ordinances and parts of acts and ordinance, inconsistent with the provisions of this charter, are hereby repealed as the time this Charter takes effect; but such repeal shall not affect any rights, privileges or immunities of the city of Bridgeport, or of any person or body corporate, or any pecuniary obligations attaching to said city. No tax or assessment laid under any of the provisions of law herein repealed, or under any order or ordinance made under any of said provisions, shall be affected by said repeal.

### **Section 3. Saving Clause.**

Except as provided in Section 2, nothing contained in this charter shall be construed to repeal or terminate any act of the State or ordinance of the city of any rule or regulation of any city boards, commissions, departments, agencies, authorities. They shall remain in full force and effect when not inconsistent with the provisions of this charter, to be construed and operated in harmony with its provisions, until amended or repealed as herein provided. The powers which are conferred and the duties which are imposed upon any office, board, commission or department, agency or authority of the city of Bridgeport under any statutes of the State, or any city ordinance or regulation which is in force at the time of the taking effect of this charter shall, if such office, board, commission, department, agency or authority is abolished by this charter, be thereafter exercised and discharged by the office, board, bureau, commission, department, agency or authority upon whom similar duties are imposed by the charter.

### **Section 4. Continuance of Contracts.**

Any contract entered into by the city, or bond or bonds or undertaking made to or for the benefit of the city before any of the adoption of this charter take effect, containing a provision that it may be enforced or shall be performed by some office, department, board, commission, authority or agency which is

abolished by the amendatory provisions of this charter, shall, notwithstanding continue in full force and effect and shall be enforced and performed by the office, department, board, commission, authority or agency upon which are conferred and imposed powers, functions and duties corresponding to those theretofore exercised by the office, department, board, commission, authority or agency so abolished.

### **Section 5. Continuance of Personnel.**

Except as otherwise provided in this charter, all persons serving as members of any board or commission at the time that this charter takes effect, whether elected or appointed, shall continue in office unless such office has been abolished.

### **Section 6. Transfer of Records, Property and Powers.**

(a) If a city department, office, agency, board or commission is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or, if the charter makes no provision, designated by the city council.

(b) All records, property and equipment whatsoever of any department, office, board, commission, authority or agency or part thereof, of which are assigned to any other office, department, board, commission, authority or agency by this charter, shall be transferred and delivered intact to the office, department, board, Commission, authority or agency to which such powers and duties are so assigned.

### **Section 7.**

The terms of all elected officials holding office on the effective date of this charter shall be extended through the last Day of November following the election of their successors.

### **Section 8. Department of Health and Social Services.**

(a) Whenever the terms "department of human resources development" or "office of humane affairs" appear in the ordinances of the city of Bridgeport they shall be deemed to refer to the department of health and social Services.

(b) All powers, duties and responsibilities heretofore vested in and imposed on the office of humane affairs and the department of human resources development shall be hereafter vested in and imposed on the department of health and social services.

### **Section 9. Insurance Fund.**

The Insurance Fund, as it existed on the effective date of this charter is abolished and the assets of such fund are transferred to the general fund.

## **Section 10. Board of Public Purchases.**

- (a) The Board of Public Purchases, as it existed on the effective date of this charter is abolished.
- (b) In the month of March 1993, the mayor shall appoint four members of the board of public purchases, two of whom shall serve for terms ending December 31, 1993 and two of whom shall serve for terms ending December 31, 1994. Thereafter, all appointments shall be made in accordance with Chapter 8 of this charter.

## **Section 11. Planning and Zoning Commission.**

- (a) During an interim period there shall be a nine (9) member planning and zoning commission. All existing members whose terms have not expired shall constitute the new planning and zoning commission until the expiration of their term.

## **Section 12. Public Facilities.**

- (a) Whenever the term "department of public works" appears in the ordinances of the city of Bridgeport, they shall be deemed to refer to the department of public facilities, and shall include city engineer, streets and sanitation, airport and parking.
- (b) All powers, duties, and responsibilities heretofore vested in and imposed on the department of public works, city engineer, streets and sanitation, airport, parking and parks and recreation shall be hereafter vested in and imposed upon the department of public facilities.