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SPECIAL MEETING

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES:

Regular Meeting:	April 10, 2023
Regular Meeting:	April 15, 2023
Public Hearing:	April 19, 2023

IV. PUBLIC COMMENT

V. DISCUSSION: ARTICLES VII AND VIII – BOARDS AND COMMISSIONS; AND, DEPARTMENTS AND DEPARTMENT HEADS

VI. FURTHER REVIEW OF COUNSEL REVISIONS, IF ANY, OF ARTICLES I-III, IV, V, VI, IX AND X

VII. DISCUSSION OF CRC CALENDAR

VIII. ADJOURNMENT

**CITY OF NORWALK
CHARTER REVISION COMMISSION
COMMON COUNCIL CHAMBERS
AND VIA ZOOM
APRIL 10, 2023**

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ATTENDANCE: Patsy Brescia, Chair; Carl Dickens; Tyler Fairbairn;
Benita Watford Raleigh;

OTHERS: Steven Mednick, Commission Counsel

I. CALL TO ORDER

Ms. Brescia called the meeting to order at 6:33 p.m.

II. ROLL CALL

Ms. Brescia called the Roll as indicated above. A Quorum was present.

III. APPROVAL OF MINUTES:

Regular Meeting: March 29, 2023

No action was taken on the approval of the minutes this evening.

IV. DISCUSSION AND ACTION ITEMS: ARTICLES I – III, VI AND IX

Ms. Brescia said she submitted an article that provided an update on the Charter Revision Commission to *The Hour* and *Nancy on Norwalk*, but she has not yet seen it in *The Hour*.

Mr. Fairbairn said he watched the last meeting and noted that the April 5th date was not scheduled initially. That date was moved due to the holidays and school breaks. He said that he heard the Charter Revision Commission was moving beyond its original charge. He said that it was never the intention to strictly clean the language. He encouraged people to send their comments or attend the April 19th hearing. The Commission can't take Facebook or Nancy on Norwalk comments as formal comments. He urged people to use the official channel. Ms. Brescia said the Commission was asked to look at other issues and bring the Charter up to date.

A. §3-3.C, §6-3, §6-4 and §6-5 - Sheriff, Treasurer, Selectmen and Constables

Mr. Mednick shared his screen. Mr. Dickens noted that there was no outcry about the Selectman positions coming out of the Charter. In testimony at the last meeting no one knew why they ran for the position of Constable or what they were supposed to do. One person ran because they knew it was a position that needed to be filled.

Mr. Witherspoon noted that Mr. Cooke said he has work all the time; however Ms. Eglebaum said she has no work. There needs to be a greater understanding of that position.

Ms. Brescia said she had not heard from the present Treasurer; however, Mr. Burgess spoke with her after the Board of Education presentation and said he hoped they would maintain the position. She spoke with Ms. O'Toole Giandurco who felt it would be best to eliminate the position of Selectman. Ms. Brescia said the Constables do not get any training and have to carry their own insurance. She added that serving papers may be done in a hostile environment. She suggested eliminating the Treasurer and Selectman positions and keeping the Sheriff and Constable. She said they can address these positions in the next charter revision in three years.

Mr. Mednick said they have to recognize these positions are up for reelection at the same time the charter will be on the ballot. He asked if somebody in the City should assume responsibility for training the Constables and Sheriffs and suggested adding that to the provision if these positions are retained.

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Mr. Dickens said that newly elected Councilmembers should be trained as well. He added that is something to consider for all positions. Mr. Fairbairn suggested making these positions appointments. Ms. Watford Raleigh said these positions need to have training and once they are trained, they can parcel out the workload.

Ms. Brescia said there are a couple of questions they need answered before they can vote.

Ms. Brescia asked for the following vote:

MOVE TO CHECK ON ITEMS AND VOTE AT THE NEXT MEETING

Mr. Mednick asked for clarification and said that at some point, they have to vote on substance. Ms. Brescia said there are a couple of questions that need to be answered. In reading some of the information from the Common Council members, she said she thought there was a reference to them using a City Sheriff. She also heard that the Treasurer has no responsibility under the Charter. Two of the three Selectmen felt that position should be eliminated, and several Constables are in favor of maintaining their positions. Mr. Mednick offered suggestions on wording.

**** MS. BRESCIA ASKED ALL IN FAVOR TO REPEAL THE TREASURER AND SELECTMAN POSITIONS AND RETAIN THE SHERIFF AND CONSTABLE POSITIONS AND HAVE A TRAINING COMPONENT EFFECTIVE THE 2025 ELECTION CYCLE. THIS CAN BE CONDITIONED ON RECEIVING MORE INFORMATION**

**** UNANIMOUS**

C. Background Document #5 re – Term of Office and Term Commencement Date

The Commissioners discussed the terms of office and it was noted that when they had this discussion they proposed doing four years for everybody. Mr. Fairbairn suggested two years for the Common Council. It was also noted that serving on the Common Council is a tremendous amount of work for net to no pay. Four years is a long time to serve for someone who may not be as committed as they were at the beginning of their term. Ms. Brescia agreed and said it was important to move to a four year term for the Mayor. She said it would be wise to do four years for the Mayor and two years for the Common Council members and then consider four years for Common Council members during the next Charter Revision.

**** MR. DICKENS MOVED TO SUPPORT MOVING THE MAYOR TO A FOUR-YEAR TERM AND THE TERM FOR THE COMMON COUNCIL WILL REMAIN AT TWO YEARS EFFECTIVE WITH THE 2025 ELECTION**

**** MS. WATFORD RALEIGH SECONDED**
**** MOTION PASSED UNANIMOUSLY**

The Commissioners discussed the commencement date for the term of office for an elected official. Mr. Mednick suggested considering having a transition office where the newly elected official could obtain information. This way when they start their term, they will be up to date. This gives them a place to operate. He also suggested that during this period between the election and the commencement of the term, the incumbent Mayor may not make any staffing, board, commission or committee changes through the end of their term.

The Board discussed moving from the first business day in December following the election to the first business day in January following the election.

**** MR. DICKENS MOVED THAT THE COMMENCEMENT DATE WILL BE THE FIRST BUSINESS DAY IN JANUARY FOLLOWING THE ELECTION;**

A TRANSITION OFFICE WILL BE MADE AVAILABLE FOR THE NEWLY ELECTED MAYOR AND COMMON COUNCIL MEMBERS WITH COOPERATION FROM THE OUTGOING MAYOR AND LEADERSHIP OF THE COMMON COUNCIL;

THE MAYOR WILL NOT MAKE ANY STAFFING, BOARD, COMMISSION OR COMMITTEE CHANGES THROUGH THE END OF THEIR TERM

**** MS. WATFORD RALEIGH SECONDED**
**** MOTION PASSED UNANIMOUSLY**

B. §3-6. B (1) - Mayoral Succession and Temporary Disability

Mr. Mednick said he believed it was already agreed that the successor to the Mayor would be the President of the Common Council.

Mr. Mednick reviewed the temporary disability process. He said that the person acting as Mayor, can vote to break a tie vote, but can not vote as a member of the Common Council.

The temporary disability would have to be one that renders the Mayor unable to perform their duties of office. Mr. Mednick said he will look at the language and make revisions.

V. DISCUSSION: ARTICLES IV AND V – THE COUNCIL AND MAYOR

VI. COUNSEL PREVIEW: ARTICLES VII AND VIII – BOARDS AND COMMISSIONS; AND, DEPARTMENTS AND DEPARTMENT HEADS

Mr. Mednick said the members of the Board of Education raised an issue regarding compliance and cooperation at the last meeting, because they thought the provision was directed at them. He said this is a repetitive provision. He suggested deleting 9-4.

Ms. Brescia said the members of the Board of Education asked about the term department and how they are defined as a department. Mr. Mednick said they are department. He suggested placing it at the beginning of the Charter in 2-5. The Commissioners agreed to move the language under compliance and cooperations.

Mr. Mednick discussed 9-5 – Reporting requirements. He said the Superintendent of Norwalk Public Schools expressed concern about this provision at the last meeting. He said the reason he recommended this language was to be sure the Board of Education did not commit the City to funds for multiple years. Any multi-year agreement has to go to the City. He said he will come up with language.

Mr. Mednick said the Superintendent of Norwalk Public Schools talked about coming up with an alternate schedule for their contracts. It seems they were searching for an exemption. He said he suggested to their attorney that if there s a remedy, they could bring it to the Common Council.

Mr. Mednick said the Superintendent also raised a greater role in the capital budget process. He said he reminded her that the capital budget process is a general government process and not a Board of Education process. They are not a participant in the City wide decision making.

Mr. Mednick said he will draft the language and when it is ready will send it to the Board of Education's attorney for review.

VII. NEXT STEPS: REVIEW OF MEETING SCHEDULE

A meeting was scheduled for Saturday, April 15th at 8:30 a.m. at City Hall, where the Commission will go over articles 4-5.

Mr. Mednick said he will continue to edit the document until the final Common Council action in August.

The meeting on April 19th will start with public comment. Ms. Brescia said that meeting will not be a public hearing. She said she is frustrated because they can't get any coverage in the local paper.

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VIII. **ADJOURNMENT**

**** MR. DICKENS MOVED TO ADJOURN**
**** MS. WATFORD RALEIGH SECONDED**
**** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 8:26 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

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ATTENDANCE: Patsy Brescia, Chair; Carl Dickens; Tyler Fairbairn; Richard McQuaid;
Benita Watford Raleigh; Michael Witherspoon

OTHERS: Steven Mednick, Commission Counsel

I. CALL TO ORDER

Ms. Brescia called the meeting to order at 8:35 a.m.

II. ROLL CALL

Ms. Brescia called the Roll as indicated above.

III. REVIEW OF COUNSEL REVISIONS OF ARTICLES I – III, VI AND IX

Mr. Mednick gave a re-cap and said he hoped to work on it this week. He described the changes such as moving the taxing districts from the beginning of the Charter to the back. He discussed the importance of the historic context. He said some items are up in the air and is waiting to hear from the Chief Financial Officer to figure out which terms to use.

Mr. Mednick said he will address the issue of the Board of Education's concern with the compliance and cooperation clause. He said that as a general standard in that it calls for everyone to work together.

Mr. Mednick referenced page 18 in holding elections and will talk to the Registrar of Voters. He said it should not be there.

In 3-3, Mr. Mednik eliminated the Treasurer and Selectmen positions, and they will have a sunset provision. These positions will be eliminated with their terms end. He added that a sunset provision has to be included in the Charter.

Regarding the section on the Mayor, this position will become a four year term and will include transition language. Ms. Brescia said it was important to establish training for newly elected officials. F – outlines the restrictions in place during the transition period if the Mayor is not re-elected.

Ms. Brescia asked Mr. Mednick to clarify council districts. Mr. Mednick asked the Commissioners to continue to read and review the documents. He added that he will continue to edit the document until the last minute.

Mr. Mednick addressed the salary for a Councilmember who is acting as temporary Mayor. Mr. Mednick suggested establishing a per diem rate that would go into effect at 30 days, in the event the Mayor is incapable of serving.

Mr. Mednick said he needs to come up with language that would reference “serving at the will of the Mayor”. He will also come up with standards for removal.

Mr. Mednick addressed the section of the Charter related to the Board of Education. He said the compliance and cooperation provision will be eliminated. In addition, there will be a modification that focuses on the multiyear contracts.

The Commissioners discussed article 9-3 where the Board of Education is required to provide monthly reports. Ms. Brescia said they need to find out if they do this. There needs to be a distinction between what is in the Charter and what the Board of Education does.

Article 12 – history will be placed in the back of the documents. Pages 48-52 will be moved into Article 11. Page 53 and beyond are sections that are being repealed.

Ms. Brescia said that the sections on the taxing districts are very confusing and needs to be re-worked. Mr. Mednick explained that this section can't be re-worked. Ms. Brescia said that it does not flow well, the way it is presented. Mr. Mednick said they have to be careful about re-writing special acts. Mr. Witherspoon suggested adding language ...the Taxing Districts are defined in article...

Mr. Mednick reviewed Article 10 regarding the Board of Education's budget. He said that the Board of Education is like any other department. He explained that the Chief Financial Officer provides a report to the departments that play a role in the capital budget and the Board of Education wants to add their name to that. He offered language that the Chief Financial Officer shall send the report to all City departments which will include the Board of Education.

Mr. Mednick explained that the Board of Education wants to be included in the Mayor's budget transmittal that goes to the Board of Estimate and Taxation. He said he rejects that and said that every department has the opportunity to advocate for their department. The Board of Education is not equal to the decision makers. The Board of Education is trying to create an argument that they are different from other City departments.

The Commission recessed at 10:04 a.m.

The meeting resumed at 10:26 a.m.

IV. DISCUSSION AND ACTION ITEMS: ARTICLES IV AND V – THE COUNCIL AND MAYOR

Ms. Brescia said they are still gathering information. Mr. Mednick explained that this Commission is re-forming the document, they are not re-forming the government. They are taking a 1913 document and turning it into a 2023 document.

Mr. Mednick reviewed article 4 – 1 and said it is important to list day to day duties. Ms. Brescia asked if there is language explaining the combining of the Planning and Zoning Commissions. Mr. Mednick explained that was done under an Ordinance. Ms. Brescia said that could potentially change again and she is looking for clarity. Mr. Mednick said the Corporation Counsel has to issue a plan for re-organization. The idea is that they would not have any departments in the Charter except for the ones that operate the government.

Under article 4-7 it was noted that the Mayor can create task forces.

Mr. Mednick discussed the section related to compensation for the Mayor and members of the Common Council. He said that the Mayor's salary is approved in the budget and goes into effect with the next term. He explained that increases for Common Council members have to go to a

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referendum. He suggested placing a recommendation in the Charter that increases are tied to COLA. Ms. Brescia asked if they could add a clause establishing a \$600.00 expense allowance per person. Ms. Mednick said they could do that without the Charter; that would be a reimbursement. Ms. Brescia said it is inconsistent that the Mayor's salary is a budget item and can be changed, but the Common Council is different. Mr. Mednick explained that is the law. Ms. Brescia said that will be part of a litany of things that will need to be discussed in the next Charter revision.

There were no changes under 4-8. Mr. Mednick briefly discussed article 4-11 and said it will remain in the Charter. The Commissioners discussed the section in the Charter related to taxing districts.

The Commissioners briefly discussed the section related to Boards and Commissions. He said he was surprised that the Library Board was not in the Charter. He also discussed the Police Benefit Fund and the Fireman's' Benefit Fund. He said he will find out if they have both been supplanted by the Pension Fund.

Ms. Brescia asked about the Chief position and said she did not know when that structure went into place. She was told that was done by Ordinance.

The bond issue is about to be resolved. Most communities do not bond, but rather prosecute.

V. DISCUSSION OF BOARD EDUCATION REQUESTS RE- CAPITAL BUDGET PROCESS

This item was discussed earlier in the meeting.

VI. COUNSEL PREVIEW: ARTICLES VII AND VIII – BOARDS AND COMMISSIONS; AND DEPARTMENTS AND DEPARTMENT HEADS

These items were discussed earlier in the meeting.

VII. NEXT STEPS: REVIEW OF MEETING SCHEDULE

Ms. Brescia reviewed next steps and said she will ask for public comments on Wednesday. Mr. Mednick suggested directing the public to look at the website to see the changes.

Mr. Mednick reviewed the changes that will be presented on Wednesday, including changing the Mayor's term from two years to a four year term. The Mayor will take office on the first business day in January following the election. Capital budget reports will go to all departments and they will talk about the compliance and cooperation clause.

VIII. **ADJOURNMENT**

**** MS. WASUNNA MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 12:13 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

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ATTENDANCE: Patsy Brescia, Chair; Carl Dickens; Tyler Fairbairn; Richard McQuaid;
Benita Watford Raleigh; Angela Wasunna (6:50 p.m.);
Michael Witherspoon (6:38 p.m.)

OTHERS: Steven Mednick, Commission Counsel

PUBLIC HEARING

I. CALL TO ORDER

Ms. Brescia called the meeting to order at 6:35 p.m.

II. ROLL CALL

Ms. Brescia called the Roll as indicated above. A Quorum was present.

III. PUBLIC COMMENT

Ms. Brescia reviewed the history of the work that has been done on the Charter revision over the last six to seven months. She said the Commission worked to bring the Charter that was created in 1913 up to 2023.

Mr. Witherspoon joined the meeting at 6:38 p.m.

Ms. Brescia explained the procedure for public comment this evening.

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted. Speakers are Norwalk residents unless otherwise noted.

Ms. Lisa Brinton said she was familiar with how archaic the document is. She spoke about areas in need of update and in support of eliminating outdated offices. She said she supported simplifying the ballots. Ms. Brinton said that in regard to increasing the Board of Education's oversight, there is a need for oversight on the City side as well. She said the Board of Education's budget is driven by State policy, but she attributes the budget issues to the overly generous tax abatements. Ms. Brinton said she would upload her op ed to the website.

Ms. Brinton said she was in support of a four-year term for mayor and supports minority party rule. She said she would be happy to share the work she did a few years ago; it is a good benchmark on how Norwalk stands up to other towns.

Ms. Wasunna joined the meeting at 6:50 p.m.

Mr. Vinny Scicchitano said it was imperative to focus on improving the checks and balances. The proposed City Charter discusses increasing the Mayor's term, but does not mention the minority party rule. This should be taken as an opportunity to be more inclusive. He noted that he was surprised by the low number of people attending this evening's meeting. He said they must take this opportunity to fight the one party rule. Mr. Scicchitano said that top level appointments should be moved to elected positions.

Ms. Brescia announced that there will be another public hearing before anything is presented to the Common Council.

Ms. Diane Lauricella thanked all those involved in this process. She shared some suggestions and said she will forward her comments to the Commission. She said the Mayor's term should be

commensurate with the Common Council terms. In addition, they should look at increasing the number of people on the Common Council, add members to the Fire and Police Commissions and there should be a Police Citizen's Review Board.

Ms. Lauricella spoke about pay for the Common Council members and said that should be a different item. She pointed to page 13 and acknowledged that she has experienced intolerance and asked for mandatory training about gender equality and civility. Regarding page 16, Ms. Lauricella said that having more women on boards and commissions is not being achieved.

Ms. Brescia said the Commission is focusing on the Charter will be reviewed within the next two to three years with a request that it be reviewed every five years.

Donna Smirniotopoulos reminded everyone that at the conclusion of the last Charter Revision, the Chair recommended reconvening the Commission immediately, but there were not enough votes on the Common Council to enable that. She agreed with Ms. Brinton about eliminating positions that have no function. She agreed with Mr. Scicchitano's suggestion about changing top level appointments to elected positions. She said that she would love to see Planning and Zoning and Board of Estimate and Taxation become elected positions. Ms. Smirniotopoulos said that it is not enough to require minority party representation. She said it was impossible to get an appointment to a board or commission if you were ever critical of leadership. It is not healthy to keep dipping into the same well.

Ms. Smirniotopoulos said she thinks there are a lot of state appointments and there is a lot of double dipping. That is not healthy for this democracy.

Mr. Johnny Cardamone asked about changing the term for mayor and asked if there could be term limits. Mr. Mednick explained that in the State of Connecticut, term limits are not allowed. Mr. Cardamone talked about minority party rule and feels there is a lack of representation.

Ms. Elsa Obuchowski said that boards and commissions have term limits. Mr. Mednick said term limits are allowed for boards and commissions, but not for elected officials.

Mr. John Levin asked if term limits could be enacted through a special act. Mr. Mednick said term limits could be enacted by a general act or a special act. He reviewed Home Rule. Mr. Levin encouraged the Commission to share this information with the public.

A member of the public asked how this would work. Mr. Mednick explained that the public would have to petition their legislators who would introduce it to the legislation. He said it is not normal in the modern era for legislators to grant a recall or term limits, but it can be done.

Ms. Diane Cece said she is generally in favor of moving the Mayor to a four year term; however, she said she would be opposed to it without term limits or a recall. She referenced a 1979

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document about home rule and recall and suggested there would be term limits for Common Council members as well as other elected bodies.

Ms. Cece expressed concern about the lack of commissioners that serve on the Police and traffic Authority. She added that she was in favor of a Police Review Board. As a representative of the East Norwalk Neighborhood Association, she said they struggle to get the word out to people. She said the City should use everything in their toolbox to get the word out to people.

Mr. Mednick said he would be happy to talk to the Governor about home rule. Elections are a matter of State concern.

Mr. Mednick explained that a lot of municipalities adopt a four-year term and keep their Common Council at two years.

Ms. Brescia said the plan is to get out into the community to educate people so any revisions will be successful. She added that the Commission was charged with restructuring the document.

Ms. Brescia said they reached out to the appropriate places to get the message out but were not successful. There will be a formal public hearing on the proposed revisions.

Mr. Levin asked Mr. Mednick which towns have term limits and when did the Connecticut legislation last pass a special act. Mr. Mednick said they are not favored, but they adopted the legislation in towns with 60 – 65,000 residents. He said that Bristol adopted term limits in 2016 and Stratford has recall. Wilton also has term limits, although it is not legal. He said term limits and recall always come up in a Charter Revision.

Mr. Levin asked if there was anything preventing Norwalk from having a springing provision in its Charter. Mr. Mednick said he did not recommend that. There is no serious legislation that gives local government the option to do this.

Mr. Levin said that if Norwalk is permitted to referenda, then what is permitted by the State. Mr. Mednick said provisions for referenda have been in the Charter since 1913.

Ms. Lauricella asked about discussed diversity on boards and commissions along with training. Mr. Mednick said they try to establish constitutional standards. He explained that they are reforming the document and not the government. He said that under compliance and cooperation they could include training. Ms. Lauricella said that as an advocate for environmental management, the City is not looking at this in a holistic way. She said that she will write a proposal to Ms. Brescia. Mr. Mednick said he would appreciate anything Ms. Lauricella has to say.

Ms. Brinton noted that Stratford and New Haven have limited recall.

Ms. Brescia asked for comments from the Commissioners. Mr. Fairbairn said he was settled on a two year term for Mayor. Mr. McQuaid said they are going to have a public hearing on this. He added that the charge of this commission was to organize and get the document presentable for 2023. He commended the Commissioners and noted that they have been meeting since the first week in September 2022. He said that Mr. Mednick guided them through this and he feels they are going to have a working document that will be reviewed again and done again in five years.

Ms. Watford said she was surprised that there were so few people here tonight.

Mr. Dickens thanked those who attended this evening. He said the comments were timely.

Ms. Wasunna thanked those who participated this evening and said the engagement was high quality. The challenge is to get the word out.

Mr. Witherspoon thanked all who participated. He said that perhaps another commission will need to deal with the terms for boards.

Ms. Brescia said her intention is to create a list of concerns and interests expressed by the residents. She asked if they could get the local media to pay attention to what they are doing.

There were no further comments and the public hearing was closed.

IV. REVIEW OF COUNSEL REVISIONS, IF ANY OF ARTICLES IV AND V - THE COUNCIL AND MAYOR

Mr. Mednick reviewed articles four and five and asked the Commissioners to think about this.

Mr. Mednick shared his screen and reviewed the changes made under Article four. He noted that if they wish to increase the pay for Common Council members, it would be subject to referendum. Ms. Watford asked how the public feels about increasing the pay for Common Council members. Mr. McQuaid suggested that they should not increase pay in an election year.

Ms. Brescia asked if this is something the Common Council members could research for themselves. Mr. Mednick explained that those members of the Common Council who are going to advocate for an increase are the appointing authority. They should be told the law and they can put it in the Charter or take it out of the Charter. This is the law. Ms. Brescia said it would be helpful because it shows the Commission heard their input. This could be an issue that is considered for a future charter review.

Mr. Fairbairn said the Common Council should be paid. They need to be aware of how this will be received.

Mr. Mednick explained that the Common Council can't increase their pay. The Mayor can proposed an increase in the budget. If it is in the budget, then that section of the budget would be subject to a referendum.

Mr. Dickens said that this is something they probably do not need to put in the budget at this time.

Ms. Brescia said the consensus of the Commission was to remove the proposal to increase the compensation of the members of the Common Council.

Mr. Mednick shared his screen and reviewed the changes made in Article five – Mayor.

V. DISCUSSION: ARTICLES VII AND VIII – BOARDS AND COMMISSIONS; AND, DEPARTMENTS AND DEPARTMENT HEADS

Mr. Mednick said the section on Board and Commissions will be discussed at the next meeting.

VI. NEXT STEPS

The Commission will meet on April 27th at 6:30 p.m. and on May 3rd at 7:30 p.m. Mr. Mednick said he hopes to have a fully consolidated document ready by April 27th. A public hearing will take place on May 17th and the final meeting date will be determined.

VII. ADJOURNMENT

There was no further business, and the meeting was unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

ARTICLE VII: BOARDS AND COMMISSIONS

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§7-1. General Requirements for Appointed Boards and Commissions.

A. Creation of Boards and Commissions¹. In addition to those Boards and Commissions established by this Charter, the Common Council shall by Ordinance establish the Boards and Commissions of the City. Unless this Charter or Special Acts provides otherwise the following, shall be set forth, by Ordinance:

(1) The Role of Boards and Commissions². The primary purpose of a Board or Commission is to serve the residents of the City in carrying out the policy, advisory and/or quasi-judicial or regulatory functions under its charge. Boards and Commissions serve as a conduit for citizen participation and input by gathering, analyzing and acting upon such information in order to meet the specific objectives as set forth under this Charter, Ordinances or other source of legal authority.

(2) The Public Interest³. Members of Boards and Commissions are required to understand the role and scope of responsibility and be informed of the objectives, scope of responsibility and operating procedures of the Board of Commission to which they are appointed. Members should represent the public interest and not personal interests or special interest groups and seek to render decisions on the basis of what is best for the residents of the City. Furthermore, members should take care that deliberations include thorough research and review of all alternatives on an issue prior to making a recommendation.

(a) Regulatory Functions⁴. In the case of members of regulatory Boards and Commissions, decisions should be evidence-based taking into account the interests of the public and fairness to the parties based upon application of the Law and any other pertinent documents.

(b) Departmental Policy and Administrative Functions⁵. In the case of members of Boards and Commissions aligned with a Division or Department, members serve as a communication link between the community, staff, and City presenting programs and recommendations and provide a channel for citizen expression. Members should establish a strong working relationship with Department Heads and other executives; however, at all times, members represent the public interest as opposed to the specific department interests under their jurisdiction. This is particularly

¹ NEW (2023).

² NEW (2023).

³ NEW (2023).

⁴ At the time of adoption, the following Boards and Commission perform such functions: Civil Service Commission; Board of Ethics; Zoning Board of Appeals; Planning and Zoning Commission, Building Board of Appeals; Personnel Appeals Board and Inland Wetlands Commission. The Police and Fire Commissions also have regulatory functions in their complaint processes and personnel functions. If adopted the Finance Commission would have discretionary and oversight functions that would fall into this category.

⁵ At the time of adoption, the following Boards and Commission perform such functions: Police Commission and Fire Commission, Diversity, Equity and Inclusion Commission and Library Board.

true when a Board or Commission has an oversight function.

(3) Open Meetings⁶. The objective of Norwalk's open government policy is to achieve optimal public accessibility at all Meetings continuing to evolve as the State policy and law evolve. All Meetings of Boards and Commissions shall be public and conducted in strict compliance with the requirements of the General Statutes; unless otherwise permitted or required by Law⁷. In furtherance of this objective, all Boards and Commissions shall utilize all technology provided by the City so that in person, remote⁸ or hybrid interactions⁹ may be provided at every meeting. The City shall migrate toward ensuring that technology is available to all Boards and Commissions so that all possible means of public participation are provided for at every meeting.

Commented [S1]: LK/TL: THIS IS A DEFINED TERM WHICH INCLUDES CGS. THIS PHRASE IS INTENDED TO TAKE INTO ACCOUNT EXECUTIVE SESSIONS AND IN CAMERA PROCEEDINGS AS PERMITTED BY LAW.

B. Administrative Requirements of Boards and Commissions¹⁰. All Boards and Commissions established by this Charter or by Ordinance are required to comply with the following requirements:

(1) Number of Members and Terms¹¹. The number of Board and Commission members (and alternates) and terms of office, which may be staggered. Except as otherwise provided by the General Statutes and this Charter, the number shall always be odd and the term of office shall not exceed a term of four (4) years, which may be staggered.

(2) Required Ordinance Provisions¹². Any such Ordinance shall make provision for:

(a) The appointment of a chair, such officers as may be necessary for its proper function and a delineation of the responsibilities of the presiding officer and other officers;

(b) The keeping of records and posting of agendas as required by Law;

(c) Compliance with minority party representation in accordance with §7-1.B(6) of this Charter;

⁶ NEW (2023).

⁷ At the time of adoption of this Charter amendment the applicable provision was C.G.S. §1-200(2) and (6).

⁸ **Comment of the 2023 Charter Revision Commission:** Remote meetings are entirely "virtual." There is no in-person component. At the time of the adoption of this Charter state law requires an accommodation for "remote" meetings; see, P.A. 22-3.

⁹ **Comment of the 2023 Charter Revision Commission:** A "hybrid meeting" is one which utilizes electronic or telephonic equipment in conjunction with an in-person meeting. These meetings are governed by P.A. 22-3.

¹⁰ NEW (2023).

¹¹ NEW (2023).

¹² NEW (2023).

(d) Public access, comment and interaction (including, but not limited to, public speaking, comment and any applicable rules and protocols) as may enacted by Ordinance or, in the absence of an Ordinance by the rules of the Board or Commission; and,

(e) Frequency of regular Meetings of all Boards and Commissions, in accordance with the Ordinances or, in the absence of an Ordinance, the rules of the Board or Commission, and mandatory attendance requirements, for the purpose of establishing a standard as required by §7-1E(2) of this Charter.

(2) **Quorum.** A majority of the total membership of each Board and Commission shall constitute a quorum for the transaction of all business; unless, otherwise required by the General Statutes.

(3) **Meeting Frequency and Notice**¹³. Each Board or Commission shall meet as frequently as necessary to perform its duties; however, not less than monthly. Meetings may be cancelled with notice and disclosure to the public stating the reason for the cancellation; notwithstanding the foregoing, no Board or Commission shall cancel Meetings for two (2) consecutive months. Failure to obtain a quorum shall not be deemed a violation of this provision of the Charter¹⁴. The Chair, any two (2) members or the Mayor may call a Meeting of any appointive Board or Commission, provided each member is given notice of not less than twenty-four (24) hours thereof, unless otherwise required by Law (See, §1-4(R)).

(4) **Clerk**¹⁵. The Mayor shall make certain that each Board or Commission has a clerk or other designee assigned to serve the functions of the members.

(5) **Public Records**¹⁶. Each clerk shall keep a complete record of the resolutions and other proceedings of the Board or Commission and shall have custody of its correspondence, files and other records. All minutes and recordings of Meetings shall be filed with the City Clerk. All the records shall be open for public inspection at reasonable hours and shall be available for public review and inspection on the City website in compliance with the requirements of Law. Departments Heads shall obtain the approval of a Board or Commission aligned with their department, prior to transmitting a request to the Mayor for the disposition, transfer or destruction of public documents in accordance with Law.

¹³ NEW (2023).

¹⁴ NEW (2023).

¹⁵ 2023 recodification and modification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-300 (Derived from Sp. Laws 1935, No. 455, §4.) pertinent to all Boards and Commissions and in lieu of the following: “The Commission may employ clerks for its own work and the clerical work of the Police Department, and may pay their salaries.”

¹⁶ NEW (2023).

(6) Political Composition: Minority Party Representation¹⁷. Unless otherwise required by the General Statutes or as otherwise set forth in this Charter, the political affiliation of the members of all appointed Boards or Commissions or panel of alternates shall reflect the requirements of the General Statutes with respect to minority party representation¹⁸. This provision shall apply to all Boards or Commissions established or required by this Charter or established by Ordinance.

(7) Compensation Prohibited¹⁹. Except as otherwise set forth in this Charter or by Ordinance, no member of any appointed Board or Commission shall receive compensation for services as the member.

C. Appointment²⁰. Except as otherwise provided by the General Statutes or this Charter, all members or alternate members of Boards or Commissions shall be appointed by the Mayor as set forth in this Charter, subject to approval by the affirmative vote of a majority of the membership of the Common Council. All Board or Commission members shall serve until the completion of their respective terms or until their successors have been appointed and qualified.

D. Vacancy²¹. Unless otherwise set forth in the General Statutes or in this Charter, in the event of a Vacancy on any Board or Commission, whether established by Charter or Ordinance, a successor shall be appointed by the Mayor, subject to approval by the Common Council as set forth in §7-1.C of this Charter, for the balance of the unexpired term.

(1) Resignation: Effective Date²². The effective date of a Vacancy caused by resignation shall be the date the City Clerk notifies the Mayor or other Appointing Authority of the resignation and Vacancy, as the date is dated, filed and recorded in the records of the Clerk. A resignation may be effectuated if an oral statement is made on the record of the Board or Commission and the approved minutes of the Meeting in question are transmitted to the City Clerk by the Chair.

(2) Notice to the Mayor of Vacancy Due to Resignation. The City Clerk shall send notice of any Vacancy to the Mayor (or other Appointing Authority) and the President and Clerk of the Common Council within four business days or receipt or knowledge. The Clerk shall record the time of the notice as set forth in this Charter.

¹⁷ NEW (2023).

¹⁸ See, C.G.S. § 9-167a entitled "Minority representation".

¹⁹ NEW (2023).

²⁰ Charter Revision of 2011.

²¹ 2023 restatement and recodification of (1) current Article VI pertaining to the Board of Estimate and Taxation §1-288 (Third and fourth sentences); (2) current Article V, Part 7 pertaining to the Tax Commissioners and Board of Relief §1-271 (Fourth sentence).

²² NEW (2023).

E. Removal²³. Unless otherwise set forth in the General Statutes or this Charter, the Mayor or Appointing Authority may initiate proceedings to remove a member of any appointed Board, Commission, or relevant position for any of the following reasons:

- (1) misconduct in the performance of duties;
- (2) persistent absence, as defined by Ordinance or the rules of the Board or Commission which shall be so adopted²⁴;
- (3) conviction of a felony, while in office;
- (4) conviction, while in office, of a misdemeanor which would undermine the public confidence in the member's ability to perform the duties of office; and,
- (5) violation of §7-1.F of this Charter, as determined by the Mayor or other appointing authority.

Commented [S2]: LK/TL: SHOULD THIS BE DELETED?

Moreover, the Chair or a majority of the full membership of any Board or Commission may recommend removal of a member for the reasons set forth herein. Rules of Procedure for the removal of the member in question, and additional grounds for removal shall be enacted by Ordinance.

F. Elector Requirement: General Rule²⁵. Except as otherwise provided by Ordinance, no person may serve on a Board or Commission unless the person is an Elector of the City. If any person who is a member of a Board or Commission shall cease to be an Elector of the City, the person shall thereupon cease to hold appointive office in the City. Failure to resign shall be grounds for removal under §7-1.E(5) of this Charter.

G. Representation on Boards and Commissions²⁶. The Mayor and other appointing authorities are required to consider appointments to ensure that, to the fullest extent possible, the composition of Boards and Commissions reflect the diversity of the residents and the geographic areas of the City.

H. Required Cooperation²⁷. Each Official and employee of any Department of the City shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this section. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with the Board or Commission in formulating and carrying out the operational and management policies of the Department.

²³ NEW (2023)

²⁴ NEW (2023)

²⁵ NEW (2023).

²⁶ NEW (2023)

²⁷ NEW (2023).

K. **Administration of Boards and Commissions²⁸.** The Mayor shall, with the assistance of the City Clerk, develop policies governing the general administration of Boards and Commissions. The policies shall address the following issues: (1) assignment of an administrator responsible for retaining and organizing the records pertaining to the appointment of Board and Commission members and maintaining a public applicant pool for Board and Commission membership; (2) organizing swearing ceremonies; (3) providing Board and Commission members with background materials regarding the procedures and legal issues associated with service as a member, including, but not limited to parliamentary procedure, home rule, freedom of information and open government laws; (4) the assignment of clerks, as set forth in §7-1.B(4), above; (5) the keeping of records to comply with the General Statutes and for public review, as set forth in §7-1.B(5), above; (6) cooperating with other responsible City officials on the assignment of communications technologies, as set forth in §7-1.A(3), above; (7) posting of all agendas and minutes of Boards and Commissions, as set forth in **§1-4.Q and V** of this Charter; (8) maintaining records of incumbency of Boards and Commission by list; (9) coordinating the list with the City Clerk on a quarterly basis; and (10) public outreach plans.

§7-2. Boards and Commission Established by the Charter.

A. Board of Estimate and Taxation²⁹.

(1) **Established³⁰: Mayor as ex officio member of Board of Estimate and Taxation; Board in General³¹.** There shall be a seven-member Board of Estimate and Taxation composed of six Electors who shall serve without pay. The Mayor shall be ex officio a member of the Board of Estimate and Taxation and shall be entitled to vote in the proceedings of the Board.

(a) **Mayor as Presiding Officer; Quorum³².** The Mayor shall preside at all meetings of the Board when present. At all meetings of the Board, four members shall constitute a quorum, and the concurrence of four votes shall be necessary for the transaction of business³³.

Commented [S3]: WHO PRESIDES IN THE ABSENCE OF THE MAYOR?

²⁸ NEW (2023).

²⁹ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-288. Derived from Sp. Laws 1913, No. 352, §88; Charter Amendment 8-29-1978 [Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978]; Charter Amendment 8-10-1982. [Editor's Note: Approved by the electorate at the general election held 11-2-1982].

³⁰ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-288 (First sentence).

³¹ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-289 (First sentence). Derived from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [Editor's Note: Approved by the electorate at the general election held 11-5-1974.] Charter Amendment 8-17-1976 [Editor's Note: Approved by the electorate at the general election held 11-2-1976.]; Charter Amendment 11-5-1996; Charter Amendment 11-8-2005.) Historical Editor's Note: For the powers and duties of Mayor, see Art. V, Part 2.

³² 2023 recodification of current Article VI – Board of Estimate and Taxation §1-289 (Second sentence).

³³ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-289 (Third sentence), as follows: "**Lack of Quorum. Warrant to Compel Attendance.** Whenever any meeting of the Board has been regularly called and no quorum shall be present, the Mayor may execute and issue a warrant, directed to a State Marshall or to the City Sheriff of the City, to arrest and bring into such meeting a sufficient number of members of the Board to constitute a quorum."

(2) Appointment, Approval, Qualification and Political Balance³⁴.

The members shall be appointed by the Mayor, subject to approval by the Common Council as set forth in §7-1.C of this Charter, and there shall be not more than two members from any one Council District, and not more than three appointed members shall belong to the same political party.

(a) Vacancy - Balance of Term³⁵. As set forth in §7-1.D of this Charter.

(b) Term³⁶. Each term of membership shall be of four years' duration³⁷.

Commented [S4]: THIS CAN GO.

(3) Powers³⁸. The Board of Estimate shall have the powers specified in this Charter and the incidental powers as may be reasonably necessary to enable it to investigate and determine those matters of fiscal policy of the City as are within its direct jurisdiction and responsibility³⁹.

(a) Open Meetings; Notice⁴⁰. The meetings of the Board shall be open to the public and shall be called by the Mayor, and notice of the time, place and purpose of holding the same shall be published as set forth in **§2-2.C(22) of this Charter** in accordance with Law.

(b) Vote and Proceedings of the Board of Estimate and Taxation: Evidential Weight of Records⁴¹. The City Clerk shall be clerk of the Board of Estimate and Taxation and shall keep in suitable books true records of all votes and proceedings of the Board, which records shall be open to public inspection and preserved with the records of the City. All of the records shall be, in all courts, evidence of the truth of the matters therein contained, and a certified copy of any the record shall be received in all courts as evidence of the same validity as the original record.

(c) Special Meetings of the Board of Estimate and Taxation⁴². A majority of the members of the Board of Estimate and Taxation shall have power to call a special meeting of the Board.

³⁴ 2023 recodification of current Article VI – Board of Estimate and Taxation §1-288 (Second sentence).

³⁵ 2023 revision of current Article VI – Board of Estimate and Taxation §1-288 (Third and fourth sentences), which is set forth in §7-1.D of this Charter.

³⁶ 2023 edit and recodification of current Article VI – Board of Estimate and Taxation §1-288 (Third and fourth sentences).

³⁷ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-288 entitled “1983 Transition Provision” (Fifth and sixth sentences).

³⁸ NEW (2023).

³⁹ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-289 (Fourth sentence), which addresses faithful discharge of duties, conflict of interest, fines and removal from office.

⁴⁰ 2023 recodification and edit of current Article VI – Board of Estimate and Taxation §1-289 (Fifth sentence).

⁴¹ 2023 recodification and edit of current Article VI – Board of Estimate and Taxation §1-289 (Sixth and seventh sentences).

⁴² 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Twenty-ninth sentence). Derived

(4) **The Budget Process. See, Article X.**

(5) **The Annual Report**⁴³. The annual reports of all administrative City officers and committees required by law shall be made to the Council on or before the first (1st) day of August in each year.

Commented [S5]: LK/TL: THIS IS A CURRENT PROVISION.

(6) **Election Expenses**⁴⁴. The Board of Estimate and Taxation shall appropriate sufficient sums to cover the expenses of all elections, including the expenses of **each voting precinct and voting place**⁴⁵.

Commented [S6]: ???

B. The Police Commission⁴⁶.

(1) **Creation, Composition, Powers and Duties**⁴⁷.

(a) **Established**⁴⁸. There shall be a Police Commission in the City of Norwalk, which shall consist of four Electors who shall be appointed by the Mayor subject to approval by the Common Council as set forth in §7-1.C of this Charter. The member shall serve without compensation. Not more than one-half of the members of the Commission, with the exception of the Mayor, shall be members of any one political party. The Mayor shall be, ex officio, a voting member and Chair of the Commission⁴⁹.

(b) **Transaction of Business - Quorum**⁵⁰. Three members of the Commission shall constitute a quorum, and a concurrence of three votes shall be necessary for the transaction of business.

from (Sp. Laws 1913, No. 352, § 89; Sp. Laws 1915, No. 367, § 3; Sp. Laws 1921, No. 189, § 8; Sp. Laws 1921, No. 400, § 6; Sp. Laws 1933, No. 328; Sp. Laws 1933, No. 335, § 3; Sp. Laws 1953, No. 267; Sp. Laws 1967, No. 197, § 6; Charter Amendment 11-7-1972; Charter Amendment 8-13-1974 [*Editor's Note: Approved by the electorate at the general election held 11-5-1974.*] Charter Amendment 8-17-1976 [*Editor's Note: Approved by the electorate at the general election held 11-2-1976.*]; Charter Amendment 11-5-1996; Charter

⁴³ 2023 Recodification of current Article VI – Board of Estimate and Taxation §1-289 (Thirty-third sentences).

⁴⁴ 2023 Recodification of current Article III – Part 1. In General, §1-182. Derived from Sp. Laws 1945, No. 134, §4.

⁴⁵ 2023 repeal of current Article VI – Board of Estimate and Taxation §1-289: (a) First clause of the thirty-fourth sentence) which addresses the Annual Appropriation for District Library and Sinking Funds for the First, Second, Third and Fifth Districts; (b) (Second clause of the thirty-fourth sentence which addresses Investment and Reinvestment of Funds Collected and Appropriated of the First, Second and Third Taxing Districts; and, (c) Third clause of the thirty-fourth sentence which addresses Investment and Reinvestment of Funds Appropriated and Collected for the Fifth Taxing District.

⁴⁶ *Editor's Note: See § 1-12. See also Ch. 111, Vehicle and Traffic.*

⁴⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297. Derived from Sp. Laws 1935, No. 455, §1.

⁴⁸ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (First – third sentences). Note: there are two additional citizen members.

⁴⁹ 2023 repeal of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Fourth sentence) which addresses “transition provision: Term of Office.”

⁵⁰ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Fifth and sixth sentences). Quorum was raised from two to three with the increase in the membership. The following language was repealed: “The Police Commission shall annually elect a Secretary from its members.”

(c) **Meetings**⁵¹. The Commission shall hold meetings at least once each month and at such other times as it may determine. Special meetings of the Board may be called by the Mayor or by three members upon reasonable notice to the Mayor or the other member.

(2) **Function of the Commission.** The Commission shall:

(a) have control, management and supervision of the police force of the City and all property belonging to or used in the Police Department⁵².

(b) have the power to appoint, remove, suspend, discipline and punish and to prescribe the duties of all officers and members⁵³ of the Police Department, including the Chief of Police, and to fix their salaries and compensation, to make rules and regulations as it may deem necessary, consistent with the provisions hereof, Law and any applicable provisions of a collective bargaining agreement, for the regulation and government of the Department⁵⁴.

Commented [S7]: NEW C.G.S §7-474(f). Yes, subject to CBAs.

(c) enforce and carry into effect all Ordinances, and all laws of the State with reference to the safety of the City⁵⁵.

(d) keep and preserve detailed records, files and minutes of all its proceedings and of all work, property and expenditures of the Police Department, and the files, records and minutes, or certified copies thereof, shall be accepted as evidence in all courts and proceedings⁵⁶.

(e) have power to summon and examine witnesses as in civil actions and compel the production of books and papers, and administer oaths to such witnesses, and may require of any officer or board of the City all information and copies of records, books and papers relative to the public business in connection with the Police Department⁵⁷.

⁵¹ 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Fifth and sixth sentences).

⁵² 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Seventh sentence). Repeal of the following language: “have the power to purchase all supplies and equipment necessary for the management of the Department.”

⁵³ Repealed the following: “whether regular, supernumerary or call.”

⁵⁴ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Seventh sentence).

⁵⁵ 2023 recodification and modification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Eighth sentence). Repealed “...and by-laws of the Common Council.”

⁵⁶ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Ninth sentence).

⁵⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Tenth sentence). Repeal the following: (1) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-297 (Eleventh sentence), as follows: “render monthly detailed statements and reports to the Common Council of its proceedings and of all disbursements and contracts made in the Department during the preceding month;” (2) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (Sp. Laws 1935, No. 455, §2,” as follows: “render annually to the Common Council and to the Board of Estimate and Taxation (**Editor’s Note: See also, Art. VI, for Board of Estimate and Taxation.**), a full statement of its disbursements and expenditures in the Police Department

(3) Powers of the Police Commission⁵⁸.

(a) The Police Commission shall not abolish any office in the Police Department during the incumbency thereof of any appointee to such office, nor shall it remove, expel or reduce in rank any officer or regular or permanent member of the Police Department except for cause found after hearing. Notice of any removal, expulsion or reduction in rank shall be given by the Commission in writing to the officer or permanent member concerned, and any officer or permanent member aggrieved by such removal, expulsion or reduction may, within ten days after receiving notice of the action by the Commission, appeal therefrom to the Superior Court in and for the County of Fairfield, which shall hear the appeal and render judgment thereon⁵⁹; or, such provisions of Law as may be generally applicable at the time of the amendment of this Charter in 2023⁶⁰.

(b) The power to fix the number and designation of all the officers and members of the Police Department shall be in and exercised only by the bipartisan Police Commission, and the number and designation of all officers of the Department shall continue as at present until the Commission shall take action in the premises⁶¹.

(c) The Commission shall have the power to retire any member of the Police Department for mental or physical disability and place the name of the member on the retired list and the member shall not thereafter be entitled to pay or compensation from the City unless assigned to duty by the Chief of Police of the Police Department. The member's pay for the time so assigned to duty shall be that of a regular member of the force⁶².

Commented [S8]: IS THIS STILL APPLICABLE?

(d) The Police Commission Shall Administer Benefit Fund⁶³.
The Commission shall administer the Policemen's Benefit Fund established under the provisions of an act approved April 30, 1925, as amended by §3 of an act approved June 16, 1927⁶⁴. The historical provisions of the Fund are set forth in Article XI, §__ - of this Charter⁶⁵.

Commented [S9]: CC SHOULD REVIEW

during the preceding year, with a report of the condition of the Department, and an estimate of the necessary expenditures for the ensuing fiscal year.”

⁵⁸ 2023 modification and recodification of

⁵⁹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (First and second sentences).

⁶⁰ NEW (2023).

⁶¹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (Third sentence).

⁶² 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-298 (Fourth and fifth sentences).

⁶³ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-299 (Derived from Sp. Laws 1935, No. 455, §3.)

⁶⁴ Historical Editor's Note: See §§ 1-319 to 1-332.

⁶⁵ NEW (2023).

(e) **Appointments and Promotions**⁶⁶. All appointments to be made by the Commission shall be based upon merit and fitness for the duties pertaining thereto, and, in no degree, upon political affiliations or considerations. All promotions shall be made in accordance with the provisions of the Law and any applicable collective bargaining agreement⁶⁷.

C. The Fire Commission⁶⁸.

(1) Creation and Composition; General Powers⁶⁹.

(a) **Established**⁷⁰. There shall be a Fire Commission in the City of Norwalk, which shall consist of four Electors who shall be appointed by the Mayor subject to approval by the Common Council as set forth in §7-1.C of this Charter. The Board shall serve without compensation. Not more than one-half of the members of the Commission, with the exception of the Mayor, shall be members of any one political party. The Mayor shall be, ex officio, a voting member and chair of the Commission⁷¹. The Fire Commission may employ clerks for its own work and the clerical work of the Fire Department, and may fix and pay their salaries⁷².

⁶⁶ 2023 recodification and modification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-301 (Derived from Sp. Laws 1935, No. 455, §5.). The following language is repealed: “In carrying out the provisions of this section, the Commission may adopt the provisions of Chapter **105** of the General Statutes as it may deem advisable and, on or before September 1, 1935, the merit system shall be in effect in the City.”

⁶⁷ 2023 repeal of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-302 (Derived from Sp. Laws 1935, No. 455, §6.), as follows: “An act creating a Board of Public Safety in the City of Norwalk, approved June 16, 1927, as amended by an act amending an act creating a Board of Public Safety in the City of Norwalk, approved March 27, 1929, and all acts or parts of acts inconsistent herewith are repealed.” The following footnotes attached to “repealed Provisions in the current Charter are hereby preserved as follows: (1) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-304-305. Historical Editor's Note: Former §§ 1-304, Supernumerary Police Force; members; appointment; control; duties; powers, Sp. Laws 1913, No. 352, § 144; Sp. Laws 1915, No. 367, § 10; Sp. Laws 1925, No. 225, § 2; Sp. Laws 1969, No. 149, and 1-305, Appointments to regular force, Sp. Laws 1913, No. 352, § 146, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980; (2) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-307-310. Historical Editor's Note: Former §§ 1-307, Appointment of Women Probation Officer, 1-308, Powers of Woman Probation Officer, 1-309, Removal of Woman Probation Officer, and 1-310, Salary of Probation Officer, Sp. Laws 1927, No. 371, §§ 1 to 4, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980; (3) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-314-316. Historical Editor's Note: Repealed by Charter Amendment 11-3-1970; effective 7-1-1971.; and (4) current Article VIII – Police Department and Police Fund, Part 1 – General, §1-317-318. Historical Editor's Note: Editor's Note: Former §§ 1-317, Workweek for policemen, and 1-318, Approval of workweek, Sp. Laws 1951, No. 293, §§ 1 and 2, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

⁶⁸ Historical Editor's Note: See § 1-12, of Charter, and Ch. **41**, Fire Department. For extension of fire protection see, Art. **XXII**.

⁶⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. Derived from Sp. Laws 1935, No. 454, §1.

⁷⁰ 2023 modification and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (First - third sentences).

⁷¹ 2023 repeal of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333 (Fourth sentence) which addressed the term of office during a transition in 1937.

⁷² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-336. (Derived from Sp. Laws 1935, No. 454, §4).

Commented [S10]: Provisions Moved to Article VIII

(1) Powers of Police (2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-303 (Derived from Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 17.) Historical Editor's Note: Refer to § 1-217 for powers of Constables);

(2)Special Police Force (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-305.1 (Derived from Sp. Laws 1967, No. 403));

(3)Duty of Police as to Arrest without Warrant (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-306 (Derived from Sp. Laws 1913, No. 352, §148);

(4) Extension of Police Jurisdiction (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-311 (Derived from Sp. Laws 1953, No. 590, §1)

(5)Duties of Police Department (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-312 (Derived from Charter Amendment 11-3-1970))

(6)Fifth Taxing District; Taxation to Defray Police Expenses (2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-313 (Derived from Charter Amendment 11-3-1970))

(b) Transaction of Business - Quorum⁷³. Three members of the Commission shall constitute a quorum and a concurrence of two votes shall be necessary for the transaction of business.

(c) Meetings⁷⁴. The Commission shall hold meetings at least once each month and at such other times as it may determine. Special meetings of the Commission may be called by the Mayor or by three members upon reasonable notice to the Mayor or the other member.

(2) Functions of the Fire Commission. The Commission shall:

(a) have control, management and supervision of the fire-fighters of the City and all property belonging to or used in the Fire Department⁷⁵.

(b) have the power to purchase all supplies and equipment necessary for the management of the Department⁷⁶;

(c) have the power to appoint, remove, suspend, discipline and punish and to prescribe the duties of all officers and members (including the Chief), whether regular, supernumerary or call, of the Fire Department and fix their salaries and compensation and to make rules and regulations as it may deem necessary, consistent with the provisions hereof, for the regulation and government of the Department⁷⁷.

(d) enforce and carry into effect all Ordinances and bylaws of the Common Council and all laws of the state with reference to the safety of the City⁷⁸.

(e) keep and preserve detailed records, files and minutes of all its proceedings and of all work, property and expenditures of the Fire Department, and the files, records and minutes, or certified copies thereof, shall be accepted as evidence in all courts and proceedings⁷⁹. I

(f) have the power to summon and examine witnesses as in civil actions and compel the production of books and papers, and administer

⁷³ 2023 edit and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Fifth and sixth sentences). The following language was repealed: “The Commission shall annually elect a Secretary from its members.”

⁷⁴ 2023 edit and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Seventh and eighth sentences).

⁷⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Ninth sentence).

⁷⁶ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Tenth sentence).

⁷⁷ 2023 modification and recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Eleventh sentence).

⁷⁸ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Twelfth sentence).

⁷⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Thirteenth sentence).

oaths to such witnesses, and may require of any officer or board of the City all information and copies of records, books and papers relative to the public business in connection with the Department⁸⁰.

(3) Abolishing Officers in the Fire Department; removal, Expulsion; Number and Designation of Officers; Retired List⁸¹.

Commented [S11]: IS THIS SUPERCEDED BY CBA?

(a) The Fire Commission shall not abolish any office in the Fire Department during the incumbency thereof of any appointee to such office, nor shall it remove, expel or reduce in rank any officer or regular or permanent member of the Fire Department except for cause found after hearing. Notice of any removal, expulsion or reduction in rank shall be given by the Commission in writing to the officer or permanent member concerned, and any officer or permanent member aggrieved by the removal, expulsion or reduction may, within ten days after receiving notice of the action by the Commission, appeal therefrom to the Superior Court in and for the County of Fairfield, which shall hear the appeal and render judgment thereon⁸².

(b) The power to fix the number and designation of all officers and members of the Fire Department shall be in and exercised only by the bipartisan Fire Commission, and the number and designation of all officers of the Department shall continue as at present until the Commission shall take action in the premises⁸³.

(c) The Fire Commission shall have the power to retire any member of the Fire Department for mental or physical disability and place the name of the member on the retired list and such member shall not thereafter be entitled to pay or compensation from the City unless assigned to duty by the Fire Chief of the Fire Department. The pay for the time so assigned to duty shall be that of a regular member of the force⁸⁴.

⁸⁰ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Fourteenth sentence). Repeal of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-333. (Fifteenth sentence), as follows: “render monthly detailed statements and reports to the Common Council of its proceedings and of all disbursements and contracts made in the Fire Department during the preceding month; shall render annually to the Common Council and to the Board of Estimate and Taxation a full statement of its disbursements and expenditures in the Department during the preceding year, with a report of the condition of the Department, and an estimate of the necessary expenditures for the ensuing fiscal year.”

⁸¹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-334. (Derived from Sp. Laws 1935, No. 454, §2.

⁸² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-334. (First and second sentences).

⁸³ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-334. (Third sentence).

⁸⁴ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-338. (Fourth and fifth sentences).

(4) Administration of Firemen's Benefit Fund by Fire Board⁸⁵. The Fire Commission shall administer the Firemen's Benefit Fund established under the provisions of an act approved May 21, 1925, as amended by §4 of an act approved June 16, 1927⁸⁶. The historical provisions of the Fund are set forth in Article XI, §__ - of this Charter⁸⁷.

Commented [S12]: LK/TL: CC SHOULD REVIEW

(5) Appointments by Fire Commission⁸⁸. All appointments to be made by the Fire Commission shall be based upon merit and fitness for the duties pertaining thereto and, in no degree, upon political affiliations or consideration. In carrying out the provisions of this section, the Commission may adopt the provisions of Chapter **105** of the General Statutes as it may deem advisable and, on or before September 1, 1935, the merit system shall be in effect in the City.

§7-3. Boards and Commissions Required by the Charter.

The Common Council shall adopt Ordinances setting forth the organizational structures, powers, duties and responsibilities of the following Boards and Commissions, subject to the requirements of Law, including but not limited to §7-1 of this Charter:

- A. **Board of Assessment Appeals^{i 89}.**
- B. **Planning and Zoning Commission⁹⁰** (Repeals the Charter-based Planning Commission) ⁱⁱ (Charter-mandated Ordinance-based Planning and Zoning Commission) ⁱⁱⁱ (What is the Zoning Commission?)

Commented [S13]: MARIO OR BRIAN: Please see proposed repealed provisions.

⁸⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-335. (Derived from Sp. Laws 1935, No. 454, §3).

⁸⁶ Historical **Editor's Note: See §§ 1-338 to 1-352, amended.**

⁸⁷ NEW (2023).

⁸⁸ 2023 Recodification of current Article IX – Fire Department and Fire Fund, Part 1 – General, §1-337. (Derived from Sp. Laws 1935, No. 454, §5).

⁸⁹ 2023 mandates the Board of Assessment Appeals, current Ord. §103-14. Repeals current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271. Derived from (Sp. Laws 1913, No. 352, § 49; Sp. Laws 1933, No. 456, § 1; Charter Amendment 8-29-1978 [Historical **Editor's Note: Editor's Note: Approved by the electorate at the general election held 11-7-1978**].

⁹⁰ 2023 mandate of current Ordinance, Chapter 79. Repeals current Article XII entitled "Planning Commission": (1) §1-367. Derived from Charter Amendment 11-3-1970; effective 1-1-1971). **Editor's Note: See Land Subdivision Regulations, Appendix, Part I.** **Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-367 should be interpreted as referring to the Norwalk Planning and Zoning Commission rather than the Norwalk City Planning Commission. See Ch. 79, Planning and Zoning Commission;** (2) §1-368. Derived from Sp. Laws 1947, No. 214, § 2; Sp. Laws 1955, No. 400, § 1. **Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-368 had been superseded by §§ 79-2, Powers; 79-3, Composition and appointment; 79-4, Alternate members; and 79-5, Terms of office, of Ch. 79, Planning and Zoning Commission;** (3) §1-368.1. Derived from Charter Amendment 11-3-1970; effective 1-1-1971; (4) §1-368.2. Derived from Charter Amendment 11-3-1970; effective 1-1-1971; (5) §1-369. Derived from Sp. Laws 1947, No. 214, §3; (5) §1-370. Derived from Sp. Laws 1947, No. 214, § 4; Sp. Laws 1955, No. 400, § 2; Charter Amendment 8-17-1976. **Historical Editor's Note: Approved by the electorate at the general election held 11-2-1976;** (6) §1-371. Derived from Sp. Laws 1947, No. 214, § 5. **Historical Editor's Note: See Appendix, Part I, Land Subdivision Regulations, § 6;** (7) §1-372. Derived from Sp. Laws 1947, No. 214, §6; (8) §1-373 A + B. Derived from Added by Charter Amendment 11-3-1970; effective 1-1-1971; (9) §1-374. Derived from Sp. Laws 1947, No. 214, §8; and, (10) §1-375. Derived from Sp. Laws 1947, No. 214, §9.

- C. **Conservation Commission** ((a) General Conservation functions⁹¹; (b) Inland Wetland functions⁹²; and, (c) Administration of Open Space Fund⁹³
- D. **The Pension Board**⁹⁴ iv **Food Services Pension Board** (2 appointed by Pension Board and 1 by union)⁹⁵
- E. **Zoning Board of Appeals**⁹⁶
- F. **Board of Ethics (appointed by Common Council)**⁹⁷

Commented [S14]: No standard for appointment in Ord. §119-1410.

§7-4. Appointed Boards and Commission Established by Ordinance or as Other may be Prescribed by the General Statutes.

The Common Council may establish, by Ordinance or as otherwise may be prescribed by the General Statutes, such additional Boards and Commissions as are necessary to effectuate the powers and purposes of the City as enumerated in the General Statutes, Special Acts and this Charter.

§7-5. Appointed Boards and Commission Established by Ordinance or as Other may be Prescribed by the General Statutes.

The functions of any Board or Commission required under this Article may be merged or consolidated with another by Ordinance.

⁹¹ Ord. §35-2 – 7 members appointed by Mayor and confirmed by Council for a term of 5-years (stagger)

⁹² Ord. §35-07 et seq.

⁹³ Ord. §35-9 et seq.

⁹⁴ NEW (2024). See, Chapter 126 entitled “Pension Plan.” Adopted by Common Council 9-24-1963. Amendments noted where applicable. 5 members appointed by Mayor and confirmed by “a majority of the Norwalk Common Council.”

⁹⁵ Ord. Chapter 132 (Appendix Part VIII)

⁹⁶ NEW (2023) mandates current Ord. §118-1410.

⁹⁷ Ord. §32-12 – 5 members and 2 alternates appointed by and approved by 11 members of the Common Council.

Move to Historical Provisions (Article XI)

§11-_. The Police Benefit Fund⁹⁸.

A. Composition of the Police Benefit Fund⁹⁹. There shall be in the City of Norwalk a fund to be known as the Police Benefit Fund to consist of: (1) The sums of money as shall be appropriated to the fund from the Treasury of the City by the Council; (2) all property specially devised, bequeathed or given for the benefit of disabled members of the Police Force of the City, and property given to the Police Department of the City on account of services rendered by the Department; (3) all lost, abandoned, unclaimed or stolen money and all money arising from the sale of unclaimed abandoned, lost or stolen property in charge of the Board of Public Safety of the City at any time available for that purpose under the provisions of the general statutes; (4) all rewards, fees, gifts, testimonials and emoluments that may be presented to any member of the Police Force of the City on account of special services, except such as the Board of Public Safety may allow any member to retain; (5) one percent of all salaries and compensation of the members of the Police Department appointed before July 1, 1945; (6) three percent of all salaries and compensation of the members of the Police Department appointed after July 1, 1945; and (7) an annual appropriation to the fund by the City of Norwalk of an amount not less than three percent of yearly salaries and compensation of the contributing members of the Police Department.

B. Benefit Fund Trustees; Treasurer; Secretary¹⁰⁰. The Board of Public Safety of the City shall be a Board of Trustees of the Benefit Fund and the Treasurer of the City shall be the Treasurer of the fund. All orders drawn on the fund shall be signed by the Chair of the Board and countersigned by the Secretary of the Board. The Secretary shall keep a record of the proceedings of the Board and of all actions taken by it with regard to the fund.

Commented [S15]: Is there a Board of Public Safety?

C. Investment of Benefit Fund¹⁰¹. The Board of Trustees shall have general charge of the fund and may, by a majority vote, including the vote of the Mayor, direct the Treasurer to invest any portion of the same in bonds of the City of Norwalk or in any securities authorized by the laws of the state as investment for trust funds, or to deposit the same or any portion thereof in any savings banks or trust companies of the state. The Board of Trustees shall, annually, or more frequently, if required, report to the Council the condition of the fund, with the items of all the receipts and disbursements on account of same. If the fund shall be found, at any time, to be insufficient to meet the requirements made upon it, the Board of Estimate and Taxation, upon application made to it by the Board of Trustees, or by the Council acting at the instance of the Board of Trustees, shall make an appropriation to supply the deficiency, and any prospective deficiency in

⁹⁸ Editor's Note: Refer to § 1-299 for administration of fund.

⁹⁹ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-319. Derived from Sp. Laws 1931, No. 518, § 1; Sp. Laws 1945, No. 235.

¹⁰⁰ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-320. Derived from Sp. Laws 1931, No. 518, §2.

¹⁰¹ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-321. Derived from Sp. Laws 1931, No. 518, §3.

the fund may be provided for by the Board of Estimate and Taxation in its annual appropriations for the Police Department.

D. Establishment of the “Veterans Reserve”¹⁰². In addition to the Regular and Supernumerary Police Force of the City of Norwalk, composed of the permanent men and officers of the Department, there shall be an honorary grade known as "The Veteran Reserve" to which the Board of Trustees may at its discretion, by unanimous vote, transfer any member of the police force who shall, from age or from disability incurred in the discharge of perilous duty or in long and faithful service, become permanently disqualified for the more active duties of the regular grade; provided the pay of any member of the Veteran Reserve shall be regulated by the Board of Trustees in accordance with the amount of duty performed and shall not be less than one-half (1/2) of the compensation previously received by the member while in the regular police force and provided any member of the Veteran Reserve may be removed in the same manner as a member of the regular Police Department and provided no transfer to the Veteran Reserve shall be made except on the certificate of the Medical Examiner as the Board of Trustees may appoint. All members so transferred shall be subject to the orders of the Board of Trustees, which may at any time, require any the member to be reexamined, and, in case the member shall be reported capable of performing duty, may, by an affirmative vote of the majority of its members, including the vote of the Mayor, restore the member to the regular Police Department.

E. Disability and Old Age¹⁰³. The Board of Trustees may, by a unanimous vote, as a reward for conspicuously meritorious service, retire from duty any member of the regular force or the Veteran Reserve Force after twenty-five years of continuous service in the Department, upon the certificate of the Medical Examiner as the Board of Trustees may designate, showing that the member is permanently disabled, physically or mentally, so as to be unfit for any police duty; provided that the Medical Examiner shall opine and further certify that the disability is due either to the natural infirmities of old age or to injury received or exposure endured in the performance of duty in the Police Department. The member shall be entitled to receive from the fund, during the remainder of the member's lifetime, unless removed from the retired list, after notice and hearing, by the unanimous vote of the Board of Trustees, a sum equal to one-half of the yearly compensation received in service before retirement as a regular member of the Police Department, the sum to be payable in monthly installments. The Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Police Department who, while in the actual performance and by reason of the performance of official duty and without fault or misconduct on the part of the member, shall have become permanently disabled, physically or mentally so as to be entirely unfitted to perform the duty; and the member so retired shall be entitled to receive from the fund during the life of the member, unless removed from the retired list, after notice and hearing, by the unanimous vote of the members of the Board of Trustees, a sum

¹⁰² 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-322. Derived from Sp. Laws 1931, No. 518, §4.

¹⁰³ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-323. Derived from Sp. Laws 1931, No. 518, §5.

equal to one-half (1/2) of the member's previous compensation received per annum, to be paid in monthly installments. Whenever the Board of Trustees shall remove a former member of the Police Department from the retired list, the Board shall make and keep on file a written statement of the causes for having made the removal.

F. Death Benefits¹⁰⁴. When any member of the Police Department shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received or illness contracted while in the actual discharge of the duty, the Board of Trustees shall direct a sum not exceeding one-half of the yearly compensation received in service as a regular member of the Police Department, to be paid from the fund, in monthly installments to the widow of the police officer, or, if the member leaves no widow, to the child or children of the member not over sixteen years of age, after the death or remarriage of the member's widow; provided the annual payments to the widow shall cease if the widow shall remarry, and the payments to any such child shall cease when the child shall attain the age of sixteen years. In case the deceased member leaves neither widow nor a child under the age of sixteen years, the Board of Trustees shall direct the whole of the sum to be paid to the parents, or dependent of the member, if such parent or parents, or dependent, prior to the death of the member, shall have depended upon such member for support.

G. Reserved Provisions¹⁰⁵.

H. Examination by Medical Examiner¹⁰⁶. The Board of Trustees may, at its discretion, order any member of the retired list, except the members as shall have been retired under the provisions of § 1-325, to be examined by a Medical Examiner to be designated by the Board, and, if the member shall be reported capable of performing police duty, the Board may, by an affirmative vote of a majority of its whole number, including the vote of the Mayor, restore the member either to the regular or to the Veteran Reserve Force.

I. Authorization to Make Rules and Regulations¹⁰⁷. The Board of Trustees shall have authority to make rules and regulations necessary to carry out the provisions of §§ 1-319 to 1-332, but the rules and regulations shall not be effectual until ratified by a majority vote of the Council.

¹⁰⁴ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-324. Derived from Sp. Laws 1931, No. 518, § 6; Sp. Laws 1939, No. 255, §1.

¹⁰⁵ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-325. Historical Editor's Note: *Editor's Note: Former § 1-325, Retirement at 60, Sp. Laws 1931, No. 518, § 7; Sp. Laws 1933, No. 333, § 1, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.*

¹⁰⁶ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-326. Derived from Sp. Laws 1931, No. 518, § 8.

¹⁰⁷ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-327. Derived from Sp. Laws 1931, No. 518, §9

J. Failure to Pay Assessment¹⁰⁸. Any person who shall fail to pay an assessment which may be made against him under the provisions of §§ 1-319 to 1-332, shall not be entitled to any benefits from the fund.

K. Transfer of Funds from Police Benefit Fund¹⁰⁹. All of the accumulations deposited in the Police Benefit Fund at the time of the passage of §§ 1-319 to 1-322, from whatever source derived, are transferred to and vested in the Trustees of the Police Benefit Fund, to be held, managed and disposed of as herein set forth, and all acts of the Trustees in reference thereto are ratified and confirmed.

L. Resignation and Reinstatement¹¹⁰. The term of service of any member of the permanent force of the Police Department of the City of Norwalk who shall have resigned and shall have been immediately reinstated as a member of the permanent force of the Police Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under any pension law or Police Benefit Fund law effecting the member. Any member of the permanent force of the Police Department who shall have resigned from the Department when no charges were pending against him, and who shall afterwards, at any time, be reinstated as a member of the permanent force of the Police Department, shall be entitled to have the member's two periods of service in the Department considered as a term of continuous service for the purpose of receiving any benefits under any pension law or Police Benefit Fund law affecting the member.

M. Death Allowances for Members Eligible for Retirement¹¹¹. When any member of the permanent force of the Police Department who shall be on or shall be eligible to be placed on the retired list, by reason of the provisions of § 1-325, shall die while on or eligible to be placed on the retired list, the Board of Trustees of the Police Benefit Fund shall direct an allowance out of the fund equal to one-half of the salary of the deceased police officer, to be paid to the widow or dependents of the deceased police officer.

N. Death Allowances for Members with Twenty Years of Service¹¹². When any member of the Police Department shall die, after having served continuously for a period of twenty years or more, exclusive of time served as a supernumerary or special police officer, the Board of Trustees shall direct an allowance out of the fund, equal to one-half the salary of the deceased police officer to be paid to the widow until the death or remarriage of the widow and thereafter to the children of the police officer who are under the age of sixteen years, provided, in the case of any police officer who shall have died while a member of the Veteran Reserve, the allowance shall be one-half of the pay

¹⁰⁸ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-328. Derived from Sp. Laws 1931, No. 518, 10

¹⁰⁹ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-329. Derived from Sp. Laws 1931, No. 518, §11.

¹¹⁰ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-330. Derived from Sp. Laws 1931, No. 518, §12; Sp. Laws 1933, No. 333, § 2.

¹¹¹ 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-327. Derived from Sp. Laws 1931, No. 518, §13

¹¹² 2023 recodification of current Article VIII – Police Department and Police Fund, Part 2 – Police Benefit Fund, §1-332. Derived from Sp. Laws 939, No. 255, §2. **Note: "939 = "1939"?**

which the deceased police officer was receiving immediately prior to being placed on the Veteran Reserve, and provided, in case the police officer leaves neither widow nor child, under the age of sixteen years, the Board of Trustees shall direct the whole of the sum to be paid to the parent or parents or dependent of the deceased member, if such parent or parents or dependent, prior to the member's death, shall have depended upon the police officer for support.

§11-_. The Firemen's Benefit Fund.

A. Composition of the "Firemen's Benefit Fund"¹¹³. There shall be in the City of Norwalk a fund to be known as the "Firemen's Benefit Fund," which fund shall consist of (1) any property specifically devised or given for the benefit of disabled firemen of the permanent force and so designated; (2) any money derived from entertainments or testimonials conducted under the heading or title of the "Firemen's Benefit Fund"; (3) any rewards, fees, gifts or acknowledgment of service, designated and presented to the Fire Department or any member thereof on account of special service, except as shall be allowed by the Board of Public Safety of the City to be retained by a member or any similar grant by the Council of the City; (4) a monthly assessment of 1% on the salaries of members of the permanent force who were appointed before July 1, 1945; (5) a monthly assessment of three percent on the salaries of the members appointed to the permanent force after July 1, 1945; (6) such as the Board of Estimate and Taxation may, upon recommendation of the Council, appropriate from time to time; (7) any money collected from members of the permanent force by way of a fine or forfeiture of pay imposed or ordered, and all money deducted or withdrawn from the pay of the members on account of lost time or for breach of the rules of the Department; (8) the income and interest from all property and money belonging to the fund; and (9) an annual appropriation to the fund by the City of Norwalk of an amount not less than three percent of yearly salaries and compensation of the contributing members of the Fire Department. Any property given to the Fire Department on account of services rendered shall, unless otherwise specifically directed, be made part of a fund selected by the Volunteer Fire Company or companies engaged in any special act of the service for which any reward may be given, while the class of volunteer fire service may continue.

B. Abolishment of Volunteer Service¹¹⁴. When the Council shall determine that the class of volunteer service shall be abolished and the manual force placed upon an entirely paid basis, § **1-338** shall apply to the members constituting the paid force.

C. Firemen's Benefit Fund; Trustees; Treasurer and Secretary¹¹⁵. The Board of Public Safety of the City shall be a Board of Trustees of the Benefit Fund, and the Treasurer of the City shall be the Treasurer of the fund. All orders drawn on the fund shall be signed by the Chair of the Board and countersigned by the Secretary of the

Commented [S16]: BOARD OF PUBLIC SAFETY?

¹¹³ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-338. Derived from Sp. Laws 1931, No. 37, § 1; Sp. Laws 1945, No. 242.).

¹¹⁴ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-339. Derived from Sp. Laws 1931, No. 37, §2).

¹¹⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-340. Derived from Sp. Laws 1931, No. 37, §3).

Board. The Secretary shall keep a record of the proceedings of the Board and of all action taken by it with regard to the Benefit Fund.

D. Fund Investment; Reports; Appropriations¹¹⁶. The Board of Trustees shall have general charge of the Relief or Benefit Fund, with the items of all the receipts and disbursements on the majority, direct the Treasurer to invest any portion of the same in bonds of the City of Norwalk or in any securities authorized by the laws of the state as investments for trust funds or to deposit the same or any portion thereof in any savings banks or trust companies of the state. The Board of Trustees shall annually, or more frequently if required, report to the Council the condition of the Benefit Fund, with the items of all the receipts and disbursements on account of the same. If the Benefit Fund shall be found, at any time, to be insufficient to meet the requirements made upon it, the Board of Estimate and Taxation, upon application made to it by the Board of Trustees, or by the Council, acting at the instance of the Board of Trustees, shall make an appropriation to supply the deficiency, and any prospective deficiency in the fund may be provided for by the Board of Estimate and Taxation in its annual appropriations for the Fire Department.

E. The Establishment of Veteran Reserve¹¹⁷. In addition to the regular Fire Department of the City, composed of the permanent men and the officers of the Department, there shall be an honorary grade known as "The Veteran Reserve," to which the Board of Trustees may, at its discretion, by unanimous vote, transfer any member of the regular force of the Department who shall, from age or disability incurred in the discharge of perilous duty or in long and faithful service, become permanently disqualified for the more active duties of the regular grade; provided the pay of any member of the Veteran Reserve shall be regulated by the Board of Trustees in accordance with the amount of duty performed and shall not be less than one-half of the compensation previously received by the member while in the regular Fire Department Service and provided any member of the Veteran Reserve may be removed in the same manner as a member of the regular Fire Department and provided no transfer to the Veteran Reserve shall be made except on the certificate of the Medical Examiner as the Board of Trustees may appoint. All members so transferred shall be subject to the orders of the Board of Trustees, which may, at any time, require any the member to be reexamined, and in case the member shall be reported capable of performing duty, may by an affirmative vote of a majority of its members, including the vote of the Mayor, restore the officer or member to the regular Fire Department.

F. Disability and Old Age¹¹⁸. The Board of Trustees may, by a unanimous vote, as a reward for conspicuously meritorious service, retire from duty any member of the regular force or the Veteran Reserve Force after twenty-five (25) years of continuous service in the Department, upon the certificate of the Medical Examiner as the Board of

¹¹⁶ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-341. Derived from Sp. Laws 1931, No. 37, §4).

¹¹⁷ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-342. Derived from Sp. Laws 1931, No. 37, §5).

¹¹⁸ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-343. Derived from Sp. Laws 1931, No. 37, §6).

Trustees may designate, showing that the member is permanently disabled, physically or mentally, so as to be unfit for any fire duty; provided the Medical Examiner shall opine and further certify that the disability is due either to the natural infirmities of old age or to injury received or exposure endured in the performance of duty in the Fire Department. The member shall be entitled to receive from the fund, during the remainder of the member's life, unless removed from the retired list, after notice and hearing, by the unanimous vote of the Board of Trustees, a sum equal to one-half of the yearly compensation received in service before retirement as a regular member of the Fire Department, the sum to be payable in monthly installments. The Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Fire Department who, while in the actual performance and by reason of the performance of the duty and without fault or misconduct on the member's part, shall have become permanently disabled, physically or mentally, so as to be entirely unfitted to perform the duty; and the member so retired shall be entitled to receive from the fund during the member's life, unless removed from the retired list, after notice and hearing, by the unanimous vote of the members of the Board of Trustees, a sum equal to one-half of the member's previous compensation received per annum, to be paid in monthly installments. Whenever the Board of Trustees shall remove a former member of the Fire Department from the retired list, the Board shall make and keep on file a written statement of the causes for having made the removal.

G. Death Benefits¹¹⁹. When any member of the Fire Department shall have been killed while in the actual performance of duty, or shall have died from the effects of an injury received or illness contracted while in the actual discharge of such duty, the Board of Trustees shall direct a sum equal to one-half of the yearly compensation received in service as a regular member of the Fire Department, to be paid from the fund, in monthly installments to the widow of the firefighter, or if the member leaves no widow, or the widow shall thereafter die or remarry, to a member's child or children not over eighteen years of age, after the death or remarriage of the widow; provided the annual payments to the widow shall cease if the widow shall remarry, and such payments to any such child shall cease when the child shall attain the age of eighteen years. In case the deceased member leaves neither widow nor child under the age of eighteen years, the Board of Trustees shall direct the whole of the sum to be paid to the parent or parents or dependent of such member, if the parent or parents or dependent, prior to the member's death, shall have been dependent upon the member for support.

H. Retirement¹²⁰. The Board of Trustees may, of its own violation, and shall, at the request of any member of the permanent force, or any member thereof who shall have served in the class of service continuously for a period of twenty-five years and shall have attained the age of sixty years, place any officer or member on the retired list. Thereafter, the retired officer or member shall be entitled to receive from the fund during

¹¹⁹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-345. Derived from Sp. Laws 1931, No. 37, §7; Sp. Laws 1941, No. 419, §1).

¹²⁰ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-345. Derived from Sp. Laws 1931, No. 37, §8; Sp. Laws 1933, No. 329, §1).

the life of the retired officer or member an annual sum, payable monthly, equal to one-half of the pay at the time of retirement.

I. Examination by Medical Examiner; Restoration to Duty¹²¹. The Board of Trustees may, at its discretion, order any member on the retired list, except the member as shall have been retired under the provisions of § 1-345, to be examined by a Medical Examiner to be designated by the Board, and if the member shall be reported capable of performing fire duty, the Board may, by an affirmative vote of a majority of its whole number, the Mayor to be one of the majority, restore the member either to the regular or to the Veteran Reserve Force.

J. Authorization of Board of Trustees to make Rules and Regulations¹²². The Board of Trustees shall have authority to make rules and regulations necessary to carry out the provisions of §§ 1-338 to 1-352, but such rules and regulations shall not be effectual until ratified by a majority vote of the Council.

K. Failure to Pay Assessments¹²³. Any person who shall fail to pay an assessment which may be made against him under the provisions of §§ 1-338 to 1-352, shall not be entitled to any benefits from the fund.

L. Transfer of Fund and Investment Thereof¹²⁴. All of the accumulations deposited in the firemen's benefit fund at the time of the passage of §§ 1-338 to 1-356, from whatever source derived, are transferred to and invested in the Trustees of the Firemen's Benefit Fund, to be held, managed and disposed of as herein set forth, and all acts of the Trustees in reference thereto are ratified and confirmed.

M. Resignation and Reinstatement¹²⁵. The term of service of any member of the permanent force of the Fire Department of the City of Norwalk who shall have resigned and shall have been immediately reinstated as a member of the permanent force of the Fire Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under any pension law or fire fighter's fund law affecting such member. Any member of the permanent force of the Fire Department who shall have resigned from the Department where no charges were pending against the member, and who shall, afterwards at any time, be reinstated as a member of the permanent force of the Fire Department, shall be entitled to have the two (2) periods of service in the Department considered as a term of continuous service for the purpose of receiving any benefits under any pension law or firemen's fund law affecting the member.

¹²¹ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-346. Derived from Sp. Laws 1931, No. 37, §9).

¹²² 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-347. Derived from Sp. Laws 1931, No. 37, §10).

¹²³ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-348. Derived from Sp. Laws 1931, No. 37, §11).

¹²⁴ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-349. Derived from Sp. Laws 1931, No. 37, §12).

¹²⁵ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-350. Derived from Sp. Laws 1931, No. 37, § 13; Sp. Laws 1933, No. 329, § 2).

N. Death Allowances for Member Eligible for Retirement¹²⁶. When any member of the permanent force of the Fire Department who shall be on or shall be eligible to be placed on the retired list, by reason of the provisions of § **1-345**, shall die while on or eligible to be placed on the retired list, the Board of Trustees of the Firemen's Benefit Fund shall direct an allowance out of the fund equal to one-half of the salary of the deceased fire fighter, to be paid to the widow or dependents of the deceased fire fighter.

O. Death Allowances for Members After Continuous Service¹²⁷. When any member of the Fire Department shall die, after having served continuously for a period of twenty years or more, exclusive of the time served as a volunteer, or callman, the Board of Trustees shall direct an allowance out of the Fireman's Benefit Fund equal to one-half of the yearly salary of the deceased fire fighter to be paid in monthly installments to the widow of the fire fighter or, if the fire fighter leave no widow or the widow thereafter dies or remarries, to the member's child or children not over eighteen years of age; after the death or remarriage of the widow, provided, in case of any fire fighter who shall have died while a member of the Veteran Reserve, such allowance shall be one-half of the pay which such deceased fire fighter was receiving immediately prior to being placed in such Veteran Reserve, and provided in case the fire fighter leaves neither widow nor child under the age of eighteen years, the Board of Trustees shall direct the whole of such sum to be paid to the parents or parent or dependent of such deceased member, if such parent or parents or dependent, prior to the member's death, shall have depended upon the member for support.

¹²⁶ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-351. Derived from Sp. Laws 1931, No. 37, §14).

¹²⁷ 2023 recodification of current Article IX – Fire Department and Fire Fund, Part 2 – Firemen's Benefit Fund, §1-352. Derived from Sp. Laws 1941, No. 419, §2).

Provisions Proposed for Repeal

Tax Commissioners and Board of Relief¹²⁸

(1) Appointment by Mayor subject to Confirmation by the Council¹²⁹. On the Wednesday next following the first Monday of October, 1933, the Mayor shall appoint, subject to approval by the Common Council as set forth in §7-1.C of this Charter, one member on the Board of Relief to hold office for the term of three (3) years, and the person so appointed and the two (2) members of the Board of Relief holding office at the time of the appointment and their successors to be appointed in the manner hereinafter provided shall constitute the Board of Relief. Annually thereafter, on the Wednesday following the first (1st) Monday of October, the Mayor shall appoint subject to confirmation by the Council, one (1) member of the Board of Relief to hold office from the date of member's appointment for a like term of three years and until his successor shall be appointed and shall have qualified. The term of office of the members of the Board of Relief in office at the time of the approval of this act shall be unaffected by the provisions hereof.

(2) Vacancy¹³⁰. As set forth in 7-1.D of this Charter.

(3) Repeal of Former Provisions¹³¹. Any provision of § [1-224](#) of the act consolidating the Town of Norwalk with the Cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved June 6, 1913, as amended by an act approved April 18, 1929, which relates to the salaries of Assessors, is repealed.

(4) Assessments¹³². The Assessors shall assess the real estate situated in the City, and the personal estate of the inhabitants of the City liable to be set in the lists by the Assessors of towns. The Assessors shall, on or before the fifteenth (15th) day of September in each year, give notice by posting the same on the public signpost in the City and by publishing the same once in a newspaper published in the City to all persons liable to pay taxes in the City, requiring of them written or printed lists, verified by the oaths of the respective persons, of all property belonging to the persons on the first (1st) day of September of that year, with the particulars of all their property liable to be assessed and valued, designating the district or districts in which each item is situated, within twenty (20)

Commented [S17]: MARIO OR BRIAN: Related to Board of Assessment Appeals; §7-3.A., above. Are any of these provisions pertinent to the current regulatory environment in assessment appeals? If not, these provisions should be repealed.

¹²⁸ 2023 repealed and replaced by §7-3.A in lieu of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271. Derived from (Sp. Laws 1913, No. 352, § 49; Sp. Laws 1933, No. 456, § 1; Charter Amendment 8-29-1978 [Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978].

¹²⁹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271 (First through third sentences).

¹³⁰ 2023 revision of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-271 (Fourth sentence), which is now set forth in 7-1.D of this Charter.

¹³¹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-272. Derived from (Sp. Laws 1913, No. 352, §49; Sp. Laws 1933, No. 456, §1.

¹³² 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-273. Derived from Sp. Laws 1913, No. 352, § 90; Sp. Laws 1915, No. 367, § 4; Sp. Laws 1967, No. 197, §2. Historical Editor's Note: See § [1-284](#) for later provision.

days from the date of the notice; and the Assessors shall complete the lists of the several taxing districts of the City, including the ascertainment of the total assessed valuation of the property in each district, and the Assessors shall have the same power as the Assessors of towns. The lists shall remain for twenty (20) days in the office of the City Clerk, and shall be open to the inspection of any person liable to taxation in the City.

(5) Delivery of Assessment Lists to the Board of Tax Review; Appeals; Notices; Return of Lists; Ratebook¹³³. On the twentieth (20th) day of February in each year the City Clerk shall deliver the assessment lists of the City to the Board of Tax Review, who shall exercise and have the same powers in relation thereto as are conferred upon Boards of Tax Review of towns by the general statutes, and any person aggrieved by the doings of the Board may appeal therefrom to the Court of Common Pleas. The Board shall give notice of their meeting by publication in one or more newspapers published in the City at least five (5) days prior thereto. On or before the twentieth (20th) day of March in each year the Board shall return the assessment lists, with a written report of any abatements or additions by them made, to the Tax Commissioner who shall, after the City tax is laid, make a ratebook.

(6) Assessment List Procedures.

(a) Actual Valuation of Property Set in Lists¹³⁴. All property liable to taxation in the City shall be set in the lists at its actual valuation.

(b) Failure of Resident to File List¹³⁵. _____¹³⁶, and if the resident fails to file the list the assessors shall make a list for him of all the property which they have reason to believe is owned by him liable to taxation in the City, at the actual valuation thereof, from the best information they can obtain, and add thereto ten (10%) percent of the valuation.

(c) Assessment Date; Filing Lists¹³⁷. The assessment date of the consolidated town and city of Norwalk shall continue to be the first (1st) day of October in each year. All persons required to file, with the Tax Commissioner of the consolidated town and city, lists of property subject to taxation, shall file the lists not later than the first (1st) day of November in each year, or, if the first (1st) day shall be Sunday, then the next business day following.

¹³³ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-274. Derived from Sp. Laws 1913, No. 352, § 91; Sp. Laws 1915, No. 367, § 5; Sp. Laws 1967, No. 197, § 3; Sp. Laws 1969, No. 264, §1.

¹³⁴ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-275. Derived from Sp. Laws 1913, No. 352, §92.

¹³⁵ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-276. Derived from Sp. Laws 1913, No. 352, §93.

¹³⁶ THE BLANK SPACE IS IN THE CURRENT CHARTER.

¹³⁷ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-277. Derived from Sp. Laws 1937, No. 539, §1.

(d) **Exclusion from Lists**¹³⁸. The persons shall not include on the lists real estate, shellfish lands or motor vehicles. The term "motor vehicles" shall include trucks, tractors, automobiles and motorcycles.

(e) **Listing Personal Property; Forms**¹³⁹. The State Tax Commissioner shall provide a form to be used by property owners in the consolidated Town and City of Norwalk for listing personal property for taxation, except as hereinbefore provided.

(f) **Penalty Applies for Failure to File**¹⁴⁰. The addition of ten (10%) percent to taxpayers' lists, provided by law for failure to file the lists, shall apply only to the properties as are not expected by the provisions of **§1-278**.

(g) **Nonresident Lists of Real Estate and Personal Property**¹⁴¹. All owners of real estate or tangible personal property which is located in the City seven (7) months during any year, who are nonresidents of the City, shall file lists of the estate and personal property with the Assessors of the City in the same manner and subject to the same conditions as is required of residents, except that the lists of nonresidents may be made out and filed either by the nonresidents or by their attorneys or agents, and the property shall be liable to taxation in the City in the same manner as provided for property residents.

(h) **Filing Grand List with State Tax Commission; Binding Tax Books and Returning for public Inspection; Board of Tax Review Meeting**¹⁴². The grand list of the City of Norwalk shall be filed with the State Tax Commissioner, annually, on or before the first (1st) Monday in April. The tax books of the City shall be bound and returned for public inspection, annually, on or before the third (3rd) Monday in April¹⁴³. **11** The Board of Tax Review of the City shall meet, annually, on the first (1st) Monday in March. The Board of Estimate of the City shall meet, annually, on the fourth (4th) Monday in April¹⁴⁴.

¹³⁸ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-278. Derived from Sp. Laws 1937, No. 539, §2.

¹³⁹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-279. Derived from Sp. Laws 1937, No. 539, §3.

¹⁴⁰ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-280. Derived from Sp. Laws 1937, No. 539, §4.

¹⁴¹ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-281. Derived from Sp. Laws 1913, No. 352, §94.

¹⁴² 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-282. Derived from Sp. Laws 1935, No. 363; Sp. Laws 1967, No. 197, §4; Sp. Laws 1969, No. 264, §2

¹⁴³ *Editor's Note: See also § 1-283.*

¹⁴⁴ *Editor's Note: See also § 1-289.*

(i) **Time Extension to Complete Books and Duties of Board of Tax Review**¹⁴⁵. The time within which the tax books of the City of Norwalk may be completed and the duties of the Board of Tax Review of the town may be completed is extended thirty (30) days beyond the time prescribed by law.

(j) **Transfer of Tax Books**¹⁴⁶. The tax books on which the assessments of the property owners of the City of Norwalk are listed shall be transferred from the office of the City Clerk to the office of the Tax Commissioner of the City.

Planning Commission.

(1) **Definitions for the purpose of this Article**¹⁴⁷. For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate, the singular includes the plural and the plural includes the singular. The term:

(a) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways.

(b) "Park" includes parks, parkways, parking spaces, waterfronts, squares, commons, grounds and other open spaces.

(c) "Subdivision" means the division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision¹⁴⁸;

(d) "Resubdivision" means a change in a map of an approved or recorded subdivision or resubdivision if the change (i) affects any street layout shown on the map, (ii) affects any area reserved thereon for public use, or (iii) diminishes the size of any lot shown thereon, if any of the lots shown thereon have been conveyed after the approval or recording of the map.

(e) "Commission" means the Norwalk City Planning Commission¹⁴⁹.

Commented [S18]: MARIO OR BRIAN: Related to Planning and Zoning Commission; §7-3.B., above. Are any of these provisions pertinent to the current operations and regulatory protocols? If not, these provisions should be repealed.

¹⁴⁵ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-283. Derived from Sp. Laws 1947, No. 486.

¹⁴⁶ 2023 Recodification of current Article V, Part 7 – Tax Commissioners and Board of Relief §1-284. Derived from Sp. Laws 1935, No. 126.

¹⁴⁷ 2023 Recodification of current Article XII – Planning Commission §1-367. Derived from Charter Amendment 11-3-1970; effective 1-1-1971).

¹⁴⁸ Editor's Note: See Land Subdivision Regulations, Appendix, Part I.

¹⁴⁹ Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § **1-367** should be interpreted as referring to the Norwalk Planning and Zoning Commission rather than the Norwalk City Planning Commission. See Ch. **79**, Planning and Zoning Commission.

(f) "Council" means the Common Council of the City of Norwalk.

(g) "Master Plan" as used herein shall have the same meaning as the term "plan of development" as used in the Connecticut General Statutes. Official submission of matters to the Commission shall be deemed the date of any resolution or reference from the Council, or the postmarked date of envelopes containing submitted matters in the case of reference by any board, commission, individual or corporation.

(2) Creation, Composition, Powers and Duties of Commission¹⁵⁰.

(a) **Established¹⁵¹.** There shall be in the City of Norwalk a City Planning Commission with the powers and duties hereinafter set forth.

(b) **Appointment, Approval, Qualification and Ex Officio Members.** The membership shall be appointed by the Mayor subject to approval by the Common Council as set forth in §7-1.C of this Charter¹⁵². The Commission shall consist of the Mayor and the Commissioner of Public Works¹⁵³ or a member of the Department of Public Works designated by the Commissioner, both ex officio, and eight (8) additional persons, with not more than four (4) being registered members of any one political party. All of the members shall be electors of the City of Norwalk¹⁵⁴. The Mayor and the Commissioner of Public Works, or a member of the Department of Public Works designated by the Commissioner, shall be nonvoting ex officio members, except in the case of a tie vote when the Mayor shall cast the deciding ballot¹⁵⁵.

(c) **Transaction of Business¹⁵⁶.** Five concurring votes are required for the transaction of business.

(d) **Term of Office, Vacancy in Balance of Term.** Upon expiration of the term of any such member, his successor shall be appointed for a term of four years¹⁵⁷. In the event of death, resignation or removal for cause of any of the members, the Mayor, with the approval of the majority of the Council, shall appoint, within thirty days, a member to fill the unexpired portion of the term¹⁵⁸.

¹⁵⁰ 2023 recodification of current Article XII – Planning Commission §1-368. Derived from Sp. Laws 1947, No. 214, § 2; Sp. Laws 1955, No. 400, § 1. *Editor's Note: As of July 1974, it was the opinion of the Corporation Counsel that § 1-368 had been superseded by §§ 79-2, Powers; 79-3, Composition and appointment; 79-4, Alternate members; and 79-5, Terms of office, of Ch. 79, Planning and Zoning Commission.*

¹⁵¹ 2023 recodification of current Article XII – Planning Commission §1-368 (First sentence).

¹⁵² 2023 recodification and edit of current Article XII – Planning Commission §1-368 (Fifth sentence).

¹⁵³ *Editor's Note: See also § 1-363.*

¹⁵⁴ 2023 recodification of current Article XII – Planning Commission §1-368 (Second sentence).

¹⁵⁵ 2023 recodification of current Article XII – Planning Commission §1-368 (Fourth sentence).

¹⁵⁶ 2023 recodification of current Article XII – Planning Commission §1-368 (Third sentence).

¹⁵⁷ 2023 recodification of current Article XII – Planning Commission §1-368 (Sixth sentence).

¹⁵⁸ 2023 Recodification of current Article XII – Planning Commission §1-368 (Seventh sentence).

(e) **Removal from Office.** Members may, after a public hearing to be held not less than seven days or more than fourteen days after legal notice of the hearing and due cause outlined in such notice, be removed by a majority vote of City Council, for inefficiency, neglect of duty or malfeasance in office¹⁵⁹. Three successive absences from meetings shall be deemed neglect of duty with no other proof required¹⁶⁰.

Commented [S19]: Planning Commission

(3) **Commission Powers Under Statutory Provisions**¹⁶¹. In addition to the powers and duties specifically granted and imposed upon the Planning Commission under the Charter of the City of Norwalk, the Commission shall have all of the powers and duties granted to and imposed on planning commissions under Chapter **126** of the Connecticut General Statutes, which are not inconsistent with the duties and powers set forth in the Charter.

(4) **Consolidation of Planning and Zoning Commissions authorized**¹⁶². The Common Council may by ordinance designate either the Zoning Commission or the Planning Commission as the Planning and Zoning Commission for Norwalk, in the manner set forth in §8-4a of the Connecticut General Statutes, or may, after such a designation, reverse the designation in accordance with §8-4b of the Connecticut General Statutes.

(5) **Chair of Planning Commission; Custodian; Meetings**¹⁶³. The Commission shall elect its own Chair and create other offices. The term of the Chair shall be one year with eligibility for re-election. The Commission shall adopt rules for the transaction of business in conformity with the provisions of §§**1-366 to 1-376**, and shall keep a public record of its resolutions and transactions. The City Clerk shall be Custodian of the Commission's records. The Commission shall hold regular monthly meetings.

(6) **Appointment of Employees; Expenditures; Budget**¹⁶⁴. The Commission may appoint employees necessary for its work, subject to the same provisions of law as govern corresponding civil employees. No employee, whether hired for compensation or otherwise, shall directly or indirectly engage in the real estate business, as the same is defined in §1783c of the 1953 Supplement to the General Statutes, in the City of Norwalk. The Commission may contract with consultants for service. The expenditures of the Commission, exclusive of gifts of

Commented [S20]: Budget Process

¹⁵⁹ 2023 Recodification of current Article XII – Planning Commission §1-368 (Eighth sentence).

¹⁶⁰ 2023 Recodification of current Article XII – Planning Commission §1-368 (Ninth sentence).

¹⁶¹ 2023 Recodification of current Article XII – Planning Commission §1-368.1. Derived from Charter Amendment 11-3-1970; effective 1-1-1971.

¹⁶² 2023 Recodification of current Article XII – Planning Commission §1-368.2. Derived from Charter Amendment 11-3-1970; effective 1-1-1971.

¹⁶³ 2023 Recodification of current Article XII – Planning Commission §1-369. Derived from Sp. Laws 1947, No. 214, §3.

¹⁶⁴ 2023 Recodification of current Article XII – Planning Commission §1-370. Derived from Sp. Laws 1947, No. 214, § 4; Sp. Laws 1955, No. 400, § 2; Charter Amendment 8-17-1976. Historical Editor's Note: Approved by the electorate at the general election held 11-2-1976.

public benefit, shall be within the amounts appropriated. The Commission is to prepare a detailed budget each year to present on or before the first (1st) regular Council meeting in March to the City Council, for acceptance or amendment by a two-thirds (2/3^{rds}) vote of the Council. The budget shall be given to the Comptroller for presentation to the Board of Estimate and Taxation in compliance with the provisions of the Charter of the City of Norwalk.

(7) Master Plan for City Development¹⁶⁵. It shall be the function and duty of the Commission to make and adopt a Master Plan for the physical development of the City. The plan, with accompanying maps, charts and descriptive matter, shall show the Commission's recommendations for the development, including the general location, character and extent of streets, building lines, parks, aviation fields, other public grounds, public buildings and public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communications, power or other purposes; also rules and regulations to control the subdivision of land and the laying out of streets; also the relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing; also the approval or disapproval of the proposed names of new streets and to change the confusing names of existing streets.

Commented [S21]: Plan of Conservation and Development

(8) Adoption of Plan¹⁶⁶. The Commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts or any amendment thereof or addition thereto. Before the adoption of the plan or any such part, amendment or addition, the Commission shall hold at least two public hearings thereon, notice of time and place of which shall be given by two publications in a newspaper of general circulation in the City, at least ten and five days prior to the hearing. The resolution shall refer expressly to the maps and descriptive matter intended by the Commission to form the plan, and the action taken shall be recorded on the map, plan and descriptive matter by the identifying signatures of the Chair and Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to the Council. The resolution and certified copy of the plan or part shall then be adopted by a majority vote of the Council and signed by the Mayor in the manner provided in the Charter for the adoption of ordinances, in order that it shall have the legal status of the official plan, and thereupon shall be so designated on the City official map.

(9) Effect of Adoption of Master Plan; Approval of Subdivisions Required¹⁶⁷. (a) Whenever the City has adopted the Master Plan or one or more major sections thereof, no street or park, other than those created by subdivision in accordance with Subparagraph B below, public building or structure or public

¹⁶⁵ 2023 Recodification of current Article XII – Planning Commission §1-371. Derived from Sp. Laws 1947, No. 214, § 5. **Historical Editor's Note: See Appendix, Part I, Land Subdivision Regulations, § 6.**

¹⁶⁶ 2023 Recodification of current Article XII – Planning Commission §1-372. Derived from Sp. Laws 1947, No. 214, §6.

¹⁶⁷ 2023 Recodification of current Article XII – Planning Commission §1-373 A + B. Derived from Added by Charter Amendment 11-3-1970; effective 1-1-1971.

utility whether publicly or privately owned, shall be constructed or authorized in the City or in the planned section and district until the location, character and extent thereof has been submitted to and approved by the Commission and the Council. In case of approval by the Commission, a majority of the Council is required for concurrence; in case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds (2/3^{rds}) of its entire membership. (b) Whenever the City has adopted the Master Plan or one or more major sections thereof, no subdivision of land shall be made until a plan for the subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than two hundred (\$200) dollars for each lot sold or offered for sale or so subdivided. All plans for subdivision shall, upon approval, be filed or recorded in the office of the Town Clerk, and any plan, not so filed or recorded in accordance with the Commission's regulations, shall become null and void. No such plan shall be recorded or filed by the Town Clerk until its approval has been endorsed thereon, and the filing or recording of a subdivision plan without the approval shall be void.'

(10) Master Plan; Failure to Act¹⁶⁸. The failure of the Commission to act within sixty (60) days from the date of official submission to the Commission shall be deemed approval, but the matter in question shall still require the action of the Council in the manner hereinbefore provided.

(11) Publishing Report Copies that Pertain to Master Plan¹⁶⁹. The Commission shall have power to promote public interest in and understanding of the plan and may publish copies of any report and may employ other means of publicity. The Commission shall recommend to public officials, programs for public improvements and the financing thereof. It shall be part of its duties to consult and advise with public officials and organizations and citizens with relation to the carrying out of the plan. The Commission shall have the right to accept and use gifts of public benefit for the exercise of its functions. All public officials shall, upon request, furnish the Commission, within a reasonable time, the available information as it may require in its work.

(12) Submissions to Planning Commission¹⁷⁰. No project, undertaking, contract or expenditure involving a total cost to the City of Norwalk of ten thousand (\$10,000) dollars or more, even though funds have been provided for by the Board of Estimate and Taxation, shall be made, commenced or contracted for until such project, undertaking or contract has been submitted to the Commission and considered by it with relation to the general plan and has been

¹⁶⁸ 2023 Recodification of current Article XII – Planning Commission §1-374. Derived from Sp. Laws 1947, No. 214, §8.

¹⁶⁹ 2023 Recodification of current Article XII – Planning Commission §1-375. Derived from Sp. Laws 1947, No. 214, §9.

¹⁷⁰ 2023 Recodification of current Article XII – Planning Commission §1-376. Derived from Sp. Laws 1947, No. 214, §10.

approved in accordance with the foregoing provisions of §§ **1-366** to **1-374**. This section shall not apply to bond issues, notes, temporary or refunding loans or payments of the same or interest thereon, or to the regular annual departmental budgets.

(13) Appeals¹⁷¹. Any person aggrieved by an official action of the Planning Commission may appeal therefrom within fifteen days of the official action to the Court of Common Pleas for Fairfield County in accordance with the provisions of §8-28 of the Connecticut General Statutes.

(14) Saving Clause¹⁷². All acts heretofore taken by the Planning Commission under the Charter of the City of Norwalk are expressly ratified, confirmed and approved.

ⁱ DRAFTING SUPPLEMENT. Board of Assessment Appeals. Ord. §103-14. Appointment of alternates; increase in membership. A. There shall be three alternate members appointed to the Board of Assessment Appeals. The Mayor shall appoint the alternates subject to confirmation by the Common Council. The appointed alternates shall serve terms of one year from the date of appointment. B. Revaluation. (1) In accordance with the provisions of Connecticut General Statutes, § 9-199(c), the Board of Assessment Appeals is hereby increased to seven members for any assessment year during which a revaluation becomes effective as well as the two assessment years immediately following such year of revaluation. The Mayor shall appoint the four additional members, and a total of seven alternate members to the Board, subject to confirmation by the Common Council, during such years. (2) The provisions of Connecticut General Statutes, § 9-167a concerning minority representation shall apply to the Board of Assessment Appeals. (3) Upon the completion by the Board of Assessment Appeals of its work for any revaluation assessment year described above for which the additional members were appointed, the terms of the four additional members and four alternates appointed and confirmed pursuant to this section shall expire and no successors shall be appointed.

ⁱⁱ DRAFTING SUPPLEMENT. Chapter 79. PLANNING AND ZONING COMMISSION [HISTORY: Adopted by the City of Norwalk Common Council 9-28-2021. Amendments noted where applicable.] § 79-1. Creation. Pursuant to the authority granted to the Common Council by § 1-368.2 of the Charter of the City of Norwalk and § 8-4a of the Connecticut General Statutes, the Planning Commission of the City of Norwalk is hereby designated as the Planning and Zoning Commission for Norwalk (hereinafter, the Commission). **§ 79-2. Powers and duties.** The Commission shall have all of the powers and be subject to all of the duties granted to and imposed upon planning and zoning commissions under the Connecticut General Statutes, together with all of the powers and duties specifically granted to and imposed upon the Planning Commission under the Charter of the City of Norwalk. **§ 79-3. Composition and appointment.** A. The Commission shall consist of nine regular members, provided that no more than six such members may be registered members of any one political party, and provided further, that there shall be not more than three regular members from any one Council District. All of such members shall be electors of the City of Norwalk. B. Members of the Commission shall be appointed by the Mayor with the approval of the Common Council. If the Mayor shall fail to submit a nomination within 60 days after a vacancy, either by reason of expiration of term or for any other reason, such vacancy shall thereafter be filled by nomination and approval of the Common Council. If the Mayor shall have submitted a nomination to fill a vacancy within the sixty-day period and the Common Council shall have rejected or failed to act upon such nomination, the seat shall be vacated. The Mayor may submit the same or different nominations thereafter until the same shall have been approved by the Common Council. In no instance shall a member serve more than five consecutive terms as a regular member. No member of the Commission shall be a regular or alternate member of the Zoning Board of Appeals. **§ 79-4. Alternate members.** There shall be appointed, in the manner provided in § 79-3 above, three alternate members to the Commission, no more than two of whom shall be registered members of any one political party. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth above for regular members of the Commission. Such alternate members shall be electors and shall not be regular or alternate members

¹⁷¹ 2023 Recodification of current Article XII – Planning Commission §1-377. Derived from Charter Amendment 11-3-1970, effective § 1-1-1971.

¹⁷² 2023 Recodification of current Article XII – Planning Commission §1-377.1. Derived from Charter Amendment 11-3-1970, effective § 1-1-1971.

of the Zoning Board of Appeals. If a regular member of the Commission is absent, they may designate, in writing, an alternate member of the Commission to act in their place. If they fail to make such designation or the person so designated is disqualified, the Chair of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. **§ 79-5. Terms of office. A. Regular members.** The terms of the regular members shall be as follows: three of the members shall be appointed for terms ending January 1, 2023; three of the members for terms ending January 1, 2024; and three of the members shall be appointed for terms ending January 1, 2025. Thereafter, upon the expiration of the term of any such member, their successor shall be appointed for a term of three years. **B. Alternate members.** One alternate shall be appointed for a term ending January 1, 2023, one alternate for a term ending January 1, 2024, and one alternate for a term ending January 1, 2025. Thereafter, upon the expiration of the term of any such alternate member, their successor shall be appointed for a term of three years. **§79-6. Organization and administration. A.** The Commission shall organize and elect officers, maintain records, contract, prepare budgets, and do all other things permitted or directed by the provisions of the Connecticut General Statutes and the Charter of the City of Norwalk, insofar as the latter are not inconsistent with the provisions of the Connecticut General Statutes. All employees of the Planning Commission and the Zoning Commission as of the effective date of this chapter shall be employees of the Commission. **B.** There shall be a Director of Planning and Zoning, who shall be appointed by the Commission based on the recommendation of a search committee. Such committee shall consist of the Chair and Vice Chair of the Commission, the Chief of Economic and Community Development, and the City's Personnel Director or designee. There may be an Assistant Director of Planning and Zoning who shall be appointed in the same manner, except that the Director of Planning and Zoning shall replace the Personnel Director on the search committee. **C.** Nothing contained herein shall be construed to alter the terms and conditions of any collective bargaining agreement applicable hereto. **D.** Staff of the Commission shall be appointed by the Director and employed pursuant to the City's Personnel Rules and Regulations. **§ 79-7. Effect on prior regulations.** All regulations adopted by the Planning Commission or the Zoning Commission which were in effect prior to the effective date of this chapter shall continue in full force and effect until modified, repealed, or superseded in accordance with the provisions of the Connecticut General Statutes. **§79-8. Effective date.** This chapter shall take effect on January 11, 2022.

iii What is the Zoning Commission? See, Article 140, §118-1400

iv **DRAFTING SUPPLEMENT. Chapter 126 PENSION PLAN. [HISTORY: Adopted City of Norwalk Common Council 9-24-1963. Amendments noted where applicable.]**

§1. Authority. Pursuant to the authority granted to the Common Council of the City of Norwalk, Connecticut, in § 189 [Editor's Note: See § 1-189 of Charter and Related Laws.] of the Norwalk City Charter, there shall be created and established for such city a pension plan for city employees as stated herein. [Editor's Note: See also, Charter and Related Laws, Art. XXI, as to provisions for certain retired employees. As to the retirement of school custodians see Ch. 9, Administration, § 9-4.].

§2. Pension Board. There shall be appointed by the Mayor of the City of Norwalk, immediately upon the enactment of this ordinance and confirmed by a majority of the Norwalk Common Council, a Board consisting of five, who shall constitute the Board of Trustees for the Norwalk City Employees' Pension Fund, hereinafter referred to as the "Pension Board." The members of the Pension Board shall receive no compensation for serving as a Trustee. **A.** The City Comptroller shall serve as an ex officio member of the Board. The other five members shall be appointed to serve terms of one year, two years, three years, four years and five years, respectively, and thereafter their successors shall be appointed for a term of five years on September 1 of each year.

§ 3. Duties of the Pension Board. The Pension Board shall perform the duties of the Trustees of the Norwalk City Employees' Pension Fund, relating to the management of such funds, except that the City Comptroller shall have the care and custody of all such funds and shall have the power, with approval of the Board, to invest such funds in securities legal for investment for trust funds.

§4. Retirement allowances. [Amended 6-27-1984]. The Pension Board shall put into effect and provide a system or systems of retirement allowances for the city's regular, full-time paid employees, as more fully defined by the Board, except elected officials (other than each Registrar of Voters and the Town Clerk), policemen and firemen who are provided with pensions under provisions of the Norwalk City Charter §§ 1-319 through 1-332 and §§ 1-338 through 1-352, respectively, and professional employees of the Board of Education who are members of the State Teachers' Retirement System, and provide for contributions by such employees and the city to a fund or funds from which allowances shall be paid.

§5. Contracts. The Pension Board shall be empowered to contract with any insurance company, bank or trust company, or any other company with which it is legal to invest pension funds, for the purpose of insuring the whole or any part of its retirement plans, subject to the provisions of the City Charter and General Statutes of the State of Connecticut as made and provided.

§6. Pension plan; provisions. The pension plan to be administered by the Pension Board shall contain the following minimum provisions: **A.** The plan shall be a flexible split-funded retirement plan and shall be actuarially sound. **B.** The plan shall include all permanent full-time city employees from the first date of their employment regardless of age except those stated in §4. [Amended 9-8-1970] **C.** All presently enrolled employees who commenced employment on or after

September 1, 1965, and who have completed more than three years' continuous service for which they have not contributed to the pension plan may elect to be enrolled for an additional period not to exceed three years, provided that the employee agrees to contribute to the plan for the three additional years or any portion thereof, and provided that the election is submitted in writing to the Pension Board within six months from the effective date of this amendment. [Amended 9-8-1970]. **D. Retirement age.** [Amended 8-10-1965; 2-14-1967; 5-9-1967; 6-14-1977] (1) The pension plan shall include a voluntary retirement age of 62 for all city employees. In no event will an employee continue in the service of the city after the month in which he attains age 70. (2) The pension plan shall provide, at the option of the employee, for early retirement at age 55, with 15 years of service, in an actuarially reduced amount. **E. Retirement benefits.** For all employees with at least 10 years of service, the pension plan shall provide, at the normal retirement age of 62, an annual retirement benefit equal to 2% of the final average salary [which is the average of the highest three years' salary during the final five years of employment] times the number of years of service up to a maximum of 30 years. [Amended 2-9-1965; 8-10-1965; 6-14-1977] (a) For employees with between 25 and 30 years of service, the annual benefit amount so determined shall be converted to a monthly amount. This amount shall then be reduced by either \$135 or the actual monthly amount of the social security benefit, whichever is less. (b) For employees with between 10 and 25 years of service, the annual benefit amount so determined shall be converted to a monthly amount. This amount shall then be reduced by the proportion of \$135, or the actual monthly amount of the social security benefit, whichever is less, which the employee's actual years of service bear to 25. (2) In no event shall a retirement benefit at the normal retirement date be less than the benefit computed as follows: [Added 5-9-1967] (a) There shall first be determined the total benefit the employee would receive if he had 25 years of credited service. (b) From the amount determined in Subsection E(2)(a) shall be deducted the social security benefit, not to exceed \$135 per month, to which the employee is entitled. [Amended 2-9-1970; 6-14-1977] [1] In the case of employees of the City of Norwalk who are covered by an agreement between the city and the City of Norwalk Municipal Employees, Local 2405, AFSCME-AFL-CIO, dated July 1, 1976, and who are members of the pension plan, there shall be deducted from the amount determined in Subsection E(2)(a) the social security benefit, not to exceed \$100 per month, to which the employee is entitled. The funds to provide for the added payments to employees covered by this Subsection E(2)(b)[1] shall be provided by the city from an account designated "Pension B Account" and not from any fund or funds provided for all other payments contemplated under the pension plan. [2] In the case of employees of the City of Norwalk who are covered by the agreement between the city and the Norwalk Municipal Employees Association and who are members of the pension plan, there shall be deducted from the amount determined in Subsection E(2)(a) the social security benefit, not to exceed \$100 per month, to which the employee is entitled. The funds to provide for the added payments to employees covered by this Subsection E(2)(b)[2] shall be provided by the city from an account designated "Pension C Account" and not from any fund or funds provided for all other payments contemplated under the pension plan. [3] In the case of employees of the City of Norwalk who are covered by an agreement between the city and the Norwalk Public Health Nurses Unit, Connecticut Nurses Association, and who are members of the pension plan, the employees shall receive pension benefits equivalent to those provided for in Subsection E(2)(b)[2] above. (c) If the employee has 25 or more years of service, he shall receive the retirement benefit computed in Subsection E(2)(b) above. (d) If the employee has less than 25 years of service, he shall receive that portion of the amount computed in Subsection E(2)(b) above as his years of service relate to 25 years. **F. Death benefits.** (1) The pension plan shall provide a death benefit of at least 12 months' salary if death occurs prior to retirement. [Amended 2-9-1965] (2) The pension plan shall provide total retirement income for 60 months in the event that death should occur after retirement. **G.** The pension plan shall include, at termination of employment other than death or normal retirement: **[Amended 6-14-1977]** (1) Full vesting as to each employee after 10 years' participation. Fully vested benefits begin at age 62. (2) A benefit payable at age 62, as computed in Subsection E above. (3) The employee, however, at his option, may elect, in lieu thereof, to receive contributions as made by him. **H. Disability benefits.** **[Amended 6-14-1977]** (1) The pension plan shall include disability benefits to include the full-vesting rights for the employee in the event of total and permanent disability, which benefits shall be payable at the age of 62. (2) An employee who has 15 years of service and who becomes totally and permanently disabled shall be eligible to receive his benefits within six months of such total and permanent disability, in an actuarially reduced amount. I. Commencing September 1, 1967, employee contributions to the plan shall be a maximum of 1 1/2% of the base salary which is subject to social security tax and 5% on the salary covered by the pension plan but not subject to social security tax. **[Amended 5-9-1967]** J. The city shall contribute from time to time such sums as are necessary to put the plan into effect and to maintain same on a sound actuarial basis. K. (Reserved) **[Editor's Note: Former Subsection K, making the maximum age restriction for pension plan participation for future employees 55, was repealed 6-14-1977.]** L. Participation in the plan shall be voluntary for city employees eligible for enrollment at the time and date of adoption of the plan by the Pension Board. Thereafter, participation by all new employees shall be mandatory except for such employees as are now employed by the city and have not heretofore been included in the plan. No new city employee who is receiving periodic retirement or disability benefits from any City of Norwalk pension plan will be allowed to contribute to or join any City of Norwalk pension plan. **[Amended 6-14-1977; 9-28-1982]** M. Open enrollment period. **[Added 9-8-1970; amended 6-14-1977; 6-27-1984]** (1) Any person who was employed on September 1, 1965, but did not enroll in the pension plan may enroll with full credit for past service, provided that an election for enrollment is made in writing to the Pension Board within one month from the effective date of this amendment and provided that the employee contributes all sums that would have been paid if the employee

enrolled in the pension plan on September 1, 1965. (2) Any person who was employed on September 1, 1965, but who was not eligible to enroll in the pension plan because of either age or length of service and who subsequently enrolled in the pension plan may elect to be enrolled for an additional period not to exceed three years, provided that the employee agrees to contribute to the plan for the three additional years, or any portion thereof, and provided that the election is submitted in writing to the Pension Board within six months from the effective date of this amendment. (3) Any person presently employed by the city but who was not eligible to enroll in the pension plan because of either age or length of service may enroll with full credit for past service, provided that the employee contributes all sums that would have been paid if the employee enrolled in the pension plan on the date of his employment or on September 1, 1965, whichever shall be the later date. (4) Each Registrar of Voters and the Town Clerk previously not eligible to enroll in the pension plan may enroll with full credit for past service, provided that the official contributes all sums that would have been paid if the official enrolled in the pension plan on the date of his or her employment or on September 1, 1965, whichever shall be the later date. Only the Registrar of Voters or Town Clerk who are in office at the effective date of this ordinance, or thereafter, shall be entitled to inclusion in the pension plan.

ARTICLE VIII: DIVISIONS, DEPARTMENTS AND EXECUTIVE LEADERSHIP

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§8-1. The Authority to Establish the Divisions and Departments of the City.

A. Powers and Duties¹. In addition to the Divisions and Departments specifically set forth in this Charter; and, as further delineated in §8-1.C, below, the City, acting within the authority, powers and duties enumerated in the General Statutes, Special Acts applicable thereto and this Charter, may establish such Divisions and Departments, thereunder, necessary to carry out and organize the functions of government as set forth in this Charter.

(1) Intent. The express intent of this Charter is to allow the Mayor and the Council the ability to organize the government in order to achieve a balance of efficiency and service to the people of the City. The delineation of departmental categories in this Charter is to mandate services to be provided and functions to be served; in that regard, the structures set forth in this Charter may be altered pursuant to a reorganization plan adopted in accordance with the provisions of this Charter. However, the powers, duties and functions defined in this Charter shall be assigned to Officials of the City.

(2) Objective. The system of government administration set forth in this Charter is specifically designed to reduce duplication of services and efficiently foster the delivery of services to the City. The benefits of such system shall be conferred upon the general government and, where permitted by Law or by mutual agreement, upon the Department of Education.

B. Creation of Divisions and Departments². The Common Council by a Majority Vote, shall, by Ordinance proposed by the Mayor, establish the Divisions and Departments of the City required to carry out the City's functions and to meet public need. The Council shall have the power to prescribe by Ordinance the powers, duties and privileges of each Division and Department, not inconsistent with any of the provisions contained herein:

Commented [S1]: standard

(1) Each of these Divisions and Departments shall be constituted to perform such functions and have such powers and duties as are imposed by the General Statutes, this Charter and Ordinance.

¹ NEW (2023)

² 2023 replacement of current Article IV. The Common Council. §1-190. Derived from Sp. Laws 1913, No. 352, §124; Sp. Laws 1915, No. 367, §8. **Historical editor's Note: See Ch. 81, Plumbing; Ch. 36, Electrical Code; Ch. 66, Milk; Ch. 57, Health and Sanitation.** The repealed language follows: "Authorization of Council to enact ordinances covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk. The Council is also hereby authorized to enact ordinances or bylaws concerning plumbing, sanitation, and electrical work, and to provide for the examination and licensing of master or journeymen plumbers or electricians by such committee of persons as the Council shall designate, and for the revocation of such licenses with power to forbid any unlicensed person doing any plumbing or repairing of plumbing, or doing any electrical work, under such penalties as the Council shall prescribe; to provide for a Building, Plumbing, and Electrical Inspector, define his powers and duties, and determine the fees to be paid for permits; to provide for the licensing of dealers in milk, fix the fees for such licenses, prescribe the conditions under which milk shall be kept, offered for sale, and sold in the City, and prohibit the bringing into the City of milk which is not pure, or which has been exposed to contamination, and to provide penalties for the violation of any of the ordinances of the City."

VERSION.04 (042723)

C. The executive leaders of each Division established by Ordinance shall be subject to the provisions of this Charter generally applicable to Division Chiefs and shall serve conterminously with the term of the appointing Mayor (however, may continue to serve until a successor shall be appointed and shall have qualified); unless otherwise provided by the General Statutes, this Charter or any applicable collective bargaining agreement. All Divisions and Departments shall be entitled to office space provided by the Town and shall remain open during such hours as the Mayor may direct.

Commented [S2]: IS THIS THE CURRENT STANDARD?

D. Reorganization Plans for Divisions and Departments³. The Mayor may propose by Ordinance, subject to the approval of a Majority Vote of the Common Council, a reorganization plan for City Departments, including Divisions and Departments created by Charter.

(1) Alteration of Divisions and Departments Created by Charter.

The delineation of departmental responsibilities in this Charter are obligatory; however, the structure of the named-Divisions and Departments may be altered pursuant to a reorganization plan. In this respect, any division categories and department responsibilities may be reorganized and Department Heads may be reassigned (unless otherwise prohibited by Law or agreement).

(2) Limitation of Reorganization Plan: Opinion of the Corporation

Counsel. The reorganization plan is subject to the limitation that all governmental functions set forth in this Charter shall continue to be provided to the residents of the City; unless such function has been eliminated as the result of a repealed Federal or State mandate and not otherwise deemed to be in the best interest of the City to continue. Moreover, any reorganization plan shall include specific reference to the departmental function(s) set forth in this Charter that will be carried out in the reorganization plan and shall be accompanied by an opinion of the Corporation Counsel verifying that the reorganized function complies with the Charter requirements.

E. Vote required for Council Authorization⁴. A vote of a two-thirds of the entire membership of the Council shall be necessary to take any action authorized by this section, and the action shall be subject to the action of the Mayor as set forth in §4-8.D(1) of this Charter.

§8-2. Appointment of Department Heads, Division Chiefs and Other Mayoral Executive Level Appointees; General Requirements.

A. Appointment. Except as otherwise provided by the General Statutes or this Charter, all Division Chiefs, Department Heads and Other Mayoral Executive Level

³ NEW (2023)

⁴ 2023 modification and recodification of current Article IV. The Common Council. §1-189.4 (Fifth sentence). Added by Charter Amendment 11-3-1970. New language in lieu of the following: "approval of the Mayor as set forth in §191 of the Charter (1956 Edition), §1-197 (1970 Edition). This section shall take effect on January 1, 1971."

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Appointees, shall be subject to the authority and serve under the direction of the Mayor, following appointing as follows:

(1) Appointment Solely by the Mayor⁵. The Chief of Staff and Corporation Counsel⁶ shall be appointed by the Mayor.

(a) Chief of Staff. The Chief of Staff shall serve coterminous with the Mayor and may be removed in the sole discretion of the Mayor.

(b) The Corporation Counsel⁷. The Corporation Counsel shall serve coterminous with the Mayor and may be removed in the sole discretion of the Mayor.

Commented [S3]: Charter has a term of two years.

(2) Appointed by Mayor and Confirmed by Common Council: Service under the direction of the Mayor⁸. Unless otherwise set forth in this Charter or by written agreement, the following unclassified employees shall be appointed by the Mayor and serve at the direction of and with the pleasure of the Mayor⁹, subject to Confirmation by the Common Council. The term of service of these officials is also subject to removal as set forth in §3-10 of Article III of this Charter. At the time of the adoption of the Charter the following Division Chiefs and Other Mayoral Appointees serve at the pleasure of the Mayor:

- (a)** Chief Financial Officer¹⁰;
- (b)** Chief of Economic and Community Development¹¹;
- (c)** Chief of Human Resources and Personnel¹²;
- (d)** Chief of Operations and Public Works¹³; and,
- (e)** Chief of Community Services¹⁴.

⁵ NEW (2023). Restatement of current practices as set forth in Charter and/or Ordinance: (1) Chief of Staff _____; and (2) Corporation Counsel, as set forth in current §1-223.

⁶ **Comment of the 2023 Charter Revision Commission.** The Corporation Counsel is addressed in Ord. §63-4. Corporation Counsel and appointed as set forth in Charter and the Ordinances.

⁷ 2023 modification and recodification of current Article V, Part 1 – General. §1-223. Derived from Sp. Laws 1913, No. 352, § 79; Sp. Laws 1931, No. 323; Chapter Amendment 9-2-1980. Historical Editor's Note: *Approved by the electorate at the general election held 11-4-1980.*

⁸ NEW (2023). Restatement of current practices as set forth in Charter and/or Ordinance:

⁹ 2023 recodification and modification of current Article V, Part 4 – Department of Finance §1-239.A. Under the current charter this provision applies to the Director of Finance a/k/a Chief Financial Officer.

¹⁰ **Comment of the 2023 Charter Revision Commission.** The Chief Financial Officer is addressed in §8-4 of this Charter and in Ord. 1-239 et. seq with respect to the duties and authority of the Director of Finance.

¹¹ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Chief of Economic and Community Development is governed by current Ord. 35B-1 – 2. The Division Chief is appointed by Mayor subject to confirmation by Council to serve at the pleasure of the Mayor.

¹² **Comment of the 2023 Charter Revision Commission. At the time of the adoption of this Revision the Chief of HR and Personnel): Personnel Director** is governed by current Ord. §1-287.2. The Chief is appointed by Mayor subject to confirmation by council sat the pleasure of the Mayor and may be removed at the will of the Mayor.

¹³ **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision the Chief of Operations and Public Works is governed by current Ord. §90-2. The Chief is appointed by Mayor and confirmed by Council subject to removal at the discretion of the Mayor.

¹⁴ **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision the Chief of Community Services is governed by current Ord. §33-2. The Chief is appointed by Mayor and confirmed by Council serve at the pleasure of the Mayor.

(3) **Appointed by Mayor and Confirmed by the Common Council:**
Four-year term. The following Department Heads shall be appointed, subject to confirmation, and serve as specified by this Charter or Ordinance and until a successor is duly appointed and shall have qualified, unless otherwise terminated in accordance with Law, as follows:

- (a) The Comptroller¹⁵;
- (b) The Purchasing Agent¹⁶
- (c) Tax Collector¹⁷;
- (d) Assistant Tax Collectors¹⁸
- (e) Tax Assessor¹⁹.
- (f) Assistant Tax Assessor²⁰

Commented [S4]: Ord. Art. V, §9-13 + -14: Assistant Tax collectors appointed by Mayor and Confirmed by Council.

¹⁵ 2023 recodification and modification of current Article V, Part 4 – Department of Finance §1-240.A (First and second sentences). Added by Charter Amendment 8-29-1978, § 5. *Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language: "The Mayor elected in November 1979, subject to confirmation by the City Council, shall appoint a City Comptroller to hold office for a term of four (4) years beginning July 1, 1980, and until his or her successor shall be duly appointed and shall have qualified."* **Comment of the 2023 Charter revision Commission:** Comptroller current Art. V – Part 4, §1-240.A appointed by Mayor subject to confirmation by the Council for a term of 4 years.

¹⁶ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing First and second sentences). Added by Charter Amendment 8-29-1978, §6. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language: "The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for an initial term from the date of his appointment to June 30, 1981, and thereafter the Mayor, subject to confirmation by the City Council, shall appoint a Purchasing Agent to hold office for a term of four (4) years beginning July 1, 1981, and until his or her successor shall be duly appointed and shall have qualified."* **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Purchasing Agent is appointed by Mayor and confirmed by Council for a term of 4-years.

¹⁷ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (First and second sentences). Added by Charter Amendment 8-29-1978, §7. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language: "The Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint a Tax Collector to hold office for a term of four (4) years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified."* **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Charter the Tax Collector is appointed by Mayor and confirmed by Council for a term of 4-years.

¹⁸ **Comment of the 2023 Charter Revision Commission:** At the time of the adopt of the 2023 Charter, the Assistant Tax Collectors are governed by Ord. Art. V, §9-13 + -14. They are appointed by Mayor and Confirmed by Council.

¹⁹ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.A entitled "Division of Tax Assessment" (First and second sentences). Added by Charter Amendment 8-29-1978, §8. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978. Repealed the following language: "There shall be a Division of Tax Assessment headed by the Tax Assessor, who shall be appointed for a term of four (4) years. The Mayor elected in November 1977, subject to confirmation by the City Council, shall appoint a Tax Assessor to hold office for a term of four (4) years beginning July 1, 1979, and until his or her successor shall be duly appointed and shall have qualified."* **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision, the Tax Assessor is appointed by Mayor and confirmed by Council for a term of 4-years

²⁰ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.B entitled "Division of Tax Assessment". Repealed the following language: "the Mayor elected in November 1981, subject to confirmation by the City Council, shall appoint an Assistant Tax Assessor to hold office for a term of four (4) years beginning July 1, 1982, and until his or her successor shall be duly appointed and shall have qualified." **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Assistant Tax assessor is appointed by Mayor and confirmed by Council for a term of 4-years

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- (g) Health Director²¹
- (h) Deputy and Assistant Corporation Counsels and Special Counsels²²
- (i) Building Official²³
- (j) Director of Code Enforcement²⁴
- (k) Municipal Historian²⁵

(4) Appointed by a Board of Commission for an Indeterminate Term. The following Department Heads shall be appointed as follows, for an indeterminate term of office until a successor is duly appointed and shall have qualified, subject to removal in accordance with the provisions of the General Statutes:

- (a) Police Chief²⁶ by the Board of Police Commissioners; and,
- (b) Fire Chief²⁷, by the Fire Board.

B. Removal of Appointive Officers and Employees²⁸. Except as otherwise provided in this Charter, any officer or employee may be removed for malfeasance in office, neglect of duty or other just cause by the authority appointing him in accordance with the procedures set forth in 3-10 of this Charter and any Ordinances or regulations enacted thereunder.

Commented [S5]: Coordinate with Art. III, Sec. 3-10.

C. Qualifications of Division Chiefs, Department Heads and Executive Level Mayoral Appointees²⁹. The job qualifications of all Mayoral appointees, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be established by Ordinance following the recommendation of the human resources or personnel director or as may otherwise be designated by Ordinance. The job qualifications shall be prepared in accordance with nationally accepted professional

Commented [KL6]: Do we need this section?

No

²¹ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Director of Health (Health Department) is governed by current Ord. §57-2 and -3. Under that provisions the Director is appointed by Mayor and confirmed by Council for a term of 4 years, removal for cause. The position is subject to a probationary period and the powers and duties by ordinance.

²² **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Deputy and Assistant Corporation Counsels are governed by current Ord. §63-5. They are appointed by Mayor and confirmed by Council. §63-6. Qualifications of Deputy CC.

²³ **Comment of the 2023 Charter Revision Commission:** At the time of the adoption of the 2023 Revision the Building Official is governed by current Ord. §26-5. The official is appointed by Mayor and confirmed by Council for a term of 4-years.

²⁴ **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision the **Director of Code Enforcement is governed by** current Ord. §35A-3.A + B. The Director is appointed by Mayor and confirmed by Council for a term of 4 years. The job description is set forth in the Code of Ordinances

²⁵ **Comment of the 2023 Charter Revision Commission.** At the time of the adoption of the 2023 Revision, the Municipal Historian is governed by current Ord. §57A-6. The Municipal Historian appointed by Mayor and confirmed by Council, removal for cause. There is no term set forth in the ordinances.

²⁶ **DRAFTING NOTES (Chief of Police):** Combined Dispatch

²⁷ **DRAFTING NOTES (Fire Chief):** Ord. §31-8 Director of Emergency Management appointed by Mayor and serves at pleasure of Mayor. No Council confirmation.

²⁸ 2023 Recodification of current Article V, Part 1 – General. §1-222 (First sentence). Derived from Sp. Laws 1913, No. 352, §78; Charter Amendment 8-29-1978. Historical Editor's Note: *Approved by the electorate at the general election held 11-7-1978.*

²⁹ NEW (2023)

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standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four years and whenever a Vacancy occurs in the position.

D. Compensation³⁰. The salaries and compensation of all Officials, Division Chiefs, Department Heads and employees of the City shall be set by Ordinance or through the budget, except where otherwise fixed by the General Assembly or as otherwise covered by the personnel and civil service rules, collective bargaining agreement(s) or contract.

E. Liability.

(1) Unlawful Disbursement of Money³¹. No officer or employee of the City shall receive or disburse money belonging to the city unless authorized to so do by the provisions of this Charter, by Ordinance or by a resolution regularly adopted by the Council.

(2) Unlawful incurring of Debts and Obligations: Authority of the Corporation Counsel to Commence Legal Process³². Any officer or employee of the City who shall willfully or knowingly incur in the name of the City any debt or other obligation which the City may be compelled to pay without any appropriation having been made for the benefit of the same, or who shall willfully or knowingly incur any such debt or obligation in excess of any appropriation that may have been made therefor, shall be personally liable for the payment of such debt or obligation. The Corporation Counsel is hereby authorized to sue for the same, in the name and for the benefit of the city, before any court of competent jurisdiction,

CURRENT BOND REQUIREMENTS

Surety Bond³³. The Director of Finance shall give a bond in an amount to be determined by the Common Council to the City conditioned against defalcation or malfeasance in office, with a surety company as surety.

Surety Bond³⁴. The Tax Collector (He or she) shall give a surety bond as required by the General Statutes of the State of Connecticut in an amount prescribed by the Common Council.

Commented [S7]: CAN WE VERIFY THE STATUS OF BONDS FOR CITY OFFICIALS IN NORWALK?

³⁰ NEW (2023). The following provisions are repealed (1) pertaining to the Purchasing Agent is repealed: "current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing (Third sentence);" (2) pertaining to the Tax Collector: "current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (Third sentence); (3) pertaining to the Tax Assessor and Assistant Tax Assessor; "current Article V, Part 4 – Department of Finance, §1-243.E entitled "Division of Tax Assessment."

³¹ 2023 recodification and modification of current Article V, Part 1 – General. §1-212. Derived from Sp. Laws 1913, No. 352, §61. Added the term "by Ordinance".

³² 2023 recodification and edit of current Article V, Part 1 – General. §1-213. Derived from Sp. Laws 1913, No. 352, §62.

³³ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.C (Second sentence).

³⁴ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (Fourth sentence).

Bond³⁵. The Tax Assessor and the Assistant Tax Assessor shall each give a bond in an amount to be determined by the Common Council to the city conditioned against defalcation or malfeasance in office, with a surety company as surety.

F. Full Time Positions³⁶. All Division Chiefs, Department Heads and other Mayoral Executive level Appointees³⁷, shall not engage in any commercial business or hold any other office, public or private, for which a salary or emolument is paid or have any substantial interest or own any substantial stock interest in any corporation, partnership or concern having any business relations with the City.

Commented [S8]: ARE THEY ALL FULL-TIME?

G. Delivery of Records to Successor³⁸. Upon expiration of the term of office, all Division Chiefs, Department Heads and other Executive-Level Mayoral Appointees shall deliver all records to the successor in office.

H. Appointive Officer Oath³⁹. Every appointee of the Council, when required by the Council, shall, before the appointee enters upon the duties of office, make oath or affirmation before some competent authority that the appointee will faithfully and impartially discharge the duties of office. The form of oath to be administered shall be as follows: "You, _____ having been appointed _____ of the City of Norwalk, do swear or affirm that you will faithfully and impartially discharge the duties of office according to your best skill and judgment, so help you God, or upon the pains and penalties of perjury." A certificate of the oath or affirmation under the hand of the authority administering it shall be lodged and kept on file in the office of the City Clerk.

Commented [S9]: LK/TL: DISCUSSION. SHOULD THIS BE SOMEWHERE ELSE? BOARDS AND COMMISSIONS OR ARTICLE III.

I. Position Titles⁴⁰. The position titles of the Division Chiefs and Department Heads set forth in this Charter reflect the title at the time of the adoption of this Charter. Titles may be changed; however, the functions and fiduciary obligations specifically set forth in this Charter shall not be altered⁴¹.

§8-3. The Corporation Counsel: The Law Department.

³⁵ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-243.D entitled "Division of Tax Assessment".

³⁶ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-244.A entitled "Requirements for certain Department officers". Added by Charter Amendment 8-29-1978, §9. *Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

³⁷ In lieu of the following: "The Director of Finance, Comptroller, Purchasing Agent, Tax Collector, Tax Assessor and Assistant Tax Assessor."

³⁸ 2023 modification and recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (Fourth sentence).

³⁹ 2023 Recodification of current Article V, Part 1 – General. §1-210. Derived from Sp. Laws 1913, No. 352, §77. Historical Editor's Note: *See also § 1-178 for oath for elective officers*

⁴⁰ NEW (2023).

⁴¹ 2023 repeal of current Article V, Part 1 – General. §1-220.1 pertaining to "Disposal of Surplus or Obsolete Equipment," derived from Charter Amendment 8-23-1977. Historical Editor's Note: *Approved by the electorate at the general election held 11-8-1977.*

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A. Law Department; Department Head⁴². There shall be a Law Department.
The Corporation Counsel shall be the administrative head of the department⁴³.

B. Structure of Office⁴⁴. While enacting any Ordinances pertaining to the Law Department, the Council may determine the number of attorneys, their qualifications, their respective terms of office and their compensation subject to the approval of the Board of Estimate and Taxation.

C.

D. Codification⁴⁵. The City of Norwalk will cause to be prepared, under the direction of its Corporation Counsel, a codification of all city ordinances in force and effect.

§8-4. Finance Functions⁴⁶.

A. Generally⁴⁷. The functions under this division of government shall be responsible for the administration of the fiscal policies of the city and for keeping of accounts and financial records of the city, for the assessment and collection of taxes, special assessments and other revenues; for the custody and disbursement of city funds and money; for the control over expenditures; for the purchase of services and materials, including insurance; for the preparation of the operating and capital budgets for submission to the Mayor, Board of Estimate and Taxation, Common Council and other authorities otherwise provided in this Charter for the adoption of such budgets and for advising each of the authorities when requested as to fiscal matters⁴⁸; and, such other powers and duties as may be required by the General Statutes, this Charter, Ordinance or Order or Motion of the Council⁴⁹.

Commented [S10]: DO WE WANT THE FUNCTIONS ENUMERATED? I WOULD RECOMMEND THAT WE DO.

⁴² 2023 modification and recodification of current Article IV. The Common Council. §1-189.4 (First sentence). Added by Charter Amendment 11-3-1970. *The following is repealed:* "Authorization of Council to Establish Law Department. The Council shall have the power to establish a Law Department."

⁴³ 2023 recodification of current Article IV. The Common Council. §1-189.4 (Second sentence). Added by Charter Amendment 11-3-1970.

⁴⁴ 2023 modification and recodification of current Article IV. The Common Council. §1-189.4 (Third and Fourth sentence). Added by Charter Amendment 11-3-1970. *The following provision was repealed:* "Any such ordinance shall not be inconsistent with §219 (1956 Edition); §1-230 (1970 Edition), relative to the employment of attorneys, or with §212 (1956 Edition); §1-223 (1970 Edition), relative to the appointment of the Corporation Counsel."

⁴⁵ 2023 modification and recodification of current Article IV. The Common Council. §1-194. Derived from Sp. Laws 1957, No. 111; Charter Amendment 9-2-1. *Historical editor's Note: Approved by the electorate at the general election held 11-5-1974. Editor's Note: Approved by the electorate at the general election held 11-4-1980. The following language was repealed:* "A competent legal publishing company may be employed by the city for that purpose and said codification may rephrase, alter, repeal or eliminate all obsolete and conflicting ordinances. Said codification shall be published in book form and any ordinances contained therein shall not require publication in a newspaper. The city shall provide sufficient quantities of said codification in book form to make available copies for the use of members of the Common Council, the office of the Corporation Counsel, all other city offices, including the Norwalk Public Libraries, the members of the Charter Revision Commission, and sufficient additional quantities for sale to the public.", *including the reference to Editor's Note: See Ch. 7, General Provisions, Article I, General*

⁴⁶ 2023 title change and recodification of current Article V, Part 4 – Department of Finance. Derived from Sp. Laws 1913, No. 352, §69; Sp. Laws 1921, No. 334, § 2; Sp. Laws 1933, No. 335, §1; and, **§1-238**, Payments to Treasurer. (Sp. Laws 1913, No. 352, § 7), was repealed by Charter Amendment 8-29-1978. *Historical Editor's Note: Editor's Note: Former Part 4, City Treasurer, consisting of § 1-237, Duties of the City Treasurer.*

⁴⁷ 2023 modification and recodification of current Article V, Part 4 – Department of Finance §1-238. Added by Charter Amendment 8-29-1978, §3. *Historical Editor's Note: Approved by the electorate at the general election held 11-7-1978.*

⁴⁸ 2023 recodification of current Article V, Part 4 – Department of Finance §1-238.A

⁴⁹ NEW (2023)

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(1) **Accounts and Forms**⁵⁰. Accounts shall be kept by the division of government responsible for finance showing the financial transactions for all Budgeted Entities. Forms for such accounts shall be prepared by and at the direction of the division chief.

(2) **Financial Reports**⁵¹. Financial reports shall be prepared for each month and for each fiscal year and for such other periods as may be required by the Mayor, Common Council and Board of Estimate and Taxation, which reports shall be submitted to the Common Council, Board of Estimate and Taxation and the Mayor.

(3) **Governance**⁵². The Departments responsible for finance functions shall be governed by rules and regulations established by Ordinances now and hereafter to be enacted in accordance with the provisions of Law.

(4) **Authority of Finance and Operational Function Officials**⁵³. The Chief Financial Officer, and, subject to the approval of the Chief, the Comptroller, the Purchasing Agent, Tax Collector and Tax Assessor shall have full power to require each City officer to furnish all information which in their possession and to provide the Officials with all books, contracts, resolutions, reports and other papers and documents in their possession or in within the purview of their Department, requisite in the opinion of the official to enable the discharge of duties, under this Charter and the Ordinance. All City officers shall furnish and exhibit the same in such manner and form as may be prescribed.

Commented [S11]: WHY ELIMINATE?

(5) **Additional Powers**⁵⁴. The Common Council shall have the power to delegate to the Chief Financial Officer other budgetary and governmental functions not inconsistent with other provisions of this Charter.

⁵⁰ 2023 recodification of current Article V, Part 4 – Department of Finance §1-238.B

⁵¹ 2023 recodification of current Article V, Part 4 – Department of Finance §1-238.B

⁵² 2023 recodification and edit of current Article V, Part 4 – Department of Finance §1-238.C.

⁵³ 2023 edit and recodification of current Article V, Part 4 – Department of Finance, §1-245 entitled "Powers of Officials". Added by Charter Amendment 8-29-1978, §10. Editor's Note: Approved by the electorate at the general election held 11-7-1978.

⁵⁴ 2023 recodification of current Article V, Part 4 – Department of Finance, §1-247 entitled "Additional Powers". Added by Charter Amendment 8-29-1978, §12. Editor's Note: Approved by the electorate at the general election held 11-7-1978. The following provision is repealed: "This revision shall become effective upon approval, except that where the term of an officer provided for herein does not begin until after January 1, 1979, the functions of such officer shall be discharged by the city official responsible for such functions at the time of the enactment of this section" as set forth in current Article V, Part 4 – Department of Finance, §1-247 entitled "Effective Date". Added by Charter Amendment 8-29-1978, §13. Editor's Note: Approved by the electorate at the general election held 11-7-1978. Historical Note: "Article V. Officers and Employees. Part 5. (Reserved). [1] Editor's Note: Former Part 5, City Comptroller, was replaced according to Charter Amendment 8-29-1978 as follows (a) Former § 1-239, Office of City Comptroller, was renumbered as §1-240B; (b) Former § 1-240, Vested powers, was renumbered as § 1-240C; (c) Former § 1-241, Former duties of Auditor which are now performed by Comptroller, was renumbered as § 1-240D; (d) Former § 1-242, Accounts and reports; refusal to approve contracts unsupported by appropriations; information furnished by officers; signing orders on Treasurer; auditing (Sp. Laws 1931, No. 323, § 3), was repealed; (e) Former § 1-243, Each department shall submit budget to Comptroller; reports of estimate and taxation (Sp. Laws 1931, No. 323, § 4), was repealed."

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B. Chief Financial Officer⁵⁵. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief Financial Officer. The Chief Financial Officer shall be responsible for the administration of the financial management of the City.

(1) Departments and Direct Reports to the Division Chief⁵⁶. The following Department Heads and Other Mayoral Appointees shall report on their functions to the Division Chief responsible for the financial functions of the City: (a) The Comptroller; (b) The Purchasing Agent; (c) The Tax Collector; (d) The Tax Assessor; (e) The Assistant Tax Assessor; and (f) any other Departments that may be assigned.

(2) Reporting Requirements⁵⁷. The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

(3) Audit Functions⁵⁸. The Chief Financial Officer or a designee shall have the discretion to audit or cause to be audited such accounts to be so audited, as determined in the discretion of the Chief Financial Officer, and shall perform those duties historically performed by the Auditor and the Comptroller⁵⁹.

(a) Annual Report⁶⁰. At the end of each Fiscal Year the Chief Financial Officer shall examine the yearly statement of accounts of all City officers and report the result to the Mayor, Council and Board of Estimate and Taxation, which report shall be entered by the City Clerk upon the records of the City and published in such manner as the Council may order⁶¹.

Commented [S12]: WHAT DOES THIS MEAN?

⁵⁵ 2023 revision (f/k/a "Director of Finance") and recodification of (1) current Article V, Part 4 – Department of Finance §1-239. Added by Charter Amendment 8-29-1978, §4; Charter Amendment 11-8-2005. Historical *Editor's Note*: *Approved by the electorate at the general election held 11-7-1978; and (2) current Article V, Part 4 – Department of Finance §1-239.B, in lieu of the following: "The Director of Finance shall have experience in finance and possess appropriate professional qualifications for the discharge of his or her office."*

⁵⁶ 2023 modification and recodification of current Article V, Part 4 – Department of Finance §1-237 and §1-239.C (First sentence). Added by Charter Amendment 8-29-1978, §2. Historical *Editor's Note*: *Approved by the electorate at the general election held 11-7-1978, in lieu of "there shall be a Department of Finance which shall be composed of the Divisions of Accounting and Treasury, Purchasing, Tax Assessment, and Tax Collection."*

⁵⁷ 2023 recodification of current Article V, Part 4 – Department of Finance §1-239.F.

⁵⁸ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-240.A. Added by Charter Amendment 8-29-1978, § 5. Historical *Editor's Note*: *Approved by the electorate at the general election held 11-7-1978.*

⁵⁹ 2023 recodification and edit of current Article V, Part 4 – Department of Finance §1-239.G (First sentence), language replaced: "set forth in §1-240D of the Charter."

⁶⁰ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-239.G (Second sentence).

⁶¹ 2023 repeal of the following provisions: (1) current Article V, Part 4 – Department of Finance, §1-240.B entitled "Office of City Comptroller." Added by Sp. Laws 1931, No. 323, §1: "On and after September 1, 1931, the office of City Auditor shall be abolished, and in lieu thereof there is created the office of City Comptroller;" (2) current Article V, Part 4 – Department of Finance, §1-240.C entitled "Vested Powers." Added by Sp. Laws 1931, No. 323, §2: "All powers and duties vested in said City Auditor by statute or by the Charter of the City of Norwalk shall be vested in the City Comptroller;" (3) c current Article V, Part 4 – Department of Finance, §1-240.D entitled "Former duties of Auditor which are now performed by Comptroller." Added by Sp. Laws 1913, No. 352, §70.7: "The Auditor shall quarterly and oftener when required by the ordinances of said city examine and audit the accounts of all appointed or elected officers of said city, including like officers of the First, Second and Third Taxing Districts, who are authorized to receive

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C. The Comptroller⁶². The Comptroller shall have such duties and responsibilities as set forth in this Charter and the Ordinances and shall work under the authority of the Mayor and supervision of the Chief Financial Officer or such other official in the event of a reorganization in accordance with the provisions of this Charter. The Comptroller shall:

(1) certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each Budgeted entity and officer of the city, and no purchase order or contract shall be a valid obligation of the City of Norwalk unless it shall bear such certification of the Comptroller; and

(2) refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in the opinion of the Comptroller, will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation.

Historical Provisions: Transition and Sunset. The historical powers and duties of the Comptroller as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

D. The Purchasing Agent⁶³. The Purchasing Agent shall have such duties and responsibilities as set forth in this Charter and the Ordinances and shall work under the authority of the Mayor and supervision of the Chief Financial Officer or such other official in the event of a reorganization in accordance with the provisions of this Charter.

(1) **General Duties⁶⁴.** The City Purchasing Agent shall make all purchases of supplies, materials, equipment and contractual services for all Department or Budgeted Entities of the City. Moreover, the City Purchasing Agent

or disburse money belonging to said city, or said districts, and shall compare the items of such accounts with the vouchers therefor, and shall report the result of such examination to the Council, and at the end of the current year, he shall examine the yearly statement of accounts of all such officers and report the result to the Council, which report shall be entered by the City Clerk upon the records of said city and published in such manner as the Council may order;" (4) current Article V, Part 4 – Department of Finance, §1-240.E entitled "Checks or orders to be countersigned by City Comptroller." Added by Sp. Laws 1931, No. 323, §7: "No funds may be withdrawn by the City Treasurer unless such checks or orders shall be countersigned by the City Comptroller;" and, (5) current Article V, Part 4 – Department of Finance, §1-240.F entitled "Repeal of inconsistent sections that deal with Treasurer." Added by Sp. Laws 1931, No. 323, §8: "So much of the Charter of the City of Norwalk, concerning the duties of the City Treasurer, as is inconsistent herewith is repealed."

⁶² 2023 recodification and modification of current Article V, Part 4 – Department of Finance §1-240.A (Sixth sentences, clauses (ix) – (x)). The remainder of the historical provision has been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁶³ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing First and second sentences). Added by Charter Amendment 8-29-1978, §6. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978*. The remainder of the historical provision has been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁶⁴ NEW (2023).

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shall be responsible for the central purchasing system for the City covering the purchase of all supplies, materials, equipment and other commodities for the use and needs of all Departments, Budgeted Entities, Boards and Commissions and Officials of the City, including the Board of Education. With regard to the Board of Education, the City Purchasing Agent shall be required to take advantage of incentives, cooperative agreements and consortiums generally available to boards of education in order to expedite the acquisition of goods and services for the Board to meet the curriculum and scheduling requirements of the Board.

Historical Provisions: Transition and Sunset. The historical powers and duties of the Purchasing Agent as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

(2) Purchasing Ordinance⁶⁵. The Common Council shall further have the power to establish and amend by ordinance such rules, regulations, policies and procedures as it may deem necessary or appropriate to define and govern the powers, duties, responsibilities and operations of such Purchasing Division.

(3) Centralized Purchasing System: Purchasing Ordinance⁶⁶. There shall be a centralized purchasing system for the City (including, where practicable, the Board of Education) covering the purchase of all services, supplies, materials, equipment and other commodities required. In order to advance the provisions of this Charter, the Common Council shall, upon recommendation of the Purchasing Agent, establish by Ordinance the rules and regulations governing the operation of a central purchasing system in a manner consistent with the General Statutes, this Charter, Ordinance and standards established by organizations such as the National Institute of Governmental Purchasing and the National Association of State Purchasing Officials as well as the Model Procurement Code and Ordinances prepared by the American Bar Association. The rules and regulations shall include, but not be limited to, provisions governing:

- (a)** Additional roles and responsibilities of the Purchasing Agent;
- (b)** Competitive procurement⁶⁷ and solicitation requirements, including local business preference;

Commented [S13]: PROPOSED BY COUNSEL.

⁶⁵ 2023 modification and recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Fifth sentence). Editor's Note: Procurement Guidelines were adopted 2-8-2005 by the Common Council of the City of Norwalk and last amended 7-8-2014. A complete copy of these guidelines and any amendments thereto are on file in the City offices. See also § **19-1**, Threshold for bidding, of this Code.

⁶⁶ NEW (2023).

⁶⁷ See, C.G.S. §7-148v entitled "Requirements for competitive bidding". See also, C.G.S. §7-148w entitled "Disqualification of contractors from bidding on municipal contracts".

(c) Specifications; requisition standards; and, inspection and testing methodologies, following consultation with the Mayor, Chief Financial Officer and appropriate City Officials, designated by the Mayor; and,

(d) Storage; recycled and recyclable products; transfer or sale of surplus property and appropriate reporting standards; and, inventory control.

The Purchasing Agent shall review such Ordinance, every two years, and make recommendations pertaining to the purchase of all services, supplies, materials, equipment and other commodities required as well as the factors, including, but not limited to, cost, competition and processes, that assure compliance with the provisions of this Charter.

E. The Tax Collector⁶⁸. The Collector of Taxes and Assessments shall perform all of the duties and assume all of the responsibilities entrusted to Tax Collectors by virtue of the General Statutes, this Charter and the Ordinances.

Historical Provisions: Transition and Sunset. The historical powers and duties of the Purchasing Agent as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

Inability to Perform Duties⁶⁹. If the Tax Collector shall be unable to perform the duties of office because of sickness, injury or absence from the city, and there shall not be an Assistant Tax Collector appointed as provided in §9-13 of the Code, the Mayor may appoint a Temporary Tax Collector to perform the duties of that office. The decision to appoint a Temporary Tax Collector is in the Mayor's sole discretion.

Commented [S14]: MIGHT BE REPEALED OR MOVED TO THE DISABILITY PROVISIONS OF THE CHARTER.

F. The Tax Assessor⁷⁰. The Tax Assessor is responsible for the following:

⁶⁸ 2023 recodification, consolidation and restructuring of (1) current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (First and second sentences). Added by Charter Amendment 8-29-1978, §7. Historical *Editor's Note*: Approved by the electorate at the general election held 11-7-1978; and (2) current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-252 Added by Sp. Laws 1933, No. 363, § 4.) The remainder of the historical provisions have been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

⁶⁹ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-242.B entitled "Division of Tax Collection".

⁷⁰ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.A entitled "Division of Tax Assessment" (First and second sentences). Added by Charter Amendment 8-29-1978, §8. Historical *Editor's Note*: Approved by the electorate at the general election held 11-7-1978.

(1) **Appointment of Assistant Tax Assessor**⁷¹. There shall be an appointed Assistant Tax Assessor.

Inability to Perform Duties⁷². If the Tax Assessor or the Assistant Tax Assessor shall be unable to perform the duties of office by any reason of sickness, injury or absence from the city, the Mayor may appoint a temporary officer to perform the duties of office. The decision to appoint a temporary officer is in the sole discretion of the Mayor.

Commented [S15]: MIGHT BE REPEALED OR MOVED TO THE DISABILITY PROVISIONS OF THE CHARTER

(2) **Duties and Powers**⁷³. All of the duties and powers entrusted to and vested in the Assessors and Board of Assessors under the General Statutes of the State of Connecticut, and the Tax Commissioner and Assistant Tax Commissioner under the Charter of the City of Norwalk, as amended, shall be entrusted to and vested in the Tax Assessor and Assistant Tax Assessor as constituted herein.

§8-5. Economic Development and Community Service Functions.

A. Generally⁷⁴. The functions of this division shall relate to neighborhood, community and economic development planning and programs; planning and zoning; code enforcement; blight enforcement; business development and tourism, transportation, mobility and parking and such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance⁷⁵.

B. Chief of Economic and Community Development⁷⁶. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief of Economic and Community Development. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

(1) **Departments and Direct Reports to the Division Chief**⁷⁷. The following Department Heads and Other Mayoral Appointees shall report on their functions to the Division Chief: (a) Business Development and Tourism; (b) Code Enforcement⁷⁸; (c) Planning and Zoning; and (4) Transportation Mobility and Parking.

⁷¹ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-243.B entitled “Division of Tax Assessment”.

⁷² 2023 recodification of current Article V, Part 4 – Department of Finance, §1-243.C entitled “Division of Tax Assessment”.

⁷³ 2023 recodification of current Article V, Part 4 – Department of Finance, §1-243.F entitled “Division of Tax Assessment”.

⁷⁴ NEW (2023)

⁷⁵ Last sentence derived from Ord. §35B-3.A.

⁷⁶ NEW (2023)'s Note: *Approved by the electorate at the general election held 11-7-1978; and (2) current Article V, Part 4 – Department of Finance §1-239.B, in lieu of the following: “The Director of Finance shall have experience in finance and possess appropriate professional qualifications for the discharge of his or her office.”*

⁷⁷ NEW (2023).

⁷⁸ 2023 replacement of current Article IV. The Common Council. §1-190. Derived from Sp. Laws 1913, No. 352, §124; Sp. Laws 1915, No. 367, §8. Historical editor's Note: See Ch. **81**, Plumbing; Ch. **36**, Electrical Code; Ch. **66**, Milk; Ch. **57**, Health and Sanitation. The repealed language follows: “Authorization of Council to enact ordinances

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(2) **Reporting Requirements**⁷⁹. The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

§8-6. Human Resources and Personnel Functions.

A. Generally⁸⁰. The functions of this division of government involve the administration of the city's compensation plans and employee benefit programs; assistance to all Departments and other Budgeted Entities in the recruitment, selection, and training of new employees; conducting analyses of job classifications; developing and running periodic employee training and safety programs as well as training and establishing policies pertain to the scope of federal and state laws pertaining to discrimination and harassment; maintaining employee records; providing personnel and labor relations services to all Departments and other Budgeted Entities; representing the City's interest in collective bargaining, grievance, and arbitration matters; and, such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance.

B. Chief of Human Resources and Personnel⁸¹. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief of Human Resources and Personnel. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

covering plumbing, sanitation, electrical work, licensing of workers, licensing and regulations of dealers in milk. The Council is also hereby authorized to enact ordinances or bylaws concerning plumbing, sanitation, and electrical work, and to provide for the examination and licensing of master or journeymen plumbers or electricians by such committee of persons as the Council shall designate, and for the revocation of such licenses with power to forbid any unlicensed person doing any plumbing or repairing of plumbing, or doing any electrical work, under such penalties as the Council shall prescribe; to provide for a Building, Plumbing, and Electrical Inspector, define his powers and duties, and determine the fees to be paid for permits; to provide for the licensing of dealers in milk, fix the fees for such licenses, prescribe the conditions under which milk shall be kept, offered for sale, and sold in the City, and prohibit the bringing into the City of milk which is not pure, or which has been exposed to contamination, and to provide penalties for the violation of any of the ordinances of the City."

⁷⁹ NEW (2023).

⁸⁰ NEW (2023).

⁸¹ NEW (2023). In lieu of current Article V, Part 9 – Personnel Department, 1-287.2. Derived from Sp. Laws 1969, No. 151, §2; Charter Amendment 8-13-1974. Historical Editor's Note: Approved by the electorate at the general election held 11-5-1974, which is repealed as follows: "On the first (1st) Monday after the first (1st) Tuesday in December 1977, the Mayor then in office shall appoint a Personnel Director, subject to confirmation of the Council of the City, who shall hold office at the pleasure of the Mayor and who may be removed at any time at the will of the Mayor. Such removal for all purposes shall be treated as a resignation. If the Mayor shall so remove his appointee, he shall forthwith appoint a successor, which appointment shall require confirmation by the Council. The Mayor shall fill any vacancy in the office of Personnel Director, subject to confirmation by the Council." Also, in lieu of current Article V, Part 9 – Personnel Department, 1-287.1. Derived from Sp. Laws 1969, No. 151, §1.

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(1) **Reporting Requirements**⁸². The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire⁸³.

§8-7. Operations Functions.

A. Generally⁸⁴. The functions under this division of government pertain to the administration and management of policies and programs pertaining to the operations and infrastructural needs of the City

B. Chief Operating Officer. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief Operating Officer. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

(1) **Departments and Direct Reports to the Division Chief**⁸⁵. The following Department Heads and Other Mayoral Appointees shall report on their functions to the Division Chief: (a) Building Management; (b) Engineering; (c) Public Works; (d) Recreation and Parks; and, (e) others as may be directed by Ordinance.

(2) **Reporting Requirements**⁸⁶. The Division Chief shall, in addition, prepare for the Board of Estimate and Taxation, the Common Council and the Mayor any special reports which any of them may desire.

Historical Provisions: Transition and Sunset. The historical powers and duties pertaining to operations and public works as set forth in Article XII §____ of this Charter ("Sunset Provision") shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance the pertinent provisions of Article XII ____ of this Charter shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

§8-8. Community Services.

Commented [S16]: LK/TL: NEED TO GENERALLY OUTLINE DEPARTMENTS OR DEPARTMENTAL FUNCTIONS THAT FALL WITHIN THIS DIVISION (HEALTH, LIBRARY, HUMAN SERVICES, YOUTH)

⁸² NEW (2023).

⁸³ 2023 repeal of current Article V, Part 9 – Personnel Department, 1-287.3. Derived from Sp. Laws 1969, No. 151, §3, as follows: "The Common Council shall establish by ordinance rules, regulations, policies and procedures which shall govern the operation of said Personnel Department and the administration of personnel matters in the City of Norwalk, including the duties of the Personnel Director. Such ordinance may be amended from time to time by the Common Council in such manner as it may deem necessary for the proper operation of said Personnel Department and the proper administration of personnel matters in the City of Norwalk."

⁸⁴ NEW (2023). Derived from Ord. §90-1. Note: Public Works was a mandatory provision under current Article IV. The Common Council. §1-189.2.A (Second sentence). Derived from Charter Amendment 11-3-1970. *Historic editor's Note: Former § 1-189.3, Authorization of Council to establish Purchasing Department, added by Charter Amendment 11-3-1970, was repealed by Charter Amendment 8-29-1978. The remainder of the historical provisions have been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.*

⁸⁵ NEW (2023).

⁸⁶ NEW (2023).

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A. Generally⁸⁷. The functions under this division of government pertain to the administration and management of policies and programs designed to (1) increase and sustain the social well-being and health of all residents of the City. by consolidating initiatives and programs that directly affect the social well-being and health of the residents of the City; (2) provide oversight and administrative support to departments under its supervision; (3) support the quality of life in the City through the lifespan; and, such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance. The Chief serves as the liaison to state and federal agencies within the purview of the division.

B. Chief of Community Services⁸⁸. At the time of the adoption of this provision of the Charter the Division Chief shall be the Chief of Community Services. The Chief shall be responsible for the administration of the functions set forth in this Charter and the Ordinances on the basis of experience and qualifications established by Ordinance.

C. ~~(06)~~ Special Meeting of Electors⁸⁹. A special meeting of the electors of the First, Second, Third, and Sixth Taxing Districts, respectively, of the City of Norwalk shall be held at least thirty days prior to the first (1st) regular meeting, in each year, of the Board of Estimate and Taxation of the City, for the purpose of making in each district an appropriation for the ensuing fiscal year for the library maintained within the particular district. The Board of Estimate and Taxation shall annually lay a tax based on the assessment list of the district last completed to defray the expenses of the library of such district to the amount appropriated by the district as hereinbefore provided.

Commented [S17]:
IS THIS STILL SO?

§8-9. Public Safety.

A. The Police Department. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of the rights of persons and property and enforcement of the Laws of the State and the Ordinances of the Town and all rules and regulations made in accordance therewith⁹⁰. The City shall maintain an adequate police force and shall provide all services as they may be required⁹¹.

(1) All sworn members of the Department shall have powers and duties with respect to the service of criminal process and enforcement of criminal laws as

⁸⁷ NEW (2023)

⁸⁸ NEW (2023).

⁹⁰ NEW (2023).

⁹¹ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-312 (Derived from Charter Amendment 11-3-1970), in lieu of the following: "The Norwalk Police Department shall maintain an adequate police force and shall provide all services as they may be required in the entire City of Norwalk. This section shall apply to the fiscal year beginning July 1, 1971, and shall be effective as of that date."

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are vested in police officers by the General Statutes⁹². The police shall have the powers of Constables of towns in the apprehension and arrest of criminals and the service of process within the limits of the City⁹³.

Commented [S18]: IS THIS REALLY NECESSARY?

(2) **The Chief of Police - Powers and Duties**⁹⁴. The head of the Police Department shall be the Chief of Police who shall be responsible for the general management and operations of the Police Department. In this regard, the Chief shall propose, in writing, policies, rules and regulations concerning the general management and operations of the Department and the conduct of all its members, in accordance with Law.

(a) **Appointment**⁹⁵. The Police Commission shall appoint the Chief of Police as set forth in §7-2.B(1)(c)(iii) of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes⁹⁶. The Chief of Police shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

Commented [S19]: APPOINTMENT AUTHORITY>?

(b) **Qualifications**⁹⁷. The Chief of Police shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the City in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter⁹⁸.

(c) **Duty of Police as to Arrest Without Warrant**⁹⁹. It shall be the duty of any policeman of the City to arrest, without previous complaint or warrant, any person guilty of drunkenness, vagrancy, disorderly conduct, breach of the peace, common assault, or any other offense committed within the City, when such offender may be taken or apprehended in the act, or on the speedy information of others, or when such officer has

Commented [S20]: FOR THE CC: HAVE WE EVER ATTEMPTED TO ENFORCE THIS PROVISION?

⁹² NEW (2023).

⁹³ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-303 (Derived from Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 17.) Historical Editor's Note: Refer to § 1-217 for powers of Constables; See also, 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-311 (Derived from Sp. Laws 1953, No. 590, §1.

⁹⁴ NEW (2023).

⁹⁵ NEW (2023).

⁹⁶ C.G.S. §7-278 entitled "Hearing prior to dismissal of municipal police head. Just cause requirement. Appeal".

⁹⁷ Charter Revision of 2011.

⁹⁸ 2023 repeal of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-305.1 (Derived from Sp. Laws 1967, No. 403), as follows: "here shall be a special police force or call force in the City of Norwalk consisting of not more than two hundred (200) members. The members of said special police or call force shall be appointed by the Board of Police Commissioners for terms not exceeding two (2) years. No person shall be appointed a member of the special police or call force unless he is an elector of the City of Norwalk, of good moral character and habits, in good health, and shall have passed such examination, mental and physical, as may be required by the Board of Police Commissioners. Such special police force or call force shall, at all times, be under the direction and control of the Chief of Police and shall perform such duties as may be assigned or designated by said Chief of Police. Members of the special police or call force shall have the power of regular policemen in the apprehension and arrest of criminals, in maintaining public order, and in the service of process within the limits of the City of Norwalk, and shall be paid for their services by said city."

⁹⁹ 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-306 (Derived from Sp. Laws 1913, No. 352, §148).

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reasonable grounds to believe that an offense has been committed, and all persons so arrested shall be immediately presented before the Town Court of Norwalk for trial.

(d) **Powers of Police**¹⁰⁰. The police shall have the powers of Constables of towns in the apprehension and arrest of criminals and the service of process within the limits of the City.

(e) **Fifth Taxing District; Taxation to Defray Police Expenses**¹⁰¹. All the inhabitants and real and personal property within the limits of the Fifth Taxing District shall be liable to taxation to defray the expenses of the Police Department, and an appropriation for the Police Department shall be included in the annual budget of the city. This section shall apply to the fiscal year beginning July 1, 1971, and shall be effective as of that date.

Commented [S21]: IS THIS STILL AN ISSUE?

B. The Fire Department. The Fire Department shall consist of the regular and volunteer divisions which shall be responsible for the protection of life and property in the City from fire and other like disasters and emergencies, and for the enforcement of all Laws, Ordinances, and regulations relating to fire prevention and fire safety¹⁰². The jurisdiction of the Norwalk Fire Department shall extend to the entire City of Norwalk except to the Sixth Taxing District¹⁰³ and, thus, shall maintain an adequate fire-fighting force and shall provide all services as they may be required and maintain all necessary fire houses and fire-fighting equipment within the boundaries of the Fifth Taxing District of the City of Norwalk, except the Sixth Taxing District¹⁰⁴. Notwithstanding the foregoing, the Norwalk Fire Department shall make available the services of its entire department to the entire city whenever they may be required¹⁰⁵.

Commented [S22]: IS THIS REALLY NECESSARY?

(1) **The Fire Chief – Powers and Duties**¹⁰⁶. The head of the Fire Department shall be the Fire Chief who shall be responsible for the general management and operations of the Fire Department. In this regard, the Chief shall propose, in writing, policies, rules and regulations concerning the general

¹⁰⁰ 2023 modification and recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-303 (Derived from Sp. Laws 1913, No. 352, § 141; Sp. Laws 1925, No. 225, § 17.) Historical Editor's Note: Refer to § 1-217 for powers of Constables.

¹⁰¹ 2023 Recodification of current Article VIII – Police Department and Police Fund, Part 1 – General, §1-313 (Derived from Charter Amendment 11-3-1970).

¹⁰² NEW (2023).

¹⁰³ 2023 recodification of current Article XXII "Extension of Fire Protections," §1-665. Derived from Charter Amendment 11-3-1970; effective 7-1-1971. See also, current Article XXII "Extension of Fire Protection." [Adopted 6-14-1961] Historical Editor's Note: See also, Art. IX and Ch. 41, Fire Department.

¹⁰⁴ 2023 modification and recodification of current Article XXII "Extension of Fire Protections," §1-666. Derived from Charter Amendment 11-3-1970, effective 7-1-1971, in lieu of the following: "(i) The Norwalk Fire Department shall maintain adequate fire-fighting force within the Fifth Taxing District of the City of Norwalk and in addition thereto shall maintain all necessary fire houses and fire-fighting equipment within the boundaries of the Fifth Taxing District of the City of Norwalk, except the Sixth Taxing District. (ii) The Norwalk Fire Department shall make available the services of its entire department to the entire city whenever they may be required."

¹⁰⁵ 2023 modification and recodification of current Article XXII "Extension of Fire Protections," §1-666. Derived from Charter Amendment 11-3-1970, effective 7-1-1971.

¹⁰⁶ NEW (2023).

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management and operations of the Department and the conduct of all its members, in accordance with Law.

(2) **Appointment**¹⁰⁷. The Fire Board shall appoint the Fire Chief as set forth in §7-2.C(1)(e)(iii) of this Charter; however, the Chief may be removed from office in accordance with the provisions of the General Statutes¹⁰⁸. The Fire Chief shall hold office until Completion of Service or until a successor shall be appointed and shall have qualified.

Commented [S23]: APPOINTMENT AUTHORITY?

(3) **Qualifications**¹⁰⁹. The Fire Chief shall meet the requirements, qualifications and certifications as may be set forth in the General Statutes and required by the Town in accordance with nationally accepted professional standards and best practices in the applicable field as developed pursuant to §8-2.E of this Charter.

(4) **Taxation**¹¹⁰. All of the inhabitants and the real and personal property within the limits of the Fifth Taxing District, with the exception of the Sixth Taxing District, shall be liable to taxation in order to defray the expenses of the Norwalk Fire Department. An appropriation to cover the operation of the Norwalk Fire Department shall be included in the annual budget of the city.

Commented [S24]: NECESSARY?

(5) **Termination of Sixth Taxing District Exception**¹¹¹. At such time as the Sixth Taxing District shall cease to maintain its own Fire Department, the Sixth Taxing District shall no longer be excepted from the provisions of §§ 1-665 and 1-666 hereinabove, and all of the inhabitants and real and personal property within the Fifth Taxing District shall be liable to taxation to defray the expenses of the Department.

Commented [S25]: NECESSARY?

¹⁰⁷ NEW (2023).

¹⁰⁸ See, C.G.S. §7-302 entitled "Hearing prior to dismissal of fire department head. Appeal".

¹⁰⁹ Charter Revision of 2011.

¹¹⁰ 2023 Recodification of current Article XXII "Extension of Fire Protections," §1-667. Derived from Charter Amendment 11-3-1970; effective 7-1-1971.

¹¹¹ 2023 Recodification of current Article XXII "Extension of Fire Protections," §1-668. Derived from Charter Amendment 11-3-1970; effective 7-1-1971.

RECOMMENDED FOR REVIEW AND REPEAL

§8-4.B. Chief Financial Officer.

Designation of Assistant Director of Finance¹¹². He or she may designate from among the heads of the four (4) divisions above mentioned an Assistant Director of Finance who, during his or her temporary incapacity or absence, shall have all the powers and duties herein conferred or imposed upon the Director of Finance, or in the event of his or her failure to do so, the Mayor shall appoint an Assistant Director of Finance.

Assumption of the Powers and Duties of the Comptroller¹¹³. The Director of Finance shall assume all the powers and duties of the Comptroller under this Charter or any ordinance with respect to the capital budget and capital projects program and under this Charter with respect to the preparation of the operating budget.

Appointment of Controller¹¹⁴. There shall be a Division of Accounting and Treasury headed by the Comptroller.

Salary of Controller¹¹⁵. The salary of the Comptroller shall be fixed by the Common Council. He or she shall give a bond in an amount to be determined by the Common Council to the city conditioned against defalcation or malfeasance in office, with a surety company as surety. The Comptroller in office at the time of the passage of this provision shall continue in office until his successor shall be appointed and shall have qualified as provided for herein.

§8-5. Economic Development and Community Service Functions.

Parking Department; In lieu of Parking Authority¹¹⁶. In the place and stead of the Norwalk Parking Authority there is established a Parking Department for the City of Norwalk.

(1) Ordinance Governing the Department. The Common Council shall establish by ordinance rules, regulations, policies and procedures which shall govern the operation of the parking Department. Such ordinance may be amended from time to time by the Common Council as it may deem necessary for the proper operation of said Parking Department.

¹¹² 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.C (Fourth sentence).

¹¹³ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-239.E.

¹¹⁴ 2023 Recodification and edit of current Article V, Part 4 – Department of Finance §1-240.A (First and second sentences). Added by Charter Amendment 8-29-1978, § 5. *Editor's Note: Approved by the electorate at the general election held 11-7-197.*

¹¹⁵ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-240.A (Third through fifth sentences).

¹¹⁶ 2023 Recodification of current Article XIII, §1-378 derived from Charter Amendment 8-17-1976. Historical Editor's Note I: Former Article XIII, Parking Authority, was repealed 8-17-1976 by the Charter Amendment which established the Parking Department. Historical Editor's Note II: Approved by the electorate at the general election held 11-2-1976. Historical Editor's Note III: Former Article XIV, City Court, was deleted in its entirety, as the city court system was abolished by state statute.

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(2) Transfer of Parking Authority Assets and Obligations. All of the property, equipment, leases and other assets of the Norwalk Parking Authority are hereby vested in the City of Norwalk and the City of Norwalk shall assume all obligations of the Norwalk Parking Authority at law or in equity.

(3) Effective Date. The above provisions shall become effective on the first (1st) day of July, 1977.

(4) Reserved. Article XIII, §1-379 through §1-397.

(5) Reserved. Article XIV, §1-398 through §1-423.

§8-7. Operations and Public Works Functions.

Department of Public Works¹¹⁷.

(6) Street, Sidewalks and Building Lines: Laying Out, Altering, Extending or Discontinuing¹¹⁸.

a. Repairing Sidewalks¹¹⁹. If the owner of any land shall neglect to repair any sidewalk along his frontage in the manner and time said Council directs said Council may employ any person to do the same, and the expense thereof shall be paid by the owner. The Mayor may issue a warrant authorizing the Tax Collector to collect such sum.

b. Power of Commissioner of Public Works as to sidewalks, curbs and gutters¹²⁰. The Commissioner of Public Works in the City of Norwalk may, from time to time, order and require the owner or owners of land fronting on any street or highway in said city, at the expense of such owner or owners, to make, construct and lay sidewalks, curbs, and gutters in such dimensions and material and at such grade or grades as said Commissioner shall designate and order, and to repair, reconstruct or relay the same; and to seed or sod with grass or otherwise fill the space between the walks and the curb line or the property line on any street or highway and to keep the growing grass in such space trimmed and cut.

¹¹⁷ 2023 Recodification of current Article XI, (a) §1-362 (Reserved) derived from Sp. Laws 1945, No. 313, §1; (b) §1-363 (Reserved), derived from Sp. Laws 1945, No. 313, §2; Charter Amendment 8-17-1976; (c) §1-364 derived from Sp. Laws 1945, No. 313, §3; Sp. Laws 1947, No. 218, §2; (d) §1-365 derived from Sp. Laws 1945, No. 313, §4; and, (e) §1-366 derived from Sp. Laws 1947, No. 218, §1. Historical Editor's Note: Former Article XI, Department of Public Works, was repealed 10-24-1978. For current provisions in this regard, see Ch. **88**, Public Works Department, of the Code of the City of Norwalk.

¹¹⁸ Article XV, Part 2. Laying Out, Altering, Extending or Discontinuing. Part 3 (Reserved) contained the following historical editor's note: "Former Part 3, Sprinkling, which was comprised of §§ **1-451** through 1-456, Sp. Laws 1913, No. 352 §§ 117 through 122, was repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980." Sections 1-451 through 1-456 (Reserved).

¹¹⁹ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-443 derived from Sp. Laws 1913, No. 352, §127.

¹²⁰ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-444. Derived from Sp. Laws 1945, No. 216, §1. *Editor's Note: For Commissioner of Public Works, see § **1-363**.*

i. Said Commissioner may limit the time for carrying out any order made by him, and notice of any such order shall be given by mailing from the post office at Norwalk or South Norwalk a copy of such order to the last-known usual place of abode of the owner or owners of the property affected thereby, or to the agent or person having charge of or occupying the premises, or by leaving a copy of the order with the owner or owner's agent or person having charge of or occupying the premises. If any owner or owner's agent fails to comply with the order within the time specified or limited therein, said Commissioner may execute such order according to the specifications set forth therein, at the initial expense of the city, and then assess the cost of executing such order against such owner and against the property upon which or adjoining which such sidewalk, curb or gutter was laid, relaid, constructed, reconstructed or repaired. Such cost, with interest at the rate of six (6%) percent per annum, from the publication of the notice of assessment by said Commissioner as hereinafter set forth, shall be a debt of the owner or owners of such property and shall be and remain a lien upon such property until full payment, plus interest and lien fees as in the case of tax liens, has been received by said city.

ii. **Notice of Debt and Assessment.** Notice of such debt and assessment shall be given as follows: within thirty (30) days after the work is completed, said Commissioner shall cause to be published in a newspaper having a circulation in said city a notice giving the names of the owner or owners of the property, as appears from the land records of the city, the street on which the property is located, and the amount of the assessment laid by him. Thereafter and within thirty (30) days after such publication, said Commissioner shall notify the Mayor that such work has been completed and of the amounts of such assessments and the names of those from whom such assessments are due and the properties against which the assessments have been laid and the Mayor shall thereupon issue his warrant to the Tax Collector for the collection thereof.

iii. Any assessment which shall not be paid within sixty (60) days after such publication by said Commissioner shall be a lien from the date of such publication upon the land or other property against which such assessment was made and such lien shall be continued and may be foreclosed in the manner provided by law for the collection of tax liens, provided a certificate thereof setting forth the name or names of the owner or owners of the property, a description of the property on which the lien exists, the amount claimed, the date of publication of such notice and the nature of the work for which such lien is claimed, signed by the Tax Collector, shall be lodged with the Town Clerk within three (3) months after such notice of such assessment was published in the newspaper by said Commissioner.

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c. Work by City and apportioning assessment costs¹²¹. In lieu of ordering or requiring the owner or owners of land fronting on any street or highway to make, lay, construct, repair, relay or reconstruct sidewalks, curbs or gutters as hereinbefore set forth, said Commissioner may, after public hearing, notice of which shall be published in a newspaper having a circulation in said city at least ten (10) days prior to said hearing, make, construct, lay, repair, reconstruct or relay sidewalks, curbs and gutters, or any of them and apportion the cost thereof as determined by him and assess the same against the owner or owners of the property upon which or adjoining which such sidewalks, curb or gutter was laid, relaid, constructed, reconstructed or repaired.

i. Such cost, with interest at the rate of six (6%) percent per annum, from the date of the publication of the notice of assessment by said Commissioner as hereinafter set forth, shall be a debt of the owner or owners of such property and shall be and remain a lien upon such property until full payment, plus interest and lien fees as in the case of tax liens, has been received by said city.

ii. Notice of such debt and assessment shall be given as follows: within thirty (30) days after the work is completed, said Commissioner shall cause to be published in a newspaper having a circulation in said city a notice giving the name or names of the owner or owners of the property as appears from the land records of the city the street on which the property is located and the amount of the assessment laid by him.

iii. Thereafter and within thirty (30) days after such publication, the Commissioner shall notify the Mayor that such work has been completed and the amounts of such assessments and the names of those from whom such assessments are due and the properties against which the assessments have been laid, and the Mayor shall thereupon issue his warrant to the Tax Collector for the collection thereof.

iv. Any assessment which has not been paid within sixty (60) days after such publication of such notice by said Commissioner shall be a lien from the date of such publication upon the land or other property against which such assessment was laid and such lien shall be continued and may be foreclosed in the manner provided by law for the collection of tax liens, provided a certificate thereof setting forth the name or names of the owner or owners of the property, a description of the property on which the lien exists, the amount claimed, the date of the publication of such notice and the nature of the work for which such lien is claimed, signed by the Tax Collector, shall be lodged with the Town Clerk within three (3) months after such notice of such assessment was published in the newspaper by said Commissioner.

¹²¹ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-445. Derived from Sp. Laws 1945, No. 216, §2.

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d. **Appeal from assessment**¹²². Any person aggrieved by any assessment made by said Commissioner under the provisions of the foregoing sections, may, within thirty (30) days after the publication of the notice of assessment, appeal from such assessment to any Judge of the Superior Court or the Court of Common Pleas by a written petition with citation attached, returnable in not less than six (6) nor more than twenty (20) days after its date, which shall be served at least six (6) days before the return day upon the Clerk of the City of Norwalk; and any number of persons affected by any such assessment may join in such appeal. Such Judge may, by a Committee or otherwise, review such assessment and correct any error or errors therein and award costs.

e. **Validation of liens**¹²³. Any and all liens securing assessments for sidewalks, curbs and gutters and for sewers heretofore filed, for and on behalf of the City of Norwalk, and which have been signed by the Tax Collector instead of the Mayor or City Clerk are and shall be valid to the same extent and in the same manner as if such liens had been originally signed by the Mayor or Clerk.

f. **Repeal of inconsistent ordinances**¹²⁴. Any provision of any special act relating to the City of Norwalk and an ordinance or resolution of the Common Council of said city inconsistent with the terms of §§ 1-444 to 1-448, are repealed.

g. **Establishment or alteration of lines, grades, width and height; general**¹²⁵. The Common Council of the City of Norwalk, upon recommendation of the Commissioner of Public Works of said city, may establish or alter and reestablish curblines and grades of any street or highway, and the course, width and height of curbs and gutters, in said town, upon the City Clerk's giving notice of such proposed action by advertisement thereof not less than five (5) days in advance of such action.

h. **Repeal of inconsistent acts and ordinances repealed**¹²⁶. Any provision of any special act relating to the City of Norwalk or of any ordinance or resolution of the Common Council inconsistent with the terms of §§ 1-449 to 1-450 is repealed.

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¹²² 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-446. Derived from Sp. Laws 1945, No. 216, §3.

¹²³ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-447. Derived from Sp. Laws 1945, No. 216, §4.

¹²⁴ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-448. Derived from Sp. Laws 1945, No. 216, §5.

¹²⁵ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-449. Derived from Sp. Laws 1945, No. 263, §1.

¹²⁶ 2023 Recodification of current Article XV entitled "Streets, Sidewalks and Building Lines". Part 2. Laying Out, Altering, Extending or Discontinuing. §1-450. Derived from Sp. Laws 1945, No. 263, §2.

B. Parks and Recreation¹²⁷.

(1) **Authorization to establish park at or near Calf Pasture Beach¹²⁸.** The City of Norwalk is authorized to establish and create a public park on the east side of Norwalk Harbor at and near Calf Pasture Beach; bounded northerly about 2,130' by the land of estates of J. Raymond Marvin and William E. Marvin and a public highway running in a general easterly and westerly direction, and easterly and southeasterly, southerly and westerly by the waters of Long Island Sound and Norwalk Harbor.

(2) **Calf Pasture Beach; Rights of State¹²⁹.** The State of Connecticut grants to the City of Norwalk and its successors, all right, title and interest which the state has or may have in and to the beaches, sedge flats and marshlands located within the above boundaries for the aforesaid public park purposes in perpetuity, and said city is authorized to build and maintain a sea wall or walls, a boat landing or landings or dock or docks between high and low water mark in front of and adjoining the above described tract and to fill in and grade the space within the walls as it may deem expedient; and the spaces so filled in as aforesaid are granted to said city and its successors for such park purposes, provided the sea walls and boat landings and docks authorized shall be so constructed as not to interfere with or impair navigation.

(3) **Calf Pasture Beach; Eminent Domain¹³⁰.** Such park and the establishment thereof is declared to be of public convenience and necessity. In case the City of Norwalk cannot agree with any or all of the claimants, possessors or owners of land within the limits of the layout of the park, it may take such interest in the land required for such park as the claimants to the same, the possessors or owners may have in the manner provided by §§4109 and 4110 of the General Statutes, as amended by Chapter 311 of the Public Acts of 1915, for the taking of land for a town house or hall.

(4) **Calf Pasture Beach; Compensation¹³¹.** The city may take the land within the above described boundaries for park purposes upon paying to the owners, possessors or claimants thereof just compensation for their lawful interest therein.

¹²⁷ 2023 Recodification of current Article XVII, Part 1: Historical Editor's Note: Editor's Note: See also, Ch. **74**, Parks and Recreation; Appendix, Part IV, Veteran's Memorial Park; Part 2 (Reserved). Historical Editor's Note: A Charter Amendment, adopted 9-2-1980 and approved by the electorate at the general election held 11-4-1980, repealed former Part 2, Bonds, which was comprised of the following sections: §§ **1-489** through 1-493, Sp. Laws 1941, No. 36, §§ 1 to 5; §§ 1-494 through 1-499, Sp. Laws 1949, No. 205, §§ 1 to 6; §§ 1-500 through 1-506, Sp. Laws 1947, No. 342, §§ 1 through 6, and Sp. Laws 1953, No. 278, §§ 1 and 2. These sections will be maintained for record purposes in a separate book entitled "Bond Issues of the City of Norwalk, the First, the Second, the Third and the Sixth Taxing Districts." Copies of such compilation shall be kept in the offices of the City Clerk and Town Clerk and in the Finance Department. § 1-489, through § 1-506. (Reserved)

¹²⁸ 2023 Recodification of current Article XVII, Part 1. General, §1-484. Derived from Sp. Laws 1917, No. 423, §1.

¹²⁹ 2023 Recodification of current Article XVII, Part 1. General, §1-485. Derived from Sp. Laws 1917, No. 423, §2.

¹³⁰ 2023 Recodification of current Article XVII, Part 1. General, §1-486. Derived from Sp. Laws 1917, No. 423, §3.

¹³¹ 2023 Recodification of current Article XVII, Part 1. General, §1-487. Derived from Sp. Laws 1917, No. 423, §4.

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(5) **Calf Pasture Beach; Commencement and Compensation**¹³². No land or interest therein above high water mark shall be taken under §§~~1-484~~ to ~~1-488~~, without the consent of the owner, claimant or possessor thereof, unless condemnation proceedings are commenced by virtue of this act on or before June 1, 1923.

§8-8. Community Services.

The Department of Social Services¹³³. There shall be a Department of Public Welfare, referred to elsewhere in the Charter, which shall be known as the "Department of Social Services."

(6) **Appointment of Director**¹³⁴. There shall be a Director of Social Services in accordance with the provisions of §17-9 of the General Statutes. Said Director shall be in charge of and be responsible for the operation of the Department in carrying out its functions and duties. He shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of four (4) years and may, at the beginning of a term, be made subject to a probationary period of service, after which he may be removed for cause. The provision shall become effective on the date the present Director of Social Services ceases to hold said office; said four (4) year term shall commence on the first (1st) day of July, following the date the present Director ceases to hold said office.

(7) **Powers and Duties of Director of Social Services**¹³⁵.

(a) The Director shall recommend such personnel as are required to carry out the duties and responsibilities assigned to the Department pursuant to this ordinance. The number, duties, responsibilities and salaries of such personnel shall be set forth in a set of written job specifications, prepared by said Director and approved by the Common Council, and shall further be subject to such other approval of the Board of Estimate as may be provided by law.

(b) The Director of Social Services shall administer the powers and duties delegated to the Department of Social Services by the Welfare Commissioner or Commissioner of Income Maintenance of the State of Connecticut. She/He shall have authority over all Department of Social

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¹³² 2023 Recodification of current Article XVII, Part 1. General, §1-488. Derived from Sp. Laws 1917, No. 423, §5; Sp. Laws 1921, No. 131.

¹³³ 2023 Recodification of current Article X – Department of Social Services, §1-353. Derived from Charter Amendment 2-10-1981.) Historical Editor's Note: The Charter Amendment adopted 2-10-1981 also provided for the repeal of former §§ 1-353 through 1-361, which comprised former Art. X, Department of Public Welfare (Sp. Laws 1913, No. 352, § 171; Sp. Laws 1933, No. 331, §§ 1 and 2; Sp. Laws 1935, No. 505, §§ 1, 2, 3, 4, 5, 6 and 7.).

¹³⁴ 2023 Recodification of current Article X – Department of Social Services, §1-354. Derived from Charter Amendment 2-10-1981.

¹³⁵ 2023 Recodification of current Article X – Department of Social Services, §1-356. Derived from Charter Amendment 2-10-1981.

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Services officials. She/He may require the enforcement of any law, regulation or ordinance relating to social services or public assistance. She/He shall have all the power given Directors of Social Services under the General Statutes of the state.

(c) On or before the first (1st) day of October in each year, the Director of Social Services shall report in writing to the Mayor and Common Council upon the activities of the Director of Social Services. Such report shall contain a review of activities of the Department and shall contain recommendations for such Council action as he may find advantageous for the protection of Social Services.

(8) **Reimbursement**¹³⁶. The Department of Social Services shall be authorized to seek reimbursement for any state or federal program for the needy, including but not limited to the poor, aged, infirmed, blind and disabled, in accordance with state or federal law.

(9) **Turning over reimbursement or receipts to Comptroller**¹³⁷. All money reimbursed or receipts from the state or federal government shall be paid over to the Comptroller for deposit in the general fund of the City of Norwalk.

(10) **Creation and composition of Board of Social Services**¹³⁸. (a) There shall be a Board of Social Services of the city consisting of five (5) electors of the city, who shall consult with the Director of Social Services, advise the Mayor and the Council on the operations of the Department and exercise such special functions and assignments as the Mayor or Council may direct. (b) The Mayor of said city shall appoint the members of said Board, subject to confirmation by the Council, for a term of two (2) years. Any vacancy which may occur in the membership of said Board may be filled for the unexpired portion of the term in the manner hereinbefore provided. The members of said Board shall serve without compensation. The members of the Board whose terms are unexpired as of the date hereof shall continue as members of the Board for the balance of their terms. The two (2) existing terms expiring December 1, 1981, shall be succeeded by two (2) terms of one (1) year each which shall expire December 1, 1982, and thereafter they shall expire every two (2) years.

The two (2) existing terms expiring December 1, 1983, shall expire on that date and every two (2) years thereafter. Upon passage of this Ordinance, one new member shall be appointed for a term expiring December 1, 1983 and every two (2) years thereafter.

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¹³⁶ 2023 Recodification of current Article X – Department of Social Services, §1-356. Derived from Charter Amendment 2-10-1981.

¹³⁷ 2023 Recodification of current Article X – Department of Social Services, §1-358. Derived from Charter Amendment 2-10-1981.

¹³⁸ 2023 Recodification of current Article X – Department of Social Services, §1-357. Derived from Charter Amendment 2-10-1981.

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(11) Reserved Provisions. §1-359 through §1-361.

ARTICLE XII. HISTORICAL PROVISIONS

Historical Provisions Pertaining to the Comptroller¹³⁹.

The following provisions shall supplement the provisions of Article VII, §8.4.C and shall remain in full force and effect until replaced by an Ordinance. Upon the effective date of the Ordinance these provisions shall be null and void and may be removed from the Charter; unless the Corporation Council determines, in writing, that any provisions should remain intact.

(3) maintain and supervise the general accounting system for all Budgeted Entities;

(4) keep or cause to be kept complete books of records and accounts showing the financial conditions of the City and all financial transactions, including all districts of the city **but more especially those districts which are not under the supervision of District Commissioners as provided in the Charter of said city;**

(5) keep separate accounts for the appropriations in the budget and **the allotments thereof** and shall encumber immediately each appropriation and each **allotment** for the amount of any purchase order, payroll or contract upon approval;

(6) maintain for each account a record of the amounts paid and remaining unpaid, all encumbrances and unencumbered balances; the Comptroller shall keep a record of accounts payable by the city and accounts receivable by the city;

(7) prescribe and control receipts to be used by all departments, offices, agencies and commissions of the City;

(8) audit before payment all bills, invoices, payroll and other evidences of claims, demands or charges against the City and approve them only if proper and legal and only if moneys have been appropriated and an unspent and unencumbered balance is available;

(9) administer the payroll of the City;

¹³⁹ 2023 recodification of current Article V, Part 4 – Department of Finance §1-240.A (Sixth sentences, clauses (i) – (x)). With the exception of the following provisions which remain in Article VIII, 8.4.C: "certify as to the availability of appropriated funds for the payment of every obligation arising by reason of the proposed purchases or contracts of each Budgeted entity and officer of the city, and no purchase order or contract shall be a valid obligation of the City of Norwalk unless it shall bear such certification of the Comptroller; and, refuse to approve any purchase order or contract when the available appropriation for that purpose is exhausted or, in his or her opinion, will be so depleted that there will remain insufficient funds for the regular and ordinary expenditures of that appropriation."

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(10) subject to the control and supervision of the Chief Financial Officer as aforesaid, manage and invest the excess funds of the city and shall administer the debt of the city;

(11) Further Duties of the Controller¹⁴⁰.

(a) Methods of Accounting and Reporting. The Comptroller, under the direction of the Director of Finance, shall supervise the methods of accounting for all departments and offices of the city and shall prescribe such methods of accounting and reporting as will enable him to keep a true record of all financial acts of the city.

(b) Duties of Town Treasurers. The Comptroller shall have the same relative powers and duties within the City of Norwalk as the Town Treasurers under the general statutes in their respective towns except as herein provided.

Historical Provisions pertaining to the Purchasing Agent¹⁴¹. The Purchasing Agent is responsible for the

(1) Duties of the purchasing Agent. Following the certification by the Comptroller of any requisition from a department head as provided hereinabove, the Purchasing Agent shall proceed to purchase the article, commodity or thing required, including those required by the Board of Education except for items unique to the Board of Education, provided that in all purchases of one thousand (\$1,000) dollars or more the Purchasing Agent shall obtain at least two (2) competitive bids before making the purchase, and further provided that in the case of all purchases of over three thousand (\$3,000) dollars, including a continuing order or contract for the purchase of the same article, commodity or thing over a period of time, competitive bids on the basis of specifications prepared by the department requiring the article, commodity or thing shall be advertised for, and the order shall be awarded in conformity with such regulations as the Common Council may establish by ordinance governing purchasing procedure¹⁴².

(2) Multi-Departmental Purchases¹⁴³. Where any article, commodity or thing is known to the Purchasing Agent to be required during the fiscal year by any two (2) or more departments or agencies of the city, the Purchasing Agent shall have power to require them to file their requests therefor within sixty (60) days from the beginning of such fiscal year.

¹⁴⁰ 2023 Recodification of current Article V, Part 4 – Department of Finance §1-240.A (Seventh and eighth sentences).

¹⁴¹ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-241.A entitled "Division of Purchasing First and second sentences). Added by Charter Amendment 8-29-1978, §6. Historical *Editor's Note: Approved by the electorate at the general election held 11-7-1978*. The remainder of the historical provision has been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

¹⁴² 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (First sentence).

¹⁴³ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Second sentence).

(3) Sole Source Purchases¹⁴⁴. When the Purchasing Agent receives less than two (2) competitive bids or where the goods or services sought are obtainable from a single source, the Purchasing Agent may purchase from such sole bidder or single source; providing, however, that every such purchase in excess of three thousand (\$3,000) dollars shall be subject to the approval of the Common Council.

(4) Special Purchases Permitted by the Council¹⁴⁵. The Common Council may empower special committees to obtain for the city goods or services, and the requirements for advertising and bidding shall apply to such committees.

Historical Provisions Pertaining to the Tax Collector¹⁴⁶. The Tax Collector is responsible for the following:

Powers and Duties of Tax Collector¹⁴⁷. Said Tax Collector shall:

(a) have the powers and be subject to the duties imposed by law upon Collectors of Town Taxes¹⁴⁸.

(b) receive and collect all taxes due to said city, all assessments made by said city, and all taxes and assessments which have been laid and assessed, and are unpaid at the passage of this act, by the Town of Norwalk, the City of Norwalk, the City of South Norwalk, and the East Norwalk Fire District, and report to the Council of said city the names and addresses of all persons who, being liable to pay such taxes and assessments on the day when they become due, have neglected to pay the same¹⁴⁹.

All the amounts due to said city as special benefits or otherwise as herein provided may be collected by warrants under the hand of the Mayor, directed to the Collector who may collect the same in the manner in which tax warrants are collected¹⁵⁰.

¹⁴⁴ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Third sentence).

¹⁴⁵ 2023 Recodification of current Article V, Part 4 – Department of Finance, §1-241.B (Fourth sentence).

¹⁴⁶ 2023 recodification and modification of current Article V, Part 4 – Department of Finance, §1-242.A entitled "Division of Tax Collection" (First and second sentences). Added by Charter Amendment 8-29-1978, §7. Historical *Editor's Note*: Approved by the electorate at the general election held 11-7-1978.

¹⁴⁷ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 Added by Sp. Laws 1913, No. 352, § 95; Sp. Laws 1933, No. 363, §5. *Editor's Note: For duties of the Assistant Tax Collector, see Ch. 9, Administration.*

¹⁴⁸ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (First sentence).

¹⁴⁹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (Second sentence).

¹⁵⁰ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-254 (Third sentence). Historical *Editor's Note*: See § 1-226.

(3) Inspections of Tax Book¹⁵¹. The tax book of the Collector of Taxes of said city shall at all reasonable times be open to the inspection of any taxpayer and to any auditor of public accounts in said city.

(4) Time Annual Taxes Payable¹⁵². All taxes, annually laid by said Board of Estimate and Taxation shall be payable on the day fixed by the Board of Estimate and Taxation in each year.<https://ecode360.com/print/NO0086?guid=27034781,27034798,27035093,27035122,27035156,27035277,27035280,27035282,27035323,27035346,27035359,27035365,27035382,27035385,27035387,27035419,27035425,27035434,27035448,27035450,27035452,27035456,27035463&children=true>

(5) Time Special Taxes Payable¹⁵³. All special taxes laid shall be due and payable on such day as said Board of Estimate and Taxation shall designate at the time of laying said tax and upon any special tax being laid the Collector of Taxes shall publish a notice of the time when said tax shall be payable in a newspaper published in said city at least one (1) week preceding said time.

(6) Notices for Payable Taxes¹⁵⁴. The Tax Collector shall include in the notice of the time when the tax shall become payable a notice of the place and the times at which the Collector will receive such taxes.

(7) Delinquent Taxes¹⁵⁵. If any tax laid by said Board of Estimate and Taxation shall remain unpaid for one (1) month after the same shall become payable interest at the rate of nine (9%) percent per annum shall be charged from the time when such tax shall become due until the same shall be paid, which shall be collectible as part of said tax, and the Collector of Taxes shall keep an accurate and separate account of all such additions and the time when the same may be received, and shall pay the same as a part of the tax, and said Tax Collector shall immediately pay all moneys collected to the Treasurer of the city or to the Treasurers of the several taxing districts as herein provided.

(8) Recovery of Taxes¹⁵⁶. All taxes assessed by said Board of Estimate and Taxation shall become a debt due from the person or corporation

¹⁵¹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-255 (Sp. Laws 1913, No. 352, § 96.)

¹⁵² 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-256 (Sp. Laws 1913, No. 352, § 97.). Historical *Editor's Note*: See § **1-289**.

¹⁵³ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-257 (Sp. Laws 1913, No. 352, § 98.)

¹⁵⁴ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-258 (Sp. Laws 1913, No. 352, § 99.)

¹⁵⁵ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-259 (Sp. Laws 1913, No. 352, § 100.)

¹⁵⁶ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-260 (Sp. Laws 1913, No. 352, § 101.)

against whom they are assessed to the city, and may, in addition to the other remedies provided by law, be recovered in any proper action in the name of said city; but the bringing of such action shall in no wise affect the life or validity of the lien for said taxes or the right to bring action of foreclosure for the same, provided a substantial recovery by either of such remedies shall bar a recovery by any other remedy.

(9) Demands and Levys¹⁵⁷. If any person shall fail to pay any tax said Tax Collector for the city shall, if such person be a resident of said city, make demand of him therefor or leave written demand at his place of abode. If such a person is not a resident of said city the Collector shall make demand of him therefor, or deposit in a post office in said Town of Norwalk a written demand for said tax, postage prepaid, addressed to such person at his last known place of residence. After demand has been made in the manner above provided said Collector may levy for said taxes on any taxable goods or chattels of such person and post and sell the same in the manner provided in case of executions, but if any such goods or chattels belonging to such person cannot be found, after reasonable search on the part of said Collector, the Collector may (a) enforce, by levy and sale, any lien upon real estate assessed for said taxes, or (b) levy upon or sell such interest of the person in any real estate as exists at the date of levy, or he may levy upon the body of such person and commit the person to jail until the tax and the legal costs or be discharged in due course of law are paid.

(10) Real Estate Liens¹⁵⁸. When the Board of Estimate and Taxation shall lay any tax as provided herein the same shall be a lien upon the taxable real estate in the several taxing districts in reference to which such tax was laid, and any lien for taxes annually laid by said Board shall date from the first (1st) day of the preceding October, and the lien for any special tax laid by said Board shall date from the day on which the appropriation therefor was made.

(11) Continuance of Tax Liens¹⁵⁹. The Tax Collector of said city may continue any tax lien upon any real estate by causing to be recorded in the land records of said Town of Norwalk within the first (1st) year after the tax becomes due his certificate describing the real estate and the amount of such tax at the time when it becomes due, and thereupon such tax, with interest thereon at seven (7%) percent per annum in lieu of nine (9%) percent hereinbefore prescribed, shall remain a lien upon such real estate from the recording of said certificate until paid, and any tax lien so continued may, when the tax has been paid, be discharged by a certificate of the Tax Collector recorded in such land records. The fee of the Town Clerk for recording such tax lien shall be \$0.25 and there shall be allowed in

¹⁵⁷ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-261 (Sp. Laws 1913, No. 352, § 102.)

¹⁵⁸ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-262 (Sp. Laws 1913, No. 352, § 103; Sp. Laws 1915, No. 367, § 6.)

¹⁵⁹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-263 (Sp. Laws 1913, No. 352, § 104.)

favor of said city the sum of \$0.50 which sums shall be collected in addition to the tax so secured.

(12) Notice of filing Certificate for Continuance of Lien¹⁶⁰. Whenever the Tax Collector of said city shall file with the Town Clerk his certificate for the purpose of continuing a lien of any tax upon real estate as herein provided, the Collector shall, within thirty (30) days thereafter, give notice to the person or persons in whose name such property appears of record that such certificate has been filed, which notice shall contain a statement of the original amount of such tax, and if the person to whom such notice is sent is not the person against whom such tax was assessed such notice shall state the name of the person against whom the tax was assessed. Said notice shall not be required in cases where said Collector, within thirty (30) days prior to the filing of such certificate, has given notice to the person who appears of record to be the owner of his intention to file such certificate of lien. Such notice shall not take the place of other notices herein required, nor shall the failure to give the notice required by this section affect the collection of the tax or invalidate the certificate of lien.

(13) Foreclosure of Any Tax of Other Lien¹⁶¹. The Tax Collector of said city may bring suit for the foreclosure of any tax or other lien herein provided for, in the name of said city, in the manner provided by law for the foreclosure of tax liens.

(14) Precedence of Liens; Release; Fees for Recording Added to Lien¹⁶². Assessments of benefits, as provided in § ~~1-439~~, § ~~1-451~~, § ~~1-204~~ and § ~~1-457~~¹⁶³, or as otherwise herein provided, shall be a lien upon the land or other property upon which they are respectively made, and shall take precedence of all other liens or encumbrances except taxes due the state, and the land, with the buildings thereon, on which any such lien may exist, shall be liable to be foreclosed in the same manner as in the case of tax liens, provided such lien shall not continue to exist for a period longer than sixty (60) days after the giving of notice as hereinbefore prescribed, unless within said period a certificate, signed by the Mayor or Clerk of said city, describing the premises on which said lien exists and stating the amount claimed by said city as a lien thereon, shall be lodged with the Town Clerk of Norwalk. Said liens shall cease to exist whenever a certificate releasing the same signed by the Mayor or Clerk shall be filed with said Town Clerk. All such certificates shall be recorded by said Town Clerk in the land records of said Town of Norwalk, and the lawful fees for filing such liens shall be added to such assessment. Said assessment may be collected by warrant, under the hand

¹⁶⁰ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-264 (Sp. Laws 1913, No. 352, § 105.)

¹⁶¹ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-265 (Sp. Laws 1913, No. 352, § 106.)

¹⁶² 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-266 (Sp. Laws 1913, No. 352, § 107.)

¹⁶³ Historical *Editor's Note*: § ~~1-439~~; § ~~1-451~~; § ~~1-204~~; § ~~1-457~~.

of the Mayor, in the same manner as town taxes are collected, and shall bear interest at legal rate from time to time when the same becomes due.

(15) Public Improvement Liens; Duration¹⁶⁴. In all cases where liens are created on account of public improvements in said city such liens shall, if an appeal is taken from the appraisal of damages or any assessment, continue for a period of sixty (60) days after the passage of the final decree of the Court of Judge having jurisdiction of such appeal, or after termination of the appeal proceedings, but no longer, unless within said period a certificate signed by the Mayor or Clerk of said city, describing the premises on which the lien exists and stating the amount claimed by said city as a lien thereon, shall be lodged with said Town Clerk of Norwalk.

(16) Sidewalk Improvements; Building removal¹⁶⁵. All sums expended or expenses incurred under direction of the Council to level, raise, repair, flag, concrete or pave any sidewalk along the frontage of any property as provided in §§ 1-442 and 1-443, or in the removal of any building erected in violation of §§ 1-14 and 1-15¹⁶⁶,^[1] with the expense for filing, shall be a lien upon the lands and buildings with reference to which such expenditures were made or such expense incurred, and such lien shall date from the day when such expenditures were made or expense incurred and shall have the same validity and be collected in the same manner as tax liens, provided such liens shall not exist for a period longer than sixty (60) days after such expenditure was made or expense incurred unless, within said period, a certificate, signed by the Mayor and Clerk of said city, is filed with the Town Clerk of Norwalk, as provided in § 1-266, relating to liens for benefits assessed.

(17) Reserved Historical Provisions Pertaining to the Collector of Taxes and Assessments¹⁶⁷. Note: Should be repealed.

¹⁶⁴ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-267 (Sp. Laws 1913, No. 352, § 108.)

¹⁶⁵ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-268 (Sp. Laws 1913, No. 352, § 109; Sp. Laws 1921, No. 400, § 7.)

¹⁶⁶ Historical Editor's Note: See §§ 1-14 and 1-15.

¹⁶⁷ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments": (a) Historical Editor's Note: Former § 1-249, Appointment of the Collector of Taxes and Assessments Sp. Laws 1933, No. 363, § 1), was repealed by Charter Amendments 8-29-1978; (b) Historical Editor's Note: Former § 1-250, Collector of Taxes; salary; other offices; bond Sp. Laws 1933, No. 363, § 2; Sp. Laws 1945, No. 135), was repealed by Charter Amendment 8-29-1978; (c) Historical Editor's Note: Former § 1-251, Removal of the Collector of Taxes from office Sp. Laws 1933, No. 363, § 3), was repealed by Charter Amendment 8-29-1978; (d) 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-269 Editor's Note: Former §§ 1-269, Assessment for street sprinkling as lien upon affected real estate, Sp. Laws 1913, No. 352, § 110; Sp. Laws 1967, No. 197, § 1, and 1-270, Sale of property subject to sprinkling lien; depositing of amount, Sp. Laws 1913, No. 352, § 111, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980; and, (e) 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-270 Editor's Note: Former §§ 1-269, Assessment for street sprinkling as lien upon affected real estate, Sp. Laws 1913, No. 352, § 110; Sp. Laws 1967, No. 197, § 1, and 1-270, Sale of property subject to sprinkling lien; depositing of amount, Sp. Laws 1913, No. 352, § 111, were repealed 9-2-1980 by Charter Amendment, approved by the electorate at the general election held 11-4-1980.

(a) **Repeal of Former Provisions**¹⁶⁸. So much of § **1-165** of an act consolidating the Town of Norwalk with the cities of Norwalk and South Norwalk and the East Norwalk Fire District, and incorporating the City of Norwalk, approved June 6, 1913, as amended by an act approved June 14, 1921, as relates to the election and tenure of office of the Collector of Taxes and Assessments is repealed, the same to be effective as of October 4, 1933. Such portion of § **1-254** of said act as relates to the election and tenure of office of the Collector of Taxes and Assessments is repealed, and such repeal shall be effective on October 4, 1933. So much of § **1-224** of said act as amended by acts approved June 16, 1927, and April 18, 1929, as relates to the salary of the Collector of Taxes and Assessments is repealed.

Historical Provisions pertaining to Public Works and Operations Functions¹⁶⁹.

i. The maintenance and repair of all accepted streets and appurtenances and of public ways and public grounds not under the supervision of others.

(1) The collection and disposal of solid waste in accordance with state statutes.

(2) The management and operation of the wastewater treatment plant and collection system. The Chief of Operations, who was formerly known as the "Director of Public Works," shall have responsible charge, jurisdiction, rights and powers to perform all duties relating to the supervision, operation, repair, maintenance and upkeep of the wastewater system of the City. He/she shall, subject to the orders and directions of the Water Pollution Control Authority, have charge of the sewer system of the Fourth Taxing District and of the care and maintenance thereof and of the construction of all new sewers.

(3) The preparation of or assistance in the preparation of plans and specifications for bidding the construction, demolition, repair, renovation or rehabilitation of municipal improvements and all manner of public works projects carried out by the City.

(4) The supervision and coordination of public improvements carried out by contract to the City of Norwalk and the performance, direction or inspection of actual conduct of all construction work by or on behalf of the City.

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IT IS FROM ORD. §90-1

¹⁶⁸ 2023 Recodification of current Article V, Part 6 entitled Collector of Taxes and Assessments," §1-253 Added by Sp. Laws 1933, No. 363, §5)

¹⁶⁹ Comment of 2023 Charter revision Commission. Public Works was a mandatory provision under current Article IV. The Common Council. §1-189.2.A (Second sentence). Derived from Charter Amendment 11-3-1970. Historic editor's Note: Former § 1-189.3, Authorization of Council to establish Purchasing Department, added by Charter Amendment 11-3-1970, was repealed by Charter Amendment 8-29-1978. The remainder of the historical provisions have been recodified under Article XII, subject to sunset upon the conditions set forth in this Charter.

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(5) The prevention of encroachment and excavations in the public streets and highways, except in accordance with duly adopted law and regulation.

(6) The development and administration of a comprehensive program of fleet maintenance services for all City departments, agencies and commissions, with the exception of the Fire Department. The program shall include the acquisition, assignment, disposition, sale and modification of all equipment and related parts and supplies. Acquisition and assignment of police vehicles shall be the responsibility of the Police Department. Acquisition and assignment of parks maintenance vehicles and equipment shall be the responsibility of this Department.

(7) The control, development, operation and maintenance of a system of public parks and recreational areas and facilities, including narrow parkways, boulevard strips and small areas along streets, now in existence or that may hereafter be acquired; and the control, development, management, operation and maintenance of the Oak Hills Park and all other matters relating thereto shall be under a separate department, as provided by ordinance. Said Department shall be charged with the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except school buildings and structures under the jurisdiction of the Board of Education, and the water pollution control plants, pump stations and the solid waste transfer station.

(8) The maintenance of playgrounds, playfields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities.

(9) May plan, set up or place and protect and care for flowers, vines, shrubs and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the City.

(10) Shall recommend to the Common Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the City for the purposes of the Department.

(11) Shall have the right to call upon any other department of the City government for assistance in performing its duties, and it shall be the duty of such other departments to comply with a proper request of said Department. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor; and,

(12) Such other related activities as may be assigned to the Chief from time to time by the Mayor or by Ordinance.